



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

**Meeting #:** 22-03  
**Date:** February 17, 2022  
**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. 4144  
[cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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	<b>Pages</b>
<b>1. PREVIOUSLY TABLED</b>	
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2.2. 1:20 p.m.HM/A-21:454130 Wellington St. S., Hamilton (Ward 2) Agent Michael Barton Owner 130 Wellington Corp.	33
2.3. 1:25 p.m.HM/A-21:4556-8 Steven St., Hamilton (Ward 3) Agent Michael Barton Owner Malleum Real Estate Partners IV	91

- 2.4. 1:25 p.m.HM/B-21:1256-8 Steven St., Hamilton (Ward 3) 99  
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- 2.5. 1:30 p.m.HM/A-21:28733 Sterling St., Hamilton (Ward 1) 141  
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- 2.6. 1:40 p.m.HM/A-21:273207 Beach Boulevard, Hamilton (Ward 3) 145  
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- 2.7. 1:45 p.m.HM/A-22:0494 Kenilworth Ave. N., Hamilton (Ward 4) 157  
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- 2.8. 1:50 p.m.HM/A-22:1214 Bruce St., Hamilton (Ward 2) 175  
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- 2.9. 1:55 p.m.HM/B-22:07548 Mary St., Hamilton (Ward 2) 191  
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- 2.10. 2:00 p.m.HM/A-22:15128 Canada St., Hamilton (Ward 1) 205  
Agent A.J. Clarke & Associates c/o  
S. Fraser  
Owner P. Spadafora
- 2.11. 2:05 p.m.HM/A-21:40522 Gardenia Court, Hamilton (Ward 5) 213  
Agent DeFilippisDesign  
Owner P. Bartolussi
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- 3.1. 2:10 p.m.SC/A-21:453564 Fifty Rd., Stoney Creek (Ward 10) 221  
Agent Defilippis Design  
Owner Manuel Vieira

- 3.2. 2:15 p.m.GL/A-21:1642411 Upper James St., Glanbrook (Ward 11) 229  
Agent Urban Solutions – M. Johnston  
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- 3.3. 2:20 p.m.HM/A-22:0595 Mountain Park Ave., Hamilton (Ward 7) 237  
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- 3.6. 2:40 p.m.HM/A-22:07420 East 13th St., Hamilton (Ward 7) 293  
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- 3.7. 2:45 p.m.HM/A-22:0222 Glenhaven Dr., Hamilton (Ward 14)  
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- 3.8. 2:50 p.m.AN/A-22:06175 Parkview Dr., Ancaster (Ward 12) 301  
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- 3.9. 2:55 p.m.SC/B-22:041348 Barton St., Stoney Creek (Ward 10) 313  
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- 3.10. 3:00 p.m.HM/A-22:1177 West 4th St., Hamilton (Ward 8) 331  
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- 3.12. 3:10 p.m.AN/B-22:05365 Springbrook Ave., Ancaster (Ward 12) 349  
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- 3.13. 3:10 p.m.AN/B-22:06365 Springbrook Ave., Ancaster (Ward 12) 363  
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- 4.2. 3:20 p.m.FL/B-22:021609 & 1611 Brock Rd., Flamborough (Ward 13) 385  
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- 4.3. 3:25 p.m.GL/B-22:039648 Twenty Rd. W., Glanbrook (Ward 11) 397  
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Owners R. Sandhu & K. Dhillon
- 4.4. 3:30 p.m.GL/A-22:099648 Twenty Rd. W., Glanbrook (Ward 11) 411  
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- 4.5. 3:35 p.m.DN/A-22:1090 King St. W., Dundas (Ward 13) 421  
Agent D. Topuzi  
Owner D. Vescio
- 4.6. 3:40 p.m.FL/A-22:141941 Hwy 5, Flamborough (Ward 12) 431  
Agent Chris Van Berkel  
Owner D. & S. Gowland

#### 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

## Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-21:124

SUBJECT PROPERTY: 102-104 Inchbury 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):** Owners N. Finlay & S. Ramsay

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for residential purposes as shown on the attached sketch. Existing semi-detached dwelling to remain.

**Severed lands:**

9.46m<sup>±</sup> x 31.68m<sup>±</sup> and an area of 300.45m<sup>2±</sup>

**Retained lands:**

12.29m<sup>±</sup> x 31.68m<sup>±</sup> and an area of 371.15m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**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

### 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: 124  
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)

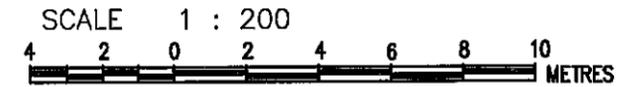
DATED: February 1<sup>st</sup>, 2022

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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.***

SEVERANCE SKETCH OF  
**102 & 104 INCHBURY STREET**  
 LOT 24 AND PART OF LOT 23  
 REGISTERED PLAN 228  
 IN THE  
**CITY OF HAMILTON**



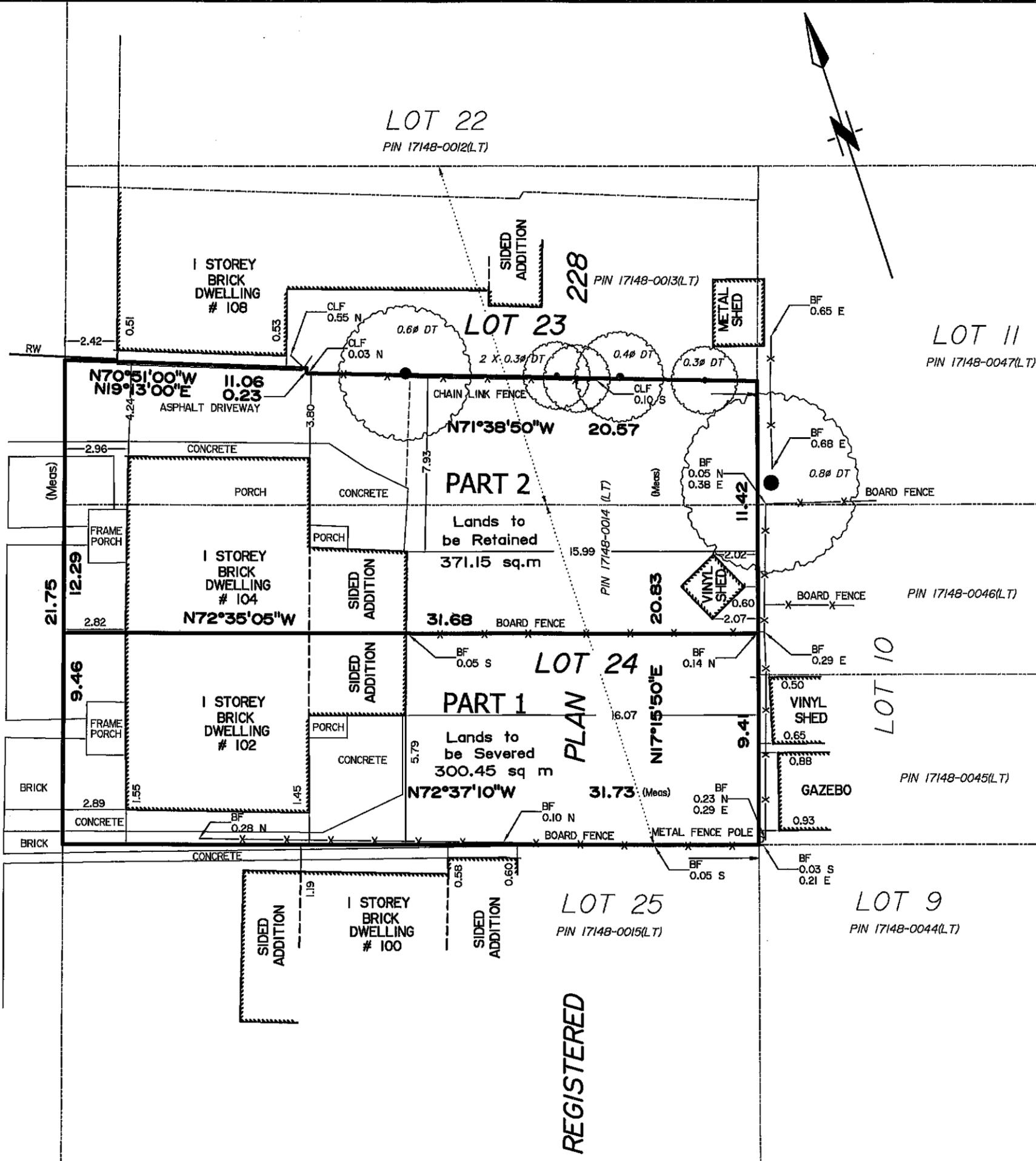
**ASHENHURST NOUWENS & ASSOCIATES INC.**  
 COPYRIGHT 2021 ©

KEY PLAN  
 Not to Scale

**INCHBURY STREET**  
 (BY REGISTERED PLAN 228)  
 PIN 17148-000(LT)

N17°34'10"E

(REFERENCE BEARING)



SITE STATISTICS	BYLAW	PROPOSED	
		PART 1	PART 2
LOT FRONTAGE	9.0 m	9.46 m	12.29 m
LOT AREA	300 m <sup>2</sup>	300.45 m <sup>2</sup>	371.15 m <sup>2</sup>
FRONT YARD SETBACK	6.0 m	2.82 m *	2.82 m *
REAR YARD SETBACK	7.5 m	16.0 m	16.0 m
SIDE YARD SETBACK 1	1.2 m	1.45 m	3.80 m

\* VARIANCES

**LEGEND**  
 RW DENOTES RETAINING WALL  
 CLF DENOTES CHAIN LINK FENCE  
 BF DENOTES BOARD FENCE  
 DT DENOTES DECIDUOUS TREE

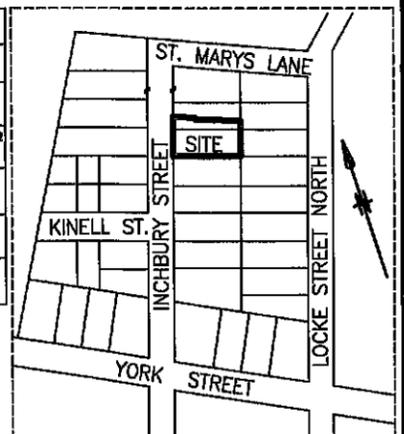
**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:  
 1. THE SURVEY WAS COMPLETED ON THE 11TH DAY OF NOVEMBER, 2021.

Dec 08, 21  
 DATE

*Amad Najm P. Eng*  
 On behalf HARRY KALANTZAKOS  
 ONTARIO LAND SURVEYOR



**ASHENHURST NOUWENS & ASSOCIATES INC.**  
 PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
 225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1  
 TELEPHONE: (905) 529-6316  
 (905) 529-4314  
 FAX: (905) 529-6651  
 e-mail: anl@AshenurstNouwens.ca

DRAWN BY M.S.	CALC'D BY M.S.	CHK'D BY H.K.	FILE No. 21--205 SKETCH
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REGISTERED

**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)

## CONSENT APPLICATION SUBMISSION REQUIREMENTS AND INFORMATION

### 1.0 GENERAL NOTES

- 1.1 Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please contact the Planning office for further information ([pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca)).
- 1.2 The application fee is non-refundable whether the application is approved or denied.
- 1.3 Submission of this application constitutes tacit consent for authorized municipal staff to inspect the subject lands or premises.
- 1.4 All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation submitted by applicant(s), agent(s), consultants(s) or solicitor(s). The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
- 1.5 This application form is to be used by persons or public bodies wishing to apply for the severance of land within the City of Hamilton. In this form, the term "subject land" means the land to be severed and the land to be retained.

### 2.0 FEES

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied.

#### 2.1 PAYMENT TYPES

- 1) Cheque, Debit, Credit and Cash (Please note cash payments must be exact, we do not give change and cannot except overage) are accepted for all fees except Conservation Authority fees)

Please make cheques payable to **“The City of Hamilton.”**

#### 2.2 APPLICATION FEE:

1)	<b>Property serviced with sanitary sewers and public watermains</b>	<b>\$2,860.00</b>
2)	<b>Property serviced with sanitary sewers and a well or cistern</b>	<b>\$2,875.00</b>
3)	<b>Property serviced with public watermains and a septic system</b>	<b>\$3,235.00</b>
4)	<b>Property serviced by a well or cistern and a septic system</b>	<b>\$3,250.00</b>

**Recirculation Fee - \$190.00**

### 2.3 CONSERVATION AUTHORITY PLAN REVIEW FEES

<b>Conservation Authority</b>	<b>Minor</b>	<b>Intermediate</b>	<b>Major</b>
Hamilton Conservation Authority	<b>\$805<sup>1</sup></b>	<b>n/a</b>	<b>\$1,730<sup>2</sup></b>
Conservation Halton	<b>\$2,153<sup>1</sup></b>	<b>\$2,938<sup>5</sup></b>	<b>\$4,074<sup>2</sup></b>
Niagara Peninsula Conservation Authority	<b>\$570<sup>1</sup></b>	<b>n/a</b>	<b>TBD*</b>
Grand River Conservation Authority	<b>\$410<sup>3</sup></b>	<b>n/a</b>	<b>\$1,060<sup>4</sup></b>

During the current closure of offices to the public, please contact the Conservation Authorities directly to arrange payment of Conservation Authority Plan Review Fees.

**Contacts are:**

Hamilton Conservation Authority: 905.525.2181

Halton Conservation Authority: 289-230-0104

Grand River Conservation Authority: (519) 621-2763 x2324

Niagara Peninsula Conservation Authority: 905 788 3135

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

- 1 In the area of interest to the Conservation Authority (Scoped EIS).
- 2 Technical studies (i.e. Storm Water Management or Geotechnical) beyond a scoped EIS are required.
- 3 Low risk of impact on natural hazard or natural features, no technical reports required.
- 4 A hazard risk and/or potential impact to natural hazards or natural features and requires the review of one or more technical reports/studies.
- 5 One Technical study is required for review from the Conservation Authority.
- \* Addition fee for the review of a technical report, if required.

### 3.0 SITE SKETCH

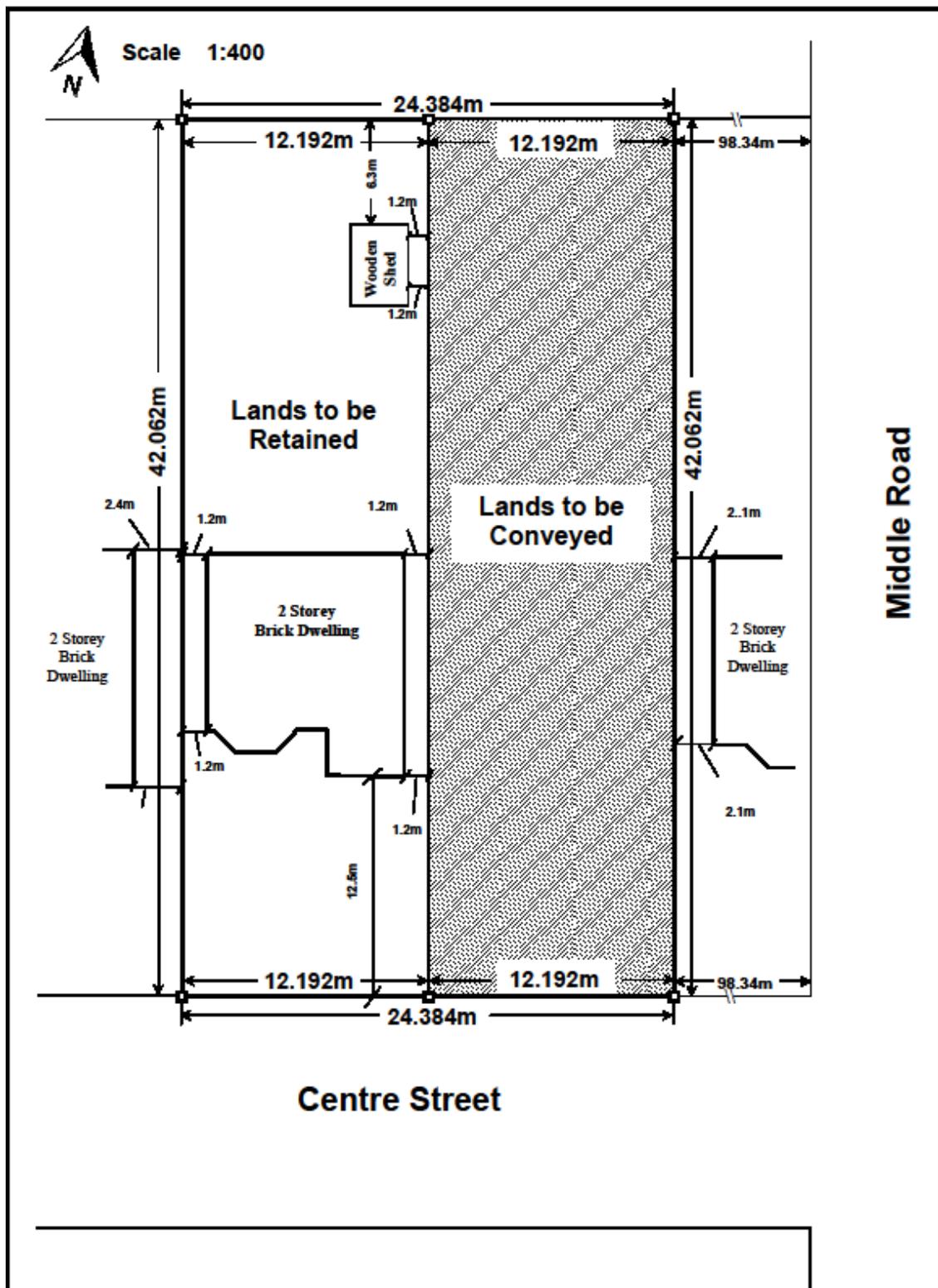
#### 3.1 REQUIRED INFORMATION

The application must be accompanied by a sketch or survey plan (in metric) containing the following information (you may submit additional sketches if all information is not able to be provided on one plan):

- 1) the true dimensions and boundaries of the property for which the application is being made (note: a sidewalk is not usually a lot line);
- 2) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- 3) the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- 4) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- 5) the approximate location of all natural and artificial features on the subject land, and adjacent land, that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic systems;
- 6) the current uses of land that is adjacent to the subject land;
- 7) the location, width and name of any roads within, or abutting, the subject land, indicating whether it is a Provincial highway, City Road, an unopened road allowance, a public traveled road, a private road or a right-of-way;

- 8) if access to the subject land is by water only, the approximate distance of the parking and docking facilities from the subject land and the nearest public road;
- 9) the location and nature of any easement affecting the subject land;
- 10) the location, size and type (e.g. deck, single family dwelling etc.) of all existing buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines; and
- 11) clearly labeled “Severed” and “Retained” portions, along with proposed dimensions.
- 12) the information provided must be legible and drawn with good drafting techniques;
- 13) sketch paper size is a minimum of Letter (A4, 8.5x11.5) and at least one copy a maximum of Ledger (A3, 11.5x17).

3.2 Example Sketch



## 4.0 COMPLETENESS OF THE APPLICATION

### 4.1 REQUIRED ITEMS (see Section 5 for complete details)

- 1) Application Form – Fully completed, with all sections filled out, signed by the owner (and agent if applicable). See Application form attached.
- 2) Sworn Affidavit – Must be signed by the applicant before a Commissioner of Oaths. Part 24 of the application form.
- 3) Prescribed Fee – See Section 2
- 4) Site Sketch – See Section 3

4.2 The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

4.3 In the case of an approved application, conditions may be imposed as requested by circulated agencies (i.e. - a 5 per cent park land dedication or cash-in-lieu thereof to the local municipality, a road widening dedication to the appropriate authority, and any other condition the Committee deems necessary).

4.4 The application form also sets out additional information (i.e. technical information or reports) that will assist the City in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted along with the mandatory information. In the absence of this additional information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the proposed severance application may be refused.

## 5.0 SUBMISSION OF THE APPLICATION

A separate application form is required for each parcel severed, along with the applicable fee as indicated above. Please note the nature of the information/reports varies with the type of land uses proposed, the existing land use and topographic features.

Applications may be submitted via Electronic Submission or Hardcopy submission. Electronic submissions must be sent to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Hardcopy Submissions must be mailed to Committee of Adjustment, 5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5 or submitted on the 1<sup>st</sup> Floor of City Hall, 71 Main Street West. Hardcopy submissions (including envelopes containing cheques) must be clearly addressed to Committee of Adjustment.

### 5.1 ELECTRONIC SUBMISSION

- 1) Acceptable file formats are .pdf, .jpeg, or .doc. All other formats will be returned as we are unable to process them.
- 2) Naming convention for files is: MV\_Address\_Document Type (eg. MV\_71 Main St. W.\_Application Form)
- 3) Electronic Submission:
  - a) One (1) copy of the completed application form (all applicable sections filled out and commissioned); and
  - b) One (1) copy of the Survey or Site Sketch, including all required information per Section 3;
  - c) One (1) of any additional information, including studies; and

d) Payment information, either credit card payment form or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City all as per instructions above.

## 5.2 HARDCOPY SUBMISSION ONLY

- 1) All information noted below is required for a Hardcopy Only Submission.
- 2) Hardcopy Submission:
  - a) Two (2) copies of the completed application form;
  - b) Two (2) copies of the Survey or Site Sketch, including all required information per Section 5 (one (1) full scale size and one (1) no larger than ledger size paper 11" x 17");
  - c) Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form; and
  - d) Payment, either credit card payment form or cheque(s).



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.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	
<b>Registered Owners(s)</b>			<b>Phone:</b>
			<b>E-mail:</b>
<b>Applicant(s)*</b>			<b>Phone:</b>
			<b>E-mail:</b>
<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	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:

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

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**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.

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

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

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

**13 ACKNOWLEDGEMENT CLAUSE**

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

\_\_\_\_\_  
Date

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

**14 AFFIDAVIT OR SWORN DECLARATION**

**14.1 Declaration For the Prescribed Information**

I, \_\_\_\_\_ of the \_\_\_\_\_  
of \_\_\_\_\_ make oath and  
say (or solemnly declare) that the information contained in this application is true and that the  
information contained in the documents that accompany this application in respect of the  
application is true.

Sworn (or declared) before me at the

City of Hamilton this )  
 )  
 )  
 )  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ )  
 )  
 )  
 )  
\_\_\_\_ )  
 )  
A Commissioner, etc. )

\_\_\_\_\_  
Applicant's Signature

**15 AUTHORIZATIONS**

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

**Authorization of Owner for Agent to Provide Personal Information**

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

\_\_\_\_\_  
Date

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

**16 CONSENT OF THE OWNER**

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

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

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

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

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

\_\_\_\_\_  
Date

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

**17 COLLECTION OF INFORMATION**

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

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

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BETWEEN:

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

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

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

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

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

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

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Martha Snyder



\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
Per:  
I have authority to bind the corporation

DATED at Hamilton, Ontario this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

City of Hamilton

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Clerk

Schedule "A"  
Description of Lands

**SCHEDULE "B"**  
**FORM OF ASSUMPTION AGREEMENT**

**THIS AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ .

**BETWEEN**

\_\_\_\_\_  
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

\_\_\_\_\_  
(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON  
(hereinafter called the "Municipality")

OF THE THIRD PART

**WHEREAS** the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated \_\_\_\_\_.

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

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

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

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

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

**SIGNED, SEALED AND DELIVERED**

\_\_\_\_\_  
Owner:  
Title:  
I have authority to bind the corporation

\_\_\_\_\_  
Assignee:  
Title:  
I have authority to bind the corporation

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**DATA SHEET – MDS I - (REPLACES AGRICULTURAL CODE OF PRACTICE)**

This is to be completed and attached to the application when applying for a new non-farm use within 1000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each set of farm buildings.

Reference \_\_\_\_\_ No. \_\_\_\_\_ Date \_\_\_\_\_ By \_\_\_\_\_

Township \_\_\_\_\_ Lot \_\_\_\_\_ Concession \_\_\_\_\_

Closest distance from the livestock facility to the new use. \_\_\_\_\_ metres

Closest distance from the manure storage to the new use. \_\_\_\_\_ metres

**Tillable Hectares where livestock facility located** \_\_\_\_\_

Type of Livestock	Existing Housing Capacity #	Manure System (Check one box)			
		Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
DAIRY					
BEEF					
SWINE					
POULTRY					
HORSES					
SHEEP					
MINK – Adults					
WHITE VEAL CALVES					
GOATS					
OTHER					

The above information was supplied by:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Identify particular animal type for each livestock type under DESCRIPTION from Factor Tables, Table 1 attached as Appendix “A”

**Appendix “A” (MDS Factor Tables)**  
**(Page 1 of 2)**

**Table 1 Factor A (Outdoor Potential) and Factor D (Manure or Material Form in Storage Facility)**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg - 27 kg)	20	1.1		
	Feeders (27 kg - 105 kg)	6	1.2		
Dairy Cattle <sup>1</sup>	<b>Milking-age cows (dry or milking)</b>	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Large-framed 545 kg - 636 kg (e.g. Holsteins)				
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85			
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1			
	<b>Heifers (5 months to freshening)</b>	2			
	- Large-framed 182 kg - 545 kg (e.g. Holsteins)				
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4			
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9			
<b>Calves (0 - 5 months)</b>	6	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside		
- Large-framed 45 kg - 182 kg (e.g. Holsteins)					
- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7				
- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5				
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/A	Bedded pack barns with or without outside yard access
	Feeders (7 - 16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3	0.8		
	Shortkeepers (12.5 - 17.5 months)	2	0.8		
Veal	Milk-fed	6	1.1		Slatted floors or slatted stall system
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg -680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	
	Broilers on an 8 week cycle	350	0.7	N/A	Bedded floors systems
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
Broilers on any other cycle, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>				
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Quail	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Pheasants	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Squab	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Rheas	Adults (includes replacements and market birds)	13			
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>			
Geese	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.8	N/A	Cage or floor systems
Rabbits	Breeding females (including males, replacements & market animals)	40			
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			

**Appendix “A” (MDS Factor Tables)  
(Page 2 of 2)**

**Table 1 Factor A (Outdoor Potential) and  
Factor D (Manure or Material Form in Storage Facility)...cont'd**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage				
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter			
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas			
	Feeders (170 kg - 477 kg)	4						
Llama	Adults (includes unweaned young and replacements)	5						
	Feeders (45 kg - 86 kg)	16						
Alpaca	Adults (includes unweaned young and replacements)	8						
	Feeders (23 kg - 48 kg)	26						
Wild Boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5						
	Finishing boars (27 - 86 kg)	7						
Deer	<b>White tailed deer</b> - Adults > 24 mo (including unweaned offspring)	11				0.7	N/A	Bedded pack barns with outside access or outside confinement areas.
	- Feeders	21						
	<b>Red Deer</b> - Adults > 24 MO (including unweaned offspring)	7						
	- Feeders	14						
	<b>Elk</b> - Adults > 24 MO (including unweaned offspring)	2						
	- Feeders	6						
	<b>Elk/deer hybrids</b> - Adults > 24 MO (including unweaned offspring)	4						
	- Feeders	10						
	<b>Fallow deer</b> - Adults > 24 MO (including unweaned offspring)	13						
	- Feeders	23						
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column.	453.6 kg (1000lbs)	0.8	All storages with liquid manure.	All storages with solid manure.			
Manure imported to a lot not generating manure <sup>2</sup>	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	1.2	All storages with liquid manure.	All storages with solid manure.			
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m <sup>3</sup> (700 ft <sup>3</sup> )	0.5	All storages with liquid manure.	All storages with solid manure.			

1. On farms with 100 milk-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.





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-21:454

**APPLICANTS:** Agent Michael Barton  
 Owner 130 Wellington Corp.

**SUBJECT PROPERTY:** Municipal address **130 Wellington St. S., Hamilton**

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

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

**PROPOSAL:** To permit the establishment of a multiple dwelling containing a maximum of four (4) dwelling units within an existing building notwithstanding that:

1. A multiple dwelling containing a maximum of four (4) dwelling units shall be permitted notwithstanding that this use is not permitted as a use in the "D" district.
2. No visitor parking spaces shall be required instead of the minimum required one (1) visitor parking space.
3. The access driveway to the multiple dwelling shall be located 0.0m from the "D" district which does not permit this use instead of the requirement that where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 3.0 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
4. A gravel surface shall be permitted for the parking area, manoeuvring space and access driveway instead of the requirement that a permanent durable and dustless surface that is graded, drained, and paved with concrete or asphalt or a combination of concrete and asphalt shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.

**NOTE:**

- i) Section 18A(28) of Hamilton Zoning By-law No. 6593 states:

"No land in a residential district in which a multiple dwelling is not permitted shall be used for the purpose of vehicular access to or egress from any land used for a multiple dwelling."

HM/A-21: 454  
Page 2

A variance to Section 18A(28) is not required for the subject lands as a multiple dwelling would be permitted. However, a minor variances would be required to Section 18A(28) for those lands over which the right-of-way for the multiple dwelling traverses through being (it appears):

- 126 Wellington St S
- 128 Wellington St S
- 1 Ford St

As such, zoning non-compliance will exist for those properties.

ii) A loading space is not required for a multiple dwelling containing four (4) dwelling units. As such, those variances requested for a loading space are not necessary.

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 1:20 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeeofadjustment](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:

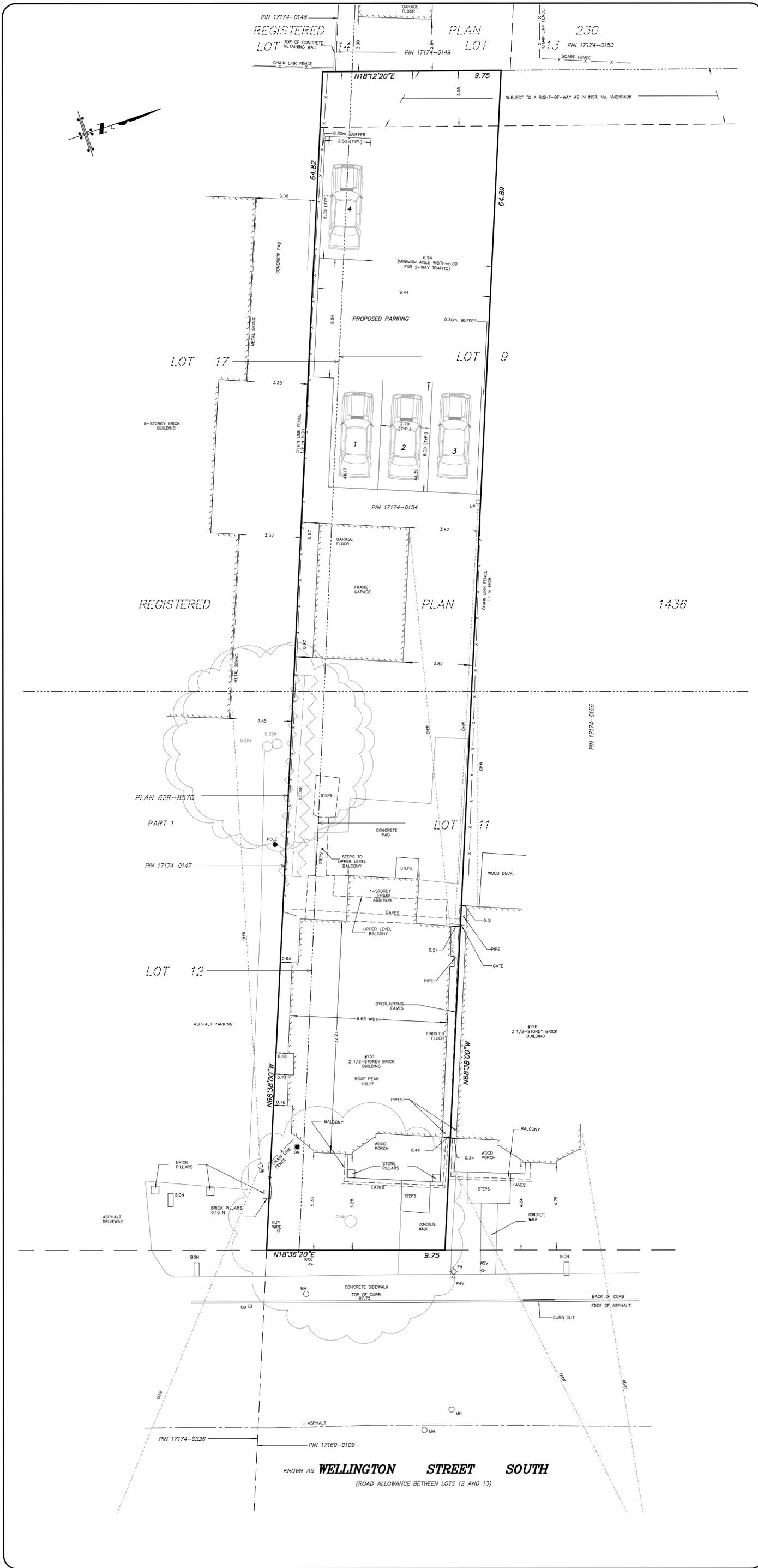
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

---

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.***



ALL UNDERGROUND SERVICES MUST BE LOCATED BY CONTRACTOR PRIOR TO ANY CONSTRUCTION. CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.

**SITE PLAN FOR PARKING FOR**  
**130 WELLINGTON STREET SOUTH**

CLIENT:  
**2133891 ONTARIO INC**  
**C/O FORGE & FOSTER**

**GEOGRAPHIC LOCATION INFORMATION**  
**PART OF LOTS 9, 11, 12 AND 17**  
**REGISTERED PLAN 1436**

BEGING IN THE  
**CITY OF HAMILTON**

SCALE 1 : 100

0 1 2 3 4 5 10 metres

**MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS**  
 © 2020

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



REQUIRED BY	PROVIDED
ZONING - D	4 SPACES
PROPOSED PARKING	4 SPACES
PARKING STALL-2.6m. WIDE (MIN.)	2.7m.
PARKING STALL-5.5m. LENGTH (MIN.)	6.0m.

**CITY OF HAMILTON ZONING BY-LAW 6593**  
**ZONING REGULATION - DE-2**

ZONE	REQUIRED	PROVIDED
LOT WIDTH	12.0 (min)	9.75
LOT AREA	360 (min)	631.3
FRONT YARD	3.0 (min)	5.28
REAR YARD	6.0 (min)	44.17
SIDE YARD	1.50 (min) (NORTH)	0.44
	1.50 (min) (SOUTH)	0.64
LANDSCAPE AREA	25% (min)	31.2%
BUILDING AREA		112.0 sq.m. (EXISTING BUILDING)
		36.5 sq.m. (EXISTING GARAGE)
		148.5 sq.m. (TOTAL AREA)
LOT COVERAGE	N/A	23.5%
BUILDING HEIGHT	26.0 (max)	12.42
FLOOR AREA RATIO	(max)	1:0.44
DWELLING DEPTH	18.00 (max)	12.77

**Legend:**

- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- CL DENOTES CENTRE LINE
- UP DENOTES UTILITY POLE
- LS DENOTES LIGHT STANDARD
- OHW DENOTES OVERHEAD WIRES
- GM DENOTES GAS METER
- RW DENOTES RETAINING WALL
- WSV DENOTES WATER SERVICE VALVE
- FH DENOTES FIRE HYDRANT
- FHV DENOTES FIRE HYDRANT VALVE
- CDENOTES DECIDUOUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES
- CDENOTES CONIFEROUS TREE SCALED TO CANOPY, TRUNK SIZE SHOWN IN METRES

BUILDING TIES SHOWN HEREON ARE TO FOUNDATION UNLESS OTHERWISE NOTED.

BOUNDARY DATA SHOWN HEREON WAS TAKEN FROM SURVEYORS REAL PROPERTY REPORT DONE BY MACKAY, MACKAY & PETERS, DATED APRIL 20, 2018, FILE No. 18-055.

MAY 12, 2020  
 DATE

ROY C. MAYO, O.L.S.  
 FOR MACKAY, MACKAY AND PETERS LIMITED

**CAUTION:** THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH SEAL.  
**CAUTION:** THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

© 2020 MACKAY, MACKAY & PETERS LIMITED

No.	DATE	REVISIONS	STAMP
4	MAY 12, 2019	REVISED AS PER CITY COMMENTS	
3	MAY 21, 2019	ADDED EXTRA PARKING AS PER CLIENT	
2	MAY 17, 2019	REVISED AS PER CITY COMMENTS	
1	APRIL 04, 2019	PREPARED SITE PLAN	

**MACKAY MACKAY & PETERS LIMITED**  
 ESTABLISHED 1906

ONTARIO LAND SURVEYORS  
 3380 SOUTH SERVICE ROAD  
 BURLINGTON, ONTARIO L7N 3J5  
 PHONE: (905) 639-1375  
 FAX: (905) 333-9544  
 e-mail: halton@mmlimited.com  
 Records of Sewell & Sewell and Yates & Yates LTD.

CAD FILE: C:\USERS\YANTA\SMC\DESIGN\TOP\MPP-CORONA\18-055\18-055-SP\18-055-SP1.DWG

DRAWN BY:	PARTY CHIEF:	CHECKED BY:	PROJECT No.	DWG. No.
M.S.	N/A	A.S.	18-055-SP	1



**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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:

Permit multiple dwelling units; Eliminate required loading space; Eliminate requirement that loading, parking and manoeuvring be located on same lot; Modify requirement to have access to roadway from parking area and to utilize existing right-of-way; Allow access driveway to be located 0.0 metres from the common boundary between the "D" District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required; Permit passage of vehicles from the subject property to the roadway whereas the zone does not permit vehicles travelling from a property zoned for multiple dwellings to pass through an area not zoned for multiple dwellings; Permit a non-paved (gravel) parking surface; and Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.

Secondary Dwelling Unit

Reconstruction of Existing Dwelling

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

The subject property is current zoned "D", which does not permit multiple dwellings. The legally recognized use is a boarding house, but the building has been used as a multiple dwelling with 6 units. The owner is seeking to legally recognize 4 of these multiple dwelling units to allow continued use for rental 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**):

Part of Lots 9, 11, 12 and 17 (Registered Plan 1436)  
130 Wellington Street South

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other

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 8.1 to 8.10 above?

Knowledge of previous/historical uses for residential (boarding house)

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

2021-12-01  
Date

*ACigna*

Signature Property Owner(s)

Andrew Cigna  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 9.75 m  
Depth 64.89 m  
Area 631.3 m2  
Width of street

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

Existing:  
12.42 metre high, 2.5-storey structure with 6 multiple dwelling units (not legally recognized); 23.5% lot coverage; 44% floor area ratio; 12.77 metre dwelling depth  
4 surface parking spaces in rear yard

Proposed  
Existing structure and site conditions (including 4 parking spaces) to remain.  
Minor variance required to undertake interior renovations to 4 of the existing units.

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

Existing:  
Front yard: 5.28 m; Rear yard: 44.17 m; Side Yards: 0.44 m and 0.64 m

Proposed:  
Existing to remain

13. Date of acquisition of subject lands:  
January 2019
- 
14. Date of construction of all buildings and structures on subject lands:  
Immediately
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Multiple dwelling units (not legally recognized); legal Boarding House
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Apartment buildings; multiple dwellings; single detached dwellings
17. Length of time the existing uses of the subject property have continued:
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:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D – Urban Protected Residential - One and Two Families etc.
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.  
Zoning By-law Amendment Application ZAR-18-057 denied by Council
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 refer to correspondence submitted with this application
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.



November 30, 2021

City of Hamilton  
Committee of Adjustment  
71 Main Street West  
Hamilton, ON

**Re: Application for Minor Variance – 130 Wellington Street South, Hamilton**

### **1. Background and Overview**

I am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

I have been retained by the Owner of 130 Wellington Street South in the City of Hamilton (the “Subject Property”) to submit an application for Minor Variance to legally recognize and permit occupancy of 4 of the 6 existing multiple dwelling units that currently exist on the Subject Property. This application for Minor Variance follows Hamilton City Council’s denial of Zoning By-law Amendment Application ZAR-18-057 that related to changing the zoning designation on the Subject Property to permit 6 multiple dwelling units.

The Owners purchased the Subject Property to undertake interior renovation of the 6 existing, but not legally recognized, multiple dwelling units in the structure and maintain the existing building exterior and site characteristics. The Zoning By-Law Amendment application sought to change the zoning designation on the Subject Property to legally permit the existing 6 multiple dwelling units in conjunction with 4 surface parking spaces at the rear of the property. After a lengthy review and discussion process, City staff supported the Zoning By-Law Amendment application and recommended approval under staff report PED21024. However, the application was ultimately denied by City Council.

The Owner has appealed the Council decision to the Ontario Land Tribunal (OLT) and these proceedings are ongoing. However, the Owner has decided to submit a Minor Variance application to permit four multiple dwelling units for the following reasons:

# MB1 | Urban Planning

- There are 6 units in the building that have been used as separate multiple dwelling units for an extended period of time and there are existing rental tenants in some of these units;
- The requested minor variances will maintain the existing land use and built form conditions on the Subject Property and continue to contribute to the critical rental housing needs in the urban area;
- Removal of the existing units from the rental market will adversely impact housing availability in this community;
- The four existing parking spaces in the rear yard, as illustrated on the site plan, will satisfy the parking requirements of the Zoning By-Law of 3.84 spaces based on 0.8 spaces per unit (3.2 spaces) plus 0.16 spaces per unit (0.64 spaces) for visitor parking; and
- The existing zoning already permits a two family dwelling with three lodgers per unit, as well as a lodging house for the accommodation of not more than 6 lodgers having the principal entrance to each residential unit comprised in the lodging house, located within the lodging house.

## 2. Summary of Land Use Planning Opinion

It is my opinion that the requested minor variances are appropriate and compatible with the existing uses on the Subject Property and the surrounding community, and:

- Are consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe;
- Maintain the general purpose and intent of the Urban Hamilton Official Plan;
- Maintains the general purpose and intent of the Zoning By-Law;
- Are minor in nature; and
- Are desirable for the appropriate use of the Subject Property.

The Planning Justification Report submitted with the Zoning By-Law Amendment application (**Appendix A**) and the City staff report recommending approval of this application (**Appendix B**) remain relevant to this application as the planning merits are consistent with the application for minor variance. Even though the proposed number of units is reduced to 4, which now allows for the existing parking to comply with the zoning requirements, the following points are applicable:

- The subject property is well-served by municipal transit, including transit routes and stops in close proximity.
- The subject property is served by full municipal services from Wellington Street South, including water, sanitary sewer and storm sewer. There is a fire hydrant located directly in front of the existing building. The demands on the municipal servicing capacity would not be expected to increase as a result of the development proposal and no new servicing connections are anticipated to be required.

# MB1 | Urban Planning

Moreover, the proposal is to use existing municipal services and not require either new services or upgrades to the existing infrastructure.

- While located within the interior of the neighbourhood, the subject property is immediately adjacent to an existing 8-storey multiple dwelling rental building and surrounded by large E zoning district.
- There are existing multiple dwellings to the south of the subject property and in surrounding area that are rental in tenure.
- The existing building is similar in character to the other dwellings in the neighbourhood and will provide a transitional buffer to higher density residential to the south of the subject property, which will help to ensure compatibility in the community.
- The proposal will increase residential density and availability of housing types on the neighbourhood in a manner that is consistent and compatible with existing uses and built form.
- The proposal represents growth in existing built-up area with uses and built form that will be compatible with the character and quality of the existing neighbourhood and will also increase the intensity of development and variety of housing available in the community.
- The proposal will support transportation modes other than the private automobile, including transit, cycle and walking.

On this basis, it is my recommendation that the requested minor variance be approved by the Committee of Adjustment.

Regards,



Michael Barton, MCIP, RPP  
President

**MB1 Urban Planning Services**  
**MB1 Development Consulting Inc.**

# MB1 | Urban Planning

## Appendix A

### Planning Justification Report Submitted with Zoning By-Law Amendment Application

**Planning Justification Report  
Proposed Official Plan and Zoning By-Law Amendments  
130 Wellington Street South, Hamilton, ON**

Prepared for:

The City of Hamilton

November 2018

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## 1. Introduction and Overview

MB1 Development Consulting Inc. (“MB1”) has been retained by the owners 130 Wellington Street South (the “subject property”) to provide planning and advisory services in support of the proposed Official Plan and Zoning By-Law Amendments for these lands. The owners are seeking to re-zone the subject property to permit multiple dwellings, in order to facilitate the use of the existing building for six multiple dwelling units. A Formal Consultation Meeting was convened on April 11, 2018 to discuss this proposal. The Formal Consultation (FC) Document confirmed that amendments to the Urban Hamilton Official Plan and Zoning By-Law 6593 would be required to facilitate the development proposal. To facilitate this application, the City identified the following submission requirements:

- Concept Plan;
- Draft OPA and By-Laws;
- Planning Justification Report;
- Parking Analysis;
- Noise Study;
- Cost Acknowledgment Agreement; and
- Public Consultation Strategy.

The purpose of this report is to address the submission requirements for the Planning Justification Reports, Parking Analysis and Public Consultation Strategy, as well as to outline the merits of the proposed Official Plan and Zoning By-Law Amendments.

## 2. Existing Conditions and Site Context

### 2.1 Site Location

The subject property is known municipally as 130 Wellington Street South and is located on the west side of Wellington Street South adjacent to the intersection with Stinson Street. The site location is identified in **Figure 1**. An aerial view of the existing property is provided in **Figure 2**.

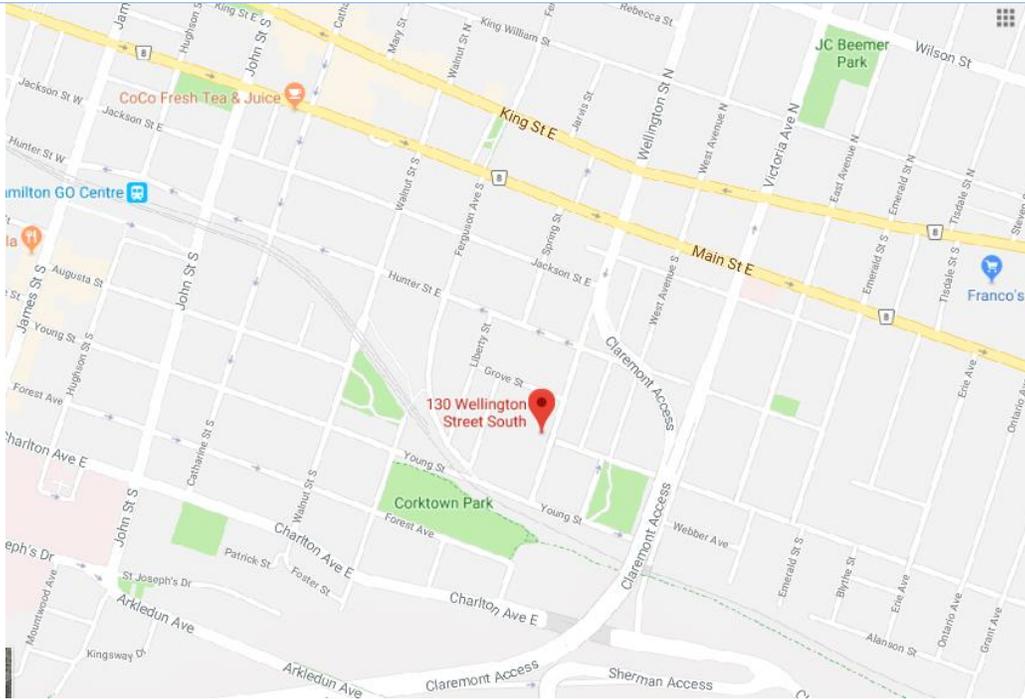


Figure 1 – Site Location

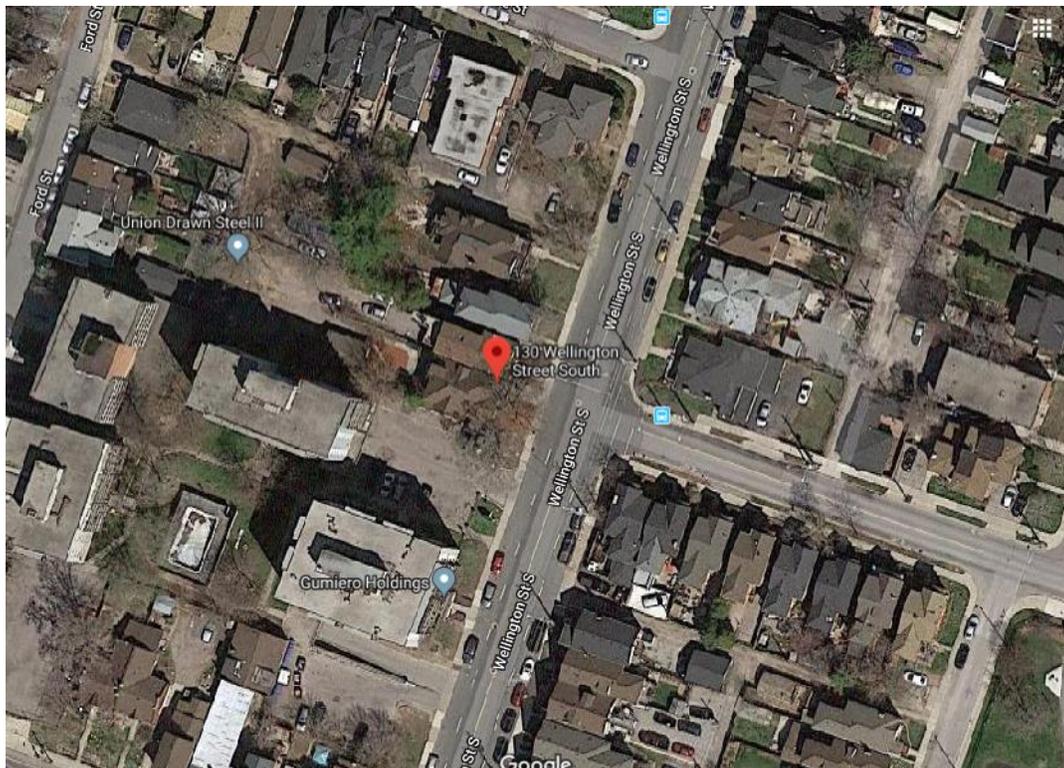


Figure 2 – Aerial View of Site

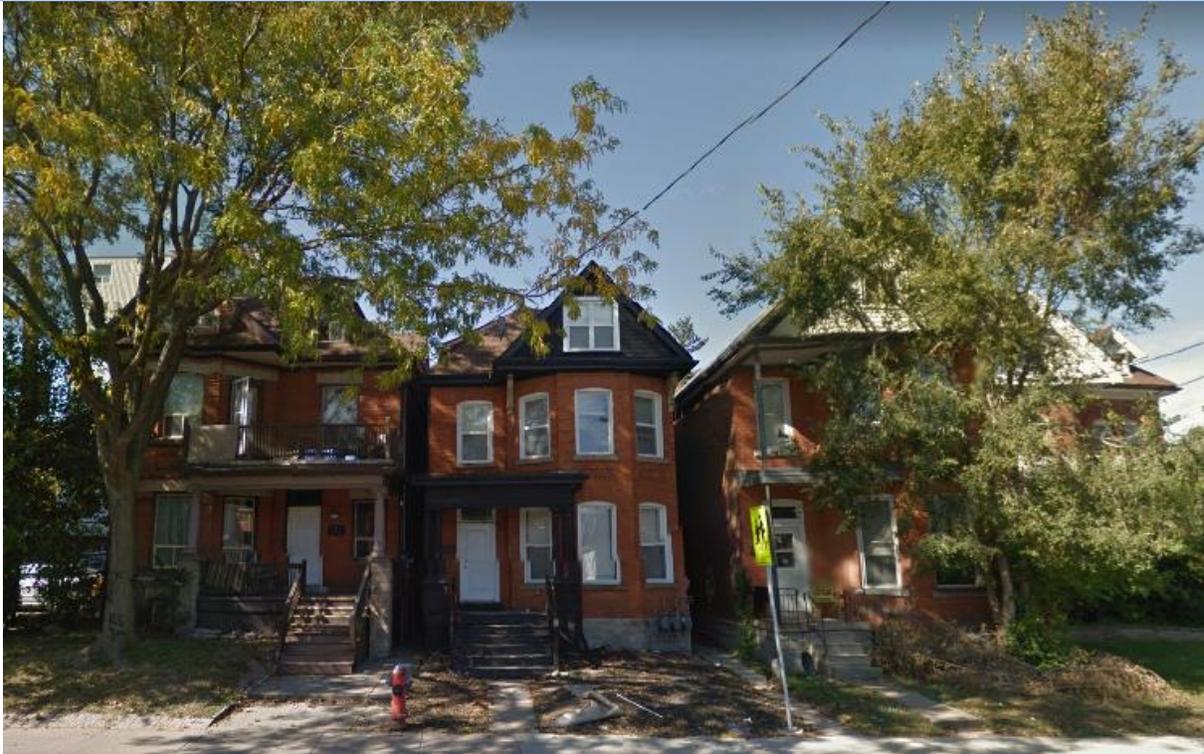
## 2.2 Surrounding Land Uses and Features

The subject property is surrounded by the following uses:

- To the south: Two 8-storey rental buildings surface parking area (**Figure 3**);
- To the north: Single detached residential dwellings (shown in **Figure 4** immediately next to the subject property);
- To the east: Single detached residential dwellings (**Figure 5**); and
- To the west: Single detached residential dwellings.



Figure 4 – Existing Rental Buildings to South of Subject Property



**Figure 5 – Existing Single Detached Residential Dwellings to North of Subject Property**



**Figure 6 – Existing Single Detached Residential Dwellings to East of Subject Property**

## 2.3 Existing Site Conditions

The subject property is currently occupied by a 2.5-storey detached residential dwelling. The survey of the property is provided in **Figure 7**. A photograph of the existing dwelling is provided in **Figure 8**. There is currently no on-site parking available and the rear yard is not accessible to vehicles. Thus, there are no opportunities to add on-site parking. The existing building is listed on the City's Inventory of Buildings of Architectural and/or Historical Interest.

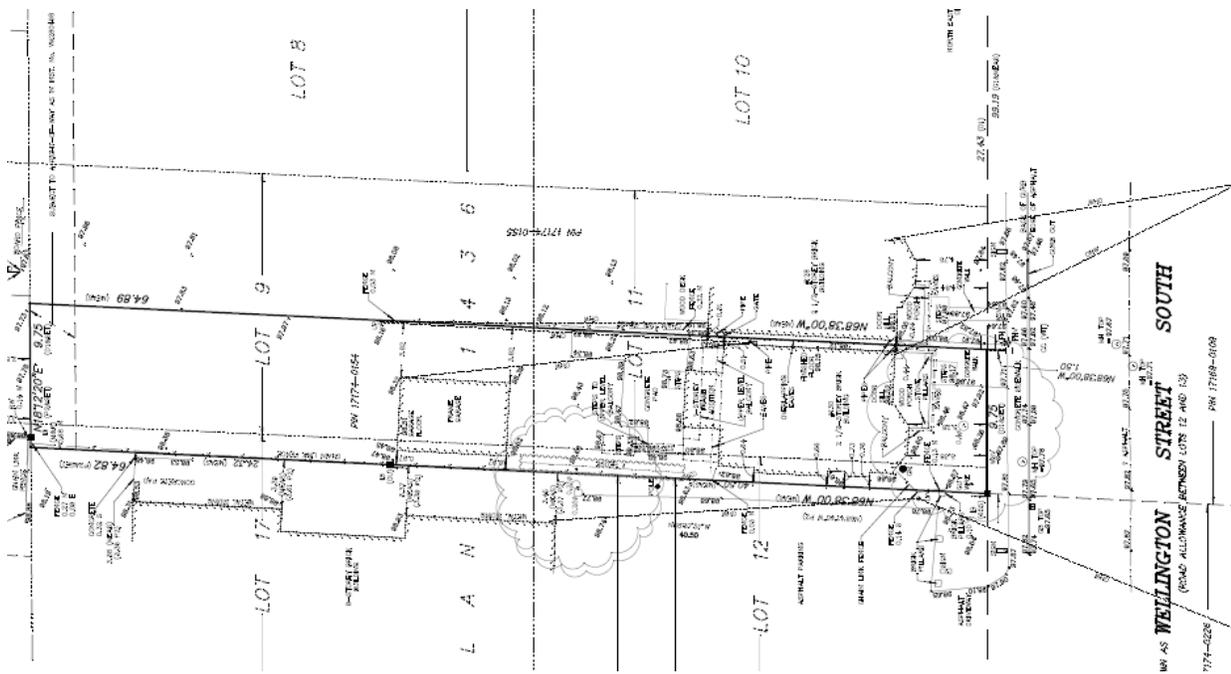


Figure 7 – Survey of Subject Property

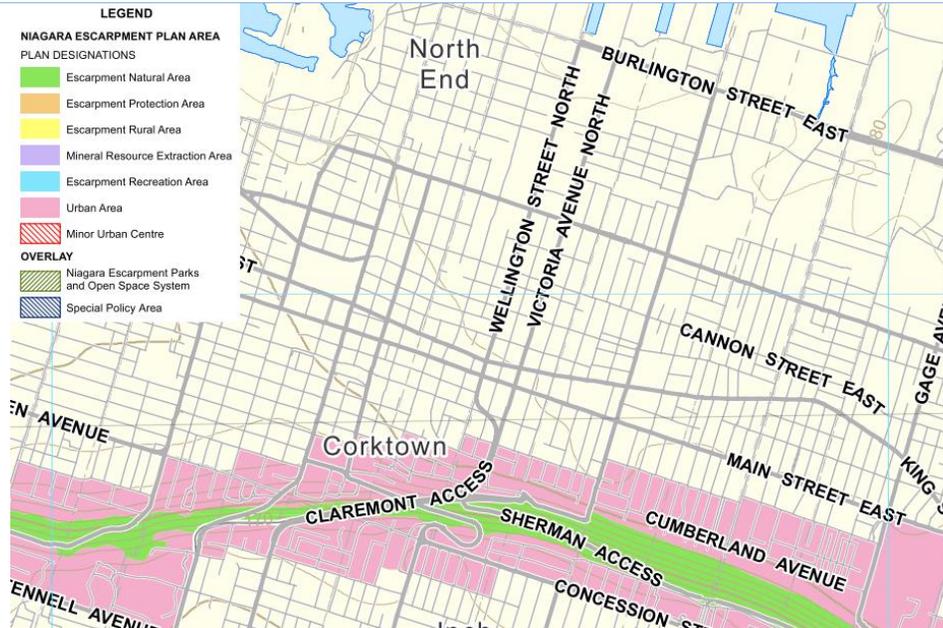


**Figure 8 – Existing Dwelling on Subject Property**

## **2.4 Existing Land Use Planning Designations**

### **2.4.1 *Niagara Escarpment Plan***

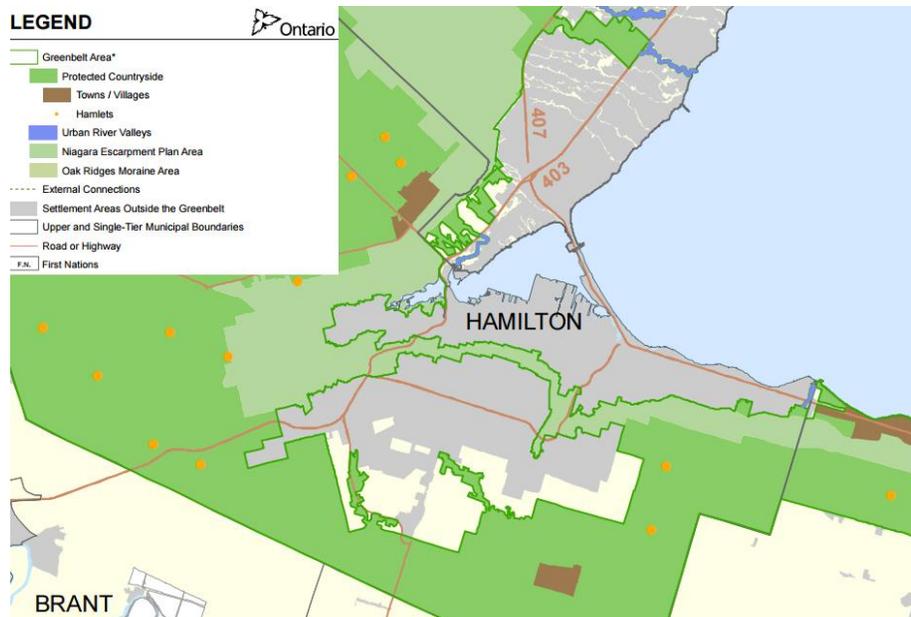
As illustrated in **Figure 9**, the subject property does not have a designation under the Niagara Escarpment Plan. However, the property is in close proximity to the *Urban Area* designation to the south, which surrounds an *Escarpment Natural Area* corridor.



**Figure 9 – Niagara Escarpment Plan Designations**

**2.4.2 Greenbelt Plan**

Figure 10 illustrates that the subject property is not located in the Greenbelt Plan Area and also that the Niagara Escarpment Plan Area is located immediately to the south.



**Figure 10 – Greenbelt Plan Area**

**2.4.3 Places to Grow Growth Plan for the Greater Golden Horseshoe (2017)**

Figure 11 includes a portion of Schedule 4 to the Places to Grow Growth Plan, which illustrates that the subject property is located in the Built-Up Area and in close proximity to the Downtown Hamilton Urban Growth Centre.

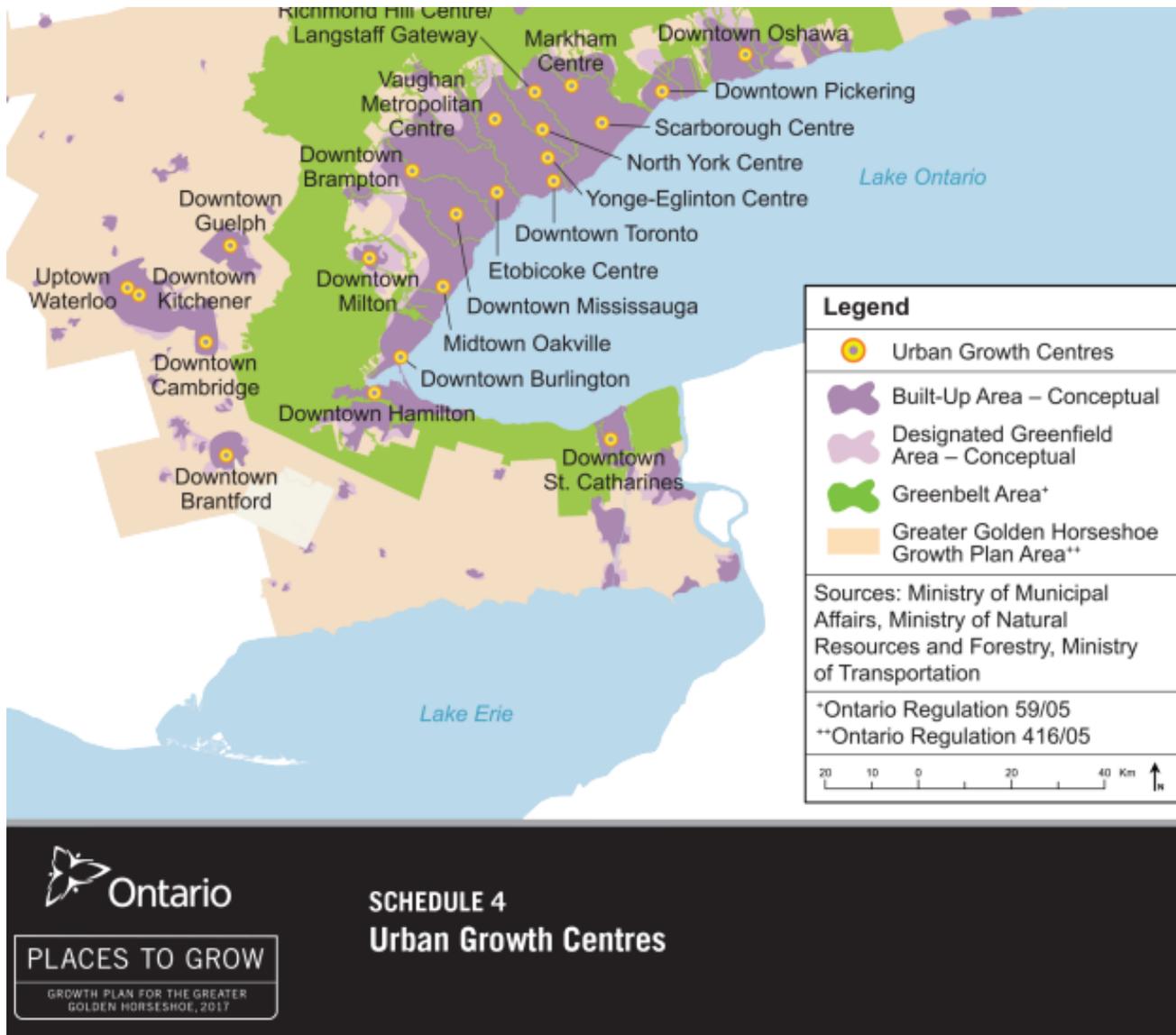


Figure 11 – Places to Grow Schedule of Urban Growth Centres

## 2.4.4 Parkway Belt West Plan

Figure 12 illustrates that the Parkway Belt West does extend into the downtown Hamilton Area, but does not extend into the core or the in the vicinity of the subject property.

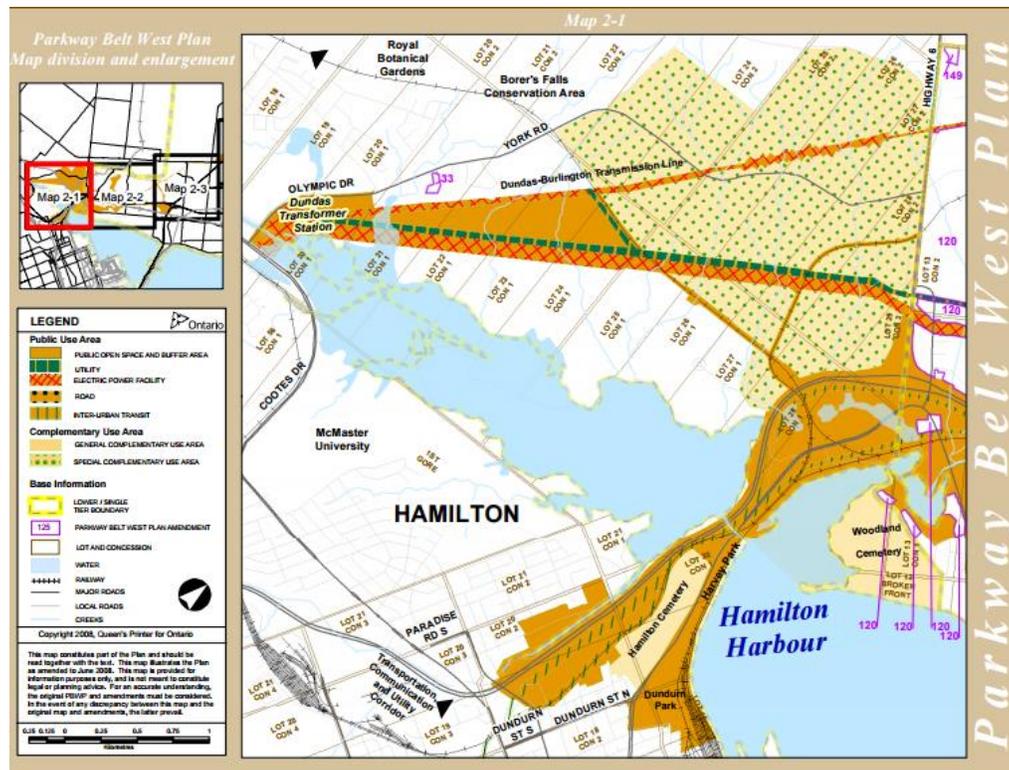


Figure 12 – Parkway Belt West Mapping

## 2.4.5 Conservation Authority Regulated Area

The subject property is located outside of the Hamilton Conservation Authority (HCA) regulated area. This has been confirmed through a query of the HCA online mapping tool. Figure 13 provides the mapping for the area.



**Figure 13 – Hamilton Conservation Authority Regulatory Mapping**

#### 2.4.6 Urban Hamilton Official Plan

The subject property is designated *Neighbourhoods* under the Urban Hamilton Official Plan. The Official Plan mapping is illustrated in **Figure 14**. Section 3.2.1 indicates that “areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents”. With respect to residential intensification, section 3.2.4 indicates the following: “The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan”. Wellington Street South is a local road in proximity of the subject property and not designated on Schedule C – Functional Road classification.

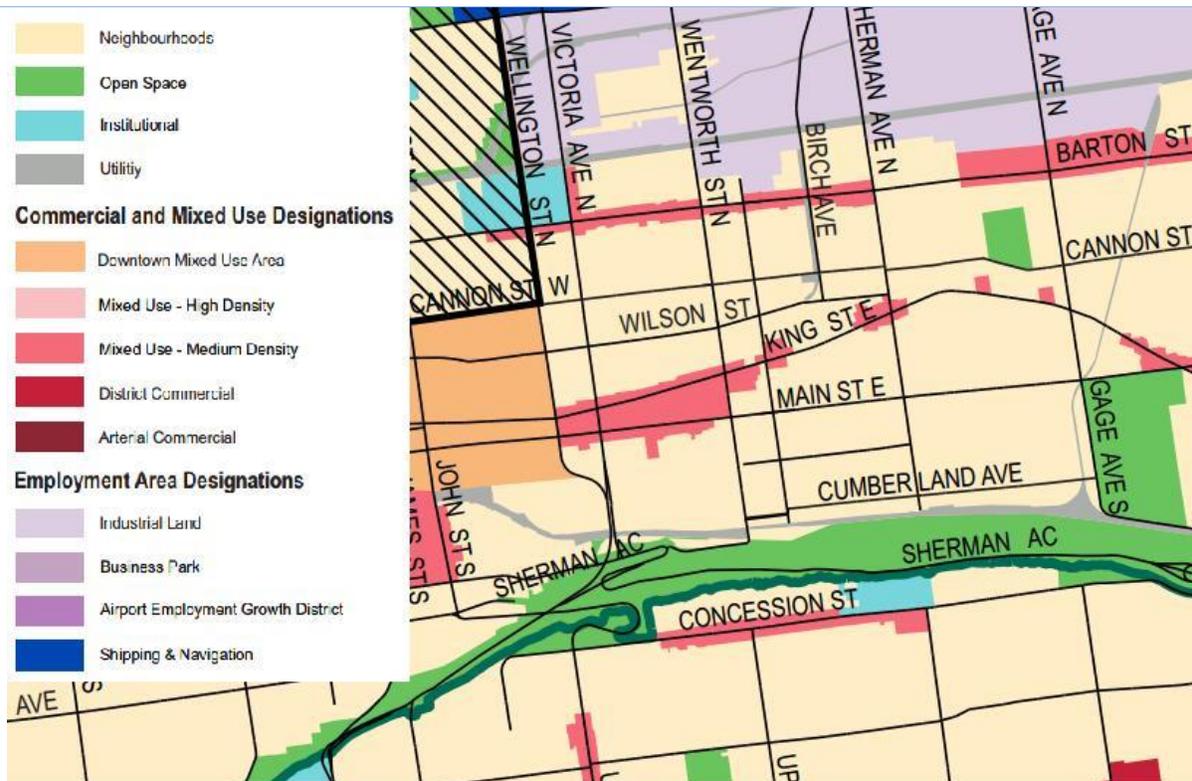


Figure 14 – UHOP Schedule E-1 – Urban Land Use Designations

### 2.4.7 Secondary Plan

The subject property is not subject to any of the Secondary Plans of the Urban Hamilton Official Plan.

### 2.4.8 City of Hamilton Zoning By-Law

As illustrated in **Figure 15**, the subject property is designated *D – Urban Protected Residential - One and Two Families etc.* under Zoning By-Law 6593. This designation permits a limited range of residential, institutional, commercial and public uses. Multiple Dwellings are not permitted. Properties to the south and east of the subject property are zoned *E – Multiple Dwellings, Lodges, Clubs, etc.*



Figure 15 – Existing Zoning Designation on Subject Property

### 3 Development Proposal

#### 3.1 Conceptual Plan and Proposed Uses

The owners of the subject property are proposing to amend the Urban Hamilton Official Plan and Zoning By-Law 6593 to permit six multiple dwelling rental units in the existing single detached dwelling. The proposal will involve only interior renovations to establish six legal units and will not involve exterior modifications to the existing structure. Therefore, there will be no impacts to the features deemed to have architectural and/or historical interest. No on-site parking will be provided for the units since there is no existing driveway, parking or access to the side or rear of the structure.

### 3.2 Land Use Planning Applications

The owners are proposing the following applications:

- To amend the Urban Hamilton Official Plan to permit the development proposal within the interior of the neighbourhood; and
- To amend the former City of Hamilton Zoning By-law No.6593 by rezoning the subject lands from a *D – Urban Protected Residential - One and Two Families etc.* to *E – Multiple Dwellings, Lodges, Clubs, etc.* zone that will permit the proposed multiple dwelling uses, development regulations and lot standards.

### 3.3 Transportation and Parking

#### 3.3.1 Traffic Considerations

Wellington Street South is a local road in the vicinity of the subject property. As such, the intent of Wellington Street is to provide direct access to properties on the road and low traffic volume access to adjacent collector roads. The subject property does not provide on-site parking or driveway access to Wellington Street South or the road network. This current situation will be maintained, with residents of the proposed units using modes of transportation such as walking, cycling and transit, and/or finding on-street or other off-site parking.

#### 3.3.2 Transit

The subject property is well-served by municipal transit. **Figure 16** shows that a transit route runs directly across the frontage of the subject property. **Figure 17** illustrates the existing transit stops located directly across the street from the subject property on the northeast corner of the intersection of Wellington Street and Stinson Street, as well as to the north, on the northwest corner of the intersection of Wellington Street and Grove Street.

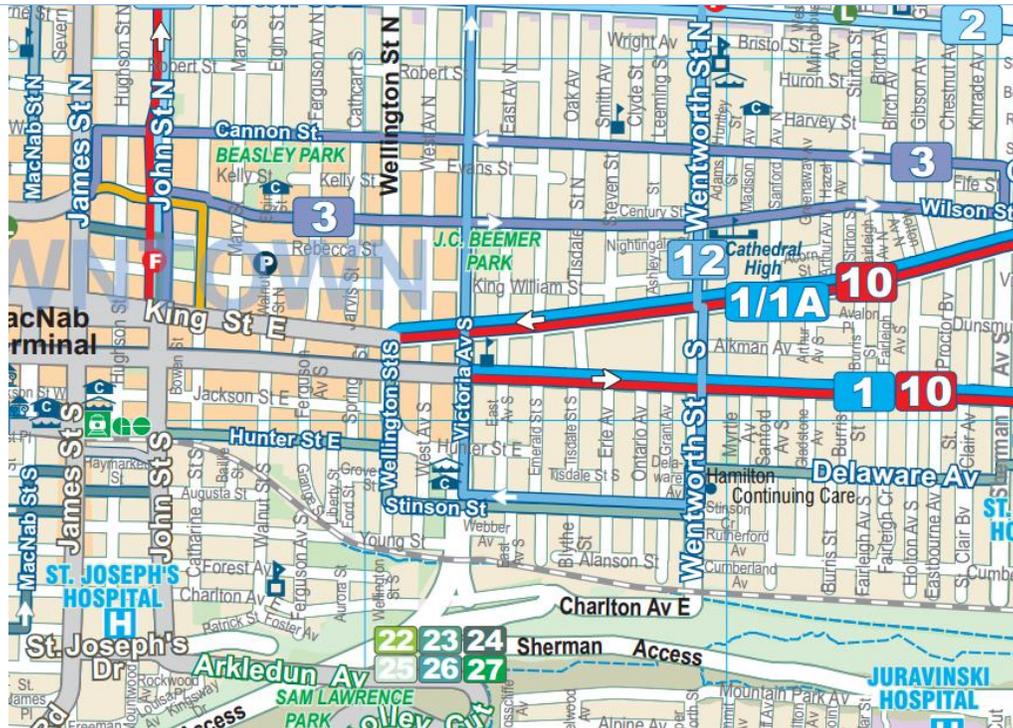


Figure 16 – HSR Transit Route Map

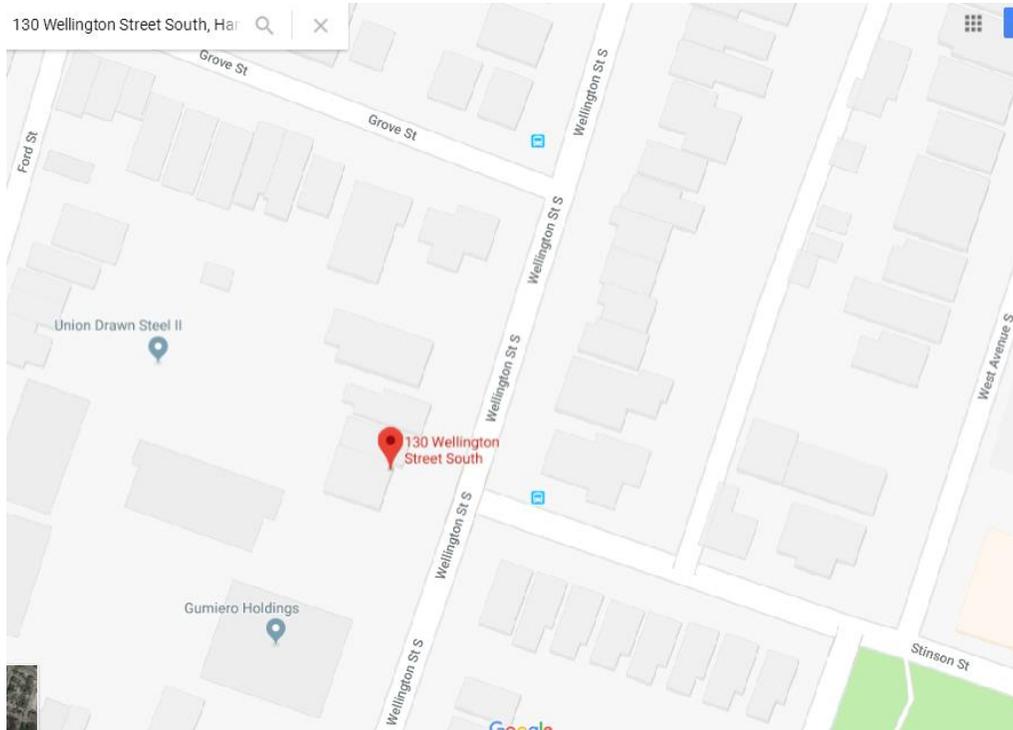


Figure 17 – Transit Stops near Subject Property

### **3.3.3 Parking**

No on-site parking is currently provided for the subject property. The property does not have driveway access from Wellington Street South and there is no driveway providing access to the rear of the property. There is also no opportunity to provide parking in front of the existing dwelling, as there is insufficient setback from the street and parking in the front yard would also be in contravention of the Zoning By-Law. Current residents of the existing dwelling, which has historically operated as illegal multiple dwelling units, either park off-site or do not own vehicles.

### **3.3.4 Noise**

The main generator of noise adjacent to the subject property is traffic on Wellington Street South. As part of the development application process, a comprehensive Noise Impact Study has been prepared to assess the potential impact of traffic noise on residents of the proposed units. The report findings indicate that there would be no adverse noise impacts associated with the development proposal.

## **3.4 Municipal Servicing**

The subject property is served by full municipal services from Wellington Street South, including water, sanitary sewer and storm sewer. There is a fire hydrant located directly in front of the existing building. The demands on the municipal servicing capacity would not be expected to increase as a result of the development proposal and no new servicing connections are anticipated to be required. Moreover, the proposal is to use existing municipal services and not require either new services or upgrades to the existing infrastructure.

## **3.5 Rationale for Development Proposal**

As outlined in more detail in the following sections, our land use planning policy analysis leads us to the opinion that the proposal and the associated amendments to the Urban Hamilton Official Plan and Zoning By-Law 6593 are consistent with the purpose and intent of applicable Provincial and municipal planning policy, with the following key points in mind:

- While located within the interior of the neighbourhood, the subject property is immediately adjacent to an existing 8-storey multiple dwelling rental building and surrounded by large E zoning district;
- There are existing multiple dwellings to the south of the subject property and in surrounding area;
- The existing building on the subject property will be maintained with only interior modifications;

- The existing building is similar in character to the other dwellings in the neighbourhood and will provide a transitional buffer to higher density residential to the south of the subject property, which will help to ensure compatibility in the community;
- The proposal will increase residential density and availability of housing types on the neighbourhood in a manner that is consistent and compatible with existing uses and built form; and
- The proposal can be accommodated within the existing municipal infrastructure without requiring new services or upgrades.

## 4 Land Use Planning Analysis

### 4.1 Provincial Policy Statement

#### 4.1.1 Policy Overview

Section 3 of the Planning Act requires that municipal decisions affecting planning matters “shall be consistent” with the Provincial Policy Statement (PPS). The Vision for Ontario’s Land Use Planning System outlined in Part IV of the PPS includes the following key points:

- Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety; and
- Efficient development patterns optimize the use of land, resources, public investment in infrastructure and public service facilities.

Section 1.0 of Part V of the PPS outlines policies for Building Strong Healthy Communities. In Section 1.1, a number of principles are outlined that sustain healthy, liveable and safe communities, including:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; and
- Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.

Section 1.1.2 also mandates that, within settlement areas, sufficient land shall be made available through intensification and redevelopment. Section 1.1.3.5 reiterates that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas. This is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe, which represent the minimum targets. Similarly, Section 1.1.3.6 indicates that new development taking place in designated growth areas should

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occur adjacent to the existing built-up area and shall have a compact form, mixed of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 1.4 relates specifically to Housing, and section 1.4.1 a) indicates that planning authorities shall maintain the ability to accommodate residential growth for a minimum period of 10 years through intensification and redevelopment. Section 1.4.3 suggests that this be done by “directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and project needs”. Similarly, this section promotes “densities for new housing which efficiently use land, resources, infrastructure and public service facilities”.

Section 1.6 emphasizes the importance of efficient and cost effective infrastructure and public service facilities. Specifically, these facilities are to be financially viable over their life cycle and available to meet current and projected needs. Section 1.6.3 suggests that priority be given to development that uses and optimizes existing infrastructure rather than development that requires construction of new facilities.

#### 4.1.2 Analysis of Conformity with Policy

It is our opinion that the development proposal and proposed Official Plan and Zoning By-Law Amendments are consistent with the applicable provisions of the Provincial Policy Statement. The proposal provides for accommodation of residential population growth inside the existing urban boundary, built-up area, and built form. The low density residential design is compatible and consistent with the character of the adjacent community and represents a reasonable intensification on the subject property. The proposal also provides for intensification within a building with heritage attributes, in a manner that will protect and preserve these attributes. In addition, the development will make more efficient use of existing serviced land without adverse impacts to the quality of life and built form in the community. Moreover, no public investment is required in municipal services or infrastructure. The proposal will contribute to the financial well-being of the City by increasing the property tax levy on the property and generating payment of development charges, planning application fees and building permit fees. Finally, the development will assist the City of Hamilton in achieving its goals for growth and intensification under Places to Grow and UHOP.

## 4.2 *Niagara Escarpment Plan*

Since the subject property is not designated under the Niagara Escarpment Plan and is situated most closely to an *Urban Area* designation under NEP, the development proposal and applications conform to the objectives and policies of the Niagara Escarpment Plan.

### 4.3 Greenbelt Plan

The subject property is situated outside of the Greenbelt Plan Area. Consequently, there are no elements of the development proposal or applications that would not conform to the policies of this Plan.

### 4.4 Places to Grow

#### 4.4.1 Policy Overview

The Places to Grow Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) is aimed at growth that sustains the economy, builds strong communities and promotes a healthy environment. The key policy directions that stem from the objective of mitigating the negative effects of growth include the following:

- Directing growth to built-up areas;
- Promoting transit-supportive densities; and
- Conservation of natural systems and agricultural areas.

Among the Guiding Principles for development of land outlined in the Growth Plan are the following:

- Build compact, vibrant and *complete communities*;
- Plan and manage growth to support a strong and competitive economy; and
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

The Growth Plan also outlines how and where growth should occur, and indicates that better use of land and infrastructure can be made by directing growth to existing urban areas. The Growth Plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfields. Revitalization of urban growth centres is seen to be of paramount importance in accommodating additional people and jobs, as well as providing regional focal points in local communities.

The Growth Plan indicates that population and employment growth will be accommodated in the following ways:

- directing a significant portion of new growth to the *built-up areas* of the community through *intensification*;
- focusing *intensification* in *intensification areas*;
- reducing dependence on the automobile through the development of mixed-use, *transit-supportive*, pedestrian-friendly urban environments;
- providing convenient access to intra- and inter-city transit;

- planning and investing for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting and to increase the *modal share* for transit, walking and cycling; and
- encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

#### 4.4.2 Analysis of Conformity with Policy

It is our opinion that the development proposal and applications conform to the Growth Plan. The proposal represents growth in an Urban Growth Centre and the existing built-up area with uses and built form that will be compatible with the character and quality of the existing neighbourhood. The proposal will also increase the intensity of development and variety of housing available in the community. This intensification will also be done in a manner that is compatible with the existing neighbourhood and consistent with existing built form. It is anticipated that the proposal will also support transportation modes other than the private automobile, including transit, cycle and walking. Finally, the proposal will make use of existing City infrastructure without requiring upgrades or new services to be installed.

#### 4.5 *Parkway Belt West Plan*

The subject property is outside the mapped area of the Parkway Belt West Plan and, consequently, is not subject to its policies and regulations.

#### 4.6 *Conservation Authority Regulated Area*

The subject property is not located within the regulated area of the Hamilton Conservation Authority (HCA). Moreover, HCA mapping indicates that there are no regulated areas within close proximity of the property. Therefore, it is anticipated that HCA would have no objections or requirements for development of the subject property as proposed.

#### 4.7 *Urban Hamilton Official Plan*

##### 4.7.1 Introduction and Strategic Directions

Section A2.0 of the Introduction to the UHOP includes 9 strategic directions to guide development. They are as follows:

1. Encourage a compatible mix of uses in neighbourhoods that provide opportunities to live, work, and play;
2. Concentrate new development within existing built-up areas and within a firm urban boundary;
3. Protect rural areas for a viable rural economy, agricultural resources, environmentally sensitive recreation and enjoyment of the rural landscape;
4. Design neighbourhoods to improve access to community life;
5. Retain and attract jobs in Hamilton's strength areas and in targeted new sectors;
6. Expand transportation options that encourage travel by foot, bike and transit and enhance efficient inter-regional transportation connections;
7. Maximize the use of existing buildings, infrastructure and vacant or abandoned land;
8. Protect ecological systems and improve air, land and water quality; and
9. Maintain and create attractive public and private spaces and respect the unique character of existing buildings, neighbourhoods and settlements.

Section 2.4 of Chapter B outlines principles for "Residential Intensification". Intensification is seen as "a key component of Hamilton's growth strategy and is essential to meet our growth and employment targets". Intensification is also identified as contributing to vibrant neighbourhoods, nodes and corridors and providing a wider range of housing types to meet the housing needs of Hamilton's current and future population. A key point in this section is the following: "UHOP supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridors described in Chapter E – Urban Systems and Designations". However, it is clearly stated that intensification must be done properly with appropriate consideration for design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage.

Section 2.4.1.2 indicates that the City's primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E of UHOP. Section 2.4.1.3 c) further points out that 40% of the residential intensification target is anticipated to occur within the "Neighbourhoods" land uses.

Sections 2.4.1.4 and 2.4.2.2 establish the following criteria for evaluating proposed residential intensification projects:

- the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

- compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- the consideration of transitions in height and density to adjacent residential buildings;
- the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- the ability to complement the existing functions of the neighbourhood;
- the conservation of cultural heritage resources; and
- infrastructure and transportation capacity and impacts.

**It is our opinion that the proposed development will directly support these strategic objectives, based on the following:**

- **The development represents infill intensification of a property inside the existing urban boundary and built-up area;**
- **While the proposal represents intensification, the proposed use will make use of the existing structure, which will maintain compatibility with the character of the community, as well as maintain the heritage characteristics of the building;**
- **The proposal will increase the range of house types and tenure in the community;**
- **The proposal will increase the intensity of land use on the subject property and in the community in a manner that is consistent and compatible with surrounding built form, including building type, massing, scale and setbacks;**
- **The subject property will maintain a significant amount of open and amenity space to the rear of the property with the structure oriented towards the Wellington Street frontage;**
- **The proposed units will attract tenants that rely on transit, cycling and walking as primary modes of transportation, which will support the City's transportation objectives; and**
- **The development is an opportunity to increase the intensity of use on the property and to enhance the quality of the property in a manner that is consistent with the City's urban design objectives and compatible with the existing community.**

#### 4.7.2 Urban Land Use Designations

Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.

- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.
- c) Develop compact, mixed use urban environments that support transit and active transportation.
- d) Develop complete communities where people can live, work, learn, and play.
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.
- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.
- h) Recognize that Hamilton’s neighbourhoods are stable, not static.
- i) Protect and enhance a system of linked natural areas.
- j) Protect Hamilton’s existing and planned Employment Areas

Section E3.0 outlines policies for the “Neighbourhoods” designation. The policy goals outlined in Section 3.1 include the following:

- Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution; and
- Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

Section 3.2.4 indicates that “the existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood.” Similarly, Section 3.3.2 stresses that “Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.” Thus, the importance of compatibility and mitigating adverse impacts is critically important.

**It is our opinion that the proposed redevelopment of the subject property is consistent with these principles, based on the following:**

- **The proposal will facilitate built form and land use that is consistent and compatible with the adjacent community, as well as the principles and policies set out in UHOP;**
- **The proposal will facilitate a residential development that maintains the site and community character while also providing intensified land use; and**
- **The proposal offers a greater range of housing types and densities in a manner that supports transit and active transportation modes.**

#### **4.8 Secondary Plan**

The subject property is not located within the Downtown Hamilton Secondary Plan area or the limits of any other secondary plan area.

#### **4.9 City of Hamilton Zoning By-Law**

As noted in Section 1.5 of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to ensure the City's goals, objectives and policies of this Plan are realized. In general, the Zoning By-Law is the key document to govern land use and built form in conjunction with the vision of the Official Plan. The intent is to ensure compatible and complementary built form in particular zones and neighbourhoods.

It is our opinion that the development proposal and proposed Official Plan and Zoning By-Law Amendments conform to the purpose and intent of the Zoning By-Law for the following reasons:

- The proposed residential uses would comply with the applicable Official Plan policies and be developed within the existing building and property limits;
- The proposal would facilitate built form and intensified use that are consistent with the Official Plan;
- The building conversion would not result in any adverse compatibility concerns relative to existing conditions;
- The Zoning By-Law Amendment will not result in an expansion of the existing building but rather a compatible change in use of the subject property; and
- The subject property is located immediately adjacent to a large "E" zoning district and would provide a buffer/transition to the existing "D" district uses.

### **5 Parking Analysis**

The development proposal seeks to take advantage of its downtown location and proximity to transit service, while aligning with the City's policies around surface parking, transit and non-automotive modes of transportation. The subject property is occupied by an existing building that has previously been used for multiple apartment dwelling units. There is currently no on-site parking provided and no opportunities to provide new on-site parking. The proposed units will attract renters that use transportation modes other than a private automobile, or secure are willing to seek parking off-site.

As has already been noted in this report, the subject property does not provide on-site parking or driveway access to Wellington Street South. Also, the location of the existing structure does not provide opportunity to access the rear or side yards, where on-site parking could potentially be provided. In terms of parking off-site,

there are street parking opportunities in the immediate vicinity of the subject property, including along Wellington Street South, which also includes overnight parking. Tenants of the subject property would be able to secure permits for street parking if required.

This report has also noted that the subject property is well-served by municipal transit. There are transit routes that run along Wellington Street South and transit stops directly across the street from the subject property on the northeast corner of the intersection of Wellington Street and Stinson Street, as well as to the north, on the northwest corner of the intersection of Wellington Street and Grove Street.

Given the availability of street parking immediately adjacent to the subject property, in conjunction with such considerations of the available transit infrastructure, downtown location, and pedestrian and cycling opportunities, it is our opinion that it is appropriate for the subject property to continue to operate with no on-site parking supply. Doing so would also be consistent with the City's policies for intensification in the existing built-up area and downtown core.

## 6 Public Consultation Strategy

The proposed Public Consultation Strategy for this proposal will include the following elements:

- Circulation of a description of the proposal and project contact information to residents of the adjacent community in advance of convening a Community Meeting and/or Statutory Public Meeting;
- Coordination with the ward Councillor to provide other forms of public notification deemed appropriate;
- Posting of the mandatory Public Notification Sign;
- Coordination with the ward Councillor to determine if a Community Meeting is appropriate in advance of the Statutory Public Meeting; and
- Convening the Statutory Public Meeting.

## 7 Conclusions

It is our opinion that the proposed residential conversion and amendments to the Urban Hamilton Official Plan and Zoning By-Law 6593 are appropriate and desirable for the subject lands, on the basis of the following:

- The proposal is consistent with Provincial Land Use Planning Policy as established through the Provincial Policy Statement, Places to Grow Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan and Parkway Belt West Plan;
- The proposal will have no adverse impacts on cultural or natural heritage, and is also outside of areas of natural heritage interest of the City of Hamilton and Hamilton Conservation Authority;

# MB1 | Development Consulting

- 
- The proposal conforms to the policies of the Urban Hamilton Official Plan, including compatibility, residential intensification, communities, and housing; and
  - In general, the proposal will allow for desirable and appropriate use of the subject lands in a manner that is compatible and beneficial for the neighbourhood and wider community.

# MB1 | Urban Planning

## Appendix B

### City Staff Report Recommending Approval of Zoning By-Law Amendment Application



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 2, 2021
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for lands located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Sean Stewart (905) 546-2424 Ext. 7163
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- a) That **Zoning By-law Amendment Application ZAR-18-057 by 130 Wellington Investments Inc., Owner**, for a change in zoning from the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, to “D/S -1806 - ‘H’” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, Holding, to permit six dwelling units within the existing building and four parking spaces, for lands located at 130 Wellington Street South, Hamilton, as shown on Appendix “A” to Report PED21024, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law attached as Appendix “B” to Report PED21024, be added to District Map No. E5 of Zoning By-law No. 6593;

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- (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning. The Holding Provision "D/S -1806 - 'H'" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding, Modified, be removed conditional upon:
- 1) That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.
  - 2) That the Owner implements the recommendations of the Noise Impact Study, dated December 7, 2018 in the application for Building Permit, to the satisfaction of the Chief Building Official, Building Division.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the policies and intent of the Urban Hamilton Official Plan.
- b) That upon finalization of the amending By-law, the subject lands be re-designated from "Single & Double" to "Medium Density Apartments" in the Corktown Neighbourhood Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 130 Wellington Street South, Hamilton. The owner has applied for an amendment to the former City of Hamilton Zoning By-law No. 6593 to legally recognize the illegal conversion of a lodging house with six lodgers to a multiple dwelling. The property has four parking spaces.

The proposed Zoning By-law Amendment is for a further modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to permit a six unit multiple dwelling, address existing building setbacks, and parking deficiencies. A Holding Provision has been added by staff to ensure that the owner applies for a Building Permit and the noise study recommendations are implemented.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (Growth Plan);
- It complies with the Urban Hamilton Official Plan (UHOP); and,

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- The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.

**Alternatives for Consideration – See Page 18**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	130 Wellington Investments Inc.
Applicant:	MB1 Development Consulting Inc. c/o Michael Barton
File Number:	ZAR-18-057
Type of Application:	Zoning By-law Amendment
Proposal:	To legally recognize the illegal conversion to a six unit multiple dwelling within the single detached dwelling with four parking spaces.  The original application did not contain any parking spaces. The applicant has revised the application to include four parking spaces in the rear yard.
<b>Property Details</b>	
Municipal Address:	130 Wellington Street South, Hamilton

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Lot Area:	631.3 square metres (.0613 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Lodging house with six lodgers.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposed development is consistent with the PPS.
A Place to Grow:	The proposed development conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods Designation.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.
Zoning Proposed:	"D/S-1806 - 'H'" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, Holding.
Modifications Proposed:	<ul style="list-style-type: none"> <li>• Permit multiple dwelling;</li> <li>• Recognize existing front yard depth of 5.28 metres, whereas 6.0 metres required;</li> <li>• Recognize existing side yard depth of 0.44 metres (north side) and 0.64 metres (south side), whereas 1.2m is required;</li> <li>• Recognize existing lot width of 9.75 metres, whereas 12.0 metres is required;</li> <li>• Recognize existing encroachments into yards;</li> <li>• Reduce required parking ratio from 0.8 (5 spaces) to 0.66 (4 spaces) per Class A dwelling unit;</li> <li>• Eliminate required visitor parking space (1 space required);</li> <li>• Eliminate required loading space and loading manoeuvring space;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Eliminate requirement that loading, parking and manoeuvring be located only on the lot where the principle dwelling is located;</li> <li>• Modify requirement to have access to roadway from parking area and to utilize existing right-of-way;</li> <li>• Allow access driveway to be located 0.0 metres from the common boundary between the “D” (Urban Protected Residential – One and Two Family Dwellings, etc) District in which the multiple dwelling is located and the district which does not permit such uses, whereas 3.0 metres is required;</li> <li>• Permit the passage of vehicles from the subject property to the roadway whereas the zone does not permit vehicles travelling from a property zoned for multiple dwellings to pass through an area not zoned (“D” District) for multiple dwellings;</li> <li>• Permit a non-paved (gravel) parking surface, whereas a paved surface is required; and,</li> <li>• Eliminate requirement for commercial motor vehicles to move readily between the loading spaces and an access driveway.</li> </ul>
<b>Processing Details</b>	
Application Received:	November 7, 2018
Deemed Incomplete:	December 6, 2018
Deemed Complete:	December 24, 2018
Notice of Complete Application:	Sent to 448 addresses within 120 metres of the subject property on January 8, 2019.
Public Notice Sign:	Sign posted: January 14, 2019 Sign updated: January 6, 2021
Notice of Public Meeting:	Sent to 140 property owners within 120 metres of the subject property on January 15, 2021.
Public Consultation:	The applicant’s planning consultant hand delivered a public information letter to 95 properties within 120 metres of the subject lands on September 23, 2020.

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Public Comments:	None received.
Processing Time:	794 days.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Property:</b>	Six unit lodging house	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District

**Surrounding Land Uses:**

<b>North</b>	Single detached dwellings	“D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District
<b>East</b>	Single detached dwellings	“E” (Multiple Dwellings, Lodges, Clubs, etc.) District
<b>South</b>	Two, eight storey multiple dwellings	“E/S - 192” (Multiple Dwellings Lodges, Clubs, etc.) District, Modified
<b>West</b>	Single detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy

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framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis that follows.

### Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policies of the PPS also applies:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The existing dwelling is believed to be constructed circa 1895 and is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest. The proposal does not impact the exterior of the building and will conserve the heritage resource as no exterior modifications are proposed. Staff are of the opinion that the proposed development is consistent with the PPS.

As the application for a change in zoning complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (PPS) (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

### Urban Hamilton Official Plan

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

#### Neighbourhoods

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“E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.”

#### Neighbourhoods Designation

“E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) residential dwellings, including second dwelling units and housing with supports.

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

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

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

#### Medium Density Residential

“E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

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- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
  - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
  - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
  - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

The proposed multiple dwelling is contemplated by Policies E.3.2.3 and E.3.5.2. In accordance with Policy E.2.6.4, the proposal adds to the provision of a full range of housing types and tenure in the Neighbourhoods designation by providing additional housing opportunities. The proposal is compatible with, and will maintain the existing character and function of the neighbourhood, and there is no conflict with the transition to the abutting low density residential properties to the north, as the existing building will remain and no exterior alterations to the existing building are proposed (Policies E.2.6.7, E.3.2.4, E.3.3.2 and E.3.5.9 b)).

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The proposed multiple dwelling has a net residential density of 98 units per hectare. This is within the density range for medium density residential uses (Policy E.3.5.7). In accordance with Policy E.3.3.1, the subject lands are located on Wellington Street South which is identified as a major arterial road on Schedule C – Functional Road Classification of the UHOP. The subject property is located just south of the Hunter Street East and Wellington Street South intersection and is located at the “T” intersection where Stinson Street (a collector road) meets Wellington Street South (Policy E.3.5.1 and E.3.5.9 a)). The subject property is within proximity to Corktown Park and Carter Park. Further, it is located on HSR bus route 5, is within 400 metres of a frequently serviced transit corridor (Main Street East) and is 900 metres from the Hunter Street GO Station (Policy E.3.5.5).

The proposal is integrated with the surrounding neighbourhood with respect to density, design, physical and functional considerations. The neighbourhood has properties with densities ranging from low to high. As no physical changes are proposed to the existing building, form and massing remain consistent with the neighbouring properties to the north and east.

The applicant is seeking a reduction in required parking spaces from six spaces to four spaces. The reduction is for one required visitor parking space and one required resident space. Staff are of the opinion that this reduction can be supported as the property is directly located on HSR bus route 5, is within 400 metres of a frequently serviced transit corridor (Main Street East), within 900 metres of the Hunter Street GO Station, is located on a signed on-street bicycle route which leads to designated bike lanes on Hunter Street East and Ferguson Avenue South, and is within walking distance of downtown Hamilton employment opportunities (E.3.5.9 c)). While street parking is available in the neighbourhood, it should be noted that if permit parking was instituted, the residents of the proposed multiple dwelling would not be eligible to obtain street parking permits as more than three units are proposed.

The property offers residents amenity space in the form of two front verandas and rear patio space. The property is adequately landscaped and includes a mature tree in the front yard. The rear yard consists of patio space, a garage, and parking area. As the parking will remain as currently used and given the low number of vehicles using the space, no additional buffering methods are proposed. Access to the property minimizes conflict between traffic and pedestrians. Pedestrians can access the property from the front sidewalk along Wellington Street South, while vehicles can park on Wellington Street South or access the rear parking area via an existing right of way access over the rear lots of 128 and 126 Wellington Street South and 1 Ford Street, which leads to a City alley running between Wellington Street South and Ford Street (Policy E.3.5.9 c) and d)).

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Residential Intensification

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g), as follows;
  - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
  - c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
  - e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
  - f) infrastructure and transportation capacity; and,
  - g) the ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- a) the matters listed in Policy B.2.4.1.4;
  - b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
  - c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

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- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts.”

This proposal represents a form of intensification within the existing neighbourhood. As there is no external construction proposed, there will not be a change to the existing character of the neighbourhood in terms of built form. The neighbourhood has a variety of housing types, ranging from single detached dwellings, to multiple dwellings, occurring in many different scales and forms. There will be no change to the existing character of the neighbourhood as a result of this proposal. In addition, the proposal builds on the existing housing options in the area through the inclusion of additional rental units (Policy B.2.4.1.4 b) c) and d)).

The subject property is serviced by municipal sewer and water infrastructure and can adequately service the proposed development. The existing road network can accommodate the minimal increase in vehicular traffic. Additionally, the subject property is situated on an HSR bus route and is in proximity to other local and regional transit options and designated bike routes (Policy B.2.4.1.4 f) and B.2.4.2.2 j)).

In addition to Policy B.2.4.1.4, Policy B.2.4.2.2 must be evaluated when considering an application for residential intensification in the Neighbourhoods designation. In terms of compatibility with adjacent land uses, the proposal is compatible with adjacent land uses. As no new construction is proposed, there will be no impacts on shadowing and overlook, and no new exterior lighting is proposed. A noise study was commissioned by the applicants which identified that the main source of noise was from vehicular traffic on Wellington Street South with secondary sources from Young Street and the CP/Metrolinx railway line to the south of the subject lands. The study recommended warning clauses pertaining to noise be included on rental agreements and that the

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owner incorporate forced air ducts for central air-conditioning in addition to ensuring double glazed windows meet the requirements of the Ontario Building Code. A memo has been sent to the Building Division advising them of the requirements for final building plans and approval (Policy B.2.4.2.2 b)). A Holding Provision has been included which will ensure that a Building Permit is applied for and that the noise study recommendations are implemented.

The rear of the property is currently used informally for parking. The proposed parking will add one additional parking space to the property which will have a minimal effect on traffic in the right-of-way easement and alley. The right-of-way is a historic agreement between the property owners of 130, 128 and 126 Wellington Street South and 1 Ford Street which allows for free and uninterrupted pedestrian and vehicular access through and over the rear portions of the properties to access the City alley running between Ford Street and Wellington Street South (Policy B.2.4.2.2 b)).

The proposal is compatible with adjacent land uses and lot patterns in terms of height, massing and lot configuration. The existing building is two and a half storeys in height and is beside two, eight storey multiple dwellings and a two and a half storey dwelling. The proposed density offers a transition from the high density multiple dwelling to the lower density residential uses to the north of the property (Policy B.2.4.2.2 c), d), and e)).

The property offers residents amenity space in the front yard with two verandas. There is also private amenity space in the rear of the property with a patio space at ground level. The provision of amenity space at the front and rear of the property is consistent with the character of the neighbourhood where many dwellings have front porches and private rear yard amenity space. The proposal also maintains the existing streetscape patterns including building separations and setbacks (Policy B.2.4.2.2 f) and g)).

With the provision of additional rental units, this proposal will complement the existing functions of the neighbourhood. The additional units will provide additional housing opportunity for residents, in proximity to downtown Hamilton employment opportunities. Additional residents will also help to support local businesses. Having additional housing opportunities in the neighbourhood is also transit supportive which benefits area residents (Policy B.2.4.2.2 h)).

The existing dwelling is believed to be constructed circa 1895 and is included on the City's Inventory of Buildings of Architectural and/or Historical Interest. The proposed intensification does not impact the exterior of the building and will conserve the heritage resource (Policy B.2.4.2.2 i)).

## Urban Design Policies

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- “B.3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) respecting existing character, development patterns, built form, and landscape;
  - b) promoting quality design consistent with the locale and surrounding environment;
  - c) recognizing and protecting the cultural history of the City and its communities;
  - f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
  - h) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- c) encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales;”

The proposal respects the existing character of the neighbourhood by preserving the building and existing landscaping, with no proposal for any physical changes. The existing building is included on the City’s Inventory of Buildings of Architectural and/or Historical Interest and the internal conversion supports the importance of preserving the community’s identity and the existing character and streetscape (Policy B.3.3.2.3).

Through the intensification of an existing building and use of a permeable surface in the parking area, this proposal achieves a level of environmental sustainability through the use of existing building materials and allowing stormwater to permeate into the ground rather than contribute to the stormwater system (Policy B.3.3.2.8 c)).

Therefore, the proposal complies with the Urban Hamilton Official Plan.

Corktown Neighbourhood Plan

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The subject property is designated “Single and Double” within the Corktown Neighbourhood Plan. The “Single and Double” designation does not reflect the proposed multiple dwelling. Therefore, staff recommend the Neighbourhood Plan be amended to designate the lands “Medium Density Apartments” to reflect the proposal.

The policies of the Corktown Neighbourhood Plan contemplate infilling within the Neighbourhood Residential Area. Policies also direct housing heights in the eastern part of the neighbourhood to reflect the traditional low rise character.

The proposed multiple dwelling will be facilitated within the existing structure and will preserve the historic character of the existing building and neighbourhood overall. Therefore, the proposed amendment to the Corktown Neighbourhood Plan is appropriate and is supported by staff.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District. To implement the proposed development, the applicants have applied for a change in zoning to modify the existing “D” District.

The applicant has requested 16 site specific modifications to accommodate the proposal which are summarized on page 4 of Report PED21024. Some of the requested modifications recognize the existing building on the property, while the remaining modifications address parking and access matters. A detailed discussion of the merits of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “D” to Report PED21024.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Growth Planning Section, Planning and Economic Development Department	No comment	None
Forestry and Horticulture Section, Public	No comment	None

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Works Department		
Recycling and Waste Disposal Section, Public Works Department	<ul style="list-style-type: none"> <li>• The property is eligible for municipal collection service.</li> <li>• Property owner must contact the Environmental Service Division to request service.</li> </ul>	None
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Support Zoning By-law amendment.</li> <li>• Minimal increase in vehicular traffic is expected and be accommodated by the current road network.</li> </ul>	None
Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• No Right-of-Way dedication is required.</li> <li>• No objection to the Zoning By-law Amendment.</li> <li>• Existing municipal services can support the proposal.</li> <li>• No objection to the use of gravel for parking purposes.</li> <li>• It is the owner's responsibility to ensure that the existing private sewer and water services are able to support the proposed development. Required Servicing permits will be required if existing services are inadequate.</li> </ul>	None

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 448 property owners within 120 metres of the subject property on January 8, 2019. A public notice sign was posted on the property on January 14, 2019 and updated on January 6, 2021. Notice of the Public Meeting was given on January 15, 2021 in accordance with the requirements of the *Planning Act*.

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### Public Consultation Strategy

The applicant's Public Consultation Strategy included hand delivering a public information letter to 95 properties within 120 metres on September 23, 2020. Letters were also provided to property managers of nearby multiple dwellings to post in common areas for residents' information. The letter included information about the proposal and provided the contact number of the planning consultant on file for residents to contact if they had questions.

To date, City staff have received two general inquiries and no written correspondence.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing additional rental housing options, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. The application for Zoning By-law Amendment is for a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District.

The proposed zoning modification will permit a form of residential intensification within the built-up area. As there are no changes proposed to the building, there will be no change to the form and character of the area. The proposal will maintain adequate on-site parking in the rear of the property and provide amenity space for the residents in the front and rear yard. The proposal meets the medium density residential density requirements.

The proposed Zoning By-law Amendment meets the intent of the "Neighbourhoods" designation of the UHOP and the residential intensification policies, with some modifications required to recognize the existing built form. The modifications are identified on page 4 of Report PED21024 and discussed in detail in Appendix "D" to Report PED21024.

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 18 of 19**

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Therefore, staff support the change in zoning.

3. Holding Provision

The existing building has been illegally converted to a six unit multiple dwelling without the necessary Building Permits. An 'H' Holding Provision is being proposed on the subject lands to ensure that a Building Permit is applied for to the satisfaction of the Chief Building Official, Building Division, thereby legally establishing the six unit multiple dwelling.

In addition, staff are placing an 'H' Holding Provision on the subject lands to ensure that the recommendations contained in the Noise Impact Study, dated December 7, 2018 are implemented to the satisfaction of the Chief Building Official, Building Division through the Building Permit application.

The Holding Provisions are included in Appendix "B" to Report PED21024.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property would remain zoned "D" (Urban Protected Residential – One and Two Family Dwellings, Etc) District, in the City of Hamilton Zoning By-law No. 6593. Furthermore, the applicant would be required to discontinue the use of the existing building as a six unit multiple dwelling.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 130 Wellington Street South, Hamilton (PED21024) (Ward 2) - Page 19 of 19**

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**Built Environment and Infrastructure**

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - Location Map

Appendix "B" - Draft Amendment to Zoning By-Law No. 6593

Appendix "C" - Concept Plan

Appendix "D" - Zoning By-law Site Specific Modification – Chart



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-21:455

**APPLICANTS:** Agent Michael Barton  
 Owner Malleum Real Estate Partners IV

**SUBJECT PROPERTY:** Municipal address **6-8 Steven St., Hamilton**

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

**ZONING:** "TOC1" (Transit Oriented Corridor Mixed Use Medium Density) district

**PROPOSAL:** To permit the creation of two (2) lots as per Consent Application HM/B-21:125 and in addition to permit the existing uses to be maintained, notwithstanding that;

Lands to be retained (571 – 575 King Street East):

1. A minimum rear yard of 5.0m shall be permitted instead of the minimum 7.5m rear yard required.
2. A balcony shall be permitted to encroach into a required rear yard a maximum of 2.5m and therefore may be located as close as 2.5m from a rear lot line instead of the maximum 1.0m encroachment permitted.
3. A porch shall be permitted to encroach into a required rear yard a maximum of 2.5m and therefore, may be located as close as 2.5m from a rear lot line instead of the maximum 1.5m encroachment permitted.

Lands to be severed (6 – 8 Steven Street):

1. A minimum 0.0m setback shall be permitted from a street line instead of the minimum 3.0m setback required.
2. The existing easterly yard shall be permitted as the rear yard instead of the minimum 7.5m rear yard required.
3. No parking spaces shall be required instead of the minimum two (2) parking spaces required.

Notes: This application is to be heard concurrently with Consent Application HM/B-21:125.

HM/A-21: 455  
Page 2

The applicant requested a variance to the rear yard of 6.79m to the retained lands; however, the proposed rear yard appears to be less. In addition, the new rear yard for the severed lands was not shown. The applicant shall ensure that the rear yard variances as well as the encroachments variances are correct; otherwise, further variances shall be required.

The applicant requested a variance to permit zero parking spaces for the retained lands; however, this variance is not required as no parking is required to be maintained for these lands.

Building records indicate that the recognized use is for the severed lands (6 & 8 Steven Street) is a semi-detached two (2) family dwelling which is permitted as "existing" use prior to the passing of the by-law (Feb. 14, 2018).

Building records indicate that the recognized use for the retained lands (571-575 King Street East) is a building containing three (3) commercial units on the ground floor and three (3) dwelling units above.

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

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**DATE:** Thursday, February 17th, 2022  
**TIME:** 1:25 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeefadjustment](http://www.hamilton.ca/committeefadjustment)  
 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/committeefadjustment](http://www.hamilton.ca/committeefadjustment)
- 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: February 1st, 2022.

---

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.***

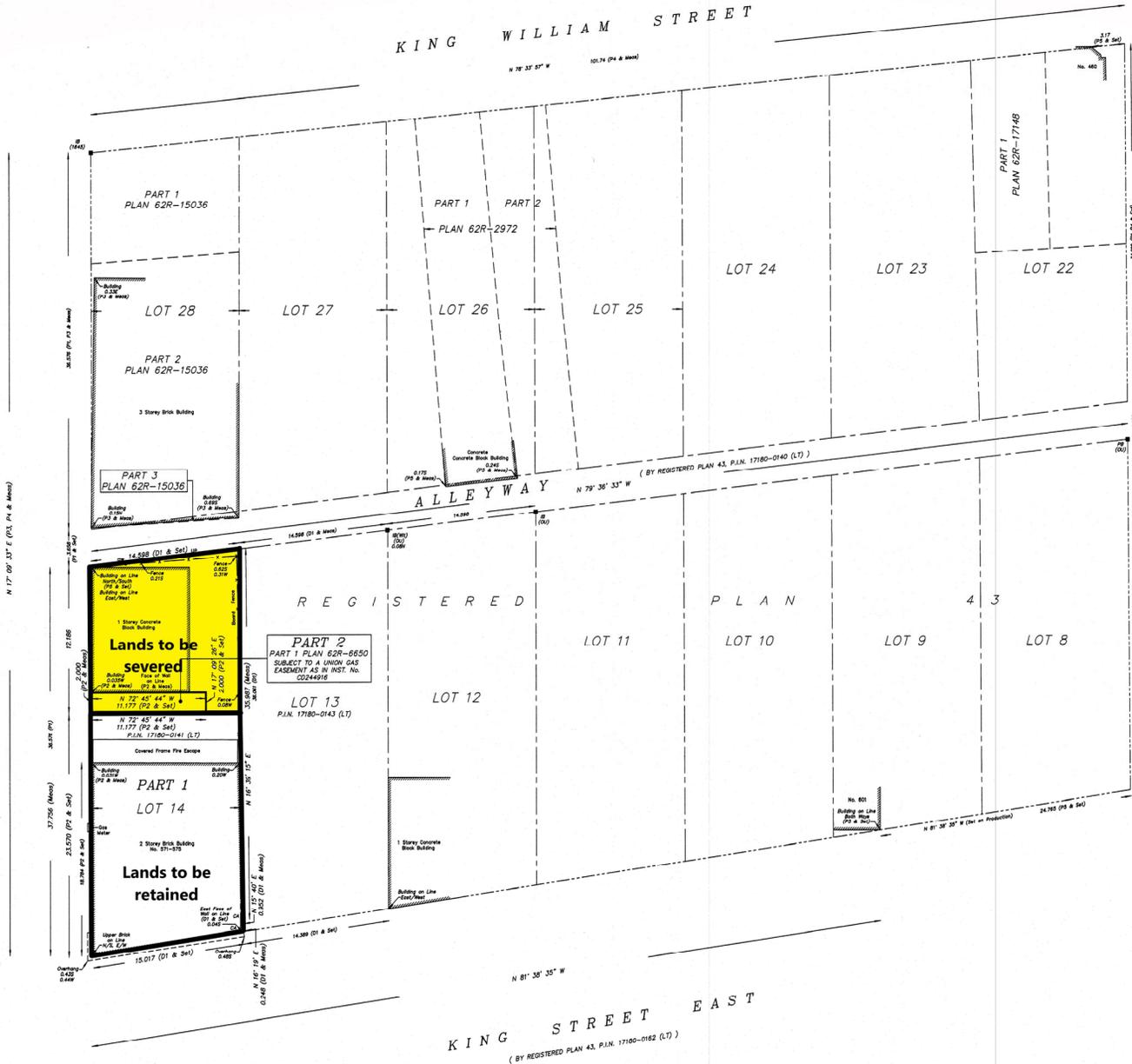


STEVEN STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0001 (L1))

KING WILLIAM STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0140 (L1))

KING STREET EAST  
(BY REGISTERED PLAN 43, P.L.N. 17180-0162 (L1))

ASHLEY STREET

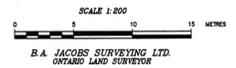


Severed lands  
 Retained lands

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 62R-	
DATE: _____		RECEIVED AND DEPOSITED DATE: _____	
BRYAN JACOBS ONTARIO LAND SURVEYOR		REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MINISTRY (PLN 42)	
SCHEDULE			
PART	LOT	PLAN	P.L.N.
1	PART OF LOT	REGISTERED PLAN 43	PART OF P.L.N. 17180-0141 (L1)
2			
3			

PARTS 1, 2 & 3 COMPRISE ALL OF P.L.N. 17180-0141 (L1).

PLAN OF SURVEY OF  
LOT 14 & PART OF LOT 13  
REGISTERED PLAN 43  
CITY OF HAMILTON



- LEGEND AND NOTES:**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT PLANTED
  - SSB DENOTES SHORT STANDARD IRON BAR
  - FB DENOTES PLASTIC BAR
  - RB DENOTES RIVET BAR
  - CA DENOTES CUT ARROW
  - CC DENOTES CUT CROSS
  - COB DENOTES CONCRETE ORNAMENT
  - WT DENOTES WITNESS
  - P1 DENOTES REGISTERED PLAN 43
  - P2 DENOTES PLAN 62R-6650
  - P3 DENOTES PLAN 62R-15036
  - P4 DENOTES PLAN 62R-17148
  - P5 DENOTES PLAN 62R-2972
  - D1 DENOTES INSTRUMENT NO. 02244916
  - (1745) DENOTES WICKLEY D.L.S.
  - G.M. DENOTES GUY WIRE
  - U.P. DENOTES UTILITY POLE

ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 525/91.

FOR BEARING COMPARISONS, A ROTATION OF 0.00034° COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-6650, PLAN 62R-15036 & PLAN 62R-17148.

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

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 07720100048 AND 07720100049, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999994.

POINT ID	NORTHING	EASTING
SCP 07720100048	4789886.533	592871.621
SCP 07720100049	4790174.765	592460.161

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

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON \_\_\_\_\_

DATE: \_\_\_\_\_

BRYAN JACOBS  
ONTARIO LAND SURVEYOR

**B.A. JACOBS SURVEYING LTD.**  
158 JACKSON STREET EAST, SUITE 108  
HAMILTON, ONTARIO (L8N 1L3)  
PHONE 905-521-1655 bjacobs@bajacobs.com

JOB No. 2140-B



**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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:

Severed lands: 1. To permit zero parking spaces while 2 spaces (1 per dwelling unit) are required (existing condition); 2. To permit a building setback from the street line (Steven Street) of 0.0 metres while 3.0 metres is required (existing condition); 3. To permit the existing rear yard setback

Retained lands: 1. To permit zero parking spaces while 1 space is required for 3 apartment units (0.3 per dwelling unit in a Transit Oriented Corridor zone)(existing condition); 2. To permit a minimum rear yard setback of 6.79 metres while 7.5 metres is required

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Please refer to Planning Justification Report submitted with this application.

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 14 and Part of Lot 13, Registered Plan 43, City of Hamilton

6 - 8 Steven Street & 571 - 575 King Street East

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use Retail on ground floor of 571-575 King St

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 8.1 to 8.10 above?

Knowledge of previous and current uses on the property

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

2021-12-01

Date

*TPearson*

Signature Property Owner(s)

Malleum Real Estate Partners IV LP

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>Conveyed (12.186 m); Retained (15.017 m)</u>
Depth	<u>Conveyed (14.6 m); Retained (23.57 m)</u>
Area	<u>Conveyed (0.01 ha); Retained (0.04 ha)</u>
Width of street	<u></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: \_

Semi-detached dwelling (6-8 Steven Street); Mixed Use Building (571-575 King St E) with 3 ground floor commercial units and 3 second floor apartments; common vehicular circulation area with no on-site parking

Proposed

Existing structures to be retained; conveyed lands to include the semi-detached dwelling and the land it occupies; retained lands to include the mixed use building and balance of property area

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

Existing:

Steven St - 0.0 m setback  
King St E - 0.0 m setback  
North property line - 0.0 m setback

Proposed:

Existing front and side yard setbacks to be retained  
Existing rear yard setback for conveyed lands  
New rear yard setback of 6.79 m for retained lands

13. Date of acquisition of subject lands:  
3 years
- 
14. Date of construction of all buildings and structures on subject lands:  
N/A (existing structures to be retained)
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Semi-detached dwelling (conveyed lands); mixed use building (retained lands)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Apartment building (north); parking lot (east); residential (south); mixed use (west)
17. Length of time the existing uses of the subject property have continued:
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:  
Mixed Use - Medium Density
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
TOC1
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 refer to Planning Justification Report submitted with this application.
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-21:125**

**SUBJECT PROPERTY: 6-8 Steven St. & 571-575 King St. E, 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 Michale Barton  
 Owner Malleum Real Estate Partners IV

**PURPOSE OF APPLICATION:**

To permit the conveyance of a parcel of land being the land known as 6-8 Steven St.(existing semi-detached dwelling to remain) and to retain a parcel of land known municipally as 571-575 King St E containing an existing mixed-use building. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

**Severed lands:**

12.186m<sup>±</sup> x 14.6m<sup>±</sup> and an area of 0.02 ha<sup>±</sup>

**Retained lands:**

15.017m<sup>±</sup> x 23.57m<sup>±</sup> and an area of 0.04 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

**DATE: Thursday, February 17<sup>th</sup> , 2022**

**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.

HM/B-21: 125  
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: February 1<sup>st</sup>, 2022

---

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.***

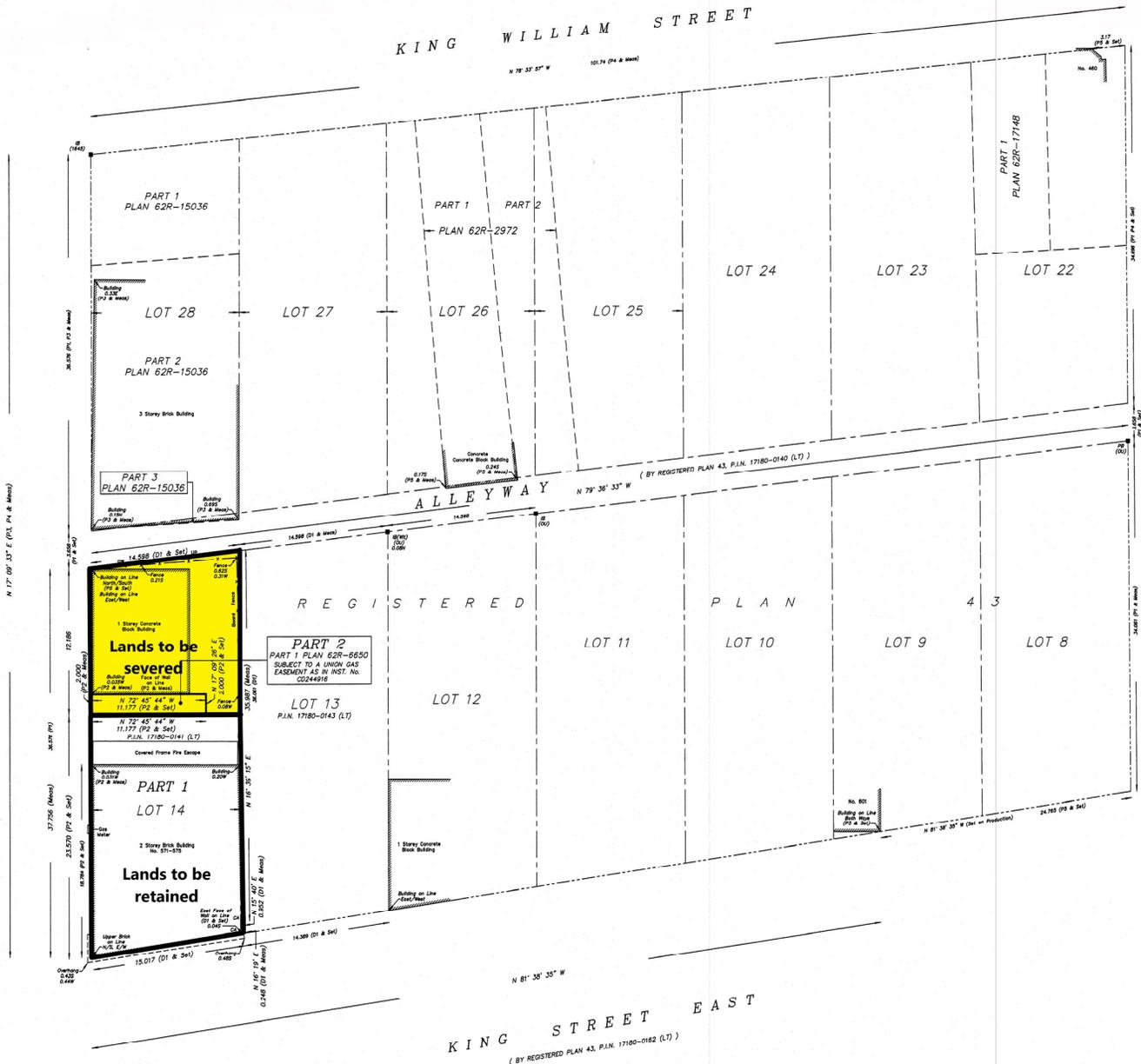


STEVEN STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0001 (L1))

KING WILLIAM STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0140 (L1))

ASHLEY STREET  
(BY REGISTERED PLAN 43, P.L.N. 17180-0140 (L1))

KING STREET EAST  
(BY REGISTERED PLAN 43, P.L.N. 17180-0162 (L1))



Severed lands  
 Retained lands

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

PLAN 62R-  
RECEIVED AND DEPOSITED

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

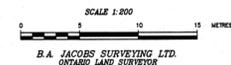
REPRESENTATIVE FOR LAND REGISTER FOR THE LAND TITLES DIVISION OF METROPOLIS (PLN. 42)

BRYAN JACOBS  
ONTARIO LAND SURVEYOR

SCHEDULE			
PART	LOT	PLAN	P.L.N.
1	PART OF LOT	REGISTERED PLAN 43	PART OF P.L.N. 17180-0140 (L1)
2			
3			

PARTS 1, 2 & 3 COMPRISE ALL OF P.L.N. 17180-0141 (L1).

PLAN OF SURVEY OF  
LOT 14 & PART OF LOT 13  
REGISTERED PLAN 43  
CITY OF HAMILTON



- LEGEND AND NOTES:**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT PLANTED
  - SSB DENOTES SHORT STANDARD IRON BAR
  - FB DENOTES FIBRE PLASTIC BAR
  - RB DENOTES RIVET BAR
  - CA DENOTES CUT ARROW
  - CC DENOTES CUT CROSS
  - (O) DENOTES ORIGIN UNKNOWN
  - WT DENOTES WITNESS
  - P1 DENOTES REGISTERED PLAN 43
  - P2 DENOTES PLAN 62R-6650
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  - D1 DENOTES INSTRUMENT NO. 02244916
  - (1845) DENOTES WICKLEY D.L.S.
  - G.M. DENOTES GUY WIRE
  - U.P. DENOTES UTILITY POLE

ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF ACCURACY AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 525/91.

FOR BEARING COMPARISONS, A ROTATION OF 0.00034° COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-6650, PLAN 62R-15036 & PLAN 62R-17148.

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

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 07720100048 AND 07720100049, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999994.

POINT ID	NORTHING	EASTING
SCP 07720100048	4789886.533	592871.621
SCP 07720100049	4790174.765	592460.161

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

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON \_\_\_\_\_

DATE \_\_\_\_\_

BRYAN JACOBS  
ONTARIO LAND SURVEYOR

**DRAFT**

B.A. JACOBS SURVEYING LTD.  
158 JACKSON STREET EAST, SUITE 108  
HAMILTON, ONTARIO (L8N 1L3)  
PHONE 905-521-1655 bjacobs@bajacobs.com

JOB No. 2140-B



Hamilton

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

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**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.:
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**1 APPLICANT INFORMATION**

1.1, 1.2

<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 Hamilton	Lot	Concession	Former Township
Registered Plan N°.	Lot(s) 13 (Part) and 14	Reference Plan N°. <b>43</b>	Part(s)
Municipal Address <b>6-8 Steven Street &amp; 571-575 King Street East</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:

Union Gas easement (instrument number CD244916)**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) 12.186	Depth (m) 14.6	Area (m <sup>2</sup> or ha) 0.02 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: Semi-detached dwellings (legal non-conforming)

Proposed: Existing semi-detached dwellings to be retained

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) 15.017	Depth (m) 23.57	Area (m <sup>2</sup> or ha) 0.04 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: Mixed use building (ground floor commercial, 3 apartment units on second floor)

Proposed: Mixed use building to be retained

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) Mixed Use - Medium Density

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

Please refer to Planning Justification Report submitted with this application.

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? Mixed Use (TOC1)

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 existing ground floor commercial
- 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?  
Knowledge of previous and current uses
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
Is the previous use inventory attached?  
 Yes             No

## 7 PROVINCIAL POLICY

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

Please refer to Planning Justification Report submitted with this application.

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

Please refer to Planning Justification Report submitted with this application.

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

Please refer to Planning Justification Report submitted with this application.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes       No

Please refer to Planning Justification Report submitted with this application.

- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No

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

- Yes       No  
 (Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes       No

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

- Yes       No      (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes       No

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

- Yes       No      (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

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

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

- 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.

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8.4 How long has the applicant owned the subject land?

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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.

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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 Concurrent with this application

**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.

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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)
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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):
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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 Planning Justification Report submitted 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.

2021-12-01  
 \_\_\_\_\_  
 Date

*TPearson*  
 \_\_\_\_\_  
 Signature of Owner



**Planning Justification Report  
6 – 8 Steven Street & 571 – 575 King Street East, Hamilton, ON**

**Prepared for:**

**The City of Hamilton  
October 2021**

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## 1. Introduction and Overview

### 1.1 *Qualifications and Expertise*

I (Michael Barton) am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

### 1.2 *Retainer*

I have been retained by the Owner of 6 – 8 Steven Street and 571 – 575 King Street East in Hamilton. These properties have merged on title to form the “Subject Property”. I have prepared this Planning Justification Report in support of a proposed consent to sever the existing semi-detached dwelling structure at 6 – 8 Steven Street (the “conveyed lands”) from 571 – 575 King Street East and the balance of the Subject Property (the “retained lands”).

### 1.3 *Background*

The Subject Property includes a semi-detached dwelling (6 – 8 Steven Street) and two-storey mixed use building (571 – 575 King Street East) that are situated on properties that have merged on title. The proposal includes consent to sever the semi-detached dwelling from the balance of the Subject Property through creation of a new lot. The conveyed lands will include only the area covered by the semi-detached dwelling while the retained lands will include the mixed use building and common vehicular circulation area. In addition to the consent, an application for minor variance has been submitted to permit zero parking on the conveyed and retained lands and to permit the proposed building setbacks.

### 1.4 *Summary of Land Use Planning Opinion*

It is my opinion that the proposed consent application will result in a land use pattern and built form that is appropriate and compatible with surrounding community, and:

- Satisfies the criteria under section 51(24) of the Planning Act;
- Is consistent with the applicable policies of the Provincial Policy Statement, 2020;
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; and
- Conforms to the Urban Hamilton Official Plan, including policies related to land division.

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It is also my opinion that the requested minor variances:

- Are consistent with the Provincial Policy Statement, 2020;
- Conform to the Growth Plan;
- Maintain the general purpose and intent of Urban Hamilton Official Plan;
- Maintain the general purpose and intent of Zoning By-Law 05-200;
- Are minor in nature; and
- Are desirable for the appropriate development and use of the Subject Property.

## **1.5 Recommendations**

Based on my land use planning analysis and opinion outlined in this Planning Justification Report, it is my recommendation that that the City of Hamilton approve the requested consent and minor variance applications for the Subject Property.

## **2. Existing Conditions and Context**

### **2.1 Site Location and Existing Conditions**

The Subject Property is located on the northeast corner of the intersection of King Street East and Steven Street as illustrated in **Figure 1**. **Figure 2** includes an excerpt from the existing property survey for the Subject Property that illustrates the existing property limits and structures. The Subject Property is currently occupied by the following:

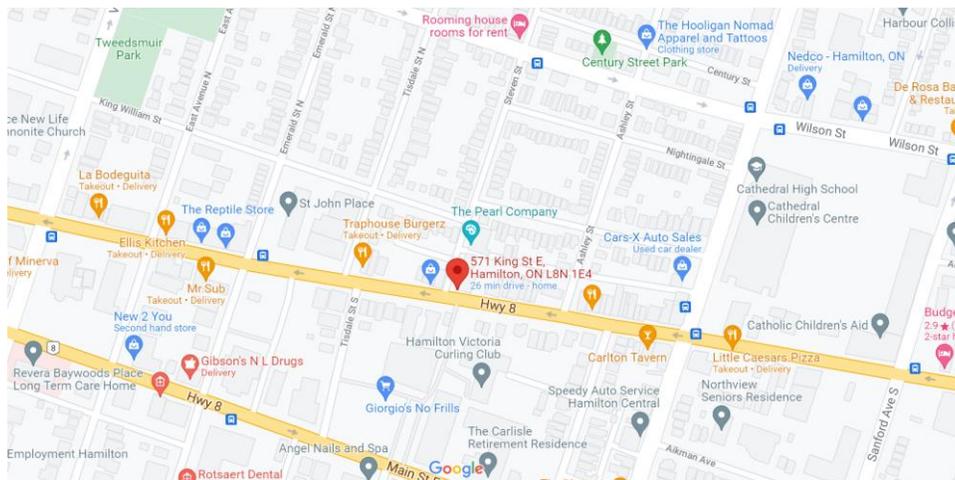
- A 1-storey semi-detached dwelling known municipally as 6 – 8 Steven Street;
- 2-storey mixed use building known municipally as 571 – 575 King Street East, that includes 3 apartment units on the second floor and 3 commercial units (total of just over 250 m<sup>2</sup> floor area);
- Common driveway and vehicular circulation area.

These addresses have merged on title to form the Subject Property. **Figure 3** provides an aerial view of the subject property and surrounding area. **Figure 4 and Figure 5** include street views of the existing structures at 571 – 575 King Street East and 6 – 8 Steven Street respectively.

The following existing conditions are important to keep in mind:

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- The mixed use building at 571 – 575 King Street East has been constructed up to the westerly property line along Steven Street, the southerly property line along King Street East and the easterly property line abutting 579 King Street East;
- The 1-storey semi-detached dwelling has been constructed up to the westerly property line along Steven Street;
- Both structures on the Subject Property are accessed from Steven Street via a shared driveway that provides access to a common vehicle circulation area;
- There is no formal surface parking area on the property for either the semi-detached dwelling or the residential units in the mixed use building (i.e. residents, employees and customers rely on off-site parking, transit and active modes of transportation).



**Figure 1 – Site Location**



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Figure 4 – Mixed Use Building at 571 – 575 King Street East (from King Street East)



Figure 5 – Semi-Detached Dwelling at 6 – 8 Steven St and Rear of 571 – 575 King St E (from Steven Street)

## 2.2 Surrounding Uses and Built Form

The subject property is surrounded by the following uses:

- To the north: 3-storey apartment building occupying the most of the property area at 16 Steven Street with no on-site parking for the apartment units (**Figure 6**);
- To the south: Single detached dwelling and apartment buildings on south side of King Street East with minimal on-site parking and vehicular circulation area (**Figure 7**);
- To the east: Surface parking lot (**Figure 8**); and
- To the west: Mixed use building on the northwest corner of the King Street East and Steven Street intersection (**Figure 9**).

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The Subject Property benefits from sidewalks on both sides of King Street East and Steven Street. There is also existing transit service along King Street East with an existing stop directly in front of 571 – 575 King Street East.



**Figure 6 – Apartment Building to North of Subject Property (6 – 8 Steven St on right side of picture)**



**Figure 7 – Single Detached Dwellings to South of Subject Property**

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**Figure 8 – Surface Parking Lot to East of Subject Property**



**Figure 9 – Mixed Use Building to West of Subject Property (Northwest Corner of King/Steven)**

## **2.3 Existing Land Use Designations**

### **2.3.1 Urban Hamilton Official Plan**

**Figure 10** includes an excerpt from Urban Hamilton Official Plan Schedule E-1 and indicates that the Subject Property is designated “Mixed Use – Medium Density”. **Figure 11** includes an excerpt from Schedule E, which designates the Subject Property a part of the “Neighbourhoods” structural element. King Street East is also identified as a “Primary Corridor”.

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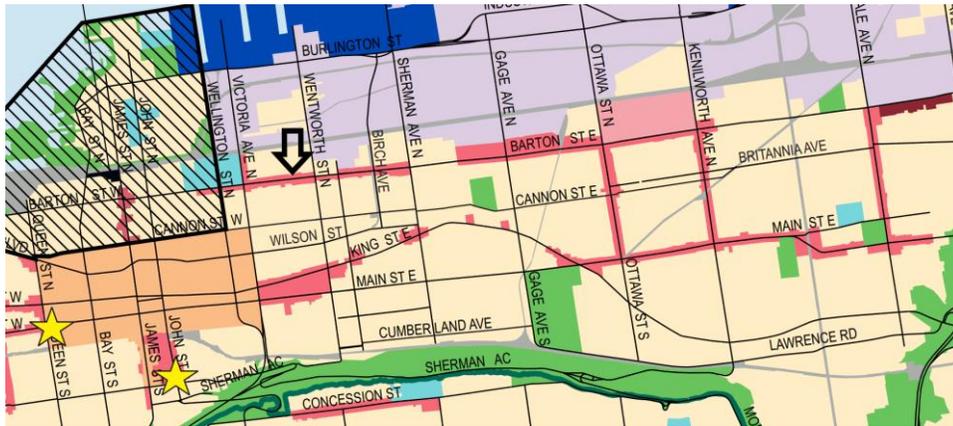


Figure 10 – Excerpt from Schedule E-1 of the Urban Hamilton Official Plan

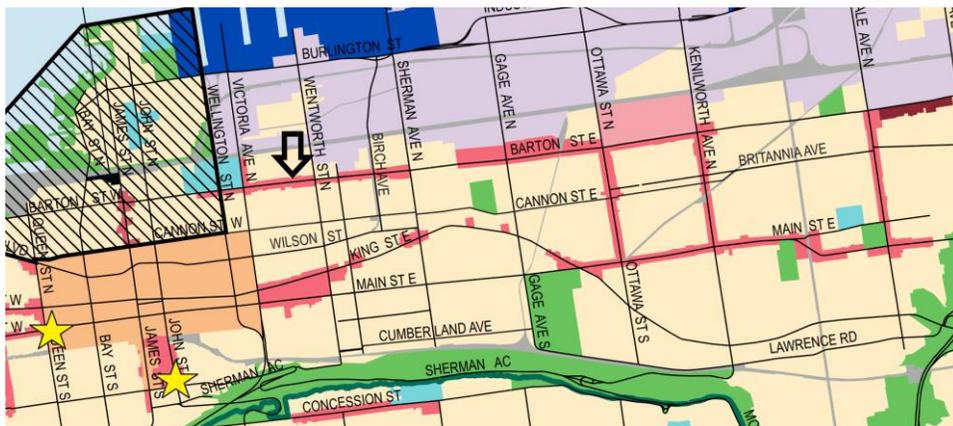


Figure 11 – Excerpt from Schedule E

## 2.3.2 City of Hamilton Zoning By-Law 05-200

As illustrated in **Figure 12**, the subject property is zoned *Mixed Use (TOC1)*, as well as the adjacent properties fronting onto King Street East.

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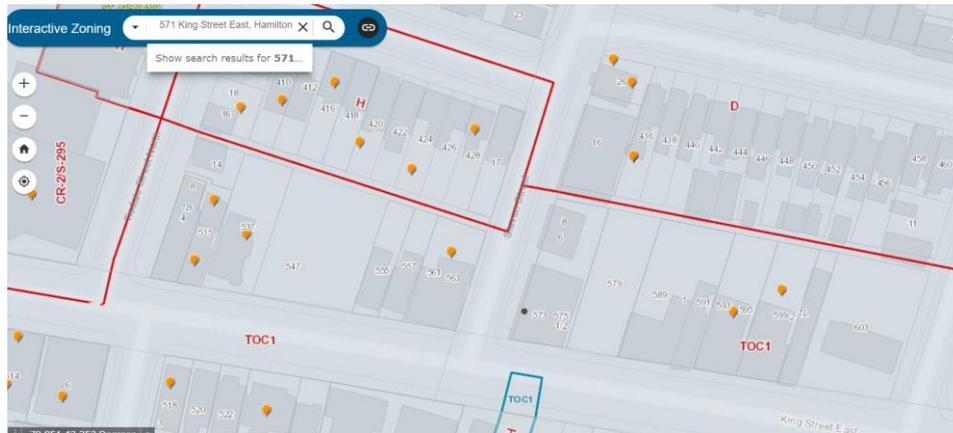


Figure 12 – Zoning By-Law Designation on Subject Property

### 3. Development Proposal

#### 3.1 Proposal Details

The proposal for the Subject Property involves an application to sever the existing semi-detached dwelling structure from the balance of the property, as illustrated in the reference plan in **Figure 13**. The common vehicular circulation area east and south of 6 – 8 Steven Street will remain with the retained lands, with the conveyed lands being comprised of only of the lands occupied by the existing structure at 6 – 8 Steven Street.

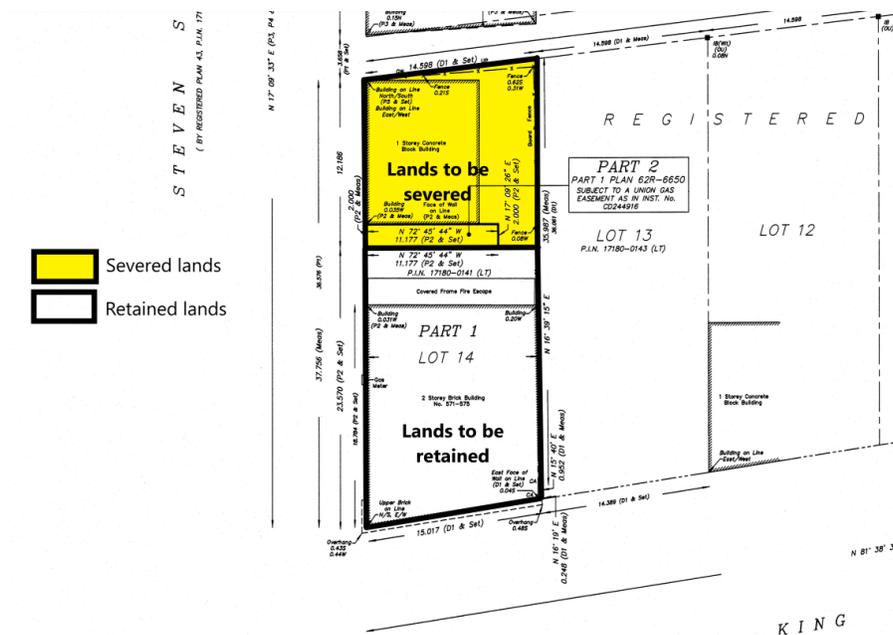


Figure 13 – Proposed Severance Reference Plan

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The following are key considerations to keep in mind in evaluating the proposal and Committee of Adjustment applications:

- The Subject Property represents a merger of previously separately registered properties; the proposed consent will establish the semi-detached dwelling and mixed use building as separate parcels and allow for separate ownership and use of these structures and properties;
- The two structures on the property are legally recognized with separate addresses and separate MPAC assessments and tax roll numbers;
- The existing residential units at 6 – 8 Steven Street will be separated from the mixed use building at 571 – 575 King Street East;
- The proposal provides an opportunity for the semi-detached dwelling (currently a legal non-conforming use) to be developed for a use permitted under the current zoning designation;
- The existing structures on both the conveyed and retained lands will be maintained in their current form, and these structures existed at the time the properties merged; and
- There is existing transit service and stops, as well as sidewalks and surface and on-street parking in close proximity to the Subject Property that facilitate transit and active modes of transportation.

### **3.2 Land Use Planning Applications**

An application has been submitted to the City of Hamilton for consent to sever the Subject Property to establish separate parcels for the semi-detached dwelling at 6 – 8 Steven Street and the mixed use building and vehicular circulation area at 571 – 575 King Street East. The following minor variances are also requested to facilitate the proposed consent:

#### *Conveyed lands*

- To permit zero parking spaces while 2 spaces (1 per dwelling unit) are required (existing condition);
- To permit a building setback from the street line on Steven Street of 0.0 metres while 3.0 metres is required (existing condition); and
- To permit the existing minimum rear yard setback.

#### *Retained lands*

- To permit zero parking spaces while 1 space is required for the 3 apartment units (0.3 spaces per unit in a Transit Oriented Corridor zone) (existing condition);
- To permit a minimum rear yard setback of 6.79 metres while 7.5 metres is required.

## 4. Land Use Planning Analysis

### 4.1 Provincial Policy Context

#### 4.1.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS 2020) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

It is my opinion that the development proposal and Committee of Adjustment applications are consistent with the applicable policies of PPS 2020. The following policy matrix summarizes the policies of PPS 2020 that are applicable to this application and my land use planning analysis.

**Policy Analysis Matrix – PPS 2020**

Policy Section	Policy Analysis
<p><b>Part V: Policies</b></p> <p><b>1.0 Building Strong Healthy Communities</b></p> <p>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p> <p>1.1.1 Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective</p>	<ul style="list-style-type: none"> <li>• The development proposal will maintain the existing semi-detached dwelling units and second floor dwelling units in the mixed use building while separating these uses onto separate parcels;</li> <li>• The proposed dwelling units are and will remain connected to existing municipal services already installed and available in the community;</li> <li>• The proposal will provide opportunities for separate owners to undertake enhancement of the existing uses and increase their positive contribution and support to the community;</li> <li>• The Subject Property is located within the existing Urban Area and is only just over 500 metres from the downtown core;</li> <li>• The maintenance of the existing residential units on separate properties with no on-site parking spaces represents efficient land use that is transit-supportive and also compatible with the existing land use and built form character of the surrounding area.</li> </ul>

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<p>development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>	
<p><b>1.1.3 Settlement Areas</b></p> <p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.</p> <p>Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.</p> <p><b>1.1.3.1 Settlement areas shall be the focus of growth and development.</b></p> <p><b>1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</b></p> <ol style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ol> <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p> <p><b>1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health</b></p>	<ul style="list-style-type: none"> <li>• The Subject Property is located within the existing Urban Area and the designated "Mixed Use – Medium Density" under the Urban Hamilton Official Plan; the Subject Property is also located within the "Neighbourhoods" community structure;</li> <li>• The proposal will make more efficient use of an existing property located on a primary corridor and in a Transit-Oriented zone;</li> <li>• The proposed severance in conjunction with no parking on the conveyed or retained lands will facilitate the objectives of "Transit-Supportive" development and "Active Transportation" as defined in Section 6.0;</li> <li>• The proposal represents compact land use and built form character that respects the quality and character of the surrounding community, including the mix of uses, minimal building setbacks and lack of on-site parking</li> </ul>

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<p>and safety.</p> <p>1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.</p> <p>1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	
<p>1.3 Employment</p> <p>1.3.1 Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>	<ul style="list-style-type: none"> <li>• The proposal will maintain the existing ground floor commercial area on the retained lands that will be immediately available for a wide range of commercial and employment activities;</li> <li>• The existing structures on the conveyed and retained lands cover a significant portion of these lands and represent compact and transit-supportive built form;</li> <li>• The proposal will separate the semi-detached dwelling from the mixed use building but maintain the mix of uses in the community;</li> <li>• The conveyed and retained lands will utilize existing services and infrastructure;</li> <li>• The proposed severance will not adversely impact the parking supply available to the conveyed and retained lands relative to existing conditions;</li> </ul>
<p>1.4 Housing</p> <p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered</p>	<ul style="list-style-type: none"> <li>• The proposal will maintain range of housing options on the Subject Property and available in the community in close proximity to transit service and infrastructure supportive of active modes of transportation;</li> <li>• The proposed density and built form character are compatible with the surrounding community, including the building setbacks and proposed parking supply; and</li> <li>• The proposed built form and density is transit-supportive and will make efficient use of existing services and infrastructure.</li> </ul>

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plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

It is my opinion that the development proposal is consistent with PPS 2020 on the following basis:

- The proposal will represent efficient and compact use of land and available municipal services in an existing mixed use community;

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- The proposal will maintain the number and range of dwelling types available in the community, along with commercial floor area that is available for immediate employment use;
- The proposed lots and structures will be compatible with the existing land use and built form character of the surrounding area, including setbacks and lack of on-site parking supply; and
- The proposal supports objectives for transit and active transportation, particularly given the location of the Subject Property in close proximity to existing transit corridors and does not provide on-site parking opportunities.

## 4.1.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor in Council, Order in Council No 1244/2020 to take effect on August 28, 2020. As set out in Section 1.2.2 of this Plan, all decisions in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise.

The following policy matrix provides an overview of the relevant policies of the Growth Plan.

### Policy Matrix – A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

Policy Section	Policy Analysis
<p><b>Section 1.2.1 Guiding Principles</b></p> <ul style="list-style-type: none"> <li>• Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.</li> <li>• Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.</li> <li>• Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.</li> <li>• Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.</li> </ul>	<p>The development proposal is supportive of these Guiding Principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal will intensify land use while maintaining the existing residential density and commercial floor area, which will ensure compatibility of land use in the established urban area and mixed use neighbourhood;</li> <li>• The proposal seeks to maintain existing built form character with minimal building setbacks and no on-site parking as opposed to providing new surface parking and open space characteristics;</li> <li>• There are no natural heritage features on or adjacent to the Subject Property that will be impacted by the proposal;</li> <li>• The proposal supports the concept of “complete communities” per the following definition from Section 6.0:</li> </ul> <p><b>Complete Communities:</b> Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing,</p>

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	<p>transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.</p>
<p><b>2.2 Policies for Where and How to Grow</b></p> <p><b>2.2.1 Managing Growth</b></p> <p>2. Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> <li>i. have a delineated built boundary;</li> <li>ii. have existing or planned municipal water and wastewater systems; and</li> <li>iii. can support the achievement of complete communities;</li> </ul> <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> <li>i. delineated built-up areas;</li> <li>ii. strategic growth areas;</li> <li>iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and</li> <li>iv. areas with existing or planned public service facilities;</li> </ul> <p>d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;</p> <p>e) development will be generally directed away from hazardous lands; and</p> <p>f) the establishment of new settlement areas is prohibited.</p> <p>4. Applying the policies of this Plan will support the achievement of complete communities that:</p> <p>a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;</p> <p>b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;</p> <p>c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;</p> <p>d) expand convenient access to:</p> <ul style="list-style-type: none"> <li>i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;</li> <li>ii. public service facilities, co-located and integrated in community hubs;</li> <li>iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and</li> <li>iv. healthy, local, and affordable food options, including through urban agriculture;</li> </ul>	<ul style="list-style-type: none"> <li>• The Subject Property is an appropriate location for growth and intensification due to its location in the existing urban area and in close proximity to transit corridors;</li> <li>• The development proposal will connect to and make efficient use of existing municipal services;</li> <li>• The proposal will facilitate “compact built form” per the following definition:</li> </ul> <p><b>Compact Built Form:</b> A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.</p>

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<p>e) provide for a more compact built form and a vibrant public realm, including public open spaces;</p> <p>f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and</p> <p>g) integrate green infrastructure and appropriate low impact development.</p>	
<p>2.2.6 Housing</p> <p>1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <p>i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and</p> <p>ii. establishing targets for affordable ownership housing and rental housing;</p>	<ul style="list-style-type: none"> <li>• The development proposal will maintain the range and availability of housing options in the community in a manner that is consistent and compatible with the built form and land use character.</li> <li>• The proposed severance will allow for separate ownership and operation of the semi-detached dwelling and mixed use building, and encourage enhancement of these uses.</li> </ul>

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Growth Plan for the following reasons:

- The proposal will maintain the population density and residential intensity of the Subject Property in a manner that is compatible with the land use and built form character of the surrounding community;
- The proposal supports the concept of “complete communities” by maintaining the number of residents living on the Subject Property and in the neighbourhood in a manner that encourages use of transit and active modes of transportation;
- The existing structures are connected to existing municipal services with available allocation rather than requiring extension or upgrades of services or infrastructure; and
- The proposal will facilitate compact built form that is transit-supportive and a hallmark of complete communities.

## 4.2 *Municipal Policy Context*

### 4.2.1 Urban Hamilton Official Plan

The following policy matrix summarizes the relevant policies of the Urban Hamilton Official Plan.

#### **Policy Matrix – Urban Hamilton Official Plan**

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Policy Section	Policy Analysis
<p><b>2.4 Residential Intensification</b></p> <p><b>2.4.1 General Residential Intensification Policies</b></p> <p>2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.</p> <p>2.4.1.2 The City’s primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.</p> <p>2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:</p> <ul style="list-style-type: none"> <li>a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.</li> <li>b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.</li> <li>c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.</li> </ul> <p>2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:</p> <ul style="list-style-type: none"> <li>a) a balanced evaluation of the criteria in b) through g), as follows;</li> <li>b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;</li> <li>c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;</li> <li>d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;</li> <li>e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;</li> <li>f) infrastructure and transportation capacity; and,</li> <li>g) the ability of the development to comply with all applicable policies.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of dwelling units and residential density across the Subject Property will not change under the proposal. The conveyed and retained lands will have different residential density than the Subject Property under current conditions, but there will be no change in the built form character relative to existing conditions.</li> <li>• The built form on the conveyed and retained lands will be more compact in the sense that new setbacks are being created, including the conveyed lands having zero setbacks to the retained lands. However, the existing character of the built form will be maintained.</li> <li>• There is currently no on-site parking available for the semi-detached dwelling or mixed use building. Therefore, the proposal maintains this existing condition, which supports transit and active modes of transportation while also relying on existing on-street and off-street parking opportunities in the surrounding community.</li> <li>• There will be no net increase in parking demand or requirements associated with the proposal relative to the residential units under existing conditions.</li> <li>• The Subject Property is located on a “Primary Corridor”, which is an appropriate location for intensified land use and uses that rely on transit and active modes of transportation with no on-site parking.</li> <li>• The proposal maintains the existing land use and built form character in a manner that is also more compact and also supportive of transit and active modes of transportation.</li> </ul>

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<p>Urban Systems and Designations (Chapter E)</p> <p>Section E.1.0 sets out goals for the urban systems and land use designations of UHOP, including the following:</p> <ul style="list-style-type: none"> <li>a) Designate land uses to facilitate the development of a node and corridor based urban structure.</li> <li>b) Support and facilitate development and investment that contributes to the development of the overall urban structure.</li> <li>c) Develop compact, mixed use urban environments that support transit and active transportation.</li> <li>d) Develop complete communities where people can live, work, learn, and play.</li> <li>e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.</li> <li>f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.</li> <li>g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.</li> <li>h) Recognize that Hamilton’s neighbourhoods are stable, not static.</li> <li>i) Protect and enhance a system of linked natural areas.</li> <li>j) Protect Hamilton’s existing and planned Employment Areas.</li> </ul> <p>Section 2.1 further stresses that Hamilton’s urban structure shall be a node and corridor structure guided by the following general principles:</p> <ul style="list-style-type: none"> <li>a) Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment).</li> <li>b) Nodes and corridors provide focal points of activity for Hamilton’s local communities and neighbourhoods.</li> <li>c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit.</li> <li>d) Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design.</li> <li>e) Nodes and corridors evolve with higher residential</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal supports compact built form on a Primary Corridor in a manner that is consistent and compatible with the existing land use and built form character of the community.</li> <li>• The compact built form character and lack of on-site parking support and encourage use of transit and active modes of transportation, which are directly accessible.</li> <li>• The existing residential units and commercial floor area will be maintained in their current form for continued use.</li> </ul>
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<p>densities and mixed use developments to achieve their planned functions and support transit.</p>	
<p><b>3.3 Urban Design Policies</b></p> <p><b>3.3.1 Urban Design Goals</b></p> <p>The following goals shall apply in the urban area:</p> <p>3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.</p> <p>3.3.1.2 Provide and create quality spaces in all public and private development.</p> <p>3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.</p> <p>3.3.1.4 Create communities that are transit-supportive and promote active transportation.</p> <p>3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.</p> <p>3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes</p> <p>3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.</p> <p>3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.</p> <p>3.3.1.9 Encourage innovative community design and technologies.</p> <p>3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.</p> <p><b>3.3.2 General Policies and Principles</b></p> <p>This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of in the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.</p> <p>3.3.2.1 The physical design of a site shall:</p> <p>a) relate to its role in the overall urban structure of the</p>	<ul style="list-style-type: none"> <li>• The proposal will maintain the current built form on Subject Property and provide opportunities for enhancement and/or redevelopment of the conveyed and retained lands through separate ownership.</li> <li>• The existing structures will cover significant portions of both the conveyed and retained lands, providing no on-site parking, which will encourage use of transit and active modes of transportation.</li> <li>• The proposal will support the existing transit, cycling and pedestrian infrastructure directly adjacent to the Subject Property, as well as existing on-street and off-street parking facilities.</li> <li>• Separating the existing semi-detached dwelling and mixed use building allows for separate ownership and operation to make changes over time to accommodate current and future needs.</li> <li>• The surrounding community will experience no changes in land use or built form as a result of the proposed severance and minor variances.</li> <li>• The proposal is appropriate in the context of the Subject Property on a Primary Corridor and in a transit-oriented corridor zone in that the result will be compact and efficient land use relying on transit and active modes of transportation.</li> <li>• The reduced setbacks to the street lines and the rear property lines facilitate appropriate built form that establishes and protects the streetscape and the context of the existing structures to one another and the structures on surrounding properties.</li> </ul>

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b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,  
 c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.

3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all development and redevelopment, where applicable.

3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;

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- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact development and resulting built forms

3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and active

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- transportation;
- b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for active and passive recreation uses; (OPA 142)
  - c) encouraging development of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
  - d) reducing air, noise, and water pollution through the following:
    - i) facilitating and promoting the use of active transportation modes through building and site design;
    - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
    - iii) using appropriate pavement treatments;
    - iv) promoting energy efficient design of sites and buildings; and,
    - v) promoting innovative construction materials and techniques.

### **3.3.3 Built Form**

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

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

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

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

3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.

3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or

# MB1 | Urban Planning

<p>buildings, where appropriate; and, e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.</p>	
<p>Section 1.14 of Chapter F of UHOP provides policies for Division of Land.</p> <p>Section 1.14.3.1 includes the following criteria for permitting lot creation in the Urban Area and, more specifically, the Neighbourhoods Designation:</p> <p>a) The lots comply with the policies of this Plan, including secondary plans, where one exists; b) The lots comply with existing Neighbourhood Plans; c) The lots are in conformity with the Zoning By-law or a minor variance is approved; d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview; e) The lots are fully serviced by municipal water and wastewater systems; and f) The lots have frontage on a public road.</p>	<ul style="list-style-type: none"> <li>• The requested minor variances will establish zoning conformity for lots and structures that are consistent and compatible with the existing land use and built form character of the Subject Property and surrounding community.</li> <li>• The proposed lots represent properties with separate municipal addresses, structures and uses, and tax roll numbers.</li> <li>• The lots are fully serviced and will make use of the existing servicing connections without requiring any extensions or upgrades.</li> <li>• The conveyed and retained lands will both have frontage on public roads.</li> </ul>

It is my opinion that the development proposal and Committee of Adjustment applications conform to the applicable policies of the Urban Hamilton Official Plan and should be approved on the following basis:

- There will be no change in built form and land use character on the Subject Property and the proposed lot configuration is consistent and compatible with the built form character of the surrounding community;
- The proposal represents compact form and efficient land use that is appropriate for the location of the Subject Property on a “Primary Corridor” and in immediate proximity to transit, cycling and pedestrian infrastructure;
- The Subject Property has no on-site parking under existing conditions and this condition will be maintained, which supports the existing built form character and objectives for land use that supports transit and active modes of transportation;
- Separation of the semi-detached dwelling and mixed use building will provide opportunity for separate ownership, redevelopment and use under current and future conditions in a manner that is compatible with the character of the area; and
- In general, the proposal conforms to the policies specifically identified in this section, including urban design and division of land.

# MB1 | Urban Planning

## 4.2.2 City of Hamilton Zoning By-Law 05-200

As outlined in Section 1.5 of Chapter F of the Urban Hamilton Official Plan, the Zoning By-law is one of the key implementation tools to “ensure the City’s goals, objectives and policies of this Plan are realized”. This is done through regulations on permitted uses and associated performance standards, setbacks, lot areas, height, landscaping and parking requirements.

The information and opinion outlined in this report demonstrate that the proposed severance and minor variances will facilitate land use and built form that conforms to the Urban Hamilton Official Plan. While minor variances are required to the parking and building setback regulations, these minor variances will establish compact, efficient and transit-supportive built form. These minor variances also reflect the existing conditions on the Subject Property that the semi-detached dwelling and mixed use building have been constructed up to the street lines and provide no on-site parking.

Given that the minor variances to the minimum building setbacks and parking requirements will facilitate appropriate land use and built form character that is consistent with the existing neighbourhood and supports objectives for transit and active modes of transportation, it is my opinion that the requested minor variances maintain the general purpose and intent of the Zoning By-Law.

## 4.2.3 Authority to Grant Consents (Ontario Planning Act)

Section 53(1) of the Planning Act authorizes consents to be granted if it is determined that a plan of subdivision is not required for the proper and orderly development of the municipality. Key to determining whether consent should be granted is section 53(12), which requires the approval authority to have regard to the matters under section 51(24), which are the following:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
  - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;

# MB1 | Urban Planning

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

Section 51(24)a) refers to the following matters of Provincial interest that the municipality shall have regard to:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
  - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- j) the adequate provision of a full range of housing, including affordable housing;
- k) the adequate provision of employment opportunities;
- l) the protection of the financial and economic well-being of the Province and its municipalities;
- m) the co-ordination of planning activities of public bodies;
- n) the resolution of planning conflicts involving public and private interests;
- o) the protection of public health and safety;
- p) the appropriate location of growth and development;

# MB1 | Urban Planning

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) the promotion of built form that,
  - is well-designed,
  - encourages a sense of place, and
  - provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

It is my opinion that the proposed consent satisfies these matters on the following basis:

- The proposal conforms to the applicable policies of the Urban Hamilton Official Plan;
- The Subject Property is suitable for the proposed uses as the uses are existing and there will be no changes to the existing land use or built form character;
- The size and configuration of the proposed lots are consistent with the neighbourhood character and will allow the existing structures and used to be maintained on both the conveyed and retained lands;
- Existing municipal services are available and connected to the conveyed and retained lands;
- The conveyed and retained lands have direct access to a public road that also includes transit, pedestrian and cycling infrastructure;
- The existing dwelling units and commercial floor area will be maintained; and
- There are no natural heritage features on or adjacent to the Subject Property that will be adversely impacted.

## 5. Conclusions and Recommendations

On the basis of the land use planning analysis and opinions provided in this report, it is my opinion that:

- The development proposal and Committee of Adjustment applications are consistent with PPS 2020 and conform to the applicable policies of the Growth Plan for the Greater Golden Horseshoe;
- The proposed consent conforms to the applicable policies of the Urban Hamilton Official Plan and satisfies the specific land division policies;
- The requested minor variances maintain the general purpose and intent of the Urban Hamilton Official Plan and Zoning By-Law 05-200; and
- The requested minor variances are minor in nature and desirable for the appropriate development and use of the Subject Property.

# MB1 | Urban Planning

On this basis, it is my recommendation that the applications for consent and minor variance be approved.

Regards,



Michael Barton, MCIP, RPP  
President

**MB1 Urban Planning Services**  
**MB1 Development Consulting 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-21:287

**APPLICANTS:** Agent Mainline Planning Services Inc.  
 Owner Brian Gogek

**SUBJECT PROPERTY:** Municipal address **33 Sterling St., Hamilton**

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

**ZONING:** "C/S-1361" (Urban Protected Residential) district

**PROPOSAL:** To establish a Detached Secondary Dwelling Unit located in the rear yard of the existing Single Family Dwelling notwithstanding that:

1. Three (3) bedrooms shall be provided instead of the maximum two (2) bedrooms permitted within a Detached Secondary Dwelling Unit.
2. The required 1.2m side yard of the Detached Secondary Dwelling Unit shall be permitted to be comprised of interlocking brick whereas the by-law prohibits such yard from containing any structures, walkways, sidewalks, hard-surfaced material and landscaping other than sod.
3. A total gross floor area of 81.0m<sup>2</sup> shall be provided instead of the maximum 75.0m<sup>2</sup> gross floor area permitted for a Detached Secondary Dwelling Unit.
4. The required 1.0m wide unobstructed path leading from the front lot line to the Detached Secondary Dwelling Unit shall be permitted to form part of the required access driveway on-site.
5. One (1) of the three (3) provided on-site parking spaces shall be a minimum 2.6m wide and 5.4m in length instead of the minimum required parking space size of 2.7m x 6.0m.

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

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**DATE:** Thursday, February 17th, 2022  
**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

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HM/A-21: 287  
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: February 1st, 2021.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

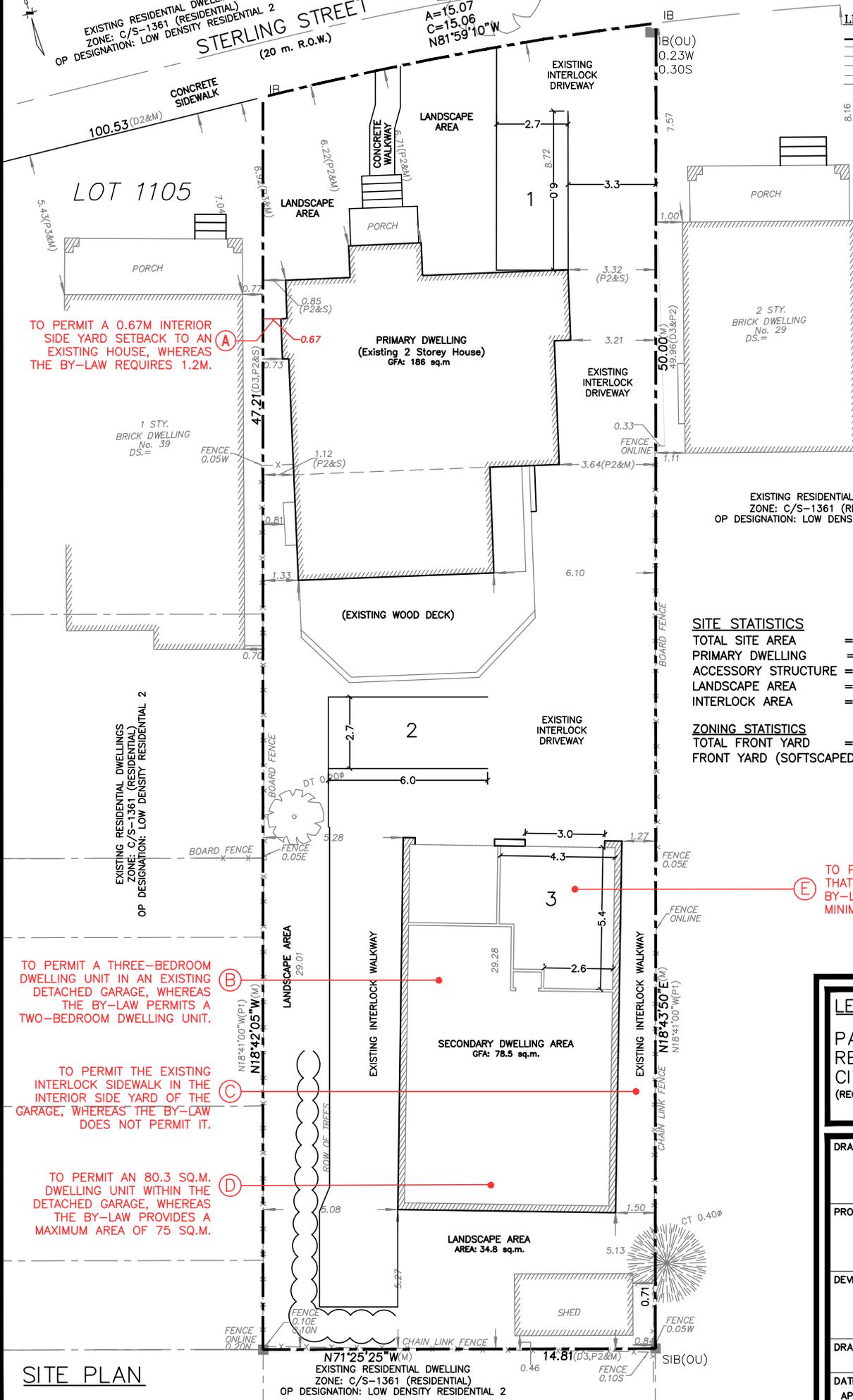
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

EXISTING RESIDENTIAL DWELLING  
 ZONE: C/S-1361 (RESIDENTIAL)  
 OP DESIGNATION: LOW DENSITY RESIDENTIAL 2

A=15.07  
 C=15.06  
 N81°59'10"W

**LEGEND**

- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES DEED LINE
- DENOTES LOT LINE
- DENOTES LIMIT OF STREET
- X-X- DENOTES FENCE LINE
- DENOTES OVER HEAD WIRE



**SITE STATISTICS**

- TOTAL SITE AREA = 721.7 sq.m. (100%)
- PRIMARY DWELLING = 109.0 sq.m. (15.1%)
- ACCESSORY STRUCTURE = 115.3 sq.m. (15.9%)
- LANDSCAPE AREA = 241.3 sq.m. (34.2%)
- INTERLOCK AREA = 256.1 sq.m. (34.8%)

**ZONING STATISTICS**

- TOTAL FRONT YARD = 118.4 sq.m.
- FRONT YARD (SOFTSCAPED) 60.0 sq.m. (50.7%)

TO PERMIT A GARAGE PARKING SPACE THAT IS 2.6m x 5.4m, WHEREAS THE BY-LAW REQUIRES SPACES TO BE A MINIMUM OF 2.7m x 6.0m.

**LEGAL DESCRIPTION**  
 PART OF LOT 1104  
 REGISTERED PLAN 652  
 CITY OF HAMILTON  
 (REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)

**DRAWING TITLE**  
 APPLICATION FOR MINOR VARIANCE

**PROJECT**  
 33 STERLING STREET  
 HAMILTON, ONTARIO

**DEVELOPER/OWNER**  
 BRIAN GOGEK

<b>DRAWN</b> K.R.	<b>CHECKED</b> J.L.O./J.P.P.	<b>SCALE</b> 1:200	<b>DWG. NO.</b> MV-1
<b>DATE</b> APRIL-21	<b>ISSUED</b> J.P.P.	<b>JOB NO.</b>	

**SITE PLAN**

N71°25'25"W(M)  
 EXISTING RESIDENTIAL DWELLING  
 ZONE: C/S-1361 (RESIDENTIAL)  
 OP DESIGNATION: LOW DENSITY RESIDENTIAL 2

SIB(OU)





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-21:273

**APPLICANTS:** Agent Len Angelici  
 Owner J. McCutcheon

**SUBJECT PROPERTY:** Municipal address **207 Beach Blvd., Hamilton**

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

**ZONING:** "C/S-1435" (Urban Protected Residential, etc.) district

**PROPOSAL:** To demolish the existing single family dwelling, and construct a new three (3) storey single family dwelling, notwithstanding that;

1. A building shall be permitted to be (3) storeys and 11.15 metres in height instead of the requirement that no building shall exceed two and a half storeys, and no structure shall exceed 11.0 metres.
2. A minimum manoeuvring space width of 5.23 metres shall be provided for the three (3) required parking spaces provided in the attached garage instead of the minimum required manoeuvring space width of 6.0 metres.

Note:

Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation prior to any development.

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

**DATE:** Thursday, February 17th, 2022  
**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

**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-21:273

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.

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DATED: February 1st, 2021.

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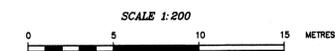
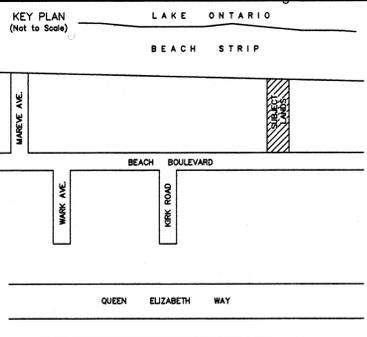
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

**SITE DATA:**

ADDRESS:	207 BEACH BOULEVARD
ZONING:	C/S-1435
LOT AREA:	908.95 sq. m.
LOT COVERAGE:	PROPOSED 23.9% (EXCLUDES PORCHES & DECK)
HEIGHT:	AVERAGE ELEVATION OF ALL GRADES WITHIN 4.5 m. OF DWELLING=77.29 m. PEAK OF ROOF = 88.41 m. PROPOSED HEIGHT = 11.12 m.
LANDSCAPED AREA:	PROPOSED: 66% OF FRONT YARD

PLAN SHOWING PROPOSED DWELLING AND GRADING  
(207 BEACH BOULEVARD)  
**PART OF BURLINGTON BEACH EAST SIDE OF BEACH BOULEVARD (UNREGISTERED)**  
(GEOGRAPHIC TOWNSHIP OF SALTFLEET)  
**CITY OF HAMILTON**



B.A. JACOBS SURVEYING LTD.  
ONTARIO LAND SURVEYOR

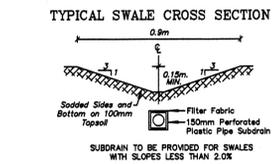
**METRIC NOTE:**  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**BEARING NOTE:**  
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHEASTERLY LIMIT OF BEACH BOULEVARD AS SHOWN ON PLAN 62R-7382, HAVING A BEARING OF N 72° 48' 25" W.

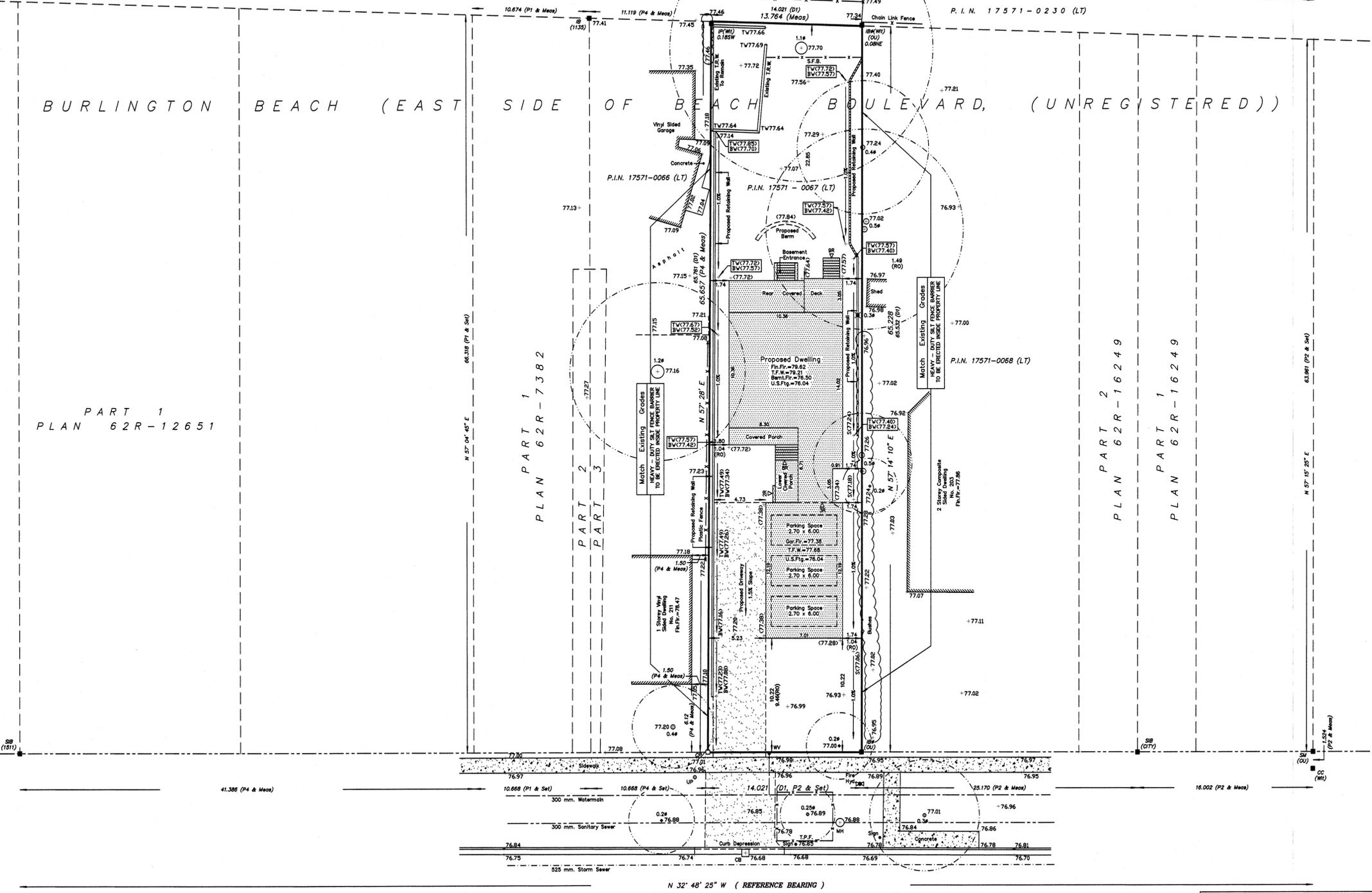
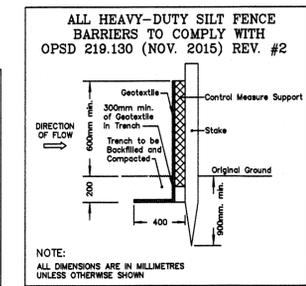
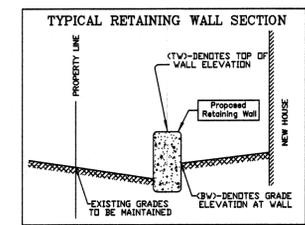
- LEGEND & NOTES:**
- DENOTES SURVEY MONUMENT FOUND
  - DENOTES SURVEY MONUMENT PLANTED
  - SB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - IB# DENOTES ROUND IRON BAR
  - IP DENOTES IRON PIPE
  - CP DENOTES CONCRETE PIN
  - SM DENOTES STONE MONUMENT
  - WT. DENOTES WITNESS
  - (OU) DENOTES ORIGIN UNKNOWN
  - P1 DENOTES PLAN 62R-7382
  - P2 DENOTES PLAN 62R-16249
  - P3 DENOTES PLAN 62R-12651
  - P4 DENOTES PLAN BY L.G. WOODS SURVEYING INC. FILE: 98-437
  - D1 DENOTES INSTRUMENT No. W152552
  - (1135) DENOTES L.G. WOODS O.L.S.
  - (1511) DENOTES C.V. CONCO O.L.S.
  - (CITY) DENOTES CITY OF HAMILTON
  - C.B. DENOTES CATCH BASIN
  - R.O. DENOTES ROOF OVERHANG (EAVES & GUTTER)
  - S.F.B. DENOTES SILT FENCE BARRIER TO COMPLY WITH OPSD 219.130 (NOV. 2015) REV. #2
  - T.P.F. DENOTES TREE PROTECTION FENCING TO COMPLY WITH OPSD - 220.01
  - T.R.W. DENOTES TIMBER RETAINING WALL
  - T.W. DENOTES TOP OF WALL
  - U.P. DENOTES UTILITY POLE
  - W.V. DENOTES WATER VALVE
  - 0.3# DENOTES DIAMETER OF TREE
  - x 77.00 DENOTES EXISTING ELEVATION
  - x (77.00) DENOTES PROPOSED ELEVATION
- FOR BEARING COMPARISONS, A ROTATION OF 0° 52' 05" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-16249.

**ELEVATION NOTE:**  
ELEVATIONS SHOWN ON THIS PLAN ARE REFERRED TO CONTROL MONUMENT No. 07720100033.  
LOCATION: MONUMENT IS LOCATED 62 m. EAST OF BEACH BLVD. 30 m. NORTH OF VAN WAGNER'S BEACH ROAD AND 40 m. WEST OF THE EDGE OF WATER.  
ELEVATION = 78.098 m. (CGVD28:78).

**NOTE:**  
UNDERGROUND SERVICE LOCATIONS WERE DERIVED FROM INFORMATION PROVIDED BY THE CITY OF HAMILTON.  
UNDERGROUND SERVICE LOCATIONS AND INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION.



ALL HEAVY-DUTY SILT FENCE BARRIERS TO COMPLY WITH OPSD 219.130 (NOV. 2015) REV. #2



ASSOCIATION OF ONTARIO LAND SURVEYORS  
PLAN SUBMISSION FORM  
2155932

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN accordance with Regulation 1028, Section 28(3).

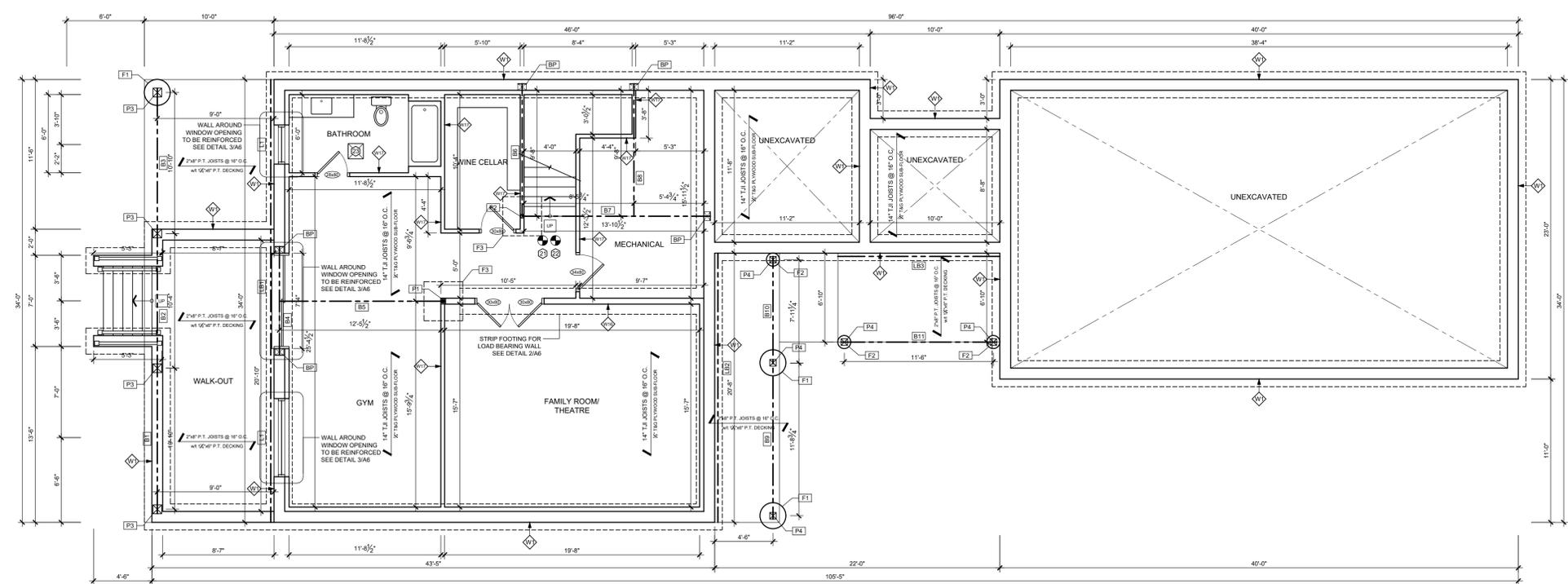
**BEACH BOULEVARD**

(REGIONAL ROAD No. 114, ESTABLISHED BY BURLING BEACH COMMISSION BY-LAW No. 188, REGISTERED AS 1248 BY-LAW, DATED JULY 7, 1949, TRANSFERRED BY ORDER IN COUNCIL OC-2180/64, EFFECTIVE JULY 9, 1964, INSTRUMENT 1469 MISC. (P-2113-241))  
P. I. N. 17571-0104 (LT)

SEPTEMBER 28, 2021  
DATE

B.A. JACOBS SURVEYING LTD.  
182 JACKSON STREET EAST, SUITE 102  
HAMILTON, ONTARIO (L8N 1L3)  
PHONE 905-521-1535 [ba.jacobs@rogers.com](mailto:ba.jacobs@rogers.com)

© - COPYRIGHT JOB No. 20288-P1



**PROPOSED GROUND FLOOR PLAN**  
 SCALE 3/16" = 1' - 0"  
 FLOOR AREA: 1156.00sqft

- B1 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B2 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B3 BEAM BY FLOOR PROVIDER (DROPPED)
- B4 BEAM BY FLOOR PROVIDER (DROPPED)
- B5 BEAM BY FLOOR PROVIDER (DROPPED)
- B6 BEAM BY FLOOR PROVIDER (DROPPED)
- B7 BEAM BY FLOOR PROVIDER (DROPPED)
- B8 BEAM BY FLOOR PROVIDER (DROPPED)
- B9 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B10 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B11 3-2"x8" P.T. WOOD BEAM (DROPPED)
- F1 6"x4" SONG-TUBE SIMPSON STRONG-TIE POST STAND-OFF BASE 6"x8" P.T. POST BOTTOM OF SONG-TUBE MIN. 4'-0" BELOW GRADE REFER TO DETAIL 316
- F2 6"x4" SONG-TUBE SIMPSON STRONG-TIE POST STAND-OFF BASE 6"x8" P.T. POST BOTTOM OF SONG-TUBE MIN. 4'-0" BELOW GRADE REFER TO DETAIL 316
- F3 30"x36"x12" CONCRETE FOOTING 3MM BARS @ 18" O.C. BOTH WAYS MIN. 7" EMBEDMENT
- LE1 2"x4" P.T. LEDGER BOARD FASTENED TO FOUNDATION WALL OF DWELLING w/ 6"x7"x4" SLEEVE ANCHORS @ 18" O.C. STAGGERED
- LE2 2"x4" P.T. LEDGER BOARD FASTENED TO FOUNDATION WALL OF DWELLING w/ 6"x7"x4" SLEEVE ANCHORS @ 18" O.C. STAGGERED
- LE3 2"x4" P.T. LEDGER BOARD FASTENED TO FOUNDATION WALL OF DWELLING w/ 6"x7"x4" SLEEVE ANCHORS @ 18" O.C. STAGGERED
- P1 3-2"x8" S.P.F. No 1 OR 2 LAMINATED TOGETHER
- P2 30"x30"x12" HSS STEEL POST 12"x12"x12" BOTTOM PLATE FASTENED PAD BELOW w/ 4 6"x6" BOLTS MIN. 6" EMBEDMENT 6"x12" TOP PLATE
- P3 6"x8" P.T. WOOD POST
- P4 6"x8" P.T. WOOD POST
- LI 1-PLY 1/2"x14" MICROROLL LVL 2.0E

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	PRELIMINARY DRAWINGS	09/08/2021

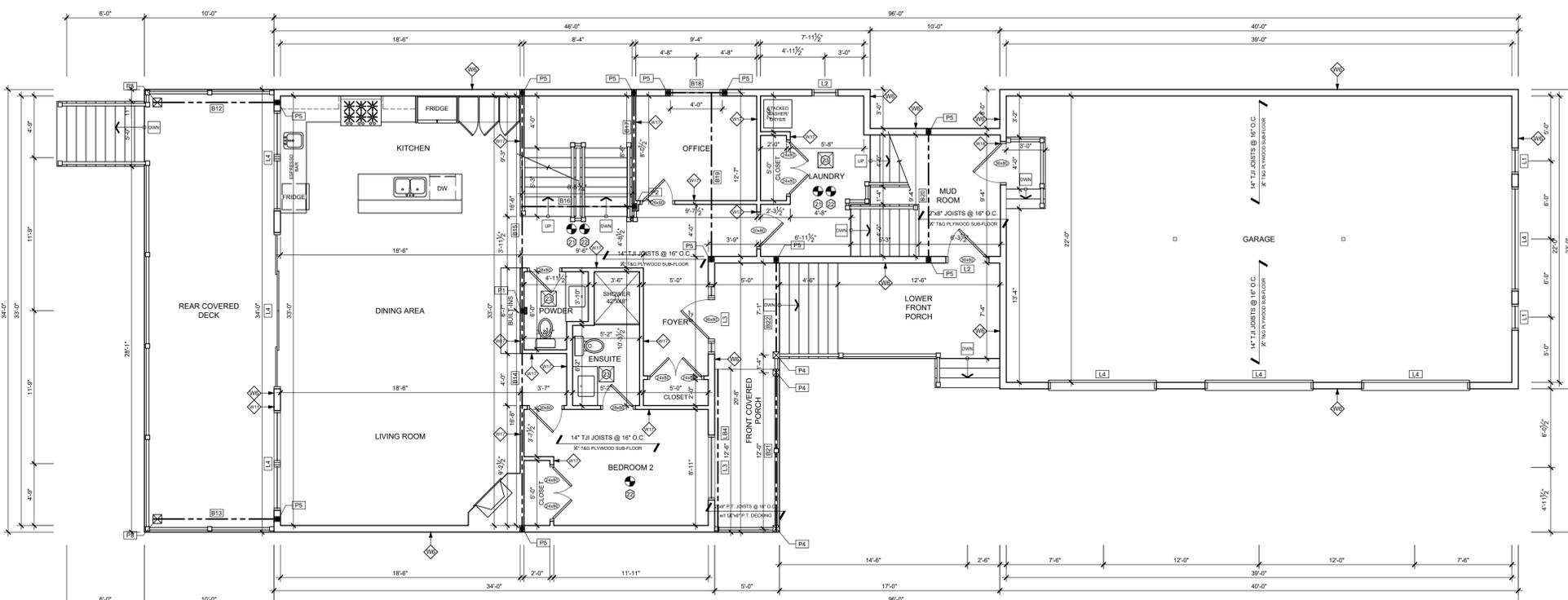
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8. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR POOR CONSTRUCTION PRACTICES.

SEAL

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  
 LEONARD ANGELICI 42391  
 NAME BCIN  
 REGISTRATION INFORMATION  
 LEN ANGELICI DESIGN 43162  
 NAME BCIN  
 09/08/2021  
 DATE SIGNATURE

**Len Angelici Design**  
 270 SHERMAN AVE N. UNIT OF-269  
 HAMILTON, ON L8L 6N4  
 (905) 393-8868  
 info@lenangelicidesign.ca



**PROPOSED SECOND FLOOR PLAN**  
 SCALE 3/16" = 1' - 0"  
 FLOOR AREA: 1419.33sqft  
 GARAGE AREA: 960sqft

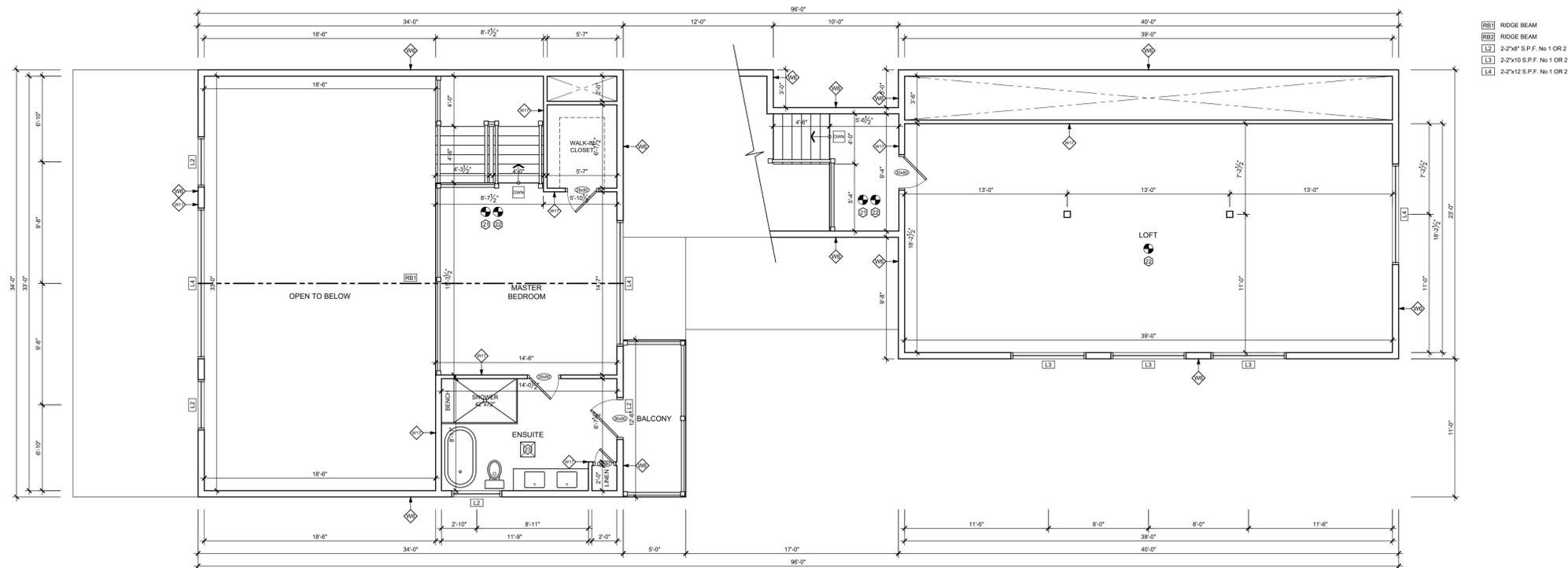
- B12 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B13 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B14 BEAM BY FLOOR PROVIDER (DROPPED)
- B15 BEAM BY FLOOR PROVIDER (DROPPED)
- B16 BEAM BY FLOOR PROVIDER (DROPPED)
- B17 BEAM BY FLOOR PROVIDER (DROPPED)
- B18 BEAM BY FLOOR PROVIDER (DROPPED)
- B19 BEAM BY FLOOR PROVIDER (DROPPED)
- B20 BEAM BY FLOOR PROVIDER (DROPPED)
- B21 3-2"x8" P.T. WOOD BEAM (DROPPED)
- B22 3-2"x8" P.T. WOOD BEAM (DROPPED)
- P1 3-2"x8" S.P.F. No 1 OR 2 LAMINATED TOGETHER
- P3 6"x8" P.T. WOOD POST
- P4 6"x8" P.T. WOOD POST
- P5 3-2"x8" S.P.F. No 1 OR 2 LAMINATED TOGETHER POST TO EXTEND THROUGH SUB-FLOOR AND BEAR ON FOUNDATION WALL BELOW
- L2 2-2"x10 S.P.F. No 1 OR 2
- L4 2-2"x12 S.P.F. No 1 OR 2
- LB4 2"x4" P.T. LEDGER BOARD FASTENED TO WALL OF DWELLING w/ 6"x7"x4" SLEEVE ANCHORS @ 18" O.C. STAGGERED

PROJECT  
 PROPOSED RESIDENCE:  
 207 BEACH BLVD  
 HAMILTON, ON

SHEET TITLE  
**PROPOSED FOUNDATION & MAIN FLOOR PLANS**

DRAWN BY  
 L. ANGELICI  
 DATE  
 09/08/2021  
 SCALE  
 3/16"=1'-0"  
 PROJECT No.  
 2020-001

**A1**



PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
02.	DRAWING FOR C.O.A. REVIEW	10/21/2021
01.	PRELIMINARY DRAWINGS	08/08/2021

- ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
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**QUALIFICATION INFORMATION**  
 LEONARD ANGELICI 42391  
 NAME BCIN

**REGISTRATION INFORMATION**  
 LEN ANGELICI DESIGN 43162  
 NAME BCIN

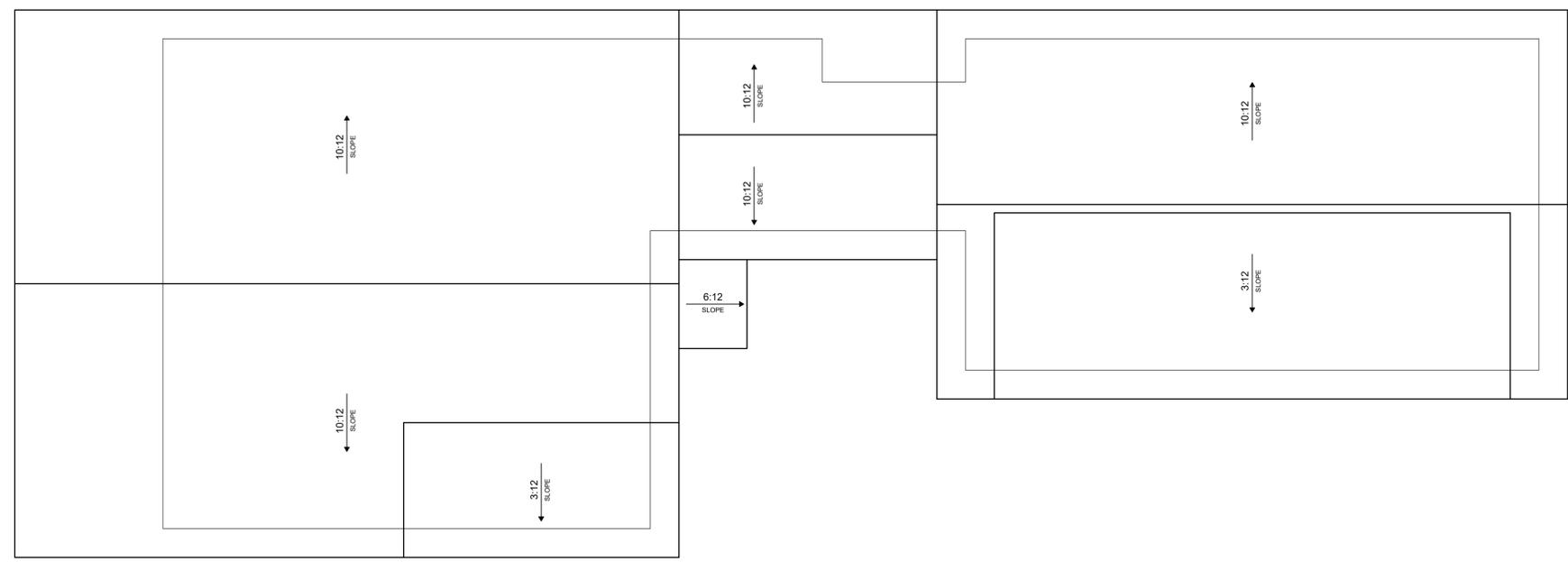
10/21/2021  
 DATE SIGNATURE

**Len Angelici Design**  
 270 SHERMAN AVE N. UNIT OF-269  
 HAMILTON, ON L8L 6N4  
 (905) 393-8868  
 info@lenangelicidesign.ca

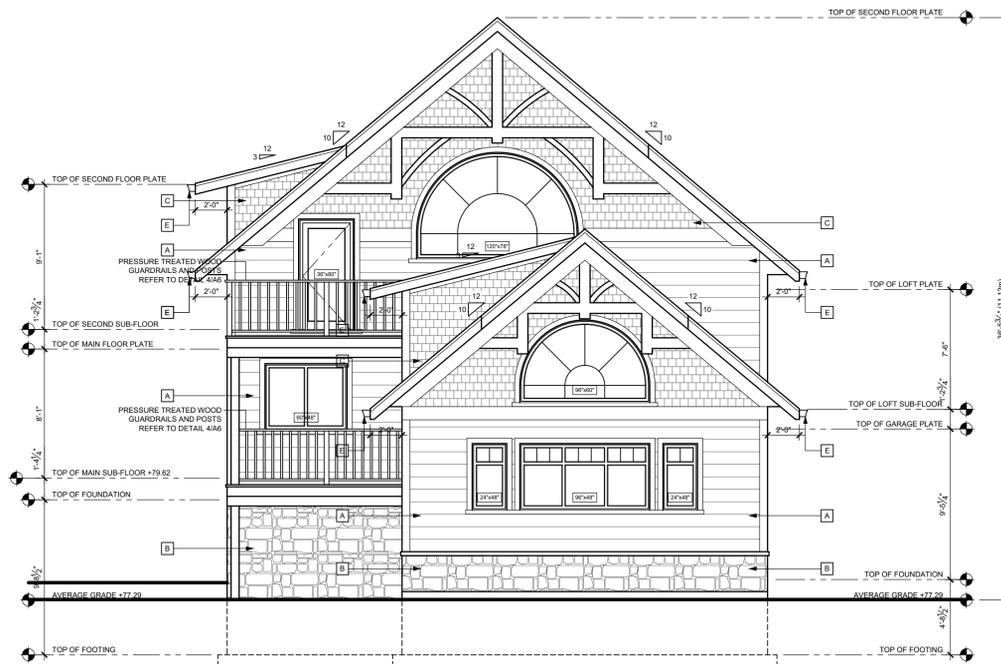
**PROJECT**  
 PROPOSED RESIDENCE:  
 207 BEACH BLVD  
 HAMILTON, ON

**SHEET TITLE**  
 PROPOSED SECOND FLOOR & ROOF PLANS

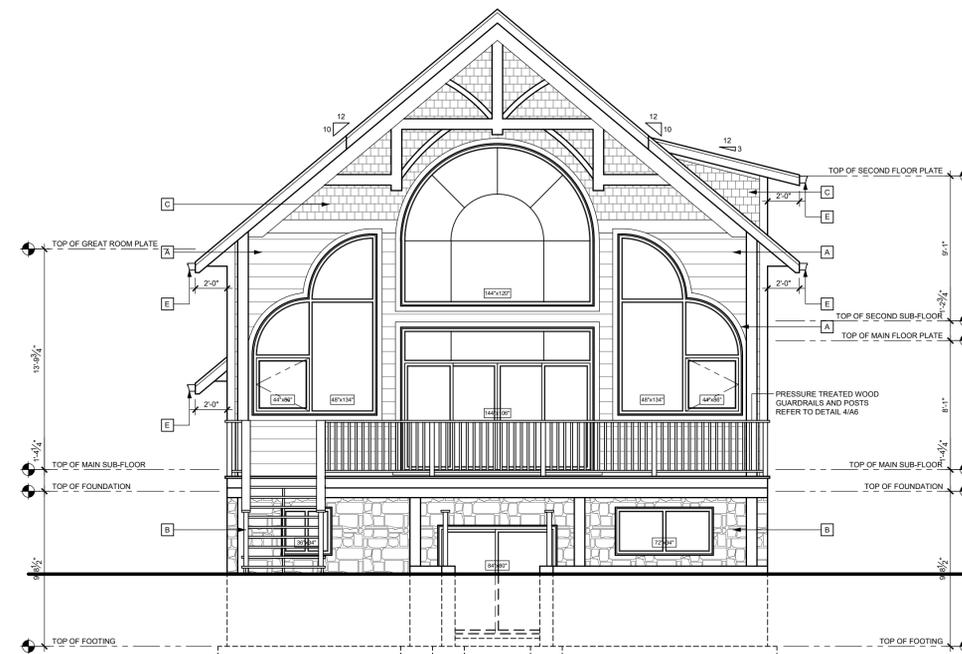
DRAWN BY	L. ANGELICI
DATE	10/21/2021
SCALE	3/16"=1'-0"
PROJECT No.	2020-001



**A2**



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



**REAR ELEVATION**  
SCALE 3/16" = 1' - 0"

**EXTERIOR FINISH INDEX**

- A PRE-FIN. WOOD SIDING
- B NATURAL STONE VENEER
- C CEDAR STYLE SHINGLES
- D ASPHALT SHINGLES
- E 5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA CW PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
02.	HEIGHT ON FRONT ELEVATION	11/23/2021
01.	PRELIMINARY DRAWINGS	09/08/2021

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
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**QUALIFICATION INFORMATION**

LEONARD ANGELICI	42391
NAME	BCIN
<b>REGISTRATION INFORMATION</b>	
LEN ANGELICI DESIGN	43162
NAME	BCIN
11/23/2021	
DATE	SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N. UNIT OF-269  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT

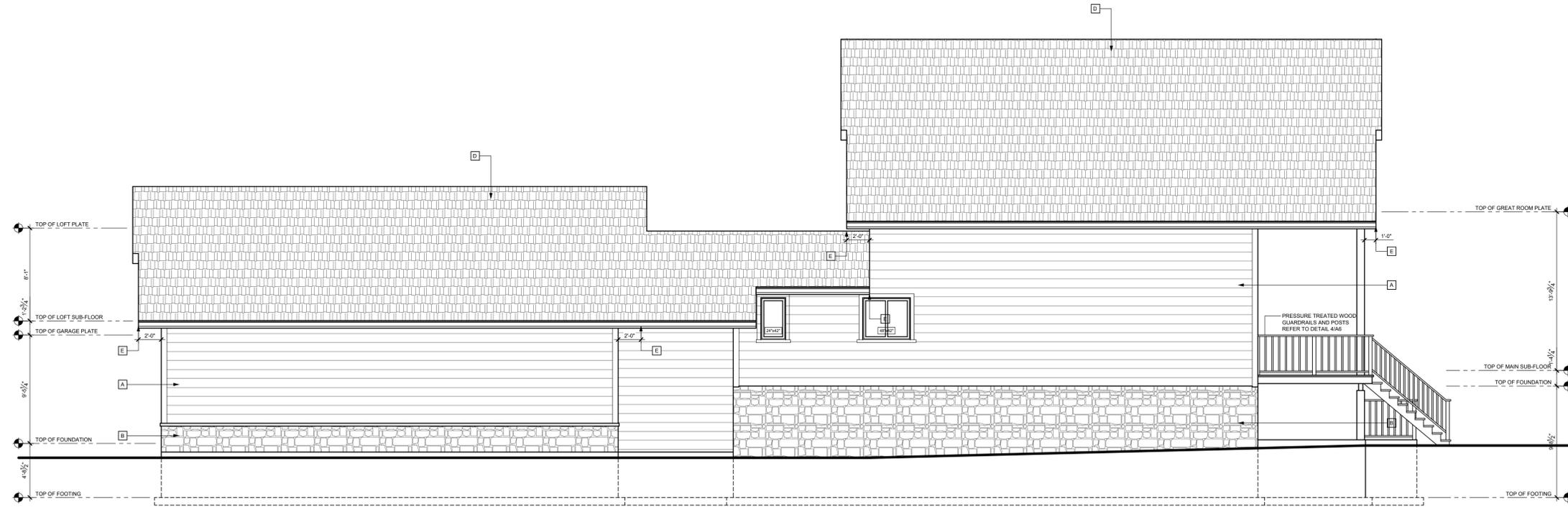
PROPOSED RESIDENCE:  
**207 BEACH BLVD  
HAMILTON, ON**

SHEET TITLE

**PROPOSED FRONT &  
REAR ELEVATIONS**

DRAWN BY	L. ANGELICI
DATE	01/11/23/2021
SCALE	3/16"=1'-0"
PROJECT No.	2020-001

**A3**



**RIGHT SIDE ELEVATION**  
SCALE 3/16" = 1' - 0"



**LEFT SIDE ELEVATION**  
SCALE 3/16" = 1' - 0"

**EXTERIOR FINISH INDEX**

[A]	PRE-FIN. WOOD SIDING
[B]	NATURAL STONE VENEER
[C]	CEDAR STYLE SHINGLES
[D]	ASPHALT SHINGLES
[E]	5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA C/W PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	PRELIMINARY DRAWINGS	09/08/2021

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**QUALIFICATION INFORMATION**

LEONARD ANGELICI 42391  
NAME BCGN

REGISTRATION INFORMATION

LEN ANGELICI DESIGN 43162  
NAME BCGN

09/08/2021  
DATE SIGNATURE

**Len Angelici Design**

270 SHERMAN AVE N. UNIT OF-269  
HAMILTON, ON L8L 6N4  
(905) 393-8868  
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE:  
**207 BEACH BLVD  
HAMILTON, ON**

SHEET TITLE

**PROPOSED RIGHT & LEFT SIDE ELEVATIONS**

DRAWN BY  
L. ANGELICI

DATE  
09/08/2021

SCALE  
3/16"=1'-0"

PROJECT No.  
2020-001

**A4**



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	MAILING ADDRESS
<b>Registered Owners(s)</b>	JOHN STEVEN MCCUTCHEON	[REDACTED]
<b>Applicant(s)*</b>	SANDRA CAHILL	
<b>Agent or Solicitor</b>	LEN ANGELICI	

**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:

FIRST NATIONAL FINANCIAL LP  
100 UNIVERSITY AVE.  
SUITE 1200, NORTH TOWER  
TORONTO, ONTARIO  
M5H 1V6

**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:

1. HEIGHT 11.12M VS 11.0M ALLOWED
2. 3 STORIES VS 2.5 STORIES ALLOWED
3. EAST SIDE YARD SETBACK 1.23M VS 1.5M
4. WEST SIDE YARD SETBACK 1.24 VS 1.5M

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

VARIANCES 1 & 2 ARE NECESSARY DUE TO THE RECENT BYLAW CHANGE NO LONGER ALLOWING BASEMENTS ON BEACH BLVD. ORIGINAL PLANS HAD A BASEMENT AND WERE COMPLIANT AS RELATED TO #1 & #2. REDESIGN REQUIRED THAT THE HOME BE RAISED ABOVE 76.50 ASL. VARIANCE 3 AS CANNOT HAVE PROPER TURN RADIUS INTO GARAGE.

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**):

207 BEACH BLVD.  
PART OF BURLINGTON BEACH  
EAST SIDE OF BEACH BLVD.  
(UNREGISTERED)

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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 8.1 to 8.10 above?

DISCUSSIONS WITH THE HOMEOWNER.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

JULY 5 / 2021  
 Date



Signature Property Owner(s)

JOHN STEVEN MCCUTCHEON

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>14.021M</u>
Depth	<u>65.228M/65.657M</u>
Area	<u>909.95 SQ. MTR.</u>
Width of street	<u>24.38M</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 - EXISTING HOME TO BE DEMOLISHED

Proposed

GROUND FLOOR AREA - 278.00SQ.MTR (INCL.STAIRS, PORCHES & GARAGE) \* GROSS FLOOR AREA - 373.62 SQ MTR (FIRST, SECOND, THIRD FLOORS) \* NUMBER OF STORIES - 3  
 HEIGHT - 11.12M

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 - EXISTING HOME TO BE DEMOLISHED

Proposed:

FRONT SETBACK - 10.22M  
 EAST SETBACK - 1.23M  
 WEST SETBACK - 1.24M  
 REAR SETBACK - 22.76M

13. Date of acquisition of subject lands: JULY 2014
14. Date of construction of all buildings and structures on subject lands: ASAP
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
 SINGLE FAMILY RESIDENTIAL
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
 SINGLE FAMILY RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)  
 Water  Connected   
 Sanitary Sewer  Connected   
 Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:  
 UNKNOWN
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
 UNKNOWN
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-22:04

**APPLICANTS:** Agent Ken Bekendam  
 Owner 2823478 Ontario Inc. - C. Fusco

**SUBJECT PROPERTY:** Municipal address **94 Kenilworth Ave. N., Hamilton**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 17-240

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

**PROPOSAL:** To permit the existing mixed use building to contain a maximum of six (6) dwelling units including one commercial unit notwithstanding that;

1. To permit residential units at 0.0 m above grade whereas the By-Law requires the finished floor elevation of any dwelling unit to be 0.9 m above grade per Subsection 10.5.1.1 i) 1; and
2. A minimum rear yard setback of 7.0 m shall be provided instead of the minimum required 7.5 m minimum rear yard; and
3. A minimum interior side yard setback of 0.0 m shall be maintained for the existing building instead of the minimum required 7.5 m setback abutting a residential or Institutional Zone or a lot containing a residential use; and
4. A minimum parking space width of 2.7 m shall be provided instead of the minimum required parking space width of 2.8 m; and
5. A 0.0 m aisle width for a 90° parking space shall be provided instead of the minimum required aisle width of 6.0 m; and
6. No barrier free parking space shall be provided on site instead of the minimum required one space.

Notes:

Please note that the location of the existing building was established prior to the current zoning By-law and therefore, it is legal non-conforming; however, variances have been written as requested by the applicant.

Section 4.6 g) of Hamilton Zoning By-Law No. 05-200 states the following:

Notwithstanding Subsection c), for any use, except a Medical Clinic, within the Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zone or the Commercial and

HM/A-22: 04  
Page 2

Mixed Use Zones, or the Industrial Zones, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional parking beyond that which is required by Section 5.6 c) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above shall only apply to the increased gross floor area of the building.

APPLICANT HAS PROVIDED PARKING – THEREFORE IT'S BEING REVIEWED IN COMPLIANCE WITH SECTION 5.

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

---

**DATE:** Thursday, February 17th, 2022  
**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

---

#### 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: February 1st, 2022.

---

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.***

**RECOGNIZED EXISTING USE IS (1) GROUND FLOOR COMMERCIAL UNIT (PERSONAL SERVICES) AND (3) RESIDENTIAL UNITS ABOVE AS PER ZONING CERTIFICATE NO 21-102326 00 ZR2**

**PROPOSED USE IS (7) RESIDENTIAL UNITS**

# MULTI-UNIT CONVERSION

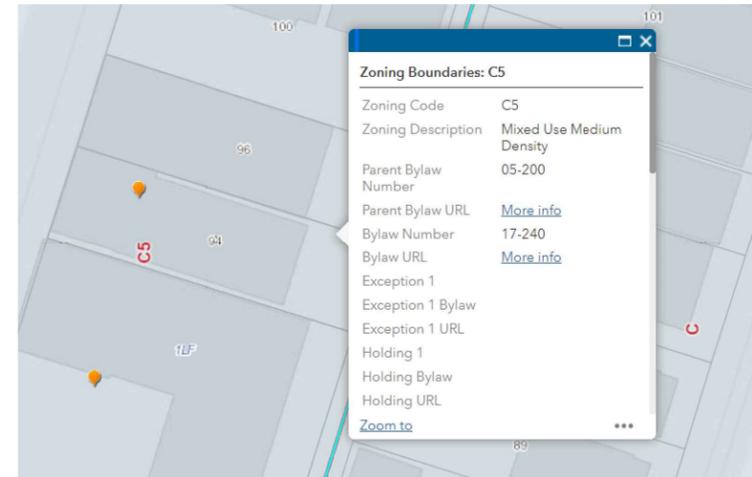
## 94 KENILWORTH AVE N - HAMILTON, ON



EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP



**LEAD DESIGNER & CONSULTANT**  
 Ken Bekendam B.A. BUSCOM, L.T.  
 kenbekendam@gmail.com  
 office: 855.546.4467 cell: 905.961.0647

legal second suites.com

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.



ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>TITLE PAGE</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
DATE:	<b>DEC 2021</b>

SCALE:	<b>N/A</b>
SHEET#:	<b>A 0.01</b>

**SITE INFORMATION & STATISTICS**

ADDRESS	94 KENILWORTH AVE. N - HAMILTON - ON.
ZONING TYPE	C5
LOT AREA	3000.00 SQ FT (278.71 SQ M)
LOT FRONTAGE	30.00' (9.14m)

**GENERAL NOTES:**

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

**EXISTING STRUCTURE NOTE:**

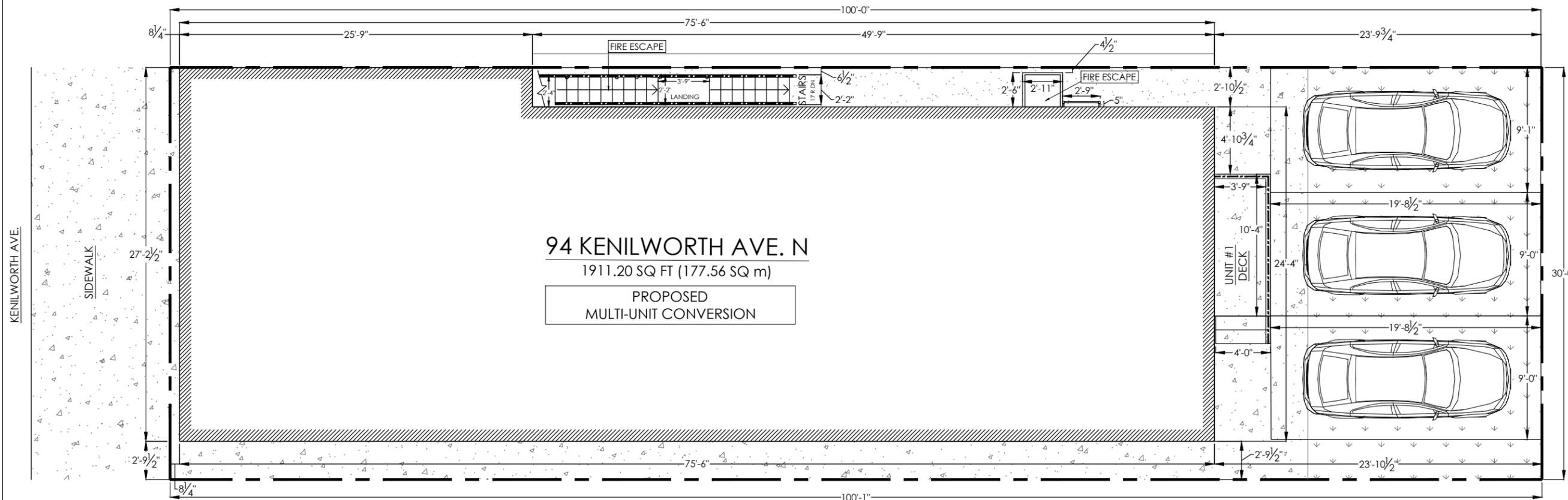
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

**BUILDING CODE COMPLIANCE NOTE:**

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

**SITE PLAN:**

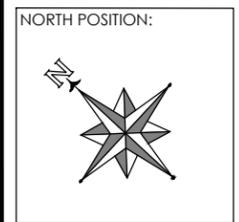
BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



**LEAD DESIGNER & CONSULTANT**  
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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>SITE PLAN</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
DATE:	<b>DEC 2021</b>

SCALE:	<b>1" = 1'</b>
SHEET#:	<b>SP 1.01</b>

**SITE INFORMATION & STATISTICS**

ADDRESS	94 KENILWORTH AVE. N - HAMILTON - ON.
ZONING TYPE	C5
LOT AREA	3000.00 SQ FT (278.71 SQ M)
LOT FRONTAGE	30.00' (9.14m)

**GENERAL NOTES:**

1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.

**EXISTING STRUCTURE NOTE:**

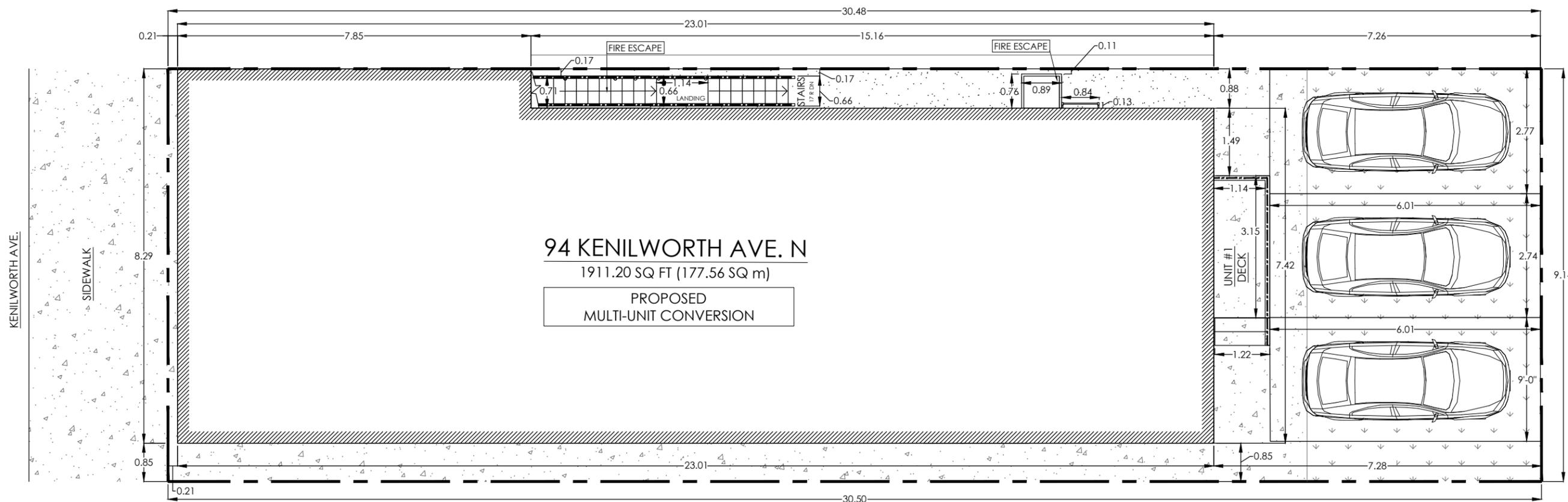
OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK, ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

**BUILDING CODE COMPLIANCE NOTE:**

THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.

**SITE PLAN:**

BASED ON HAMILTON SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF HAMILTON MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



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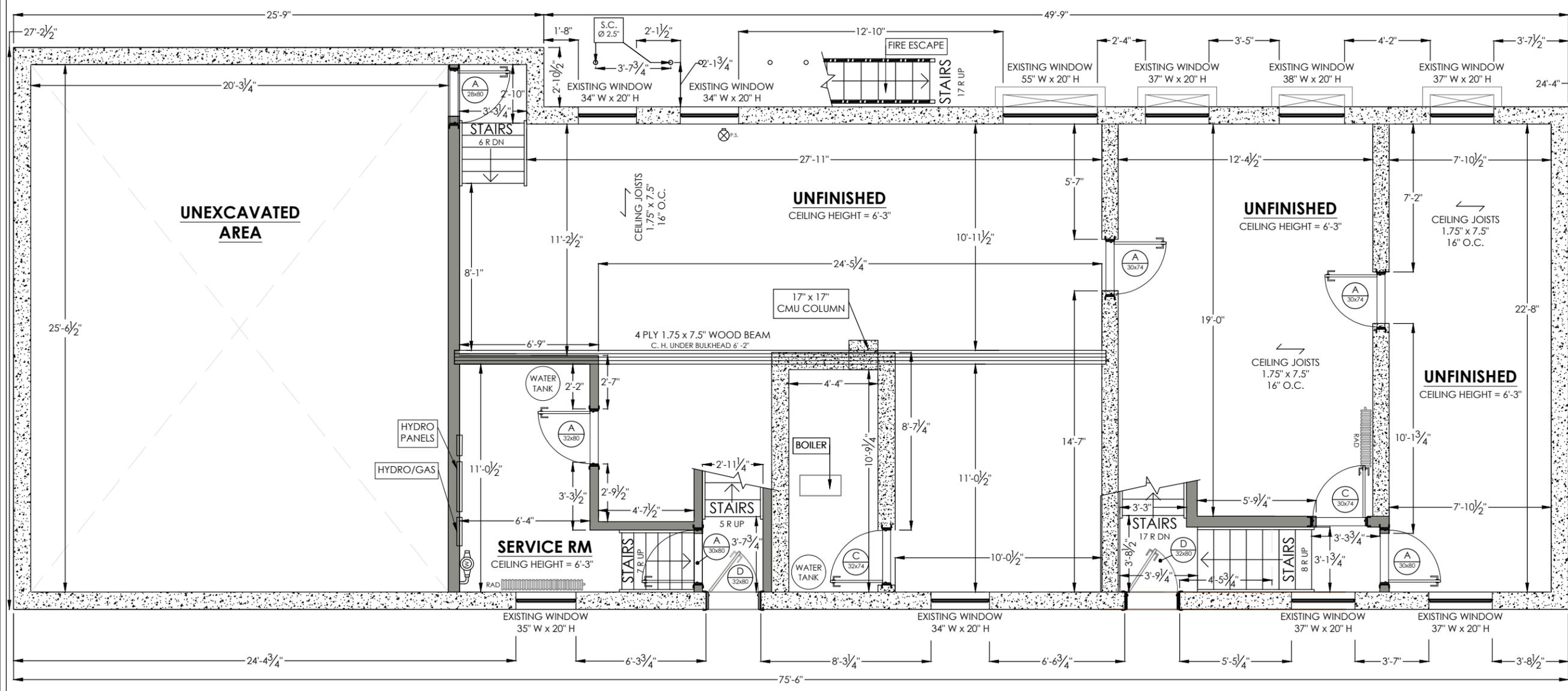
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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>SITE PLAN - METRIC</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
DATE:	<b>DEC 2021</b>

SCALE:	<b>1/8" = 1'</b>
SHEET#:	<b>SP 1.02</b>



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS

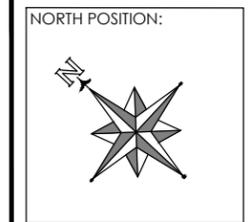
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



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ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

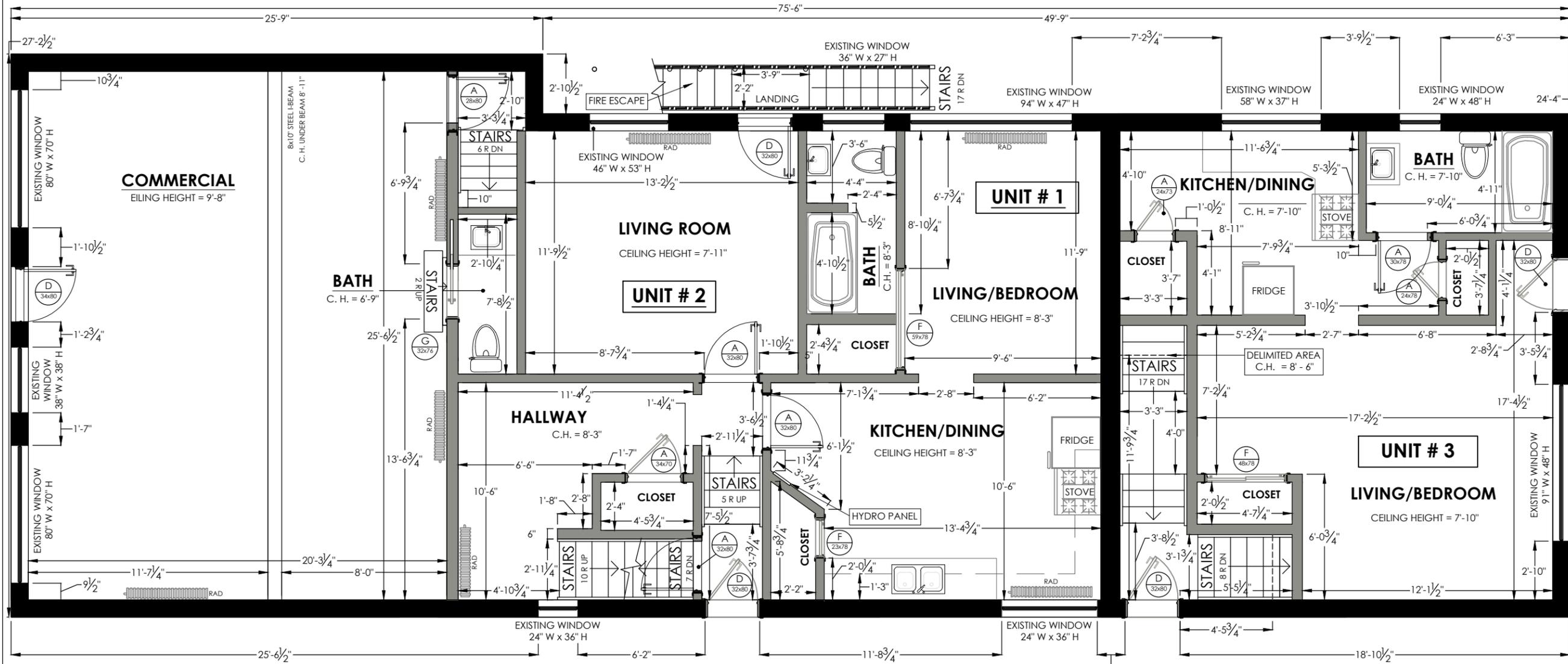
SUBJECT: **EXISTING BASEMENT**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3" = 1'**

SHEET#: **A 1.01**



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	C.E.I.L.I.N.G. H.E.I.G.H.T.
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



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ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

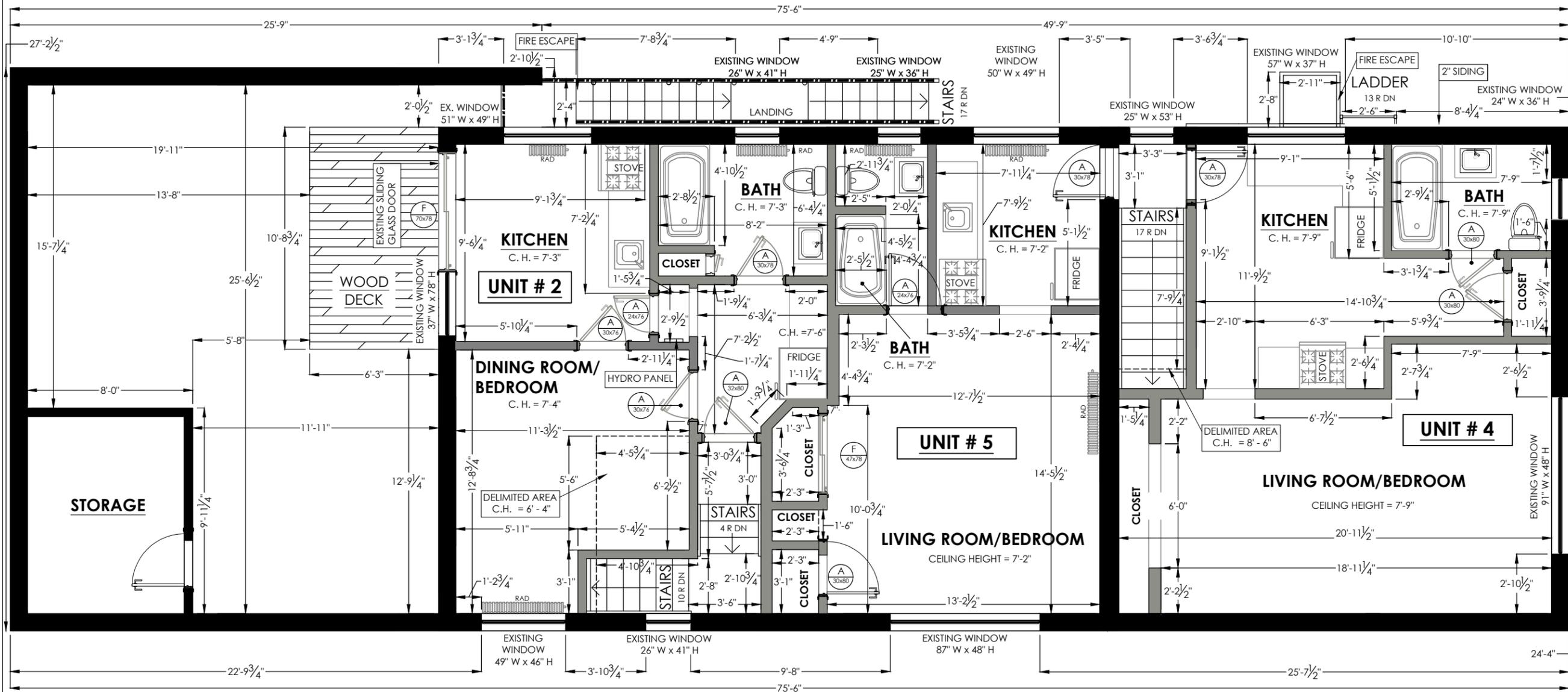
SUBJECT: **EXISTING GROUND FLOOR**

PROJECT: **MULTI UNIT CONVERSION**

SCALE: **3/16" = 1'**

DATE: **DEC 2021**

SHEET#: **A 1.02**



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SMOKE ALARM
	S.A. SMOKE ALARM
	C.M.A. CARBON MONOXIDE ALARM
	C.H. = 8'-10" CEILING HEIGHT
	P.P.S. PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING EXTERNAL WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERNAL WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
	A-30x60 DOOR TYPE DOOR SIZE

DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>EXISTING SECOND FLOOR</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
SCALE:	<b>3" = 1'</b>
DATE:	<b>DEC 2021</b>

SHEET#:  
**A 1.03**

**SEPARATION OF SERVICE ROOM**

- SERVICE ROOM TO CONFORM WITH O.B.C PART 9.10.10.3 AND 9.10.10.4 (c) and PART 11 C153 (a). **30 MINS** FRR IS ACCEPTABLE FOR VERTICAL AND HORIZONTAL PARTITIONS. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**

- NEW 2 x 4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**NEW HORIZONTAL PARTITION (CEILING) - F8D (30MIN FRR, STC50)**

- EX. WOOD JOISTS @ 16" O.C.
- 6" THICK ABSORPTIVE MATERIAL IN CAVITY
- RESILIENT METAL CHANNELS SPACED @ 16" O.C.
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

**FOR PIPE AND WIRE PENETRATIONS:**

- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

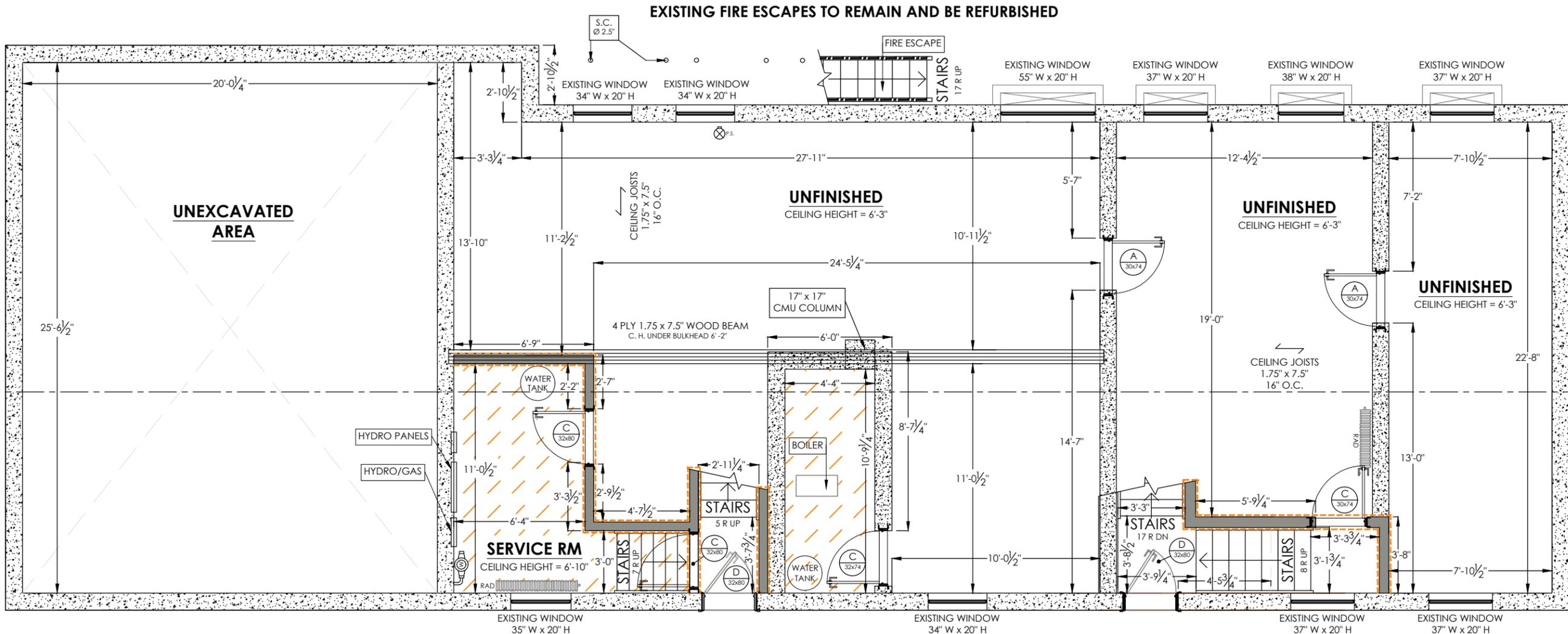
**FOR HVAC DUCTING:**

- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

**FOR SERVICE ITEMS IN FIRE SEPARTATION (VALVES, METERS, ELECTRICAL BOXES, ETC):**

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)

**BASEMENT FINISHINGS TO BE REMOVED  
EXISTING FIRE SEPARATION TO REMAIN**



BATH		ROOM NAME
	EF	EXHAUST FAN
	2	SPECIFICATION TAG
	S.A.	SMOKE ALARM
	C.M.A.	CARBON MONOXIDE ALARM
	C.H. = 8'-10"	CEILING HEIGHT
	P.S.	PLUMBING STACK
	W.M.	WATER METER
	F.D.	FLOOR DRAIN
	S.B.	STRUCTURAL BEAM OR WALL
	S.C.	STRUCTURAL COLUMN
	F.W.	FOUNDATION WALL
	E.E.W.	EXISTING EXTERIOR WALLS
	N.E.W.	NEW EXTERIOR WALLS
	E.I.W.	EXISTING INTERIOR WALLS
	N.E.W.	NEW EXTERIOR WALLS
	N.I.W.	NEW INTERIOR WALLS
	S.W.	STRUCTURAL WALLS
	W.	WINDOWS
	A	DOOR TYPE
	30x60	DOOR SIZE

DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED



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ADDRESS:	<b>94 KENILWORTH AVE. N - HAMILTON</b>
SUBJECT:	<b>PROPOSED BASEMENT</b>
PROJECT:	<b>MULTI UNIT CONVERSION</b>
DATE:	<b>DEC 2021</b>

SCALE:	<b>3" = 1'</b>
SHEET#:	<b>A 1.04</b>

**SEPARATION BETWEEN RESIDENTIAL SUITES**

SEPARATION BETWEEN RESIDENTIAL SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (c) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**NEW VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**

- NEW 2x4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**EXISTING SHARED PARTITION:**

- EX. LATH AND PLASTER WALL TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF WALL ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD STUDS @16" O.C.	20 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>90 min.</b>

**EXISTING CEILING PARTITION:**

- EX. LATH AND PLASTER CEILING TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF CEILING ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD JOISTS @16" O.C.	10 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>80 min.</b>

**FOR PIPE AND WIRE PENETRATIONS:**

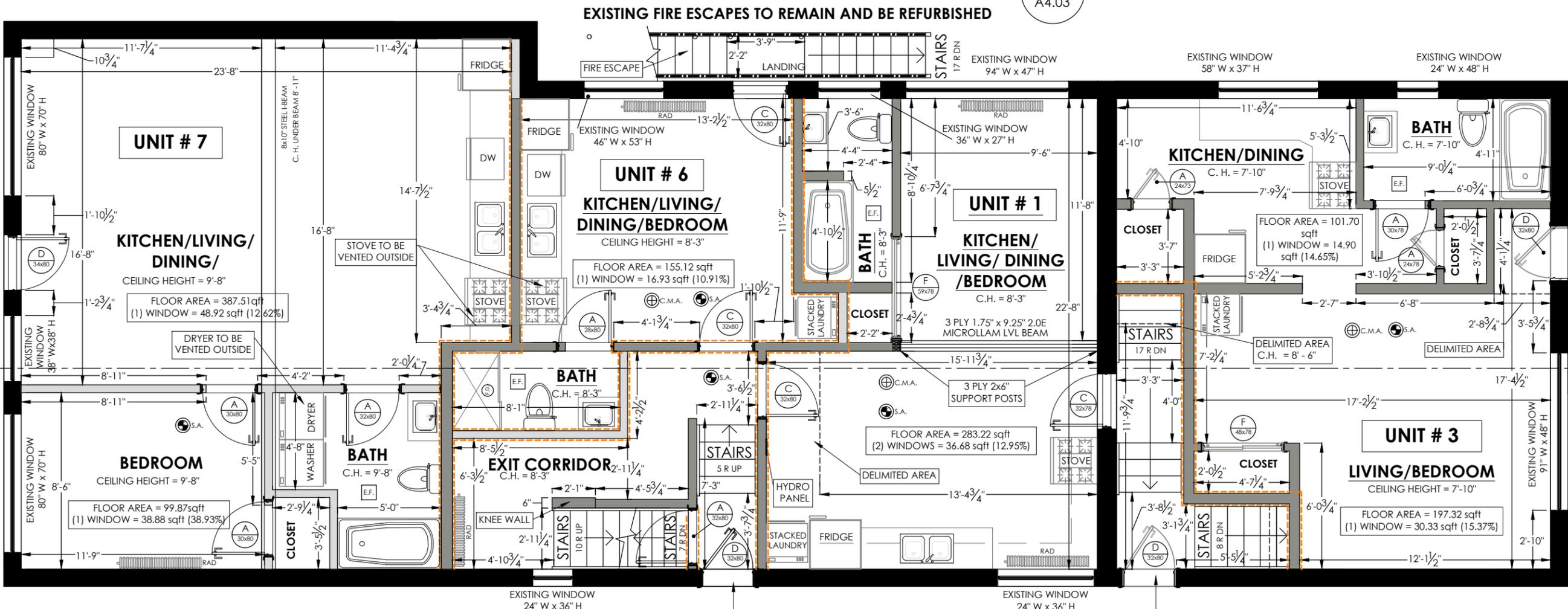
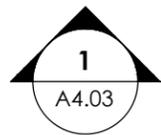
- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

**FOR HVAC DUCTING:**

- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

**FOR SERVICE ITEMS IN FIRE SEPARTATION (VALVES, METERS, ELECTRICAL BOXES, ETC):**

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SPECIFICATION TAG
	SMOKE ALARM
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW EXTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

EGRESS FROM DWELLING UNIT # 1,2,6 - SHARED ENTRANCE AND EXIT TO CONFORM WITH O.B.C. 9.9.9

EGRESS FROM DWELLING UNIT # 1,4,5 - SHARED ENTRANCE AND EXIT TO CONFORM WITH O.B.C. 9.9.9



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NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

SUBJECT: **PROPOSED GROUND FLOOR**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3/16" = 1'**

SHEET#: **A 1.05**

**SEPARATION BETWEEN RESIDENTIAL SUITES**

SEPARATION BETWEEN RESIDENTIAL SUITES TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 (1), PART 11 C152 (c) AND PART 9.11.2.1(1) - STC 50. REFER TO SB3 TABLE 1 AND 2 FOR ASSEMBLY DETAILS.

**NEW VERTICAL PARTITION (WALLS) - W4A (1HR FRR, STC51)**

- NEW 2x4 STUD WALL SPACED 16" O.C.
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 24" O.C.
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

**EXISTING SHARED PARTITION:**

- EX. LATH AND PLASTER WALL TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF WALL ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD. STUDS @16" O.C.	20 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>90 min.</b>

**EXISTING CEILING PARTITION:**

- EX. LATH AND PLASTER CEILING TO REMAIN AS IS
- MEETS A 30 MIN FRR AS PER SB2 - TABLE 2.3.4.A-D

**AS PER OBC 2012 SB-2 FIRE RATINGS PER COMPONENT OF CEILING ASSEMBLY;**

T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
T.2.3.4.C	
WOOD. JOISTS @16" O.C.	10 min.
T.2.3.4.D.	
3/8" GYPSUM w/ 1/2" PLASTER	35 min.
<b>TOTAL</b>	<b>80 min.</b>

**FOR PIPE AND WIRE PENETRATIONS:**

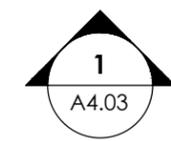
- USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

**FOR HVAC DUCTING:**

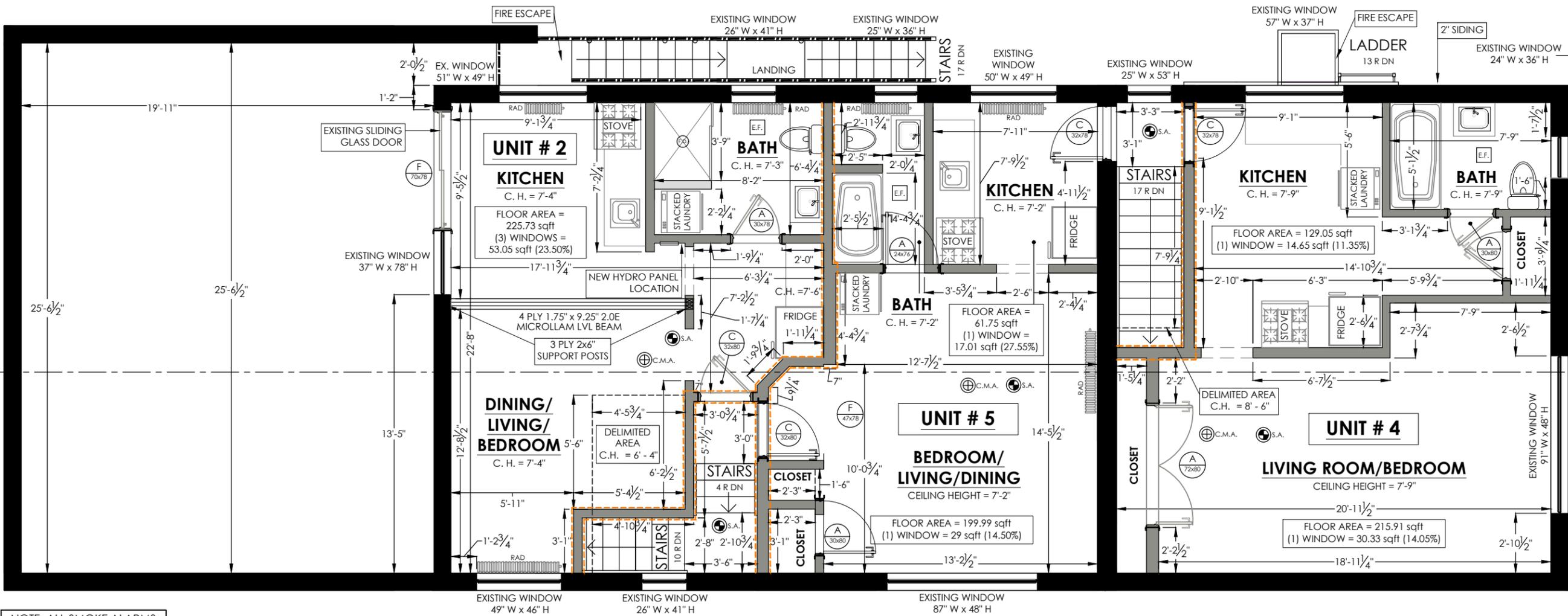
- ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
- SEE NOTE NEAR FURNACE ON FLOOR PLAN

**FOR SERVICE ITEMS IN FIRE SEPARTATION (VALVES, METERS, ELECTRICAL BOXES, ETC):**

- USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)



**EXISTING FIRE ESCAPES TO REMAIN AND BE REFURBISHED**



PLANS LEGEND	
	BATH
	EXHAUST FAN
	SMOKE ALARM
	SPECIFICATION TAG
	CARBON MONOXIDE ALARM
	CEILING HEIGHT
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL BEAM OR WALL
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	WINDOWS
DOOR LEGEND	
	A. PANEL DOOR
	B. FIRE DOOR w/ SELF CLOSER (45 MIN)
	C. FIRE DOOR w/ SELF CLOSER (20 MIN)
	D. EXTERIOR DOOR
	E. BIFOLD CLOSET
	F. SLIDING DOOR
	G. POCKET DOOR



NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

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 office: 855.546.4467 cell: 905.961.0647

legalsecondsuites.com

Legal Second Suites architectural and engineering service is owned by and operated in affiliation with King Homes Inc.

NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

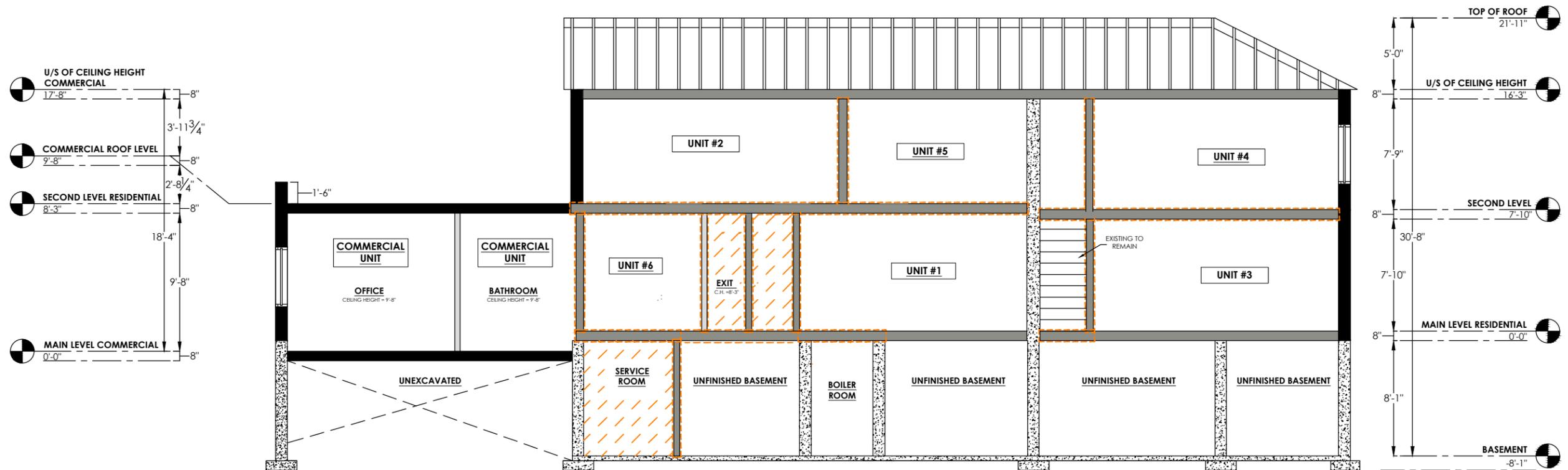
SUBJECT: **PROPOSED SECOND FLOOR**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **3/16" = 1'**

SHEET#: **A 1.06**



**legal second suites.com**

LEAD DESIGNER & CONSULTANT  
 Ken Bekendam B.A. BUSCOM, L.T.  
 kenbekendam@gmail.com  
 office: 855.546.4467 cell: 905.961.0647

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NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

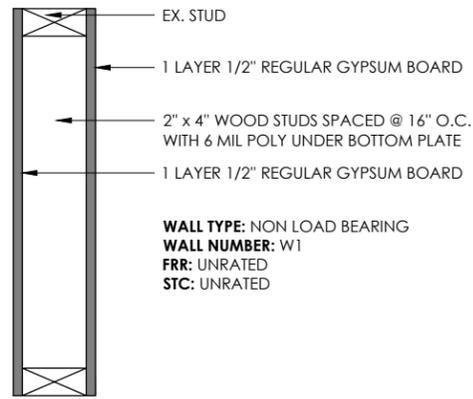
SUBJECT: **BUILDING CROSS SECTION**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

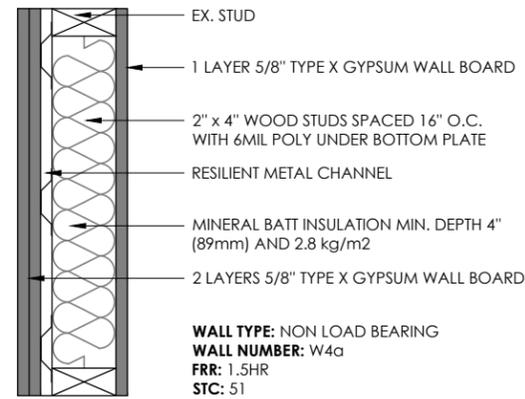
SCALE: **3/16" = 1'**

SHEET#: **A 4.01**



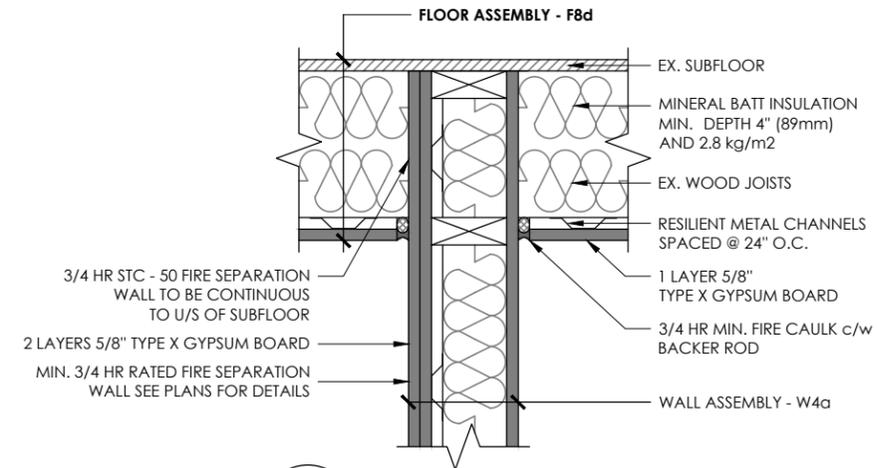
**WALL TYPE:** NON LOAD BEARING  
**WALL NUMBER:** W1  
**FRR:** UNRATED  
**STC:** UNRATED

**01 NEW: INTERIOR PARTITION WALL**  
 WITH GWB BOTH SIDES

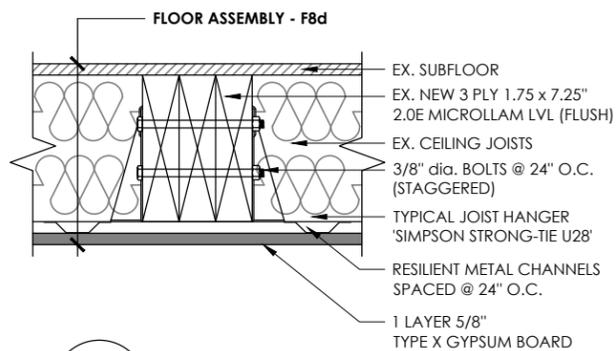


**WALL TYPE:** NON LOAD BEARING  
**WALL NUMBER:** W4a  
**FRR:** 1.5HR  
**STC:** 51

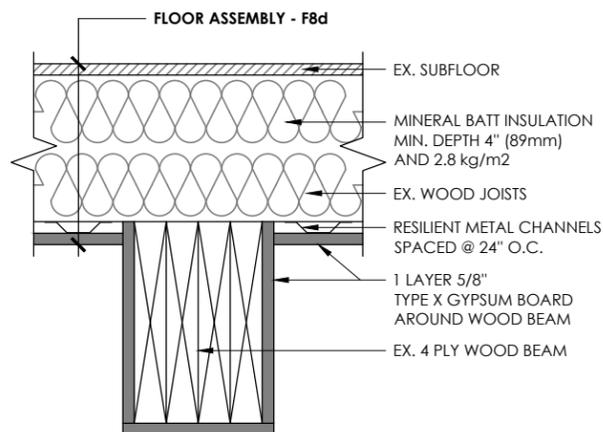
**02 NEW: INTERIOR PARTITION WALL**  
 WITH 1HR FIRE SEPARATION



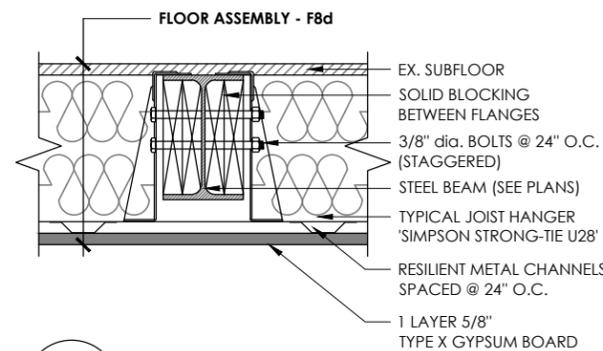
**03 VERTICAL FIRE SEPARATION**  
 AT CEILING DETAIL



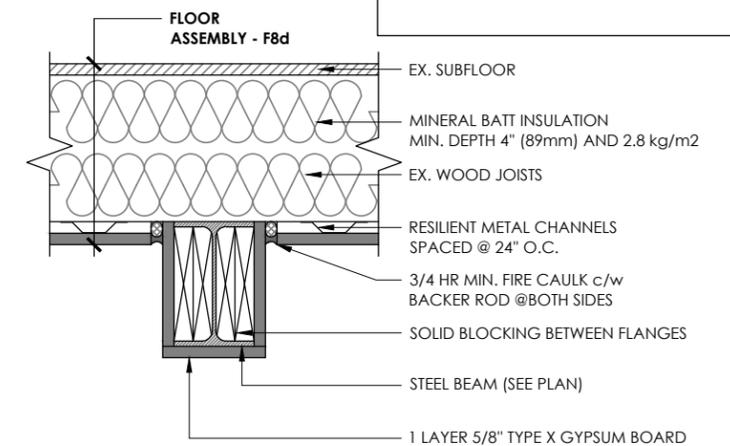
**04 LVL BEAM DETAIL**  
 FLUSH



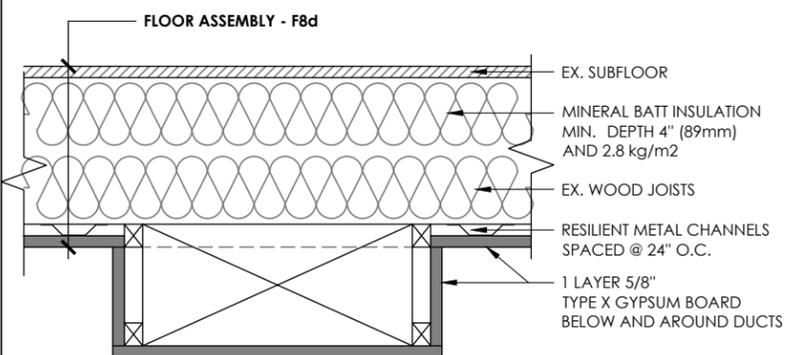
**05 WOOD BEAM FIRE RATED**  
 DROPPED



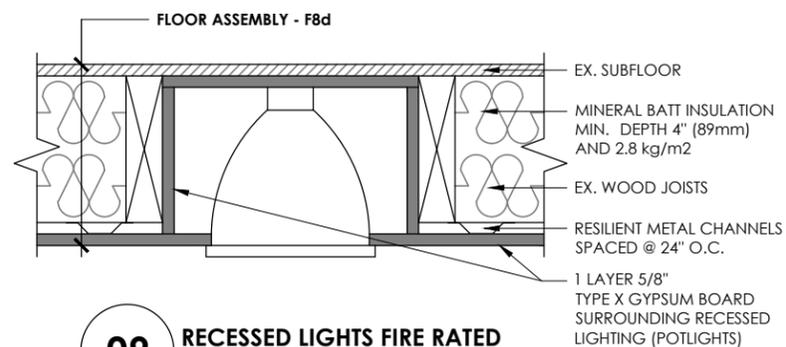
**06 STEEL BEAM FIRE RATED**  
 FLUSH



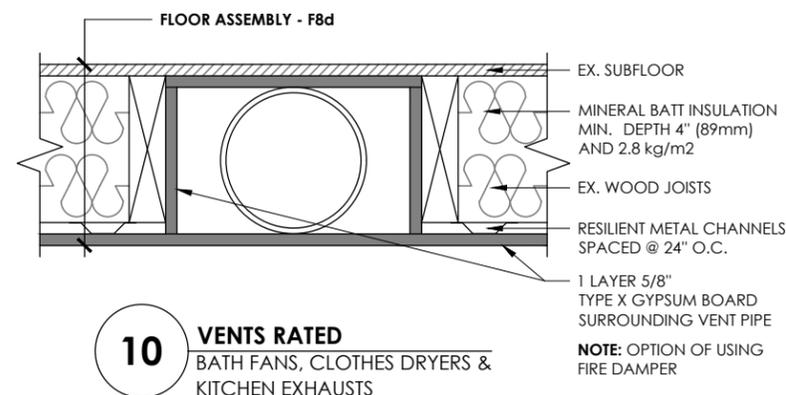
**07 STEEL BEAM FIRE RATED**  
 DROPPED



**08 DUCTS FIRE RATED**



**09 RECESSED LIGHTS FIRE RATED**



**10 VENTS RATED**  
 BATH FANS, CLOTHES DRYERS &  
 KITCHEN EXHAUSTS



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NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

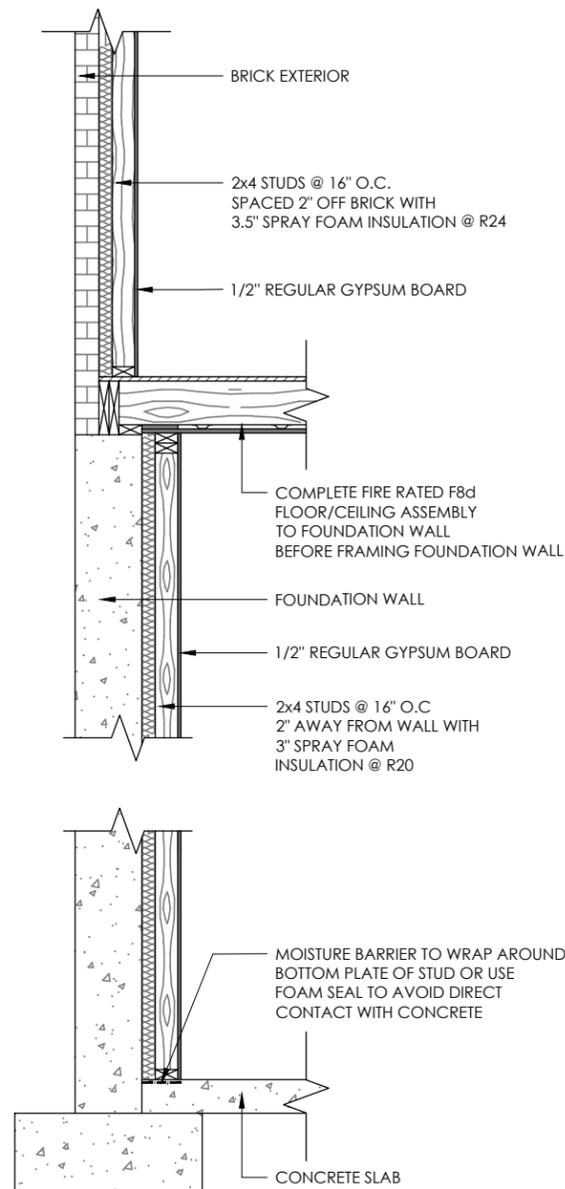
SUBJECT: **FIRE SEPARATION DETAILS 1**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **1" = 1'**

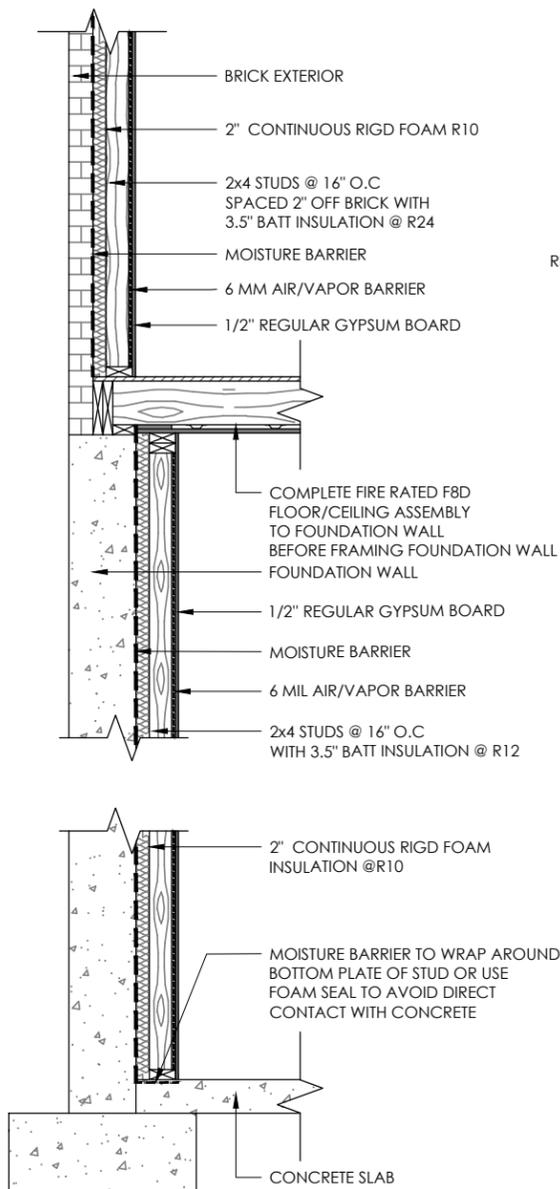
SHEET#: **A 4.02**



**NOTE:** FOUNDATION WALL, SLAB AND FOOTING FOR REFERENCE ONLY - EXACT SIZE NOT DETERMINED

EXTERIOR FOUNDATION WALL DETAIL FOR NEW PORTIONS ONLY

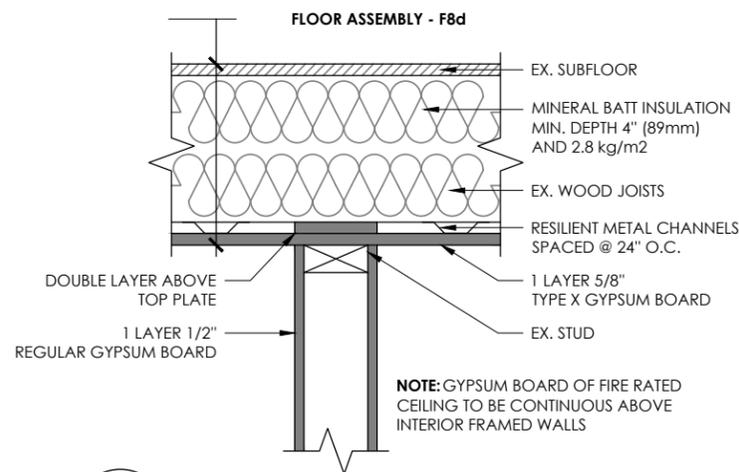
**11 EXTERIOR WALL SPRAY FOAM**



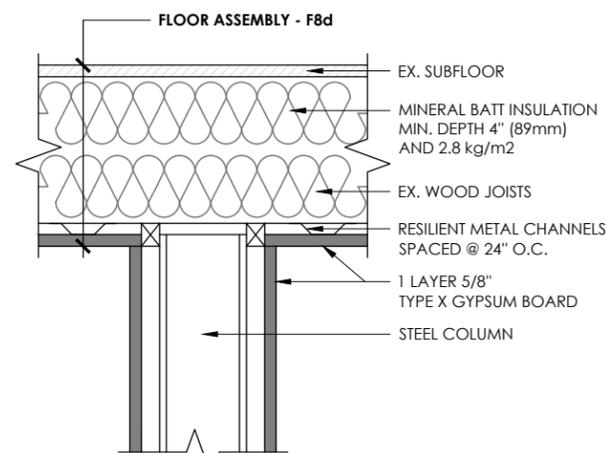
**NOTE:** FOUNDATION WALL, SLAB AND FOOTING FOR REFERENCE ONLY - EXACT SIZE NOT DETERMINED

EXTERIOR FOUNDATION WALL DETAIL FOR NEW PORTIONS ONLY

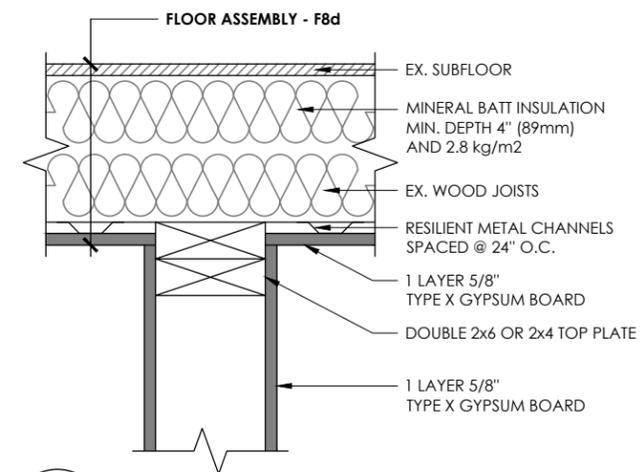
**12 EXTERIOR WALL BATT INSULATION**



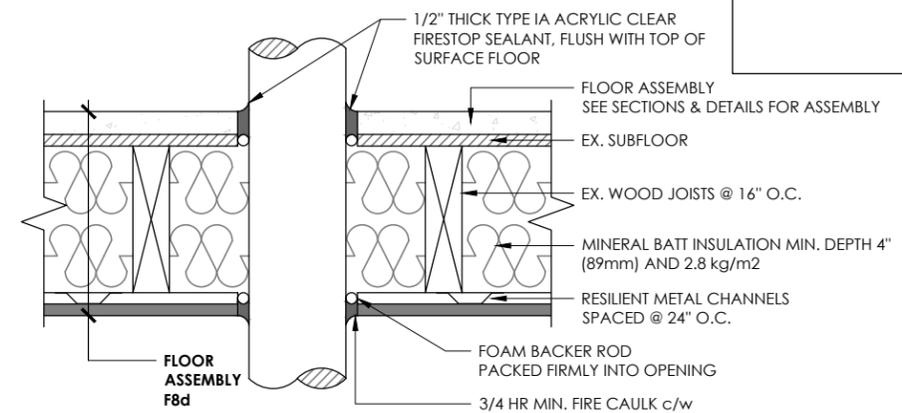
**13 INTERIOR WALL - NON LOAD BEARING FIRE SEPARATION**



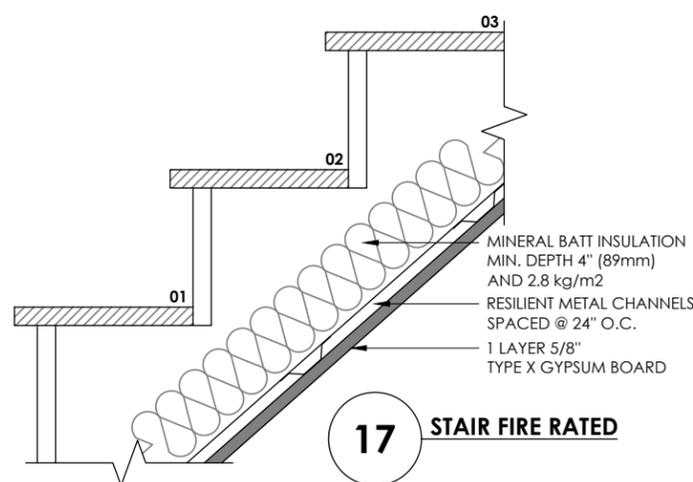
**15 STRUCTURAL COLUMNS FIRE SEPARATION**



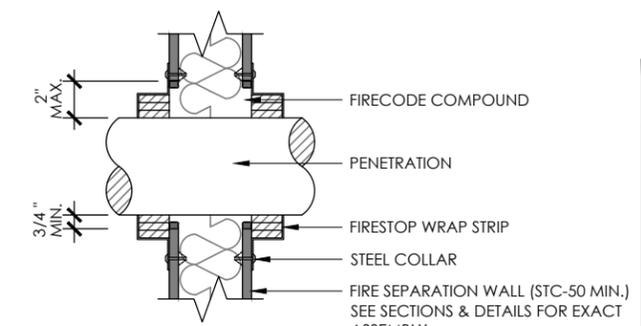
**14 LOAD BEARING FIRE RATED WALL AT CEILING DETAIL**



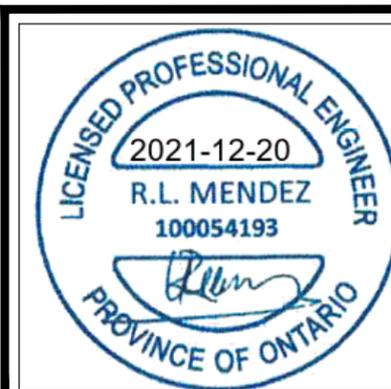
**16 FIRESTOP DETAIL FLOOR PENETRATION**  
SEE HILTI DETAILS



**17 STAIR FIRE RATED**



**18 FIRESTOP DETAIL WALL PENETRATION**  
SEE HILTI DETAILS



**legal second suites.com**

LEAD DESIGNER & CONSULTANT  
Ken Bekendam B.A. BUSCOM, L.T.  
kenbekendam@gmail.com  
office: 855.546.4467 cell: 905.961.0647

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**KING**

NORTH POSITION:

ADDRESS: **94 KENILWORTH AVE. N - HAMILTON**

SUBJECT: **FIRE SEPARATION DETAILS 2**

PROJECT: **MULTI UNIT CONVERSION**

DATE: **DEC 2021**

SCALE: **1" = 1'**

SHEET#: **A 4.03**



**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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:

To permit residential units at 0m above grade whereas the bylaw requires 0.9m above grade as per 10.5.1.1(i)(1). Min rear yard setback of 7m whereas the bylaw requires 7.5m as per 10.5.3(b). Min.

Interior side yard setback of 0.88m whereas the bylaw requires 7.5m as per 10.5.3.(c)

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Existing site conditions

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**):

94 Kenilworth Ave N

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

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 8.1 to 8.10 above?

Existing commercial uses on site - Personal Services

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

Dec 21/21  
Date

[Signature]  
Signature Property Owner(s)

\_\_\_\_\_  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>30'</u>
Depth	<u>100'</u>
Area	<u>3000 sqft</u>
Width of street	<u>unknown</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: See site plan

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: See site Plan

Proposed: See Site plan

13. Date of acquisition of subject lands:  
2021
- 
14. Date of construction of all buildings and structures on subject lands:  
unknown
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Commercial Retail on ground level, residential units above
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Commercial Retail on ground level, residential units above
17. Length of time the existing uses of the subject property have continued:
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:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C5 - Mixed Use Medium Density
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-22:12

**APPLICANTS:** Owners E. MacKay & J. Medeiros

**SUBJECT PROPERTY:** Municipal address **14 Bruce St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 21-076

**ZONING:** "D" (Urban Protected Residential) district

**PROPOSAL:** To permit an accessory building with a Secondary Dwelling Unit– Detached on the second floor for a single family dwelling, notwithstanding that:

1. The minimum side yard shall be 0.75 metres for the existing dwelling and 1.2 metres for the proposed Secondary Dwelling Unit – Detached, instead of the minimum required 1.2 metre side yard;
2. The maximum lot coverage of all Accessory Buildings and a Secondary Dwelling Unit - Detached shall be 30% instead of the required 25% of the total lot area;
3. An unobstructed path from a Front Lot Line to the entrance of the Secondary Dwelling Unit – Detached shall be a minimum 0.75 metres in width instead of the minimum required 1.0 metre width.

**NOTES:**

1. The requested variances are intended to address the proposed Secondary Dwelling Unit– Detached with respect to amending By-law 21-076, but were not specifically identified by the applicant. The variances provided were identified through the review of the applicant's submitted plans.
2. The property is a through lot with frontages along Bruce Street and Hess Street South. By-law 21-076 directs that for through lots, the front lot line shall be deemed to be the lot line where the front entrance of the existing principal dwelling faces, the lot line opposite the front lot line shall be deemed the rear lot line, and all other lot lines shall be deemed the side lot lines. Therefore, for the proposed variances, Bruce Street is recognized as the front lot line and Hess Street South the rear lot line.
3. The City's Geographic Information System recognizes the existing accessory building as a separate parcel known municipally as 309 Hess Street South. The balance of the property is recognized as 14 Bruce Street. Additional information would be required to determine if this information is current or whether the parcels have been merged. The zoning by-law requires that the lots shall be under consolidated ownership.

HM/A-22: 12  
Page 2

4. The single detached dwelling and existing accessory building are recognized as being Registered (non-designated) Heritage properties by the City of Hamilton.

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

---

**DATE:** Thursday, February 17th, 2022  
**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.

## 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: February 1st, 2022.

---

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.***



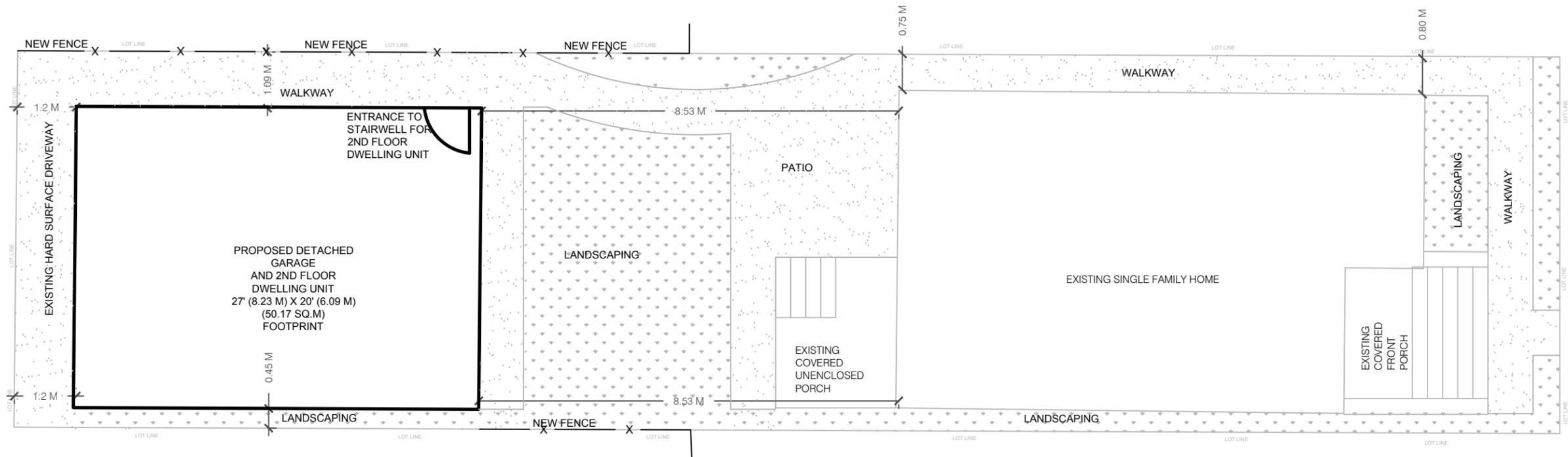
www.nichefordesign.com  
info@nichefordesign.com

HAMILTON, ON

905-379-0792

SITE PLAN DEMO NOTES:

- ITEMS SHALL REMAIN UNLESS DESIGNATED FOR REMOVAL. REMOVE DESIGNATED ITEMS SHOWN ON THE PLAN TO THE FULL DEPTH OF THEIR CONSTRUCTION UNLESS OTHERWISE NOTED.
- VERIFY THE LOCATION AND DIMENSION OF ITEMS TO BE REMOVED PRIOR TO COMMENCEMENT OF THE WORK.
- ALL CONCRETE AND ASPHALT REMOVAL SHALL BE SAW CUT. EDGES OF MATERIAL TO REMAIN SHALL BE SHORED UP AND PROTECTED DURING CONSTRUCTION TO PRESERVE EDGE INTACT. REPAIRS TO DAMAGED EDGES TO BE DONE WITH CARE AND AT NO COST TO THE OWNER.
- ITEMS ENCOUNTERED BELOW GRADE AND NOT SHOWN ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND/OR LANDSCAPE ARCHITECT.
- REMOVE DEMOLISHED MATERIALS FROM SITE. DISPOSAL BY BURNING AND/OR BURYING IS PROHIBITED.
- CONTACT THE LOCAL UNDERGROUND SERVICE OFFICE FOR UTILITY LOCATION AND IDENTIFICATION PRIOR TO DEMOLITION.
- THE LOCATION OF EXISTING UTILITIES AS SHOWN ON THE PLANS MAY VARY IN RELATION TO ACTUAL EXISTING CONDITIONS; ADDITIONAL UTILITIES NOT SHOWN ON THE DRAWINGS MAY EXIST. VERIFY IN THE FIELD THE DATA SHOWN, AND CALL ANY DISCREPANCIES TO THE ATTENTION OF THE ENGINEER AND/OR LANDSCAPE ARCHITECT.
- NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES



HESS STREET SOUTH

BRUCE STREET

No.	Description:	Date:
-	--	--

ZONING AND SITE STATISTICS PROPOSED DETACHED GARAGE WITH SECOND FLOOR DETACHED DWELLING UNIT

LOT AREA (m <sup>2</sup> )	239.46 [2577.5 SQ.FT)			REQUIRED	PROPOSED
LOT FRONTAGE (m)	7.62		FRONT YARD	NA	NA
			SIDE YARD	1.2 M MIN	1.09 M NORTH 0.45 M SOUTH
GROSS FLOOR AREA			REAR YARD (HESS ST S)	1.2 M MIN	1.2 M
	EXISTING (m <sup>2</sup> )	PROPOSED (m <sup>2</sup> )	LANDSCAPED AREA	20 SQ. M MIN	99.13 SQ.M
GROUND FLOOR	NA	39.85	PARKING SPOTS	1	2
SECOND FLOOR	NA	41.44	LOT COVERAGE (%)	30% MAX (148.96 SQ.M)	34% (50.17 SQ.M)
			BUILDING HEIGHT	6.0 M MAX	5.94 M

PROJECT:  
GARAGE  
ADDRESS:  
14 BRUCE ST

DRAWING TITLE:  
SITE PLAN & STATISTICS

DRAWN BY:  
EM

CHECKED BY:  
EM

DATE:  
10.23.21

SCALE:  
1/8" = 1'-0"

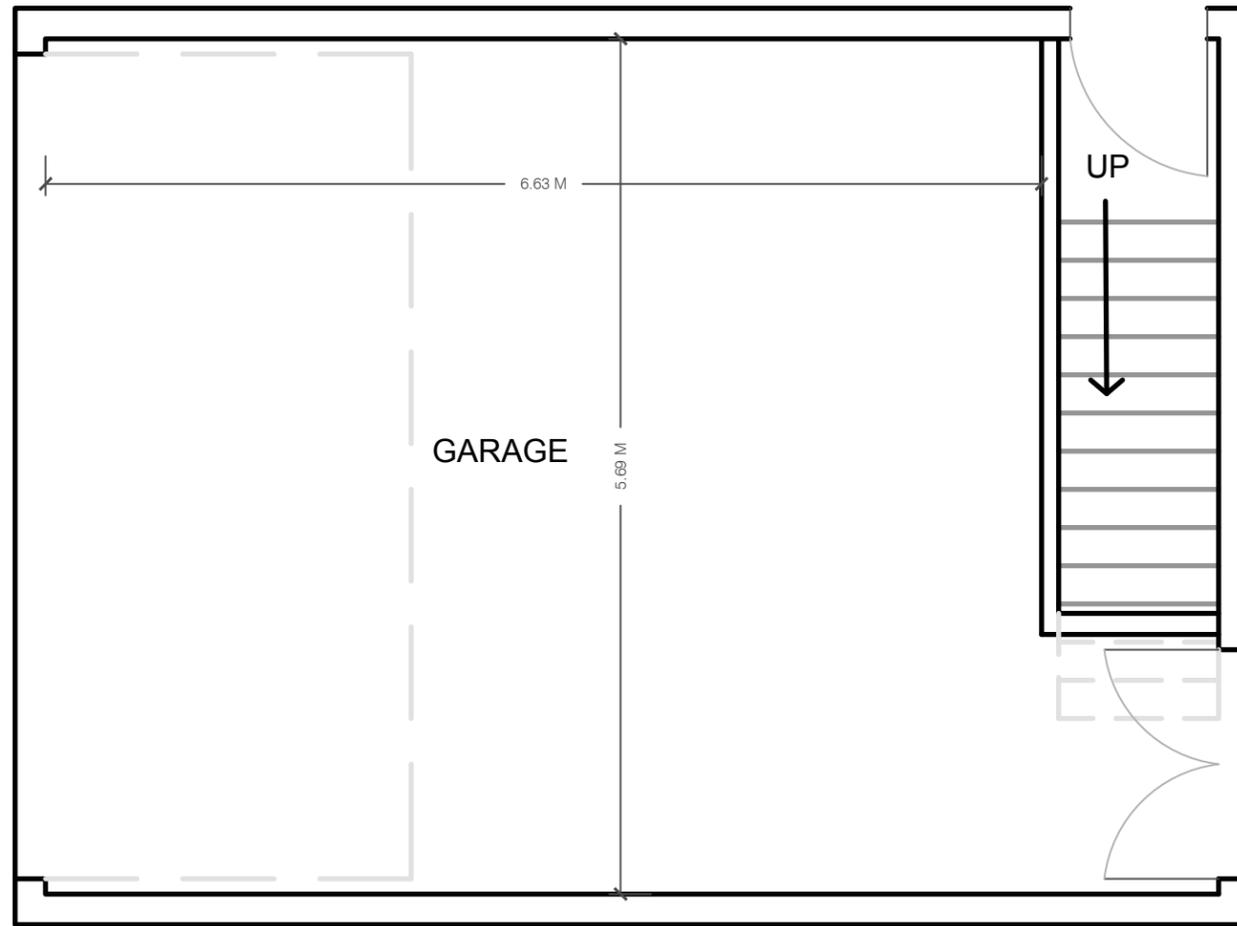
DRAWING #:  
A001



www.nichefordesign.com  
info@nichefordesign.com

HAMILTON, ON

905-379-0792



# MAIN FLOOR

AREA: 429 SF (39.85 SQ.M)

--	--	--
No.	Description:	Date:

PROJECT:  
GARAGE  
ADDRESS:  
14 BRUCE ST

DRAWING TITLE:  
PROPOSED-MAIN FLOOR

DRAWN BY:  
EM

CHECKED BY:  
EM

DATE:  
10.23.21

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

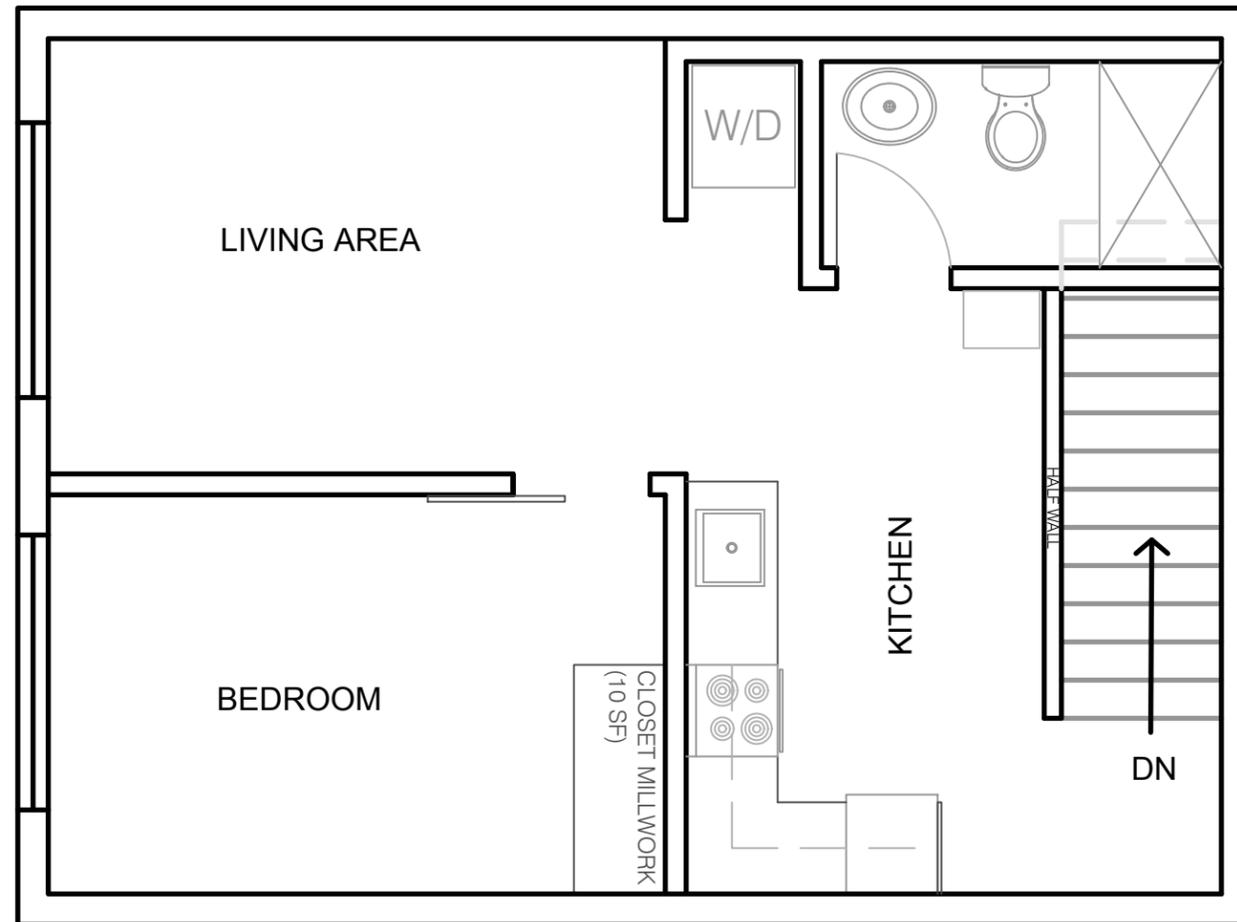
DRAWING #:  
A201



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info@nichefordesign.com

HAMILTON, ON

905-379-0792



## SECOND FLOOR

AREA: 446 SF (41.44 SQ.M)

--	--	--
No.	Description:	Date:

PROJECT:  
GARAGE  
ADDRESS:  
14 BRUCE ST

DRAWING TITLE:  
PROPOSED- SECOND FLOOR

DRAWN BY:  
EM

CHECKED BY:  
EM

DATE:  
10.23.21

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

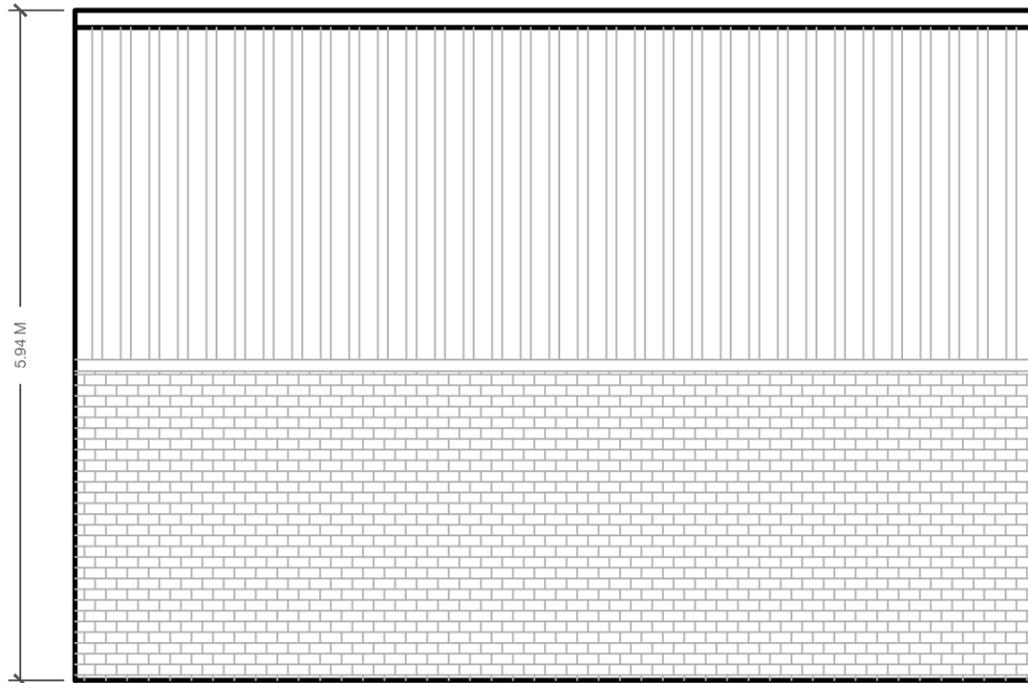
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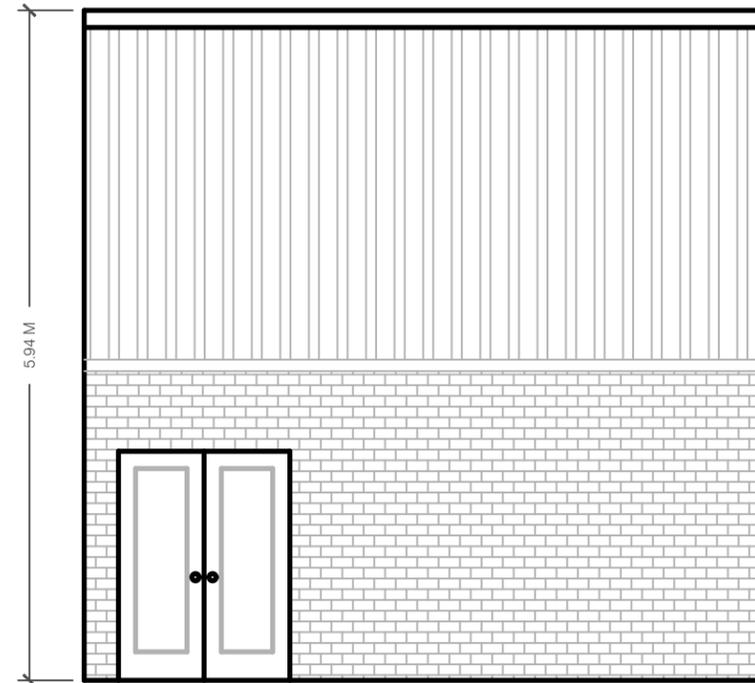
www.nichefordesign.com  
info@nichefordesign.com

HAMILTON, ON

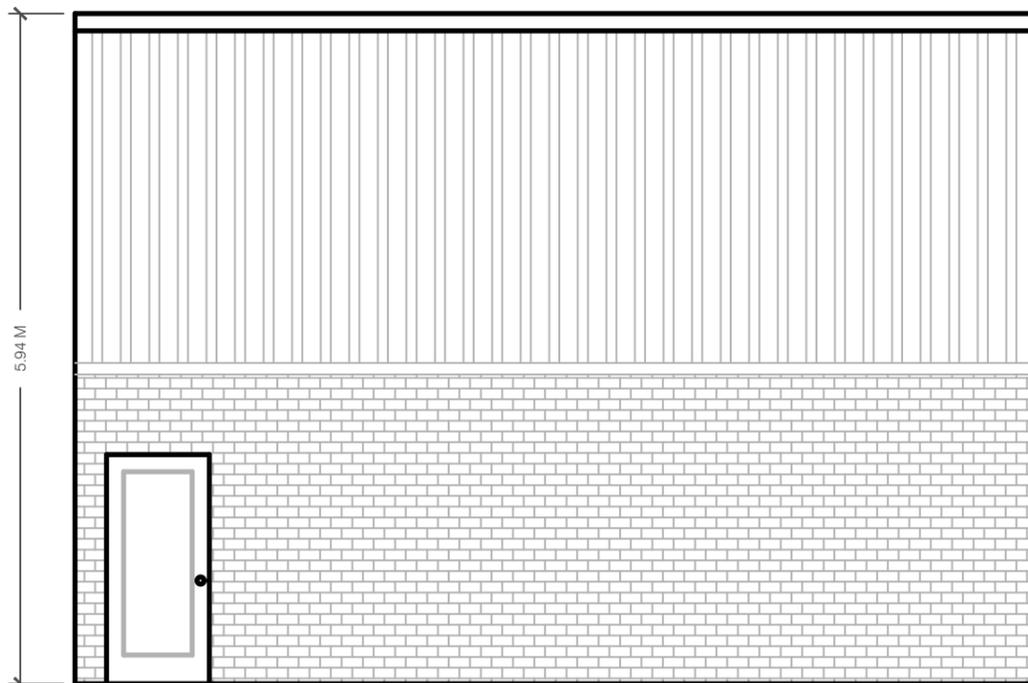
905-379-0792



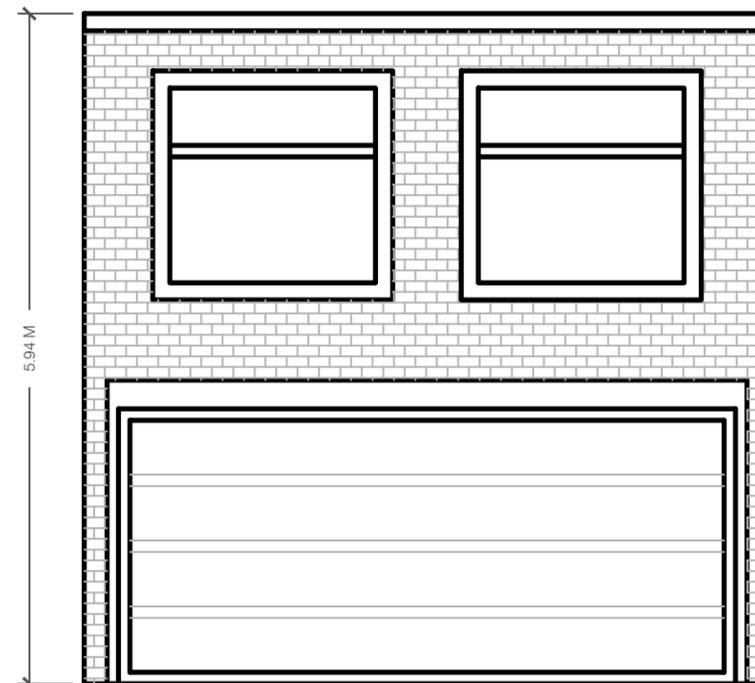
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

--	--	--
No.	Description:	Date:

PROJECT:  
GARAGE  
ADDRESS:  
14 BRUCE ST

DRAWING TITLE:  
PROPOSED- ELEVATIONS

DRAWN BY:  
EM

CHECKED BY:  
EM

DATE:  
10.23.21

SCALE: 3/16" = 1'-0"	DRAWING #: A300
-------------------------	--------------------

December 15, 2021

City of Hamilton  
Planning and Economic Development Department  
Planning Division, City Hall  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Attn: Secretary-Treasurer, Committee of Adjustment

**Re: Minor Variance Application – 14 Bruce Street, Hamilton, Ontario  
Proposed Detached Accessory Building (Garage) with a 2<sup>nd</sup> Floor Detached  
Secondary Dwelling Unit  
Relief from City of Hamilton Zoning By-law 6593**

---

We are pleased to submit the subject minor variance application to facilitate the construction of a 5.94 m high detached accessory building with a 2<sup>nd</sup> floor detached secondary dwelling unit. The detached building is proposed to occupy an area of 50.17 m<sup>2</sup> (540 ft<sup>2</sup>) with the ground floor being utilized as a garage for the storage of automobiles, personal belongings, etc. A 41.44 m<sup>2</sup> (446.05 ft<sup>2</sup>) detached secondary dwelling unit will occupy the 2<sup>nd</sup> floor with direct access to the ground floor via an exterior door facing the northerly side yard. The detached secondary dwelling unit will have 1 bedroom, a kitchen, living area and a three-piece bathroom. The garage and secondary dwelling unit will function independently of each other with no direct access between each space inside. Two off-street parking spaces will be provided within the attached garage with additional parking on the existing driveway.

The subject lands are located on a through lot, with the front yard abutting Bruce Street, and the rear yard abutting Hess Street South. The subject property at 14 Bruce Street contains an existing single detached dwelling, a detached garage, and a shed. Both the existing garage and shed will be removed to facilitate the construction of the new accessory building. The property is situated in the Durand neighbourhood, which consists of a mix of housing types and styles including but not limited to: single detached, semi-detached dwellings, duplexes, townhouses, low and mid-rise apartments, and other multi-unit forms of housing.

The subject property is designated "Neighbourhoods" on Schedule "E" and designated "Neighbourhoods" on Schedule "E1" in the Urban Hamilton Official Plan and is zoned "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district. A portion of the subject property (not including the garage at the rear adjacent to Hess Street South) is listed on the City's Municipal Heritage Registry as a "Character Supporting Resource" in the Durand Built Heritage Inventory. The subject property or any of the adjacent properties are not designated under the Ontario Heritage Act. The property is not situated within a Cultural Heritage Landscape (Schedule F, Urban Hamilton Official Plan).

In order to obtain a building permit from the City of Hamilton, the subject Minor Variance Application is required to facilitate the construction of the new detached accessory building with a detached secondary dwelling unit. Relief is being sought from the technical requirements of the Zoning Bylaw 6593 for the following:

**1. Relief from Section 19.(1)(ii) to permit a lot coverage of 34% for an accessory building with a detached secondary dwelling unit, whereas accessory buildings shall occupy not more than 30% of the rear yard and side yard combined.**

- This section of the by-law states that notwithstanding the zoning provisions for accessory buildings (restriction as to location), a secondary dwelling unit – detached shall only be considered an accessory building for the purposes of lot coverage. Therefore, aside from lot coverage, all other requirements of By-law 21-076 shall apply.

The subject property contains an existing single detached dwelling with a detached accessory building and shed. The proposed detached building will occupy a ground floor area of 50.17 m<sup>2</sup>. The ground floor will be occupied by a two-car garage. It is proposed that the additional space is needed to accommodate personal vehicles, but also to accommodate a staircase to provide access to the secondary dwelling unit. The approved changes to the zoning under By-law 21-076 limits outside stairwells (with the exception of a required exterior exit), and therefore an additional 1.2 m (4 ft.) is required to the length of the building to hide the stairwell in order to facilitate the creation of the 2<sup>nd</sup> dwelling unit. If the staircase was not restricted to being located within the building itself (i.e., no exterior stairwell), then a variance to this section of the by-law would not otherwise be required. The calculation for lot coverage was rounded up to provide additional flexibility during the detailed design stage.

**2. Relief from Section 19.(1).1(ii)2. to permit a minimum southerly side yard of 0.45 m, and to permit a northerly side yard of 1.09 m, whereas a minimum of 1.2 m is required.**

- The subject property contains an existing detached single storey garage and shed. The existing garage is currently located 0.4 m from the southerly side yard and is in poor condition. Both the existing garage and shed are proposed to be removed and replaced with the proposed new detached garage with a 2<sup>nd</sup> floor detached secondary dwelling unit. The proposed new accessory building will maintain a slightly larger southerly side yard of 0.45 m than the existing garage and shed and is proposed to be 1.09 m from the northerly side yard. Landscaping will be maintained along the southerly side yard. A walkway is proposed along the northerly side yard, which will provide access to the detached secondary dwelling unit and to Hess Street South.

**3. Relief from Sections 19.(1).1(ii)3. and 19.(1).1(ii)4. to permit a minimum rear yard of 1.2 m with a hard surfaced driveway and/or landscaping, whereas a minimum rear yard of 1.2 m which does not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod is required.**

- The purpose of this section of the by-law is to ensure that no obstructions are created along the rear lot line. Furthermore, the intent of this section of the by-law applies more specifically to interior lots, which do not have frontage to a public street along the rear lot line. Through lots were not contemplated for this section of the by-law. Therefore, a variance is sought as there is already an existing hard surface driveway (crushed gravel) abutting the rear lot line. It is proposed that the driveway will eventually be resurfaced with a new hard surface material consisting of asphalt, and/or cement, etc. This is consistent with the driveways for the abutting properties.

**4. Relief from Section 19.(1).1(ii)12. to permit an unobstructed path with a minimum 1.0 m width and minimum 2.1 m height clearance from a *Rear Lot Line* to the entrance of the *Secondary Dwelling Unit*, whereas an unobstructed path with a minimum 1.0 m width and minimum 2.1 m height clearance from a *Front Lot Line* is required.**

- This section of the by-law is intended to ensure health and safety is maintained in the event of an emergency for access purposes. Similarly to the previous requested variance, this section of the by-law does not contemplate through lots. An existing 0.75 m width walkway provides access to the front lot line with no obstructed height. It is proposed that the detached secondary dwelling unit will have access to the rear lot line, which abuts Hess Street South. Therefore, an unobstructed walkway of 1.09 m is proposed to the rear lot line and the minimum 2.1 height clearance is maintained.

In considering the four tests for minor variances as outlined in Section 45(1) of the Planning Act, the following comments are offered:

1. The “Neighbourhoods” Designation in the City’s Official Plan encourages a full range of housing types and forms while achieving an overall low intensity of use. Residential dwellings including second dwelling units are a permitted use in the Neighbourhoods Designation. Hamilton’s “neighbourhoods” will see some physical change over time and will evolve as older residents move out, younger residents and families move in, and homes are renovated or rebuilt (Chapter E2.6). It is the policy of the City to promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution (Chapter E3.1.4). The proposed detached garage and 2<sup>nd</sup> floor secondary dwelling unit will respect the character of the existing neighbourhood, is a permitted use in the Official Plan, is compatible with adjacent dwellings and will enhance the streetscape. The requested variances meet the general intent of the Official Plan.
2. The intent of the Zoning By-Law is to ensure compatibility with the adjacent streetscape and mitigating potential impacts on adjacent properties as it relates to the placement of buildings, off-street parking, etc. With respect to the proposed variances, the requested increase in lot coverage is appropriate and only represents a marginal increase in the maximum allowable lot coverage. The proposed detached garage and 2<sup>nd</sup> floor secondary dwelling unit will maintain the setback of the existing garage along the southerly lot line (side yard), it will align with the existing single detached dwelling along the northerly lot line (side yard) and conforms to the rear yard requirement of 1.2 m. The required 7.5 m distance between the rear façade of the principal dwelling and the proposed secondary dwelling unit is maintained. The proposed building also complies with the maximum building height and the minimum landscaping requirements of the by-law. All other requested variances are technical in nature and are intended to address the fact that the by-law does not fully contemplate all lot shapes and sizes (i.e., through lots). No changes are proposed to the existing parking and in fact will increase the on-site supply by allowing additional spaces on-site. The requested variances meet the intent of the Zoning By-law.
3. The variances can be considered minor as the requested variances will not present any significant impacts to the adjacent lands and the overall neighbourhood. The variances requested seek relief from the technical requirements of the Zoning By-law as the new

detached garage and 2<sup>nd</sup> floor detached secondary dwelling unit will maintain existing streetscape characteristics, while providing off-street parking as well as an additional housing unit in the neighbourhood. The proposal is also consistent with local and Provincial policies.

4. The variances are appropriate for the development and use of the land. The proposed detached garage and 2<sup>nd</sup> floor detached secondary dwelling unit will respect the scale, massing and proportion of adjacent buildings. The proposed building will contribute to the character and ambience of the community and neighbourhood. An additional housing unit will also be created as a result of facilitating the proposed development. The requested variances should not impact any of the adjacent land uses nor the subject property.

Thank you for consideration of this minor variance submission. We trust that this information addresses all the zoning requirements for the purposes of the proposed detached accessory building (garage) with a 2<sup>nd</sup> floor detached secondary dwelling unit. Please do not hesitate to contact the undersigned if there are any comments regarding the requested variances.

Regards,

Jeff Medeiros and Erika MacKay  
Owners of 14 Bruce Street, Hamilton, ON

**NATURE AND EXTENT OF RELIEF APPLIED FOR:**

1. Relief from Section 19.(1)(ii) to permit a lot coverage of 34% for an accessory building with a detached secondary dwelling unit, whereas accessory buildings shall occupy not more than 30% of the rear yard and side yard combined.
2. Relief from Section 19.(1).1(ii)2. to permit a minimum southerly side yard of 0.45 m, and to permit a northerly side yard of 1.09 m, whereas a minimum of 1.2 m is required.
3. Relief from Sections 19.(1).1(ii)3. and 19.(1).1(ii)4. to permit a minimum rear yard of 1.2 m with a hard surfaced driveway and/or landscaping, whereas a minimum rear yard of 1.2 m which does not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod is required.
4. Relief from Section 19.(1).1(ii)12. to permit an unobstructed path with a minimum 1.0 m width and minimum 2.1 m height clearance from a *Rear Lot Line* to the entrance of the Secondary Dwelling Unit, whereas an unobstructed path with a minimum 1.0 m width and minimum 2.1 m height clearance from a *Front Lot Line* is required.

21



**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	MAILING ADDRESS
Registered Owners(s)	[REDACTED]	
Applicant(s)*		
Agent or Solicitor		

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

- Names and addresses of any mortgagees, holders of charges or other encumbrances:  
 Scotiabank  
 12 King St. E.  
 Hamilton, ON L8N 4G9

**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:

To permit a detached accessory building with a 2nd floor detached secondary dwelling unit. The ground floor area will be occupied by a double car garage.  
See attached letter for details.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

The City approved by-law 21-076 in 2021, which does not contemplate all lot types and sizes. The subject lands have the benefit of facing two public street frontages, with direct access to the road, but has a narrow lot width and requires a minor reduction in the minimum requirements to permit the detached building as proposed.

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**):

14 Bruce Street, Hamilton, Ontario

PT LT 3, PL 88, AS IN HL 140245; Hamilton; PT LT 3, PL 88, AS IN CD402653; Hamilton

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant       Other

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 8.1 to 8.10 above?

Local knowledge. Age of current uses. Site assessment of the property.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

Dec 16, 2021  
Date

  
Signature Property Owner(s)  
Jeff Medeiros  
Print Name of Owner(s)

  
Erika MacKay  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>7.63 m</u>
Depth	<u>31.4 m</u>
Area	<u>239.4 m2</u>
Width of street	<u>+/- 15.2 m (Bruce St.), +/- 20.5 m (Hess St. S.)</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: \_

Single detached dwelling with a detached garage and shed.

Proposed

Proposing to remove the old shed and garage, and construct a new two (2) storey (5.94 m) high detached accessory building (garage) with a detached 41.44 m<sup>2</sup> (446 ft<sup>2</sup>) second floor secondary dwelling unit. The detached building is proposed to occupy a ground floor area of 50.17 m<sup>2</sup> (540 ft<sup>2</sup>).

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

Existing:

Single detached dwelling has its main entrance door at Bruce Street (front yard), with the frontage along Hess Street South being along the rear yard. An old existing detached accessory building fronts Hess Street South. There is also a detached accessory structure (garden shed) located in the rear yard as well.

Proposed:

Proposing to construct a 2-storey (5.94 m high) detached garage with a 2nd floor detached secondary dwelling unit. The building will be situated 1.2 m from the rear lot line (Hess St. S), 1.09 m from the northerly side yard, and 0.45 m from the southerly side yard. No changes are proposed to the existing house.

13. Date of acquisition of subject lands:  
September 27, 2018
- 
14. Date of construction of all buildings and structures on subject lands:  
1940s (Existing detached garage and Single Detached Dwelling)
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family (Residential)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family (Residential)
17. Length of time the existing uses of the subject property have continued:  
+/- 70 years
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <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:  
"Neighbourhoods", "Residential"
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"D" Zone (Urban Protected Residential - One and Two Family Dwellings, etc.)
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.  
Minor Variance - reconstruction of the existing dwelling (File No. HM.A.18.332)
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  
The property contains 2 PINs, and the PINs are currently being consolidated.
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-22:07

SUBJECT PROPERTY: 548 Mary 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):** Agent J. Ciraco  
 Owner M. Gruwer

**PURPOSE OF APPLICATION:** To permit the conveyance of a vacant parcel of land being the land known as 548 Mary St. and to retain a parcel of land known municipally as 550 Mary St. containing an existing dwelling. The existing dwelling will remain. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

**Severed lands:**  
 9.75m<sup>±</sup> x 44.80m<sup>±</sup> and an area of 436.88m<sup>2</sup> ±

**Retained lands:**  
 8.001m<sup>±</sup> x 29.87m<sup>±</sup> and an area of 238.99m<sup>2</sup> ±

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022  
**TIME:** 1:55 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](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/B-22: 07  
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)

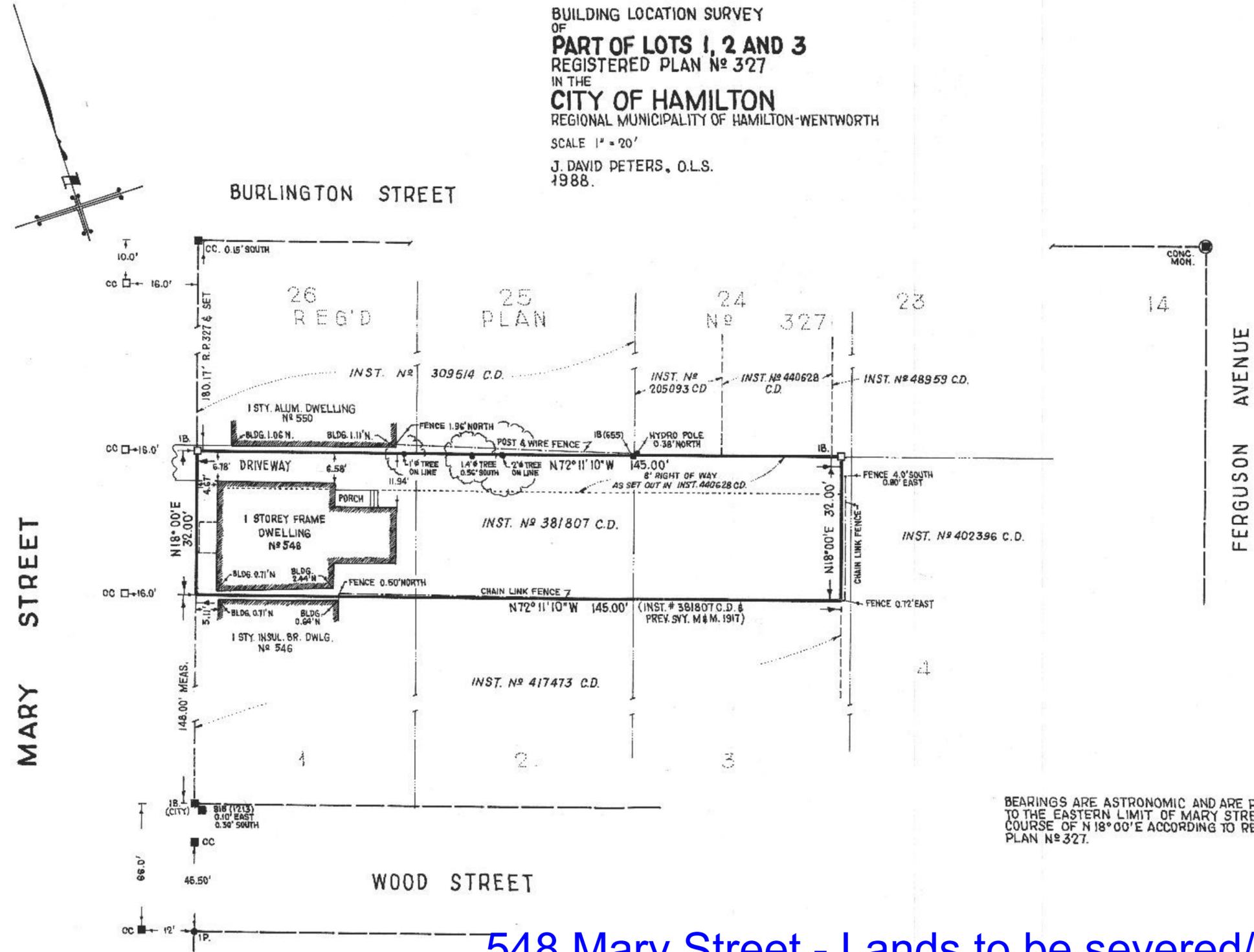
DATED: February 1<sup>st</sup>, 2022

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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.***

BUILDING LOCATION SURVEY  
 OF  
**PART OF LOTS 1, 2 AND 3**  
 REGISTERED PLAN N<sup>o</sup> 327  
 IN THE  
**CITY OF HAMILTON**  
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
 SCALE 1" = 20'  
 J. DAVID PETERS, O.L.S.  
 1988.



BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERN LIMIT OF MARY STREET ON A COURSE OF N 18° 00' E ACCORDING TO REGISTERED PLAN N<sup>o</sup> 327.

**548 Mary Street - Lands to be severed/sold**

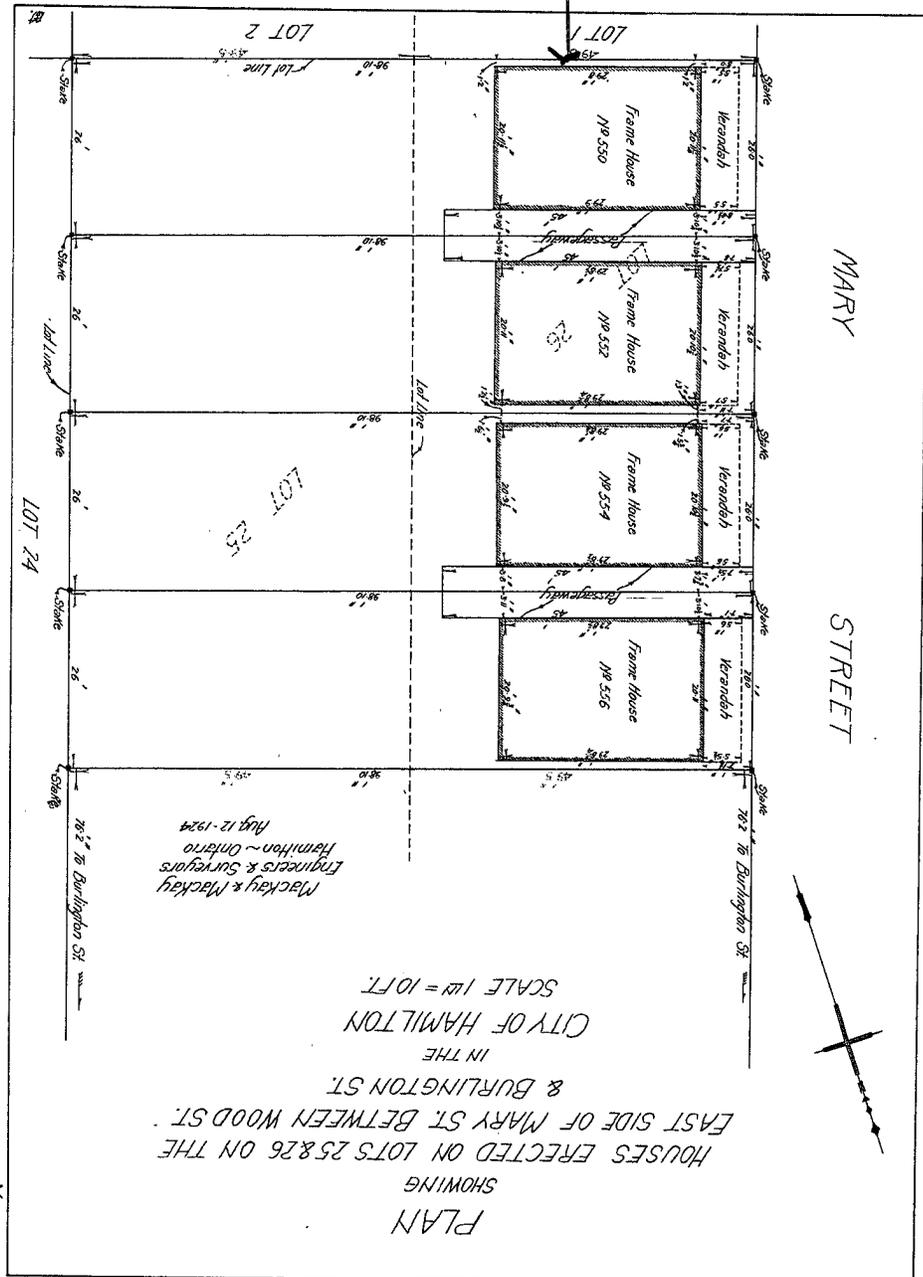
**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 20TH DAY OF APR. 1988. HAMILTON, ONTARIO.  
 J. David Peters  
 ONTARIO LAND SURVEYOR

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**MacKAY, MacKAY & PETERS LIMITED**  
 ONTARIO LAND SURVEYORS  
 SUITE 606, UNION GAS BUILDING  
 20 HUGHSON STREET SOUTH  
 HAMILTON, ONTARIO L8N 2A1

Y-21103

550 MARY STREET  
LANDS TO BE RETAINED



Y2977



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
Registered Owners(s)	[REDACTED]	
Applicant(s)*		
Agent or Solicitor		

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

1.3 All correspondence should be sent to  Owner  Applicant  Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot	Concession	Former Township
Registered Plan N°. <b>PI 327</b>	Lot(s)	Reference Plan N°.	Part(s) <b>1, 2 &amp; 3</b>
Municipal Address <b>548 Mary Street, Hamilton</b>			Assessment Roll N°. 020166063800000

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:

Syed Bablu Kamal

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)
9.75	44.80	436.88

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: single family dwelling

Proposed: single family dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
8.001	29.87	238.99

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: single family dwelling

Proposed: single family dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
  telephone
  school bussing
  garbage collection

**5 CURRENT LAND USE**

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

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

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

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

Applicant purchased 548 Mary Street in 2000 (lot & dwelling). He then purchased 550 Mary street in 2004 (lot & dwelling) in the same name. Both are single family dwellings He now wishes to sell 548 Mary Street to a bonafied third party purchaser (agreement entered into). The use of the lands will not be changed at all. They inadvertently merged in title when the applicant purchased 550 Mary Street and now requires consent to transfer 548 Mary Street. The legal description of the properties will not change. ■

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? D (urban protected residential - 1 and 2 family dwellings) zoning by-law #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"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	

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

## 6 PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
 Yes       No       Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes       No       Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes       No       Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes       No       Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Applicant has owned the property since 2000 and is 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

The Applicant purchased 548 Mary Street in 2000 (lot and dwelling). He then purchased 550 Mary street in 2004 (lot and dwelling) in the same name. Both have single family dwellings on them. He now wishes to sell 548 Mary Street to a bonafied third party purchaser (agreement entered into). The use of the lands will not be changed at all. They inadvertently merged in title when the applicant purchased 550 Mary Street and now requires consent to transfer 548 Mary Street. The legal description of the properties will not change.



- 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?

21 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.

the adjoining land - municipally known as 550 Mary Street, Hamilton

**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.

Applicant purchased 548 Mary Street in 2000 (lot & dwelling). He then purchased 550 Mary street in 2004 (lot & dwelling) in the same name. Both are single family dwellings He now wishes to sell 548 Mary Street to a bonafied third party purchaser (agreement entered into). The use of the lands will not be changed at all. They inadvertently merged in title when the applicant purchased 550 Mary Street and now requires consent to transfer 548 Mary Street. The legal description of the properties will not change.

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

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

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

**13 ACKNOWLEDGEMENT CLAUSE**

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

Dec 17/21  
Date

[Signature]  
Signature of Owner

**Appendix “A” (MDS Factor Tables)**  
**(Page 1 of 2)**

**Table 1 Factor A (Outdoor Potential) and Factor D (Manure or Material Form in Storage Facility)**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage				
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter			
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys			
	Sows with litter, dry sows or boars (non-SEW)	3.5						
	Breeder gilts (entire barn designed specifically for this purpose)	5						
	Weaners (7 kg - 27 kg)	20						
	Feeders (27 kg - 105 kg)	6						
Dairy Cattle <sup>1</sup>	<b>Milking-age cows (dry or milking)</b>	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access			
	- Large-framed 545 kg - 636 kg (e.g. Holsteins)							
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85						
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1						
	<b>Heifers (5 months to freshening)</b>	2						
	- Large-framed 182 kg - 545 kg (e.g. Holsteins)							
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4						
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9						
	<b>Calves (0 - 5 months)</b>	6						
	- Large-framed 45 kg - 182 kg (e.g. Holsteins)							
- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7							
- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5							
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/A	Bedded pack barns with or without outside yard access			
	Feeders (7 - 16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage				
	Backgrounders (7 - 12.5 months)	3	0.8					
	Shortkeepers (12.5 - 17.5 months)	2	0.8					
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns			
	Grain-fed	6	0.8					
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns			
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8						
	Kids (dairy or feeder kids)	20						
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems			
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6						
	Lambs (dairy or feeder lambs)	20						
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems			
	Medium-framed, mature; 227 kg - 680 kg (including unweaned offspring)	1						
	Small-framed, mature; < 227 kg (including unweaned offspring)	2						
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems			
	Layer pullets (day olds until transferred into layer barn)	500	0.7					
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7	N/A	Bedded floors			
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Cage or slatted floor systems			
	Broilers on an 8 week cycle	350	0.7	N/A	Bedded floors systems			
	Broilers on a 9 week cycle	300						
	Broilers on a 10 week cycle	250						
	Broilers on a 12 week cycle	200						
Broilers on any other cycle, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>							
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems			
	Turkey breeder layers (males/females transferred in from grower barn)	67						
	Breeder toms	45						
	Broilers (day olds to 6.2 kg)	133						
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105						
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75						
	Turkeys at any other weights, or if unknown, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>						
Quail	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.7	N/A	Bedded floor systems			
Partridge	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>						
Pheasants	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>						
Squab	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>						
Rheas	Adults (includes replacements and market birds)	13						
Emus	Adults (includes replacements and market birds)	12						
Ostriches	Adults (includes replacements and market birds)	4						
Ducks	Peking	105				0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>						
Geese	Use 24.8 m <sup>2</sup> /NU	24.8 m <sup>2</sup>	0.8	N/A	Cage or floor systems			
Rabbits	Breeding females (including males, replacements & market animals)	40						
Chinchillas	Breeding females (including males, replacements & market animals)	320						
Fox	Breeding females (including males, replacements & market animals)	25						
Mink	Breeding females (including males, replacements & market animals)	90						

ADDITIONAL INFORMATION CONTINUED:

RE : 548 Mary Street, Hamilton  
Application for consent to transfer adjoining lands

We are counsel to Mark Grewer (the applicant) in relation to the above.

The Applicant purchased 548 Mary Street in the year 2000 (lot and dwelling). He then purchased 550 Mary Street in 2004 (lot and dwelling) in the same name. Both have single family dwellings on them. In the original deed for 548 Mary Street, his name was misspelled by the vendor's lawyer on the deed as "Grumer". This was missed when he purchased 550 Mary Street so no Planning Act issue was flagged. The deed to 548 Mary Street has since been corrected to reveal his correct spelling as "Grewer" (attached).

He now wishes to sell 548 Mary Street to a bonafide third party purchaser (agreement entered into).

The use of the lands will not be changed at all. The properties inadvertently merged in title when the applicant purchased 550 Mary Street and now requires consent to transfer 548 Mary Street.

The legal description of the properties will not change.



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-22:15

**APPLICANTS:** Agent A.J. Clarke & Associates c/o S. Fraser  
 Owner P. Spadafora

**SUBJECT PROPERTY:** Municipal address **128 Canada St., Hamilton**

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

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

**PROPOSAL:** To permit a lot to be conveyed (Parts 1 and 3) and a lot to be retained (Parts 2 and 4) with each lot to contain a single family dwelling in order to facilitate Consent File No. HM/B-21:61 notwithstanding that:

Variations required for the lands to be Conveyed (Parts 1 and 3):

1. A minimum lot width of 7.6m shall be provided instead of the minimum required lot width of 12.0m for a single family dwelling.
2. A minimum lot area of 220m<sup>2</sup> shall be provided instead of the minimum required lot area of 360m<sup>2</sup> for a single family dwelling.
3. A minimum side yard width of 0.6m shall be provided on the side of the lot containing the access easement (being the westerly side yard/side lot line) instead of the requirement that for a building or structure not over two and a half storeys or 11.0 metres, a side yard along each side lot line, of a width of at least 1.2 metres.

Variations required for the lands to be Retained (Parts 2 and 4):

1. A minimum lot width of 7.6m shall be provided instead of the minimum required lot width of 12.0m for a single family dwelling.
2. A minimum lot area of 220m<sup>2</sup> shall be provided instead of the minimum required lot area of 360m<sup>2</sup> for a single family dwelling.
3. A minimum side yard width of 0.6m shall be provided on the side of the lot containing the access easement (being the easterly side yard/side lot line) instead of the requirement that for a building or structure not over two and a half storeys or 11.0 metres, a side yard along each side lot line, of a width of at least 1.2 metres.

HM/A-22: 15

Page 2

## NOTE:

- i) The variances are necessary to facilitate Consent Application File No. HM/B-21:61.
- ii) Parts 3 and 4 on the Plan attached are intended as easements for access purposes.

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

---

**DATE:** Thursday, February 17th, 2022  
**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

---

**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: February 1st, 2022.

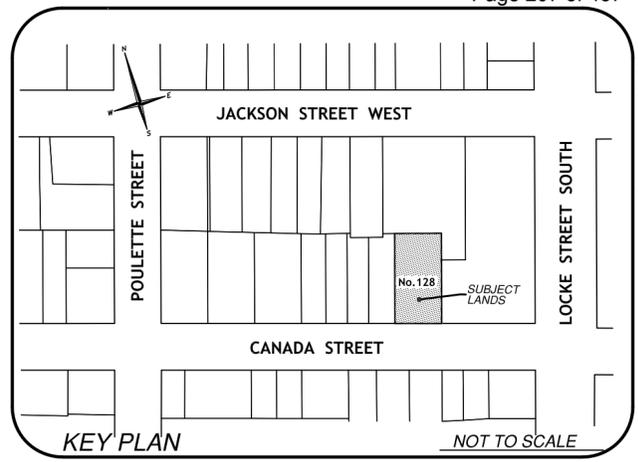
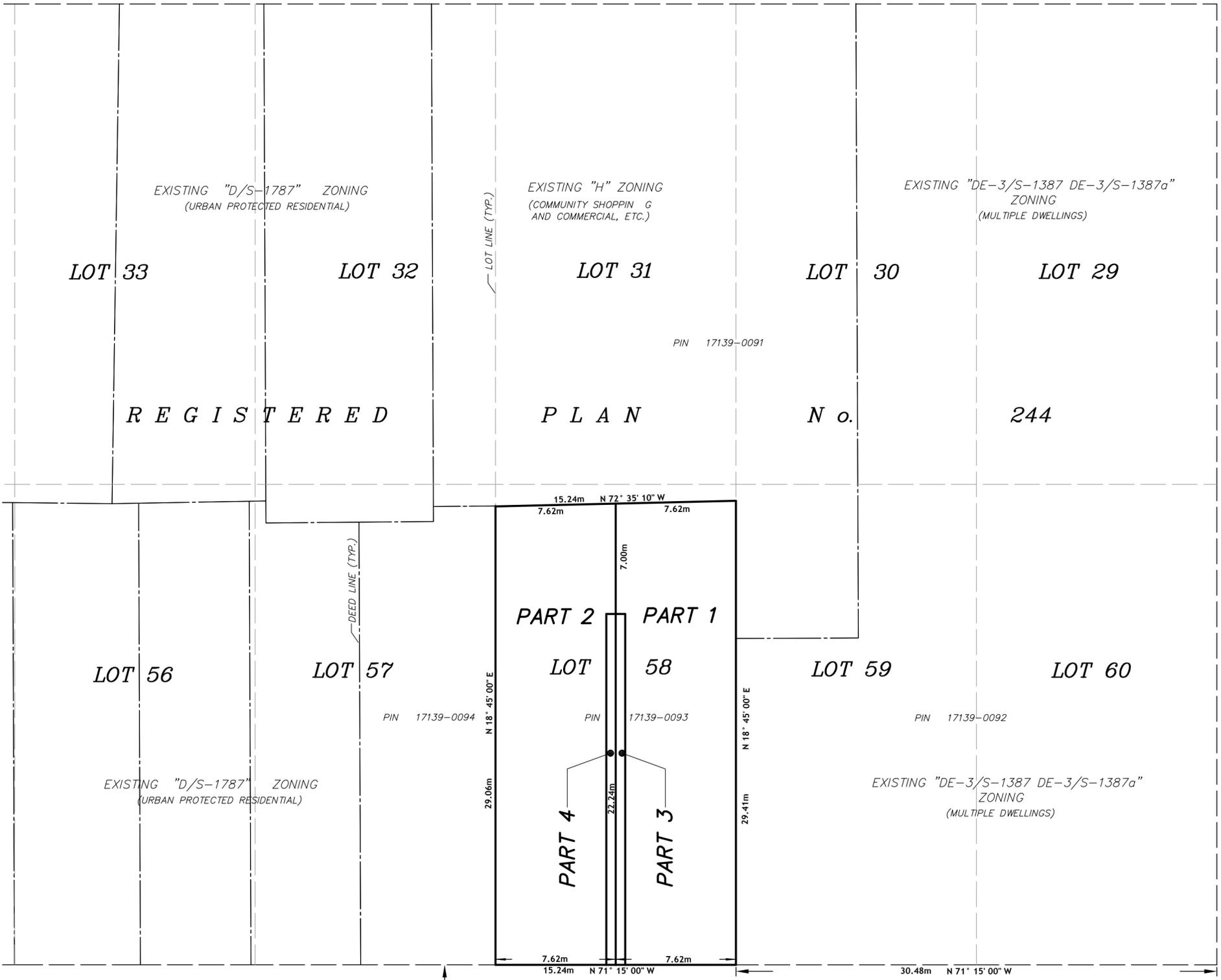
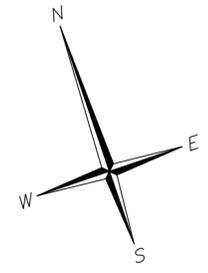
---

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.***

# JACKSON STREET WEST

(ESTABLISHED BY REGISTERED PLAN 244)



SKETCH FOR CONSENT TO SEVER

## 128 Canada Street

### CITY OF HAMILTON

SCALE 1:200

THE ABOVE NOTED LANDS ARE  
PART OF LOT 58 - RICHARD BEASLEY SURVEY  
REGISTERED PLAN No. 244

**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 & PART 3 (PROPOSED SEVERANCE)	AREA=223.48m <sup>2</sup>
PART 2 & PART 4 (REMAINING LANDS OF APPLICANT)	AREA=222.07m <sup>2</sup>
PART 3 & PART 4 (PROPOSED MAINTENANCE & ACCESS EASEMENTS)	

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

AUGUST 6, 2021  
DATE

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)

15.24m R.O.W.  
CANADA STREET  
PIN 17139-0267  
(ESTABLISHED BY REGISTERED PLAN 244)

R-4528A

R-4528A



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	MAILING ADDRESS
Registered Owners(s)	[REDACTED]	
Applicant(s)*		
Agent or Solicitor		

**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:

To permit a minimum lot width of 7.6m; whereas 12m is required; a minimum lot area of 220sq.m; whereas 360sq.m is required, and; a minimum side yard setback of 0.6m on the side of the lot containing the access easement; whereas a minimum side yard setback of 1.2m is required on both sides of the lot.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

These variances are required to facilitate the associated severance application approval under File: HM/B-21:61.

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**):

128 Canada Street

Hamilton

Lot 58

Registered Plan 244

NOTE: future addresses to be 126 and 128 Canada Street once severance is finalized.

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

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



13. Date of acquisition of subject lands:  
2016
- 
14. Date of construction of all buildings and structures on subject lands:  
Anticipated for 2022
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family, mixed-use to the north and east.
17. Length of time the existing uses of the subject property have continued:  
Unknown.
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input 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:  
Neighbourhoods (Urban Hamilton Official Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
D - Urban Protected Residential - One and Two Family Dwellings, Etc.
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  
HM/B-21:61 has conditional approval.
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-21:405

**APPLICANTS:** Agent DeFilippis Design  
 Owner Philip Portolussi

**SUBJECT PROPERTY:** Municipal address **22 Gardenia Crt., Hamilton**

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

**ZONING:** "C" (Urban Protected Residential) district

**PROPOSAL:** To permit the replacement and reconstruction of a 157.01 square metre, one storey single detached dwelling having an attached single car garage as a 340.52 square metre, two storey single detached dwelling having an attached double car garage and covered rear and front porches, and to permit a secondary dwelling unit within the basement, notwithstanding that:

1. The minimum rear yard depth shall be 6.0 metres based on the application of average depth for an irregular lot and shall include an actual depth of 1.4 metres instead of the minimum actual depth of 3.0 metres for applying average rear yard depth for an irregular lot;
2. The minimum landscaped area for the front yard shall be 47% instead of the minimum required 50% front yard;
3. One parking space shall be permitted for the dwelling instead of two parking spaces for a single family dwelling with up to eight (8) habitable rooms.

**NOTES:**

1. The variance was written as requested to address the minimum landscaped area. The variance for the rear yard was modified for this Notice based on updated plans and the request by the applicant for the rear yard variance to be based on the average rear yard depth which is provided in the Zoning By-law definition for "depth" applicable to irregular shaped lots .

The Zoning By-law defined "Depth" as:

***"Depth" with reference to a lot, shall mean the mean horizontal distance between the front lot line and the rear lot line, except in the case of a through lot, when it shall mean the mean horizontal depth of the lot;***

***- and in the case of an irregular, triangular or gore-shaped lot, the average depth of the rear yard may be considered as the depth, provided, where the rear yard has the least actual depth, that there is an actual depth of at least 3.0 metres (9.84 feet) or half the required depth, whichever is the greater;***

2. The submission did not include Elevations. Therefore, building height for the proposed reconstructed dwelling could not be determined. The proposed building height could not exceed 11 metres or additional variances would be required.

HM/A-21: 405  
Page 2

3. The proposed reconstruction of the single family dwelling would be within the same building footprint with the exception of the proposed double car garage which is shown on the plan. The existing basement for the dwelling would be retained.
4. The submission did not identify eave projections. The maximum projections for eaves into the side yards shall not exceed 0.6 metres or additional variances would be required.
5. The maximum projections for eaves into the rear yard would be subject to the variance being approved for the reduced rear yard.
6. The proposed unenclosed roofed over rear porch would be subject to the variance being approved for the reduced rear yard.
7. Parking for a single family dwelling is based on the provision of 2 parking spaces per unit for a dwelling having up to 8 habitable rooms. An additional 0.5 parking spaces is required for each habitable room over 8 rooms. Floor plans were not provided to identify the number of habitable rooms. Therefore, if there are more than 8 habitable rooms within the expanded dwelling, additional variances would be required to address parking.
8. The plan includes a parking space for the proposed secondary dwelling unit. A manoeuvring space is not required for a secondary dwelling unit.

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

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**DATE:** Thursday, February 17th, 2022  
**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

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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:

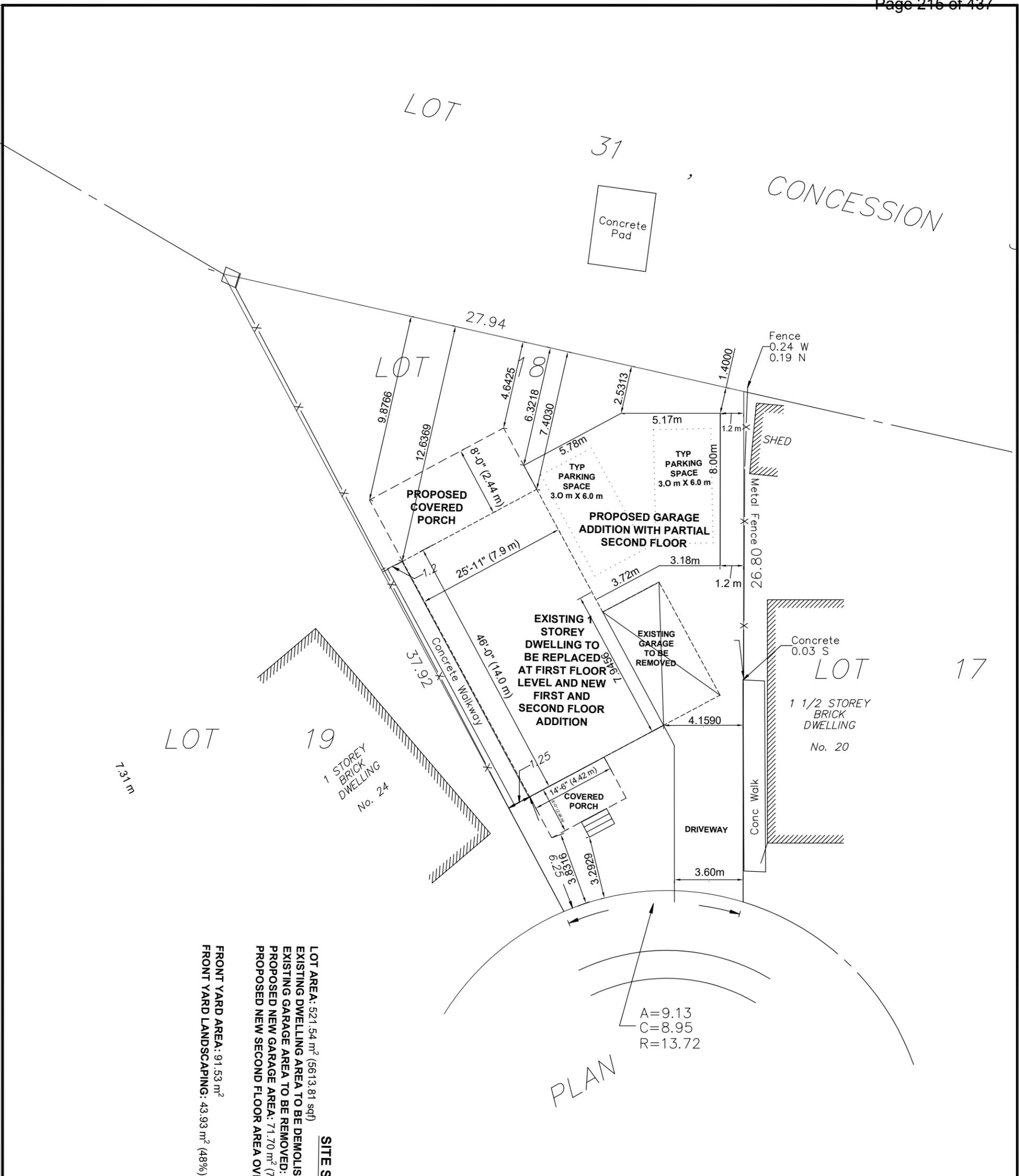
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

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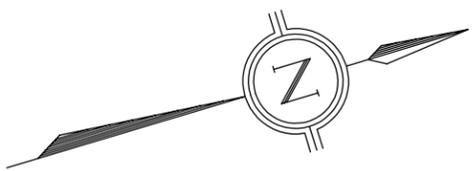
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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

A=9.13  
C=8.95  
R=13.72



**SITE STATISTICS**

LOT AREA: 521.54 m<sup>2</sup> (5613.81 sqft)  
 EXISTING DWELLING AREA TO BE DEMOLISHED AND REPLACED : 134.41 m<sup>2</sup> (1446.78 sqft)  
 EXISTING GARAGE AREA TO BE REMOVED: 22.60 m<sup>2</sup> (243.26 sqft)  
 PROPOSED NEW GARAGE AREA: 71.70 m<sup>2</sup> (771.77 sqft)  
 PROPOSED NEW SECOND FLOOR AREA OVER EXISTING DWELLING: 134.41 m<sup>2</sup> (1446.78 sqft)

FRONT YARD AREA: 91.53 m<sup>2</sup>  
 FRONT YARD LANDSCAPING: 43.93 m<sup>2</sup> (48%)

**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.

REV.	DATE
1	JANUARY 2022
2	
3	

PROPOSED SITE PLAN FOR:

**PHILIP BORTOLUSSI**  
 22 GARDENIA CRT.  
 HAMILTON, ON

**DEFILIPPIS DESIGN**  
 687 BARTON ST. E., SUITE 201  
 STONEY CREEK, ONTARIO L8E 5L6  
 (905) 643-2250 FAX (905) 643-1095

SCALE: 1:200  
 DATE: SEPTEMBER 2021  
 DRN. BY  
 CHKD. BY  
 JOB NO.  
 DWG NO. **SP-1**

**SITE PLAN**



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)		
Applicant(s)*		
Agent or Solicitor		

**Note:** Unless any.

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

SCOTIA BANK  
KING ST., HAMILTON

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:

TO CREATE A SECONDARY DWELLING UNIT WITHIN BASEMENT, PROVIDE TOTAL OF 3 PARKING SPACES (TWO FOR MAIN DWELLING - ONE FOR APT), ONE SPACE WHICH IS TANDEM, WITHOUT MANOEUVERING AND A REDUCED FRONT YARD LANDSCAPING OF 4 1/2

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

LOCATION OF DWELLING IS EXISTING ON LOT (WORKING WITHIN PARAMETERS)

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):

22 GARDENIA CRT, HAMILTON

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 Q.1 to Q.10 above?

*SINGLE FAMILY USE IN EXCESS OF 30 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.

*Oct 30 2021*  
Date

*[Signature]*  
Signature Property Owner  
*Philip Bartolussi*  
Print Name of Owner

10. Dimensions of lands affected:

Frontage 9.0m (1RR)  
Depth 30.0m ± (1RRR)  
Area 521.59m ±  
Width of street 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: *SINGLE FAMILY ONE STOREY DWELLING with single attached garage*

Proposed: *Second storey addition, with attached double garage and secondary dwelling unit in basement*

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: *Site Attached site plan*

13. Date of acquisition of subject lands:  
10 years ±

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

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:  
45 years plus

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

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

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
6593 "C" 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.

See 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**  
**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-21:453

**APPLICANTS:** Agent DeFilippis Design  
Owner Manuel Vieira

**SUBJECT PROPERTY:** Municipal address **564 Fifty Rd., Stoney Creek**

**ZONING BY-LAW:** Zoning By-law 5068-00, as Amended

**ZONING:** "RR" (Rural Residential) district

**PROPOSAL:** To recognize the setbacks for an existing single detached dwelling in order to facilitate zoning compliance for approved Consent Application SC/B-21:57, notwithstanding that:

1. The minimum front yard shall be 9.75 metres instead of the minimum required 10.0 metre front yard;
2. The unenclosed porch and stairs shall encroach 2.2 metres into the existing 9.75 metre front yard instead of the maximum 1.5 metre encroachment into the required front yard.

**NOTES:**

1. The variance is required to address non-compliance issues that have occurred due to the issuance of a building permit in 2019 in which a road widening transfer had already been issued. The matter was identified in the review of a condition to clear zoning compliance for Consent Application SC/B-21:57 to allow for the creation of a separate lot for this dwelling.
2. The variances are written as requested, however, through the review it was determined that an additional variance for the front porch and stairs is required.
3. The RR Zone requires the provision of two parking spaces of which one parking space may be provided in the front yard. The parking spaces are not identified on the submitted plan however, it appears that the required parking can be provided.

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

**DATE:** Thursday, February 17th, 2022  
**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

SC/A-21: 453

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: February 1st, 2022.

---

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.***

# FIFTY ROAD

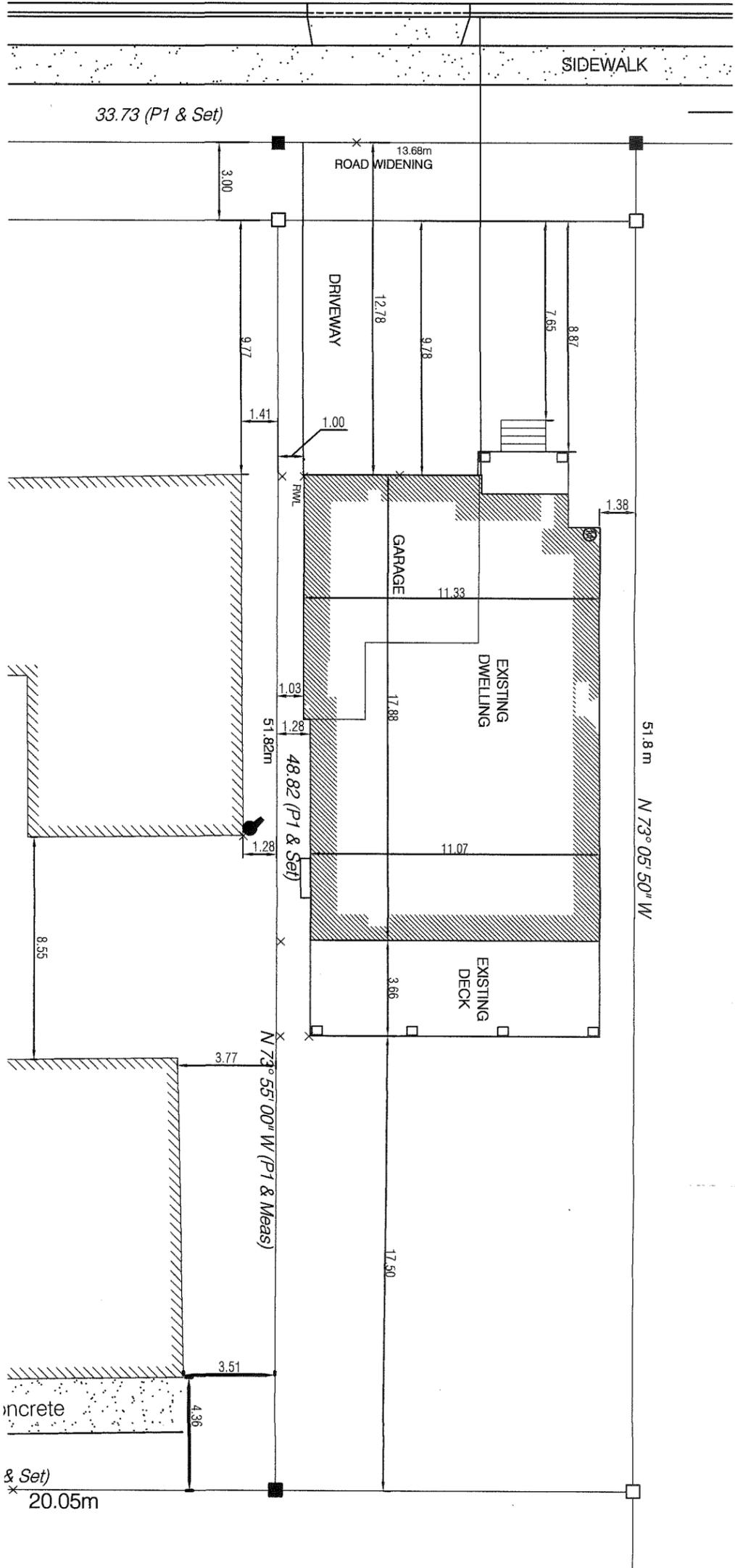
WATER 200mm



STORM 750mm@0.5%  
Y 250mm@0.5%

MH

MH



- 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.

JOB NO.	
CHKD. BY	
DRN. BY	
DATE: DECEMBER, 2021	
SCALE: 1:200	
DWG NO. SP-1	

PROPOSED PORCH & SUNROOM FOR

**DEFLIPPIS DESIGN**  
 687 BARTON ST. E., SUITE 201  
 STONEY CREEK, ONTARIO L8E 5L6  
 (905) 643-2250 FAX: (905) 643-1095

**VEIRA RESIDENCE**  
 564 FIFTY ROAD,  
 WINONA, ON

**SITE SKETCH**



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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

Note: Unless 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:

Reduction of Front Yard to 9.75m instead of 10.0m

- Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Road Widening Dedication Reduced Front Yard Setback, Housekeeping Based on Bldg Dept Error when Issuing Permit

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):

564 FIFTY RD., SYDNEY CREEK  
PART 1, REG PLAN No  
62R-21741

7. PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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       UNDER SITE PLAN APPROVAL

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 8.1 to 8.10 above?

*Recent construction occurred on property entire property excavated*

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

*Dec 6/2021*  
Date

*M. Vieira*  
Signature Property Owner(s)

*MANUEL VIEIRA*  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 13.68m  
Depth 45.52m  
Area 622 sqm±  
Width of street 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: *Two story single family dwelling*

Proposed: *same as above (Nothing New)*

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 Sketch*

13. Date of acquisition of subject lands:  
5yrs ±

14. Date of construction of all buildings and structures on subject lands:  
2019

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Family

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
SINGLE FAMILY

17. Length of time the existing uses of the subject property have continued:  
5yrs - 50yrs

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:  
URBAN SETTLEMENT

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

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

Yes  No

If the answer is yes, describe briefly.

LOT FRONTAGE

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.:** GL/A-21:164

**APPLICANTS:** Agent Urban Solutions  
 Owner 5025019 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **2411 Upper James St., Glanbrook**

**ZONING BY-LAW:** Zoning By-law 05-200, as Amended 10-288 & 15-173

**ZONING:** "M11, E74" (Airport Prestige Business (M11) Zone, Exception 74

**PROPOSAL:** To facilitate the construction of the proposed development consisting of a Motor Vehicle Dealership with a gross floor area of 2928.44 square metres, notwithstanding that:

1. A maximum 173 metre yard shall be permitted abutting Dickenson Road East instead of the maximum permitted 25.0 metre yard abutting a street.
2. A minimum 3.0 metre wide landscaped area shall be provided and maintained abutting Upper James Street North, instead of the requirement that a 6.0 metre wide landscaped area is to be provided abutting a street, except from point of ingress and egress.
3. No landscaped area shall be provided and maintained abutting Dickenson Road, instead of the requirement that a 6.0 metre wide landscaped area is to be provided abutting a street, except from point of ingress and egress.
4. A maximum gross floor area of 520 square metres shall be permitted for a showroom area instead of the maximum 500 square metres permitted.
5. No planting strip shall be provided and maintained between the Dickenson Road street line and the parking area, instead of the requirement a 3.0 metre wide planting strip is to be provided between the streetline and the parking area.
6. Loading facilities shall be permitted within a front yard, instead of the requirement that loading facilities are not permitted within a front yard.
7. Loading facilities shall be permitted in a yard which abuts a street, instead of the requirement that loading facilities are not permitted within any yard abutting a street.
8. Four (4) barrier free parking spaces shall be provided instead of the minimum required six (6) barrier free parking spaces [as per the one-hundred and ninety-five (195) parking spaces required by Glanbrook Zoning By-law No. 464]

.../2

GL/A-21:164

Page 2

9. Thirty-one (31) parking spaces shall be provided instead of the minimum required fifty-three (53) parking spaces required (as per Hamilton Zoning By-law No. 05-200. Note: By-law No. 17-240 not yet final and binding)
10. Thirty-one (31) parking spaces shall be provided instead of the minimum required one-hundred and ninety-five (195) parking spaces required (as per Glanbrook Zoning By-law No. 464).
11. No long-term bicycle parking spaces shall be provided, instead of the requirement that 5% of the required motor vehicle parking spaces shall be provided in the form of long-term bicycle parking spaces.

**NOTES:**

1. Section 4.17 of Hamilton Zoning By-law No. 05-200 requires all development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time.'
2. Elevation drawings were not provided for the proposed accessory structure ("prop roofed over waste enclosure") to confirm the height of the structure. Additional variances may be required if compliance with Section 4.8(g) cannot be achieved.
3. These variances are required to facilitate Site Plan Application No. DA-18-012.
4. By-law 17-240, which is not yet final and binding, contains amendments to Section 5 of the Zoning By-law as it relates to the minimum number of parking spaces required for a Motor Vehicle Dealership. Until such time By-law 17-240 is final and binding, the proposed development is subject to the requirements of the former Glanbrook Zoning By-law as well as the new requirement under By-law 17-240.

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

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**DATE:** Thursday, February 17th, 2022  
**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

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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**

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- 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)

GL/A-21: 164  
Page 3

DATED: February 1st, 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.***

**REQUIRED VARIANCES:**

**VARIANCE NO. 1:** TO PERMIT A MAXIMUM 260 METRE YARD SHALL BE PERMITTED ABUTTING DICKENSON ROAD EAST AND 75 METRES SHALL BE PERMITTED ABUTTING UPPER JAMES STREET INSTEAD OF THE MAXIMUM PERMITTED 25.0 METRE YARD ABUTTING A STREET.

**VARIANCE NO. 2:** TO PERMIT A 3.0 METRE LANDSCAPED AREA STRIP TO BE PROVIDED WHEREAS 6.0 METRE LANDSCAPED AREA STRIP IS REQUIRED.

**VARIANCE NO. 3:** TO PERMIT A PARKING RATIO OF 1 SPACE PER 200 SQUARE METRES OF GROSS FLOOR AREA WHICH ACCOMMODATES SUCH USE AND 1 FOR EACH SERVICE BAY.

**VARIANCE NO. 4:** TO PERMIT 0 LONG TERM BICYCLE PARKING SPACES.

**VARIANCE NO. 5:** TO PERMIT A MAXIMUM GROSS FLOOR AREA FOR A SHOWROOM AREA OF 520 SQUARE METRES.

**VARIANCE NO. 6:** TO PERMIT LOADING DOORS AND ASSOCIATED LOADING FACILITIES WITHIN A FRONT YARD AND ABUTTING A STREET.

M11 Zone - Development Statistics		
Item	Required	Proposed
Min. Lot Area (m <sup>2</sup> )	4,000m <sup>2</sup>	20,664.32 m <sup>2</sup> (After Daylight Triangle & R.O.W Widening)
Max. Height	TBD	8.95 m
Yard Abutting a Street		
Minimum	6.0 m	21.89 m
Maximum	25.0 m	172.11m
Setbacks (m)		
Min. Side Yard	N/A	10.51 m
Min. Rear Yard	N/A	34.03 m
Gross Floor Area (Total)	N/A	2,928.44 m <sup>2</sup>
Max. Gross Floor Area (Showroom)	500.00 m <sup>2</sup>	518.39 m <sup>2</sup>
Min. Landscaped Area		
% of Lot Area	15%	7,590.48 m <sup>2</sup> (36.73%)
Landscaped Area abutting a street	6.0 m	3.00 m
Location and Size of Outdoor Display		
Yard Abutting a Street	3.0 m	3.00 m
Max. % of Landscaped Area	25%	189.06 m <sup>2</sup> (2.49%)
Parking		
No. of Service Bays	N/A	12
Total Parking (including accessible)	53 spaces (05-200)	184 total 15 Customer 153 Vehicle Inventory
	196 spaces (464)	16 Servicing Parking
Accessible Spaces	2 (05-200) 4 (464)	4
Parking Stall Sizes	5.5m x 2.6m	5.8m x 3.0m
Parking Stall Sizes (accessible)	5.5m x 4.4m	5.8m x 4.4m

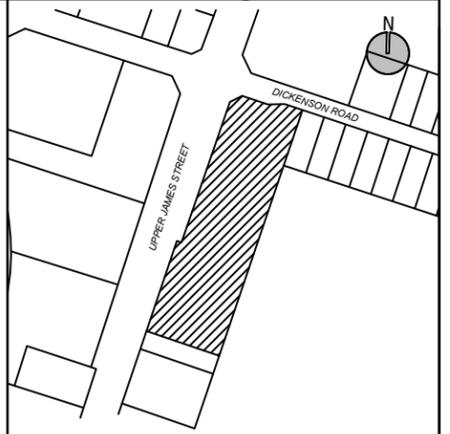
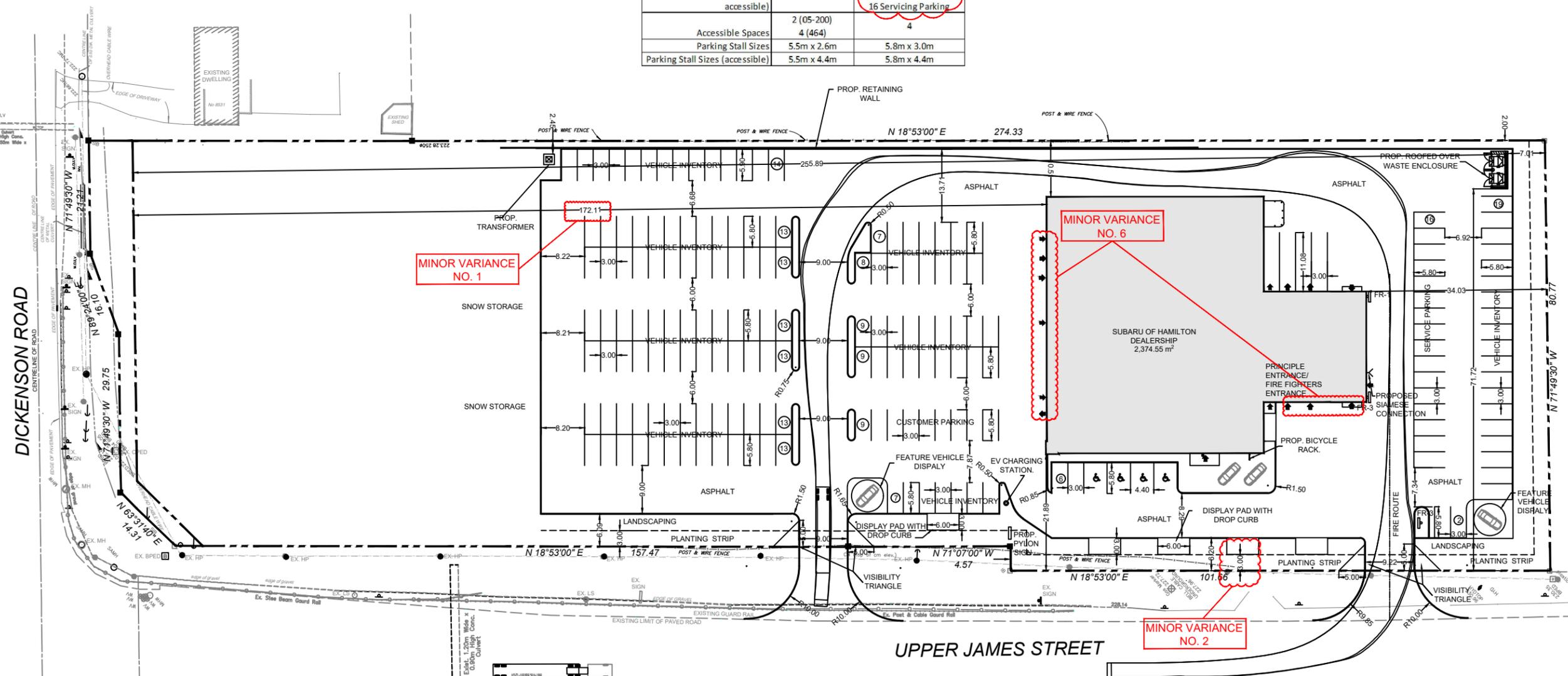
MINOR VARIANCE NO. 5

MINOR VARIANCE NO. 3

MINOR VARIANCE NO. 1

MINOR VARIANCE NO. 6

MINOR VARIANCE NO. 2



KEY MAP - N.T.S.

SCALE: 1:850 METRES



LEGEND:

- SUBJECT LANDS
- PROPERTY BOUNDARIES

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 24, 2021



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

PROJECT:  
2411 & 2455 UPPER JAMES STREET  
CITY OF HAMILTON

CLIENT:  
PLAZA IMPORTS LIMITED

TITLE:  
MINOR VARIANCE SKETCH

U/S FILE NUMBER:      SHEET NUMBER:

162-16

1



**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>	5025019 Ontario Inc.	
<b>Applicant(s)*</b> Same as Owner		
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants	

**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:

To permit access across the lands that are zoned Agriculture (A2) Zone for a non-agriculture use, and to permit a maximum setback abutting a street to 60 metres whereas a maximum setback to a street is 27 meters. The variances are required to execute conditionally approved Site Plan DA-18-012.

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

Please refer to the attached cover 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**):

Lot 11 to 18, Registrars Complied Plan No. 1485.  
2411 Upper James Street, Hamilton

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?

Consultation with the owner.

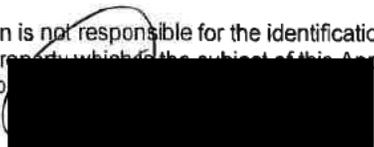
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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

APRIL 12/21  
Date

  
Signature Property Owner  
P. C. JOHNSON  
Print Name of Owner

10. Dimensions of lands affected: Please refer to DA-18-012 and the attached sketch.

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: \_  
The site is vacant.

Proposed  
Please refer to DA-18-012.

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 site is vacant.

Proposed:  
Please refer to DA-18-012.

13. Date of acquisition of subject lands:  
Please refer to DA-18-012.
- 
14. Date of construction of all buildings and structures on subject lands:  
Awaiting final Site Plan Approval.
- 
15. Existing uses of the subject property:  
The site is vacant.
16. Existing uses of abutting properties:  
Properties are vacant to the North, South, and West. Residential to East.
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) Please refer to DA-18-012.  
Water \_\_\_\_\_ Connected \_\_\_\_\_  
Sanitary Sewer \_\_\_\_\_ Connected \_\_\_\_\_  
Storm Sewers \_\_\_\_\_
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Please refer to DA-18-012.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Please refer to DA-18-012 & By-Law No. 17-145.
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 refer to conditionally approved DA-18-012.
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-22:05

**APPLICANTS:** Agent Shane VanBarneveld  
 Owners E. & P. Nanayakkara

**SUBJECT PROPERTY:** Municipal address **95 Mountain Park Ave., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 83-66

**ZONING:** "C" (Urban Protected Residential, etc.) district

**PROPOSAL:** To permit a one-storey addition to the existing single family dwelling and the construction of a new balcony, roofed-over unenclosed porch, and uncovered porch, notwithstanding that;

1. A minimum easterly side yard of 0.22 metres and a minimum westerly side yard of 1.19 metres shall be permitted, instead of the minimum 1.2 metre side yard required.
2. One (1) parking space shall be permitted, instead of the four (4) parking spaces required.
3. The front yard landscaped area shall be a minimum of 40.0% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area.
4. An eave/gutter shall be permitted to project a maximum of 1.2 metres into the required easterly side yard and may be as close as 0 metres to the easterly side lot line, instead of the maximum 0.6 metre projection permitted.
5. An uncovered porch and associated stairs may project into the required rear yard, and may be located 0.23 metres from the nearest side lot line, instead of the requirement that an uncovered porch may project into a required yard, if distant at least 0.5 metre from the nearest side lot line.

**NOTE:**

1. Please note the specific projection of the eave/gutter into the easterly side yard has not been indicated, and therefore Variance No. 4 has been written as requested by the applicant. Please note that no part of the eave/gutter shall encroach onto the adjacent private property. Otherwise, an Encroachment Agreement and a Maintenance Easement shall be required which shall be entered into and registered on title for both the lot upon which the eave is encroaching onto and the subject lot
2. The proposed balcony encroaches into the minimum required easterly side yard by 0.98 metres. As per Section 18(3)(cc), a balcony is permitted to project into a required side

HM/A-22: 05

Page 2

yard (i.e. 1.2 metres) not more than one-third its width, or 1.0 metre, whichever is the lesser. Should Variance No. 1 above, requesting a reduction of the minimum required easterly side yard to 0.22 metres be approved, the proposed balcony/deck would not project into the new reduced side yard, and would therefore comply with Section 18(3)(vi)(cc).

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 2:20 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
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---

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## MORE INFORMATION

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- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

---

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 PLAN LEGEND**

- EXISTING DWELLING
- NEW ADDITIONS
- COVERED PORCHES
- DECK / PATIO
- LANDSCAPE AREA
- HARDSCAPE AREA
- DRIVEWAY
- MUNICIPAL SETBACKS
- PROPERTY LINE
- EXISTING TO BE REMOVED
- HOUSE FOOTPRINT

**SITE INFORMATION** Zoning information taken on: 2021.11.19 Edited by: JV

ADDRESS: 95 MOUNTAIN PARK AVE  
 POSTAL CODE: L9A 1A1  
 MUNICIPALITY: HAMILTON  
 BYLAW #: 6593  
 ZONING CODE: C  
 SITE SPECIFIC BYLAW:  
 MINOR VARIANCE #: 1st

**LOT INFO**

	Allowable	Existing	Proposed
LOT AREA (m <sup>2</sup> )	n/a	517.2	same
LOT FRONTAGE	n/a	13.16	same
LOT WIDTH (m)	n/a	13.16	same
LOT DEPTH (m)	n/a	39.3	same

**HOUSE INFO**

	Allowable	Existing	Proposed
GROSS FLOOR AREA (m <sup>2</sup> )	n/a	311.4	387.1
<small>Gross floor area calculations</small>			
Basement area:	1031m <sup>2</sup> / 95.8m <sup>2</sup>	1031m <sup>2</sup> / 95.8m <sup>2</sup>	
Main floor area:	1205m <sup>2</sup> / 119.4m <sup>2</sup>	2100m <sup>2</sup> / 195.0m <sup>2</sup>	
Second floor area:	1030m <sup>2</sup> / 95.8m <sup>2</sup>	1030m <sup>2</sup> / 95.8m <sup>2</sup>	
	3266m <sup>2</sup> / 311m <sup>2</sup>	4161m <sup>2</sup> / 385.6m <sup>2</sup>	+303m <sup>2</sup> / 14.6m <sup>2</sup>

**GROUND FLOOR AREA (m<sup>2</sup>)**

	Allowable	Existing	Proposed
Ground Floor Area	n/a	119.4	195.05

**COVERAGE (%)**

	Allowable	Existing	Proposed
Buildings	n/a	23%	38%

**FLOOR AREA RATIO (%)**

	Allowable	Existing	Proposed
Total Gross Floor Area / Lot Area	n/a	60%	75%

**BUILDING HEIGHT (m)**

	Allowable	Existing	Proposed
Burlington ONLY	n/a	n/a	n/a
Other	n/a	n/a	n/a
Architectural Features	n/a	n/a	n/a
Max. hgt. from clip to top roof or flat roof	n/a	n/a	n/a

**BUILDING DEPTH (m)**

	Allowable	Existing	Proposed
Building Depth	n/a	n/a	n/a

**GARAGE PROJECTION (m)**

	Allowable	Existing	Proposed
Garage Projection	n/a	n/a	n/a

**GARAGE WIDTH (m)**

	Allowable	Existing	Proposed
Garage Width	n/a	n/a	n/a

**LANDSCAPING**

	Allowable	Existing	Proposed
LANDSCAPE AREA (%)	50%	39%	40%
STREET WIDTH (m)	n/a	7.66	same
DRIVEWAY WIDTH (m)	n/a	6.2 - widest	same
PARKING SPACES	REQ'D - 4	2	1
	Habitable Rooms:	8	11
		11	12

**SETBACKS**

	Allowable	Existing	Proposed
FRONT (m)	6	8.89	8.89
REAR (m)	7.5	14.42	11.27
RIGHT (m)	1.2	0.22	0.22
LEFT (m)	1.2	1.19	1.19
CORNER (m)	4.5	n/a	n/a

**ENCROACHMENTS**

	Allowable	Existing	Proposed
ROOF PROJECTION ON RIGHT (m)	0.6	0.87	1.2

**ARCHITECTURAL FEATURES (m)**

	Allowable	Existing	Proposed
BAY WINDOW (m)			
PORCH - COVERED (m)			
PORCH - OPEN (m)			
DECK (m)			

**ACCESSORY BUILDINGS**

	Allowable	Existing	Proposed
SIZE (m <sup>2</sup> )			
HEIGHT (m)			
SIDE REAR SETBACK (m)			
COVERAGE (%)			
MAX # OF STRUCTURES			

**ZONING + PERMIT APPROVALS**

	Required?	Site Specific
MINOR VARIANCE (Refer to above)		YES
CONSERVATION AUTHORITY		
NAGARA ESCARPMENT CONTROL		
MINISTRY OF TRANSPORTATION ONTARIO		
SITE PLAN CONTROL / EXEMPTION		
ENVIRONMENTAL SITE ASSESSMENT		
GREENBELT PROTECTED COUNTRYSIDE HERITAGE		
PARKWAY BELT		
FEDERAL AIRPORT AUTHORITY		
SEPTIC SURVEY REQ'D?		

**1 SITE PLAN**  
SCALE: 1:100

CONTRACTOR

790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

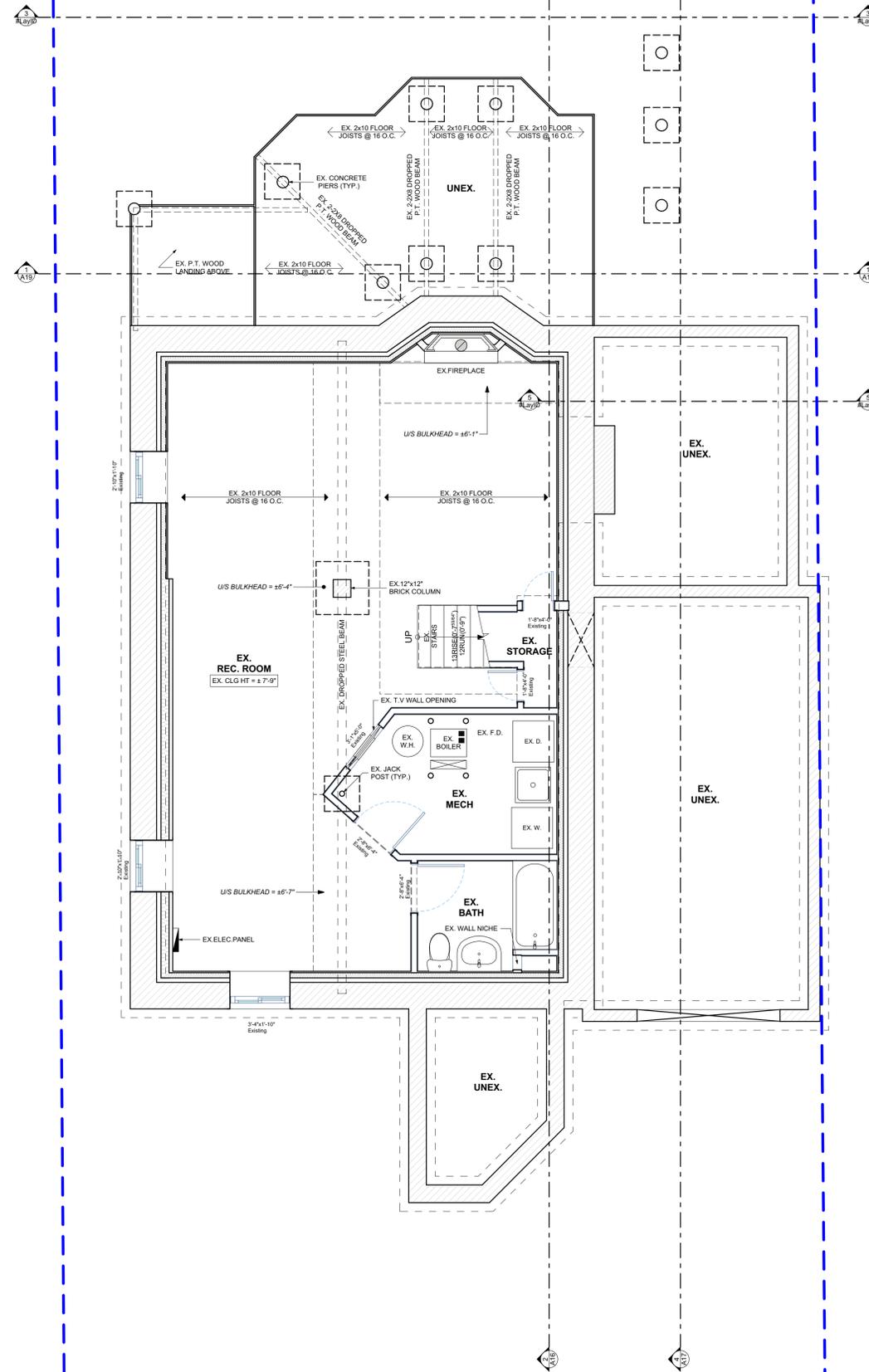
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
3		
4		
5		

DRAWING:  
**SITE PLAN**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: <b>S1</b>
	PROJECT NO: ---	



**1 EXISTING BASEMENT PLAN**

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

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

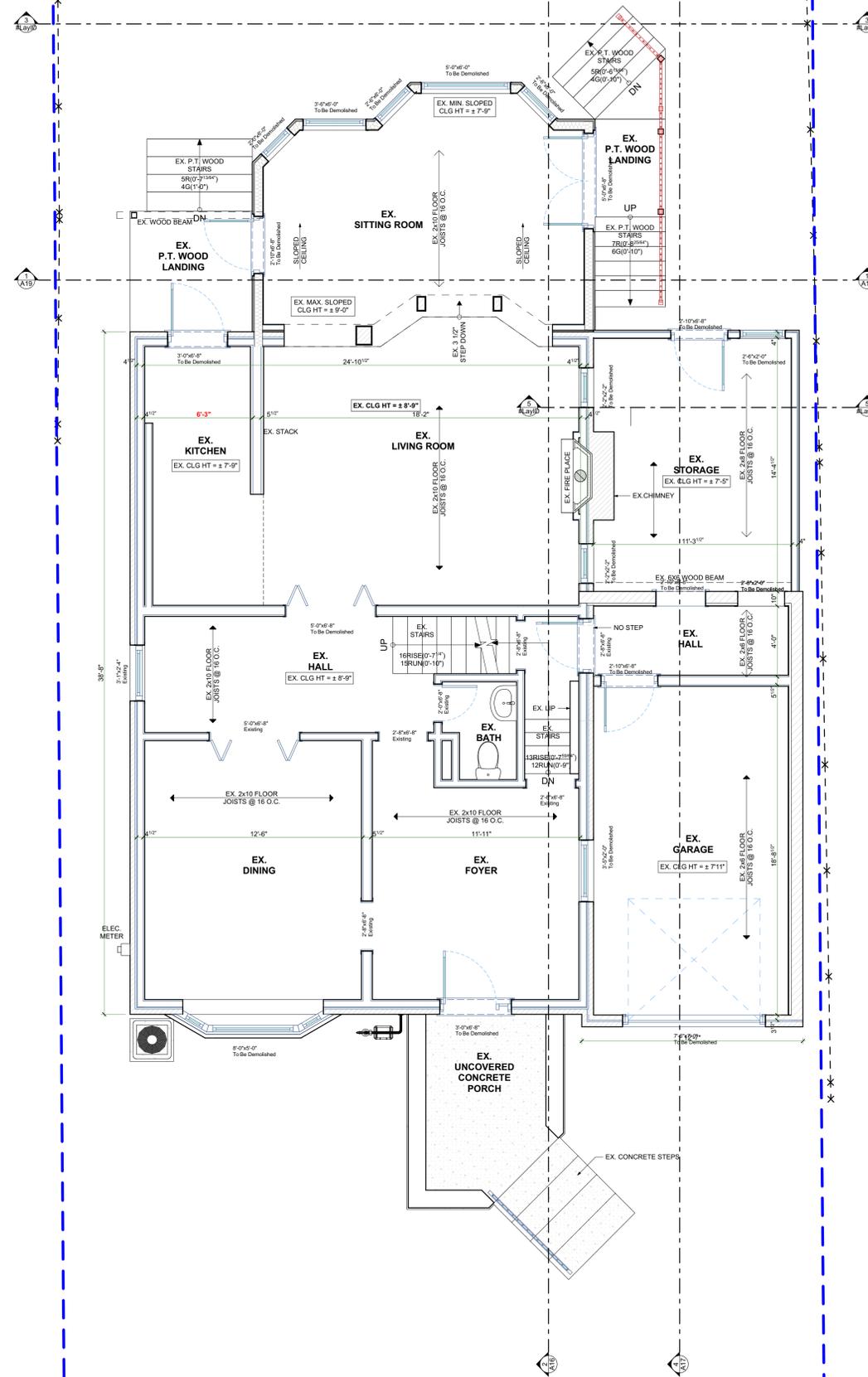
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
3		
4		
5		

DRAWING:  
**EXISTING BASEMENT PLAN**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO: <b>A2</b>
SCALE: AS NOTED	PROJECT NO: ---



**1** EXISTING MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

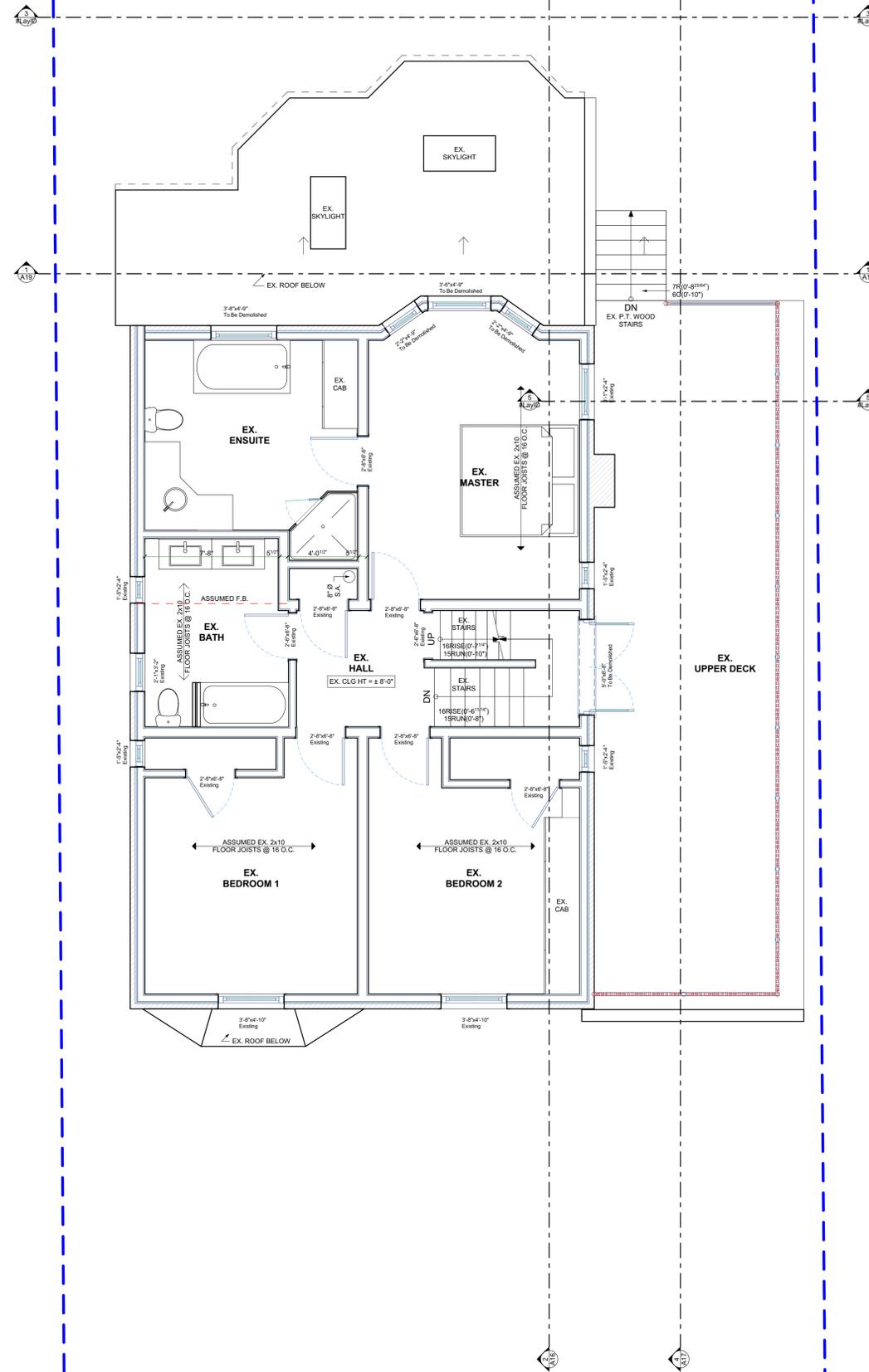
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
3		
4		
5		

DRAWING:  
**EXISTING MAIN FLOOR PLAN**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO:
SCALE: AS NOTED	<b>A3</b>
PROJECT NO:	



**1** EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

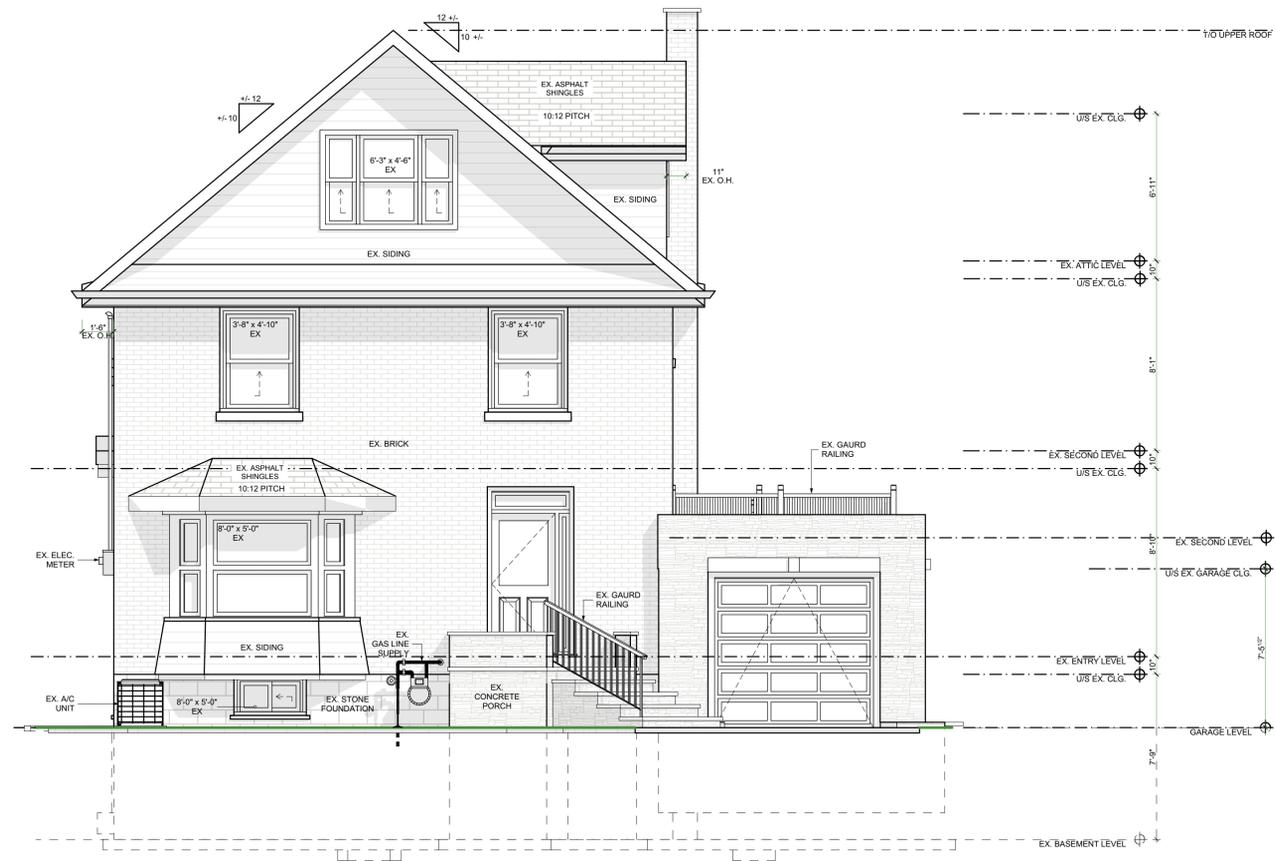
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
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DRAWING:  
**EXISTING SECOND FLOOR PLAN**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO: <b>A4</b>
SCALE: AS NOTED	PROJECT NO: ---



**1** EXISTING FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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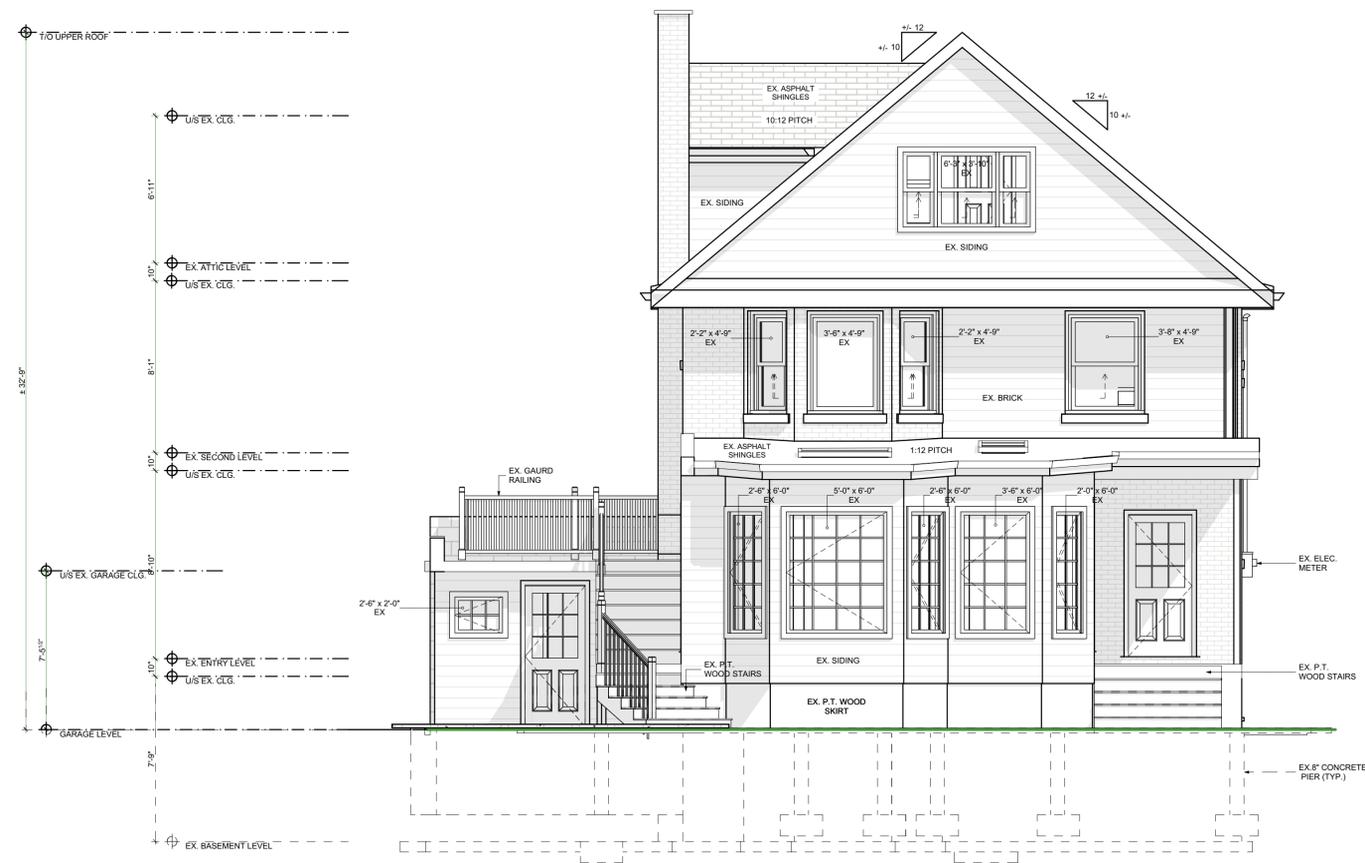
DRAWING:  
**EXISTING FRONT ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO:
SCALE: AS NOTED	<b>A5</b>
PROJECT NO: ---	

Printed: 12/20/2021 @ 4:28 PM



**1 EXISTING REAR ELEVATION**

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

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:

**EXISTING REAR ELEVATION**

PROJECT NAME:

**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021

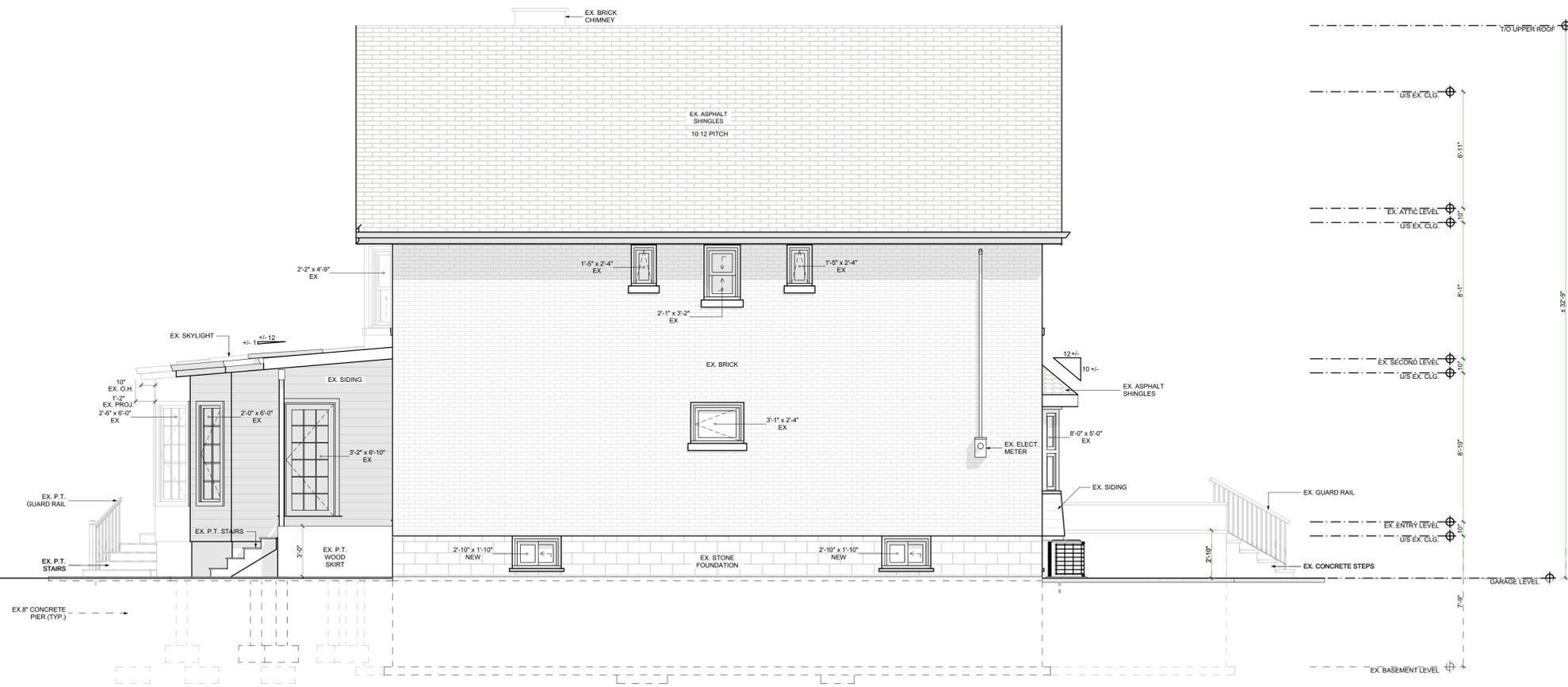
SCALE:

AS NOTED

PROJECT NO:

DRAWING NO:

**A6**



**1** EXISTING LEFT ELEVATION  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

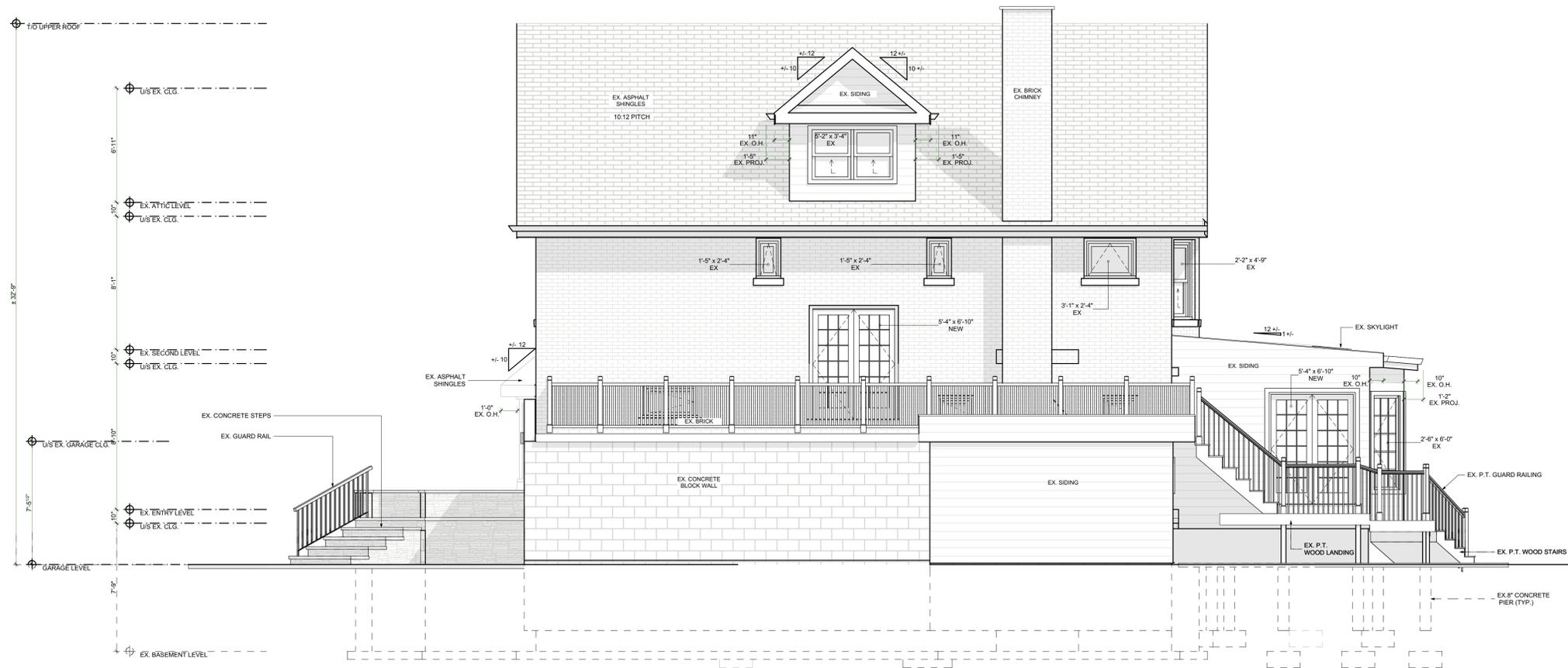
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:  
**EXISTING LEFT ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: <b>A7</b>
PROJECT NO: ---		



**1** EXISTING RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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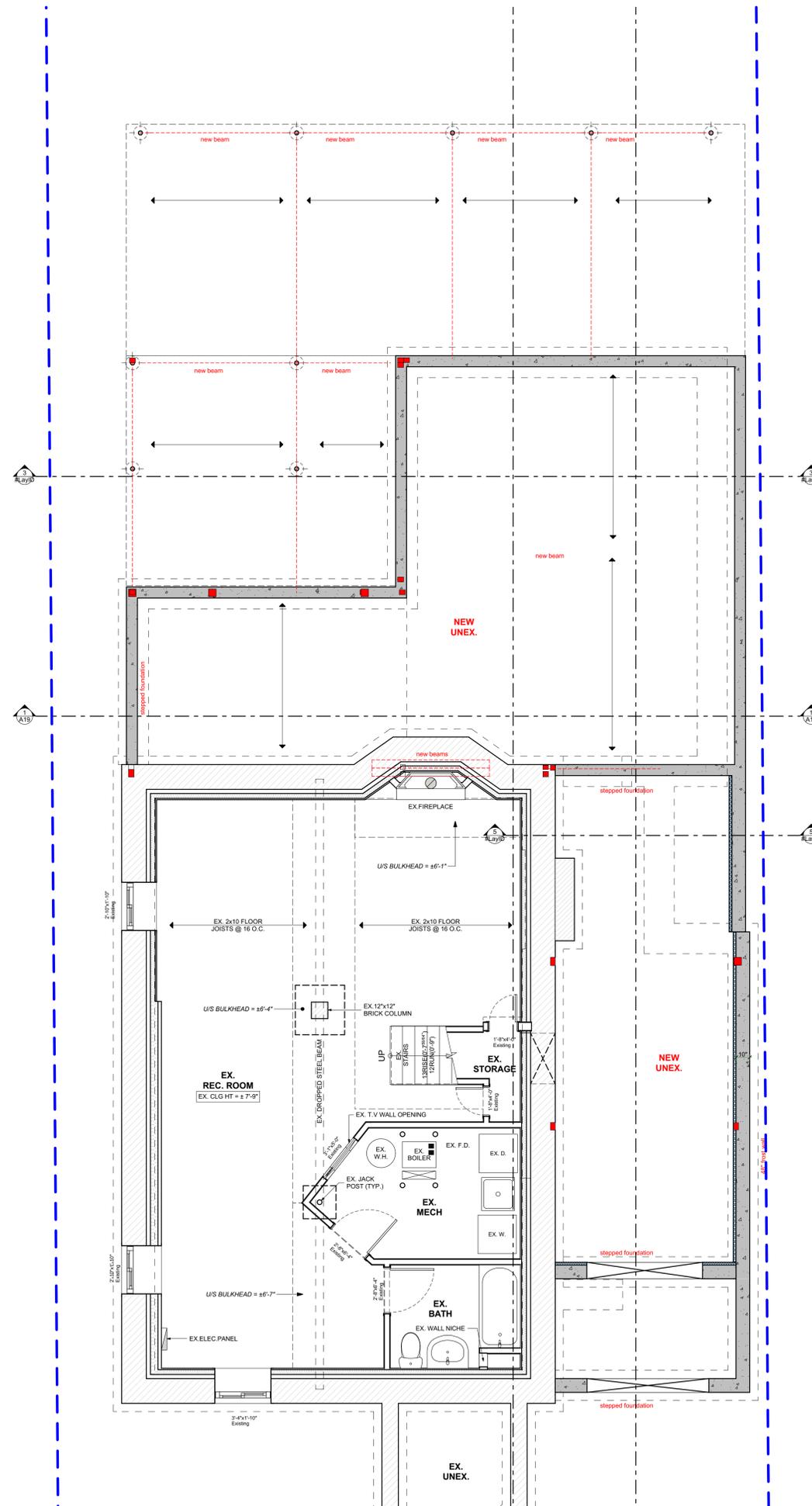
DRAWING:  
**EXISTING RIGHT ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: <b>A8</b>
	PROJECT NO: ---	

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE



**1 PROPOSED BASEMENT PLAN**  
SCALE: 1/4" = 1'-0"

CONTRACTOR  
**Shane**  
Renovations  
790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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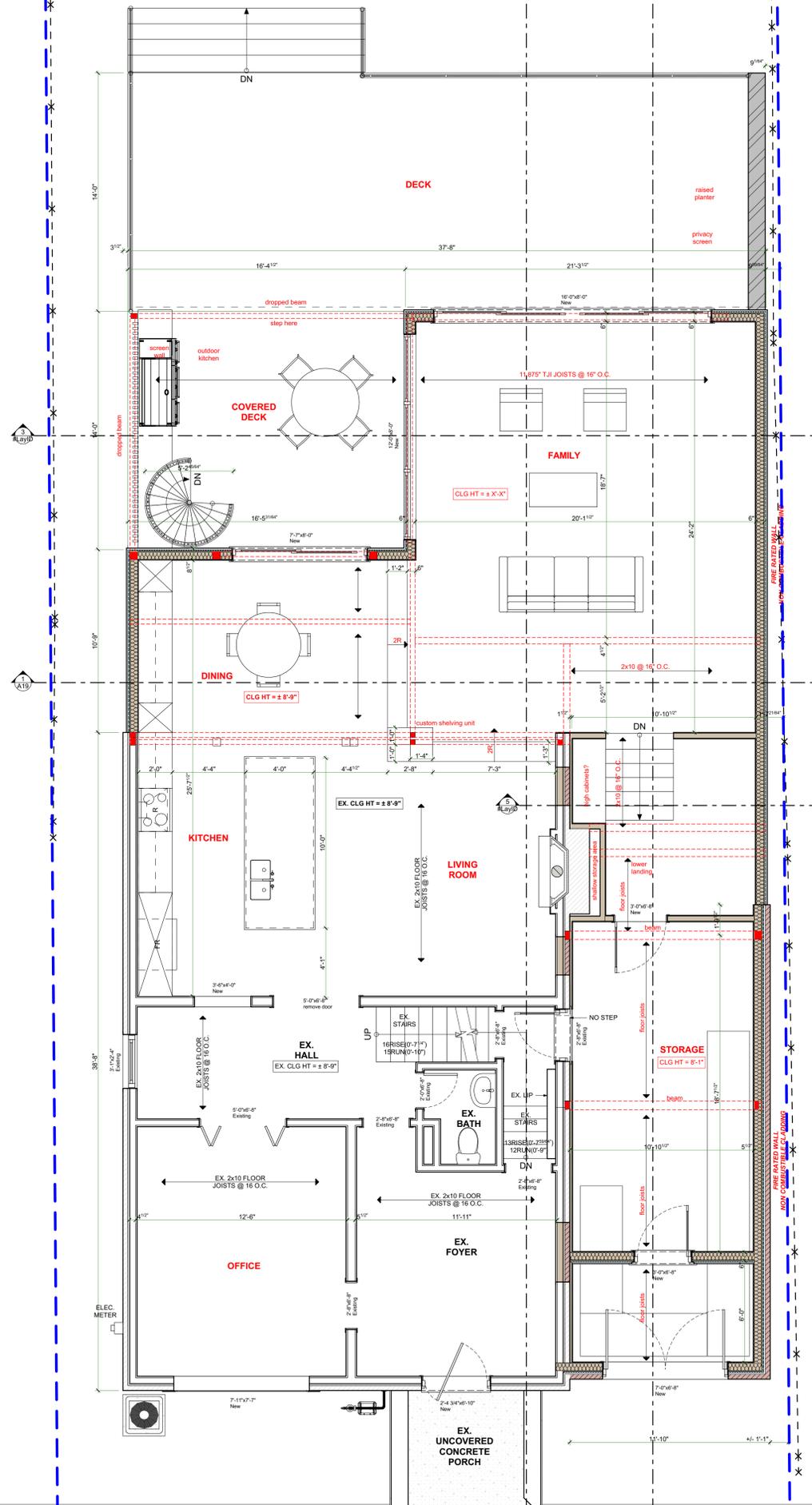
DRAWING:  
**PROPOSED BASEMENT PLAN**

PROJECT NAME:  
**ECN CORP.**  
PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO: <b>A9</b>
SCALE: AS NOTED	PROJECT NO: ---

Printed: 12/20/2021 @ 4:28 PM

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE



**1 PROPOSED MAIN FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



790 SHAVER RD. ANCASTER  
 L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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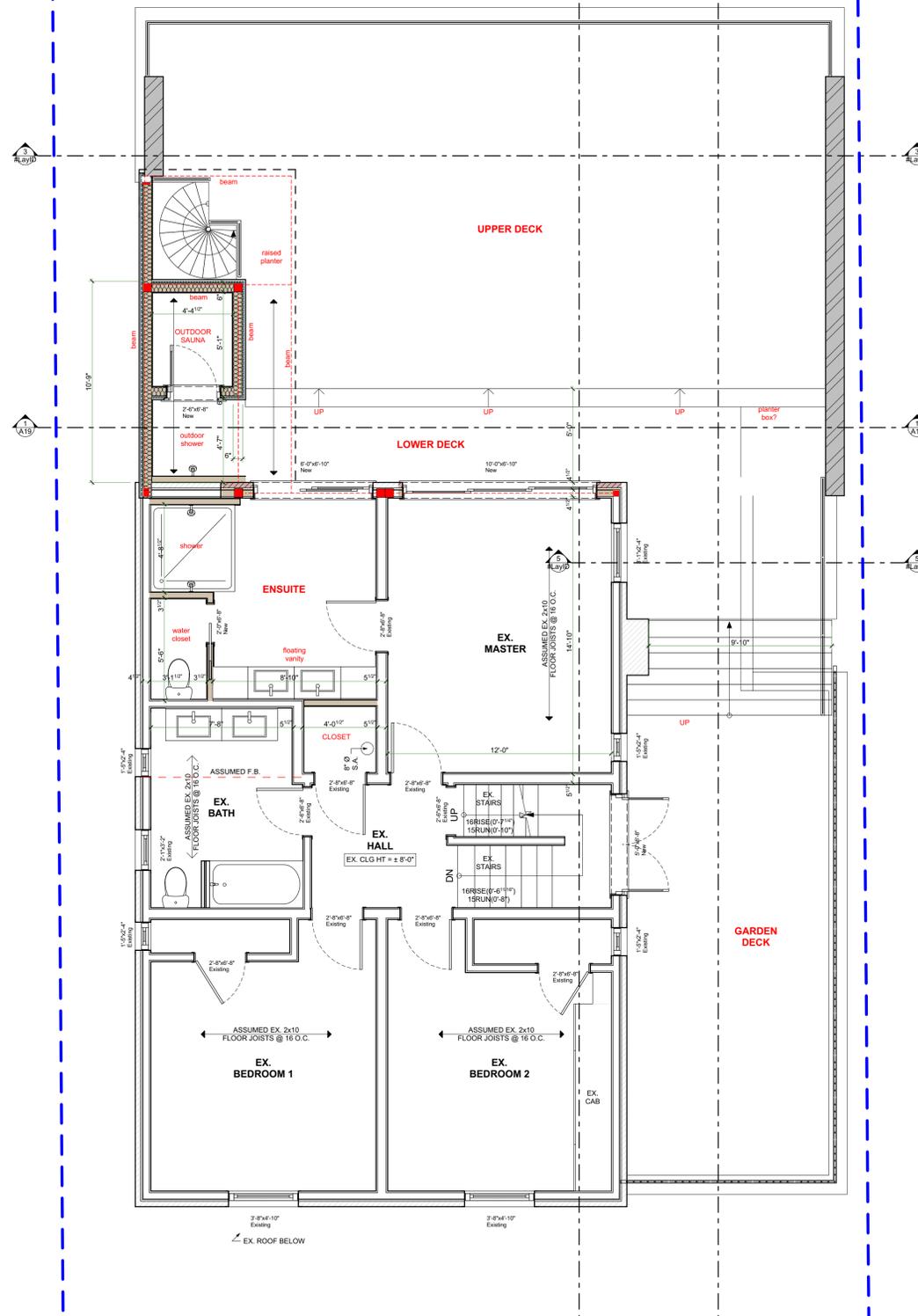
DRAWING:  
**PROPOSED MAIN FLOOR PLAN**

PROJECT NAME:  
**ECN CORP.**  
 PROJECT ADDRESS:  
 95 MOUNTAIN PARK AVE HAMILTON ON  
 L9A 1A1

DATE: 12/20/2021	DRAWING NO.:
SCALE: AS NOTED	<b>A10</b>
PROJECT NO.:	

Printed: 12/20/2021 @ 4:28 PM

ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE



**1 PROPOSED SECOND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

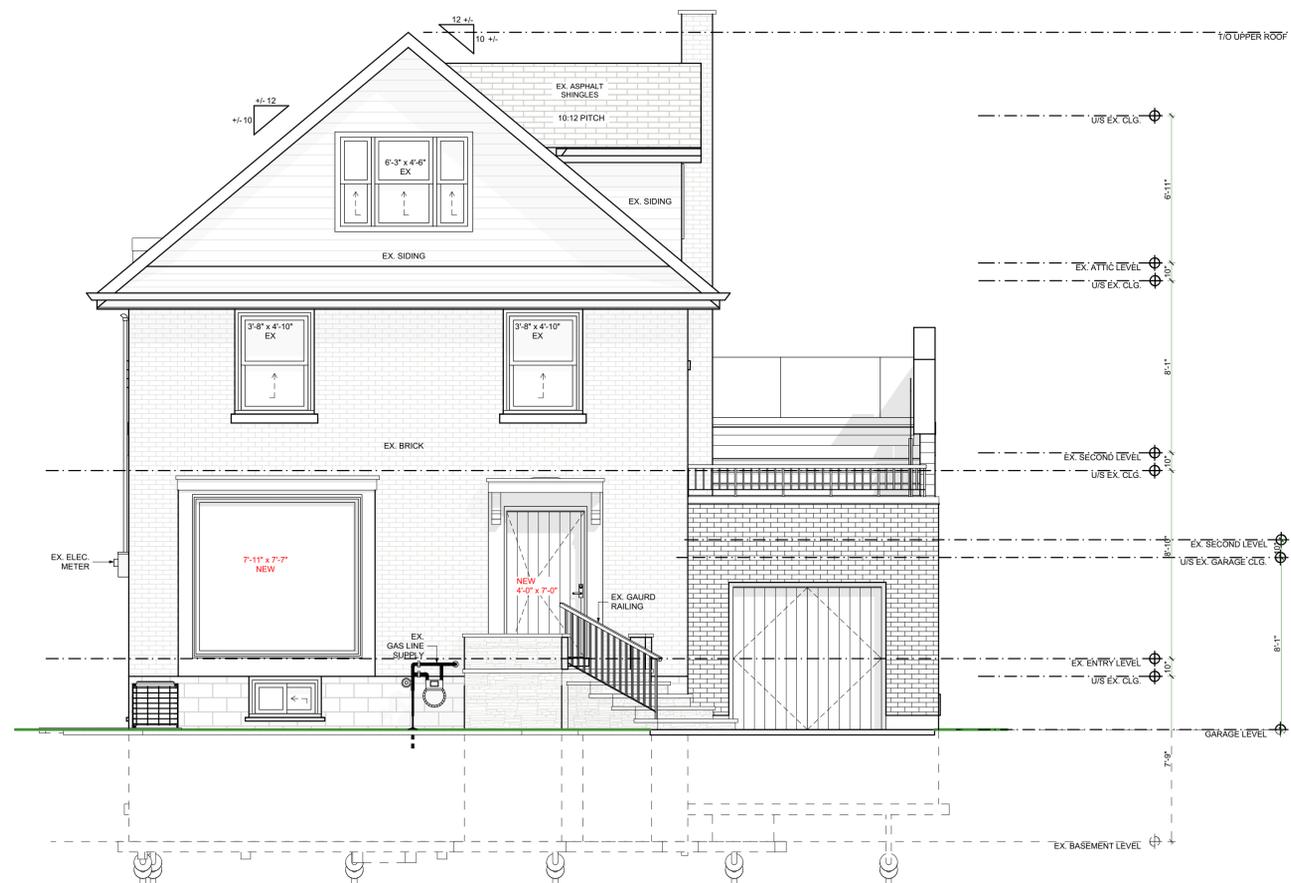
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:  
**PROPOSED SECOND FLOOR PLAN**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO: <b>A11</b>
SCALE: AS NOTED	PROJECT NO: ---



**1 PROPOSED FRONT ELEVATION**

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

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
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DRAWING:  
**PROPOSED FRONT  
ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021

SCALE:  
AS NOTED

PROJECT NO:  
---

DRAWING NO:  
**A12**

Printed: 12/20/2021 @ 4:28 PM



**1 PROPOSED REAR ELEVATION**

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

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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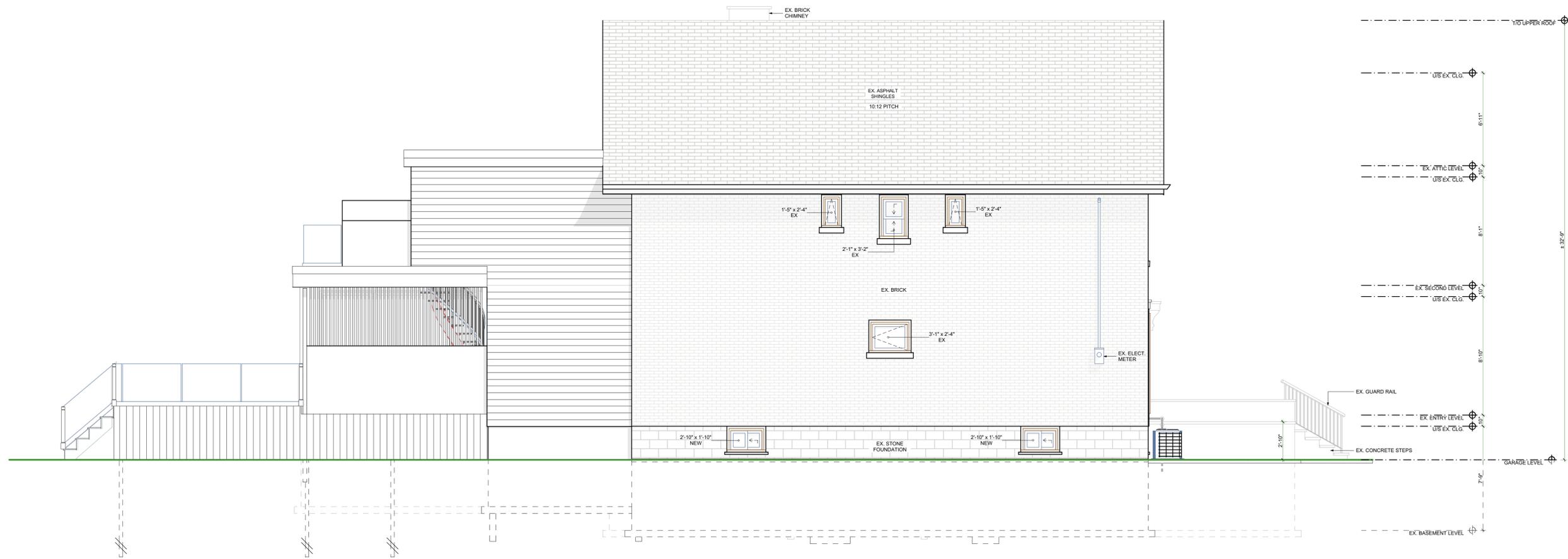
DRAWING:  
**PROPOSED REAR  
ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	DRAWING NO: <b>A13</b>
SCALE: AS NOTED	PROJECT NO: ---

Printed: 12/20/2021 @ 4:28 PM



CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:  
**PROPOSED LEFT ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: <b>A14</b>
	PROJECT NO: ---	

**1 PROPOSED LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 PROPOSED RIGHT ELEVATION**

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

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR  
CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
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DRAWING:  
**PROPOSED RIGHT  
ELEVATION**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021

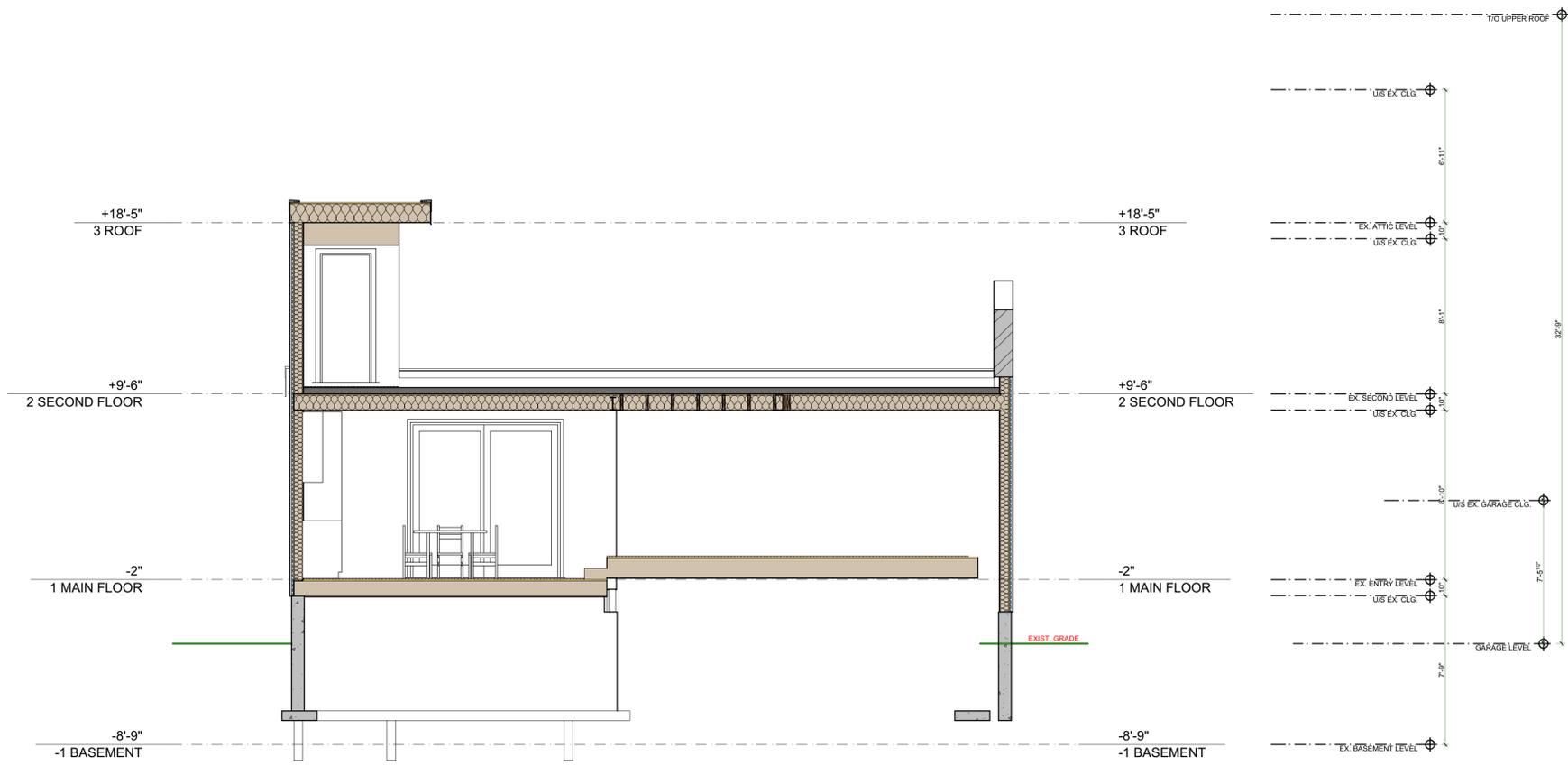
SCALE:  
AS NOTED

PROJECT NO.  
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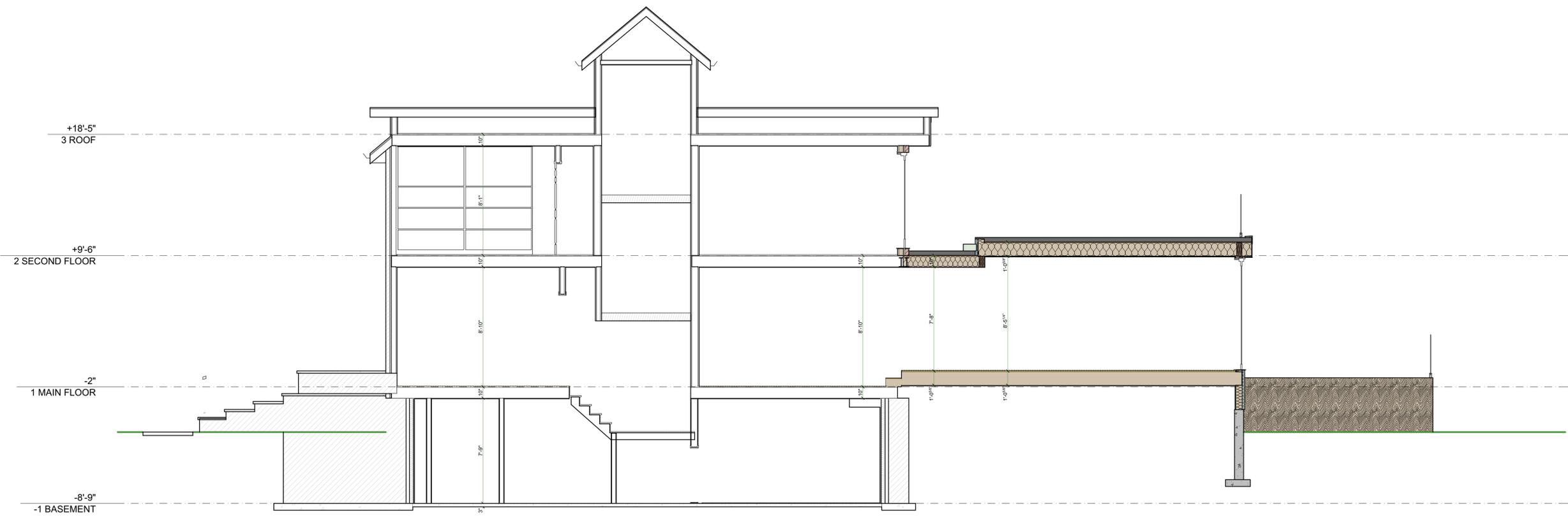
DRAWING NO.

**A15**

Printed: 12/20/2021 @ 4:28 PM



**1 SECTION**  
SCALE: 1/4" = 1'-0"



**2 SECTION**  
SCALE: 1/4" = 1'-0"

CONTRACTOR



790 SHAVER RD. ANCASTER  
L9G 3K9 ON

**NOT FOR CONSTRUCTION**

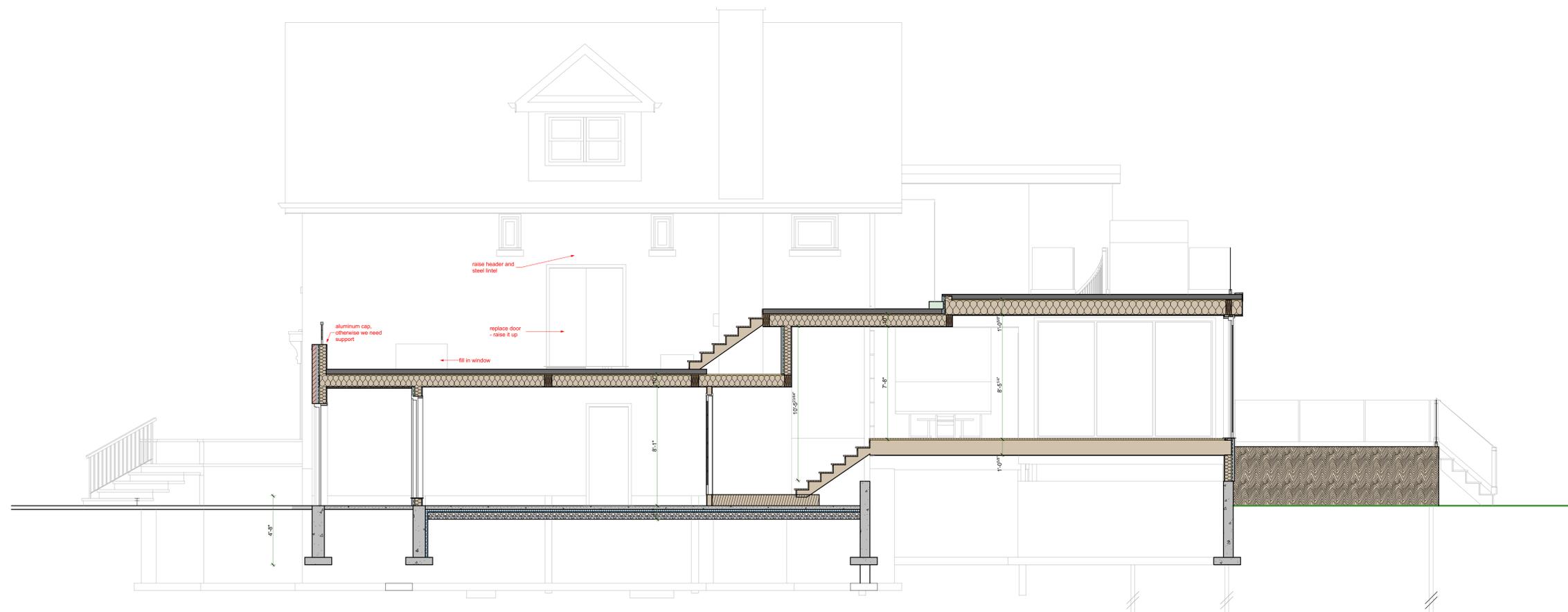
NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
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DRAWING:  
**BUILDING SECTIONS**

PROJECT NAME:  
**ECN CORP.**

PROJECT ADDRESS:  
95 MOUNTAIN PARK AVE HAMILTON ON  
L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: <b>A16</b>
PROJECT NO: ---		



**1 SECTION**  
SCALE: 1/4" = 1'-0"

CONTRACTOR  
  
 790 SHAVER RD. ANCASTER  
 L9G 3K9 ON

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE
1	ISSUED FOR VARIANCE	2021.12.15
2		
3		
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DRAWING:  
**BUILDING SECTIONS**

PROJECT NAME:  
**ECN CORP.**  
 PROJECT ADDRESS:  
 95 MOUNTAIN PARK AVE HAMILTON ON  
 L9A 1A1

DATE: 12/20/2021	SCALE: AS NOTED	DRAWING NO: <b>A17</b>
	PROJECT NO: ---	

Printed: 12/20/2021 @ 4:28 PM



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

**Registered  
Owners(s)**

**Applicant(s)\***

**Agent or  
Solicitor**



**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 Bank  
12 King St E, Hamilton, ON L8N 4G9

**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:

1. Relief from the required 4 parking spaces to 1 space.
2. Relief from the West (left) setback requirement of 1.2m to 1.19m
3. Relief from East (right) setback requirement of 1.2m to 0.20m
4. Relief from Roof Projection requirement of 0.6m to 1.2m

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

- The existing dwelling is already within these setbacks, so we are just asking that the new proposed addition can meet this requirement.

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**):

95 Mountain Park Ave.

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant       Other

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 8.1 to 8.10 above?

- unkown

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

12/16/2021  
Date

DocuSigned by:  
  
Signature Property Owner(s)  
Eric Charles Nanayakkara  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 13.16m  
Depth 39.3m  
Area 517.2m2  
Width of street 7.66m

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: 119.4 m2  
Gross floor area: 311 m2  
stories: 2.5  
width: 11.95m length: 16.31m height: 10m

Proposed  
Ground floor area: 186.8 m2  
Gross floor area: 377.4 m2  
stories: 2.5  
width: 11.95m length: 19.35m height: 10m

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

Existing:  
west (left) side: 1.19m  
east (right) side: 0.22m  
south (front) side: 8.20m  
north (rear) side: 15.76m

Proposed:  
west (left) side: 1.19m  
east (right) side: 0.22m  
south (front) side: 8.20m  
north (rear) side: 12.62m

13. Date of acquisition of subject lands:  
2010
- 
14. Date of construction of all buildings and structures on subject lands:  
1920's
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
single family
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
single family
17. Length of time the existing uses of the subject property have continued:  
since built in 1920's
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:  
n/a
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C
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: SC/B-22:01

SUBJECT PROPERTY: 46 Southmeadow Crescent, 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  
 Owner Nikola Njegovan

**PURPOSE OF APPLICATION:**

To permit the conveyance of a vacant parcel of land and to retain two parcels of vacant land for residential purposes as shown on the attached sketch.

**Severed lands (Part 2):**

12.50m<sup>±</sup> x 35.04m<sup>±</sup> and an area of 437.89m<sup>2</sup> ±

**Retained lands (Part 1):**

14.39m<sup>±</sup> x 35.83m<sup>±</sup> and an area of 516.40m<sup>2</sup> ±

**Retained lands (Part 3):**

12.50m<sup>±</sup> x 35.05m<sup>±</sup> and an area of 437.89m<sup>2</sup> ±

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**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.

SC/B-22: 01  
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: February 1<sup>st</sup>, 2022

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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





Hamilton

**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
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

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

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

2.1 Area Municipality Stoney Creek	Lot	Concession	Former Township
Registered Plan N°. 1005	Lot(s) 28	Reference Plan N°.	Part(s)
Municipal Address 46 Southmeadow Crescent			Assessment Roll N°.

- 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) +- 12.50 (Part 2)	Depth (m) +- 35.04 (Part 2)	Area (m <sup>2</sup> or ha) +- 437.89 (Part 2)
-----------------------------------	--------------------------------	---

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: One single detached dwelling

---

Proposed: One single detached dwelling (per lot).

---

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 sanitary system

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 detached dwelling

Proposed: One single detached dwelling (per lot).

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" designation.

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

Please see Cover Letter.

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? Zoning By-law 3692-92. "R2 - Single Residential - Two" Zone.

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

	<b>Within 500 Metres</b>
--	--------------------------

<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?  
Online mapping. Site Survey. Previous 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

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

Please see Cover Letter.

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

Please see Cover Letter.

- 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

Western Development Area Secondary Plan

Please see Cover Letter.

- 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)

"Urban Area" Designation.

Please see Cover Letter.

- 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)

"Niagara Escarpment Plan Area" Map 109.      Please see Cover Letter.

## 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

the transferee and the land use.

N/A

---

8.4 How long has the applicant owned the subject land?

Unknown.

---

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 \_\_\_\_\_ 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)

## 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):
---------------	------------------------------

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 see Cover Letter.

## 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.



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 15, 2021

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 46 Southmeadow Crescent  
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Nikola Njegovan for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 46 Southmeadow Crescent, in the City of Stoney Creek.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create three (3) separate residential lots. Following the proposed severance, one (1) single detached dwelling is proposed to be constructed on each lot.

The subject lands are located at the northeast corner of the intersection of Southmeadow Crescent and Royce Avenue. The subject lands are currently occupied by one (1) single detached dwelling.

The below table details the various lot frontages, depth, and areas, following the proposed severance.

	<b>Part 1</b>	<b>Part 2</b>	<b>Part 3</b>
<b>Lot Frontage</b>	+/- 14.39m	+/- 12.50m	+/- 12.50m
<b>Lot Depth</b>	+/- 35.83m	+/- 35.04m	+/- 35.05m
<b>Lot Area</b>	+/- 516.40m	+/- 437.89m	+/- 437.89m

The surrounding area consists largely of residential uses, with various institutional uses, and various commercial uses located along Highway 8. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. The institutional uses (places of worship, schools, etc.) are predominately located west and north of the subject site (South Meadow Elementary School to the west, and Polish Full Gospel Church to the north). The commercial uses are primarily located north of the subject lands along the Highway 8 stretch.



The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings, Institutional, Commercial
<b>South</b>	Single-Detached Dwellings
<b>West</b>	Single-Detached Dwellings, Institutional
<b>East</b>	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

## Planning Policy Overview

### Urban Hamilton Official Plan

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) *The lots comply with existing Neighbourhood Plans;*
- c) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) *The lots are fully serviced by municipal water and wastewater systems; and,*
- f) *The lots have frontage on a public road.*

The proposed severance will create lots that are consistent with the relevant policies, as well as are consistent with existing Neighbourhood Plans. Further, the lots will require a Minor Variance to address various zone regulation deficiencies, as required. The three (3) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Following the proposed severance, the proposed construction of three (3) single detached dwellings (one per lot), is consistent with the surrounding existing uses and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along both Southmeadow Crescent and Royce Avenue.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units



per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) single detached dwelling on each lot following the severance (3 total dwellings). This use is consistent with the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 21.5 units per hectare (3 total units, 0.13 hectares), which is consistent with the maximum permitted density under the UHOP.

### **Western Development Area Secondary Plan**

As per Map B.7.1-1 of the Western Development Area Secondary Plan, the subject lands are designated as “Low Density Residential 2b”. Under the “Low Density Residential 2b” designation, the permitted uses shall be single-detached, semi-detached, and duplex dwellings. Further to the above, the permitted density under this designation shall range from 1 to 29 units per net residential hectare.

The proposal is to construct one (1) single detached dwelling on each lot following the severance (3 total dwellings). This use is consistent with the permitted uses under the Western Development Area Secondary Plan. Additionally, the proposal will have an overall density of 21.5 units per hectare, which is consistent with the maximum permitted density under the Western Development Area Secondary Plan.

### **City of Stoney Creek Zoning By-law 3692-92**

The subject lands are zoned “R2 – Single Residential – Two” as per the City of Stoney Creek Zoning By-law 3692-92. The “R2” zone permits uses such as; a single detached dwelling, uses, buildings, or structures accessory to a permitted use, and a home occupation. The zone provisions within Section 6.3.3 shall apply to the proposed development. A review of the applicable zone provisions will be included below.

The regulations of the “R2” Zone are as follows:

<b>Regulation</b>	<b>Requirement</b>
Minimum Lot Area	Interior Lot: 460 square metres Corner Lot: 505 square metres
Minimum Lot Frontage	Interior Lot: 15 metres Corner Lot: 16.5 metres

### **Minor Variance**

A number of variances are required to facilitate the proposed development. The variances are as follows:

#### Part 1

1. To permit a minimum lot frontage of 14.39 metres, whereas a minimum lot frontage of 16.5 metres is required.

#### Parts 2 and 3

1. To permit a minimum lot area of 437.89 square metres, whereas a minimum lot area of 460 square metres is required.



2. To permit a minimum lot frontage of 12.50 metres, whereas a minimum lot frontage of 15 metres is required.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 21.5 units per hectare inclusive of all three proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the City of Stoney Creek Zoning By-law 3692-92.**

The required variances to City of Stoney Creek Zoning By-law 3692-92 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

**Lot Frontage**

Part 1 is proposed to have a lot frontage of 14.39 metres.

Parts 2 and 3 are proposed to have a lot frontage of 12.50 metres.

A variance is required to the minimum lot frontage requirement for the proposed development (from 16.5 metres to 14.39 metres on Part 1, and from 15 metres to 12.5 metres on Parts 2 and 3). The surrounding neighbourhood is characterized by dwellings which have reduced lot frontages and dwellings that face the street. Further, despite the reduction, there remains room for a combination of plantings along the Southmeadow Crescent and Royce Avenue frontages. The three (3) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.



## Lot Area

Part 1 is proposed to have a lot area of 516.40 square metres.

Parts 2 and 3 are proposed to have a lot area of 437.89 square metres.

A variance is required to the minimum lot area requirement for the proposed development (from 460 square metres to 437.89 square metres on Parts 2 and 3). The surrounding neighbourhood contains a range of lot areas, with some likely below the minimum area requirement. The purpose of this reduction is to permit one single-detached dwelling on each lot. Accordingly, the intent of the Zoning By-law is maintained.

### **3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood. As noted above, the proposed variances are consistent with the established character of the neighbourhood. The variances are therefore appropriate for the development of the subject lands.

### **4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage or lot area, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit altered frontage and lot area requirements will be required to facilitate the creation of the lot as the existing building on the subject lands will be demolished in favour of the redevelopment. The lot is generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these minor zoning deficiencies.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

*Tausha Adair*

Tausha Adair, B.E.S.  
Planner  
**A.J. Clarke and Associates Ltd.**

*Ryan Ferrari*

Ryan Ferrari, BURPI, CPT  
Planner  
**A.J. Clarke and Associates Ltd.**

Encl.

Cc: Nikola Njegovan





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-22:03

**APPLICANTS:** Agent A.J. Clarke & Associates  
 Owner Nikola Njegovan

**SUBJECT PROPERTY:** Municipal address **46 Southmeadow Crescent,  
 Stoney Creek**

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

**ZONING:** "R2" (Single Residential) district

**PROPOSAL:** To permit the creation of three (3) new lots in accordance with land severance application No. SC/B-22:01 notwithstanding that:

Part 1:

1. A lot frontage of 14.0m shall be provided instead of the minimum 16.0m lot frontage required for a corner lot.

Parts 2 & 3:

1. A lot frontage of 12.5m shall be provided instead of the minimum 15.0m lot frontage required for interior lots.
2. A lot area of 437.0m<sup>2</sup> shall be provided instead of the minimum 460.0m<sup>2</sup> lot area required for interior lots.

**NOTES:**

All future development shall conform to the requirements of the R2 zone contained within Stoney Creek Zoning By-law 3692-92. Details of any future development have not been provided at this time.

These variances are necessary to facilitate land severance application SC/B-22:01.

The owner/applicant shall ensure that the lot frontage indicated for the corner lot (Part 1) has been determined in accordance with the definition of Lot Frontage as provided in Stoney Creek Zoning By-law 3692-92.

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

---

**DATE:** Thursday, February 17th, 2022  
**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

---

SC/A-22: 03  
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: February 1st, 2022.

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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





Hamilton

**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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

**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:

Please see Cover Letter.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Please see Cover 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**):

46 Southmeadow Crescent, Stoney Creek  
Registered Plan No.: 1005  
Lot 28

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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

8.10 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 8.1 to 8.10 above?

Online mapping. Site Survey. Previous Owner Information.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

Dec. 15/2021  
Date

*Nikola Njegovan*  
Signature (Property Owner(s))

Nikola Njegovan  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>+ - 14.39 (Part 1), + - 12.50 (Part 2), + - 12.50 (Part 3)</u>
Depth	<u>+ - 35.83 (Part 1), + - 35.04 (Part 2), + - 35.05 (Part 3)</u>
Area	<u>+ - 516.40 (Part 1), + - 437.89 (Part 2), + - 437.89 (Part 3)</u>
Width of street	<u></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: \_

One single detached dwelling.

Proposed

One single detached dwelling (per lot).

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

Existing:

13. Date of acquisition of subject lands:  
Unknown.
- 
14. Date of construction of all buildings and structures on subject lands:  
Unknown.
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single family.
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single family.
17. Length of time the existing uses of the subject property have continued:  
Unknown.
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <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:  
"Neighbourhoods" designation, and Western Development Area SP.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Zoning By-law 3692-92. "R2 - Single Residential - Two" Zone.
21. Has the owner previously applied for relief in respect of the subject property?  
Yes  No   
If the answer is yes, describe briefly.  
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
Yes  No
23. Additional Information  
Concurrently submitted.
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



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

December 15, 2021

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 46 Southmeadow Crescent  
Minor Variance and Severance Application Submission**

---

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Nikola Njegovan for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 46 Southmeadow Crescent, in the City of Stoney Creek.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create three (3) separate residential lots. Following the proposed severance, one (1) single detached dwelling is proposed to be constructed on each lot.

The subject lands are located at the northeast corner of the intersection of Southmeadow Crescent and Royce Avenue. The subject lands are currently occupied by one (1) single detached dwelling.

The below table details the various lot frontages, depth, and areas, following the proposed severance.

	<b>Part 1</b>	<b>Part 2</b>	<b>Part 3</b>
<b>Lot Frontage</b>	+/- 14.39m	+/- 12.50m	+/- 12.50m
<b>Lot Depth</b>	+/- 35.83m	+/- 35.04m	+/- 35.05m
<b>Lot Area</b>	+/- 516.40m	+/- 437.89m	+/- 437.89m

The surrounding area consists largely of residential uses, with various institutional uses, and various commercial uses located along Highway 8. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. The institutional uses (places of worship, schools, etc.) are predominately located west and north of the subject site (South Meadow Elementary School to the west, and Polish Full Gospel Church to the north). The commercial uses are primarily located north of the subject lands along the Highway 8 stretch.



The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings, Institutional, Commercial
<b>South</b>	Single-Detached Dwellings
<b>West</b>	Single-Detached Dwellings, Institutional
<b>East</b>	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

## Planning Policy Overview

### Urban Hamilton Official Plan

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) *The lots comply with existing Neighbourhood Plans;*
- c) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) *The lots are fully serviced by municipal water and wastewater systems; and,*
- f) *The lots have frontage on a public road.*

The proposed severance will create lots that are consistent with the relevant policies, as well as are consistent with existing Neighbourhood Plans. Further, the lots will require a Minor Variance to address various zone regulation deficiencies, as required. The three (3) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Following the proposed severance, the proposed construction of three (3) single detached dwellings (one per lot), is consistent with the surrounding existing uses and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along both Southmeadow Crescent and Royce Avenue.

Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units



per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) single detached dwelling on each lot following the severance (3 total dwellings). This use is consistent with the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 21.5 units per hectare (3 total units, 0.13 hectares), which is consistent with the maximum permitted density under the UHOP.

### **Western Development Area Secondary Plan**

As per Map B.7.1-1 of the Western Development Area Secondary Plan, the subject lands are designated as “Low Density Residential 2b”. Under the “Low Density Residential 2b” designation, the permitted uses shall be single-detached, semi-detached, and duplex dwellings. Further to the above, the permitted density under this designation shall range from 1 to 29 units per net residential hectare.

The proposal is to construct one (1) single detached dwelling on each lot following the severance (3 total dwellings). This use is consistent with the permitted uses under the Western Development Area Secondary Plan. Additionally, the proposal will have an overall density of 21.5 units per hectare, which is consistent with the maximum permitted density under the Western Development Area Secondary Plan.

### **City of Stoney Creek Zoning By-law 3692-92**

The subject lands are zoned “R2 – Single Residential – Two” as per the City of Stoney Creek Zoning By-law 3692-92. The “R2” zone permits uses such as; a single detached dwelling, uses, buildings, or structures accessory to a permitted use, and a home occupation. The zone provisions within Section 6.3.3 shall apply to the proposed development. A review of the applicable zone provisions will be included below.

The regulations of the “R2” Zone are as follows:

<b>Regulation</b>	<b>Requirement</b>
Minimum Lot Area	Interior Lot: 460 square metres Corner Lot: 505 square metres
Minimum Lot Frontage	Interior Lot: 15 metres Corner Lot: 16.5 metres

### **Minor Variance**

A number of variances are required to facilitate the proposed development. The variances are as follows:

#### Part 1

1. To permit a minimum lot frontage of 14.39 metres, whereas a minimum lot frontage of 16.5 metres is required.

#### Parts 2 and 3

1. To permit a minimum lot area of 437.89 square metres, whereas a minimum lot area of 460 square metres is required.



2. To permit a minimum lot frontage of 12.50 metres, whereas a minimum lot frontage of 15 metres is required.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 21.5 units per hectare inclusive of all three proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is our professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the City of Stoney Creek Zoning By-law 3692-92.**

The required variances to City of Stoney Creek Zoning By-law 3692-92 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

**Lot Frontage**

Part 1 is proposed to have a lot frontage of 14.39 metres.

Parts 2 and 3 are proposed to have a lot frontage of 12.50 metres.

A variance is required to the minimum lot frontage requirement for the proposed development (from 16.5 metres to 14.39 metres on Part 1, and from 15 metres to 12.5 metres on Parts 2 and 3). The surrounding neighbourhood is characterized by dwellings which have reduced lot frontages and dwellings that face the street. Further, despite the reduction, there remains room for a combination of plantings along the Southmeadow Crescent and Royce Avenue frontages. The three (3) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.



## Lot Area

Part 1 is proposed to have a lot area of 516.40 square metres.

Parts 2 and 3 are proposed to have a lot area of 437.89 square metres.

A variance is required to the minimum lot area requirement for the proposed development (from 460 square metres to 437.89 square metres on Parts 2 and 3). The surrounding neighbourhood contains a range of lot areas, with some likely below the minimum area requirement. The purpose of this reduction is to permit one single-detached dwelling on each lot. Accordingly, the intent of the Zoning By-law is maintained.

### **3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood. As noted above, the proposed variances are consistent with the established character of the neighbourhood. The variances are therefore appropriate for the development of the subject lands.

### **4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage or lot area, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is our professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit altered frontage and lot area requirements will be required to facilitate the creation of the lot as the existing building on the subject lands will be demolished in favour of the redevelopment. The lot is generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these minor zoning deficiencies.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

*Tausha Adair*

Tausha Adair, B.E.S.  
Planner  
**A.J. Clarke and Associates Ltd.**

*Ryan Ferrari*

Ryan Ferrari, BURPI, CPT  
Planner  
**A.J. Clarke and Associates Ltd.**

Encl.

Cc: Nikola Njegovan





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-22:07

**APPLICANTS:** Agent Carlos Salazar  
 Owners G. Mondoux & C. Magno

**SUBJECT PROPERTY:** Municipal address **420 East 13<sup>th</sup> St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 21-076

**ZONING:** "C" (Urban Protected Residential and etc.) district

**PROPOSAL:** To permit a basement secondary dwelling unit within an existing single family dwelling, notwithstanding that:

1. One parking space shall be provided for the principal dwelling instead of 2 parking spaces for a single family dwelling with up to 8 habitable rooms;
2. One parking space shall have minimum depth of 5.3 metres instead of the minimum required depth of 6.0 metres;

**NOTES:**

1. The variance is written as requested by the applicant. A variance was included to address the change in parking requirements for the principal dwelling.
2. Off-site manoeuvring is permitted for both parking spaces and two front yard parking spaces are permitted for the proposed secondary dwelling unit.
3. The required minimum 50% front yard landscaping requirement would be maintained with the proposed parking arrangement. The calculation was based on information provided on the submitted sketch.
4. The parking requirement for the principal dwelling is based on 2 parking spaces for a single family dwelling with up to 8 habitable rooms. Additional parking based on 0.5 parking spaces for each additional room above 8 habitable rooms is required. Floor plans have not been provided for the submission, however, the owner has advised that the main dwelling unit would have 5 habitable rooms.
5. The owner has advised that the proposed secondary dwelling unit would be within the basement of the principal dwelling. It is further noted that the Zoning By-law does not permit secondary dwelling units within a cellar.

HM/A-22: 07

Page 2

7. Floor plans have not been provided to confirm the number of bedrooms within the proposed SDU. A maximum of 2 bedrooms is permitted for an SDU. The owner has advised that the SDU will contain no more than 2 bedrooms.

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

---

**DATE:** Thursday, February 17th, 2022  
**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

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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:

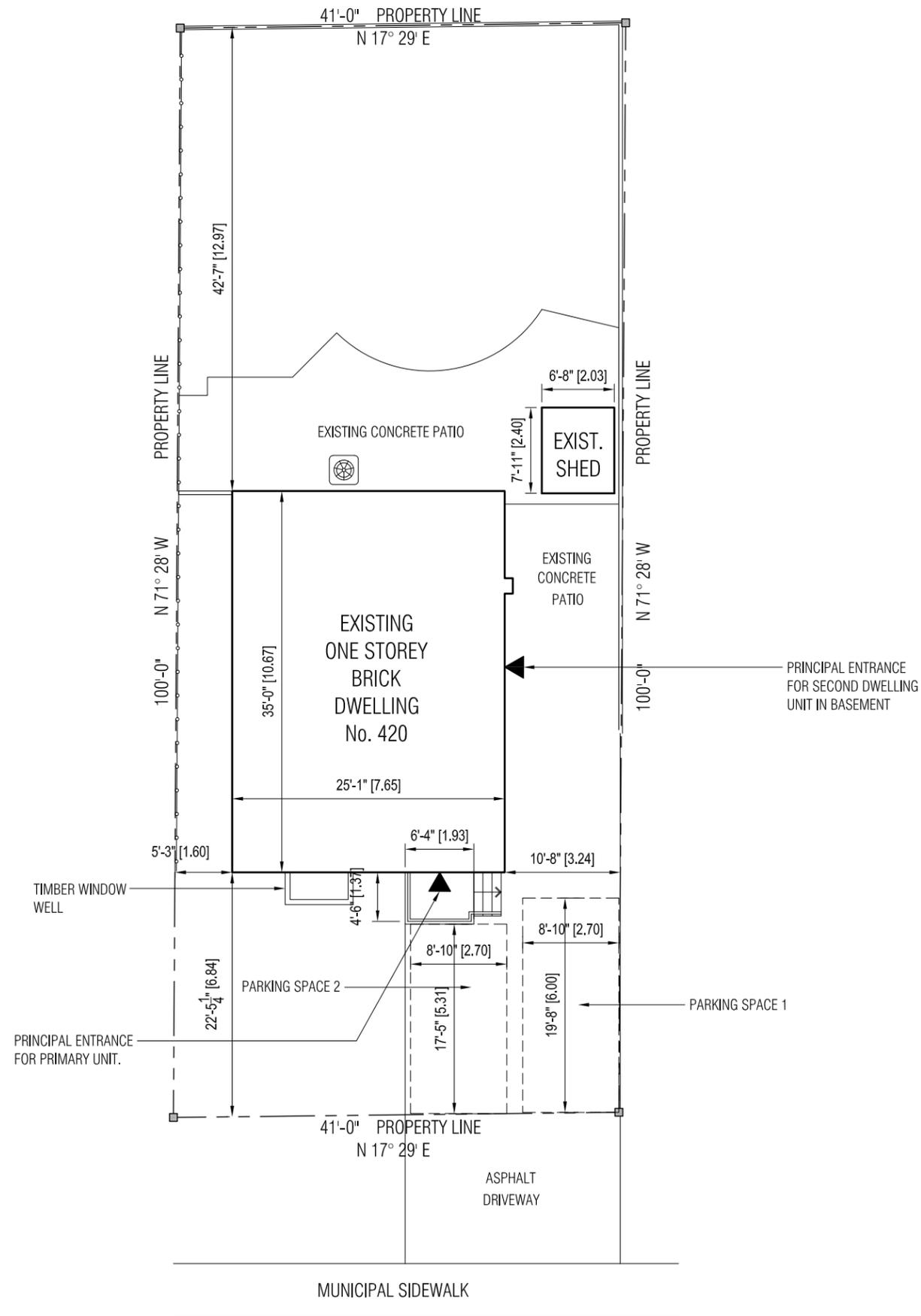
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

---

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 PLAN**

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

SITE STATISTICS	
TOTAL SITE AREA	4,099.34 SQ. FT. [ 380.82 SQ. M ]
G.F.A (GROSS FLOOR AREA):	
EXISTING MAIN FLOOR	886 SQ. FT. [ 82.30 SQ. M ]
PROPOSED BASEMENT UNIT	800 SQ. FT. [ 74.32 SQ. M ]

GENERAL NOTES:

THE CONTRACTOR MUST VERIFY AND ACCEPT RESPONSIBILITY FOR ALL DIMENSIONS AND CONDITIONS ON SITE AND MUST NOTIFY THIS DESIGNER OF ANY VARIATIONS IN SUPPLIED INFORMATION BEFORE PROCEEDING WITH WORK. THIS DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF SURVEY OR ENGINEERING INFORMATION SHOWN ON THIS DRAWING.

UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR OR SUB-CONTRACTORS PROCEED IN UNCERTAINTY.

THIS DRAWING IS NOT TO BE SCALED.

REV.	DESCRIPTION	DATE

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

CARLOS SALAZAR, A.A.A.T.O.

REGISTRATION INFORMATION

Firm registered under subsection 3.2.4, of division c, of the building code

Studio Salazar 112398 BCIN

**Studio Salazar**

T 416 624 6003  
E carlos@studiosalazar.ca

CLIENT:

PROJECT NAME:

420 EAST 13TH STREET  
HAMILTON, ONTARIO

DRAWING TITLE:

SITE PLAN AND STATISTICS

DATE: September 16, 2021	DESIGNED BY: CS
DRAWN BY: CS	SCALE:

Drawing No:

**A3**



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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:
- Gaetan Mondoux  
123 Nisbet Blvd Waterdown, L0R 2H9
  - Carlo Magno  
55 Elysian Fields Cir. Brampton, ON. L6Y 6E8

**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:

reduction in the sizes of one of the parking spaces required to be 2.70mx5.31m

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

Existing front porch is located 5.31m to the property line to where the proposing second parking spot will be located.

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**):

420 East 13th Street, City of Hamilton  
Registered plan No. 1002 Lot 152 City of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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 8.1 to 8.10 above?

Homeowner provided this information.

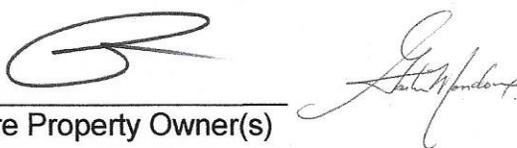
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

December 6, 2021  
Date

  
Signature Property Owner(s)  
Carlo Magno / Gaetan Mondoux  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>12.49m (41'-0")</u>
Depth	<u>30.48m (100'-0")</u>
Area	<u>380.89 sq.m (4,100 sq.f)</u>
Width of street	<u>8 meters +/-</u>

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

Existing: \_

Existing one storey detached dwelling (7.65m x 10.67m) existing front porch (1.93m x 1.37m) existing shed (2.03m x 2.4m)

Proposed

Existing one storey detached dwelling (7.65m x 10.67m) existing front porch (1.93m x 1.37m) existing shed (2.03m x 2.4m)

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

Existing:

Refer to site plan

Proposed:

Refer to site plan

13. Date of acquisition of subject lands:  
July 21, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
1960
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Family Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Family dwelling
17. Length of time the existing uses of the subject property have continued:  
61 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:  
The subject property is designated "Neighbourhoods" in the Urban Hamilton Official Plan. The lands are not subject to a Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
The subject property is zoned "C" District (Urban Protected Residential) under Zoning By-law No. 6593 (former City of Hamilton). By-law 21-076 (Secondary Dwelling Unit Regulations) also applies.
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.:** AN/A-22:06

**APPLICANTS:** Agent Shane Van Barneveld  
 Owners M. & L. Johnston & N. J. Bush

**SUBJECT PROPERTY:** Municipal address **175 Parkview Dr., Ancaster**

**ZONING BY-LAW:** Zoning By-law 87-57, as Amended

**ZONING:** "ER" (Existing Residential) district

**PROPOSAL:** To permit the construction of a new single detached dwelling notwithstanding that;

1. A maximum lot coverage of 36.7% shall be permitted instead of the maximum 35% lot coverage permitted.
2. A minimum front yard of 5.1m shall be permitted instead of the minimum 7.048m front yard required.
3. A minimum rear yard 10.7m shall be permitted instead of the minimum 12.351m rear yard required.

Note: Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.

The zoning By-law requires that a minimum of 1.0m of required side yards and rear yard are maintained unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material and landscaping other than sod. No details were provided from which to determine compliance; therefore, further variances may be required.

The elevation plans do not show the height dimension from grade as defined in the zoning by-law. In addition, please refer to Building Division Policy ZON-031 for calculating the average grade. Otherwise, further variances may be required.

The applicant shall confirm the lot depth as defined in the zoning By-law in order to confirm that the requested rear yard variance is correct.

Our Division has previously made the interpretation that a roofed-over deck at the rear of the dwelling is considered part of the principal building and is therefore subject to the principle building requirements.

AN/A-22: 06

Page 2

The zoning By-law requires a minimum of two (2) parking spaces for a single detached dwelling. The applicant shall clearly delineate and properly label and dimension the parking spaces in order to determine compliance. Otherwise, further variances may be required.

The zoning By-law permits eaves or gutters to project into any minimum side yard a distance of not more than 60 centimetres, or into any minimum front or minimum rear yard a distance of not more than 1.5 metres. Insufficient details were provided from which to determine compliance. Therefore, further variances may be required.

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

---

**DATE:** Thursday, February 17th, 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

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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)

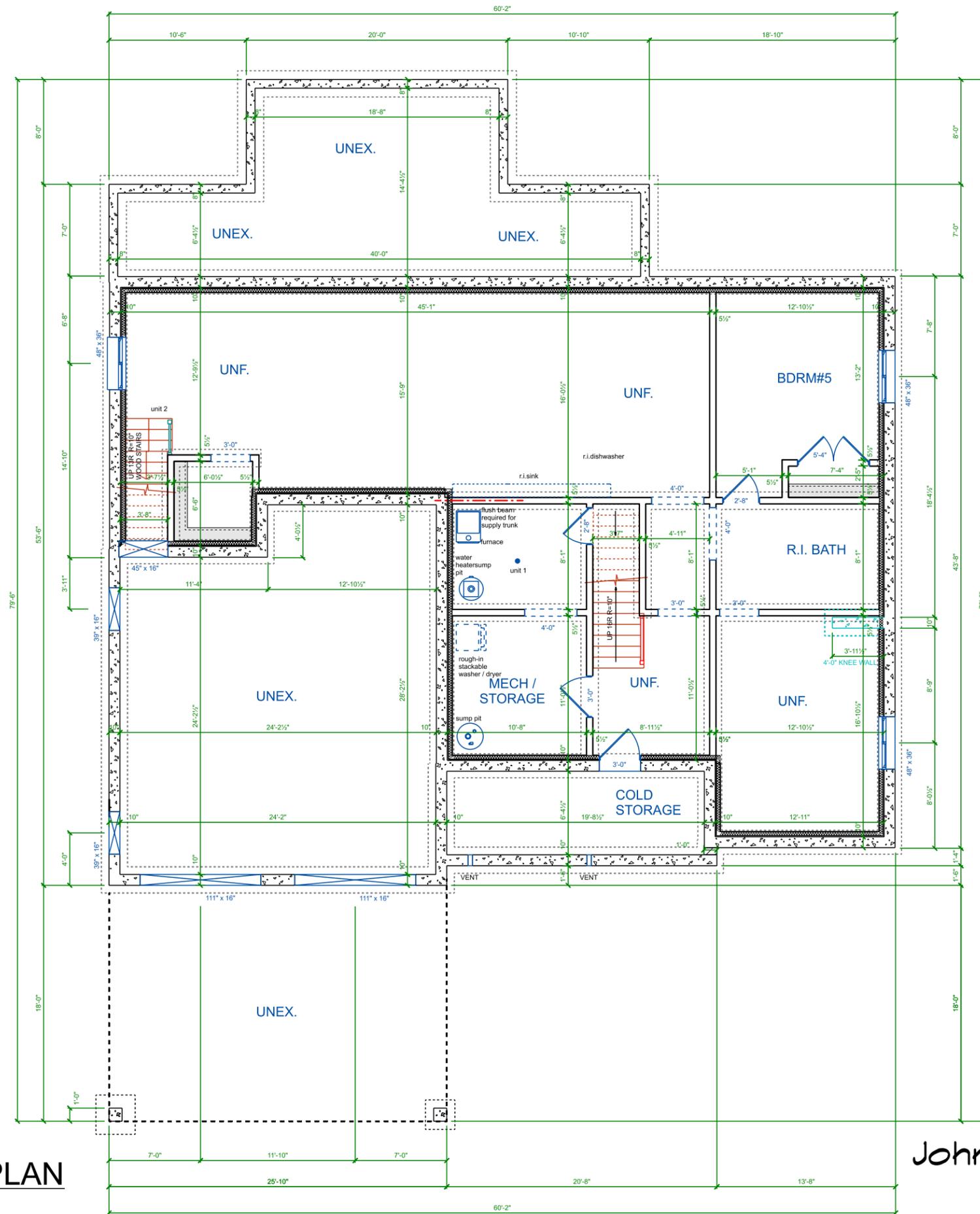
DATED: February 1st, 2022.

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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.***



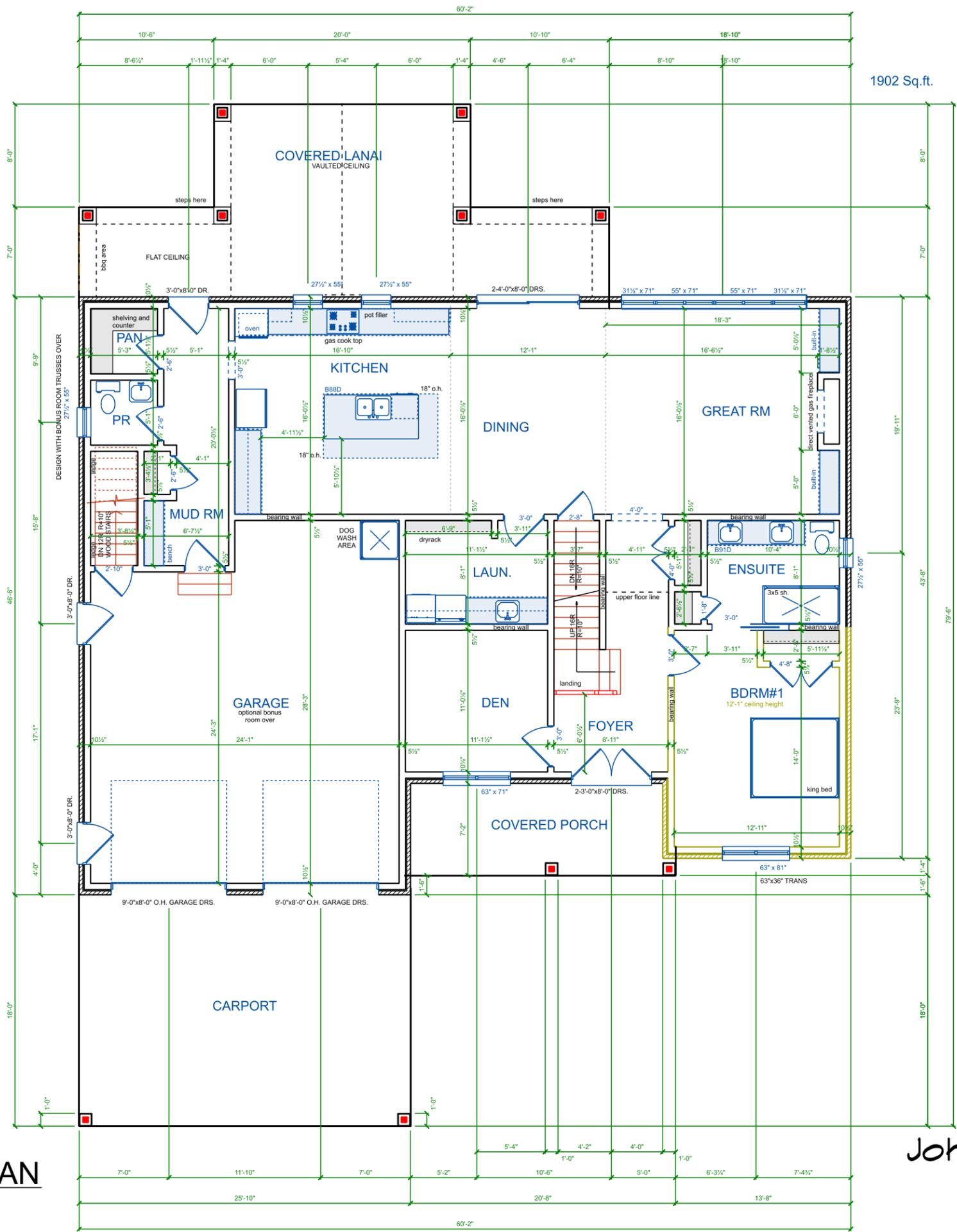


**5B BASEMENT FLOOR PLAN**  
SCALE: 0.1094" = 1'-0"

**Johnston Residence**

175 Parkview Drive  
Ancaster ON  
December 4, 2021





5A MAIN FLOOR PLAN

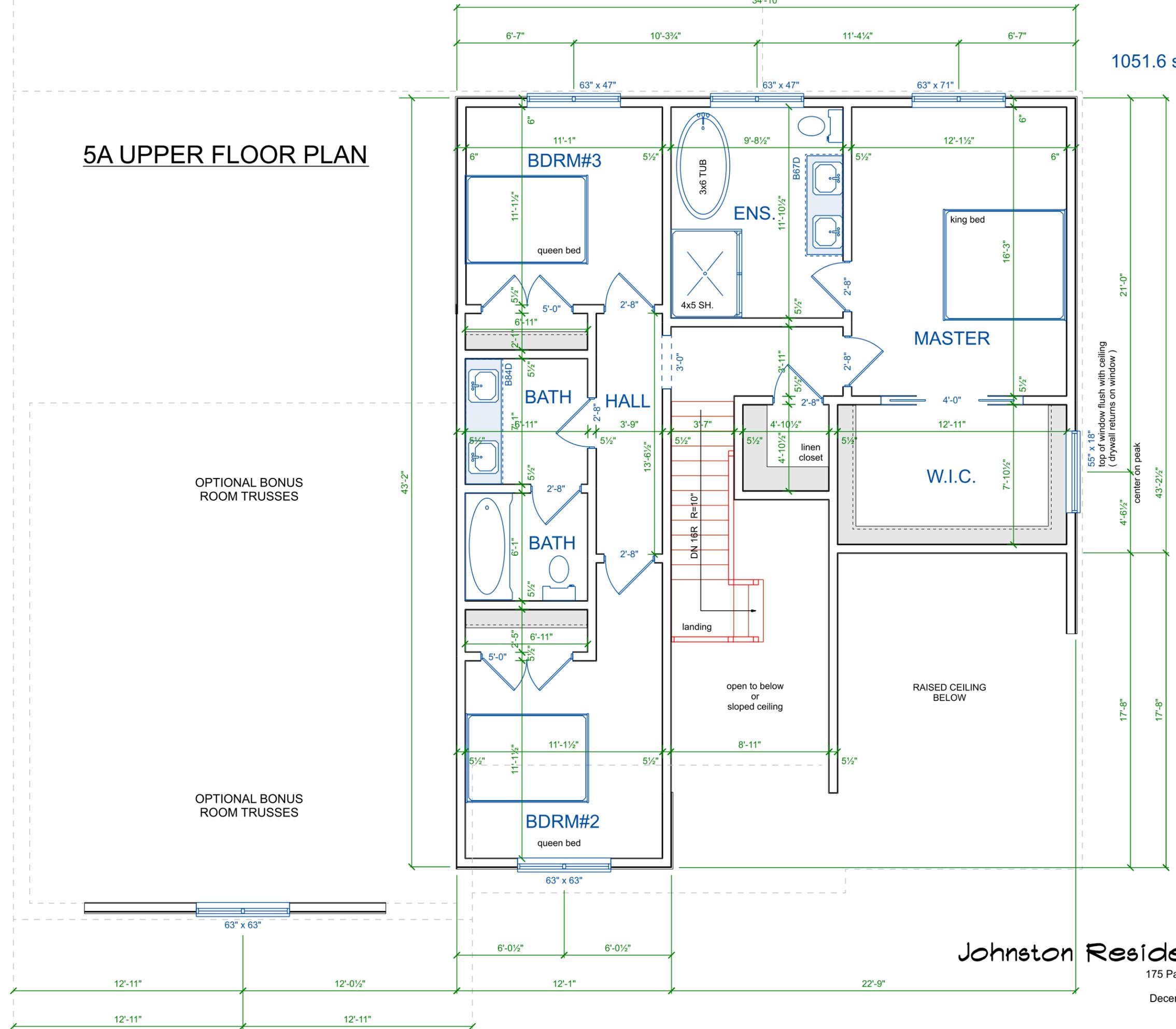
Johnston Residence

175 Parkview Drive  
Ancaster ON  
December 4, 2021



1051.6 sq ft.

# 5A UPPER FLOOR PLAN



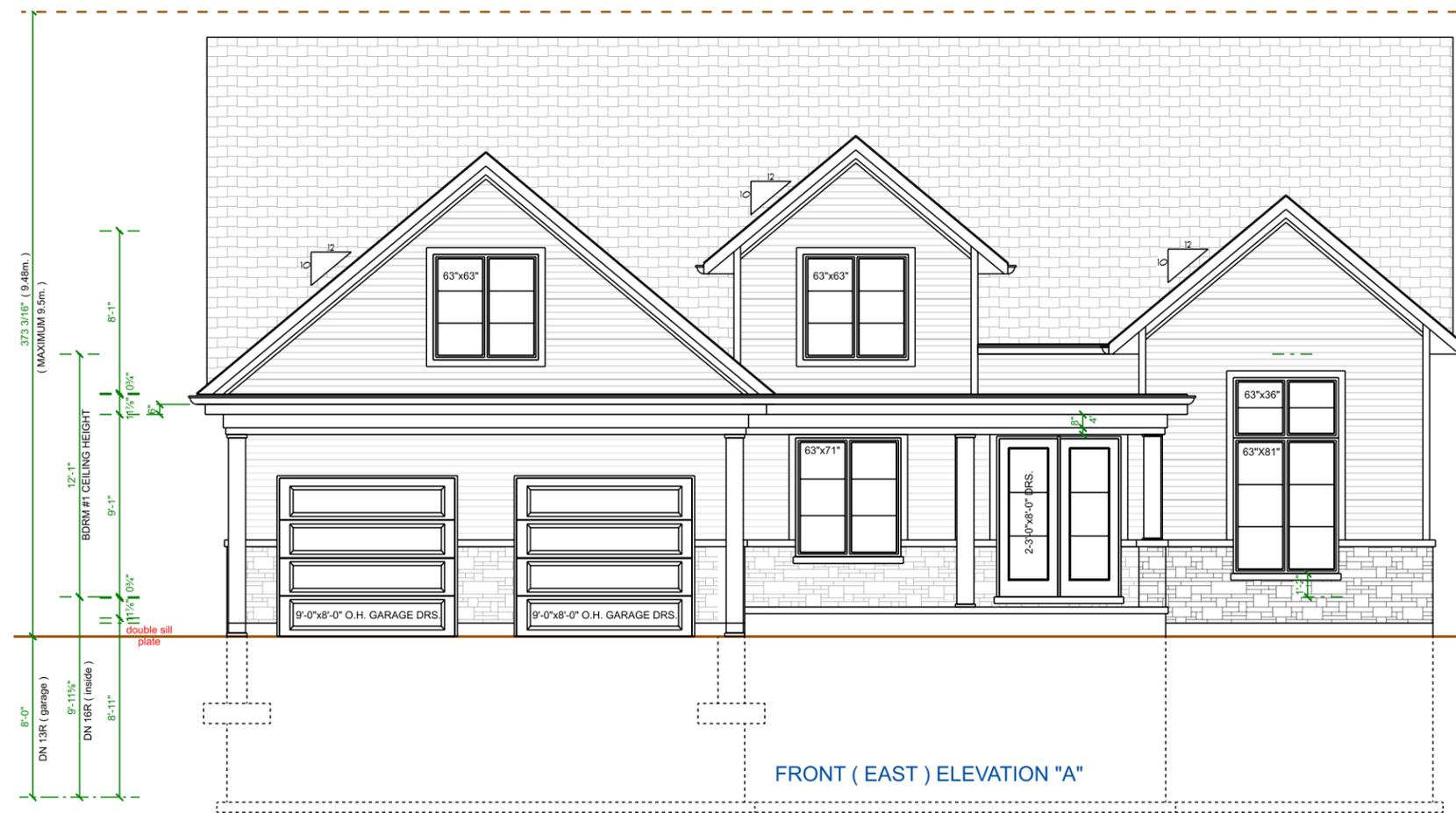
OPTIONAL BONUS ROOM TRUSSES

OPTIONAL BONUS ROOM TRUSSES

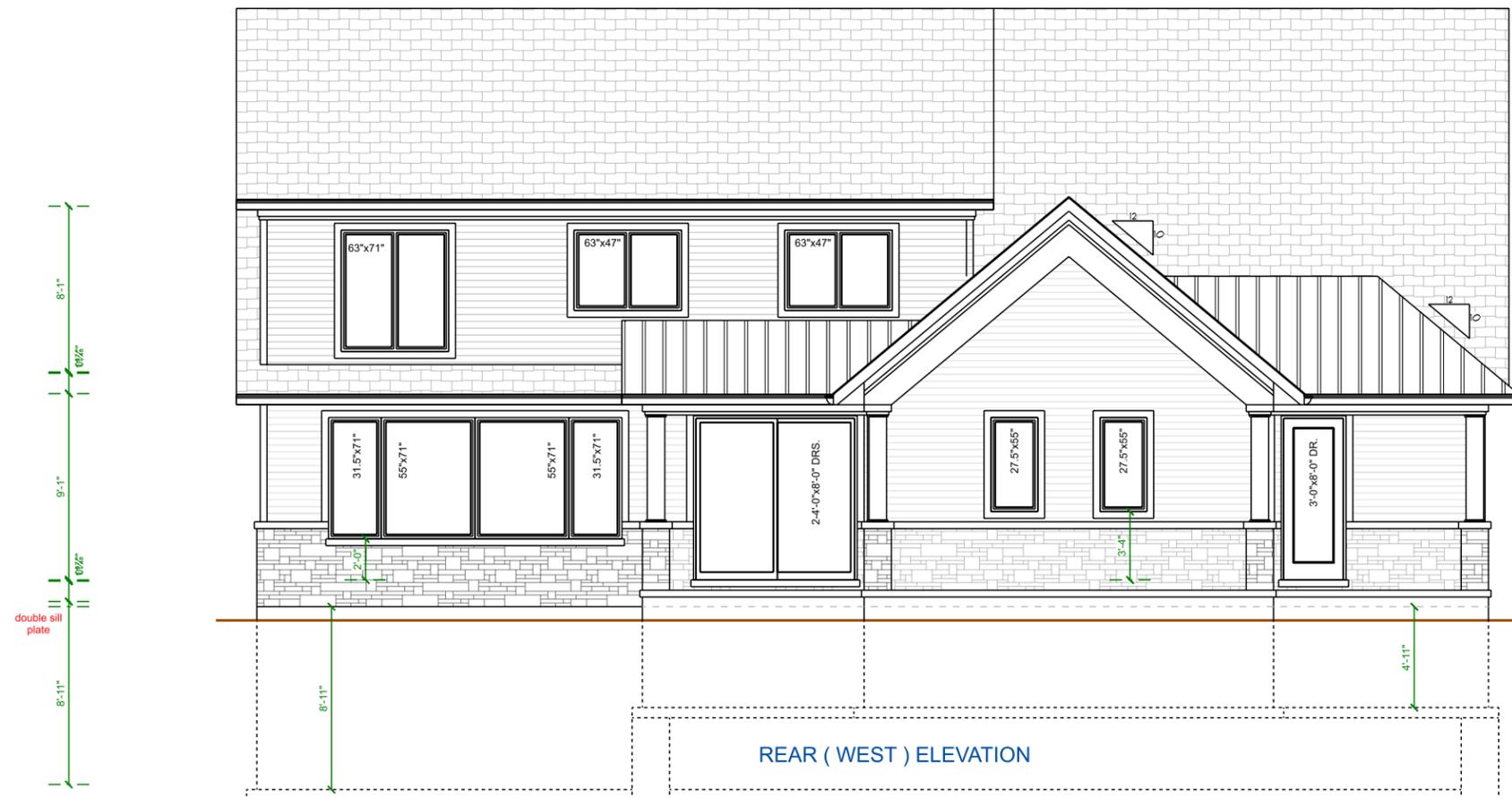
## Johnston Residence

175 Parkview Drive  
Ancaster ON  
December 4, 2021





**5A ELEVATIONS**  
SCALE: 1/8" = 1'-0"



Johnston Residence

175 Parkview Drive  
Ancaster ON  
December 4, 2021







**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)		
Applicant(s)*		
Agent or Solicitor		

**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:

1-To permit 2.10m rear covered porch encroachment into the required rear yard setback instead of the allowable 1.5.

2- To permit lot coverage of 37% instead of the required 35%.

\*Please add any other required variances as per the site plan submitted with this application.

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

The proposed new family dwelling addition cannot comply with the current zoning by-law regulations due to the existing lot conditions.

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**):

PT BLK MISENER, PL 1095, AS IN HL209189; HAMILTON

PIN 17429-0359

175 Parkview Dr, Ancaster, ON L9G 1Z4

7. PREVIOUS USE OF PROPERTY

Residential  Industrial  Commercial

Agricultural  Vacant

Other N/A

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 uses of the subjected property.

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   N/A

## 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.

Dec 9/21

Date



Signature Property Owner

Michael Johnston

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>23.25m</u>
Depth	<u>42.75m</u>
Area	<u>924.14m<sup>2</sup></u>
Width of street	<u>7.0 m (TO BE CONFIRMED BY PUBLIC WORKS)</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: \_

See attached plans.

Proposed

See attached plans.

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 plans.

Proposed:

See attached plans.

13. Date of acquisition of subject lands:  
Sep 08, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
Aug 23, 1962
- 
15. Existing uses of the subject property:  
RESIDENTIAL
16. Existing uses of abutting properties:  
RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:  
SINCE BUILT
18. Municipal services available: (check the appropriate space or spaces)  
Water YES Connected -  
Sanitary Sewer YES Connected -  
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
N/A
21. Has the owner previously applied for relief in respect of the subject property?  
 Yes  No  
If the answer is yes, describe briefly.  
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?  
 Yes  No
23. Additional Information  
N/A
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: SC/B-22:04

SUBJECT PROPERTY: 1348 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):** Owners M. Annamalai & K. Uma Devi

**PURPOSE OF APPLICATION:** To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to be retained.

**Severed lands:**

13.94m<sup>±</sup> x 54.864m<sup>±</sup> and an area of 764m<sup>2</sup> <sup>±</sup>

**Retained lands:**

18.07m<sup>±</sup> x 54.864m<sup>±</sup> and an area of 992m<sup>2</sup> <sup>±</sup>

The Committee of Adjustment will hear this application on:

---

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**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

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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.

SC/B-22: 04  
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: February 1<sup>st</sup>, 2022

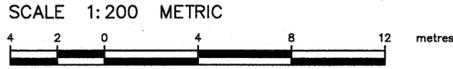
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

**SURVEYOR'S REAL PROPERTY REPORT**

PART 1, PLAN OF PART OF  
**LOT 3**  
**CONCESSION 2**  
 GEOGRAPHIC  
**TOWNSHIP OF SALT FLEET**  
 IN THE  
**CITY OF HAMILTON**



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

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

PART OF LOT 3, CONCESSION 2  
 AS ILLUSTRATED ON THE PLAN.  
 THIS PLAN DOES NOT CERTIFY COMPLIANCE  
 WITH ZONING BY-LAWS.  
 THIS PLAN WAS PREPARED FOR  
 MEIYA ANNAMALAI

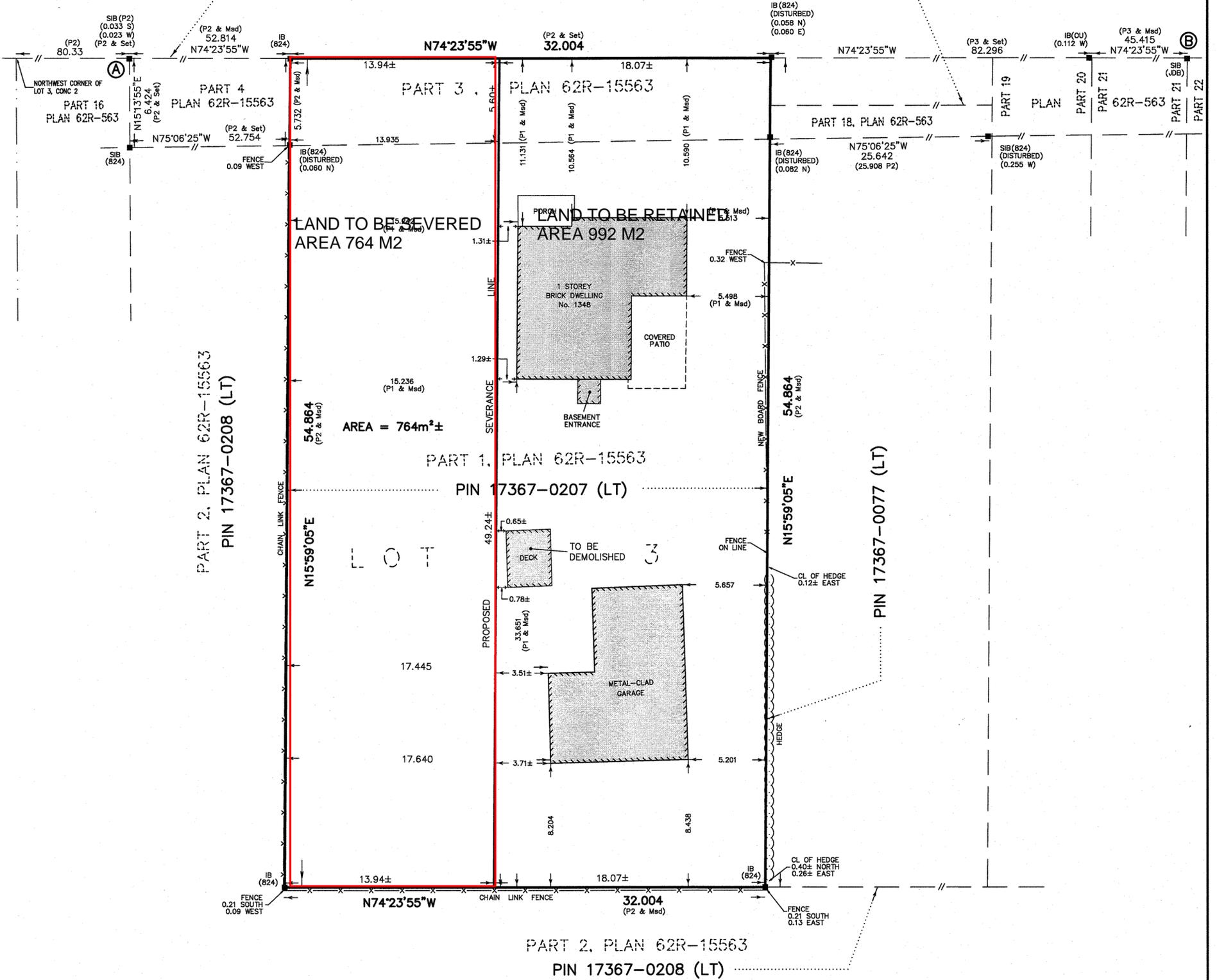
ASSOCIATION OF ONTARIO  
 LAND SURVEYORS  
 PLAN SUBMISSION FORM  
**2182596**



**BARTON STREET**

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2)

PIN 17368-0136 (LT)



**C O N C E S S I O N 2**

**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 0.999740758

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	4785050.326	610155.158
ORP B	4784993.176	610359.818
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 REGULATIONS MADE UNDER THEM  
 2. THE SURVEY WAS COMPLETED ON THE 21st DAY OF OCTOBER, 2021

NOVEMBER 22, 2021  
 DATE

S. DAN McLAREN, O.L.S.

**LEGEND:**

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- PB PLASTIC BAR
- CC CUT CROSS
- SIB STANDARD IRON BAR
- SSIB SHORT STANDARD IRON BAR
- B24 A.T. McLAREN, O.L.S.
- JB J.D. BARNES LIMITED
- OU ORIGIN UNKNOWN
- Med MEASURED
- P1 PLAN BY A.T. McLAREN, O.L.S.
- P2 DATED JANUARY 24, 2001 FILE 29284
- P3 PLAN 62R-15563
- P3 PLAN 62R-563

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**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 JB	Checked RBM	Crew Chief MWJ	Scale 1:200	Dwg.No. 36789
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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>			

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

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

2.1 Area Municipality Hamilton	Lot 3	Concession 2	Former Township Saltfleet
Registered Plan N°. <b>62R-15563</b>	Lot(s)	Reference Plan N°.	Part(s) <b>1 and 3</b>
Municipal Address <b>1348 Barton Street, Stoney Creek, L8E 5L1</b>			Assessment Roll N°. <b>003210264000000</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 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:

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)
13.94m	54.864m	764 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: None

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
18.07m	54.864m	992 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: Single detached dwelling

Proposed: Single detached dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
  telephone
  school bussing
  garbage collection

## 5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable) Residential

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

Within the Secondary Plan, the subject lands are designated as Low Density Urban Residential, which permits single family dwellings, such as the ones proposed for the subject lands.

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? Low Density Residential O/Reg 448/00

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?  
The subject and neighbouring lands have historically been used for residential purposes.
- 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

On December 17, 2021 an Applicable Law Review has been completed and conforms all by-law requirements (see attached City of Hamilton's Applicable Law Review respecting zoning bylaw compliance dated December 17, 2021)

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

The proposed severance will result in modest intensification and will contribute to the City's intensification target and the supply of housing to meet forecasted needs. Future planning goals and policies of the community are not affected.

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

The Growth Plan directs growth to the urban areas where municipal infrastructure services are available. The proposed severance is within the built-up area and within the Urban boundary for the City of Hamilton and thereby conforms to the 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.

---

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

**No**

---

- 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?

4 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.

**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 severance of lots has been examined by the planning division and building division of the City of Hamilton. A separate application for Applicable Law Review has been submitted and the review conforms the proposed severance. Please find attached review from the City of Hamilton.

## 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.

January 6, 2022

Date



Signature of Owner

Meiyappan  
Annamalai



Uma Devi  
Kasiviswanathan



# Hamilton

December 17, 2021

FILE: ALR  
 FOLDER: 21-162747-00 ALR  
 ATTENTION OF: Victoria Brito  
 TELEPHONE NO: (905) 546-2424  
 EXTENSION: 7628

Meiyappan Annamalai  
 87 PANNAHILL DR  
 BRAMPTON, ON L6P 2Y4

## Attention:

**Re: APPLICABLE LAW REVIEW – ZONING BYLAW**  
**Present Zoning: R2 (Single Residential)**  
**Zoning By-law: Former Stoney Creek Zoning By-law 3692-92**  
**Address: 1348 BARTON ST STONEY CREEK, ON**

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

## COMMENTS:

1. The applicant is proposing to sever the property into two residential lots while retaining the existing dwelling on the retained lands.
2. A single detached dwelling is permitted under the current R2 (Single Residential) zone.
3. Our records show that these lands were formerly zoned ND-2 and were rezoned to the R2 pursuant to By-law 5225-00 which was passed on October 24<sup>th</sup>, 2000.
4. The proposed development has been reviewed and compared to the standards of the R2 zone as indicated in the following chart for the **retained lot:**

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<b>R2 zone (Single Residential Zone)</b> <b>Section 6.3 of the Stoney Creek Zoning By-law 3692-92</b>			
<b>Minimum Lot Area</b> <i>[as per Section 6.3.3 (a)]</i>	460.0m <sup>2</sup> for an interior lot.	<b>The proposed lot area has not been indicated.</b> However, based on the Site Plan sketch provided the lot area proposed for the retained lot is ±890.0m <sup>2</sup>	<b>Conforming</b>
<b>Minimum Lot Frontage</b> <i>[as per Section 6.3.3 (b)]</i>	15.0m for an interior lot.	<b>18.081m</b> – based on Site Plan sketch	<b>Conforming</b>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<b>Minimum Front Yard</b> <i>[as per Section 6.3.3 (c)]</i>	6.0m	10.131m	Existing Conforming
<b>Minimum Side Yard</b> <i>[as per Section 6.3.3 (d)]</i>	No part of any dwelling shall be located closer than 1.25 metres except as provided in clauses 1, 2 and 3 below:	<b>1.25m to the new westerly lot line.</b>	<b>Conforming</b>
	1. An attached garage or attached carport may be erected at a distance of not less than 1 metre from a side lot line which does not abut a flankage street;	The existing dwelling contains no attached garage.	N/A
	2. On an interior lot, where no attached garage or attached carport is provided, the minimum side yard on one side shall be 3 metres; and	5.240m to the easterly lot line	Existing – Conforming
	3. On a corner lot, the minimum side yard abutting the flankage lot line shall be 3 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 5.5 metres of the flankage lot line.	This is not a corner lot.	N/A
<b>Minimum Rear Yard</b> <i>[as per Section 6.3.3 (e)]</i>	7.5m	The rear yard dimension is not shown on the submitted plan. However, it is significantly greater than 7.5m.	Existing – conforming
<b>Maximum Building Height</b> <i>[as per Section 6.3.3 (f)]</i>	11.0m	Existing one storey dwelling.	Existing – conforming
<b>Maximum Lot Coverage</b> <i>[as per Section 6.3.3 (g)]</i>	40.0%  <b>The actual proposed lot area was not provided from which to determine the proposed lot coverage for this lot.</b>  <i>Note: The e-mail provided dated September 9, 2021 indicates that the existing footprints are as follows:</i>  93.74m <sup>2</sup> - existing dwelling 88.53m <sup>2</sup> - existing garage  <u>182.27m<sup>2</sup> - total coverage</u>	<b>Details of the actual proposed lot coverage has not been provided.</b>  However, a lot coverage of less than 40.0% is proposed based on a lot area of ±890.0m <sup>2</sup> .	<b>Conforming</b>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<b>Regulations For Parking - Minimum Number of Parking Spaces</b> <i>[as per Section 6.3.4]</i>	2 per dwelling of which only one may be provided in the required front yard.  Tandem parking is permitted.	2 existing parking spaces shown	Conforming
<b>Regulations For Accessory Buildings</b> <i>[as per Section 6.3.5]</i>	Accessory buildings are permitted in accordance with Section 4.5 and 6.1.4	An existing accessory building (private garage) is intended to be maintained on the lands.	See compliance comments below Section 6.1.4
<b>Regulations for Home Occupations</b> <i>[as per Section 6.3.6]</i>	Home occupations are permitted in accordance with Section 4.8	Not shown to be proposed at this time	N/A
<b>Regulations for Secondary Dwelling Units and Secondary Dwelling units – Detached</b> <i>[as per Section 6.3.6.1]</i>	Secondary Dwelling units and Secondary Dwelling units-Detached are permitted in accordance with Section 6.1.7.	Not shown to be proposed at this time	N/A
<b>General Provisions for All Zones</b> <b>Part 4.19 – Yard Encroachments</b>			
<b>Sills, belt courses, cornices, chimney breasts, bay windows, decorative brick facing or pilasters</b> <i>[as per Section 4.19.1 (a)]</i>	May project into any required yard a distance of not more than 0.5 metres	No sills, belt courses, cornices, chimney breasts, bay windows, decorative brick facing or pilasters are shown to be existing to the dwelling specifically abutting the new westerly side lot line.	N/A
<b>Eaves or gutters, for other than an accessory building</b> <i>[as per Section 4.19.1 (b)]</i>	May project into any required yard a distance of not more than 0.5 metres  <i>Therefore, eaves or gutters for the principle dwelling shall maintain a setback of:</i>  <b>0.75m from the new westerly side lot line</b> 2.5m to the easterly side lot line 6.5m to the rear lot line 5.5m to the front lot line	<b>No details provided specifically to the new westerly side lot line.</b>	<b>Unable to determine compliance</b>
<b>Eaves or gutters for accessory buildings</b> <i>[as per Section 4.19.1 (c)]</i>	may project into any required yard a distance of 0.25 metres;  <i>Therefore, eaves or gutter for an accessory building shall maintain a setback of 0.25m from all lot lines based on a 0.5m setback required.</i>	The eaves or gutters for the existing accessory building located in the rear yard are not encroaching into a required yard or setback area.	Conforming

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<p><b>Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same</b> <i>[as per Section 4.19.1 (d)]</i></p>	<p>May project into any required front yard 1.5 metres.</p> <p>Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres.</p> <p>Notwithstanding the foregoing, any deck or patio which is less than .3 metres in height may be located in any required yard.</p>	<p>No such yard encroachments/projections are shown to the existing dwelling based on the submitted plan, <b>specifically along the new westerly side lot line.</b></p>	<p><b>Conforming</b></p>
<p><b>Accessory Buildings in Residential Zones</b> <b>Section 6.1.4</b></p>			
<p><b>Location regulations</b> <i>[as per Section 6.1.4 (a)]</i></p>	<p>An accessory building may be located in any yard except the front yard.</p> <p>Shall be located a minimum distance of 8 metres from the front lot line, 0.5 metres from any other lot line,</p> <p>Except that a detached garage or detached carport which fronts on the flankage lot line shall be located at least 5.5 metres from the flankage lot line.</p>	<p>The existing accessory building is located in the rear yard.</p> <p>A distance significantly greater than 8.0m is maintained from the front lot line. The accessory building is located:</p> <ul style="list-style-type: none"> <li>- A distance of 3.221m to the proposed to the new westerly side lot line</li> <li>- A distance of 5.7m to be maintained to the easterly side lot line.</li> <li>- A distance of 8.488m to be maintained to the rear lot line.</li> </ul> <p>This is not a corner lot. Therefore, it does not abut a flankage lot line.</p>	<p>Conforming</p> <p><b>Conforming</b></p> <p>N/A</p>
<p><b>Maximum height</b> <i>[as per Section 6.1.4 (a)]</i></p>	<p>The maximum building height shall be 4.5 metres</p>	<p>This is an existing one storey accessory building.</p>	<p>Existing</p>
<p><b>Maximum lot coverage</b> <i>[as per Section 6.1.4 (b)]</i></p>	<p>The total lot coverage for all accessory buildings shall not exceed 10 percent of the total lot area but in no case shall the total lot coverage of all buildings on a lot exceed</p>	<p><b>No details provided.</b></p> <p><i>Note: The e-mail provided dated September 9, 2021 indicates that the existing accessory building footprint is 88.53m<sup>2</sup>.</i></p>	<p><b>Unable to determine compliance</b></p>

By-law Requirement	Required	Provided	Conforms/ Non-conforming
	the maximum lot coverage permitted in the respective zone;  <b>The actual proposed lot area was not provided from which to determine the proposed lot coverage for accessory buildings for this lot.</b>		

5. The proposed development has been reviewed and compared to the standards of the R2 zone as indicated in the following chart for the **severed lot**:

By-law Requirement	Required	Provided	Conforms/ Non-conforming
<b>R2 zone (Single Residential Zone) Section 6.3 of the Stoney Creek Zoning By-law 3692-92</b>			
<b>Minimum Lot Area</b> <i>[as per Section 6.3.3 (a)]</i>	460.0m <sup>2</sup> for an interior lot.	<b>The proposed lot area has not been indicated.</b> However, based on the Site Plan sketch provided the lot area proposed for the retained lot is ±684.0m <sup>2</sup>	<b>Conforming</b>
<b>Minimum Lot Frontage</b> <i>[as per Section 6.3.3 (b)]</i>	15.0m for an interior lot.	<b>13.935m</b> – based on Site Plan sketch	<b>Conforming</b>

6. **All other regulations under the Stoney Creek Zoning By-law 3692-92, shall be reviewed for compliance at building permit stage of the development for the severed lot.**
7. Construction of the proposed dwelling on the severed lands is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
8. Conversions, renovations, alterations, additions or new buildings are subject to the issuance of a building permit from the Building Division.
9. Sign details have not been provided. All signage shall conform to Hamilton Sign By-law 06-243. A building permit is required for all signage.
10. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Yours truly



for the Manager of Building Engineering and Zoning

VB/vb

Meiyappan Annamalai  
87 PANNAHILL DR  
BRAMPTON, ON L6P 2Y4





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-22:11

**APPLICANTS:** Agent Suite Additions - Andry Tran  
 Owners R. & P. Tailor

**SUBJECT PROPERTY:** Municipal address **77 West 4<sup>th</sup> St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 21-076 & 21-167

**ZONING:** "C" (Urban Protected Residential and etc.) district

**PROPOSAL:** To permit the construction a Secondary Dwelling Unit - Detached on the same lot as an existing Single Family Dwelling containing a Secondary Dwelling Unit notwithstanding that:

1. The required landscaped area for the Secondary Dwelling Unit – Detached shall be permitted to be screened on one side only by a visual barrier that has a minimum height of 0.3m instead of the requirement that a required landscaped area for a Secondary Dwelling Unit – Detached shall screened on two sides by a visual barrier that has a minimum height of 0.3 metres.

2. The southerly side yard for the Secondary Dwelling Unit – Detached shall be permitted to be obstructed by an existing detached accessory building (detached garage) and a walkway to the Secondary Dwelling Unit – Detached composed of interlocking pavers instead of the requirement that a side yard for a Secondary Dwelling Unit – Detached shall be unobstructed and not contain structures, walkways, sidewalks, hard surfaced material, and landscaping other than sod or ground cover.

3. A minimum distance of 5.4m shall be provided between the rear facade of principal dwelling and Secondary Dwelling Unit – Detached instead of the requirement that a minimum distance of 7.5 metres shall be required between the rear facade of principal dwelling and Secondary Dwelling Unit – Detached.

4. The area for parking shall be permitted to occupy a maximum of 65% of the southerly side yard abutting the South Bend Road West street line and a minimum of 35% of the gross area of southerly side yard abutting the South Bend Road West street line shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials instead of the requirement that where a single family dwelling in a residential district is located on a corner lot, parking may be permitted in the side yard that abuts the street line provided that the area for parking shall not occupy more than 50% of the gross area of the side yard; and, not less than 50% of the gross area of the side yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials

HM/A-22: 11

Page 2

## NOTE:

i) Pursuant to Variance No. 1, a building (being the detached garage) is not considered a “visual barrier” as defined. As such, it is not considered as a screen for a landscaped area.

ii) Pursuant to Variance No. 2, the regulations for a Secondary Dwelling Units – Detached indicate that permeable pavers may be permitted where a parking space and driveway abut a laneway or street which has been shown for the driveway at the south side of the Secondary Dwelling Unit – Detached. As such, the permeable pavers are not considered an obstruction of a minimum side yard.

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

---

**DATE:** Thursday, February 17th, 2022  
**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

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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:

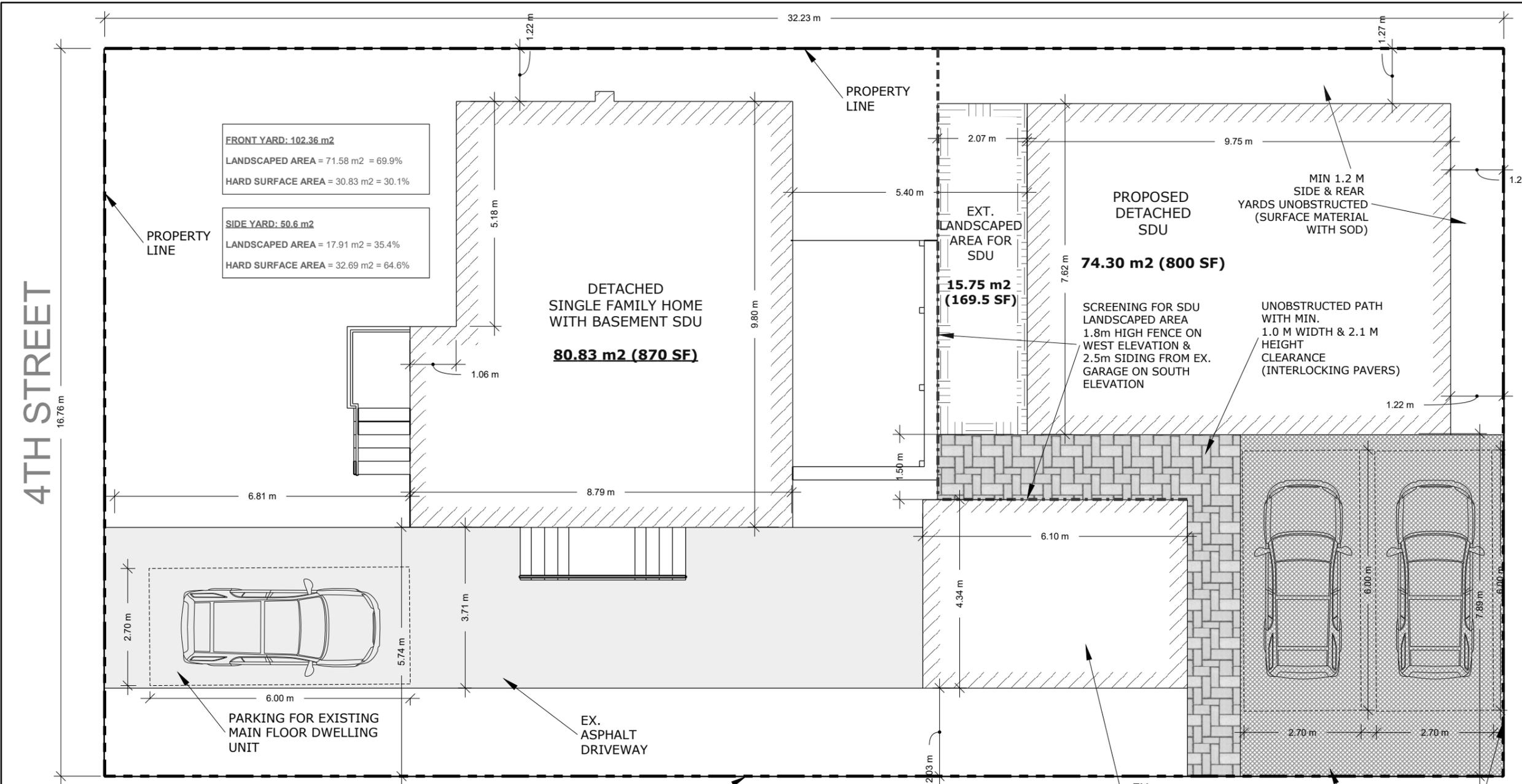
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

---

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.***



4TH STREET

SOUTH BEND RD W

**REQUIRED DETACHED SDU REGULATIONS**

ITEM	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
LANDSCAPED AREA	12.0 m <sup>2</sup>	N/A	15.75 m <sup>2</sup>	NO
INTERIOR SIDE YARD	1.2 m	N/A	1.27 m	NO
REAR YARD	1.2 m	N/A	1.23 m	NO
MAXIMUM HEIGHT	6.0 m	N/A	6.0 m	NO
BEDROOMS	MAX 2	N/A	2	NO
GROSS FLOOR AREA	MAX 75 m <sup>2</sup>	N/A	74.30 m <sup>2</sup>	NO
DIST. FROM HOUSE	MAX 7.5 m	N/A	5.4 m	YES
MAX LOT COVERAGE	MAX 25%	N/A	20.7%	NO
PARKING	SEE RIGHT			YES

**1. Residential Uses**  
 (n) Secondary Dwelling Unit  
 Secondary Dwelling Unit  
 - Detached

1 space per unit

That Subsection 18(A).(1)(a)(i) Table 1 – Minimum Required Parking for Residential, Institutional, Public and Commercial Uses of SECTION 18A: PARKING AND LOADING REQUIREMENTS be amended by adding the following new clause:

**SITE PLAN**

SCALE: 1:100



**SUITE ADDITIONS INC.**  
 3-2375 Brimley Rd, Suite 807  
 Toronto, ON, M1S 3L6  
 Tel: 416-525-2628  
 Email: info@suiteadditions.com

Contractor must verify all dimensions and be responsible for reporting any discrepancies to Suite Additions Inc. before commencing with work. The drawing is an instrument of service and shall remain the property of Suite Additions Inc., the copyright of this drawing and work executed from the same being reserved. Do not scale drawings.

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

*Andy Tran*  
 Andy Tran - Signature  
 Individual BCIN: 102774  
 Firm: Suite Additions Inc.  
 Firm BCIN: 102497

**PROJECT:**  
 SECONDARY DWELLING UNIT  
 - DETACHED

**ADDRESS:**  
 77 WEST 4TH STREET, HAMILTON,  
 ON, L9C 3M6

**CLIENT:** REMAL TAILOR/POONAM TAILOR

**DRAWN BY:** ANDY TRAN

**ISSUE DATE:** SEP 20, 2021  
**RE-ISSUE DATE:** JAN 25, 2022

**DESCRIPTION:**  
 SITE PLAN, SITE STATISTICS  
 AND DRAWING LIST

**SCALE:** 1:100

**DRAWING NO:**  
**SP1.01**

**EXISTING STRUCTURE NOTE:**  
 OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO SUITE ADDITIONS INC. PRIOR TO ANY WORK. OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK

**BUILDING CODE COMPLIANCE NOTE:**  
 THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE OBC AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS

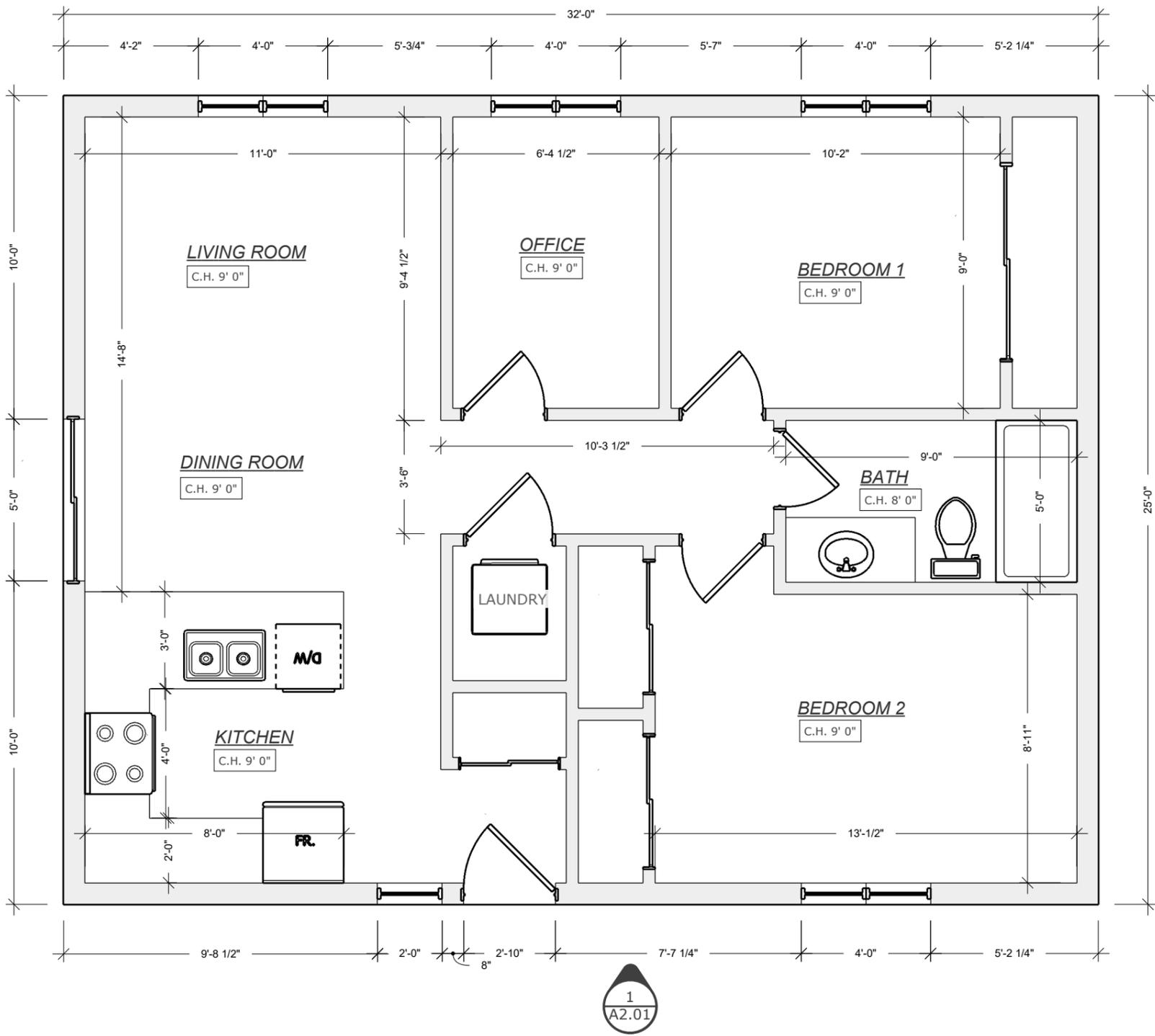
PLANS LEGEND	
<b>BATH</b>	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG (SEE P. A6)
SA	SMOKE ALARM
CMA	CARBON MONOXIDE ALARM
F.D.	FLOOR DRAIN
C.H. 7'-0"	CEILING HEIGHT
SC	STRUCTURAL COLUMN
---	STRUCTURAL BEAM OR WALL
P.S.	PLUMBING STACK
W.M.	WATER METER

WALL SCHEDULE (SEE A1.06)				
	FOUNDATION WALL	- NOT TO BE REMOVED		WALLS TO BE REMOVED
	EXISTING WALLS TO REMAIN	- 2 x 4 STUD WALLS TO REMAIN - MAY BE FINISHED WITH NEW GYPSUM BOARD		NEW INTERIOR WALLS
	NEW EXTERIOR WALLS (202)	- 2x4 STUD WALLS @ 16" O.C. 2" AWAY FROM WALL W/ ADD INSULATION AND 6 MIL AIR/VAPOUR BARRIER - 1/2" REGULAR GYPSUM BOARD		NEW INTERIOR WALLS
	NEW INTERIOR WALLS	- STUD WALLS - SEE DRAWING FOR ASSEMBLY DETAILS		NEW EXTERIOR WALLS (202)



**MAIN FLOOR PLAN**

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



**SUITE ADDITIONS INC.**  
 3-2375 Brimley Rd, Suite 807  
 Toronto, ON, M1S 3L6  
 Tel: 416-525-2628  
 Email: contact@suiteadditions.com



Contractor must verify all dimensions and be responsible for reporting any discrepancies to Suite Additions Inc. before commencing with work. The drawing is an instrument of service and shall remain the property of Suite Additions Inc., the copyright of this drawing and work executed from the same being reserved. Do not scale drawings.

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.

*Andy Tran*  
 Andy Tran - Signature  
 Individual BCIN: 102774  
 Firm: Suite Additions Inc.  
 Firm BCIN: 102497

**PROJECT:**  
 SECONDARY DWELLING UNIT  
 - DETACHED

**ADDRESS:**  
 77 WEST 4TH STREET, HAMILTON,  
 ON, L9C 3M6

**CLIENT:** REMAL TAILOR/POONAM TAILOR

**DRAWN BY:** ANDY TRAN

**ISSUE DATE:** JAN 25, 2022  
**RE-ISSUE DATE:**

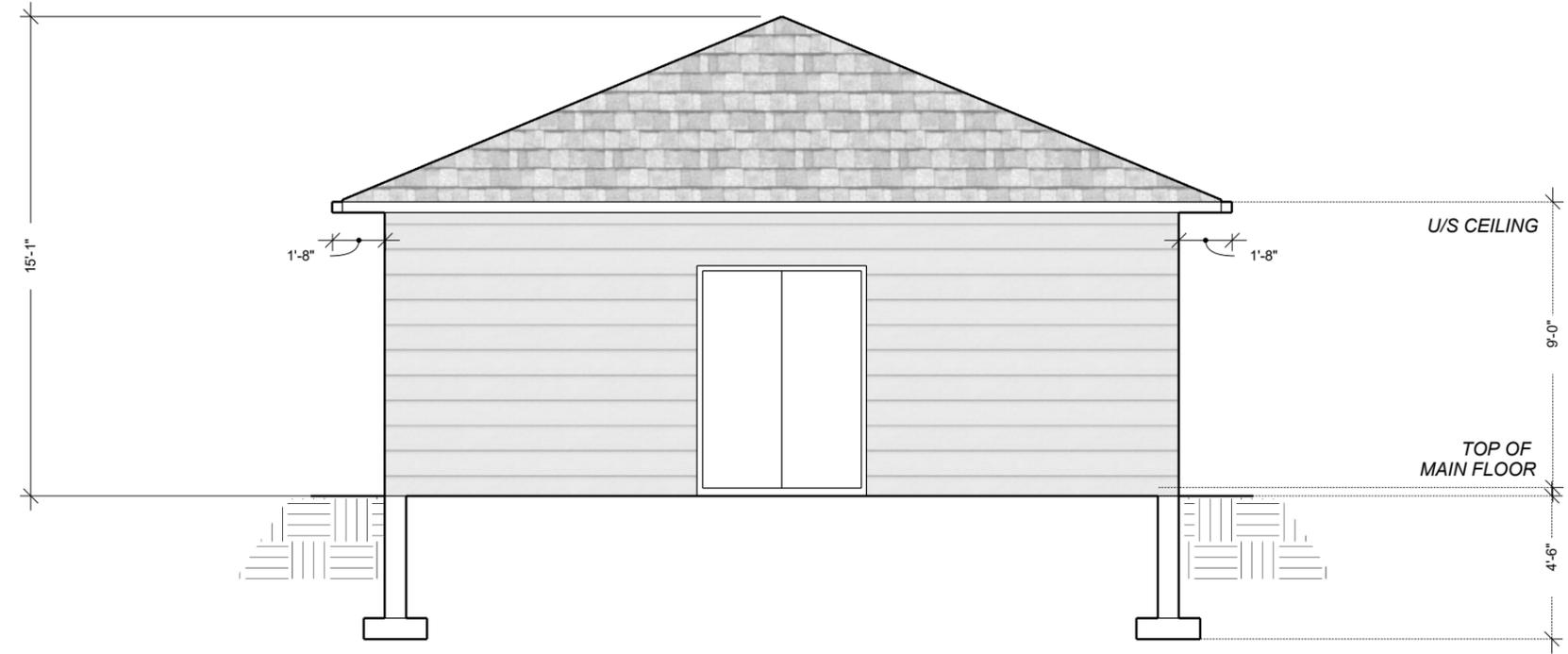
**DESCRIPTION:**  
 MAIN FLOOR PLAN

**SCALE:** 1/4" = 1'-0"

**DRAWING NO:**  
**A1.01**



**SOUTH ELEVATION (FRONT)**  
SCALE: 1/4"=1'-0"  
1  
A2.01



**WEST ELEVATION (SIDE)**  
SCALE: 1/4"=1'-0"  
2  
A2.01

SUITE ADDITIONS INC.  
3-2375 Brimley Rd, Suite 807  
Toronto, ON, M1S 3L6  
Tel: 416-525-2628  
Email:  
contact@suiteadditions.com



Contractor must verify all dimensions and be responsible for reporting any discrepancies to Suite Additions Inc. before commencing with work. The drawing is an instrument of service and shall remain the property of Suite Additions Inc., the copyright of this drawing and work executed from the same being reserved. Do not scale drawings.

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.

*Andy Tran*

Andy Tran - Signature  
Individual BCIN: 102774  
Firm: Suite Additions Inc.  
Firm BCIN: 102497

**PROJECT:**  
SECONDARY DWELLING UNIT  
- DETACHED

**ADDRESS:**  
77 WEST 4TH STREET, HAMILTON,  
ON, L9C 3M6

**CLIENT:** REMAL TAILOR/POONAM  
TAILOR

**DRAWN BY:** ANDY TRAN

**ISSUE DATE:** JAN 25, 2022  
**RE-ISSUE DATE:**

**DESCRIPTION:**  
SOUTH AND WEST ELEVATION

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

**DRAWING NO:**

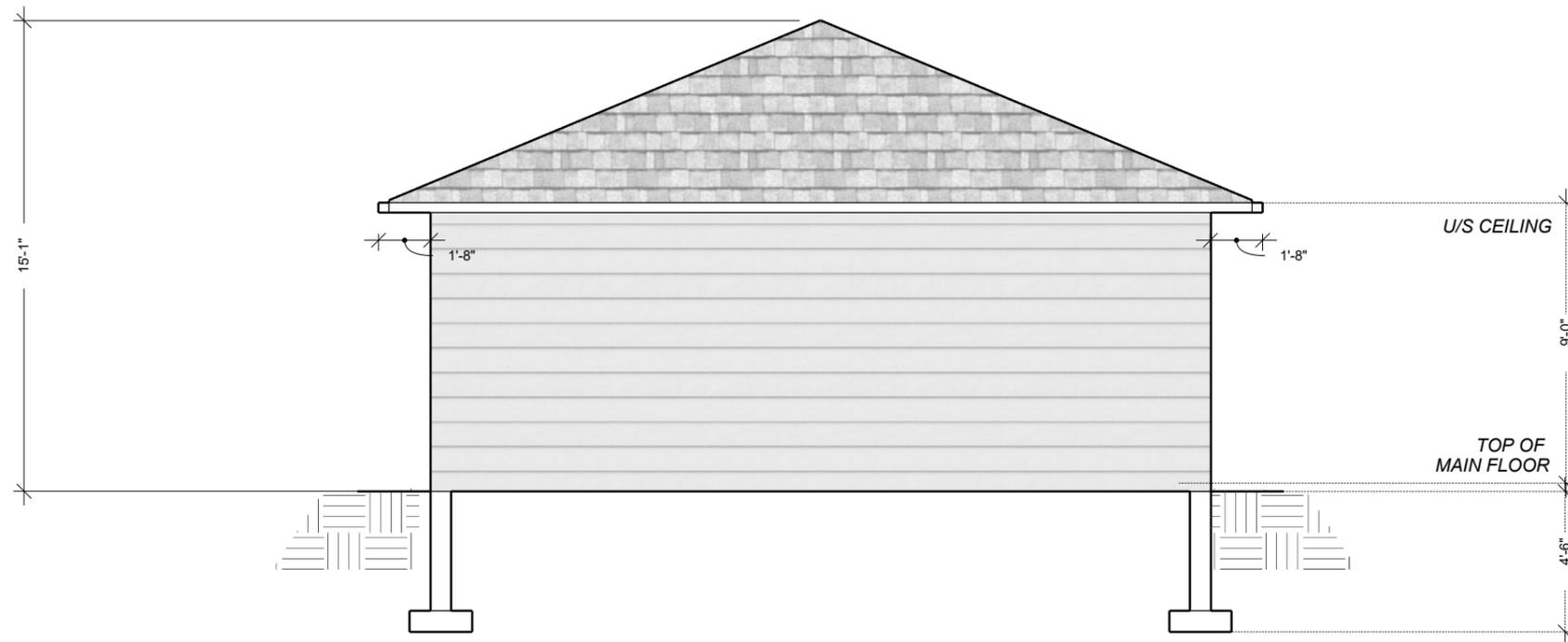
**A2.01**



**NORTH ELEVATION (REAR)**

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

1  
A2.02



**EAST ELEVATION (SIDE)**

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

2  
A2.02

SUITE ADDITIONS INC.  
3-2375 Brimley Rd, Suite 807  
Toronto, ON, M1S 3L6  
Tel: 416-525-2628  
Email:  
contact@suiteadditions.com



Contractor must verify all dimensions and be responsible for reporting any discrepancies to Suite Additions Inc. before commencing with work. The drawing is an instrument of service and shall remain the property of Suite Additions Inc., the copyright of this drawing and work executed from the same being reserved. Do not scale drawings.

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.

*Andy Tran*

Andy Tran - Signature  
Individual BCIN: 102774  
Firm: Suite Additions Inc.  
Firm BCIN: 102497

**PROJECT:**  
SECONDARY DWELLING UNIT  
- DETACHED

**ADDRESS:**  
77 WEST 4TH STREET, HAMILTON,  
ON, L9C 3M6

**CLIENT:** REMAL TAILOR/POONAM  
TAILOR

**DRAWN BY:** ANDY TRAN

**ISSUE DATE:** JAN 25, 2022  
**RE-ISSUE DATE:**

**DESCRIPTION:**  
NORTH AND EAST ELEVATION

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

**DRAWING NO:**

**A2.02**



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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:  
 19.(1).1.(ii) 9 - Reduce minimum distance of 7.5m to 5.4m from principal dwelling  
 18(A)(14c)(ii) - Area for side yard landscaping to decrease from 50% to 30.5%  
 18(A) Table 6 - 6.0m rear manoeuvring for 2 SDU parking spaces to be off-site
- Secondary Dwelling Unit       Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?  
 19.(1).1.(ii) 9 - Insufficient yard depth to construct 75m<sup>2</sup> detached SDU  
 18(A)(14c)(ii) - Side yard required for additional parking needed for 2 SDUs  
 18(A) Table 6 - Unable to utilize rear yard for parking in addition to detached SDU
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**):  
 LT 283, PL 540; HAMILTON - 77 WEST 4TH STREET, HAMILTON
7. PREVIOUS USE OF PROPERTY
- Residential       Industrial       Commercial   
 Agricultural       Vacant       Other
- 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 8.1 to 8.10 above?

PROPERTY HAS BEEN HERE SINCE THIS SUBDIVISION WAS CONSTRUCTED

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

DEC 23 / 21  
Date

*Remal Poonam*  
Signature Property Owner(s)

REMAL + POONAM TAILOR  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>15.24 METERS</u>
Depth	<u>32 METERS</u>
Area	<u>487.7 METERS</u>
Width of street	<u>UNKNOWN</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: \_

GROUND FLOOR AREA = 80.83 m<sup>2</sup>  
GROSS FLOOR AREA = 161.66 m<sup>2</sup>  
ONE STOREY = 11.77 m WIDE, 10.55 m DEEP, 3 m HIGH

Proposed

DETACHED SDU:  
GROUND FLOOR AREA = 74.32 m<sup>2</sup>  
GROSS FLOOR AREA = 74.32 m<sup>2</sup>  
ONE STOREY = 9.14 m WIDE, 11.7 m DEEP, 6 m 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:

(W) FRONT SETBACK - 6.81 m  
(N) SIDE SETBACK - 1.22 m  
(E) REAR SETBACK - 16.4 m  
(S) SIDE SETBACK - 4.22 m

Proposed:

DETACHED SDU:(W) FRONT SETBACK - 5.4 m  
(N) SIDE SETBACK - 1.27 m  
(E) REAR SETBACK - 1.22 m  
(S) SIDE SETBACK - 6.37 m

13. Date of acquisition of subject lands:  
MAY 18, 2021
- 
14. Date of construction of all buildings and structures on subject lands:  
APPROXIMATELY 1950
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
SINGLE FAMILY WITH BASEMENT SDU
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
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          | <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:  
NEIGHBOURHOODS
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
C - URBAN PROTECTED 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**  
**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-22:13

**APPLICANTS:** Agent R. Singh  
Owner M. Knight

**SUBJECT PROPERTY:** Municipal address **206 Fortissimo Dr., Hamilton**

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

**ZONING:** "C" & "C/S-1719" (Urban Protected Residential) district

**PROPOSAL:** To permit the conversion of the existing Single Family Dwelling to contain a Secondary Dwelling Unit notwithstanding that:

1. Two (2) parking spaces shall be provided on-site instead of the minimum required three (3) parking spaces.

NOTE:

i. The existing Single Family Dwelling requires two (2) parking spaces to be provided. The proposed Secondary Dwelling Unit requires one (1) additional parking space to be provided on-site pursuant to Amending By-law 21-076.

ii. Please be advised that a minimum of 50% of the front yard is required to be maintained as grass/landscaped area.

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 3:05 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeeofadjustment](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/A-22: 13

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: February 1st, 2022.

---

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.***





81



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

Phone: (905) 546-2424 ext. 4221  
 Email: [coca@hamilton.ca](mailto:coca@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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:

MAVIS KNIGHT  
 206 Fortissimo Dr, Hamilton,  
 L9C 0B8

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:

SECONDARY UNIT DWELLING TO BE PERMITTED WITH NO PARKING

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

ONLY TWO PARKING SPOTS AVAILABLE ON THIS PROPERTY, ONE INSIDE GARAGE AND ONE ON DRIVEWAY

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# 427 LOT#10  
206 FORTISSIMO DR, HAMILTON, ON

7. PREVIOUS USE OF PROPERTY:

Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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 8.1 to 8.10 above?  
 Personal Knowledge

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

02/12/21  
 Date

*MAVIS KNIGHT*  
 Signature Property Owner(s)

MAVIS KNIGHT  
 Print Name of Owner(s)

10. Dimensions of lands affected:  
 Frontage 11.25 m  
 Depth 30.49 m  
 Area 343.01 sqm  
 Width of street 6.70 m

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

Existing:  
 GROUND FLOOR AREA - 96.86 sqm  
 GROSS FLOOR AREA - 203.73 sqm  
 NUMBER OF STORIES - 2

Proposed  
 GROUND FLOOR AREA - 96.86 sqm  
 GROSS FLOOR AREA - 282.89 sqm  
 NUMBER OF STORIES - 2

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

Existing:  
 FRONT SETBACK - 5.27 m  
 LEFT SIDE SETBACK - 1.23 m  
 RIGHT SIDE SETBACK - 0.90 m  
 REAR SETBACK - 7.58 m

Proposed:  
 NO CHANGE

13. Date of acquisition of subject lands:  
January 2020
14. Date of construction of all buildings and structures on subject lands:  
Year 2019
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
SINGLE FAMILY DETACHED
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
SINGLE FAMILY DETACHED
17. Length of time the existing uses of the subject property have continued:  
2 yrs
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:  
Neighbourhoods on Schedule E and E-1 of the Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"C/S-1719" (Urban Protected Residential) District, Modified in Hamilton Zoning By-Law No. 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. 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: AN/B-22:05

SUBJECT PROPERTY: 365 Springbrook Ave., Ancaster

You are receiving this notice because you are either:

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

**APPLICANT(S):** Agent Scarfone Hawkins – J. Mahler  
 Owners J. & G. Bouwers

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to be merged with Block 121 of 62M-1116 for residential purposes and to retain a parcel of land with an existing dwelling.

**Severed lands:**  
 22.86m<sup>±</sup> x 26.55m<sup>±</sup> and an area of 606.9m<sup>2±</sup>

**Retained lands:**  
 22.86m<sup>±</sup> x 34.41m<sup>±</sup> and an area of 786.6m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**TIME:** 3:10 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.

AN/B-22: 05  
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: February 1<sup>st</sup>, 2022

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

**SKETCH FOR LAND DIVISION**  
 OF PART OF  
**LOT 50**  
**CONCESSION 3**  
 GEOGRAPHIC  
**TOWNSHIP OF ANCASTER**  
 IN THE  
**CITY OF HAMILTON**

SCALE 1:300 METRIC

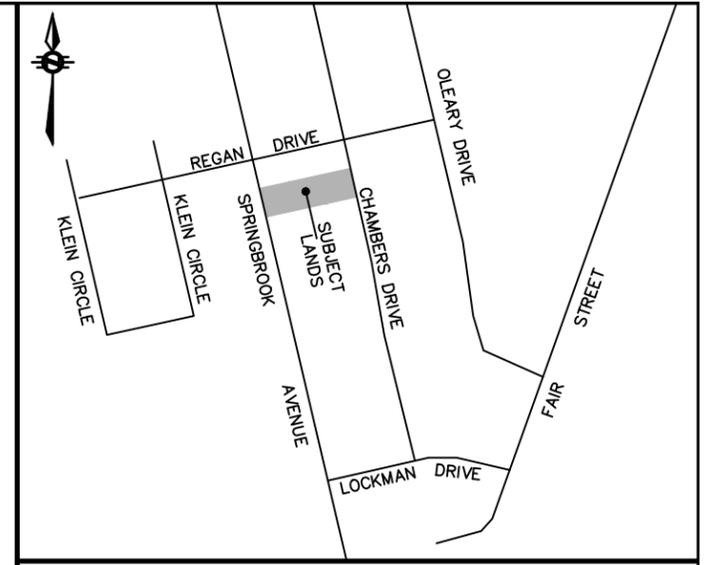


**S.D. McLAREN, O.L.S. - 2021**

**CAUTION:**

A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

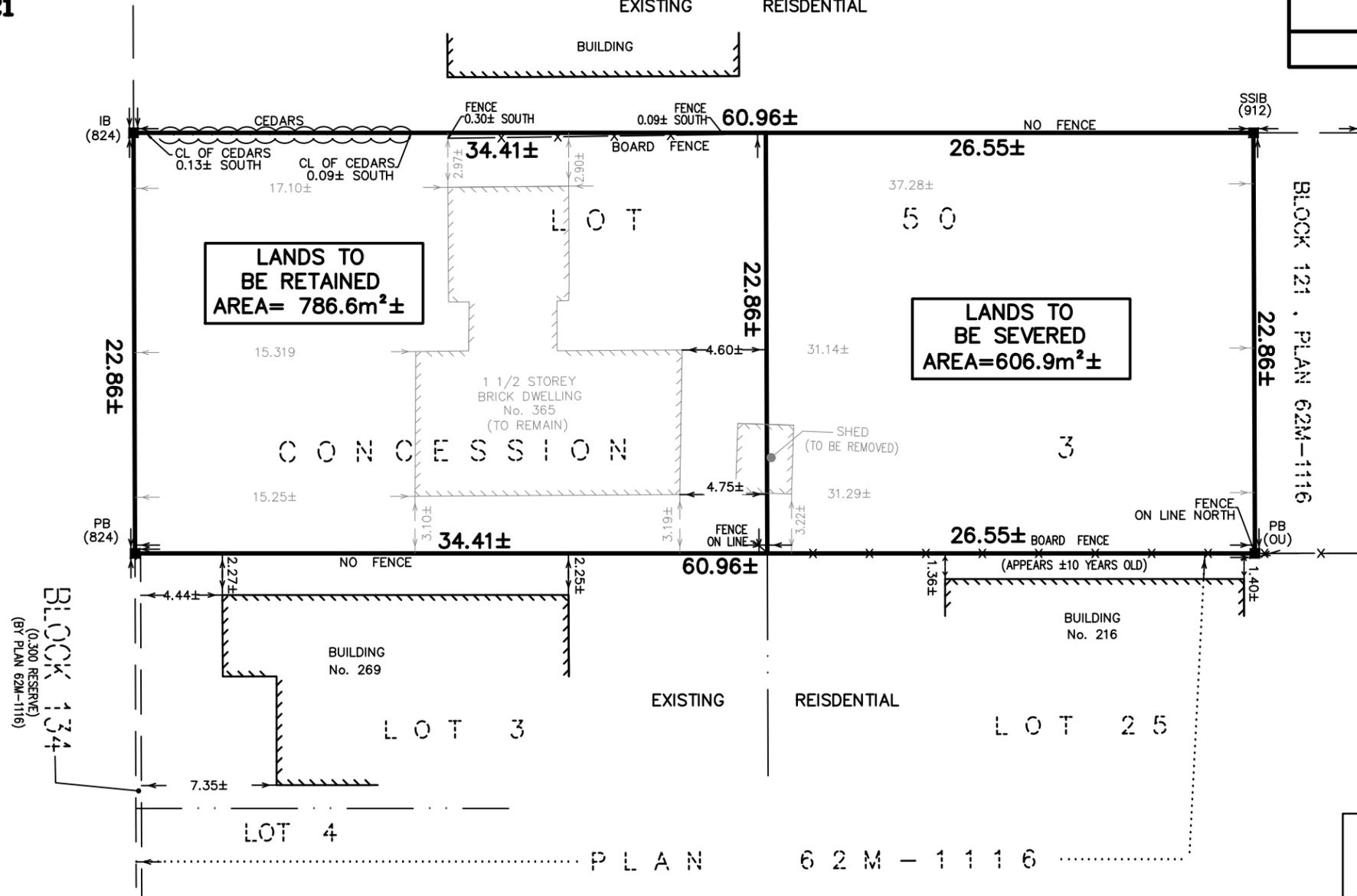
B) THIS PLAN IS PROTECTED BY COPYRIGHT ©



PART 1, PLAN 62R-17493

EXISTING REISIDENTIAL

BUILDING



KEYMAP - NOT TO SCALE

**SPRINGBROOK AVENUE**  
 (ESTABLISHED BY UNREGISTERED BY-LAW No. 1137)  
 (WIDTH VARIES)

**CHAMBERS DRIVE**  
 (BY PLAN 62M-1116)  
 (20.00m WIDE)

BLOCK 130  
 (0.300 RESERVE)  
 (BY PLAN 62M-1116)

BLOCK 121, PLAN 62M-1116

BLOCK 134  
 (0.300 RESERVE)  
 (BY PLAN 62M-1116)

**METRIC NOTE:**

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

**NOTE:**

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM A PLAN BY A.T. McLAREN, O.L.S. DATED NOVEMBER 25, 2021

DECEMBER 17, 2021  
 DATE



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

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

Drawn KM	Checked RBM	Crew Chief JS	Scale 1:300	Dwg.No. 36493-SK1
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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
Registered Owners(s)	[REDACTED]	
Applicant(s)*		
Agent or Solicitor		

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

1.3 All correspondence should be sent to  Owner  Applicant  Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot Part of Lot 50	Concession 3	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 365 Springbrook Avenue			Assessment Roll N°. 251814028021200

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:

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**: - LOT 1

Frontage (m) +/-11.4 m	Depth (m) +/-26.4 m	Area (m <sup>2</sup> or ha) +/-303 sq m
---------------------------	------------------------	--

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: single detached dwelling - design TBD

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) +/-22.8m	Depth (m) +/-34 m	Area (m <sup>2</sup> or ha) +/-787 sq m
--------------------------	----------------------	--

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"/>	N/A
<b>A flood plain</b>	<input type="checkbox"/>	N/A
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	N/A
<b>An active railway line</b>	<input type="checkbox"/>	N/A
<b>A municipal or federal airport</b>	<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 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 *- previous septic tanks*
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes       No       Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes       No       Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes       No       Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Information received from property owner
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 Yes       No *N/A.*

**7 PROVINCIAL POLICY**

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

- Yes       No

The proposed development is consistent with Section 51(24) of the Planning Act.

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

The proposed development is consistent with Section 1.1 of the PPS by promoting efficient development land use patterns, a mix of residential types, in a safe manner. The proposed development provides a cost effective development pattern,

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

The lands are designated greenfield area, intended to accommodate growth.

- 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

see b and c above.

- 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.

Zoning By-law Amendment File No. ZAR-21-015; approved

- 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?  
 +/-2004

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

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 Consent App TBD Status Concurrent Application

**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.

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

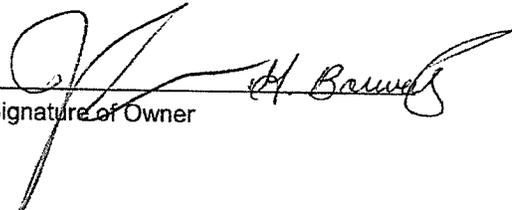
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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.

Dec 3, 2021  
Date

  
Signature of Owner



LOYALTY. INTEGRITY. VISION.

December 17<sup>th</sup>, 2021

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: 365 Springbrook Avenue, Ancaster, Hamilton  
Consent Application- Severances**

Dear Ms. Sheffield,

We are pleased to submit the following Consent Applications for 365 Springbrook Avenue in the Community of Ancaster, Hamilton. As you know, two additional residential lots are proposed to front along Chambers Drive to support the construction of two additional single detached dwellings. The existing dwelling on the retained parcel, fronting on Springbrook Drive will be retained. The proposed lot configuration conforms to the existing Site-Specific Zoning By-law, 21-208 approved by Council on November 10<sup>th</sup>, 2021 without appeal.

In addition, Block 121, Plan 62M-1161 will merge with the severed parcels at 365 Springbrook to provide appropriate frontage and access along Chambers Drive. We are requesting this be completed as a condition of consent through a future Exemption from Part Lot Control (PLC) Application. It is anticipated the PLC Application will be submitted to the City of Hamilton in early 2022 to separate the block into two parts, prior to merging with the severed parcels at 365 Springbrook Avenue.

Please find enclosed the following as part of the Consent Application Submission:

- Two (2) signed copies of the signed Consent Application form to create Lot 1;
- Two (2) signed copies of the Consent Application form to create Lot 2;
- Two (2) folded copies of the Sketch for Land Division (SK1) prepared by A.T. McLaren Limited, dated December 17<sup>th</sup>, 2021;



LOYALTY. INTEGRITY. VISION.

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- Two (2) folded copies of the Sketch for Land Division (SK2) prepared by A.T. McLaren Limited, dated December 17<sup>th</sup>, 2021;
- One (1) cheque addressed to the City of Hamilton in the amount of \$5,720.

Should you require anything further, please do not hesitate to contact the undersigned.

Sincerely,

**LIV DEVELOPMENTS LTD.**

A handwritten signature in black ink, appearing to be "Dianne Ramos", written in a cursive style.

Dianne Ramos  
Project Manager





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-22:06

SUBJECT PROPERTY: 365 Springbrook Ave., Ancaster

You are receiving this notice because you are either:

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

**APPLICANT(S):** Agent Scarfone Hawkins – J. Mahler  
 Owners J. & G. Bouwers

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to be for residential purposes and to retain a parcel of land with residential purposes. See also AN/B-22:05

**Severed lands:**

11.45m<sup>±</sup> x 25.55m<sup>±</sup> and an area of 303m<sup>2±</sup>

**Retained lands:**

11.45m<sup>±</sup> x 25.55m<sup>±</sup> and an area of 303m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**TIME:** 3:10 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.

AN/B-22: 06  
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: February 1<sup>st</sup>, 2022

---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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





Hamilton

**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	
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

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

 1.3 All correspondence should be sent to  Owner  Applicant  Agent/Solicitor
**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Hamilton	Lot Part of Lot 50	Concession 3	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 365 Springbrook Avenue			Assessment Roll N°. 251814028021200

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:

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: - LOT 2

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
+/-11.4 m	+/-26.4 m	+/-303 sq m

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: single detached dwelling - design TBD

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)
+/- 11.4 m	+ 26.4 m	+ 303 sq m

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: N/A

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) Schedules E and E-1: Neighbourhoods, Meadowlands Neighbourhood IV Secondary, Low Density Residential \_\_\_\_\_

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

Residential uses are permitted in the Neighbourhoods Designation and the Low Density Residential 2B Designation. The proposed density of the development is in line with the density requirement outlined in the Low Density Residential 2B Designation in the Meadowlands Neighbourhood IV Secondary Plan.

For further information, please refer to the City of Hamilton, Planning Recommendation # \_\_\_\_\_

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? R4-714 in Zoning By-law 21-208 \_\_\_\_\_

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 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 - *previous septic tank.*
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes       No       Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes       No       Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes       No       Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
Information received from property owner
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 Yes       No

## 7 PROVINCIAL POLICY

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

- Yes       No

The proposed development is consistent with Section 51(24) of the Planning Act.

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

The proposed development is consistent with Section 1.1 of the PPS by promoting efficient development land use patterns, a mix of residential types, in a safe manner. The proposed development provides a cost effective development pattern,

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

The lands are designated greenfield area, intended to accommodate growth.

- 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

See band c above.

- 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.

Zoning By-law Amendment File No. ZAR-21-015; approved

- 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?

+/-2004

---

8.5 Does the applicant own any other land in the City?  Yes  No *- unknown*  
 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.

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 Consent App TBD

Status Concurrent Application

**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.

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

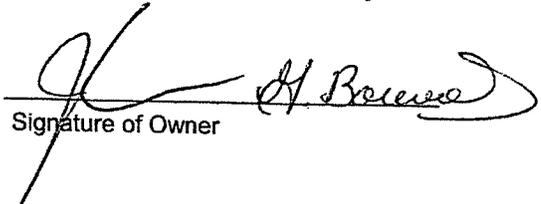
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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.

Dec 3, 2021  
Date

  
Signature of Owner



LOYALTY. INTEGRITY. VISION.

December 17<sup>th</sup>, 2021

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: 365 Springbrook Avenue, Ancaster, Hamilton  
Consent Application- Severances**

Dear Ms. Sheffield,

We are pleased to submit the following Consent Applications for 365 Springbrook Avenue in the Community of Ancaster, Hamilton. As you know, two additional residential lots are proposed to front along Chambers Drive to support the construction of two additional single detached dwellings. The existing dwelling on the retained parcel, fronting on Springbrook Drive will be retained. The proposed lot configuration conforms to the existing Site-Specific Zoning By-law, 21-208 approved by Council on November 10<sup>th</sup>, 2021 without appeal.

In addition, Block 121, Plan 62M-1161 will merge with the severed parcels at 365 Springbrook to provide appropriate frontage and access along Chambers Drive. We are requesting this be completed as a condition of consent through a future Exemption from Part Lot Control (PLC) Application. It is anticipated the PLC Application will be submitted to the City of Hamilton in early 2022 to separate the block into two parts, prior to merging with the severed parcels at 365 Springbrook Avenue.

Please find enclosed the following as part of the Consent Application Submission:

- Two (2) signed copies of the signed Consent Application form to create Lot 1;
- Two (2) signed copies of the Consent Application form to create Lot 2;
- Two (2) folded copies of the Sketch for Land Division (SK1) prepared by A.T. McLaren Limited, dated December 17<sup>th</sup>, 2021;



LOYALTY. INTEGRITY. VISION.

---

- Two (2) folded copies of the Sketch for Land Division (SK2) prepared by A.T. McLaren Limited, dated December 17<sup>th</sup>, 2021;
- One (1) cheque addressed to the City of Hamilton in the amount of \$5,720.

Should you require anything further, please do not hesitate to contact the undersigned.

Sincerely,

**LIV DEVELOPMENTS LTD.**

A handwritten signature in black ink, appearing to be "Dianne Ramos", written in a cursive style.

Dianne Ramos  
Project Manager





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-22:08

**APPLICANTS:** Owner Vince DiBernardo

**SUBJECT PROPERTY:** Municipal address **1012 Kirkwall Rd., Flamborough**

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

**ZONING:** "A1 and P8 & P7" (Agricultural & Conservation/Hazard Lands) district

**PROPOSAL:** To permit the construction of a new addition and covered porch in the rear yard of the existing single detached dwelling and for the construction of a new 185.0m<sup>2</sup> accessory building notwithstanding that:

1. An accessory building height of 7.0m shall be provided instead of the maximum building height of 6.0m permitted for an accessory building.
2. The single detached dwelling shall be 0.0m from the boundary of a P8 zone whereas the by-law requires all buildings and structures to be at least 7.5m from a P8 zone.
3. A portion of the proposed single detached dwelling and rear porch shall be permitted within the portion of lands zoned P8 whereas the by-law prohibits any new buildings or structures within P8 zoned lands.

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 3:15 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeeofadjustment](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.

FL/A-22: 08

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: February 1st, 2022.

---

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



Hamilton

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

	MAILING ADDRESS
<b>Registered Owners(s)</b>	
<b>Applicant(s)*</b>	
<b>Agent or Solicitor</b>	

**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:

CIBC UPPER JAMES  
1550 Upper James St Hamilton ON L9B2L6

**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:

- 1.ADDITION IS ENCROACHING P8 ZONE SETBACK  
2.ACCESSORY BUILDING HEIGHT

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

- HOME ADDITION ENCROACHES 7/8" INTO THE P8 ZONE
- BUILDING HEIGHT FOR ACCESSORY BUILDING REQUIRES 6.0M, WE ARE ASKING FOR 7.0M

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**):

1012 KIRKWALL RD. HAMILTON ON. L9H5E1

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
Agricultural       Vacant       Other

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 8.1 to 8.10 above?

OBTAINED BY HOMEOWNER

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

12/09/2021  
Date

  
Signature Property Owner(s)  
VINCE DIBERNARDO  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	302m
Depth	405.6m
Area	122491.2m <sup>2</sup>
Width of street	7.0m

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:  
DWELLING- FLOOR AREA:183.63. NUMBER OF STORIES: 1. WIDTH: 21.4m  
LENGTH: 12.1m. HEIGHT: 7.92m  
ACCESSORY- N/A

Proposed  
DWELLING- FLOOR AREA: 282.58m<sup>2</sup>. NUMBER OF STORIES: 1.WIDTH: 21.4m  
LENGTH: 16.0m. HEIGHT: 7.92m  
ACCESSORY- FLOOR AREA: 185.80m<sup>2</sup>. NUMBER OF STORIES: 1  
WIDTH: 12.192m. LENGTH: 15.24m. HEIGHT: 7.0m

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- SIDE:217.93m	ACCESSORY
SIDE:59.436m	N/A
REAR:16.61m(P8 ZONE)	
FRONT:110.871	

Proposed:	
DWELLING- SIDE:217.93m	ACCESSORY- SIDE:279.34m
SIDE:59.436m	SIDE:10.0m
REAR:11.6m(P8 ZONE)	REAR:47.54(P8 ZONE)
FRONT:110.871	FRONT:115.9m

13. Date of acquisition of subject lands:  
N/A
- 
14. Date of construction of all buildings and structures on subject lands:  
SPRING/SUMMER 2022
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
SINGLE FAMILY DWELLING
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
SINGLE FAMILY DWELLING
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          | <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:  
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
4 8 1 2a) " not withstanding subsection 4 8g) all accessory bldgs shall have a maximum height of 6 0m" 7 8 2 2 i)ii
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: FL/B-22:02**

**SUBJECT PROPERTY: 1609 & 1611 Brock Rd., Flamborough**

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

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

**APPLICANT(S):** Owners P. & J. Den Hollander

**PURPOSE OF APPLICATION:** To permit the conveyance of a vacant parcel of land being the land known as 1611 Brock Rd and to retain a parcel of land known municipally as 1609 Brock Rd containing an existing dwelling. The existing dwelling will remain. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

**Severed lands:**

422.54m<sup>±</sup> x 125.2179m<sup>±</sup> and an area of 52,909.6m<sup>2</sup>±

**Retained lands:**

38.1m<sup>±</sup> x 45.77m<sup>±</sup> and an area of 1,743.9m<sup>2</sup>±

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**TIME:** 3:20 p.m.

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

To be streamed at

[www.hamilton.ca/committeeofadjustment](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.

FL/B-22: 02  
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:

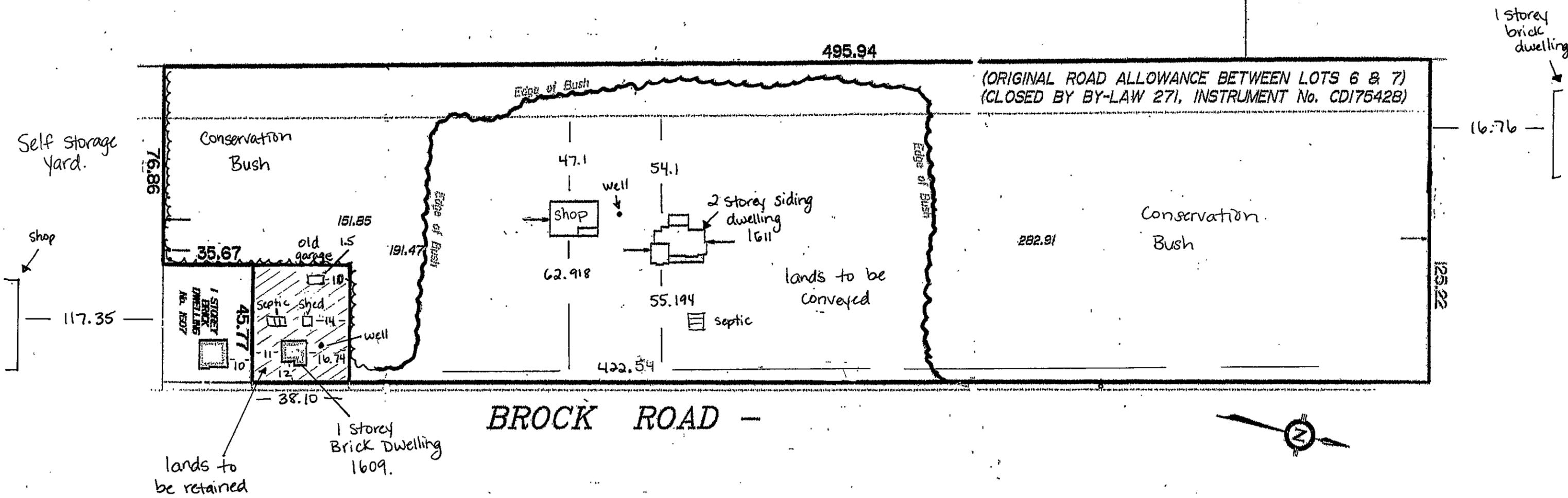
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1<sup>st</sup>, 2022

---

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.***



**BROCK ROAD** —

measurements in meters



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>	[REDACTED]	
<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 Flamborough	Lot 7	Concession Con 8	Former Township West Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address <b>1609 Brock Road, Dundas, L9H 5E4</b>			Assessment Roll N°. 302710436000000

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:

Peter Michael Den Hollander

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)
422.54 m	125.2179 m	52,909.5715 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: A residential dwelling and detached garage

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)
38.1 m	45.77 m	1,743.837 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:

- |   |   |                                     |
|---|---|-------------------------------------|
| <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: Residential Dwelling

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

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

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

**5 CURRENT LAND USE**

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

Rural Hamilton Official Plan designation (if applicable): Rural

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

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

Residential Dwellings are a permitted use in the 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? Zoning is S1 for the retained lands and A2 for the severed lands. The lands are not covered by a Ministers Zoning Order

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"/>	30 M

<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?  
we are familiar with the history of the property and neighbourhood
- 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

Severing the property will allow the land to accommodate current and future needs in our community to support housing needs. It will also reduce waste in landfills as a single detached home will not need to be torn down.

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

This application will help to increase housing as a single detached home will be able to remain intact.

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

affordable housing will be available if this application is approved.

- 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

The lands are within the Greenbelt Plan. The Greenbelt Plan permits single family dwellings.

- 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)

the application seeks to sever land in which no further development is being request

## 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?

3 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.

**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) Strabane S1 and A2  
 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) 422.54 m	Area (m <sup>2</sup> or ha): (from in Section 4.1) 52,909.5715 m <sup>2</sup>
--	--

Existing Land Use: Residential Proposed Land Use: Residential

## b) Lands to be Retained:

Frontage (m): (from Section 4.2) 38.1 m	Area (m <sup>2</sup> or ha): (from Section 4.2) 1,743.837 m <sup>2</sup>
--	---

Existing Land Use: residential Proposed Land Use: residential

## 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 land to be retained was once it's own lot, that merged in 1980 with the land intended to be severed. We are requesting that the lots return to the lot sizes prior to their merge. A building permit was given to the land that is intended to be severed, and construction is complete. It would be valuable to the neighbourhood and to the City of Hamilton to approve this request for severance, as it will allow for increased affordable housing, and the town of Strabane will maintain its historical look, and avoid a vacant lot.

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

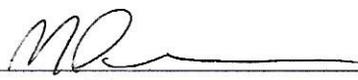
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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.

Dec. 10, 2021  
Date

  
Signature of Owner

Dec. 10, 2021







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-22:03

SUBJECT PROPERTY: 9648 Twenty Rd. W., 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):** Agent A.J. Clarke & Associates – R. Ferrari  
 Owners R. Sandhu & M. Dhillon

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

**Severed lands:**  
 21.33m<sup>±</sup> x 82.39m<sup>±</sup> and an area of 1757m<sup>2</sup> ±

**Retained lands:**  
 21.34m<sup>±</sup> x 82.39m<sup>±</sup> and an area of 1758m<sup>2</sup> ±

The Committee of Adjustment will hear this application on:

**DATE:** Thursday, February 17<sup>th</sup>, 2022

**TIME:** 3:25 p.m.

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

To be streamed at  
[www.hamilton.ca/committeeofadjustment](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-22: 03  
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)

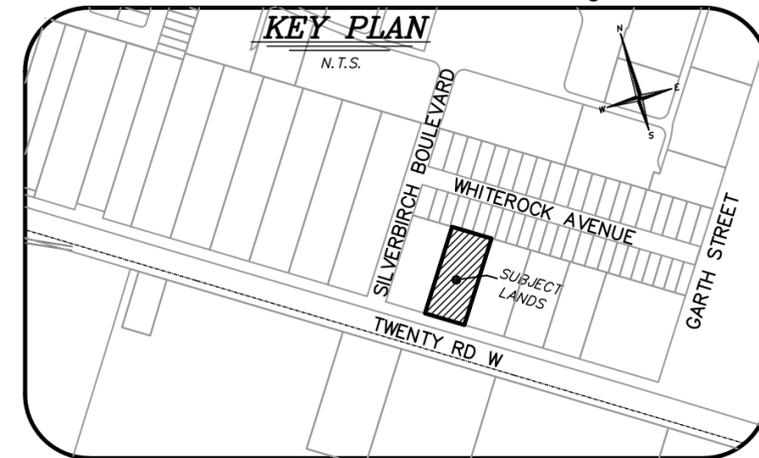
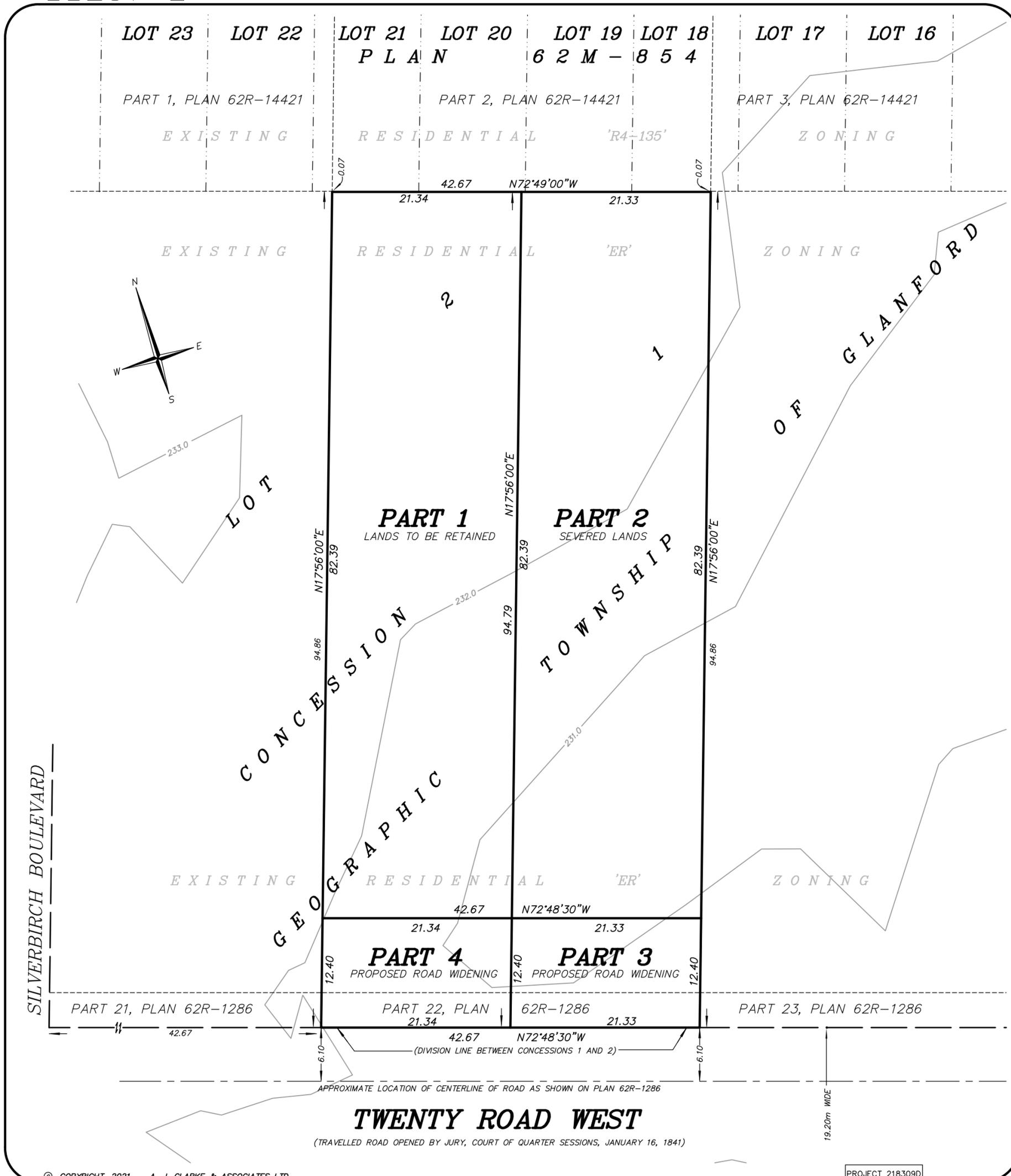
DATED: February 1<sup>st</sup>, 2022

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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.***

E-18733



SKETCH FOR CONSENT TO SEVER  
 9648 TWENTY ROAD WEST  
**CITY OF HAMILTON**

SCALE 1:400

0 5 10 15 metres

THE ABOVE NOTED LANDS ARE:  
 PART OF LOT 2, CONCESSION 1  
 GEOGRAPHIC TOWNSHIP OF GLANFORD

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

**NOTE:**  
 THIS SKETCH IS COMPILED FROM PLANS AND RECORDS  
 ON FILE IN THIS OFFICE AND IS NOT BASED ON AN  
 ACTUAL FIELD SURVEY.

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

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

**CONSENT SCHEDULE:**

PART 1 - LANDS TO BE RETAINED	AREA (1758.0m <sup>2</sup> ±)
PART 2 - SEVERED LANDS	AREA (1757.2m <sup>2</sup> ±)
PART 3 - PROPOSED ROAD WIDENING	AREA (264.6m <sup>2</sup> ±)
PART 4 - PROPOSED ROAD WIDENING	AREA (264.5m <sup>2</sup> ±)

DECEMBER 17, 2021  
 DATE

NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR

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

E-18733

**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	
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

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

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

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

2.1 Area Municipality Glanbrook	Lot Part of Lot 2	Concession 1	Former Township Glanford
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 9648 Twenty Road			Assessment Roll N°.

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

Yes  No

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

**3 PURPOSE OF THE APPLICATION**

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

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

creation of a new lot

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:

td

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)
±21.33m	±82.39m	±1757m <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: Existing Single Detached Dwelling (to be demolished)

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

Services to be extended to support development.

- 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) \_\_\_\_\_

Services to be extended to support development.

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

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
±21.34	±82.39m	±1758m <sup>2</sup>

Existing Use of Property to be retained:

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



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

## 6 PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

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

- 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



## 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.

## 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.

December 21, 2021  
Date

  
Signature of Owner



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

December 23, 2021

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

***Delivered via e-mail***

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

**Re: Severance and Minor Variance Application Submission  
9648 Twenty Road, 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 fees;
2. A cheque in the amount of \$3,320.00 made payable to the City of Hamilton, in payment of the requisite application fees;
3. One (1) Electronic copy of signed and executed Severance Application and Minor Variance Application forms.
4. One (1) Electronic copy of a Severance Sketch, Prepared by A.J Clarke and Associates Ltd., dated December 17, 2021.

The proposed development consists of a severance application to sever one parcel of land from the existing lot at 9648 Twenty Road, in the City of Hamilton. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively on the enclosed severance sketch. Currently, there exists a single-detached dwelling and accessory building on the subject lands which are intended to be demolished in favour of the proposed redevelopment. The resultant lots are as follows:

Proposed Lot	Frontage	Area
Part 1	21.3m	2,022m <sup>2</sup>
Part 2	21.3m	2,021m <sup>2</sup>

A Minor Variance Application is required to address the deficiency in lot frontage.



### **Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. The “Neighbourhoods” designation permits single-detached dwellings. Further, the “Neighbourhoods” designation encourages intensification that is compatible with the existing neighbourhood-built form and a lot fabric that is compatible with the existing lot fabric found in the existing neighbourhood.

Further, this neighbourhood is classified as a low-density neighbourhood. Low-density neighbourhoods permit single-detached dwellings having maximum density of 60 units per hectare. Accordingly, the proposal would achieve a density of approximately 5 units per hectare, as such the proposal would conform to the UHOP.

Chapter F of the UHOP outlines the applicable policies for residential intensification within the Neighbourhoods designation.

*F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the “Neighbourhoods” designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:*

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) The lots comply with existing Neighbourhood Plans;*
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.*

Accordingly, the proposed lots have frontage onto a public road and comply with the above noted UHOP policies, including managing appropriate intensification within the “Neighbourhoods” designation.

As part of the proposal, a consent agreement will be required to be prepared and coordinated with City Staff to extend available services along Twenty Road West to service the development. As such, this condition is appropriate to facilitate the orderly development of the subject lands.

The proposed lots are consistent with the general lot fabric of the neighbourhood and can facilitate the construction of single-detached dwellings which are compatible with the neighbourhood. Upon approval of the subject applications, single-detached dwellings will be erected upon each lot.

Based on the foregoing, the severance conforms to the Urban Hamilton Official Plan, including the policies which speak to facilitating a compatible form of intensification within the neighborhoods. The proposal has sufficient regard to the matters listed under Section 51 (24) of the *Planning Act*.



### **Northwest Glanbrook Secondary Plan**

The subject lands are designated Residential 2 on Map B.5.3-1 of the Land Use Plan Map. Accordingly the designation permits single detached dwellings at a density of no greater than 25 units per hectare. The proposal will result in a net density of approximately 8 units per hectare. Accordingly, the proposal conforms to the Northwest Glanbrook Secondary Plan.

### **Former Town of Glanbrook Zoning By-law No. 464**

The property is zoned "ER" Existing Residential Zone in the Former Town of Glanbrook Zoning By-law No. 464. The current zone permits single-detached dwellings. The proposed lots will require the following variances to facilitate the severance application:

1. To permit a minimum lot frontage of 21m whereas a minimum lot frontage of 22.5m is required.

In our opinion, the variances are appropriate and meet the four requisite tests as per the Section 45(1) of the *Planning Act*. Additional justification will be submitted along with detailed drawings of the proposed lots in order to finalize this severance application.

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 black ink that reads "Ryan Ferrari".

Ryan Ferrari, BURPI, CPT

**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Ranveer Sandhu (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**  
**Minor Variance**

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

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

---

**APPLICATION NO.:** GL/A-22:09

**APPLICANTS:** Agent A.J. Clarke & Associates - R. Ferrari  
 Owners R. Sandhu & K. Dhillon

**SUBJECT PROPERTY:** Municipal address **9648 Twenty Rd. W., Glanbrook**

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

**ZONING:** "ER" (Existing Residential) district

**PROPOSAL:** To permit the creation of 2 lots through land severance application  
 GL/B- 22: 03 notwithstanding that;

PART 1:

A minimum lot frontage of 21.0 m shall be provided whereas a minimum lot frontage of 22.5 m is required.

PART 2:

A minimum lot frontage of 21.0 m shall be provided whereas a minimum lot frontage of 22.5 m is required.

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 3:30 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeeofadjustment](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/A-22: 09

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: February 1st, 2022.

---

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.***





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

December 23, 2021

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

***Delivered via e-mail***

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

**Re: Severance and Minor Variance Application Submission  
9648 Twenty Road, City of Hamilton**

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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 fees;
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The proposed development consists of a severance application to sever one parcel of land from the existing lot at 9648 Twenty Road, in the City of Hamilton. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively on the enclosed severance sketch. Currently, there exists a single-detached dwelling and accessory building on the subject lands which are intended to be demolished in favour of the proposed redevelopment. The resultant lots are as follows:

Proposed Lot	Frontage	Area
Part 1	21.3m	2,022m <sup>2</sup>
Part 2	21.3m	2,021m <sup>2</sup>

A Minor Variance Application is required to address the deficiency in lot frontage.



### **Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. The “Neighbourhoods” designation permits single-detached dwellings. Further, the “Neighbourhoods” designation encourages intensification that is compatible with the existing neighbourhood-built form and a lot fabric that is compatible with the existing lot fabric found in the existing neighbourhood.

Further, this neighbourhood is classified as a low-density neighbourhood. Low-density neighbourhoods permit single-detached dwellings having maximum density of 60 units per hectare. Accordingly, the proposal would achieve a density of approximately 5 units per hectare, as such the proposal would conform to the UHOP.

Chapter F of the UHOP outlines the applicable policies for residential intensification within the Neighbourhoods designation.

*F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the “Neighbourhoods” designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:*

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;*
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- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
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- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.*

Accordingly, the proposed lots have frontage onto a public road and comply with the above noted UHOP policies, including managing appropriate intensification within the “Neighbourhoods” designation.

As part of the proposal, a consent agreement will be required to be prepared and coordinated with City Staff to extend available services along Twenty Road West to service the development. As such, this condition is appropriate to facilitate the orderly development of the subject lands.

The proposed lots are consistent with the general lot fabric of the neighbourhood and can facilitate the construction of single-detached dwellings which are compatible with the neighbourhood. Upon approval of the subject applications, single-detached dwellings will be erected upon each lot.

Based on the foregoing, the severance conforms to the Urban Hamilton Official Plan, including the policies which speak to facilitating a compatible form of intensification within the neighborhoods. The proposal has sufficient regard to the matters listed under Section 51 (24) of the *Planning Act*.



### **Northwest Glanbrook Secondary Plan**

The subject lands are designated Residential 2 on Map B.5.3-1 of the Land Use Plan Map. Accordingly the designation permits single detached dwellings at a density of no greater than 25 units per hectare. The proposal will result in a net density of approximately 8 units per hectare. Accordingly, the proposal conforms to the Northwest Glanbrook Secondary Plan.

### **Former Town of Glanbrook Zoning By-law No. 464**

The property is zoned "ER" Existing Residential Zone in the Former Town of Glanbrook Zoning By-law No. 464. The current zone permits single-detached dwellings. The proposed lots will require the following variances to facilitate the severance application:

1. To permit a minimum lot frontage of 21m whereas a minimum lot frontage of 22.5m is required.

In our opinion, the variances are appropriate and meet the four requisite tests as per the Section 45(1) of the *Planning Act*. Additional justification will be submitted along with detailed drawings of the proposed lots in order to finalize this severance application.

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 black ink that reads "Ryan Ferrari".

Ryan Ferrari, BURPI, CPT

**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Ranveer Sandhu (email)

## 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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:  
 RBC Bank  
 10 York Mills Road, 3rd Floor, Toronto ON L2P 0A2

4. Nature and extent of relief applied for:  
To permit a reduce lot frontage of 21m whereas 22.5m is required.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?  
Severance results in a deficiency.

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 2, Concession 1, Glanford. 9648 Twenty Road.

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial

Agricultural       Vacant       Other

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 8.1 to 8.10 above?

Property owner information.

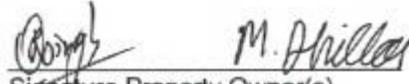
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

December 21, 2021  
Date

  
Signature Property Owner(s)

Ranveer Sandhu & Manjit Dhillon  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>Part 1: 21.3m; Part 2: 21.3m</u>
Depth	<u>94.79m</u>
Area	<u>Part 1: 1,758m<sup>2</sup>; Part 2 1,757m<sup>2</sup></u>
Width of street	<u>19.2m</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:\_  
Single Detached Dwelling (to be demolished)

Proposed  
Single Detached Dwelling

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

Existing:  
Single Detached Dwelling (to be demolished)

Proposed:  
Single Detached Dwelling

13. Date of acquisition of subject lands:  
2021
- 
14. Date of construction of all buildings and structures on subject lands:  
Approx 1960s
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Detached Dwelling
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Detached Dwelling; Townhomes
17. Length of time the existing uses of the subject property have continued:  
Since Construction
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |                                       |                          |
|----------------|-------------------------------------|---------------------------------------|--------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected                             | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected                             | <input type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> | to be extended to support development |                          |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods - Schedule E-1; Low Density Residential 2 - Northwest  
Glanbrook Secondary Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
Existing Residential "ER" Zone
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.:** DN/A-22:10

**APPLICANTS:** Agent D. Topuzi  
Owner D. Vescio

**SUBJECT PROPERTY:** Municipal address **90 King St. W., Dundas**

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

**ZONING:** "C5 and 570" (Mixed Use Medium Density - Pedestrian Focus) district

**PROPOSAL:** To permit the construction of a two-storey addition over an existing one storey building for commercial purposes, notwithstanding that;

1. A minimum rear yard of 0.0m shall be permitted instead of the minimum 7.5m rear yard required.
2. No parking spaces shall be permitted to be maintained except for one (1) barrier free space instead of the minimum eleven (11) parking spaces required.
3. No parking spaces shall be permitted to be maintained except for one (1) barrier free space instead of the minimum two (2) parking spaces required.

Notes: Variances have been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted.

Therefore, further variances may be required.

The applicant shall ensure that the maximum permitted 11.0m building height is not exceeded. The elevation plans submitted do not show the height dimension from grade; as such, further variances may be required.

The applicant shall ensure that a minimum of 60.0% of the area of ground floor façade facing the street to be composed of doors and windows. Otherwise, further variances may be required.

The applicant has advised that an agreement will be requested for parking for this property; however, the agreement does not clearly mention the number of parking spaces; as such, a variance has been included to address the parking deficiency.

The new proposed parking requirements require a minimum of two (2) parking spaces (includes one (1) barrier free) for this site for an office based on the increased gross floor area component being 356.0m<sup>2</sup>. However, these parking requirements are currently under appeal.

DN/A-22: 10  
Page 2

The current parking requirements require a minimum of 11 parking spaces (includes one (1) barrier free parking space) for an office for the increased gross floor area component of the building being 356.0m<sup>2</sup>.

The applicant shall ensure that the minimum five (5) short-term bicycle parking spaces required are provided and maintained on site; otherwise, further variances shall be required.

Upon approval of variance #1 respecting the rear yard of 0.0m, any proposed encroachments (i.e. eaves, gutters etc.,) may be located as close as 0.0m from a rear lot line.

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 3:35 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
 To be streamed at  
[www.hamilton.ca/committeeofadjustment](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:

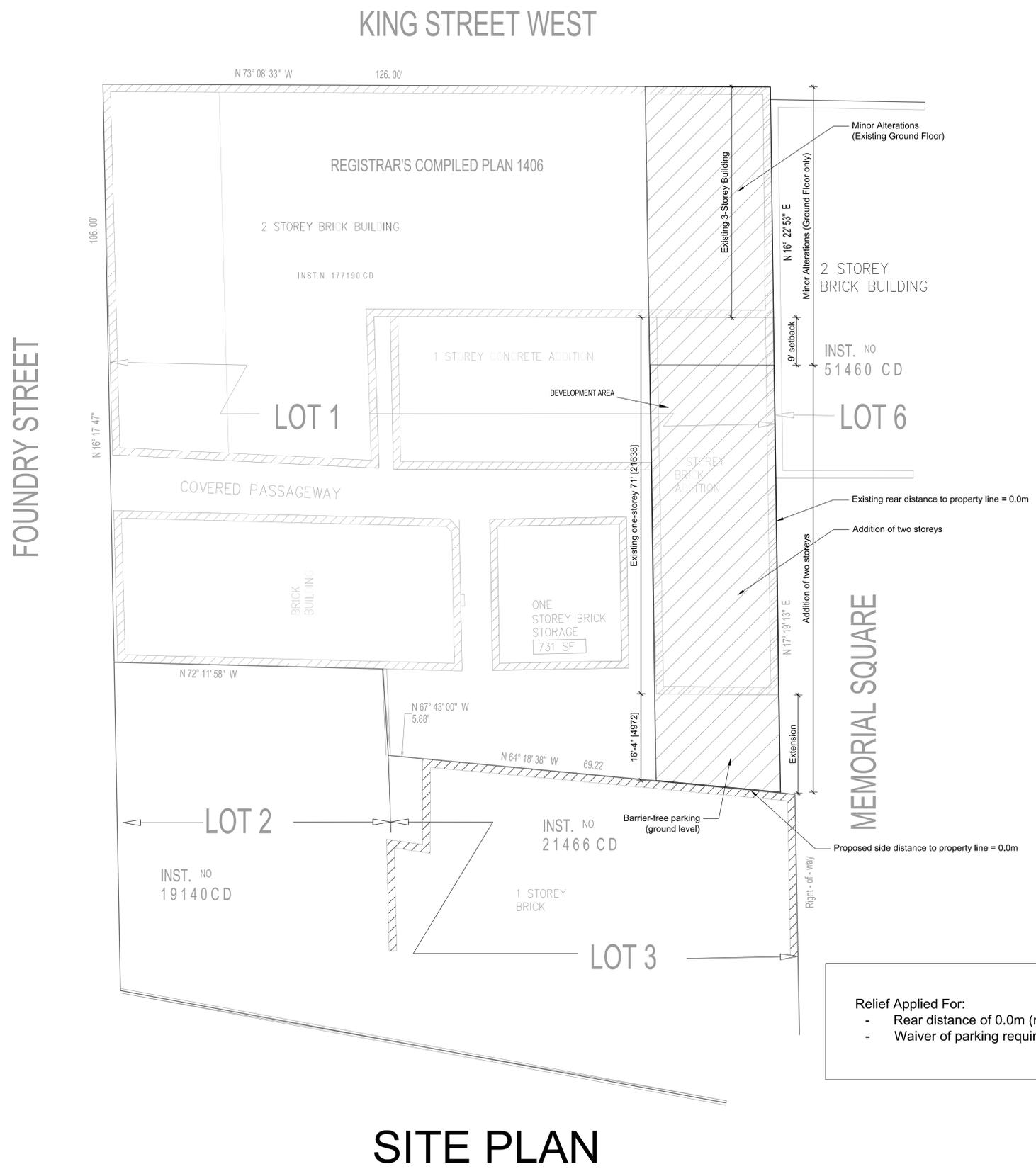
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 1st, 2022.

---

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.***



**Relief Applied For:**

- Rear distance of 0.0m (matching the distance of the existing one-storey building)
- Waiver of parking requirements (except for one barrier-free spot)

# SITE PLAN

Date (m/d/y)	12/22/2021
Revision / Issues For	
No.	00
Co/A	
 Delta Invoicing Inc. Toronto, ON, Canada www.deltainvoicing.com delta@deltainvoicing.com	
<b>Project:</b> 1+2 Storey Office Bldg. 90 King St. W. Dundas, ON	
 PROFESSIONAL ENGINEER B. TORRES 20191096 Dec 22, 2015 PROVINCE OF ONTARIO	
<b>Drawing Title:</b> Site Plan	
Sheet No.:	A-01
Date (m/d/y):	12/22/2021
Drawn By:	
Checked By:	B. H.
Scale:	NTS



Relief Applied For:

- Rear distance of 0.0m (matching the distance of the existing one-storey building)
- Waiver of parking requirements (except for one barrier-free spot)

No.	Revision / Issued For	Date (m/d/y)
00	CorA	12/22/2021

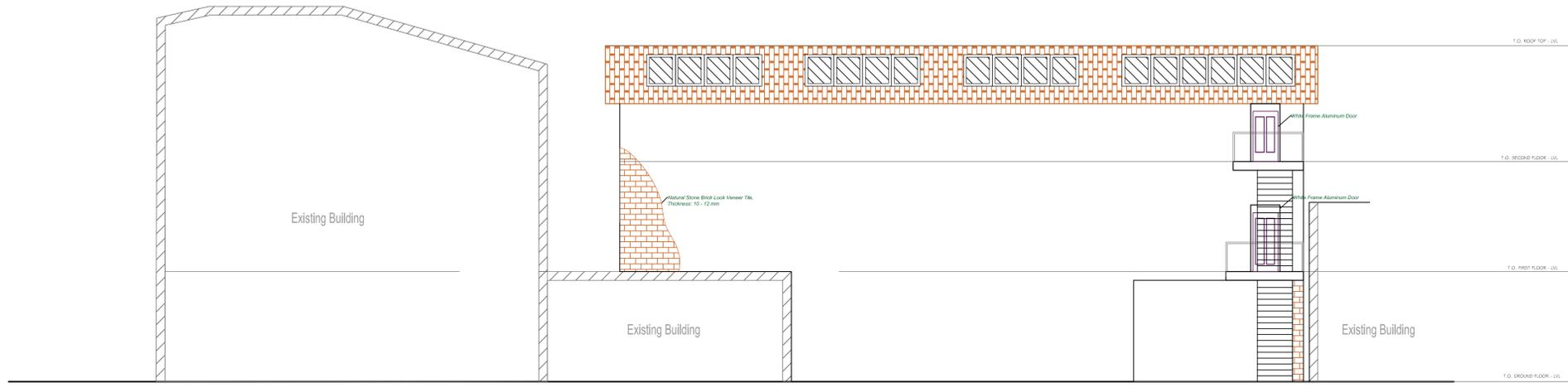
  
 Delta Innoveering Inc.  
 Toronto, ON, Canada  
 www.deltainnoveering.com  
 delta@deltainnoveering.com

Project:  
 90 King St. W.  
 Dundas, ON

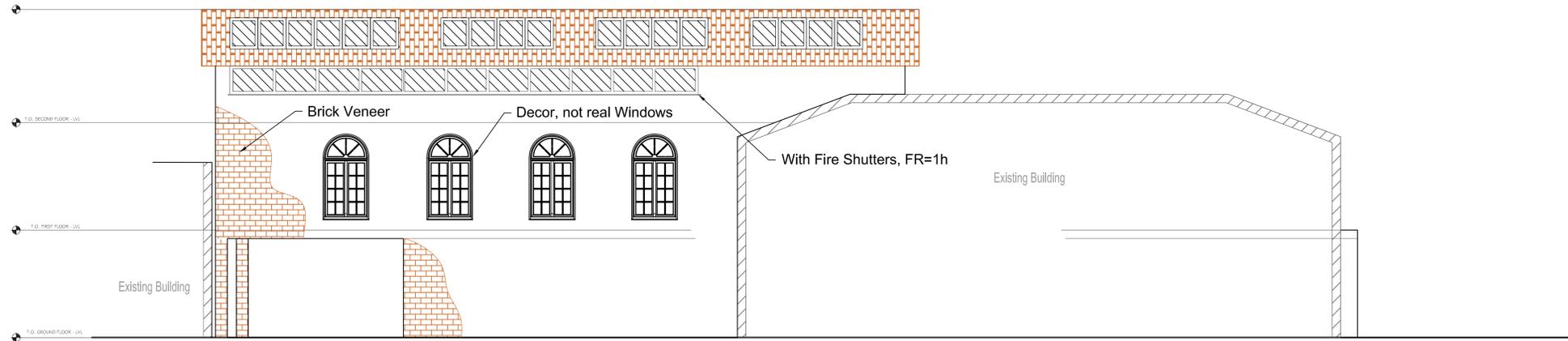


Drawing Title:  
 Floor Plans

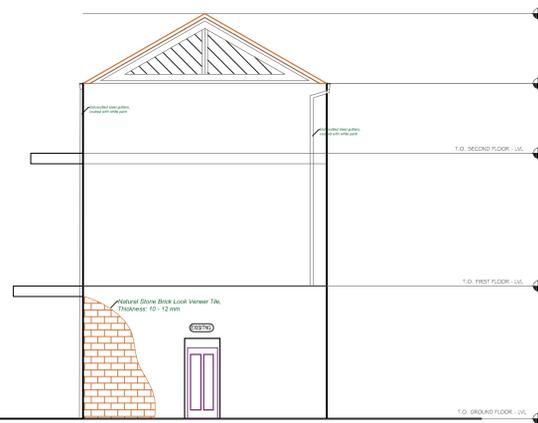
Sheet No.:	A-02
Date (m/d/y):	12/22/2021
Drawn By:	
Checked By:	
Scale:	NTS



EAST VIEW



WEST VIEW



SOUTH VIEW

Relief Applied For:

- Rear distance of 0.0m (matching the distance of the existing one-storey building)
- Waiver of parking requirements (except for one barrier-free spot)

No.	Revision / Issued For	Date (m/d/y)
00	CorA	12/22/2021

  
 Delta Innoveering Inc.  
 Toronto, ON, Canada  
 www.deltainnoveering.com  
 delta@deltainnoveering.com

Project:  
 90 King St. W.  
 Dundas, ON

  
 D. TOPUZI  
 10091596  
 Dec 22, 2021  
 PROVINCE OF ONTARIO

Drawing Title:  
 Side Views

Sheet No.:	A-03
Date (m/d/y):	12/22/2021
Drawn By:	
Checked By:	
Scale:	NTS



**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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:  
BMO  
100 King St. W. (19th floor)  
Toronto, ON, M5X 1A3

**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:

1. 0 m Rear Yard Distance, instead of the required 7.5m.
2. Parking waiver, except for one barrier-free spot, which shall be provided

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

1. The project is a two-storey addition on top of an existing one-storey building with a Rear Yard Distance of 0m. The width of the existing building is less than 7.5m making a compliant project impossible.
2. There is no space for parking spots. The current bylaw does not have parking requirements, but it's currently under appeal.

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**):

90 King St. W., Dundas, ON

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

Other \_\_\_\_\_

8.1 If Industrial or Commercial, specify use Offices

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 8.1 to 8.10 above?

Three appraisals by Amtec & ESA Phase I and II. The existing development would not have allowed for space for gas stations or other storage facilities. The downtown location eliminates the possibility of agricultural use.

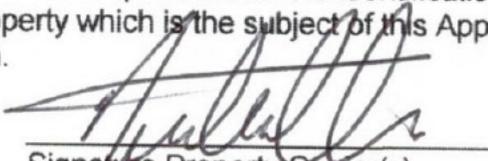
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

12/10/2021  
Date

  
Signature Property Owner(s)

Nick UESCO  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>32.22m</u>
Depth	<u>38.30m</u>
Area	<u>about 1,200m<sup>2</sup></u>
Width of street	<u></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: \_

One-storey building 7.01 x 20.2m = 141.6 m<sup>2</sup>

Proposed

Three-storey (2 additional stories and an extension) 7.01 x 25.4m = 178m<sup>2</sup> per floor. Total addition 356m<sup>2</sup>.

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 31.3m  
Rear 0m  
Side (North) 14.01m  
Side (South) 4.9m

Proposed:

Front 31.3m  
Rear 0m  
Side (North) 11.3m  
Side (South) 0m

13. Date of acquisition of subject lands:  
December 2013
- 
14. Date of construction of all buildings and structures on subject lands:  
\_\_\_\_\_
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Multi-residential (21) & commercial (8)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
East: Commercial (Bank) and Road/Parking. South: Residential. N. & W.: Roads
17. Length of time the existing uses of the subject property have continued:  
>10 years
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <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:
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  
 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-22:14

**APPLICANTS:** Agent Chris Van Berkel  
 Owners D. & S. Gowland

**SUBJECT PROPERTY:** Municipal address **1941 Hwy 5, Flamborough**

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

**ZONING:** "P7" & "A1" (Conservation/Hazard Land Rural and Agriculture) district

**PROPOSAL:** To permit the construction of a 743.10 m<sup>2</sup> farm storage building straddling the "P7" and "A1" zones, accessory to the farm operation on site notwithstanding that;

1. The proposed farm storage building shall be permitted to be maintained as close as 0.0m from the "P7" zone instead of the minimum 7.5m setback required from the "P7" zone; and
2. A portion of the proposed farm storage building shall be permitted to encroach onto the "P7" zone whereas new buildings or structures are not permitted within the "P7" zone.

Note:

There are no other provisions for new buildings and structures in a P7 zone.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 1355 or email [pd.generalinquiry@hamilton.ca](mailto:pd.generalinquiry@hamilton.ca).

Please be advised that a portion of this property is under Conservation Management. Please contact Conservation Halton Authority prior to any development.

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

---

**DATE:** Thursday, February 17th, 2022  
**TIME:** 3:40 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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FL/A-22: 14  
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: February 1st, 2022.

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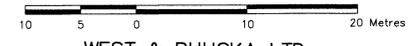
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

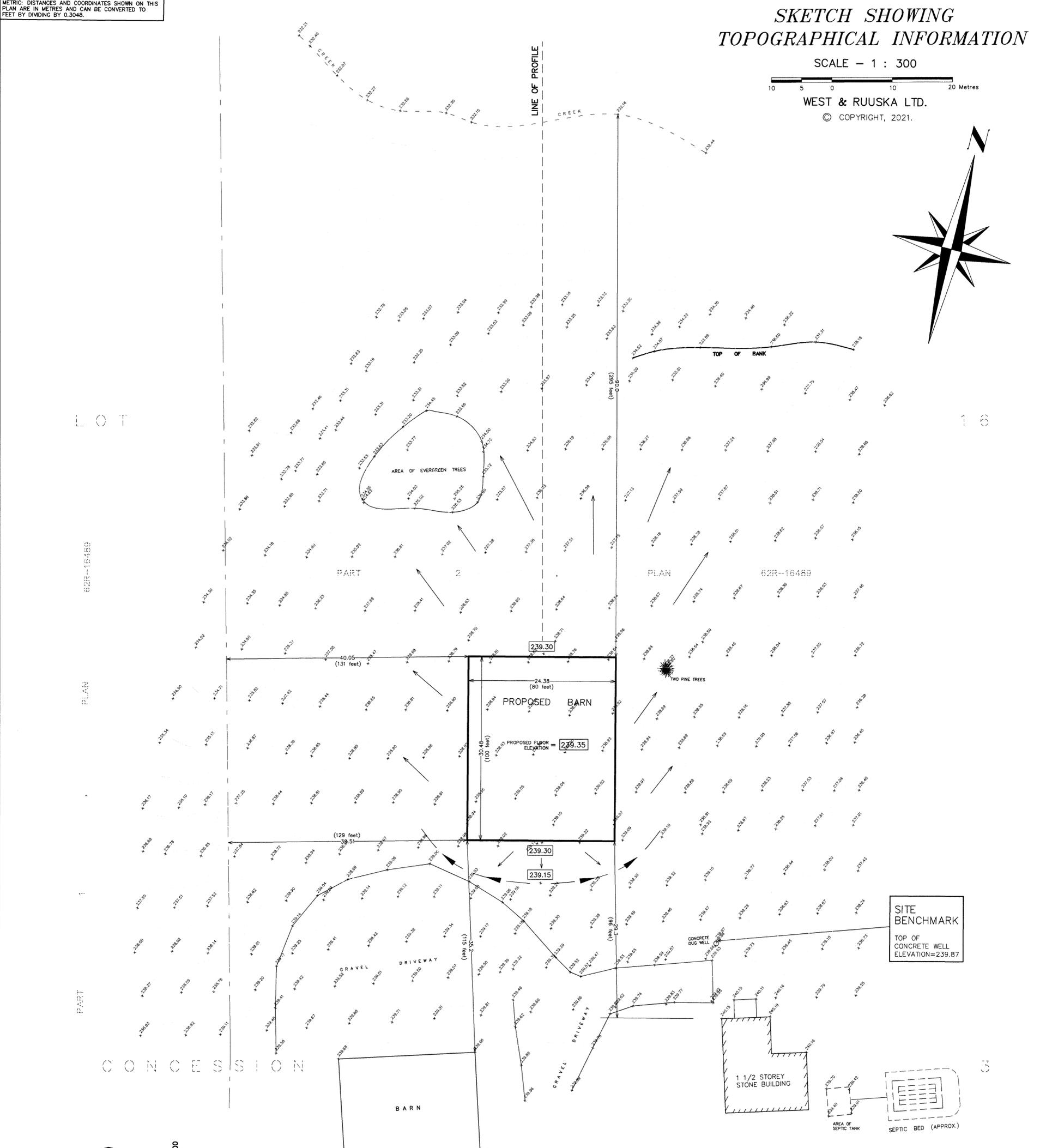
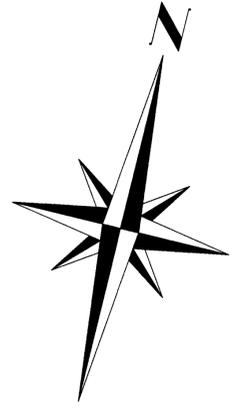
METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

# SKETCH SHOWING TOPOGRAPHICAL INFORMATION

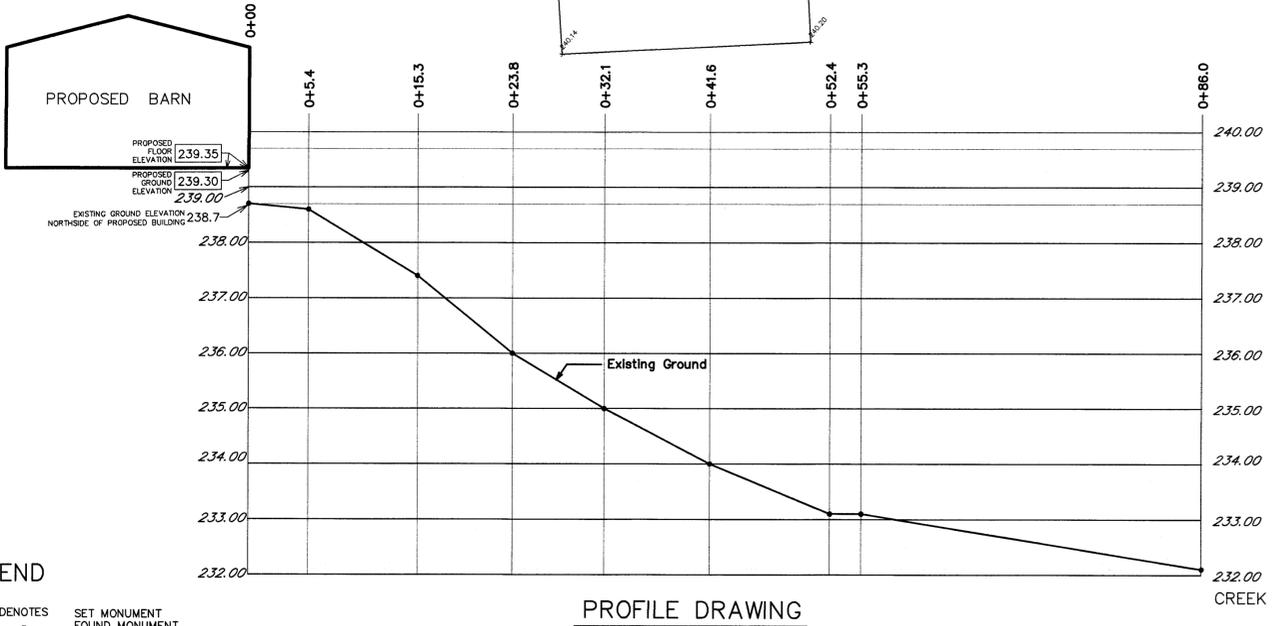
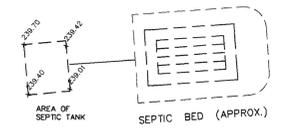
SCALE - 1 : 300



WEST & RUUSKA LTD.  
© COPYRIGHT, 2021.



SITE BENCHMARK  
TOP OF CONCRETE WELL  
ELEVATION=239.87



**LEGEND**

□	DENOTES	SET MONUMENT
■		FOUND MONUMENT
—		IRON BAR
○		ROUND IRON BAR
⊙		STANDARD IRON BAR
→		PROPOSED SWALE
→		GENERAL DRAINAGE
TF		TOP OF FOUNDATION ELEVATION
UF		UNDERSIDE OF FOOTING ELEVATION
FF		FINISHED FLOOR ELEVATION
239.00		ACTUAL FIELD ELEVATION
239.00		DESIGN ELEVATION
239.00		AS BUILT ELEVATION

**CAUTION :**  
UNDERGROUND SERVICES TO BE LOCATED BY CONTRACTOR/OWNER PRIOR TO ANY EXCAVATION.  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.  
THIS SKETCH IS PROTECTED BY COPYRIGHT ©

**NOTE:**  
SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL, OR CERTIFIED ELECTRONIC PDF VERSION.  
THIS PLAN HAS BEEN COMPILED FROM FIELD MEASUREMENTS and FROM PREVIOUS RECORDS.

**ELEVATION NOTE :**  
ELEVATIONS SHOWN HEREON ARE GEODETIC and ARE DERIVED FROM CANSEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010).  
ELEVATION REFERENCE DATUM IS CGVD28:78

**GEOGRAPHIC INFORMATION:**  
PART OF LOT 16  
CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF BEVERLY  
CITY OF HAMILTON

Date: 8 November, 2021.

**WEST & RUUSKA LTD.**  
Land Surveyors

17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6  
Telephone (519)752-8641

DRAWN BY: Ted S. KUTYLA, CSR, CST

V210264

**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 A MINOR VARIANCE

21

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	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

**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:  
 Non Permanent Structure, Agricultural Storage Building in an A1 and P7 Zone  
*Size and location*

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

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

The most ideal location has been identified for ease of flow, keeping buildings together in an area zoned P7 and A1. The proposed structure straddles that line. Any area outside of this would use up valuable aerable farmland and greenspace identified as protected by the Provincial Policy Statement and Greenbelt. The proposed area does not have any natural features to be protected and is shown as in Sched B attached

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**):

PT LT 16, Con 3 Beverly, Being Pt 2, 62R16489, City of Hamilton

1941 Hwy 5, Troy, ON

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       Commercial   
 Agricultural       Vacant       Other

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 8.1 to 8.10 above?

Consultation with the Farm owner and previous owner

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

Nov 25 '21  
Date

  
Signature Property Owner(s)

Dave Gosland  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>566.6'</u>
Depth	<u>2638.4'</u>
Area	<u>26.93 ha</u>
Width of street	<u>101'</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:  
Stone House; 1.5 Storey, , 1917 SF Floor Area, 2617 Total SF, 45' wide, 52' depth  
22'6 Height  
Barn; 2 Storey, 4350 SF Floor Area, 75' Wide, 58' Deep, 28' Height

Proposed  
80' Width x 100 Depth' 40' Height' 8000 SF Total GFA. Coverall Structure. Non-Permanent Structure

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; East Side 166m, West Side 85.2m Rear 784.7m Front 238m  
Barn; East Side 218m, West Side 22m, Rear 797.8m Front 226.4 m

Proposed:  
Coverall Structure; East Side 194m, West Side 39.5m Rear 731m Front 261.2m

13. Date of acquisition of subject lands:  
August 21, 2012
- 
14. Date of construction of all buildings and structures on subject lands:  
1850 +/- Stone House
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Agricultural
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Agricultural
17. Length of time the existing uses of the subject property have continued:
18. Municipal services available: (check the appropriate space or spaces)
- |                |                          |           |                          |
|----------------|--------------------------|-----------|--------------------------|
| Water          | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers   | <input type="checkbox"/> |           |                          |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
RHOP
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
A1, P7
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.