



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 22-18
Date: September 22, 2022
Time: 1:00 p.m.
Location: Room 264, 2nd Floor, City Hall (hybrid) (RM)
71 Main Street West

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

	Pages
1. PREVIOUSLY TABLED	
2. SUBURBAN	
2.1. 1:15 p.m.SC/B-22:8952 Durham Road, Stoney Creek (Ward 10) Agent: Juliana Hribljan – Barich Grenkie Owner – Danny Trombetta C/O 1349319 Ontario Inc.	5
2.2. 1:20 p.m.SC/B-22:91 34 Bridgman Lane, Stoney Creek (Ward 10) Agent: Urban Solutions – Matt Johnston Owner: 1000117072 Ontario LTD.	19
2.3. 1:25 p.m.AN/B-22:59382 Southcote Road, Ancaster (Ward 12) Agent: Urban Solutions – Matt Johnston Owner:1376412 Ontario LTD., Zeina Homes	35
2.4. 1:25 p.m.AN/A-22:191382 Southcote Road, Ancaster (Ward 12) Agent: Urban Solutions – Matt Johnston Owner:1376412 Ontario LTD., Zeina Homes	51
2.5. 1:30 p.m.AN/A-22:27950 West Crest, Ancaster (Ward 12) Owners: Natalie & Thomas Booth	63

2.6. 1:35 p.m.HM/A-22:228195 East 8th Street, Hamilton (Ward 8) 101
 Agent: Len Angelici
 Owners: Jonathan Gardner & David Blanchard

2.7. 1:40 p.m.HM/A-22:215104 East 9th Street, Hamilton (Ward 8) 123
 Agent: Arman Capsuyen
 Owner: Gerard Lazatin

3. URBAN

3.1. 1:45 p.m. HM/B-22:88533 Catharine Street North, Hamilton (Ward 2) 133
 Agent: Urban Solutions – Matt Johnston
 Owner – Gateway Solutions Group Inc.

3.2. 1:45 p.m. HM/A-22:274533 Catharine Street North, Hamilton (Ward 2) 149
 Agent: Urban Solutions – Matt Johnston
 Owner – Gateway Solutions Group Inc.

3.3. 1:50 p.m.HM/A-22:275838 Beach Boulevard, Hamilton (Ward 5) 161
 Owner: B. Chamberlain & V. Archer

3.4. 1:55 p.m.HM/A-22:282132 Albany Avenue, Hamilton (Ward 4) 175
 Owners: J. & S. Jackson-Fry

3.5. 2:00 p.m.HM/A-22:27315 Fullerton Avenue, Hamilton (Ward 3) 187
 Owners: Valdi & Mark Greco

3.6. 2:05 p.m.HM/A-22:249 837 King Street East, Hamilton (Ward 3) 203
 Agent: Design Plan Services Inc.
 Owner: Ronsen Corporation

3.7. 2:10 p.m.HM/A-22:27827 Steven Street, Hamilton (Ward 3) 227
 Owner: Joel Anthony Forget

3.8. 2:15 p.m.HM/A-22:27742 Ray Street South, Hamilton (Ward 1) 239
 Agent: Andy Tran – Suite Additions
 Owner: Richard Quinn – Quinn Investigations Inc.

3.9. 2:20 p.m.HM/A-22:2811280 Main Street West, Hamilton (Ward 1) 249

Agent: Bousfields Inc. – D. Falletta / A. Paton

Owner: McMaster University – L. Goray

3.10. 2:25 p.m.HM/B-22:90122 Florence Street, Hamilton (Ward 1) 281

Agent: A.J. Clarke – Franz Kloibhofer

Owner: Jyoti Mahwal-Jain & Neeraj Jain

4. RURAL

4.1. 2:30 p.m. AN/B-22:87 1584 Powerline Road West, Ancaster (Ward 12) 297

Agent: Ruchika Angrish

Owner: Joseph Loewith 7 Sons Limited

Purchaser: Walter & Maria Verhey

4.2. 2:35 p.m. FL/A-22:276685 Concession 4 West, Flamborough (Ward 13) 341

Owner: Wil Bartels

5. CLOSED

6. ADJOURNMENT



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/B-22:89	SUBJECT PROPERTY:	52 DURHAM ROAD, STONEY CREEK
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APPLICANTS: Owner – Danny Trombetta C/O 1349319 Ontario Inc.
Agent: Juliama Hriblian – Barich Grenkie

PURPOSE & EFFECT: 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.

	Frontage	Depth	Area
SEVERED LANDS:	29.70 m [±]	19.81 m [±]	588.69 m ² ±
RETAINED LANDS:	19.81 m [±]	23.64 m [±]	468.49 m ² ±

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

SC/B-22:89

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions..

SC/B-22:89

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

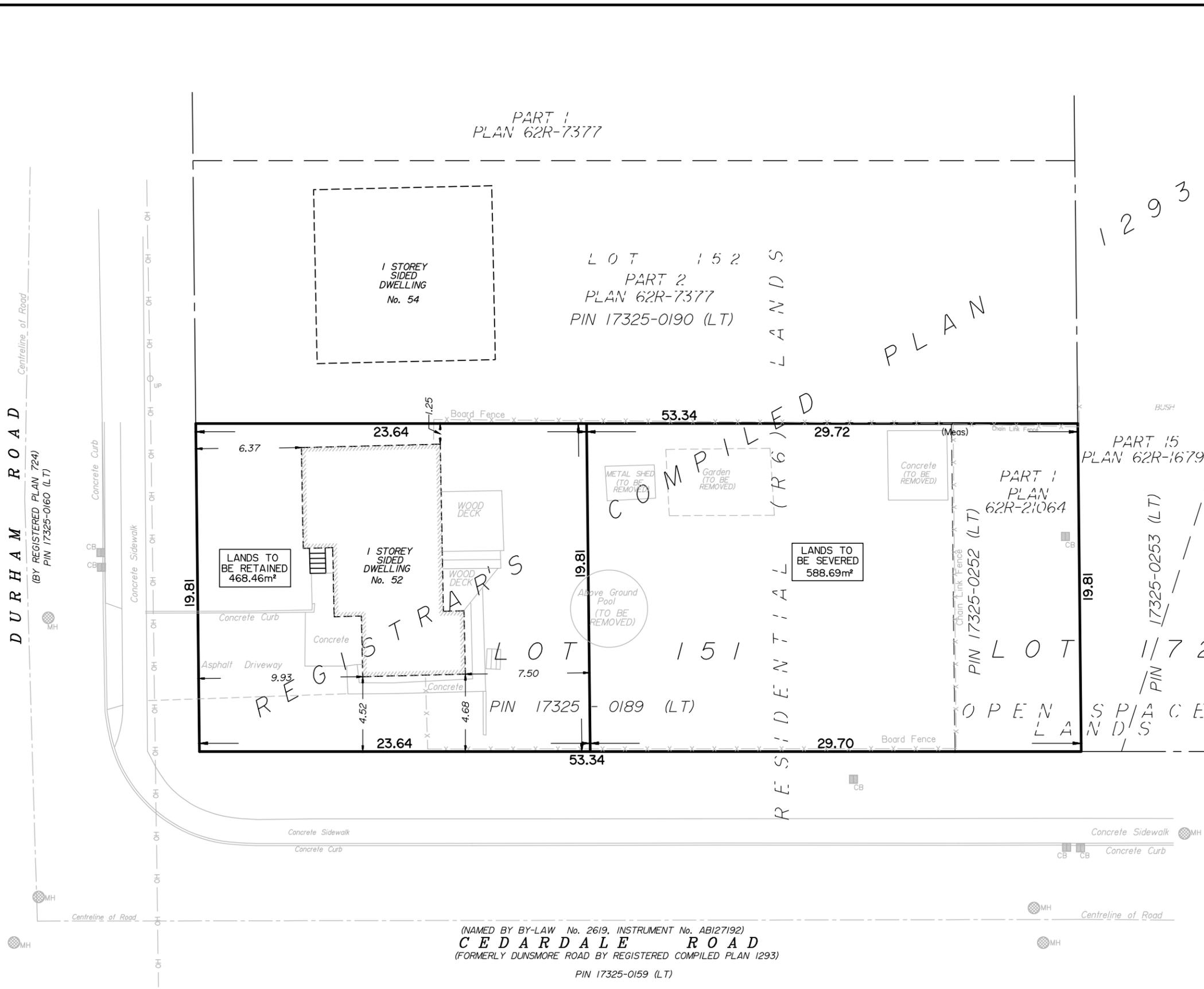
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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



ADDRESS: 52 DURHAM ROAD, STONEY CREEK

SKETCH FOR CONSENT TO SEVER APPLICATION
**PART OF LOT 151 &
 PART OF LOT 172**
**REGISTRAR'S COMPILED
 PLAN No. 1293**
**IN THE
 CITY OF HAMILTON**

SCALE & NOTES
 Scale 1:250

BARICH GRENKIE SURVEYING LTD.
 A DIVISION OF GEOMAPLE
 © COPYRIGHT 2022

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

NOTES
 1. THE SOURCE OF THE DIMENSIONS AND INFORMATION SHOWN ARE
 TAKEN FROM BARICH GRENKIE SURVEYING LTD., PLAN No.
 21-2894.

CAUTION
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED, EXCEPT
 FOR THE PURPOSE INDICATED IN THE TITLEBLOCK.

(NAMED BY BY-LAW No. 2619, INSTRUMENT No. AB127192)
CEDARDALE ROAD
 (FORMERLY DUNSMORE ROAD BY REGISTERED COMPILED PLAN 1293)
 PIN 17325-0159 (LT)

 Barich Grenkie Surveying Ltd. 297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON L8G 1E5 (905) 662-6767 A DIVISION OF GEOMAPLE	DWN BY: JMH
	CHK BY: DJ
	JOB No. 21-2894



Hamilton

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

Phone: (905) 546-2424 ext. 4221
 Email: 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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Danny Trombetta c/o 1349319 Ontario Inc		
Applicant(s)**	Julianna Hribljan Barich Grenkie Surveying Ltd.		
Agent or Solicitor	Julianna Hribljan Barich Grenkie Surveying Ltd.		

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

1.3 All correspondence should be sent to Purchaser 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°. 1293	Lot(s) 151 & 172	Reference Plan N°.	Part(s)
Municipal Address 52 Durham Road			Assessment Roll N°. 00328531800

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

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

- Other: a charge
 a lease
 a correction of title

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
29.70m	19.81m	588.69m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Metal shed, above ground pool

Proposed: N/a

Existing structures to be removed: Metal shed, above ground pool

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
19.81m	23.64m	468.49m ²

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

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: 1 storey dwelling

Proposed: n/a

Existing structures to be removed: n/a

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The application conforms with the City of Hamilton Official Plan because the proposed retained and severed lands are to remain residential properties.

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? The subject lands are zoned Residential (R6) Zone & Open Space (OS) Zone.

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

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?

Information given by owner of the property.
- 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

The subject land is designated as Built-Up Area under the Growth Plan for the Greater Golden Horseshoe Area, and conforms to the plan as residential lands.
- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)
- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No
 If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

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

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

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

n/a

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

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

8.4 How long has the applicant owned the subject land?

9 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)

- 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 ² 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 ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

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

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

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

Frontage (m):	Area (m ² or ha):
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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 ² or ha): (from Section 4.1)
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Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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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 ² 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 ² or ha): (from Section 4.1)
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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 ² 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 ACKNOWLEDGEMENT CLAUSE

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

Aug 9/22
Date


Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/B-22:91	SUBJECT PROPERTY:	34 BRIDGMAN LANE, STONEY CREEK, The Property is located between 1400 and 1540 South Service Road, Stoney Creek.
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APPLICANTS: Owner: 1000117072 Ontario LTD.
Agent: Urban Solutions – Matt Johnston

PURPOSE & EFFECT: To sever the existing Agricultural lot into two parcels, the severed lands will be a vacant lot to be sold to the abutting property and the retained lands are intended to be used for industrial purposes.

	Frontage	Depth	Area
SEVERED LANDS:	83.33 m [±]	277.83 m [±]	14,091.35 m ^{2±}
RETAINED LANDS:	190.63 m [±]	358.77 m [±]	84,608.58 m ^{2 ±}

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/B-22:91

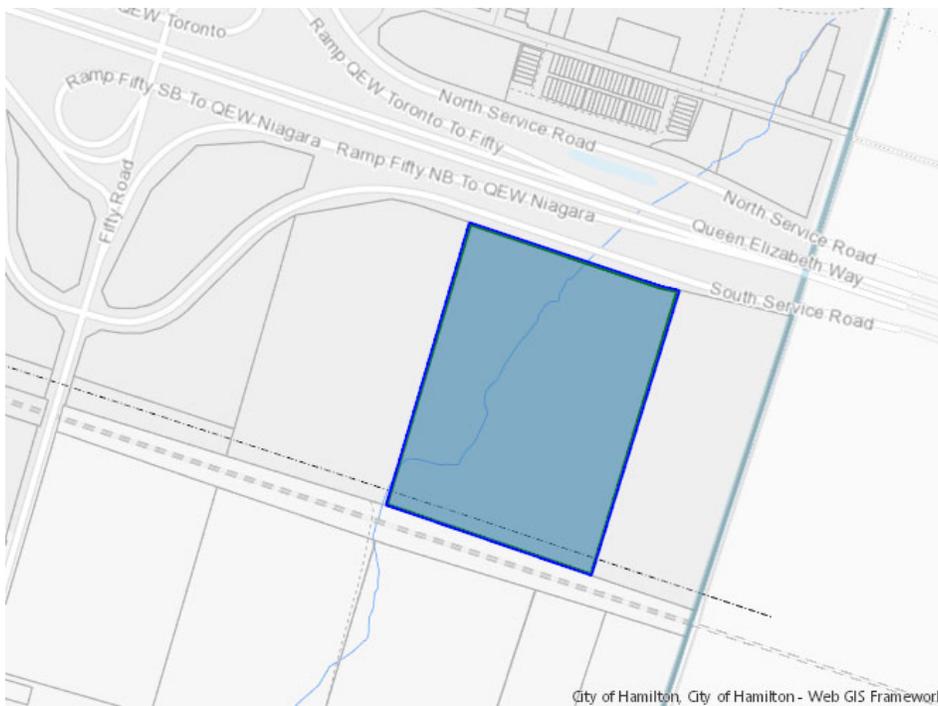
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



SC/B-22:91

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

Subject Lands

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

DATED: September 6, 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, and may include posting electronic versions..



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

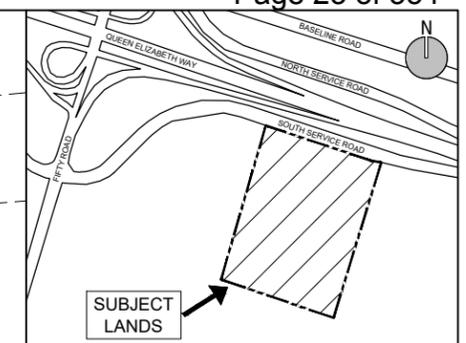
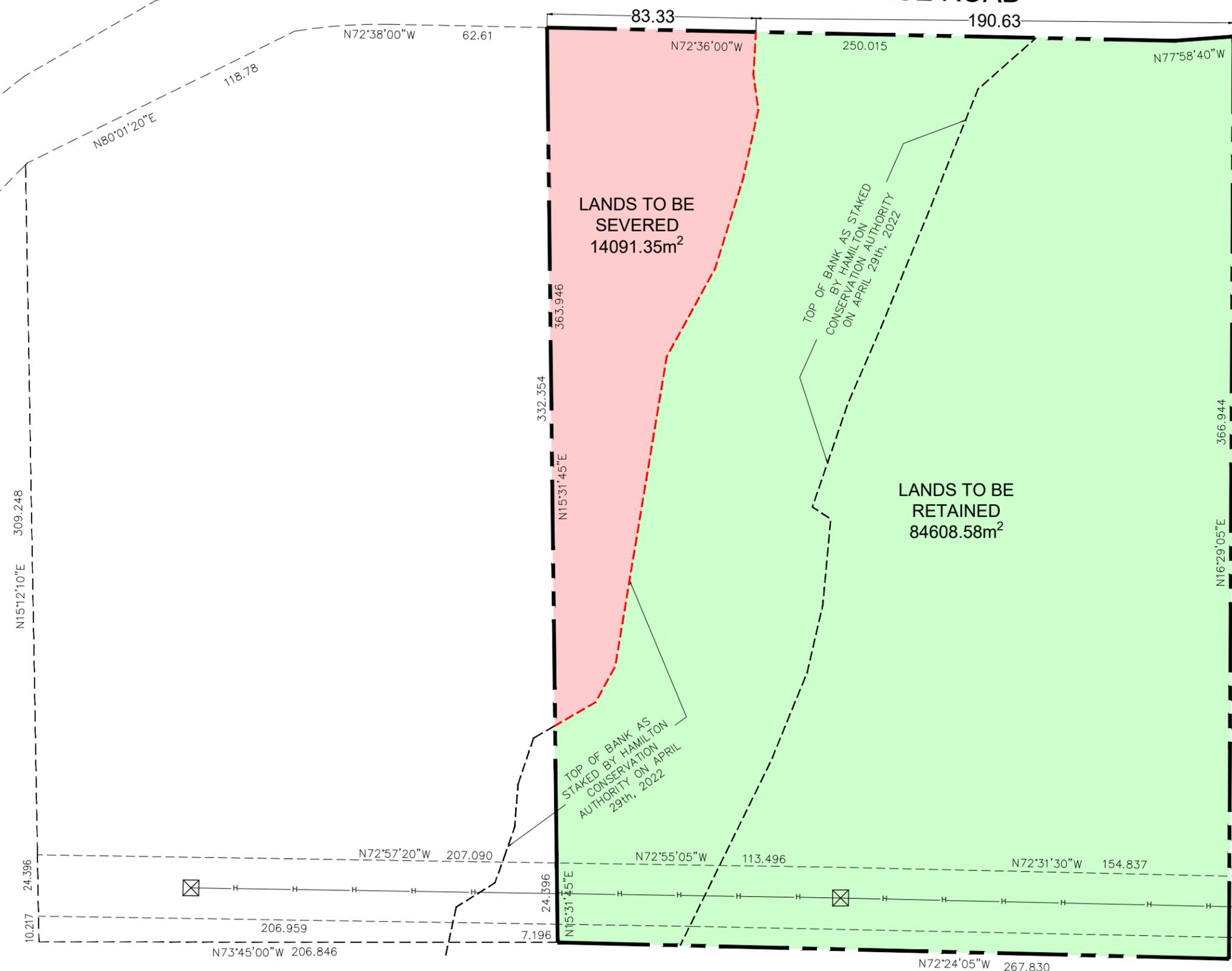
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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



SCALE 1:1750

SOUTH SERVICE ROAD



SUBJECT LANDS

KEY MAP - N.T.S.

SCALE 1:1750



LEGEND:

	SUBJECT LANDS
	EXISTING
	LANDS TO BE SEVERED
	LANDS TO BE RETAINED
	PROPOSED SEVERANCE LINE
	LIMIT OF ESA STAKED BY HAMILTON CONSERVATION AUTHORITY
	HYDRO LINES
	HYDRO EASEMENT
	HYDRO TOWER

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: S. MCKAY	CHECKED BY: M. JOHNSTON
DRAWN BY: J. STANLEY	DATE: AUGUST 25, 2022

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

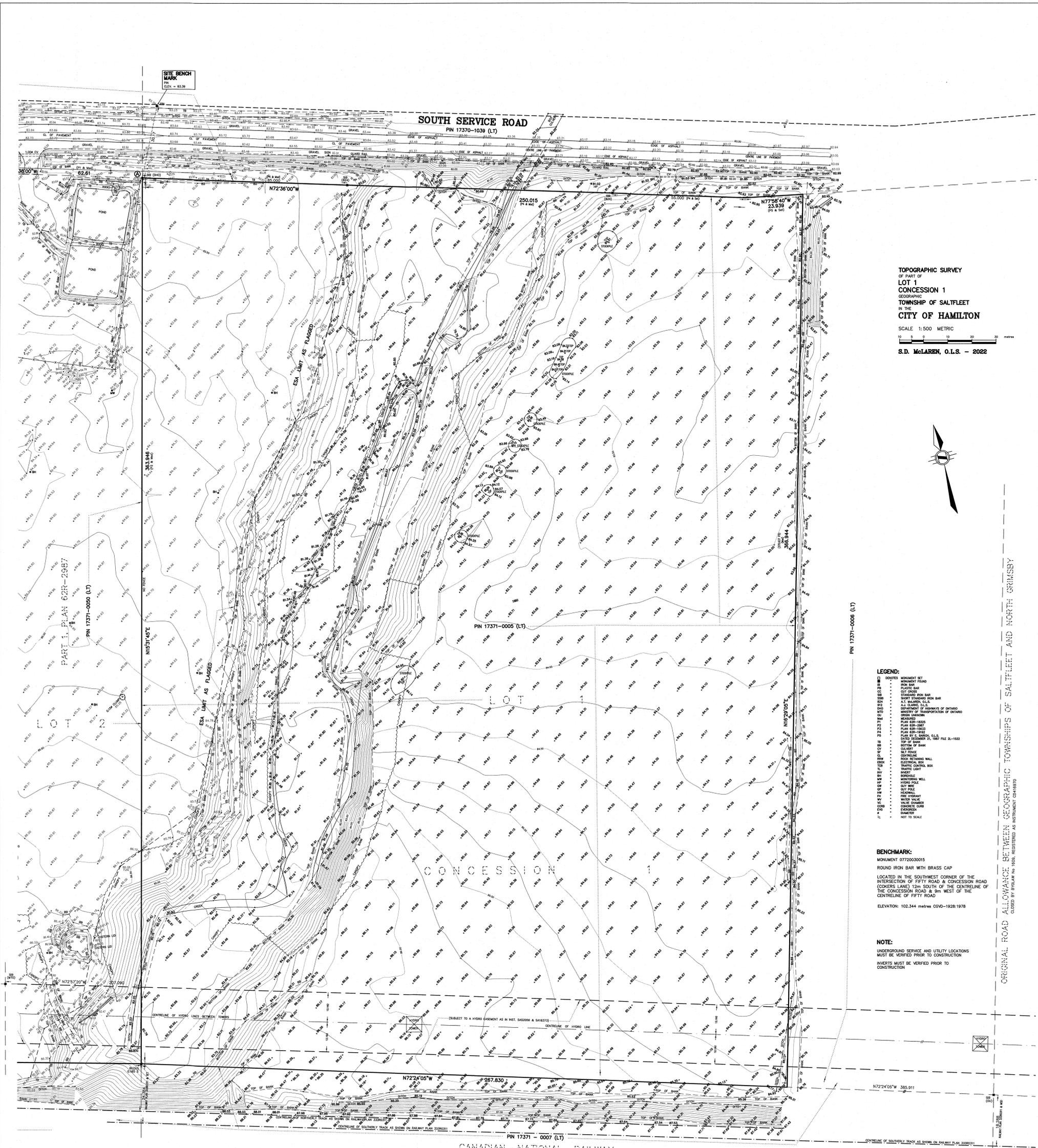
PROJECT:
34 BRIDGMAN LANE
CITY OF HAMILTON

CLIENT: **1000117072 ONTARIO LIMITED**

TITLE: **SEVERANCE SKETCH**

U/S FILE NUMBER: 415	SHEET NUMBER: 1
-------------------------	--------------------

CANADIAN NATIONAL RAILWAY



SITE BENCH
MARK
PIN - 63.39

SOUTH SERVICE ROAD
PIN 17370-1039 (LT)

TOPOGRAPHIC SURVEY
OF PART OF
CONCESSION 1
GEOGRAPHIC
TOWNSHIP OF SALTLEET
CITY OF HAMILTON
SCALE 1:500 METRIC
S.D. McLAREN, O.L.S. - 2022



- LEGEND:**
- BM BENCH MARK
 - CB CONCRETE BENCH MARK
 - CS CONCRETE SPALL BENCH MARK
 - DB DRAINAGE BENCH MARK
 - ESB ELEVATION BENCH MARK
 - IB IRON BENCH MARK
 - MB MONUMENT BENCH MARK
 - OB OBSERVATION BENCH MARK
 - SB STAINLESS STEEL BENCH MARK
 - SSB SHORT STAINLESS STEEL BENCH MARK
 - UB UNIVERSAL BENCH MARK
 - WB WOOD BENCH MARK
 - YB YELLOW BRASS BENCH MARK
 - MB MONUMENT BENCH MARK
 - CB CONCRETE BENCH MARK
 - CS CONCRETE SPALL BENCH MARK
 - DB DRAINAGE BENCH MARK
 - ESB ELEVATION BENCH MARK
 - IB IRON BENCH MARK
 - MB MONUMENT BENCH MARK
 - OB OBSERVATION BENCH MARK
 - SB STAINLESS STEEL BENCH MARK
 - SSB SHORT STAINLESS STEEL BENCH MARK
 - UB UNIVERSAL BENCH MARK
 - WB WOOD BENCH MARK
 - YB YELLOW BRASS BENCH MARK

BENCHMARK:
MONUMENT 0722003015
ROUND IRON BAR WITH BRASS CAP
LOCATED IN THE SOUTHWEST CORNER OF THE
INTERSECTION OF FIFTY ROAD & CONCESSION ROAD
(COKERS LANE) 12m SOUTH OF THE CENTRELINE OF
THE CONCESSION ROAD & 9m WEST OF THE
CENTRELINE OF FIFTY ROAD
ELEVATION: 102.344 metres CGVD-1928-1978

NOTE:
UNDERGROUND SERVICE AND UTILITY LOCATIONS
MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO
CONSTRUCTION

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF SALTLEET AND NORTH GRIMSBY
CLOSED BY ORDER OF COURT REGISTERED AS INSTRUMENT G489570

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 0.999743840

INTEGRATION DATA

OSDBS REFERENCE POINTS (OSDBS) (1982-2001), NAD83 (CSRS) (2010.0)	COORDINATES TO UTM ACCURACY FOR SEC. 1422 OF UTM ZONE 17, NAD83 (CSRS) (2010.0)
OSDBS REFERENCE POINTS (OSDBS) (1982-2001), NAD83 (CSRS) (2010.0)	COORDINATES TO UTM ACCURACY FOR SEC. 1422 OF UTM ZONE 17, NAD83 (CSRS) (2010.0)
OSDBS REFERENCE POINTS (OSDBS) (1982-2001), NAD83 (CSRS) (2010.0)	COORDINATES TO UTM ACCURACY FOR SEC. 1422 OF UTM ZONE 17, NAD83 (CSRS) (2010.0)

CANADIAN NATIONAL RAILWAY

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, S.D. McLAREN, O.L.S., do hereby certify that the above is a true and correct copy of the original plan as shown on the ground and as shown on the plan, and that the same has been examined and found to be correct and true.

DATE: Mar 23, 2022
S.D. McLAREN, O.L.S.

A.T. McLaren Limited
LAWYERS AND ENGINEERS
100 GERRARD STREET EAST, SUITE 100
TORONTO, ONTARIO M5E 1B3
PHONE: (416) 593-8888 FAX: (416) 593-8833
WWW.ATMCLAREN.COM



August 25, 2022

415-21

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

**Re: 34 Bridgman Lane, Hamilton
Consent to Sever Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of 1000117072 Ontario Ltd., for the lands municipally known as 34 Bridgman Lane, in the City of Hamilton. Please accept the enclosed Application for Consent to Sever to facilitate the severance of the subject property on their behalf.

The 9.78 ha (24.16 acre) property is located on the southern side of South Service Road, east of Fifty Road, municipally known as 34 Bridgman Lane, which is a private lane that terminates south of the CN rail corridor. The vacant parcel is designated as "Business Park" in the Urban Hamilton Official Plan and is predominantly located in the Prestige Business Park (M3) Zone of the City of Hamilton Zoning By-law 05-200, while a portion of the site is zoned Conservation/Hazard Land (P5) to reflect the water course that bisects the property.

Purpose of the Application

The purpose of the Consent Application is to sever the 34 Bridgman Lane property into two separate parcels, with the severance line following the P5 Zone boundary on site. There is one (1) lot to be retained as labeled on the corresponding Sketch of Land Division for this application. The retained lot is proposed to have a lot area of +/- 84,608.958 m² and a frontage of +/- 190.63 m. The severed lot will have a lot area of +/- 14,091.35 m² with +/- 83.33 m of frontage. The proposed severance is illustrated on the enclosed Sketch of Land Division and both lots conform to City of Hamilton Zoning By-law 05-200.

To assist in the evaluation of the application, please refer to the enclosed Sketch of Land Division.

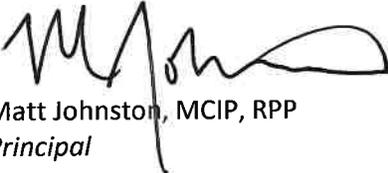
Based on the above analysis, UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands.

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

- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Topographic Survey prepared by A.T. McLaren;
- One (1) copy of the Consent to Sever Sketch, prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$2,985.00** made payable to the City of Hamilton for the Consent to Sever Application fee.

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

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Scott Beedie, BURPI
Planner

cc: 1000117072 Ontario Ltd.
Councillor M. Pearson, Ward 10, City of Hamilton (via Email)



Hamilton

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

Phone: (905) 546-2424 ext. 4221
 Email: 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

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone: E-mail:
Registered Owners(s)	1000117072 Ontario Ltd.		
Applicant(s)**	Same as Owner		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
City of Hamilton	1	1	Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.
34 Bridgman Lane			

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:

Easement for Hydro Towers

3 PURPOSE OF THE APPLICATION

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

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

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

- Other: a charge
 a lease
 a correction of title

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

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot

- Other: a charge
 a lease
 a correction of title
 an easement

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

Unknown

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed (lease, easement, charge etc.):

Frontage (m)	Depth (m)	Area (m ² or ha)
83.33m	277.83m	14,091.35m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

- Residential Industrial Commercial
 Agriculture (includes a farm dwelling) Agricultural-Related Vacant
 Other (specify) Unknown (To be sold to abutting property)

Building(s) or Structure(s):

Existing: N/A

Proposed: Unknown

Existing structures to be removed: 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)

4.2 Description of land intended to be Retained (remainder):

Frontage (m)	Depth (m)	Area (m ² or ha)
190.63m	358.77m	84,608.58m ²

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

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: Industrial Use

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity telephone school bussing garbage collection

5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable): Please refer to cover letter.

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

Please refer to 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? Prestige Business Park, M3, Zoning By-law 05-200.

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"/>	

*Complete MDS Data Sheet if applicable

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?

Consultation with the 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

Please refer to cover letter.

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

Please refer to cover letter.

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

Please refer to 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

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

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)

N/A

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

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

N/A

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

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

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

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

N/A

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

N/A

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

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

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.

Unknown

9 OTHER APPLICATIONS

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

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

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)

- 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 ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

Please refer to cover letter.

12 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.

8/19/22
 Date


 Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/B-22:59	SUBJECT PROPERTY:	382 SOUTHCOTE ROAD, ANCASTER
-------------------------	-------------------	--------------------------	---------------------------------

APPLICANTS: Owner 1376412 Ontario Ltd., Zeina Homes
Agent Urban Solutions – M. Johnston

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain two (2) parcels of land for residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	12.2 m [±]	37.96 m [±]	466.98 m ² [±]
RETAINED LANDS:	12.2 m [±]	37.88 m [±]	459.25 m ² [±]
RETAINED LANDS:	15.28 m [±]	38.04 m [±]	559.58 m ² [±]

Associated Planning Act File(s): This file is heard in conjunction with Application Number: AN/A-22:191.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

AN/B-22:59

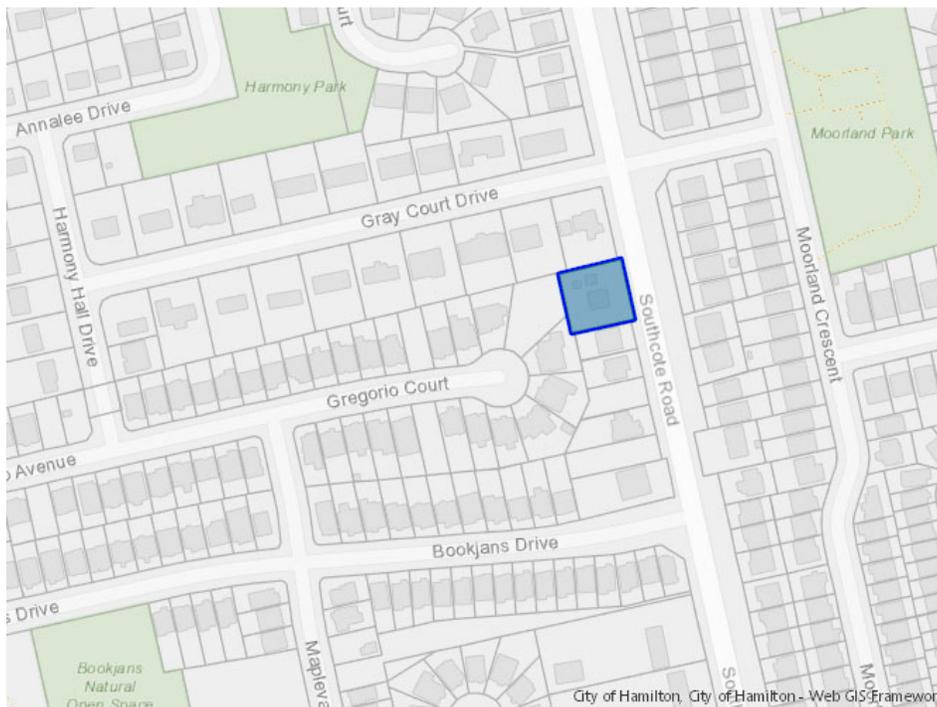
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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, calling in or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



DATED: September 6, 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, and may include posting electronic versions..

AN/B-22:59

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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



May 30, 2022

445-22

Via Delivered & Email

Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 382 Southcote Road, Hamilton ON
Minor Variance and Consent to Sever Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) has been retained to act as the authorized planning consultant for Zeina Homes, for the lands municipally known as 382 Southcote Road, Ancaster (Subject Lands). Please accept the enclosed Application for Consent to Sever and Minor Variance of the subject lands on their behalf.

The Subject Lands are currently vacant and located on the west side of Southcote Road, south of Gray Court Drive in the City of Hamilton. The lands are designated *Neighbourhoods* on Schedule E-1 – Urban Land Use Designation in the Urban Hamilton Official Plan. The lands are currently *Zoned Agriculture (A-216)* in the Ancaster Zoning By-law No. 87-57. The Subject Lands are designated *Low Density Residential 1a* in the Garner Neighbourhood Secondary Plan, Land Use Plan Map B.2.3-1.

Purpose of this Application

The purpose of the Consent to Sever application is to sever an existing 1485.91m² parcel with a lot frontage of 39.67m into three (3) separate parcels. The lands to be retained are proposed to have a lot area of 559.58m² (1) and 459.25m² (2) and frontages of 15.28m (1) and 12.20m (2) respectively. In addition, the lands to be severed will have a lot area of 466.98m² (3) with frontage of 12.20m (3). The proposed severance is illustrated on the enclosed Committee of Adjustment Sketch.

The application represents good land use planning and satisfies Section 53(1) of *The Planning Act*, R.S.O. 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands.

The purpose of the Minor Variance application is to address the nonconformities caused by severances. To facilitate the severance, the following variances are required for the lands to be retained:

1. To permit a minimum frontage of 12.20 metres, whereas 30.00 metres is required.

2. To permit a minimum lot area of 459.25 metres squared, whereas 1850.00 metres squared is required.
3. To permit a side yard of 1.20 metres whereas 3.00 metres is required.

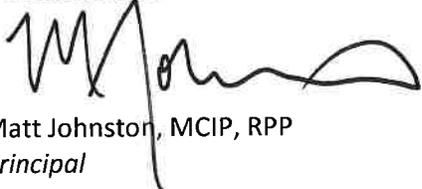
Section 45(1) of *The Planning Act*, R.S.O, 1990, as amended, requires any Minor Variance application to satisfy four tests. The proposed severance allows the property to accommodate three new residential dwellings, representing appropriate infill for the site and supporting the 'Neighbourhoods' land use designation attributed to the site. As such, the proposed variances satisfy the four-tests contained within Section 45(1) of *The Planning Act* as they conform to the Urban Hamilton Official Plan, and the Former Ancaster Zoning by-law are minor in nature and represent good land use planning.

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

- One (1) completed and signed Consent to Sever application form;
- One (1) completed and signed Minor Variance application form;
- One (1) Severance Sketch with the respective minor Variances identified, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$2,985.00**, made payable to the City of Hamilton; and
- One (1) cheque in the amount of **\$3,465.00**, made payable to the City of Hamilton.

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

Kind Regards,
UrbanSolutions

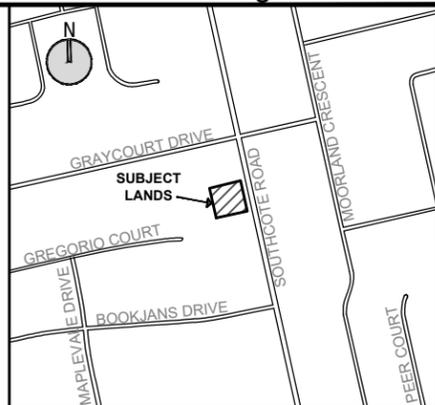
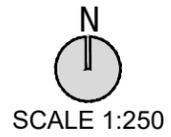
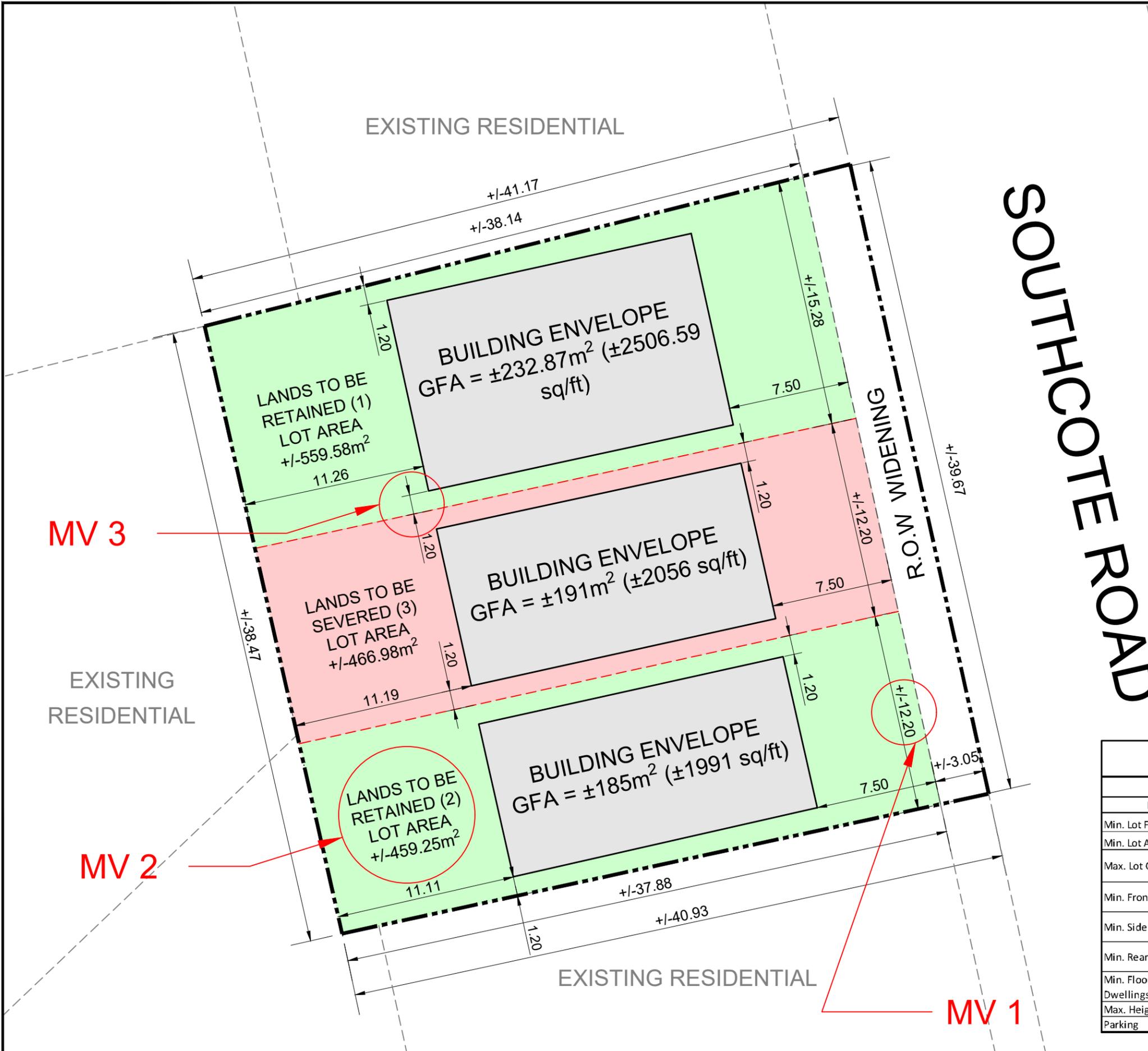


Matt Johnston, MCIP, RPP
Principal

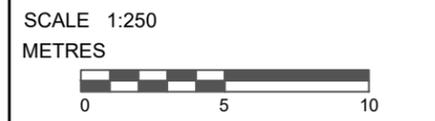


James Stanley, BA (Hons)
Planning Technician

cc: Ali Alaichi, Zeina Homes
Cllr. Ferguson



KEY MAP - N.T.S.



- LEGEND**
- SUBJECT LANDS
 - LANDS TO BE SEVERED
 - LANDS TO BE RETAINED
 - PROPOSED SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: J. STANLEY CHECKED BY: S. ERICKSON
DRAWN BY: J. STANLEY DATE: MAY 13, 2022

DEVELOPMENT STATISTIC CHART		
AGRICULTURAL "A" ZONE		
ITEMS	REQUIRED	PROPOSED
Min. Lot Frontage	30.00m	12.20m* (MV1)
Min. Lot Area	1850.00m ²	459.25m ² * (MV2)
Max. Lot Coverage	Up to 4 Hectares: 400.00m ²	235m ²
Min. Front Yard	For Dwellings: 7.50m	7.50m
Min. Side Yard	For Dwellings: 3.00m	1.20m* (MV3)
Min. Rear Yard	For Dwellings: 9.00m	11.11m
Min. Floor Area for Dwellings	100.00m ²	185.00m ²
Max. Height	10.50m	6.00m
Parking	2 Spaces	2 Spaces

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
ZEINA HOMES
382 SOUTHCOTE ROAD
CITY OF HAMILTON

TITLE:
COMMITTEE OF ADJUSTMENT SKETCH

U/S FILE NUMBER: 445-22 SHEET NUMBER: 1

MV 3

MV 2

MV 1



Hamilton

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

Phone: (905) 546-2424 ext. 4221

Email: 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

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone:
			E-mail:
Registered Owners(s)	1376412 Ontario Limited c/o Zeina Homes		
Applicant(s)**	Same as Owner		
Agent or Solicitor	Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston		

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

1.3 All correspondence should be sent to Purchaser 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)	Reference Plan N°.	Part(s)
Municipal Address 382 Southcote 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:

N/A

3 PURPOSE OF THE APPLICATION

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

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

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

Other: a charge
 a lease
 a correction of title

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

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot

Other: a charge
 a lease
 a correction of title
 an easement

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

Unknown

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
12.2m	37.96 m	466.98m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Single-detached

Proposed: Single-detached

Existing structures to be removed: Yes

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 12.2m and +/-15.28m	+/-37.88 and +/- 38.04m	+/-459.25m ² and +/-559.58m ²

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

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: Single - detached

Proposed: Single - detached

Existing structures to be removed: _____

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable) Please refer to Cover Letter

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

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? Agriculture "A-216" zone in the Town of Ancaster zoning By-Law No. 87-57

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"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 Consultation With Owner
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 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
 See Cover Letter
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
 See Cover Letter
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
 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
 N/A
- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
 (Provide Explanation)
 N/A
- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No
 If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)
 N/A
- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

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

Yes No (Provide Explanation)

N/A

8 HISTORY OF THE SUBJECT LAND

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

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

N/A

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

N/A

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

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

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.

Unknown

9 OTHER APPLICATIONS

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

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

N/A

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

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

File number _____ Status Concurrent Minor Variance 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 ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

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

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

Please refer to cover letter.

12 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.

May 24th 2022
 Date


 Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-22:191	SUBJECT PROPERTY:	382 SOUTHCOTE ROAD, ANCASTER
ZONE:	"A-216" (Agricultural)	ZONING BY-LAW:	Zoning By-law 87-57, as Amended 02-174

APPLICANTS: Agent Urban Solutions – M. Johnston
Owners 1376412 Ontario Ltd., - Zeina Homes

The following variances are requested:

1. A minimum lot area of 445.0m² shall be permitted for each lot instead of the minimum 1850.0m² lot area required.
2. A minimum lot frontage of 12.0m shall be permitted for each lot instead of the minimum 30.0m lot frontage required.
3. A minimum side yard of 1.2m shall be permitted for each lot instead of the minimum 3.0m side yard required.

PURPOSE & EFFECT: To permit the creation of three (3) lots for single detached dwelling purposes as per Consent Application AN/B-22:59.

Notes:

These variances are necessary to facilitate Land Severance Application AN/B-22:59.

The applicant shall ensure compliance with all other aspect of the zoning By-law (i.e. lot coverage, maximum height, parking, etc.); otherwise, further variances shall be required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

AN/A-22:191

DATE:	Thursday, September 22, 2022
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

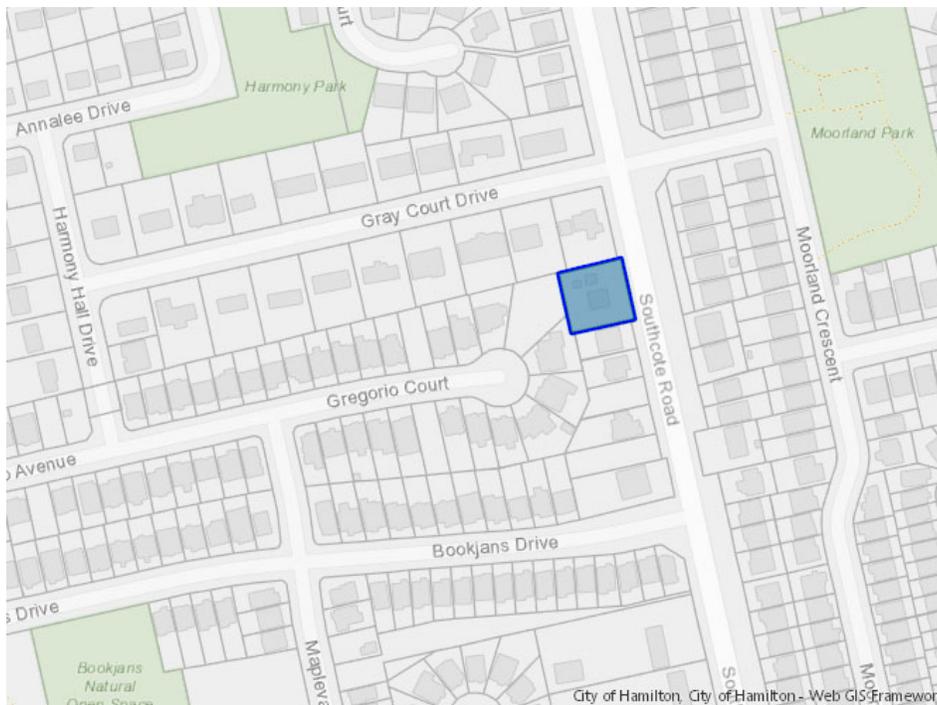
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 Subject Lands

AN/A-22:191

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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August 23, 2022

445-22

Via Email & Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: 382 Southcote Road, Ancaster
Consent to Sever and Minor Variance Applications
AN/A-22:191 & AN/B-22:59**

As you know, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Zeina Homes c/o 1376412 Ontario Limited, the registered owner of the lands municipally known as 382 Southcote Road, in the former Township of Ancaster (subject lands).

The subject applications were heard at the June 14th, 2022, Committee of Adjustment hearing where the decision was tabled to allow the owner to consider possible revisions to the proposal in response concerns raised by Committee members and an abutting landowner. As such, this revised submission reconfigures the lot widths in efforts to address the comments received.

As revised with this submission, the Consent to Sever application continues to propose the severance of an existing 1492.95m² parcel with a lot frontage of 39.56m into three (3) separate parcels. Lot A (Retained) is proposed to have an area of 448.66m² and a frontage of 12.16m. Lot B (Severed) is proposed to have an area of 522.55m² and a frontage of 13.70m. Lastly, Lot C (Retained) will have a lot area of 521.74m² with a frontage of 13.70m. The proposed severance is illustrated on the enclosed Committee of Adjustment Sketch.

The Minor Variance application proposed is required to facilitate the Consent to Sever application and bring the parcels into conformity with the Zoning By-Law. The proposal required three (3) variances. The requested variances are as follows:

Lots A, B, and C:

- **Variance No. 1:** A minimum lot width of 12.00 metres shall be provided instead of a minimum required 30.00 metres.
- **Variance No. 2:** A minimum lot area of 445.00 square metres shall be provided instead of the minimum required 1,850.00 square metres.

- **Variance No. 3:** A minimum side yard width of 1.20 metres shall be provided instead of the minimum required 3.00 metres.

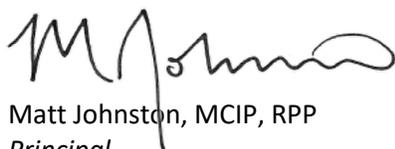
The requested variances satisfy the 4 tests described in Section 45 of the *Planning Act* as they conform to the intent of Urban Hamilton Official Plan, and the Former Ancaster Zoning by-law, are minor in nature and are desirable for the appropriate development of the lands. Chapter E.2.6 confirms the intent of the Neighbourhoods designation within the Urban Hamilton Official Plan wherein “*Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.*” Further, Chapter G – Glossary - Compatibility/compatible: *means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.* These variances are necessary to address the isolated and outdated Agricultural zoning regulations affecting the site and allowing them to be developed in a manner more in keeping with the surrounding low density residential uses.

Finally, the Consent to Sever application satisfies Section 53 of the *Planning Act* as a plan of subdivision is not necessary for the proper and orderly development of the municipality as this will be secured through an appropriate list of conditions of approval, including the inclusion of a Consent Agreement to securing lot grading, servicing and stormwater management.

In support of this recirculation, please find enclosed one (1) PDF of the revised Committee of Adjustment Sketch and one cheque in the amount of **\$200.00** made payable to the City of Hamilton for the recirculation fee. At this time, we request to be put on the next available Committee of Adjustment agenda.

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

Regards,
UrbanSolutions

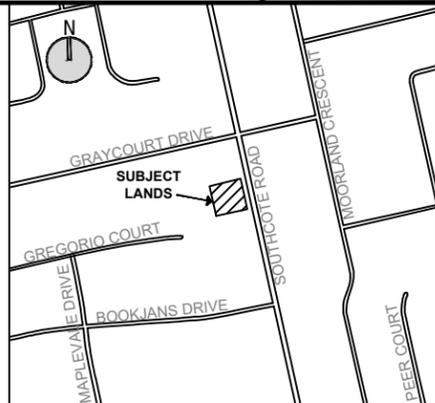
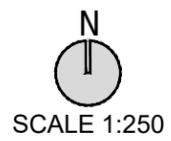
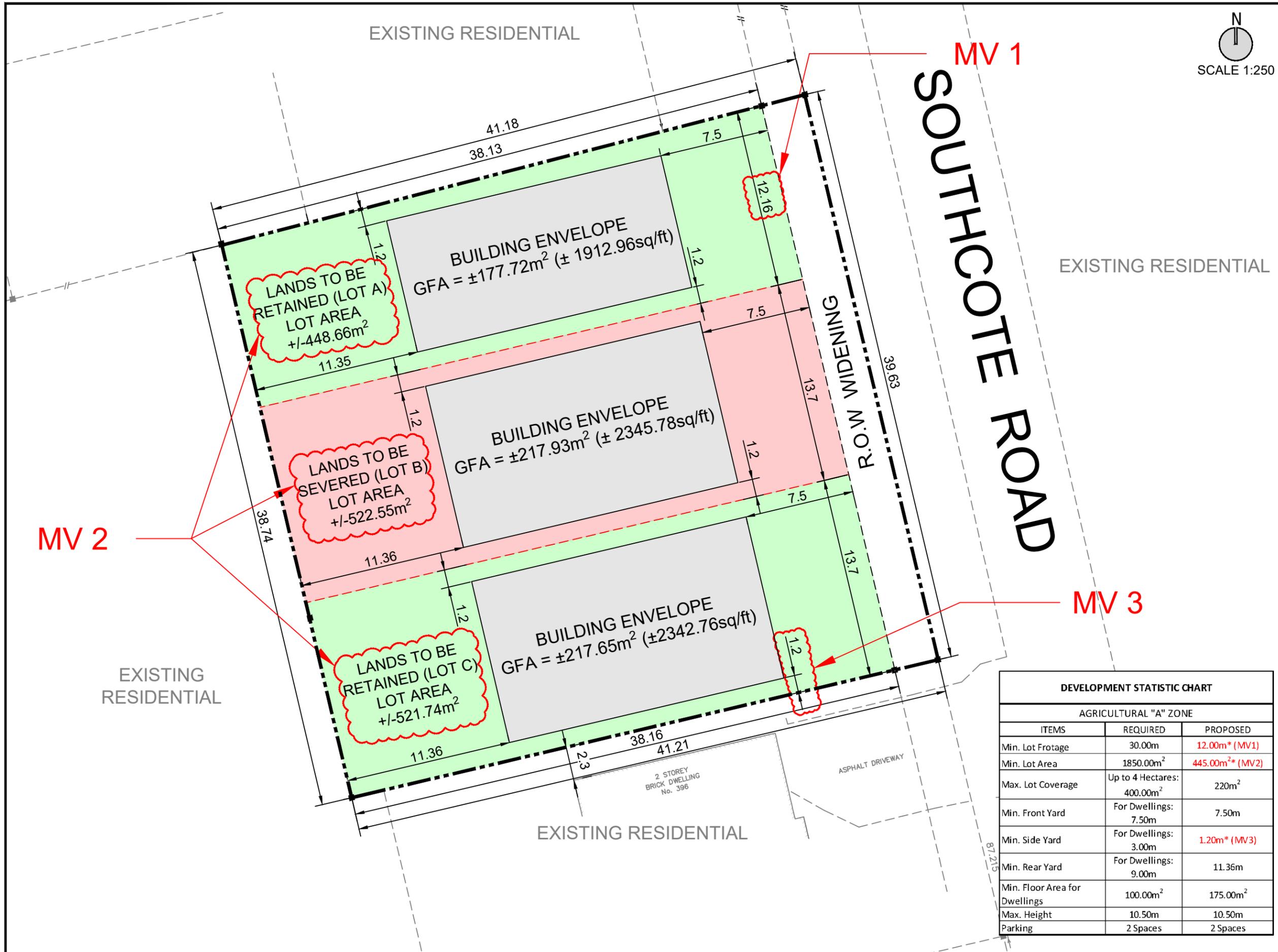


Matt Johnston, MCIP, RPP
Principal

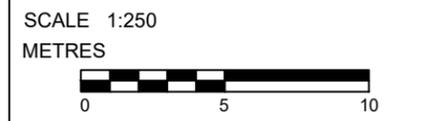


James Stanley, BA
Planning Technician

cc: Zeina Homes c/o Ali Alaichi



KEY MAP - N.T.S.



- LEGEND**
- SUBJECT LANDS
 - LANDS TO BE SEVERED
 - LANDS TO BE RETAINED
 - PROPOSED SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: J. STANLEY CHECKED BY: S. ERICKSON
DRAWN BY: J. STANLEY DATE: AUGUST 23, 2022

DEVELOPMENT STATISTIC CHART		
AGRICULTURAL "A" ZONE		
ITEMS	REQUIRED	PROPOSED
Min. Lot Frontage	30.00m	12.00m* (MV1)
Min. Lot Area	1850.00m ²	445.00m ² * (MV2)
Max. Lot Coverage	Up to 4 Hectares: 400.00m ²	220m ²
Min. Front Yard	For Dwellings: 7.50m	7.50m
Min. Side Yard	For Dwellings: 3.00m	1.20m* (MV3)
Min. Rear Yard	For Dwellings: 9.00m	11.36m
Min. Floor Area for Dwellings	100.00m ²	175.00m ²
Max. Height	10.50m	10.50m
Parking	2 Spaces	2 Spaces

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
ZEINA HOMES
382 SOUTHCOTE ROAD
CITY OF HAMILTON

TITLE:
COMMITTEE OF ADJUSTMENT SKETCH

U/S FILE NUMBER: 445-22 SHEET NUMBER: 1



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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	1376412 Ontario Limited c/o Zeina Homes	
Applicant(s)*	Same as Owner	
Agent or Solicitor	Urban Solutions Planning and Land Development Consultants Inc. c/o Matt Johnston	

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:

Please refer to Cover Letter

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to 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**):

382 Southcote Road, Ancaster

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant

Other _____

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

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

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?
Consultation with 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.

May 30 2022
Date
Signature Property Owner(s)
Ali Al-Ricchi
Print Name of Owner(s)

10. Dimensions of lands affected:
Frontage +/- 39.69 m
Depth +/- 37.88 m
Area +/- 1606.39 m²
Width of street +/- 20 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
Existing:
One storey single detached dwelling and movable shipping container

Proposed
Please refer to Cover Letter

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:
Please refer to Sevrenace Sketch

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 residential
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
Water Connected
Sanitary Sewer Connected
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
The Subject Lands are Designated "Neighbourhoods" in the Urban Hamilton Official Plan
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
The subject lands are currently located in the Agriculture "A" Zone in the Town of Ancaster By-law No. 87.57
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
Concurrent Minor Variance application
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
Please refer to enclosed Cover Letter
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/A-22:279	SUBJECT PROPERTY:	50 WEST CREST STREET, ANCASTER
ZONE:	"ER" (Existing Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended 18-105

APPLICANTS: Owners: Natalie & Thomas Booth

The following variances are requested:

1. The accessory buildings shall be permitted to be located 1.5m from the rear lot line instead of the minimum required 7.5m setback.
2. A height of 6.5 metres shall be provided for the proposed pool shed instead of the maximum permitted building height of 4.5m metres for any accessory building.
3. A height of 5.7 meters shall be provided for the proposed gazebo instead of the maximum permitted building height of 4.5m for any accessory building.

PURPOSE & EFFECT: To permit the construction of two new accessory buildings (pool shed and gazebo) in the rear yard of the existing single detached dwelling.

Notes:

1. The Ancaster Zoning By-law 87-57 permits eaves and gutters associated with an accessory building to project a maximum of 30 centimeters in a required minimum setback area. Insufficient information has been provided in order to determine zoning compliance. Further variances will be required if compliance cannot be achieved.
2. Please be advised that the property is subject to site plan control.

AN/A-22:279

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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AN/A-22:279



 Subject Lands

DATED: September 6, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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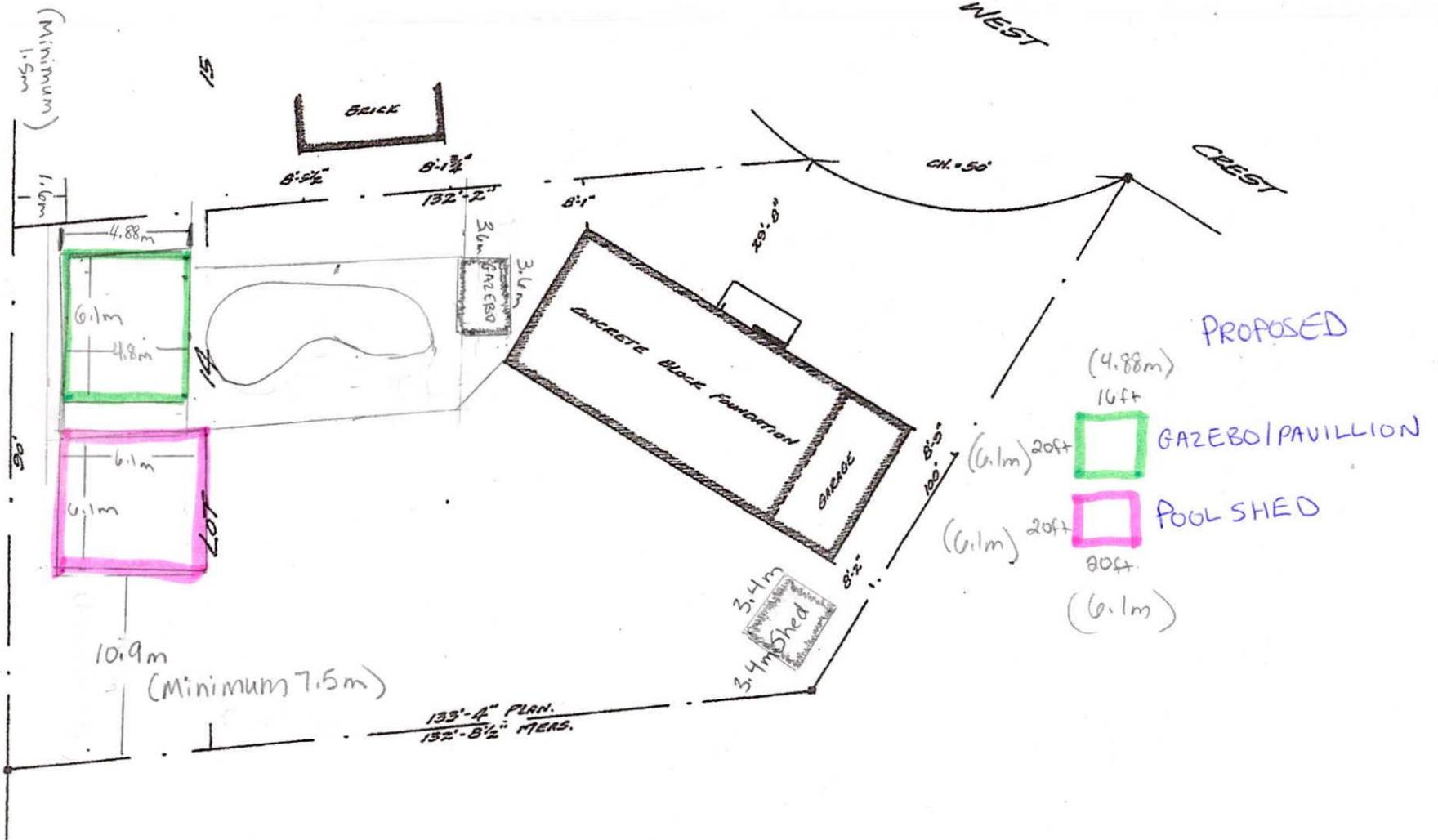
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PLAN OF SURVEY OF
LOT 14, PINECREST SURVEY,
REGISTERED PLAN 935.
TOWNSHIP OF ANCASTER
SCALE 1" = 20'

0.10cm ≈ 27.7cm

BOOTH
50 WEST CREST
ANCASTER ON L9G2 P1



12 LOCATION OF PROPOSED AND EXISTING BUILDINGS
(section 12)

Map Attachment #2

(Section 6)

PINE CREST SURVEY

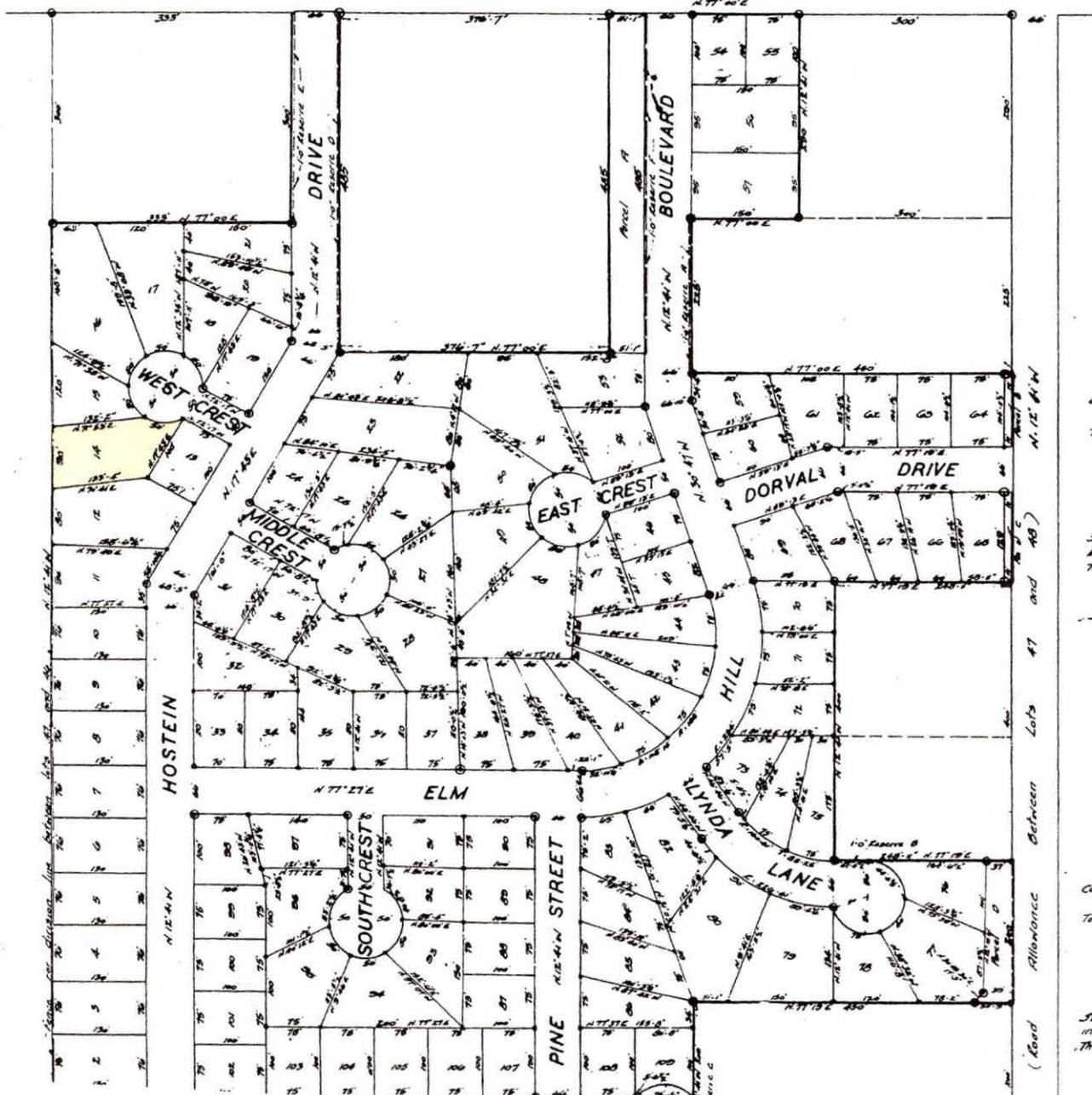
BEING A SUBDIVISION OF
PART OF LOT 47, CONCESSION 3

TOWNSHIP OF ANCASTER

SCALE: 1:100'

He hereby
of this plan
witness
witness
witness
witness
witness
witness
witness
witness

(Good Allowance between Concessions 2 and 3)



I, CLAUDE B. BELL, of
 (a) I was present at
 represented by
 (b) this plan accurately
 have been surveyed
 (c) every angle of the
 survey thereof
 angle of each street
 (d) I have indicated
 the monuments
 (e) the monuments to
 Section 13 of the
 (f) the Survey was
 and the Survey
 (g) the Survey has
 all the provisions
 relating thereto.
 Dated at Hamilton

AFFIDAVIT
County of West North

To wit:

Sworn before me
in the County of
This 1st day of

a Commissioner of

Lots 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
 within the red lines
 to my instructions
 are hereby dedicated
 Area 9 is hereby dedicated
 witness

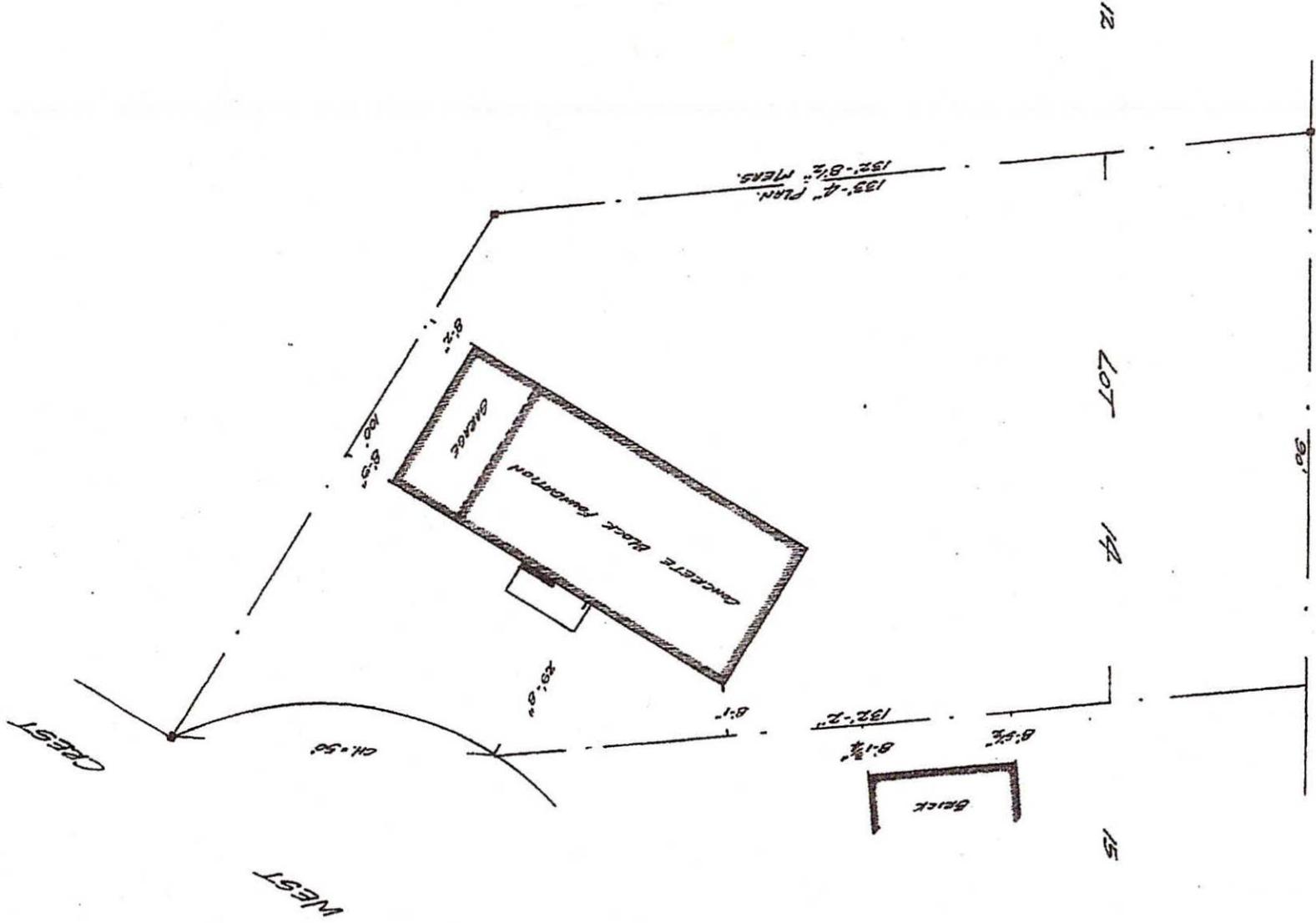
AFFIDAVIT
County of West North

To wit:

Sworn before me
in the County of
This 1st day of

Hamilton Golf and Country Club

Map Attachment 2b
(Section 6)



PLAN OF SURVEY OF
 LOT 14, PINECREST SURVEY,
 REGISTERED PLAN 935,
 TOWNSHIP OF ANCASTER
 SCALE: 1" = 20'

12

LOT

14

15

90'

EAST

WEST

Attachment 4
(section 11)

Particulars of all Buildings and Structures

50 West Crest, Ancaster ON L9G 2P1

Lot 14, RP. 935

ZONING	LOT NO:	PLAN NO:	LOT AREA:	LOT FRONTAGE	LOT DEPTH
ER	14	935	1254.53 m2	15.24m	70m (approx)

DESCRIPTION	WIDTH	DEPTH	NO. OF STORIES HEIGHT	EXISTING LOT COVERAGE	PROPOSED ADDITONS	%
Single Family	19.30m	8.0m	1 (approx 5.5m)	154.4 m2		12.31
Shed	3.048m	3.048m	(approx 3m)	9.29 m2		0.74
Gazebo	3.658m	3.658m	(approx 3.5m)	13.38 m2		1.07
Accessory Building Pavilion	4.8768m	6.096m	5.7m		29.73 m2	2.37
Accessory Building Pool Shed	6.096m	6.096m	6.5m		37.16 m2	2.96
Totals				177.07 m2	66.89 m2	19.45
				243.96 m2		19.45

Required

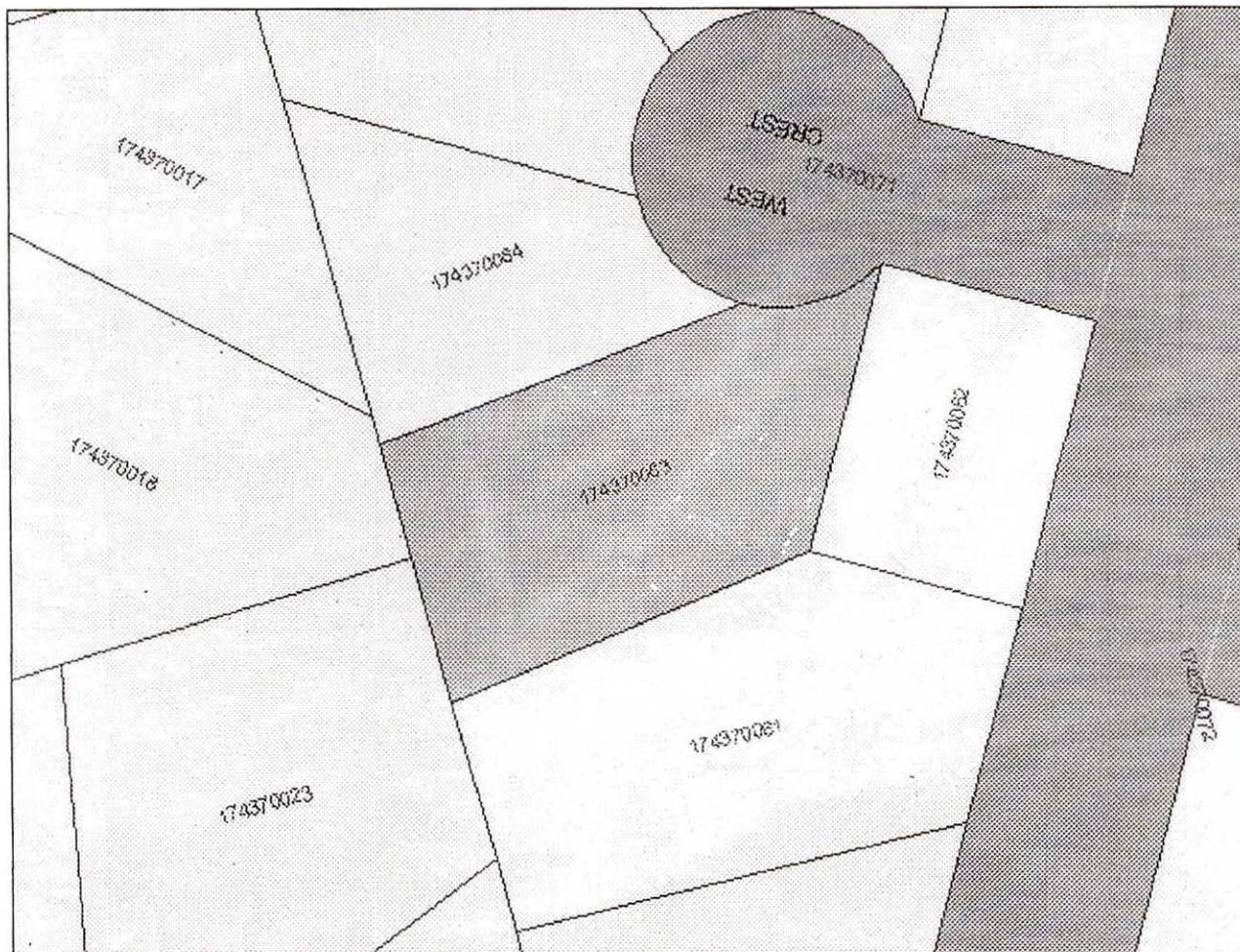
SETBACKS	EXISTING	PROPOSED
Rear	7.5m	1.5m
Side	1.5m	1.5m

Required

BUILDING Height	EXISTING	PROPOSED
Pool Shed	4.5m	6.5m
"Pavilion/Gazebo"	4.5m	5.7m

SALES HISTORY AND SUBJECT PROPERTY MAP REPORT

Sun Feb 11 19:22:49 EST 2007



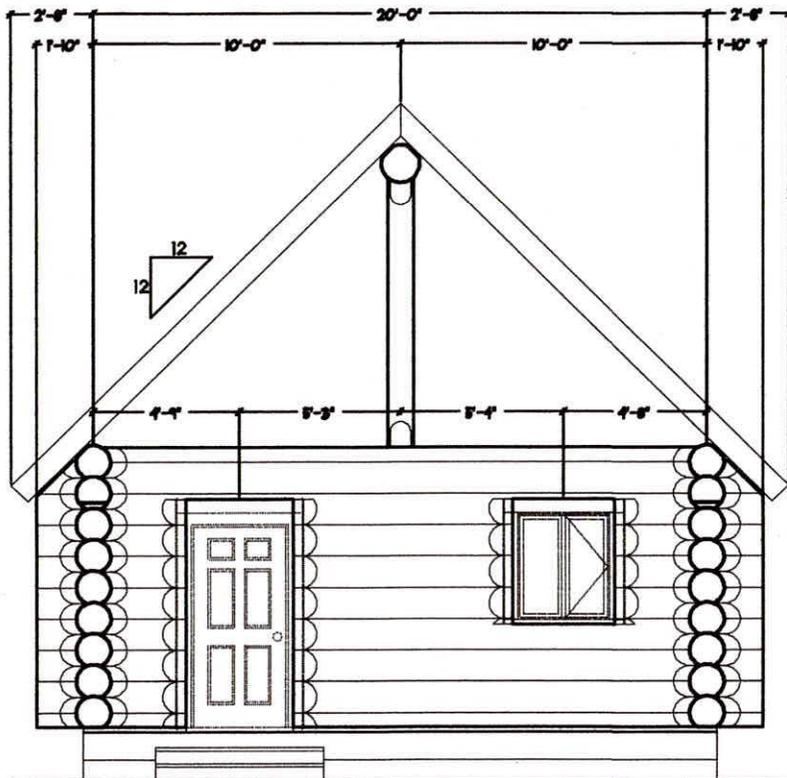
Subject Property Polygon
 Parcel Polygons
 Roads
 Railways
 Water Limits
 Easement Limits
 Subject Property Point
 Neighbourhood Sales Points

0 10 m.

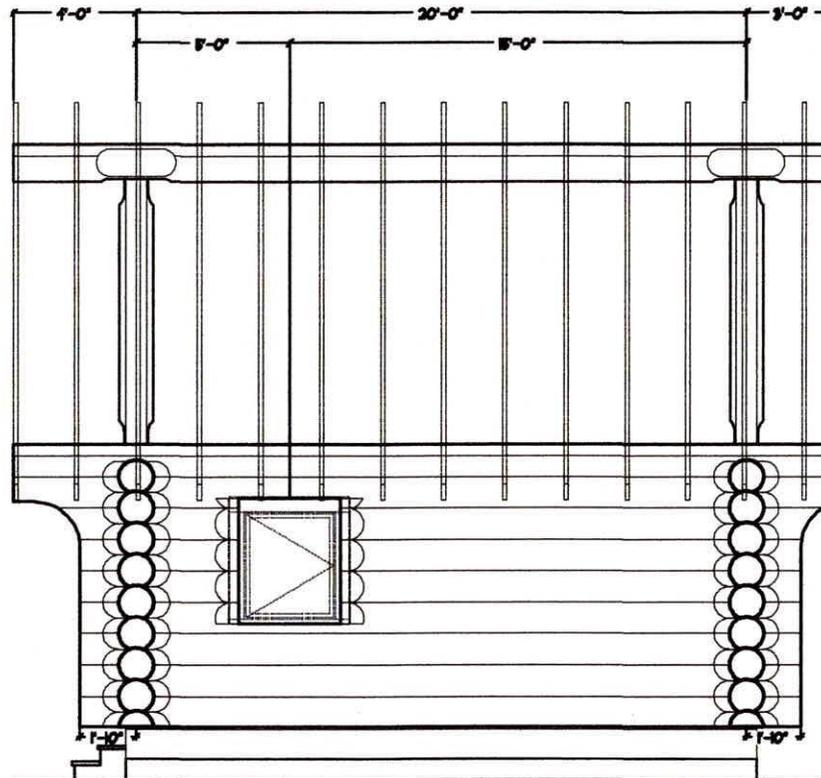
This map was compiled using plans and documents recorded in the Land Registry System and has been prepared for property indexing purposes only. This is not a Plan of Survey. For actual dimensions of property boundaries, see recorded plans and documents. Only major easements are shown.

SUBJECT PROPERTY IDENTIFICATION INFORMATION				
LRO	62			
PIN	174370063			
ASSESSMENT ROLL NUMBER	251410037005800			
REGISTRATION TYPE	LT			
LAND REGISTRY STATUS	ACTIVE			
MUNICIPALITY	ANCASTER			
ADDRESS	50 WEST CREST ST			
AREA	1269 m ²			
PERIMETER	156 m			
DESCRIPTION	LT 14, PL 935 ; ANCASTER (AMENDED 08/10/00 BY LR2) CITY OF HAMILTON			
PARTY TO:	BOOTH, THOMAS ANDREW; WELSH, NATALIE DOROTHY			
SALES HISTORY				
INSTRUMENT	REGISTRATION	CONSIDERATION	INSTRUMENT	PARTY

Design by
Name
School of 100
Building



1 Front Elevation
A.1 Scale: 1/4"=1'-0"



2 Right Elevation
A.1 Scale: 1/4"=1'-0"

GENERAL NOTES

- ALL CONSTRUCTION MUST COMPLY WITH CURRENT ADOPTED BUILDING CODE AND LOCAL AUTHORITY HAVING JURISDICTION.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH GOOD BUILDING PRACTICES.
- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED MEASUREMENTS.
- ROBERT WOOD ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS TO THE DRAWINGS WHICH MAY AFFECT CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL DIMENSIONS AND DETAILS PRIOR TO CONSTRUCTION. SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS PLEASE ADVISE ROBERT WOOD TO MAKE CORRECTIONS TO THE DRAWINGS.
- THIS PLAN IS COPYRIGHTED, AND ALL RIGHTS ARE RESERVED BY ROBERT WOOD. THIS PLAN MAY NOT BE USED BY ANYONE FOR REPEAT CONSTRUCTION, ADVERTISING, OR ANY OTHER PURPOSE, WITHOUT WRITTEN CONSENT OF ROBERT WOOD. THE USE OF THIS PLAN IS LIMITED TO A SPECIFIC PROJECT.

A.1	-DRAWING INDEX -ELEVATIONS
A.2	-ELEVATIONS
A.3	-MAIN FLOOR PLAN
A.4	-UPPER FLOOR PLAN
A.5	-CROSS SECTION -CONSTRUCTION DETAILS
A.6	-CONSTRUCTION DETAILS

Student Cabin

(POOL SHED)

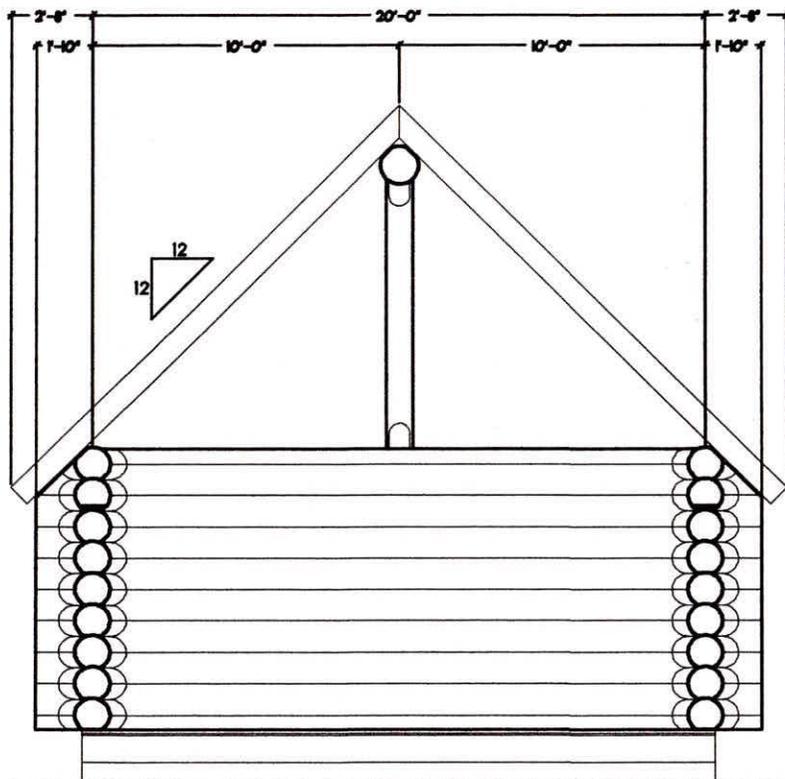
Elevations

SCALE
As Noted

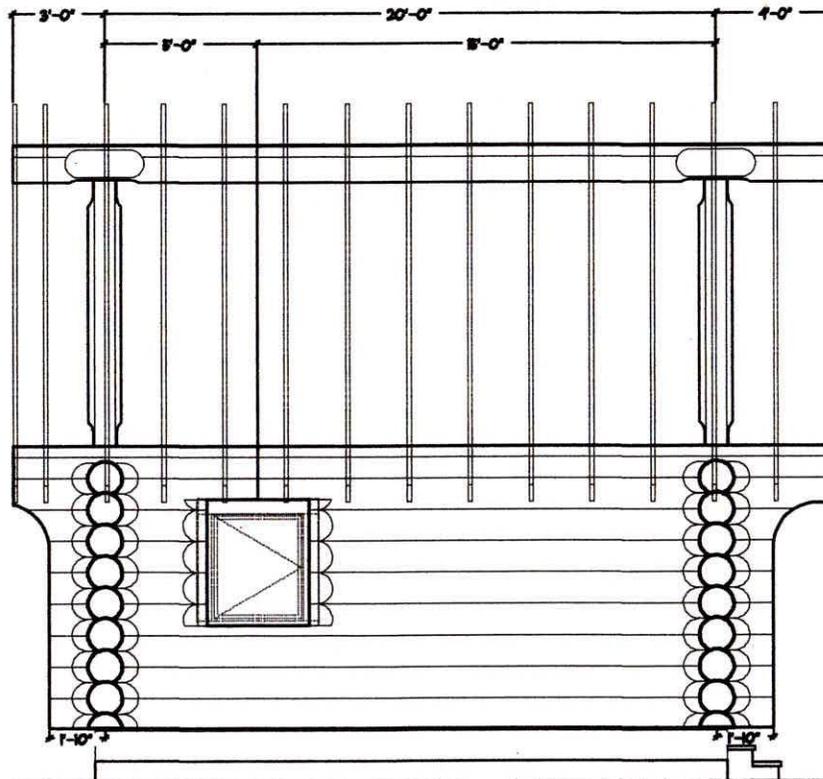
DATE
2 March 2022

DRAWN BY
R. Wood

A.1



1 | Rear Elevation
 A.2 | Scale: 1/4"=1'-0"



2 | Left Elevation
 A.2 | Scale: 1/4"=1'-0"

Student Cabin

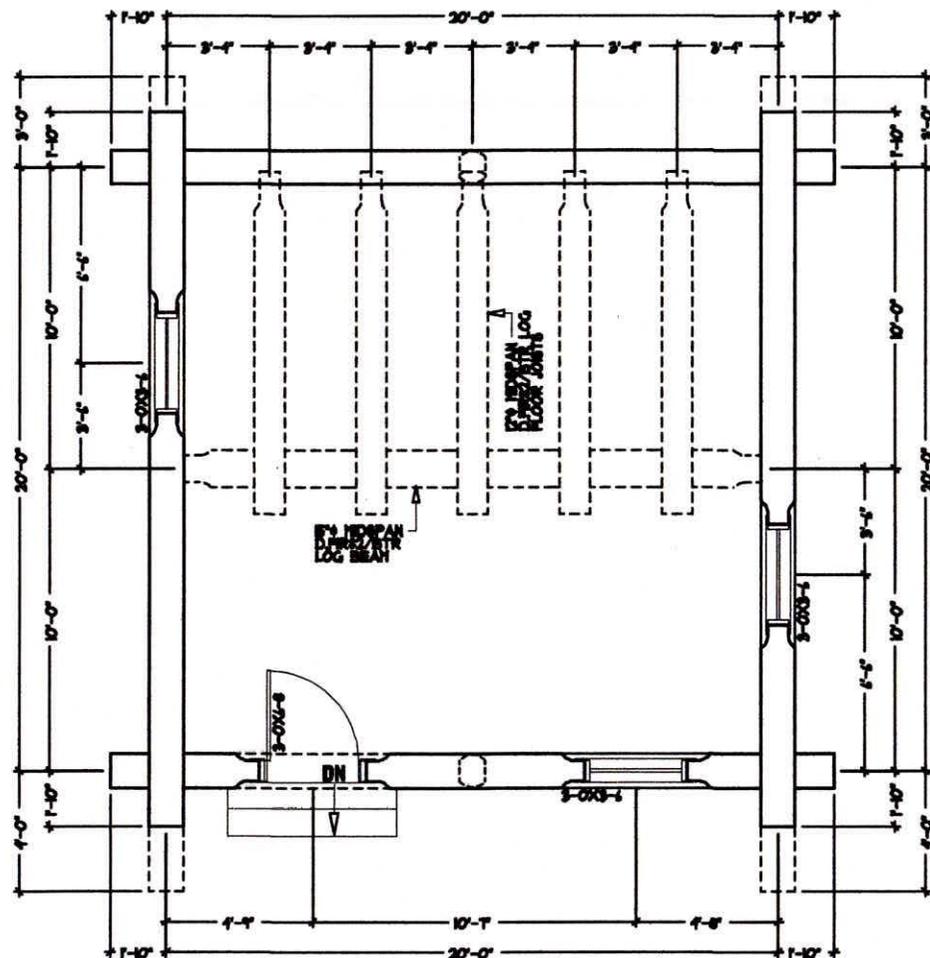
Elevations

SCALE
 As Noted

DATE
 2 March 2022

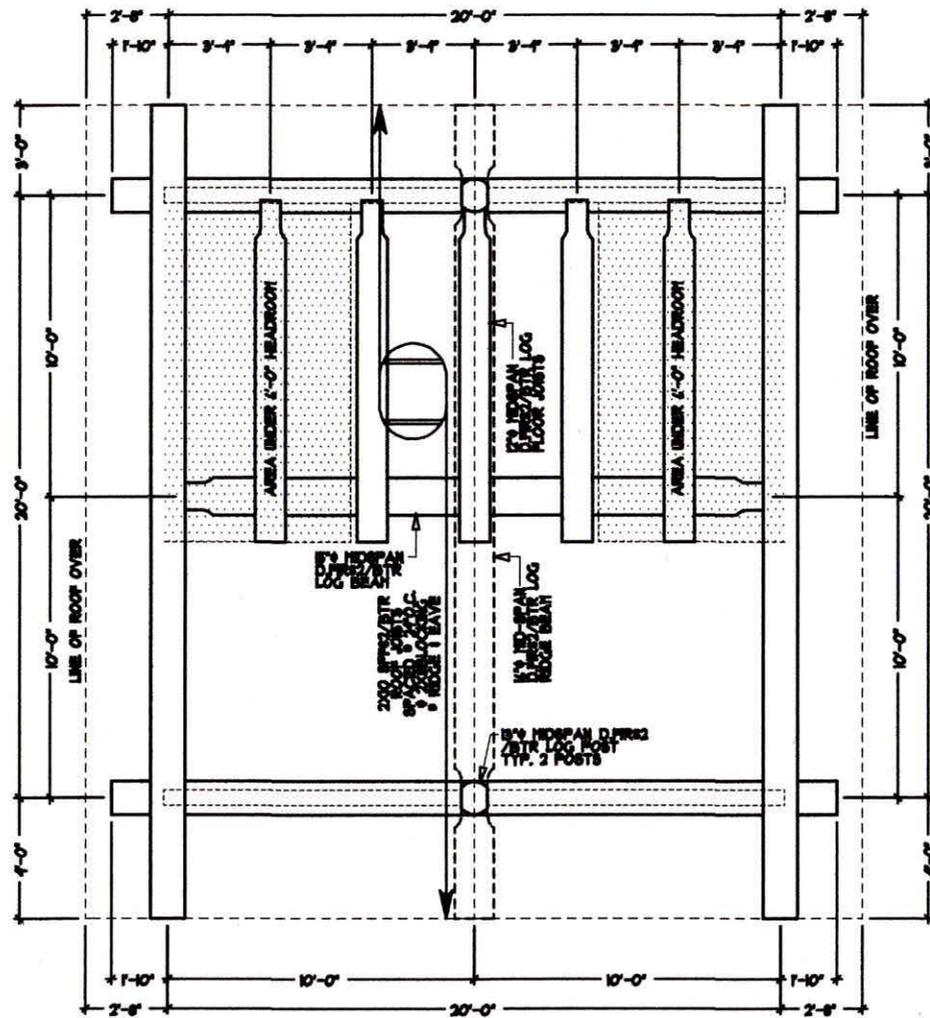
DRAWN BY
 R. Wood

A.2



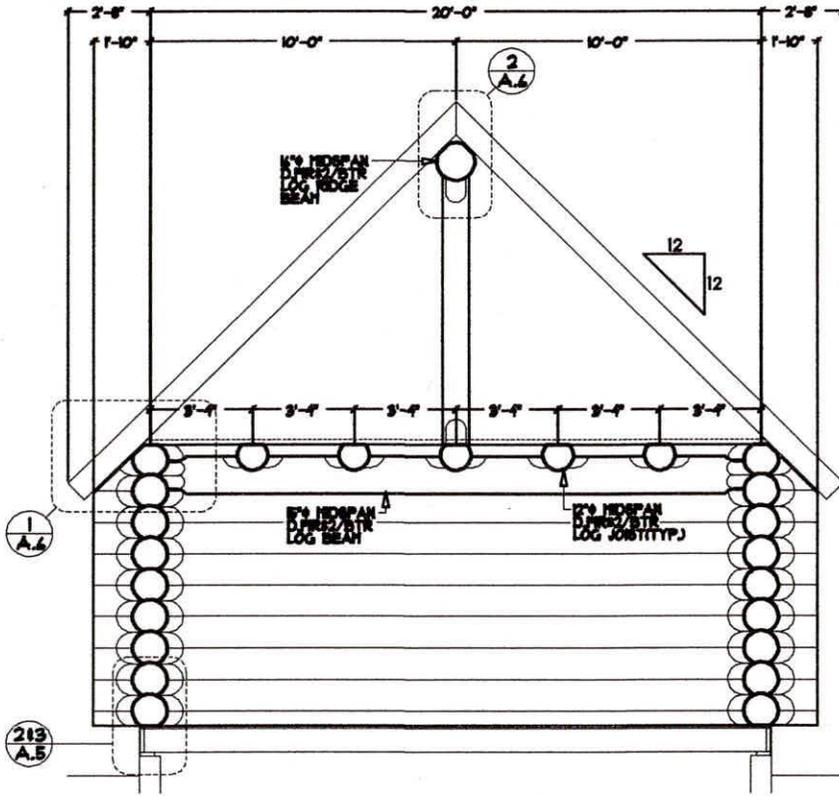
1 Main Floor Plan
 A.3 Scale: 1/4"=1'-0" 400 Sq.Ft.

<h1>Student Cabin</h1>
Main Floor
SCALE As Noted
DATE 2 March 2022
DRAWN BY R. Wood
A.3

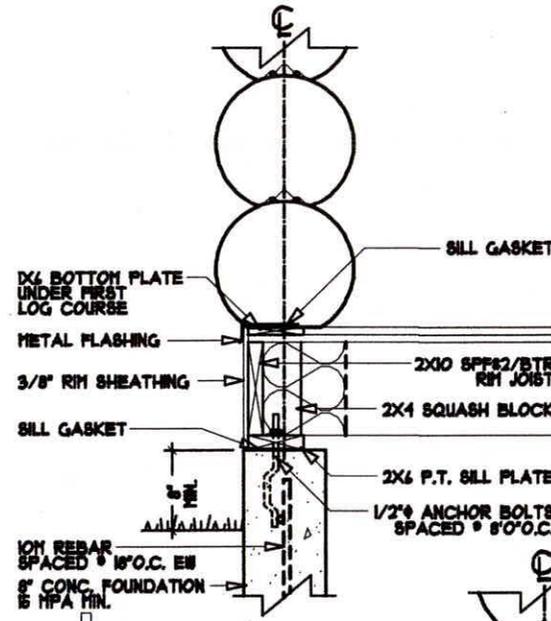


1 Upper Floor Plan
 A.4 Scale: 1/4"=1'-0" 90 Sq.Ft.

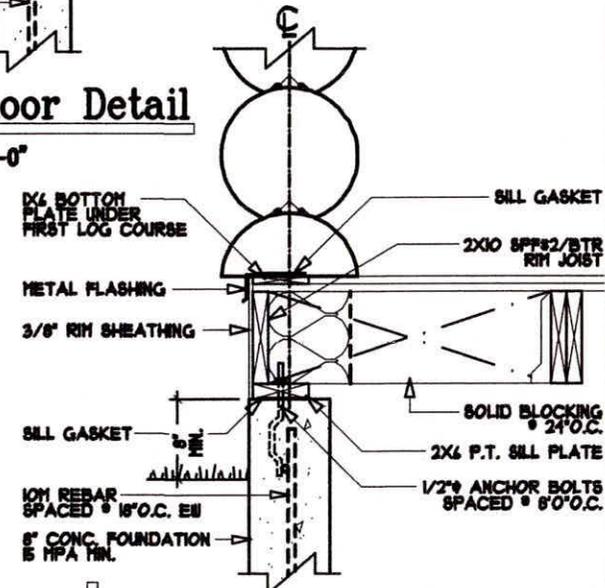
Student Cabin
Upper Floor
SCALE As Noted
DATE 2 March 2022
DRAWN BY R. Wood
A.4



1 | **Cross Section**
A.5 | **Scale: 1/4"=1'-0"**

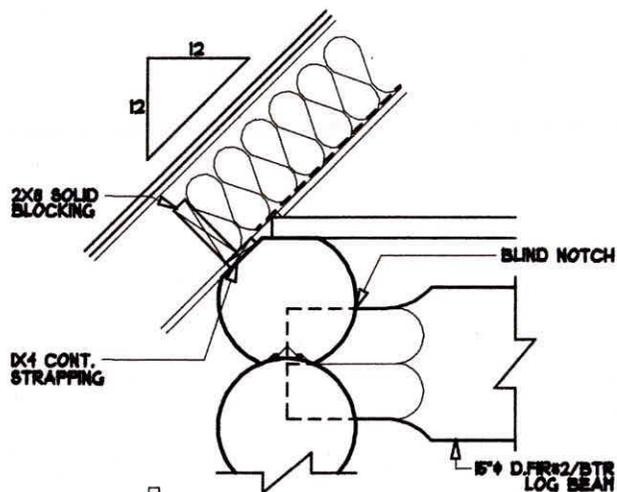


2 | **Wall/ Floor Detail**
A.5 | **Scale: 1" = 1'-0"**



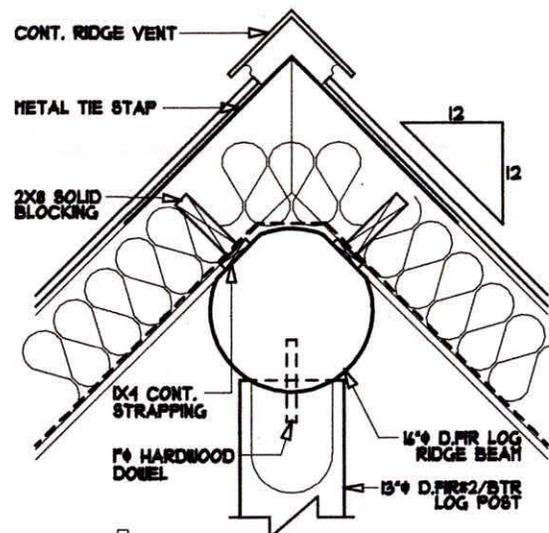
3 | **Wall/ Floor Detail**
A.5 | **Scale: 1" = 1'-0"**

<h1 style="font-size: 48px; margin: 0;">Student Cabin</h1>	
Cross Sections Construction Details	
SCALE	As Noted
DATE	2 March 2022
DRAWN BY	R. Wood
A.5	



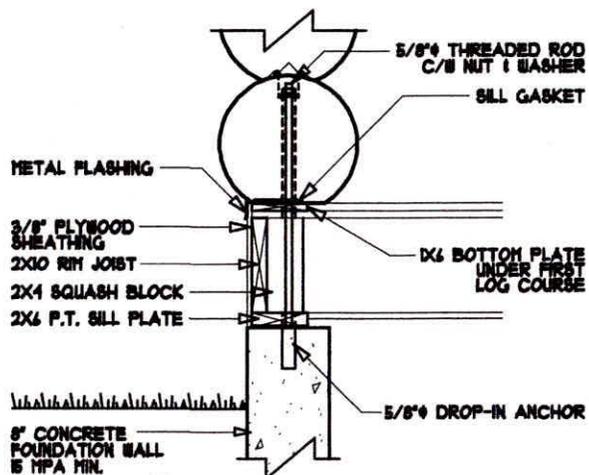
1 | **Floor Beam Detail**

A.6 | Scale: 1" = 1'-0"



2 | **Ridge Beam Detail**

A.6 | Scale: 1" = 1'-0"



3 | **Anchorage Detail**

A.6 | Scale: 1" = 1'-0"

Student Cabin

Construction Details

SCALE

As Noted

DATE

2 March 2022

DRAWN BY

R. Wood

A.6

Construction details for the 16 x 20

Course Frame Timber List

Client Course 2015
 Project 16 x 20 Course

Code	Type	Qty	t	w	l	BdFt	Layout	Check	Cut
Bent1	N. Post	1	8	8	10	53.33			
	S. Post	1	8	8	10	53.33			
	Tie Beam	1	8	8	16	85.33			
	Brace	2	4	6	5	20			
						0			
Bent2	N Post	1	8	8	10	53.33			
	S. Post	1	8	8	10	53.33			
	Tie Beam	1	8	8	16	85.33			
	Brace	2	4	6	5	20			
						0			
Bent3	N Post	1	8	8	10	53.33			
	S. Post	1	8	8	10	53.33			
	Tie Beam	1	8	8	16	85.33			
	Brace	2	4	6	5	20			
	Girts	1	4	6	16	32			
						0			
North View	Rafter plt	1	8	8	20	106.7			
	Girt N1	1	4	6	10	20			
	Girt N2	1	4	6	10	20			
	Braces	2	4	6	5	20			
							0		
South	Rafter plt	1	8	8	20	106.7			
	Girt S1	1	4	6	10	20			
	Girt S2	1	4	6	10	20			
	Braces	2	4	6	5	20			
						0			
Sills	N	1	8	8	20	106.7			
	S	1	8	8	20	106.7			
	E	1	8	8	16	85.33			
	W	1	8	8	16	85.33			
Rafters		18	4	8	14	672			

2057.33

bdft

Square Rule Layout

Our job in building this frame is to take timbers from a sawmill; attach them to each other with traditional joinery (mortise and tenons); and create a straight square building with tight accurate joints.

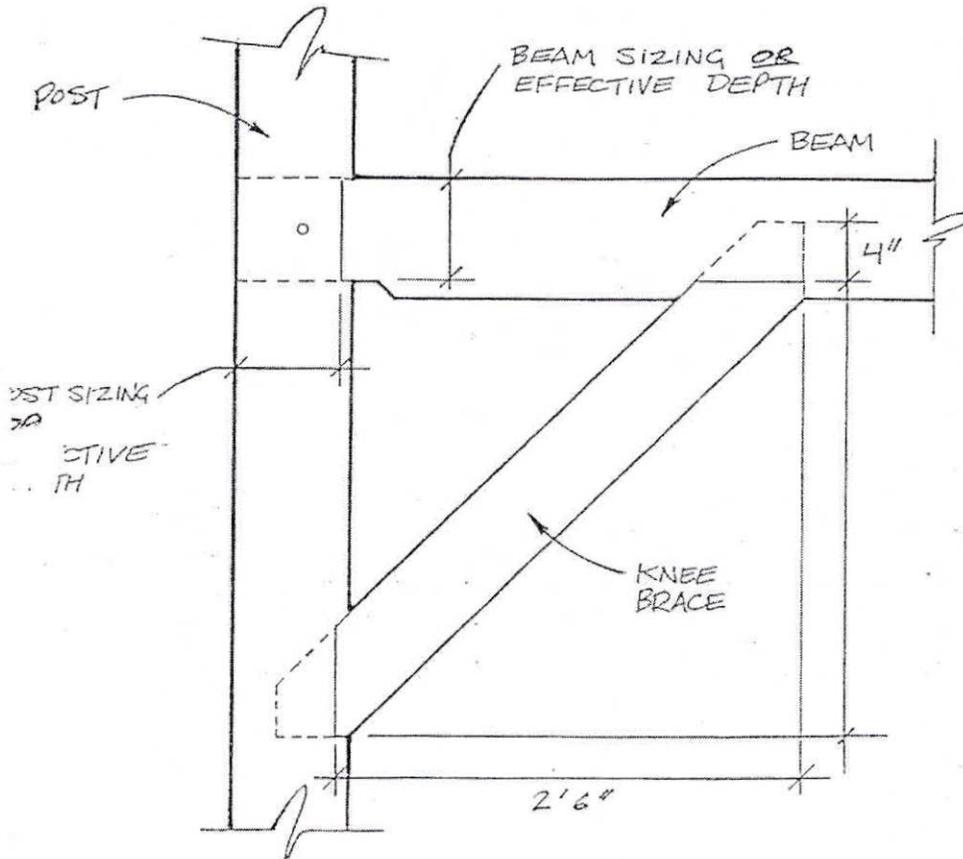
When the timbers arrive from the sawmill they are rough sawn to the dimensions ordered. If you hire a good sawyer the sawing should be within a quarter inch of the ordered dimensions and the sawing should be straight – no wavy saw lines. I expect the beams to be within a quarter inch of square. A good sawyer makes our job easier.

Now we have beams that are close to the right dimension and close to square and we have to build a building that is exactly the right dimension and exactly square. We are going to use a system called square rule layout to produce our accurately built structure. Using this layout system to draw the joinery on the timbers will produce joinery that fit square to each other and create an accurately dimensioned building.

The concept behind square rule layout is to describe ideal timber inside a rough sawn timber. Our ideal timber is square and of exact dimensions.

The typical procedure for square rule layout is to locate two square faces on a timber and cradle your (invisible) ideal timber in this square corner. By locating your ideal timber in this square corner you can use the two square faces of your actual timber for laying out your joinery. In other words, you can measure off the two square faces for locating and drawing your joinery on the beam.

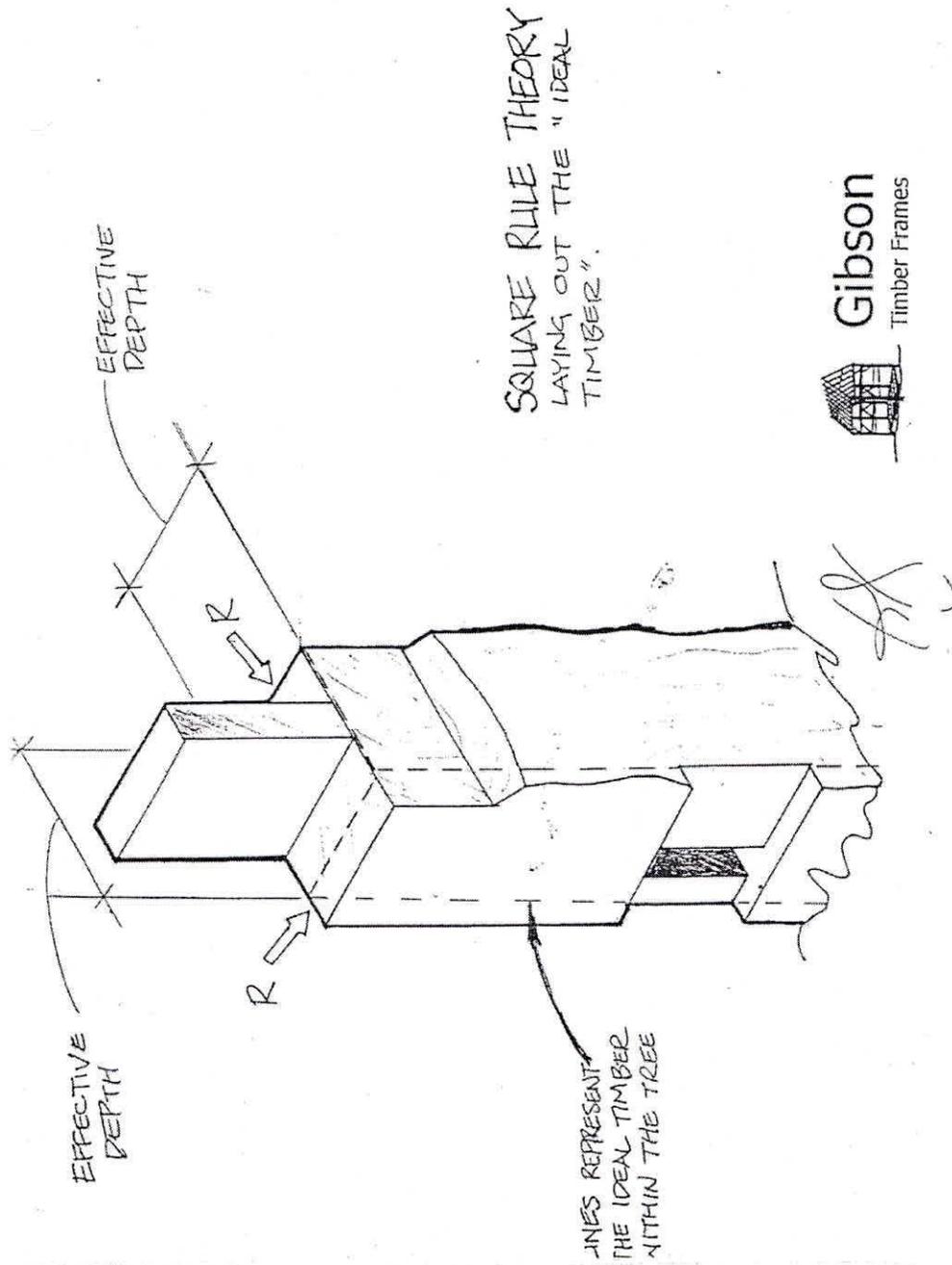
Knee Brace Detail

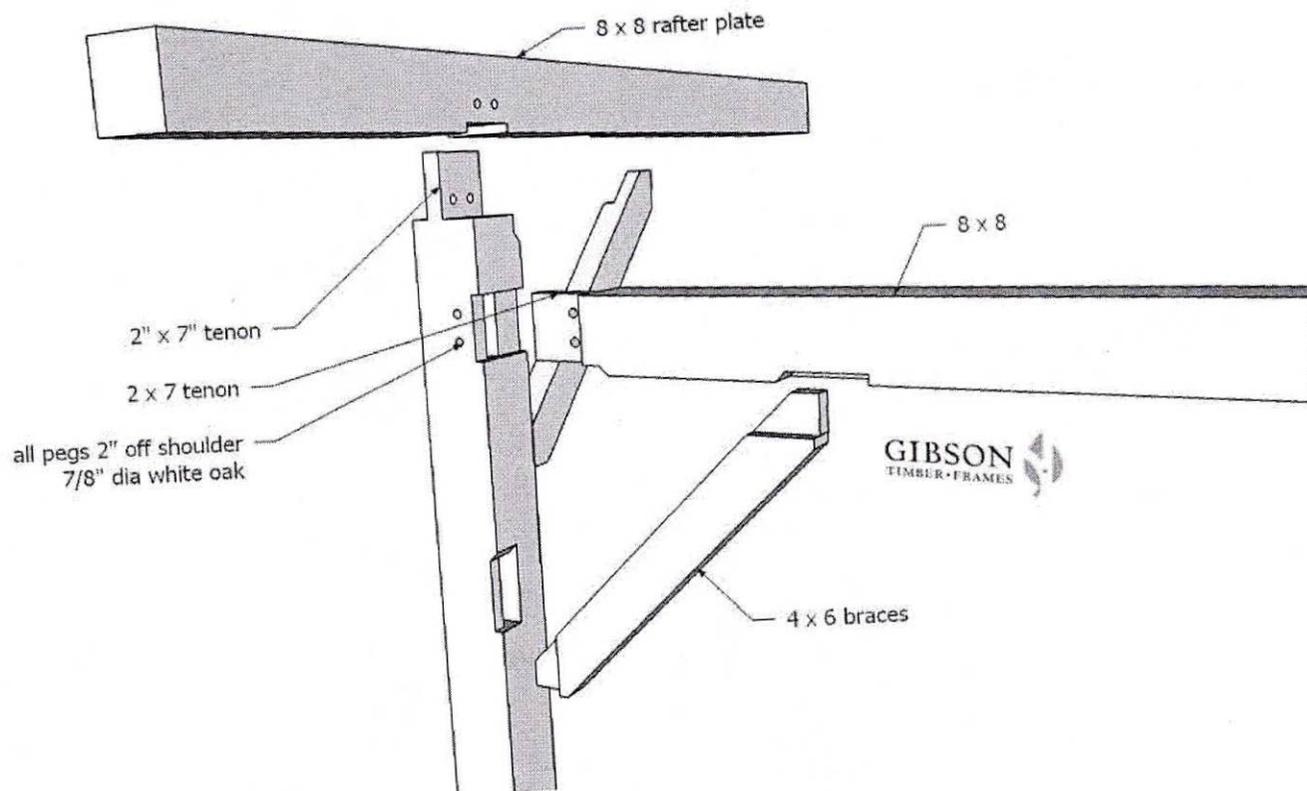


KNEE BRACE DETAIL



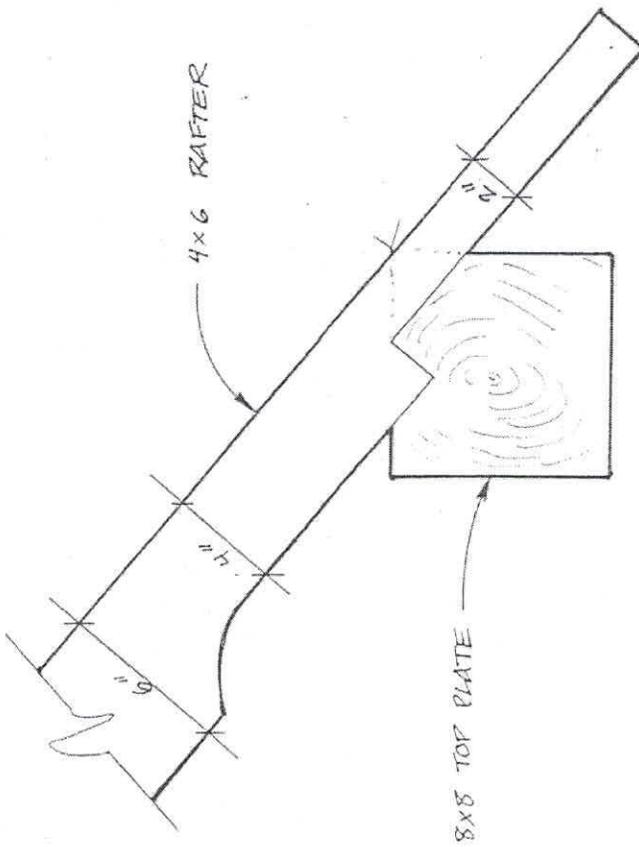
Square Rule Theory





Post to Tie Detail

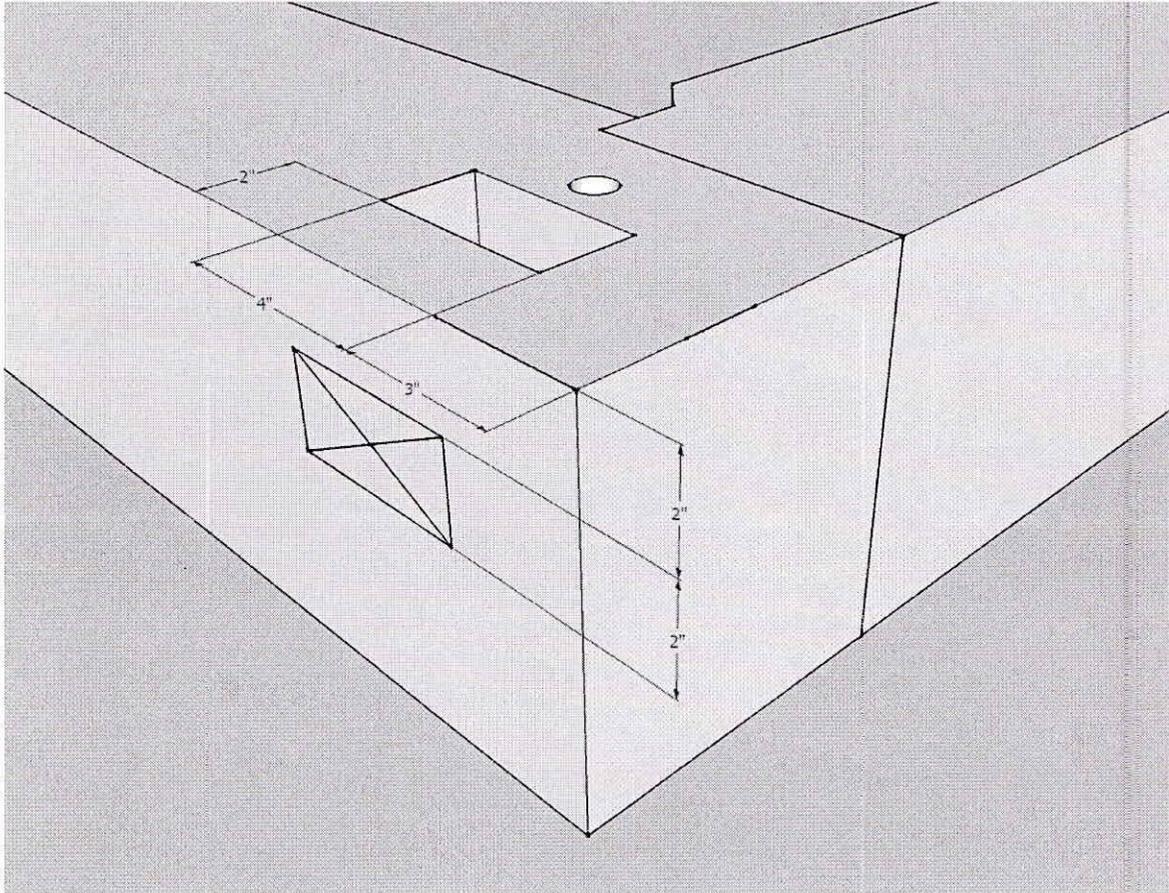
Rafter/Top Plate Detail



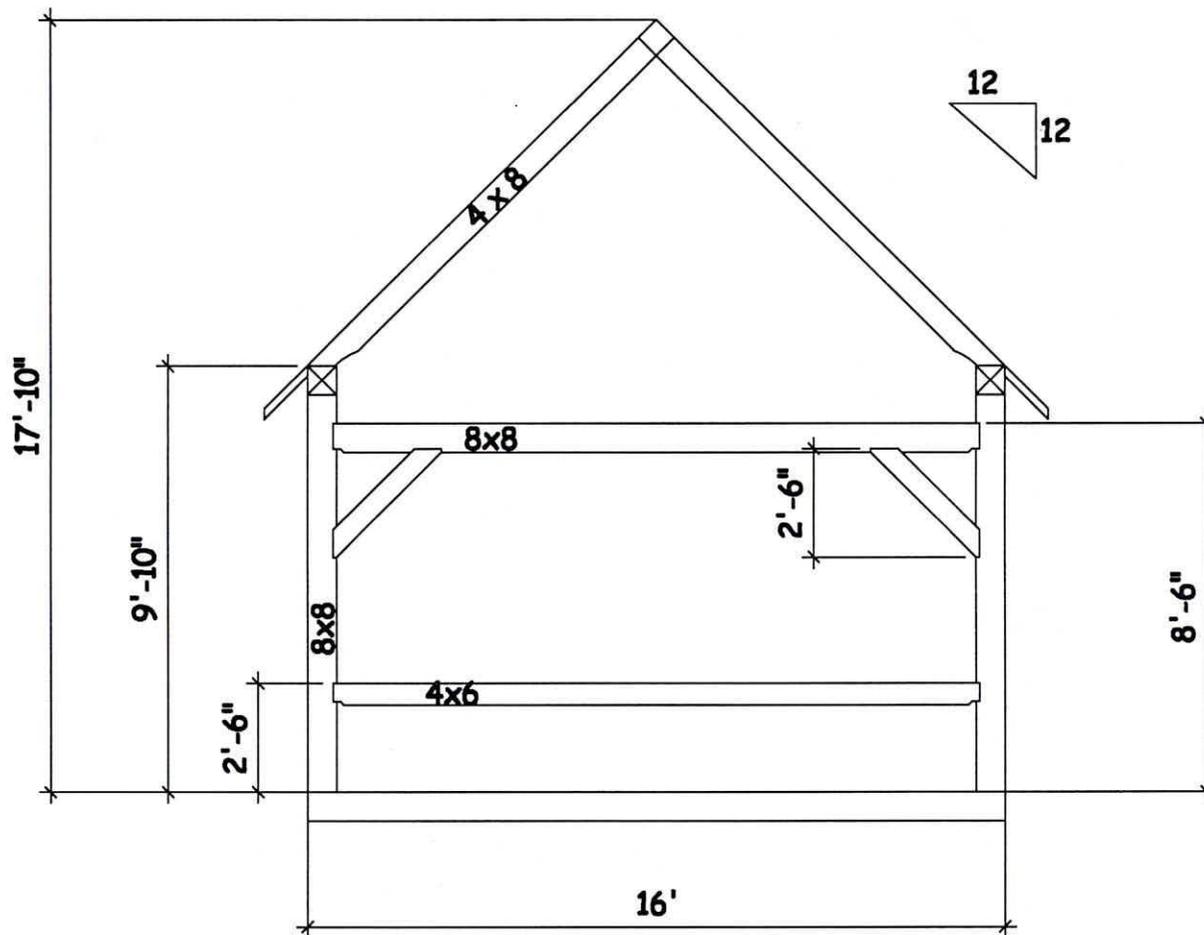
RAFTER / TOP PLATE DETAIL



Timber Sill Corner Detail



Drawings for the 16 x 20



Bent 3

timberschoolcanada.com

PROJECT NAME:

DRAWING NAME:
Bent 3

FILE:
16 x 20

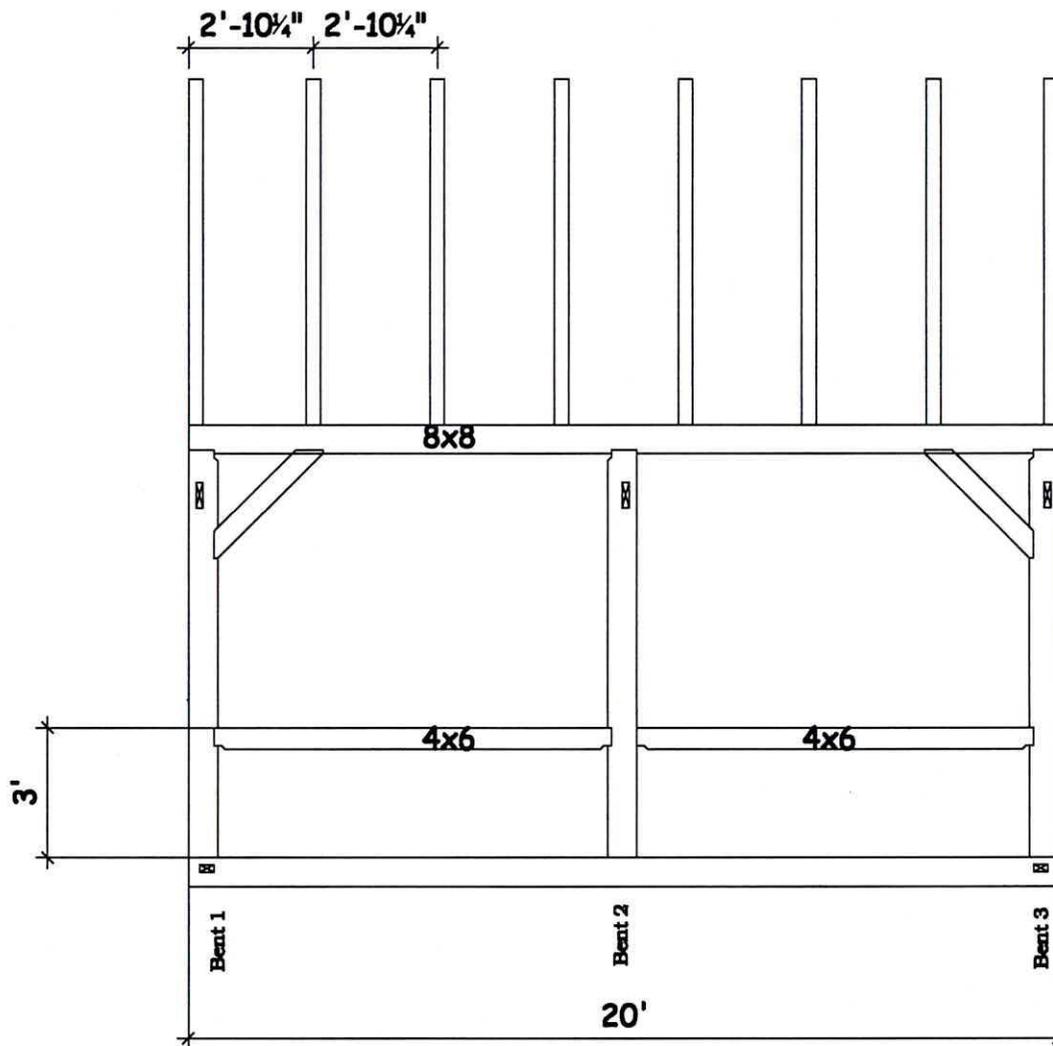
DATE:
April 15 2020

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

DRAWN BY:
Jason Gibson

CHECKED BY:

NO.



PROJECT NAME:
16 x 20

DRAWING NAME:
Long Wall

FILE:
16 x 20

DATE:
April 15 2020

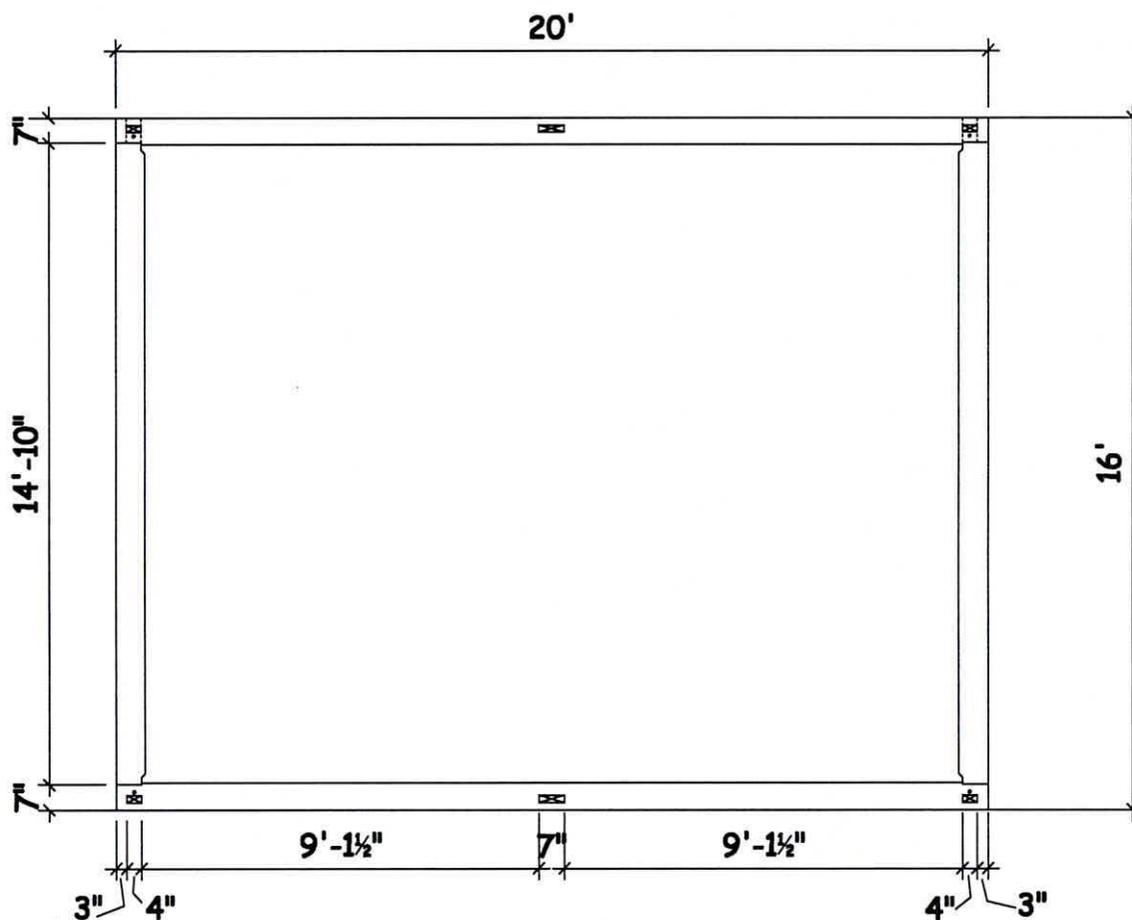
SCALE:
1/4" = 1' - 0"

DRAWN BY:
Jason Gibson

CHECKED BY:

NO.

N



PROJECT NAME:

DRAWING NAME:
Sill Plan

FILE:
16 x 20

DATE:
April 15 2020

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

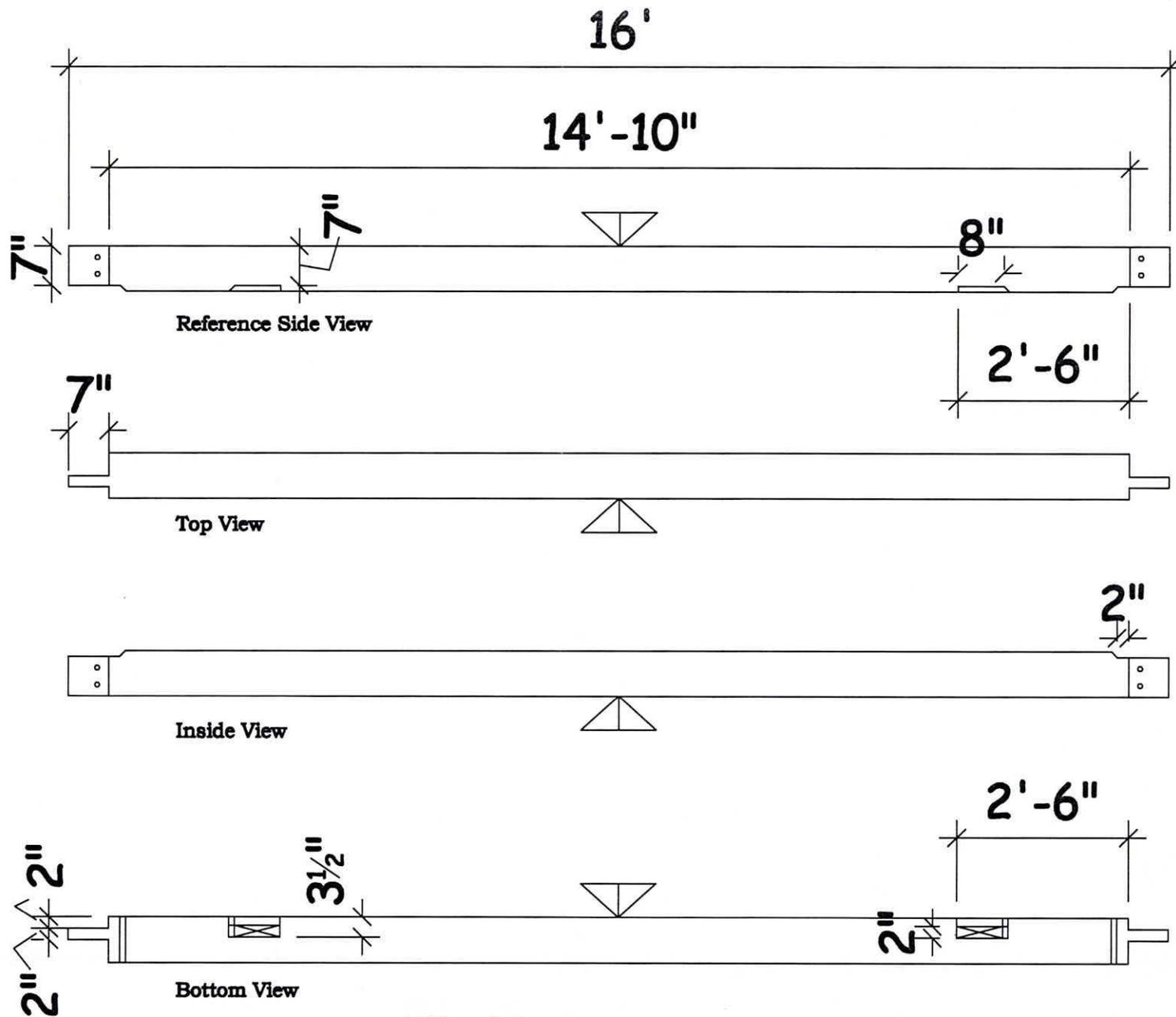
DRAWN BY:
Jason Gibson

CHECKED BY:

Sill Plan

timberschoolcanada.com

NO.



Tie Beam

PROJECT NAME:
16 x 24

DRAWING NAME:
Tie Beam

16 x 24

DATE:
April 15 2020

SCALE:
1/2" = 1' - 0"

DRAWN BY:
Jason Gibson

CHECKED BY:

NO.

APPLICATION FOR A MINOR VARIANCE

(#5) Explanation why it is not possible to comply with the provisions of the By-Law

- We are at a disadvantage with an irregular shaped lot creating 2 rear lot lines.
- The By-Law stating a minimum set back of 7.5m on 2 sides of our lot would place our pool shed in the middle of our backyard.
- Not only the irregularity of our lot but also the positioning of our home limits the space we have to erect a pool shed (attachment 1a)
- It is unlikely we would be able to put an addition onto our garage due to the close proximity of the corner of our home to the rear lot line on the South side (which is actually already in the no build zone)
- Placing our pool shed within the setbacks as outlined by the By Law would create a space for unwanted wildlife and limit natural surveillance
- We are unable to position the pool shed on the South "rear lot line" abutting lot #12 due to extremely large existing trees. Our neighbourhood is valued due to the maturity of the natural trees, some being very old – ours being in excess of 20 meters (see attachment 1b)
- Erecting our pool shed with a 7.5m setback places the building over the existing decommissioned septic bed. Although this septic bed is no longer used for sewage, it remains in use for rainwater distribution.
- The natural grade of our property slopes away from our home in the backyard. The height of the pool shed will be below the height of our home and not visible from the street
- The exact height of our pool shed has not been determined as we will be using true logs and the final height will be based on the diameter of the logs used although it will not exceed a height of 6.5m
- The pool shed design includes a half loft to maximize storage space.
- Storage will be used in part for equipment for the local Ancaster Scouting Group. One of the churches sponsoring the group is no longer able to provide meeting or storage space for Scouts Canada. We have been active leaders for more than 50 years combined and continue to support and volunteer for Scouts Canada

The proposed positioning of the pool shed, and covered patio area would

- Allow for the best use of space in our yard allowing us to maximize our outdoor space
- The covered patio at the end of the pool would increase the visual aesthetics and usability of the current unusable space
- We would be able to condense other storage bins into the one structure for pool and yard equipment
- Both rear sides of the buildings are required to be positioned at the same spot to allow an exit from the pool shed to the covered patio area
- There is an existing natural buffer of tall bushes and trees along the rear lot line. Our buildings would not impact the sun or change the view of our rear neighbours – the rear lot line is almost 100% solid with existing natural buffers

Attachment 1

- Due to the irregularity of both our lot and our surrounding properties as well as the oversized lots, there is a large distance between our rear lot line and the homes behind us. The 2 rear neighbours both have existing pools and outdoor living spaces located on the far sides of their backyards in relation to our property thus minimizing the impact of our build with a setback of 1.5m.
- It is very common in our area for homes to be sold and new owners demolish existing single-family dwellings and erect much larger homes in their place. We have considered this and are mindful of the nature and feel of Pinecrest being an older area. We feel it is in good keeping with the aesthetics of the area to build an accessory building rather than an addition or new build in our court

Overall we have considered our neighbours and feel our pool shed and covered patio will very minimally impact our neighbours in any way.

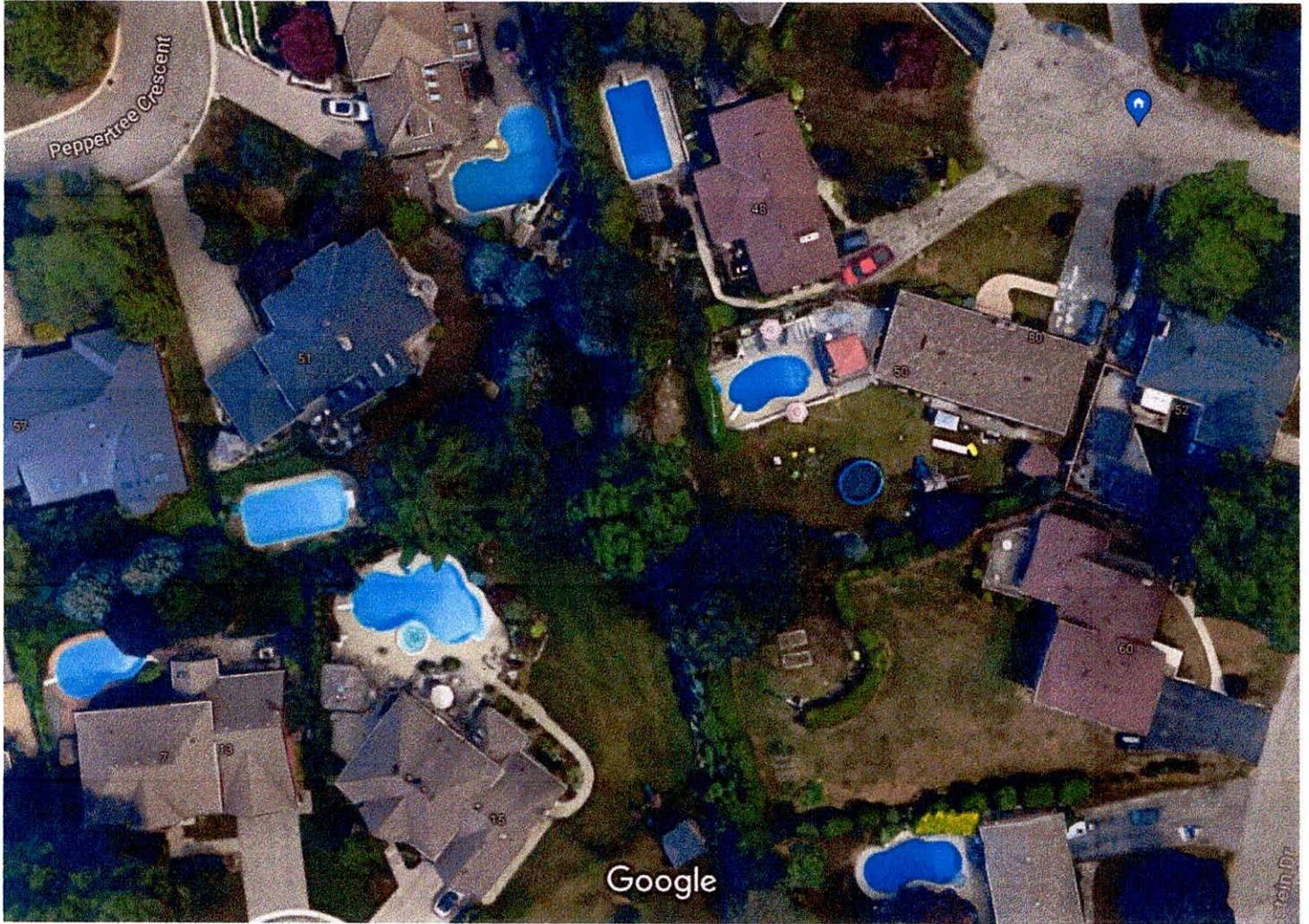
We have attached letters from our neighbours citing no concerns with our proposed building plans

(for section 5)



Google Maps

(for Section 5)



Imagery ©2022 Google, Imagery ©2022 Maxar Technologies, Map data ©2022 Google 10 m

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: 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)	Thomas Booth and Natalie Booth		
Applicant(s)*	Thomas Booth and Natalie Booth		
Agent or Solicitor			Phone:
			E-mail:

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

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

Mortgage for 50 West Crest, Ancaster L9G 2P1
Held by National Bank

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:

We are applying for relief to
 1. Set back by law for rear lot line from 7.5m to 1.5m
 2. Maximum height for accessory buildings from 4.5m to 6.5m

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

see attached. (Attachment 1)

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**):

50 West Crest, Ancaster ON L9G 2P1
 Lot 14, Pinecrest R.P. 935

*see map attachment #2

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 Previous septic bed - decommissioned

and used for rain water only

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 the land use historically. We have had family live in the area for many years and previous owner was Tom's mother.

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.

Aug 12/22
Date

Natalie Booth / Tom Booth
Signature Property Owner(s)

Natalie Booth / Thomas Booth
Print Name of Owner(s)

10. Dimensions of lands affected: see attachment #3

Frontage 15.24 m
Depth 70 m (approx)
Area 1254.53 m²
Width of street 16 m (+/-)

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

Existing: _

see attached - Attachment 4 MB

Proposed

see attached.

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 Attachment 5

Proposed:

see attached

13. Date of acquisition of subject lands:
September 29, 2005

14. Date of construction of all buildings and structures on subject lands:
Single Dwelling 1959, Shed and Gazebo 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:
From 1956 until present (66yrs)

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:
Neighbourhood

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? (Zoning By-law Amendment or Minor Variance)
 Yes No

If yes, please provide the file number:

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:228	SUBJECT PROPERTY:	195 EAST 8TH STREET, HAMILTON
ZONE:	C (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner – Jonathan Gardner & David Blanchard
Agent – Len Angelici

The following variances are requested:

1. A minimum front yard depth of 3.7 m shall be provided instead of the minimum required 6.0 m front yard depth; and
2. A minimum side yard width of 0.3 m shall be provided on the northerly side lot line instead of the minimum required 1.2 m side yard width; and
3. Eaves and gutters shall be permitted to encroach the entire southerly side yard width instead of the regulation in the By-Law which states that eave or gutter may project into a required side yard not more than one half of its width, or 1.0 m, whichever is the lesser; and
4. No front yard landscaped area shall be provided whereas the By-Law states that no less than 50 % of the gross floor area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

PURPOSE & EFFECT: To permit a full second storey addition along with a proposed roofed over unenclosed front porch to the existing single-family dwelling notwithstanding that;

Notes:

- i. The proposed addition does not exceed 8 habitable rooms; therefore, no variance is triggered for parking.

HM/A-22:228

- ii. Please be advised that variances have been written based on the information provided by the applicant, if the information provided is inaccurate then further variances shall be required.
- iii. Please note that if variance # 1 is approved, then the proposed roofed over unenclosed front porch would be in compliance.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:228



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

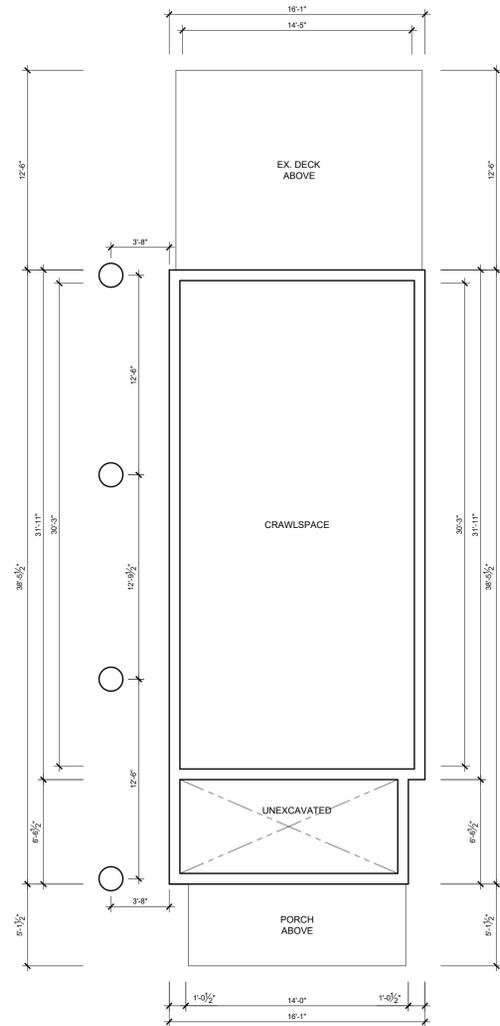
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

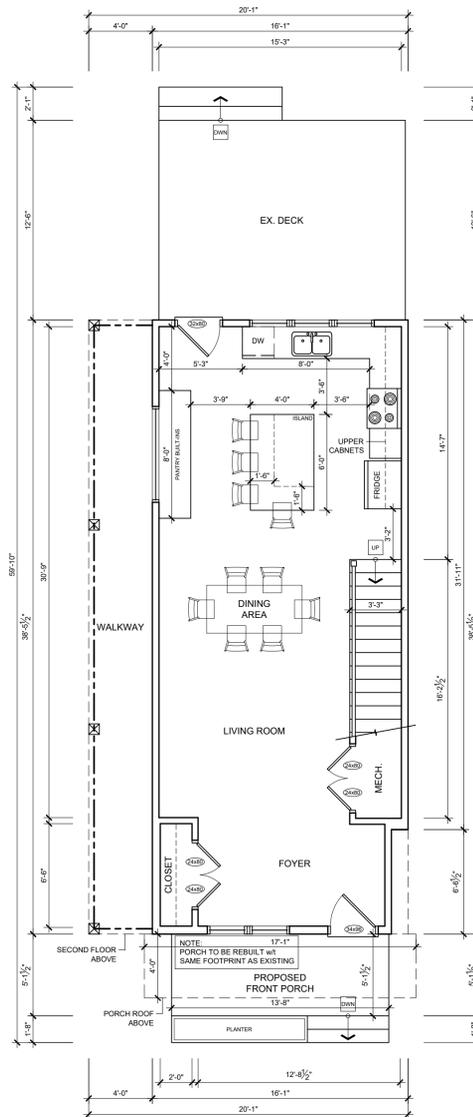
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

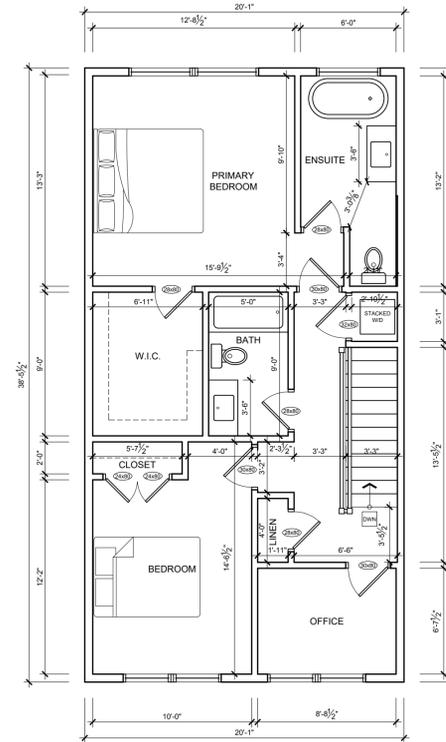
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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



PROPOSED FOUNDATION PLAN
SCALE 3/16" = 1' - 0"



PROPOSED MAIN FLOOR PLAN
SCALE 3/16" = 1' - 0"



PROPOSED SECOND FLOOR PLAN
SCALE 3/16" = 1' - 0"

PROJECT NORTH	TRUE NORTH

01.	DRAWINGS FOR VARIANCE	08/12/2022
No.	REVISION	DATE

1. ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO THE COMMENCEMENT OF WORK.
2. THIS DRAWING IS NOT TO BE SCALED, ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF LEN ANGELICI DESIGN AND MUST BE RETURNED UPON REQUEST.
3. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN.
4. CONTRACTOR SHALL REVIEW ALL DRAWINGS PRIOR TO COMMENCING CONSTRUCTION FOR ANY ERRORS OR OMISSIONS.
5. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR THE DESIGN OR PRE-ENGINEERED TRUSSES OR ANY PRE-ENGINEERED PRODUCTS.
6. LEN ANGELICI DESIGN IS NOT RESPONSIBLE FOR HEATING, PLUMBING, OR ELECTRICAL DRAWINGS.
7. DRAWING MAY NOT BE CHANGED, ALTERED OR COPIED WITHOUT WRITTEN CONSENT OF LEN ANGELICI DESIGN. FAILURE TO COMPLY WITH THIS STATEMENT IS NOT THE RESPONSIBILITY OF LEN ANGELICI DESIGN.
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	124457
NAME	BCIN
08/12/2022	
DATE	SIGNATURE

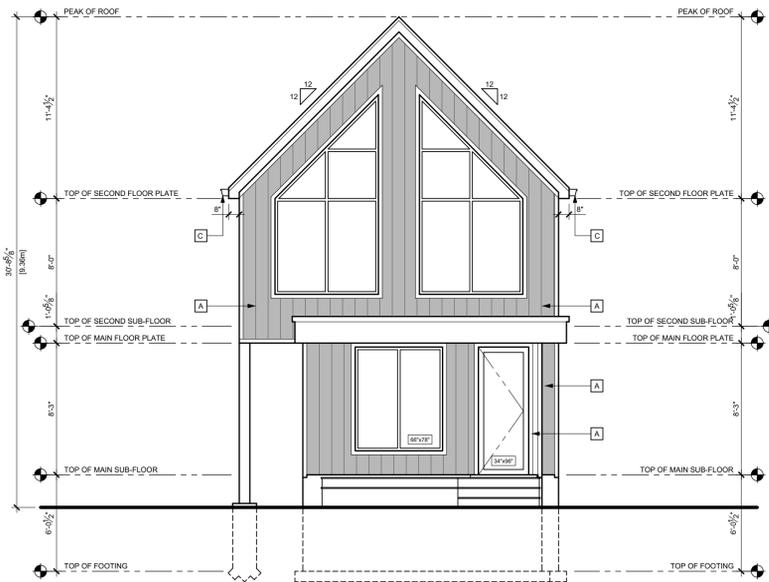
Len Angelici Design
270 SHERMAN AVE N, UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT
PROPOSED RESIDENCE
195 EAST 8TH ST,
HAMILTON, ON

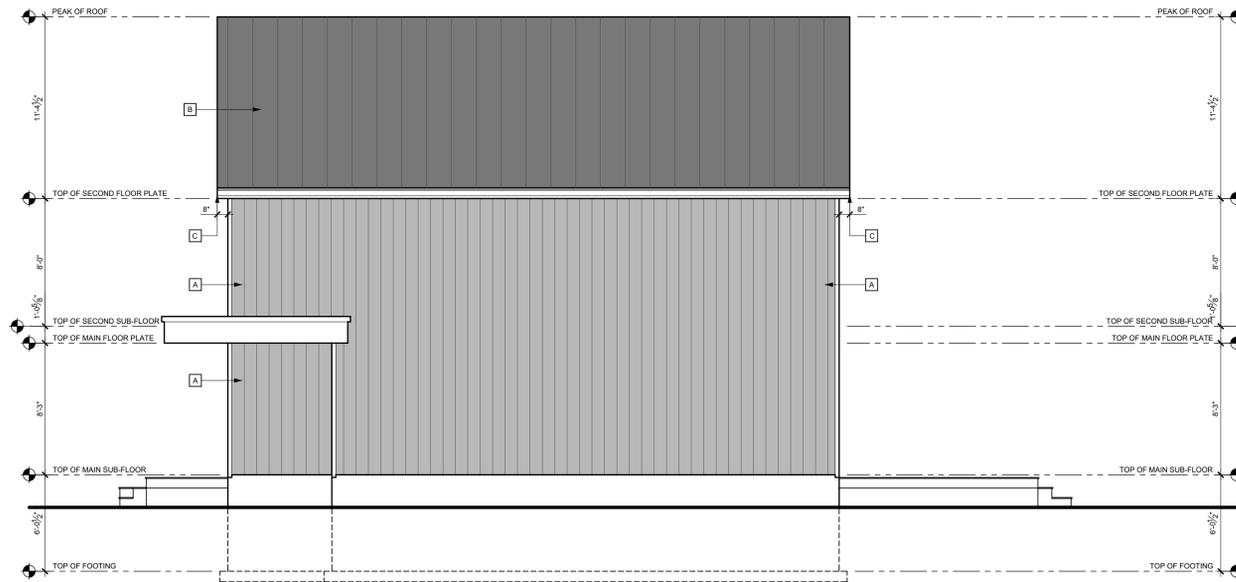
SHEET TITLE
PROPOSED FLOOR
PLANS

DRAWN BY	L. ANGELICI
DATE	08/12/2022
SCALE	3/16"=1'-0"
PROJECT No.	22052

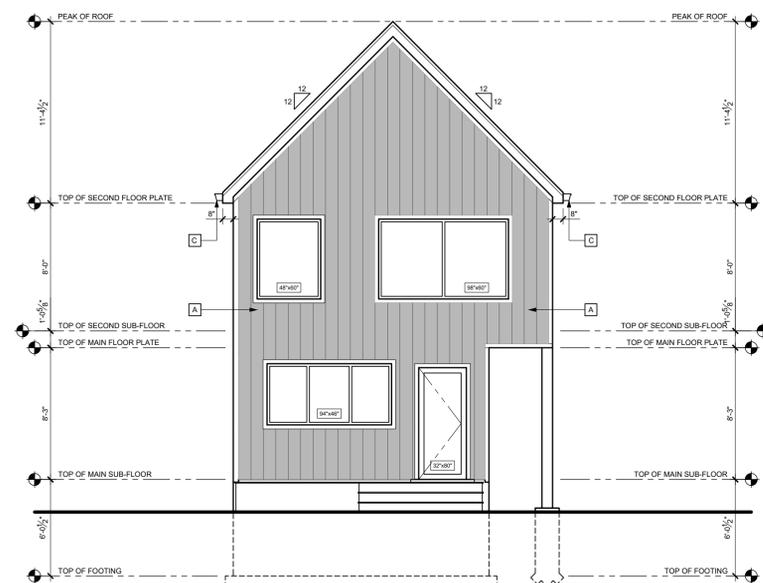
A2



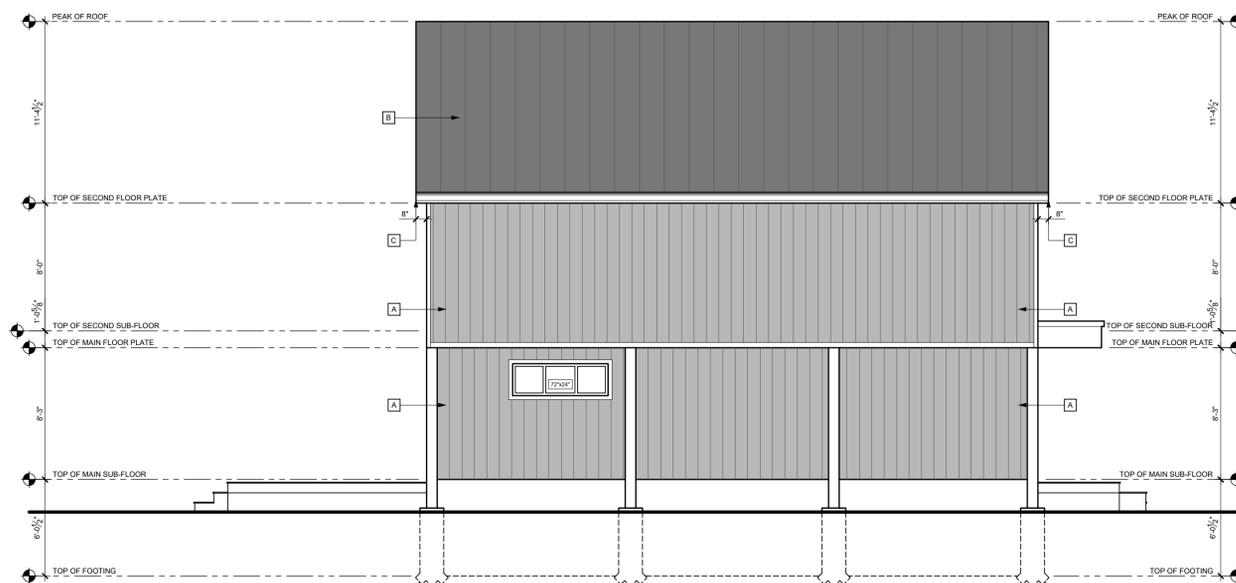
FRONT ELEVATION
SCALE 3/16" = 1' - 0"



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



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



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

EXTERIOR FINISH INDEX

- [A] VINYL SIDING
- [B] STANDING SEAM METAL ROOF
- [C] 5" PRE-FIN. ALUM. EAVETROUGH ON 8" WITH PRE-FIN. ALUM. FASCIA CW PRE-FIN. ALUM. DOWNSPOUT

PROJECT NORTH	TRUE NORTH

No.	REVISION	DATE
01.	DRAWINGS FOR VARIANCE	08/12/2022

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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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 124457
NAME BCIN

08/12/2022
DATE SIGNATURE

Len Angelici Design

270 SHERMAN AVE N. UNIT MILL-125
HAMILTON, ON L8L 6N4
(905) 393-8868
info@lenangelicidesign.ca

PROJECT

PROPOSED RESIDENCE
195 EAST 8TH ST,
HAMILTON, ON

SHEET TITLE

PROPOSED ELEVATIONS

DRAWN BY	L. ANGELICI
DATE	08/12/2022
SCALE	3/16"=1'-0"
PROJECT No.	22052

A3



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 EASTERLY LIMIT OF EAST 8th STREET AS SHOWN ON REGISTERED PLAN 495, HAVING A BEARING OF N 18° 45' E.

LEGEND:
■ DENOTES SURVEY MONUMENT FOUND
□ DENOTES SURVEY MONUMENT PLANTED
SB DENOTES STANDARD IRON BAR
IB DENOTES IRON BAR
CP DENOTES CONCRETE PIN
OU DENOTES ORIGIN UNKNOWN
P1 DENOTES REGISTERED PLAN 495
P2 DENOTES PLAN BY G.E. GIDDY O.L.S. (MARCH 18, 1994)
N1 DENOTES CITY OF HAMILTON FIELD NOTES (OCT. 26, 1952)
N2 DENOTES CITY OF HAMILTON FIELD NOTES (MAY 13, 1968)
(824) DENOTES A.T. McLAREN O.L.S.

**SURVEYOR'S REAL PROPERTY REPORT
PART 2 - REPORT SUMMARY**

DESCRIPTION OF LAND
BEING PART OF LOT 111, REGISTERED PLAN 495, KNOWN AS MUNICIPAL No. 195 EAST 8th STREET, CITY OF HAMILTON

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY
NO EASEMENTS LISTED ON THE PARCEL REGISTER FOUND IN THE LAND REGISTRY OFFICE.

BOUNDARY FEATURES
NOTE LOCATION OF THE FENCES AS THEY RELATE TO THE BOUNDARIES OF THE SUBJECT PROPERTY.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS
NOT CERTIFIED BY THIS REPORT

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2186164



THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
IN ACCORDANCE WITH
REGULATION 1028, SECTION 24(3).

THIS REPORT WAS PREPARED FOR DAVID BLANCHARD

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 FEBRUARY 18, 2022

FEBRUARY 18, 2022
DATE

BRYAN JACOBS
ONTARIO LAND SURVEYOR

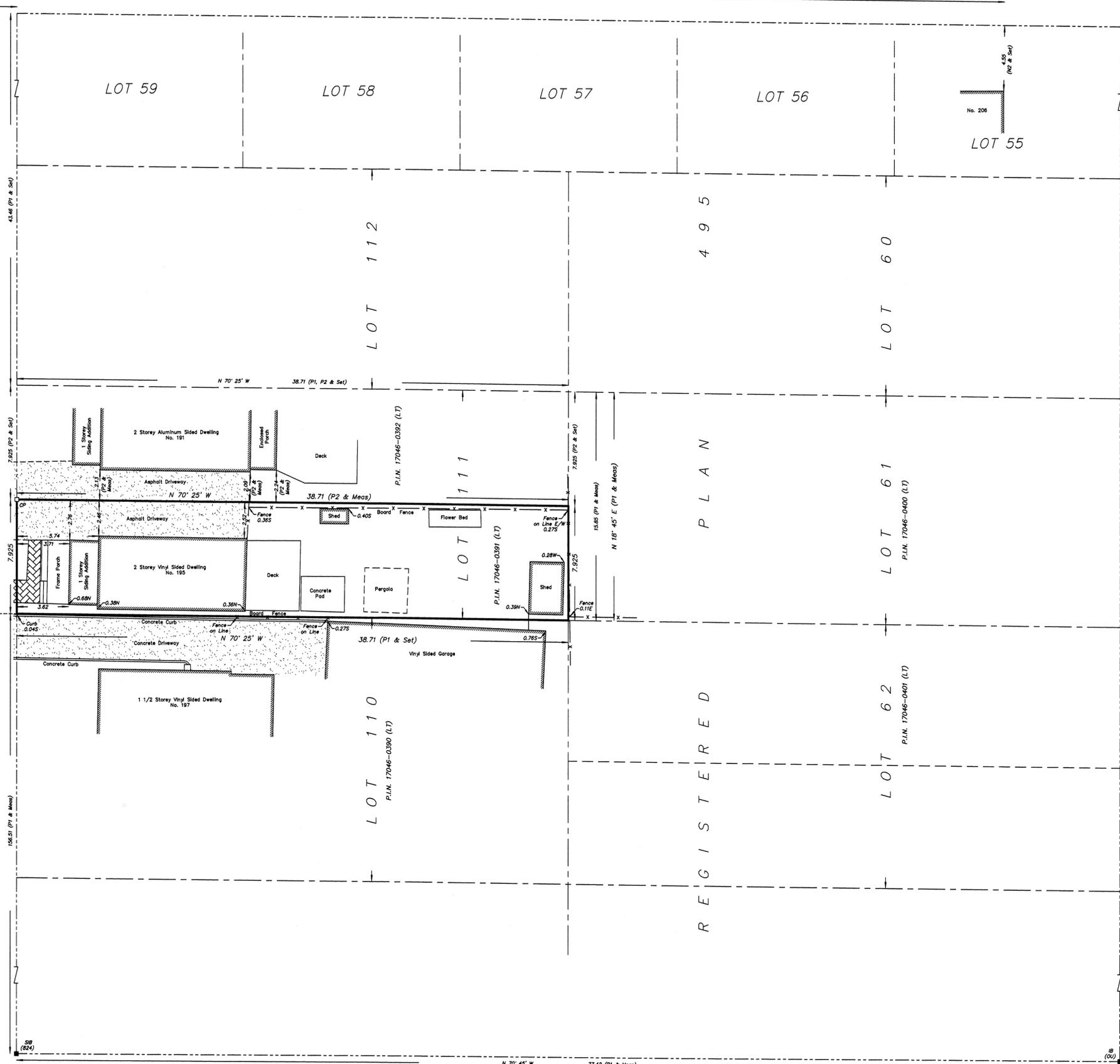
B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1L3)
PHONE 905-521-1535 ba.jacobs@rogers.com

QUEENSDALE AVENUE EAST

N 70° 25' W (P1 & Meas)

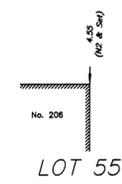
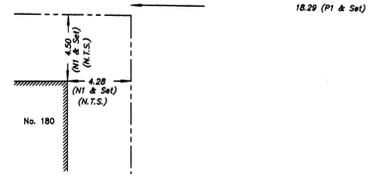
EAST 8th STREET
(FORMERLY MEADOWBROOK AVENUE, BY REGISTERED PLAN 495, P.I.N. 17046-0438 (LT))

N 18° 45' E (REFERENCE BEARING)



BRUCEDALE AVENUE EAST

N 70° 45' W 77.42 (P1 & Meas)



Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: 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
Registered Owners(s)	JONATHAN GARDNER DAVID BLANCHARD
Applicant(s)*	LEN ANGELICI
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:

[Empty rectangular box for providing names and addresses of 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:

RELIEF FROM REQUIRED SIDE YARD SETBACK OF 1.2m TO 0.36m
RELIEF FROM REQUIRED FRONT YARD LANDSCAPED AREA OF 50% TO 33.88%

Second Dwelling Unit Reconstruction of Existing Dwelling

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

WALL OF EXISTING DWELLING IS 0.36m FROM THE PROPERTY LINE
EXISTING FRONT YARD CONDITIONS ONLY RESULT IN 33.88%
LANDSCAPED AREA

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**):

195 EAST 8TH ST REGISTERED PLAN 495 - P.I.N. 17046-0391 (LT)
HAMILTON, ON LOT 111
L9A 3L7

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 8.1 to 8.10 above?

AREA HAS BEEN RESIDENTIAL SINCE CONSTRUCTION OF SUBJECT 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.

June 20, 2022
Date

X [Signature]
Signature Property Owner(s)

[Signature]

Jonathan Gardner David Blanchard
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 7.925m
Depth 38.71m
Area 306.77m²
Width of street _____

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

Existing:

GROUND FLOOR AREA: 56.19m² WIDTH: 4.90m
GROSS FLOOR AREA: 92.3m² LENGTH: 11.72m
2 STOREYS

Proposed:

GROUND FLOOR AREA: 56.83m² WIDTH: 6.12m
GROSS FLOOR AREA: 128.59m² LENGTH: 11.72m
2 STOREYS

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

Existing:

DWELLING:
FRONT: 3.62m RIGHT SIDE: 0.36m
REAR: 23.28m LEFT SIDE: 2.46m

Proposed:

DWELLING:
FRONT: 3.62m RIGHT SIDE: 0.36m
REAR: 23.28 LEFT SIDE: 1.24m

13. Date of acquisition of subject lands:
N/A
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property (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:
SINCE CONSTRUCTION
-
18. Municipal services available: (check the appropriate space or spaces)
Water Connected
Sanitary Sewer Connected
Storm Sewers
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
ZONE C: URBAN PROTECTED RESIDENTIAL, ETC. 6593 FORMER HAMILTON
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
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.

PART 25 AFFIDAVIT OR SWORN DECLARATION

This declaration to be sworn by a Commissioner of Oaths.

I, LEN ANGELICI of the PROVINCE of ONTARIO
in the CITY of HAMILTON solemnly declare that:

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

Declared before me at the
at the CITY of HAMILTON)
in the PROVINCE)
of ONTARIO)
this 24 day of JUNE A.D. 2022

Len
Applicant



Khora Kovic
A Commissioner, etc.

PART 26 OWNERS AUTHORIZATION JONATHAN GARDNER

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

LEN ANGELICI of LEN ANGELICI DESIGN INC

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

DATE June 20, 2022 SIGNED [Signature]

PART 27 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, Jonathan Gardner, the Owner(s), hereby agree and acknowledge
(Print name of Owner(s))

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.

June 20, 2022 Date
X [Signature] Signature of Owner(s)

PART 28 PERMISSION TO ENTER

Date: 06/28/2022

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

Dear Secretary/Treasurer;
Re: Application to Committee of Adjustment
Location of Land: 195 EAST 8TH ST
(Municipal address)

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



Signature of Owner or Authorized agent
LEN ANGELICI

Please print name

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

PART 29 COLLECTION OF INFORMATION

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



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

CITY OF HAMILTON

COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 28 day of JUNE, 20 22.

BETWEEN:

LEN ANGELICI

Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

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

DATED at HAMILTON this 28 day of JUNE, 20 22.

LEN ANGELICI
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 28 day of JUNE 20 22.

BETWEEN

JONATHAN GARDNER
DAVID BLANCHARD
(hereinafter called the "Owner")

OF THE FIRST PART

-and-

LEN ANGELICI
(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 06/28/2022.

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

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

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

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

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:215	SUBJECT PROPERTY:	104 EAST 9TH STREET, HAMILTON
ZONE:	"C" (Urban Protected Residential Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 96-109

APPLICANTS: Owner: Gerard Lazatin
Agent: Arman Capsuyen

The following variances are requested:

1. A minimum southerly side yard of 0.85 metres shall be permitted, instead of the minimum required side yard of 1.14 metres.

PURPOSE & EFFECT: To construct a one (1) storey rear addition onto an existing single-family dwelling, notwithstanding:

Notes:

1. The proposed building addition is indicated on the Elevation Drawings as one (1) storey, however, the height has not been indicated as per the definition of "height" provided in Hamilton Zoning By-law No. 6593. As per Section 9(2), no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres in height. Additional variance may be required if compliance with Section 9(2) cannot be achieved.
2. Please note that the subject lot is a lot of record, as defined in Hamilton Zoning By-law No. 6593. Therefore, as per Section 18(3)(v) the minimum required southerly side yard is 1.14 metres, based on a lot width of 11.43 metres. Please note that the width of the lot has not been indicated as per the definition of "width" provided in Hamilton Zoning By-law No. 6593; however, as the lot is rectangular, the lot frontage provided has been used to establish the lot width, and the corresponding required side yard setback.
3. Please note that the projection of eaves/gutters for the proposed building addition has not been indicated. Should the variance be granted to allow for a minimum southerly side yard of 0.85

HM/A-22:215

metres, as per Section 18(3)(vi)(b), an eave/gutter would be permitted to project approximately 0.42 metres into the reduced southerly side yard. The applicant shall ensure that eaves and gutters do not encroach beyond the property line onto the adjacent private property. Otherwise, the applicant shall be required to enter into an encroachment agreement and establish the necessary maintenance easements, which must be properly registered on title with the abutting neighbour.

4. Please note that the percentage of the gross area of the front yard that is landscaping has not been indicated. As per Section 18(14)(i) and 18A(14a), not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials. Additional variances may be required if compliance with Section 18(14)(i) and 18A(14a), is not possible.
5. The proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:215



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

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Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

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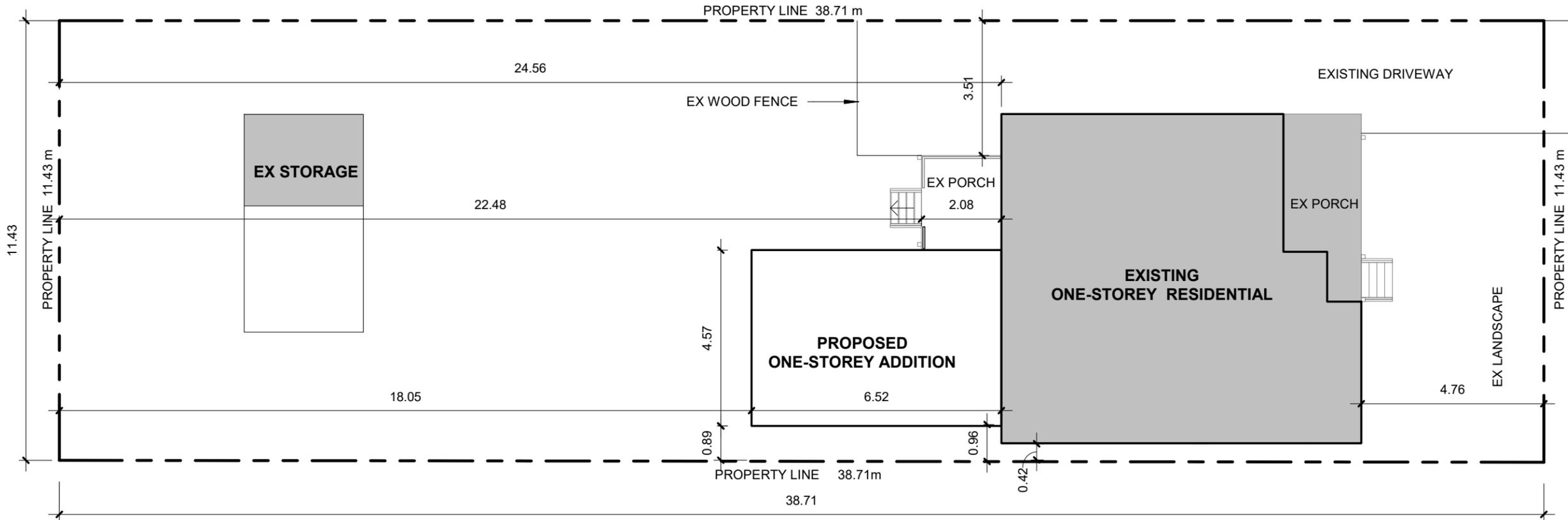
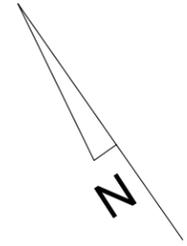
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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



1 SITE PLAN
1" = 10'-0"

SITE STATISTICS

ZONING CATOGORY: URBAN PROTECTED AREA
LOT AREA: 442.45 sq.m (4,762.49 sq.ft)

DESCRIPTION	PERMITTED	PROPOSED ADD'N
BUILDING HEIGHT	11.0 m MAX	EXISTING
FRONT YARD SETBACK	6.0 m MIN.	EXISTING
REAR YARD SETBACK	7.50 m MIN.	18.05 m
SIDE YARD SETBACK	1.20 m MIN.	0.89 m

NO	BY	DATE	REVISIONS	CHECKED
6		08/16/22	ISSUED FOR MINOR VARIANCE	
5		03/14/22	ISSUED FOR BUILDING PERMIT	
4		02/09/22	ISSUED FOR BUILDING PERMIT	
3		08/03/21	ISSUED FOR BUILDING PERMIT	
2		07/15/21	ISSUED FOR BUILDING PERMIT	
1		05/26/21	ISSUED FOR BUILDING PERMIT	

PROJECT:
PROPOSED ONE-STOREY ADDITION TO EXISTING BUILDING

ADDRESS:
104 EAST 9TH STREET
HAMILTON

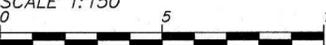
DESCRIPTION:
SITE PLAN

DATE: 07/01/2022

SCALE: AS NOTED

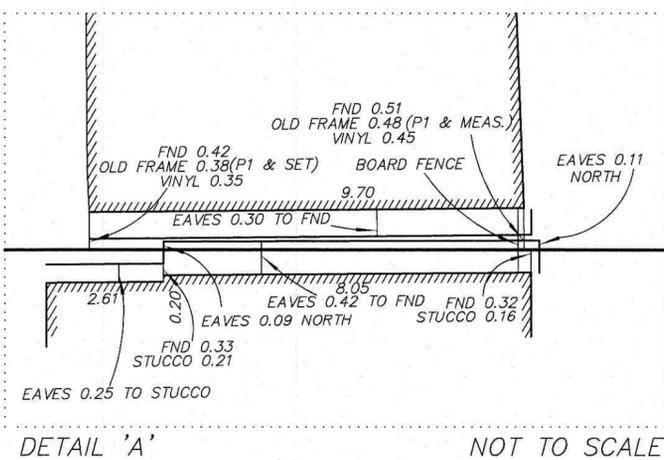
SHEET NO:
A1

SIDEWALK
EAST 9TH STREET

SKETCH OF
 PART OF LOT 84
 REGISTERED PLAN 495
 IN THE
CITY OF HAMILTON
 SCALE 1:150

 G. G. ALDWORTH, O.L.S.

R-4631A

BRUCEDALE AVENUE EAST
 (FORMERLY BRUCE AVENUE)



DETAIL 'A' NOT TO SCALE

495

108.73 N18°45'00"E
 (106.68 P2) (REFERENCE BEARING)

EAST 9TH STREET
 (FORMERLY CHEPPEL AVENUE)

P.I.N 17046-0434

LOT 99

LOT 83

LOT 98

P.I.N 17046-0280

LOT 84

PLAN

LOT 97

P.I.N 17046-0281

LOT 85

P.I.N 17046-0294

LOT 96

LOT 86

LOT 89

FENNEL AVENUE EAST

LEGEND:

- DENOTES FOUND BAR
- DENOTES PLANTED BAR
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- FND DENOTES FOUNDATION
- (912) DENOTES A. J. CLARKE & ASSOCIATES LTD.
- (824) DENOTES A. T. McLAREN O.L.S.
- (OU) DENOTES ORIGIN UNKNOWN
- (WT) DENOTES WITNESS
- (P1) DENOTES PLAN OF LOT 84 BY A.T. McLAREN LIMITED O.L.S. DATED APRIL 26, 1983
- (P2) DENOTES REGISTERED PLAN 495
- (N1) DENOTES A. J. CLARKE & ASSOCIATES LTD. FIELD NOTES DATED OCTOBER 23, 1986
- (N2) DENOTES A. J. CLARKE & ASSOCIATES LTD. FIELD NOTES DATED FEBRUARY 8, 1988

BEARINGS NOTE:
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF EAST 9TH STREET (FORMERLY CHAPPEL AVENUE) AS SHOWN ON REGISTERED PLAN 495, HAVING A BEARING OF N18°45'00"W

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

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NOTE
 THIS SKETCH HAS BEEN COMPILED FROM A PLAN OF SURVEY OF THE SOUTH SIDE OF THE SUBJECT LANDS PREPARED BY A. J. CLARKE & ASSOCIATES DATED JANUARY 5, 2022 AND A PLAN OF PART OF LOT 84 BY A.T. McLAREN O.L.S., DATED APRIL 26, 1983

AUGUST 16, 2022
 DATE



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

PROJECT No 218287R

R-4631A



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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	Gerard Lazatin Estelita Gomez-Lazatin		
Applicant(s)*	Arman Capsuyen		
Agent or Solicitor			Phone: E-mail:

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

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

THE BANK OF NOVA SCOTIA
 10 WRIGHT BLVD
 STRATFORD, ONTARIO
 N4Z 1H3

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 allow 0.96m side yard setback.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

zoning minimum side yard setback is 1.2m

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**):

South limit of Lot 84 Registered Plan 495 City of Hamilton 104 East 9th Street Hamilton L9A 3M8

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

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

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

- 8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

NA

- 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.

May 23, 2022
Date

Estelita & Gerard
Signature Property Owner(s)

ESTELITA & GERARD LAZATIN
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>11.43 m</u>
Depth	<u>38.71 m</u>
Area	<u>442.46 sq.m</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:

The existing structure is a one storey residential house with a building area of approx. 773.91 sqft

Proposed

The proposed addition is a one storey building attached to the existing house with a gross floor area of 320.62 sqft

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

Existing:

The existing house have a front yard setback of 4.76m rear yard setback of 24.2 m, side yard of 2.4 m and side yard of 0.42m

Proposed:

The proposed one storey addition is located at the rear yard with proposed side yard of 0.89 m

13. Date of acquisition of subject lands:
2016/05/16
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.):
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 REGISTRATION OF THE PLAN OF SUBDIVISION
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
 If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/B-22:88	SUBJECT PROPERTY:	533 CATHARINE STREET N., HAMILTON
-------------------------	-------------------	--------------------------	--------------------------------------

APPLICANTS: Owner – Gateway Solutions Group Inc.
Agent: Urban Solutions – Matt Johnston

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create a new residential building lot. The existing detached garage and the mud room portion of the single detached dwelling are to be removed.

	Frontage	Depth	Area
SEVERED LANDS:	7.65 m [±]	29.26 m [±]	220.86 m ² [±]
RETAINED LANDS:	8.59 m [±]	23.34	205.04 m ² [±]

Associated Planning Act File(s): HM/A-22:274

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
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HM/B-22:88

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 **Subject Lands**

DATED: September 6, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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HM/B-22:88

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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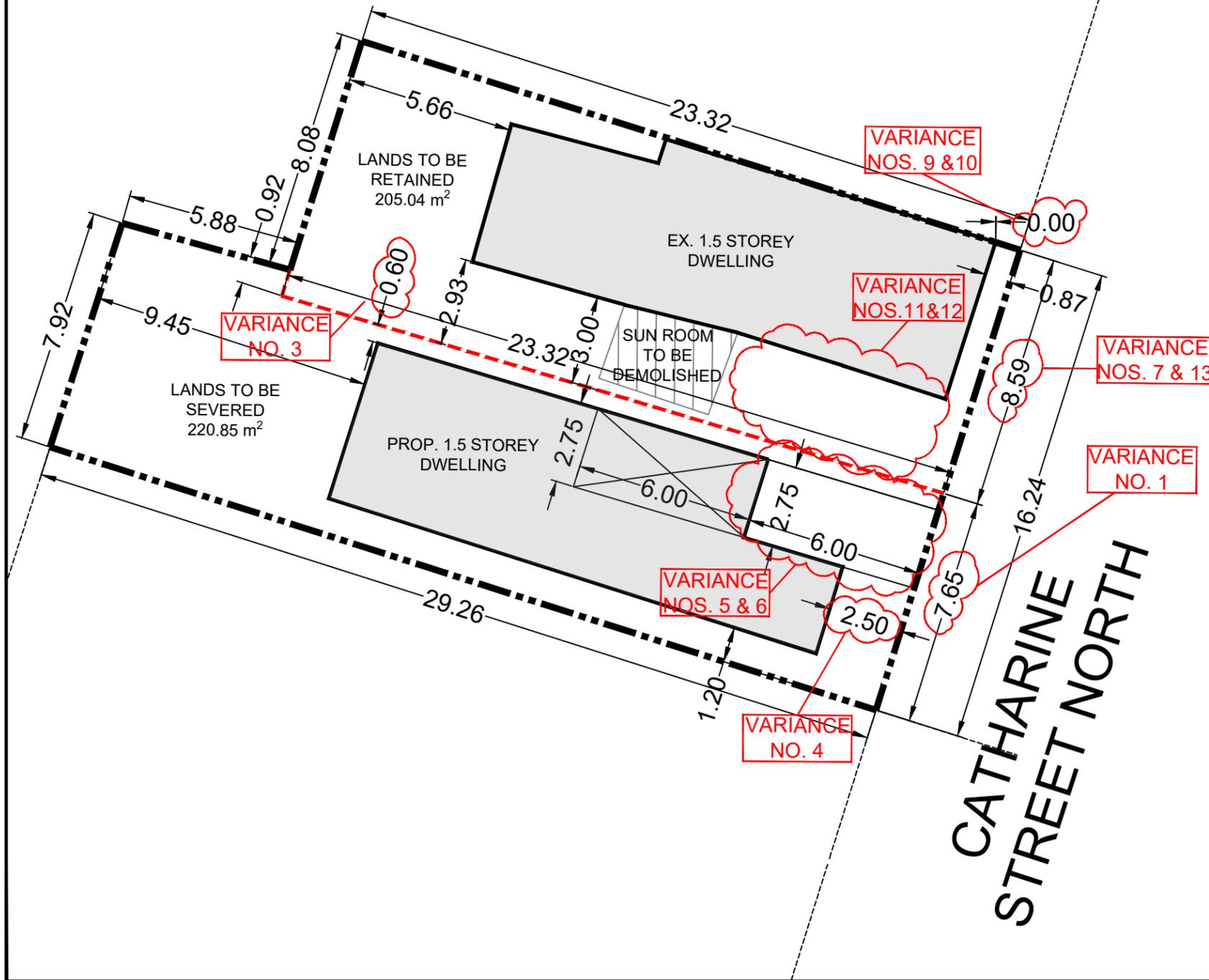
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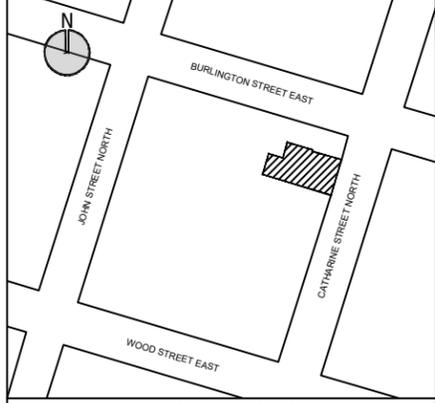
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BURLINGTON STREET EAST



N
SCALE 1:175



KEY MAP - N.T.S.
SCALE 1:175
METRES
0 5 10

LEGEND

 SUBJECT LANDS
 PROPOSED SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: AUGUST 12, 2022

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
GATEWAY SOLUTIONS GROUP INC.
533 CATHARINE STREET NORTH
CITY OF HAMILTON

TITLE:
COMMITTEE OF ADJUSTMENT
SKETCH

U/S FILE NUMBER: 458-22 SHEET NUMBER: 1

Development Statistics			
Zone: "D" (Urban Protected Residential - One and Two Family Dwellings Etc.) District			
Item	Required	Proposed (Retained)	Proposed (Severed)
Min. Lot Area	360.0 m ²	205.04 m ²	220.85 m ²
Min. Lot Frontage	12.0 m	8.59 m	7.65 m
Max. Building Height	3 Storeys (14.0 m)	1.5 storeys	1.5 storeys
Min. Front Yard	6.0 m	0.0 m	2.5 m
Min. Rear Yard	7.5 m	8.10 m	7.5 m
Min Side Yard	1.2 m	0.0 m	0.6 m

REQUIRED VARIANCES:

Lands to be Severed:

- Variance No. 1:** To permit a lot width of 7.50 metres whereas 12.0 is required.
- Variance No. 2:** To permit a lot area of 210 squared metres whereas 360 squared metres is required.
- Variance No. 3:** To permit a 0.6 metre northerly side yard whereas 1.20 metres is required.
- Variance No. 4:** To permit a 2.5 m front yard whereas 6.0 metre front yard is required.
- Variance No. 5:** To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.
- Variance No. 6:** To permit parking within the front yard whereas no parking is permitted within the front yard.

Lands to be Retained:

- Variance No. 7:** To permit a lot width of 8.50 metres whereas 12.0 metres is required.
- Variance No. 8:** To permit a lot area of 200 squared metres whereas 360 square metres is required.
- Variance No. 9:** To permit a 0.0 metre northerly side yard whereas a 1.20 metre side yard is required
- Variance No. 10:** To permit a 0.0 metre front yard whereas a 6.0 metre front yard is required.
- Variance No. 11:** To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.
- Variance No. 12:** To permit parking within the front yard whereas no parking is permitted within the front yard.
- Variance No. 13:** To permit no front yard landscaping whereas 50% front yard landscaping is required.



August 12th, 2022

458-22

Via Delivered & Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: Consent to Sever and Minor Variance Applications
533 Catharine Street North, City of Hamilton**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Gateway Solutions Group Inc., the registered owner of the lands municipally known as 533 Catharine Street North, in the City of Hamilton. On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever application and Minor Variance application to the City of Hamilton.

The subject lands are designated as “Neighbourhoods” in the Urban Hamilton Official Plan, “Low Density Residential” in the Setting Sail Secondary Plan, and are currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the former City of Hamilton Zoning By-law No. 6593.

The purpose of the Consent to Sever application is to sever the subject lands into two (2) separate parcels. The subject lands are currently occupied by a two-storey single-detached dwelling and a one-storey detached garage. The proposal aims to keep the single-detached dwelling on the lands to be retained, and sever the portion of the lot containing the detached garage, driveway, and a portion of the existing dwelling. The detached garage and a portion of the existing dwelling are to be removed, and the driveway is proposed to be relocated onto the retained lands with the existing dwelling. The lot area for lands to be retained is +/- 205.04 m² and has a frontage of +/- 8.59 m. The lot area for the lands to be severed is 220.86 m² and has +/- 7.65 m of frontage.

The purpose of the Minor Variance application is to facilitate the Consent to Sever application and bring the severed and retained parcels into conformity with the Zoning By-Law. The proposal requires 13 variances. The requested variances are as follows:

Lands to be Severed:

Variance No. 1: To permit a lot width of 7.50 metres whereas 12.0 is required.

Variance No. 2: To permit a lot area of 210 squared metres whereas 360 squared metres is required.

Variance No. 3: To permit a 0.6 metre northerly side yard whereas 1.20 metres is required.

Variance No. 4: To permit a 2.5 m front yard whereas a 6.0 metre front yard is required.

Variance No. 5: To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.

Variance No. 6: To permit parking within the front yard whereas no parking is permitted within the front yard.

Lands to be Retained:

Variance No. 7: To permit a lot width of 8.5 metres whereas 12.0 metres is required.

Variance No. 8: To permit a lot area of 200 squared metres whereas 360 square metres is required.

Variance No. 9: To permit a 0.0 metre northerly side yard whereas a 1.20 metre side yard is required, to reflect the existing conditions on-site.

Variance No. 10: To permit a 0.0 metre front yard whereas a 6.0 metre front yard is required, to reflect the existing conditions on-site.

Variance No. 11: To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.

Variance No. 12: To permit parking within the front yard whereas no parking is permitted within the front yard.

Variance No. 13: To permit no front yard landscaping whereas 50% front yard landscaping is required, to reflect the existing conditions on-site.

The Consent to Sever application is in keeping with Section 53(1) of the Planning Act, R.S.O, 1990, as amended, as a Plan of Subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of lands without being subject to the provisions of a full Draft Plan of Subdivision. Further, the required Minor Variances uphold the intent of the Official Plan, the Zoning By-law, are appropriate for the lands, and are minor in nature. Therefore, the requirements of Section 45 of the Planning Act are met.

In support of this request, please find enclosed:

- One (1) copy of the Severance Sketch prepared by UrbanSolutions;
- One (1) copy of the completed Consent to Sever application form;
- One (1) copy of the completed Minor Variance application form;
- One (1) cheque in the amount of **\$3,465.00** made payable to the City of Hamilton; and,
- One (1) cheque in the amount of **\$2,985.00** made payable to the City of Hamilton.

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

Regards,

UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan, BA, CPT
Planning Technician

cc: Gateway Solutions Group Inc. (Via email)
Councillor Jason Farr, Ward 2



Hamilton

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

Phone: (905) 546-2424 ext. 4221
 Email: 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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Gateway Solutions Group Inc.		
Applicant(s)**	Same as Owner		
Agent or Solicitor	UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston		

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

1.3 All correspondence should be sent to Purchaser 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°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 533 Catharine Street North, Hamilton, Ontario, L8L 4V3			Assessment Roll N°.

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

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

- Other: a charge
 a lease
 a correction of title

~~b) Rural Area / Rural Settlement Area Transfer (Section 10 must also 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 (lease, easement, charge etc.)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
7.65 m	29.26 m	220.86 m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Detached Garage and Single Detached Dwelling

Proposed: N/A

Existing structures to be removed: Detached Garage and portion of 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) _____

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
8.59 m	23.34 m	205.04 m ²

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

- 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 to remain

Existing structures to be removed: Portion of Existing Single Detached Dwelling (Mud Room)

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) "Low-Density Residential" (Setting Sail)
"Neighbourhoods" (UHOP Sched. E and E-1)

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

Please refer to Cover Letter.

"D" District (Urban Protected Residential - One and Two Family Dwellings, Etc.) as per Zoning

5.2 What is the existing zoning of the subject land? By-Law No.6593
If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? N/A

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Approx. 300 m from industrial use (Hamilton Port)
An active railway line	<input type="checkbox"/>	Approx. 300 m from active railway line
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

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?

Consultation with Owner

~~6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. 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

Residential severances are permitted within the urban area.

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

Yes No (Provide explanation)

The proposed severance application is consistent with Section 1.1.1 of the PPS.

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

Yes No (Provide explanation)

Settlement is permitted and growth is to be directed to Settlement Areas. As the lands are within the Settlement Area, the application conforms to the Growth Plan.

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

Yes No

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

~~Yes No~~

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

~~Yes No~~

~~(Provide Explanation)~~

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

Yes No

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

Yes No (Provide Explanation)

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

Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

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

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

N/A

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

N/A

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

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

N/A

8.4 How long has the applicant owned the subject land?

Since July 28th, 2022

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.

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

Settlement Area

Designation

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

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

- Agricultural Severance or Lot Addition
 - Agricultural Related Severance or Lot Addition
 - Rural Resource-based Commercial Severance or Lot Addition
 - Rural Institutional Severance or Lot Addition
 - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
 - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

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

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

N/A

12 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.

August 12th, 2022

 Date

Charles Weh

 Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:274	SUBJECT PROPERTY:	533 CATHARINE STREET N., HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Dwellings)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Gateway Solutions Group Inc.
Agent: Urban Solutions – Matt Johnston

The following variances are requested:

1. A minimum lot width of 7.50m on the lands to be severed instead of the minimum 12.0m lot width required.
2. A minimum lot area of 210m² on the lands to be severed instead of the minimum 360m² lot area required.
3. A northerly side yard width of 0.6m on the lands to be severed instead of the minimum 1.2m yard width required.
4. A minimum front yard depth of 2.5m on the lands to be severed instead of the minimum 6.0m front yard depth required.
5. A lot with of 8.5m on the lands to be retained instead of the minimum 12.0m lot width required.
6. A minimum lot area of 200m² on the lands to be retained instead of the minimum 360m² lot area required.
7. A 0.0m northerly side yard width on the lands to be retained instead of the minimum 1.2m side yard width required.
8. A minimum front yard depth of 0.0m on the lands to be retained instead of the minimum 6.0m front yard depth required.

HM/A-22:274

9. 0% front yard landscaping on the lands to be retained instead of the minimum required 50% front yard landscaping requirement.
10. An Access driveway having a minimum width of 2.75m shall be permitted on the lands to be severed instead of the minimum 2.8m wide access driveway width required.

PURPOSE & EFFECT: To facilitate severance application HM/B-22:88 on the lands municipally known as 533 Catharine Street North Hamilton, to bring the severed and retained lands to conformity;

Notes:

1. Parking details for the lands to be retained have not been provided, as such additional variances may be required.
2. Yard encroachment details were not provided. As such additional variances for encroachments on yards may be required.
3. Additional variances for maneuvering space as well as front yard parking were requested but were not required for the purposes of the proposed construction.
4. Building height provided as number of storeys, details regarding building height in metres not provided. As such additional variances for building height may be required.
5. Variances 1 through 9 have been written exactly as requested by the applicant.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

HM/A-22:274

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

**Subject Lands**

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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



August 12th, 2022

458-22

Via Delivered & Email

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: Consent to Sever and Minor Variance Applications
533 Catharine Street North, City of Hamilton**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Gateway Solutions Group Inc., the registered owner of the lands municipally known as 533 Catharine Street North, in the City of Hamilton. On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever application and Minor Variance application to the City of Hamilton.

The subject lands are designated as “Neighbourhoods” in the Urban Hamilton Official Plan, “Low Density Residential” in the Setting Sail Secondary Plan, and are currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the former City of Hamilton Zoning By-law No. 6593.

The purpose of the Consent to Sever application is to sever the subject lands into two (2) separate parcels. The subject lands are currently occupied by a two-storey single-detached dwelling and a one-storey detached garage. The proposal aims to keep the single-detached dwelling on the lands to be retained, and sever the portion of the lot containing the detached garage, driveway, and a portion of the existing dwelling. The detached garage and a portion of the existing dwelling are to be removed, and the driveway is proposed to be relocated onto the retained lands with the existing dwelling. The lot area for lands to be retained is +/- 205.04 m² and has a frontage of +/- 8.59 m. The lot area for the lands to be severed is 220.86 m² and has +/- 7.65 m of frontage.

The purpose of the Minor Variance application is to facilitate the Consent to Sever application and bring the severed and retained parcels into conformity with the Zoning By-Law. The proposal requires 13 variances. The requested variances are as follows:

Lands to be Severed:

Variance No. 1: To permit a lot width of 7.50 metres whereas 12.0 is required.

Variance No. 2: To permit a lot area of 210 squared metres whereas 360 squared metres is required.

Variance No. 3: To permit a 0.6 metre northerly side yard whereas 1.20 metres is required.

Variance No. 4: To permit a 2.5 m front yard whereas a 6.0 metre front yard is required.

Variance No. 5: To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.

Variance No. 6: To permit parking within the front yard whereas no parking is permitted within the front yard.

Lands to be Retained:

Variance No. 7: To permit a lot width of 8.5 metres whereas 12.0 metres is required.

Variance No. 8: To permit a lot area of 200 squared metres whereas 360 square metres is required.

Variance No. 9: To permit a 0.0 metre northerly side yard whereas a 1.20 metre side yard is required, to reflect the existing conditions on-site.

Variance No. 10: To permit a 0.0 metre front yard whereas a 6.0 metre front yard is required, to reflect the existing conditions on-site.

Variance No. 11: To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.

Variance No. 12: To permit parking within the front yard whereas no parking is permitted within the front yard.

Variance No. 13: To permit no front yard landscaping whereas 50% front yard landscaping is required, to reflect the existing conditions on-site.

The Consent to Sever application is in keeping with Section 53(1) of the Planning Act, R.S.O, 1990, as amended, as a Plan of Subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of lands without being subject to the provisions of a full Draft Plan of Subdivision. Further, the required Minor Variances uphold the intent of the Official Plan, the Zoning By-law, are appropriate for the lands, and are minor in nature. Therefore, the requirements of Section 45 of the Planning Act are met.

In support of this request, please find enclosed:

- One (1) copy of the Severance Sketch prepared by UrbanSolutions;
- One (1) copy of the completed Consent to Sever application form;
- One (1) copy of the completed Minor Variance application form;
- One (1) cheque in the amount of **\$3,465.00** made payable to the City of Hamilton; and,
- One (1) cheque in the amount of **\$2,985.00** made payable to the City of Hamilton.

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

Regards,

UrbanSolutions



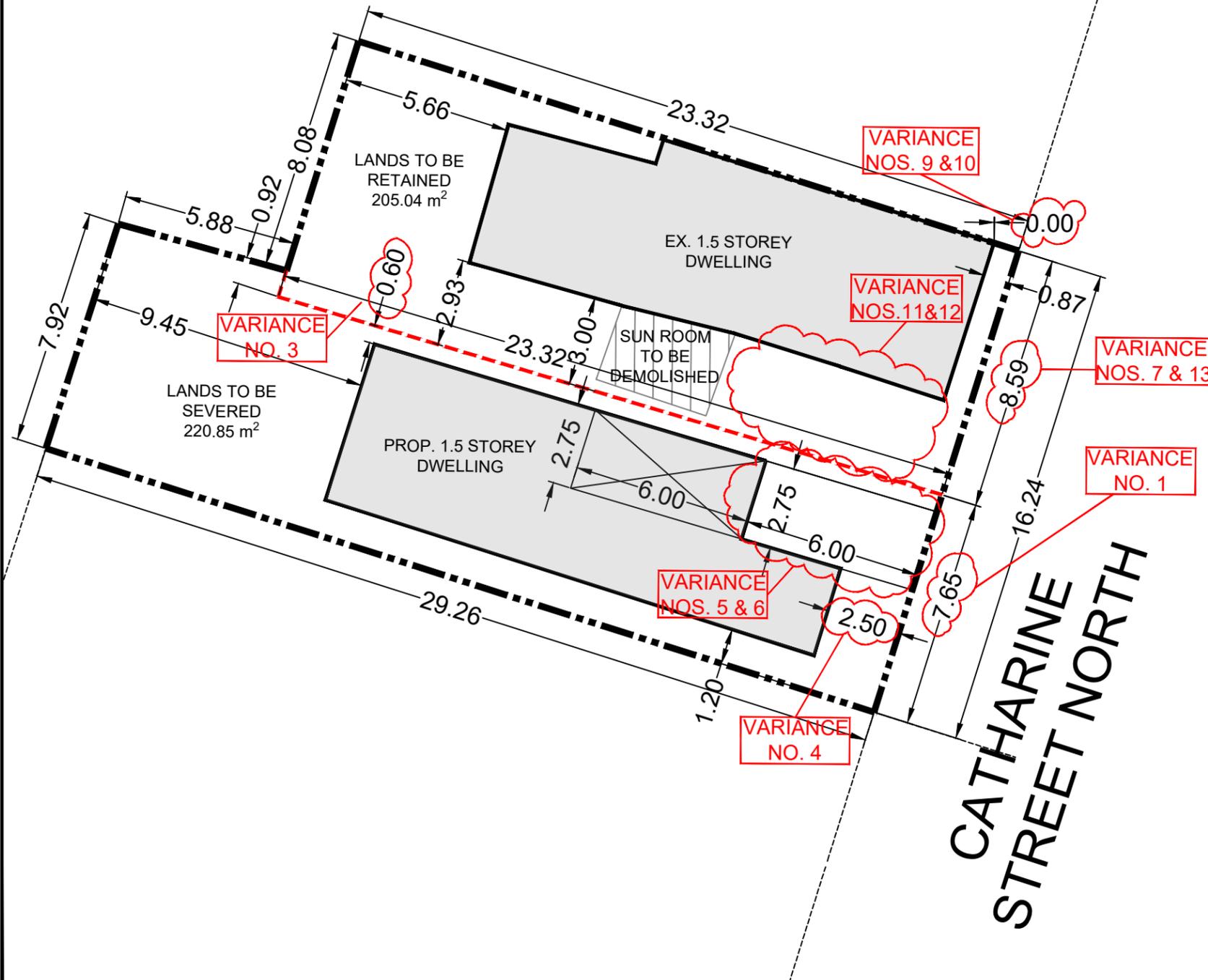
Matt Johnston, MCIP, RPP
Principal



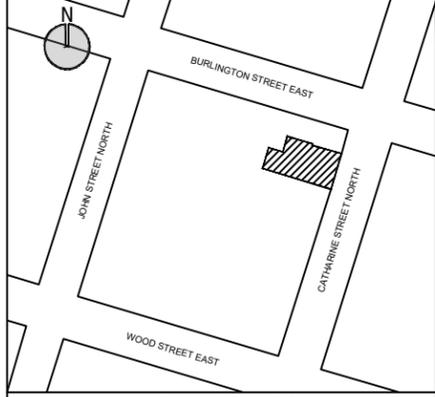
Laura Drennan, BA, CPT
Planning Technician

cc: Gateway Solutions Group Inc. (Via email)
Councillor Jason Farr, Ward 2

BURLINGTON STREET EAST



N
SCALE 1:175



KEY MAP - N.T.S.
SCALE 1:175
METRES
0 5 10

LEGEND
 - - - - - SUBJECT LANDS
 - - - - - PROPOSED SEVERANCE LINE

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN DATE: AUGUST 12, 2022

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
GATEWAY SOLUTIONS GROUP INC.
533 CATHARINE STREET NORTH
CITY OF HAMILTON

TITLE:
COMMITTEE OF ADJUSTMENT
SKETCH

U/S FILE NUMBER: 458-22 SHEET NUMBER: 1

Development Statistics			
Zone: "D" (Urban Protected Residential - One and Two Family Dwellings Etc.) District			
Item	Required	Proposed (Retained)	Proposed (Severed)
Min. Lot Area	360.0 m ²	205.04 m ²	220.85 m ²
Min. Lot Frontage	12.0 m	8.59 m	7.65 m
Max. Building Height	3 Storeys (14.0 m)	1.5 storeys	1.5 storeys
Min. Front Yard	6.0 m	0.0 m	2.5 m
Min. Rear Yard	7.5 m	8.10 m	7.5 m
Min Side Yard	1.2 m	0.0 m	0.6 m

REQUIRED VARIANCES:

Lands to be Severed:

- Variance No. 1:** To permit a lot width of 7.50 metres whereas 12.0 is required.
- Variance No. 2:** To permit a lot area of 210 squared metres whereas 360 squared metres is required.
- Variance No. 3:** To permit a 0.6 metre northerly side yard whereas 1.20 metres is required.
- Variance No. 4:** To permit a 2.5 m front yard whereas 6.0 metre front yard is required.
- Variance No. 5:** To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.
- Variance No. 6:** To permit parking within the front yard whereas no parking is permitted within the front yard.

Lands to be Retained:

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- Variance No. 9:** To permit a 0.0 metre northerly side yard whereas a 1.20 metre side yard is required
- Variance No. 10:** To permit a 0.0 metre front yard whereas a 6.0 metre front yard is required.
- Variance No. 11:** To permit no on-site maneuvering space whereas maneuvering space abutting and accessory to each required parking space shall be provided and maintained.
- Variance No. 12:** To permit parking within the front yard whereas no parking is permitted within the front yard.
- Variance No. 13:** To permit no front yard landscaping whereas 50% front yard landscaping is required.



Hamilton

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

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

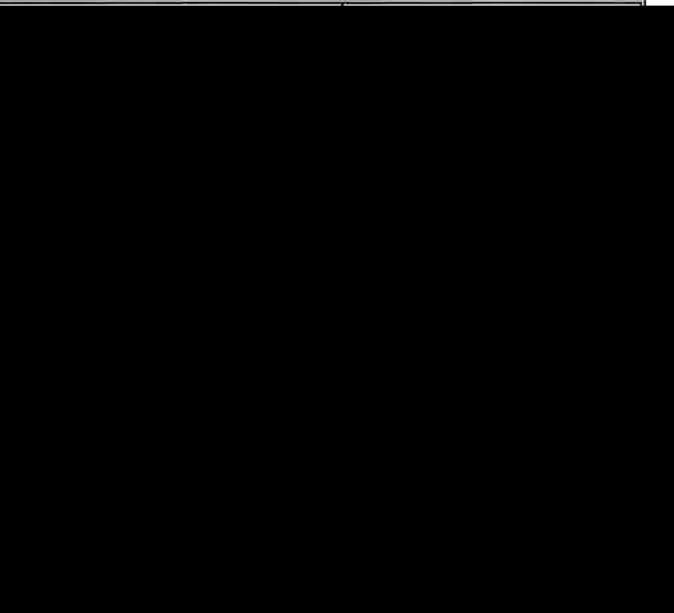
APPLICATION FOR A MINOR VARIANCE

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)	Gateway Solutions Group Inc.	
Applicant(s)*	Same as Owner	
Agent or Solicitor	UrbanSolutions Planning and Land Development Consultants Inc. c/o Matt Johnston	

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:

Please refer to cover letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to 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**):

533 Catharine Street North, Hamilton, ON, L8L 4V3

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use N/A

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Consultation with 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.

August 12th, 2022

Date

Charles Web

Signature Property Owner(s)

Gateway Solutions Group Inc.

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage Retained: +/- 8.59 m Severed: +/- 7.65 m

Depth Retained: +/- 23.34 m Severed: +/- 29.26 m

Area Retained: +/- 205.04 m² Severed: +/- 220.86 m²

Width of street Retained: +/- 20.10 m Severed: +/- 20.10 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: _

Please refer to sketch.

Proposed

Please refer to sketch.

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

Existing:

Please refer to sketch.

Proposed:

Please refer to sketch.

13. Date of acquisition of subject lands:
July 28th, 2022
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.):
Residential: Single-Family Dwelling and Detached Garage
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Residential: Single and Two-Family Dwellings
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 YES Connected YES
Sanitary Sewer YES Connected YES
Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
Please refer to Cover Letter.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Please refer to Cover Letter.
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
Please refer to Cover Letter.
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:275	SUBJECT PROPERTY:	838 BEACH BOULEVARD, HAMILTON
ZONE:	"C" (Urban Protected Residential and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 99-170 & 19-277

APPLICANTS: Owner: B. Chamberlain & V. Archer

The following variances are requested:

1. A Maximum Height of 4.06 metres shall be provided instead of the required Maximum Height of 4.0 metres for an Accessory Building.

PURPOSE & EFFECT: To permit the construction of an Accessory Structure (Garage) within the rear yard notwithstanding that;

Notes:

- i. The driveway shown on the submitted drawings appear to be shared between 838 Beach Boulevard and 834 Beach Boulevard. A mutual driveway is permitted as an Access Driveway under Section 18A(22)(b) of Hamilton Zoning By-Law 6593. The applicant shall ensure the mutual access driveway is registered on title as a Registered Right of Way.
- ii. Please be advised that insufficient information has been provided to determine required parking within the proposed garage. Should any proposed parking spaces within the accessory structure not meet the required 2.7 metres wide and 6.0 metres long, additional variances may be required.
- iii. Please be advised that insufficient information has been provided to determine area covered of the accessory building within the required rear yard. Should the accessory structure cover more than 30% of the required rear yard, additional variances may be required.
- iv. Please be advised that insufficient information has been provided to determine Minimum Access Driveway Width to the proposed garage. Should the intent be to provide parking within the garage,

HM/A-22:275

the existing Access Driveway shall be a minimum of 2.8 metres. Should the Access Driveway not be 2.8 metres in width, additional variances may be required.

- v. Due to the proximity of this property to the right-of-way limits of the Queen Elizabeth Way, a permit from the Ontario Ministry of Transportation may be necessary. Additionally, the Ministry of Transportation may also have development regulations which may affect the subject lands.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:275



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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

TOPOGRAPHIC SURVEY OF
PART OF BURLINGTON BEACH WEST SIDE
BEACH BOULEVARD (UNREGISTERED)
IN THE
CITY OF HAMILTON

SCALE 1 : 200



ASHENHURST NOUWENS & ASSOCIATES INC.
COPYRIGHT 2022 ©

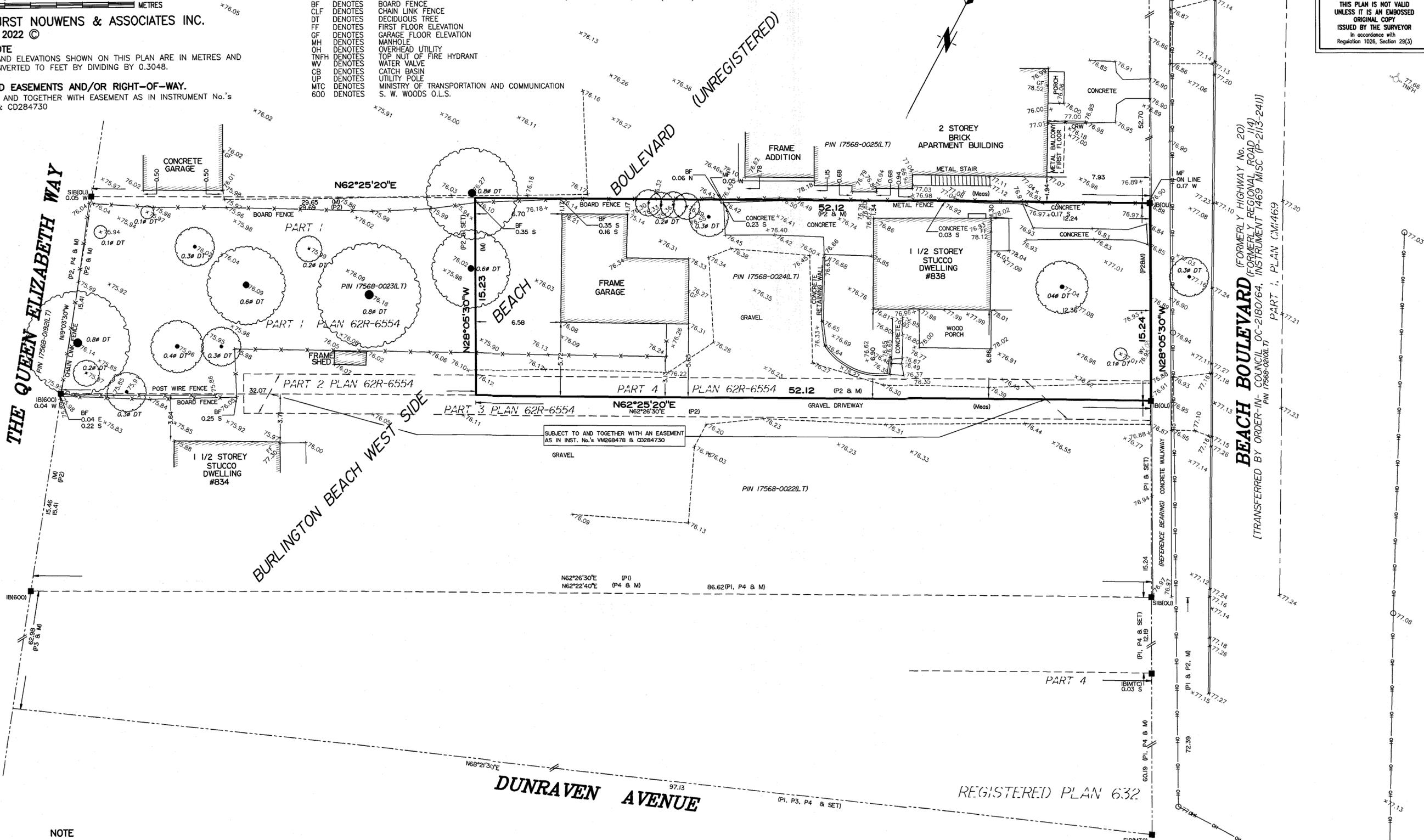
METRIC NOTE
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY.
SUBJECT TO AND TOGETHER WITH EASEMENT AS IN INSTRUMENT No.'s
VM268478 & CD284730

LEGEND	
■	DENOTES FOUND
□	DENOTES PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
RIB	DENOTES ROUND IRON BAR
M	DENOTES MEASURED
OU	DENOTES ORIGIN UNKNOWN
WIT	DENOTES WITNESS
P1	DENOTES PLAN 62R-1143
P2	DENOTES PLAN 62R-6554
P3	DENOTES PLAN 62R-5467
P4	DENOTES PLAN OF SURVEY BY ASHENHURST NOUWENS O.L.S., DATED MARCH 4, 2021 (21-008)
BF	DENOTES BOARD FENCE
CLF	DENOTES CHAIN LINK FENCE
DT	DENOTES DECIDUOUS TREE
FF	DENOTES FIRST FLOOR ELEVATION
GF	DENOTES GARAGE FLOOR ELEVATION
MH	DENOTES MANHOLE
OH	DENOTES OVERHEAD UTILITY
TNFH	DENOTES TOP NUT OF FIRE HYDRANT
WV	DENOTES WATER VALVE
CB	DENOTES CATCH BASIN
UP	DENOTES UTILITY POLE
MTC	DENOTES MINISTRY OF TRANSPORTATION AND COMMUNICATION S. W. WOODS O.L.S.
600	DENOTES

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2180313

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



NOTE
NOTE THE LOCATION OF THE FENCES ALONG THE NORTH LIMIT OF THE PROPERTY AS SHOWN IN THE DRAWING
NOTE THE LOCATION OF THE GRAVEL DRIVEWAY ALONG THE SOUTH LIMIT OF THE PROPERTY AS SHOWN IN THE DRAWING

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WEST LIMIT OF BEACH BOULEVARD AS SHOWN ON PLAN 62R-1143 HAVING A BEARING OF N28°05'30"W

THIS SURVEY WAS PREPARED FOR BENJAMIN CHAMBERLAIN AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

BENCHMARK
CITY OF HAMILTON BENCHMARK NO. 0011965U130.
CONCRETE ABUTMENT UNDER SOUTH END OF APPROACH TO BURLINGTON SKYWAY BRIDGEON QEW, 1.3KM SOUTH OF BURLINGTON CANAL, 85.3M WEST OF BEACH BOULEVARD, IMMEDIATELY WEST OF HOUSE NO. 936, OPPOSITE AND BETWEEN 3RD AND 4TH AVENUES, TABLET IN NORTH FACE OF ABUTMENT ON EAST SIDE OF BRIDGE, 57CM EAST OF FENCE, 33CM FROM WEST INSIDE FACE OF ABUTMENT, 30CM ABOVE GROUND LEVEL.
ELEVATION = 76.487 (DATUM: CGVD 1928:1978)

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 12TH DAY OF OCTOBER, 2021

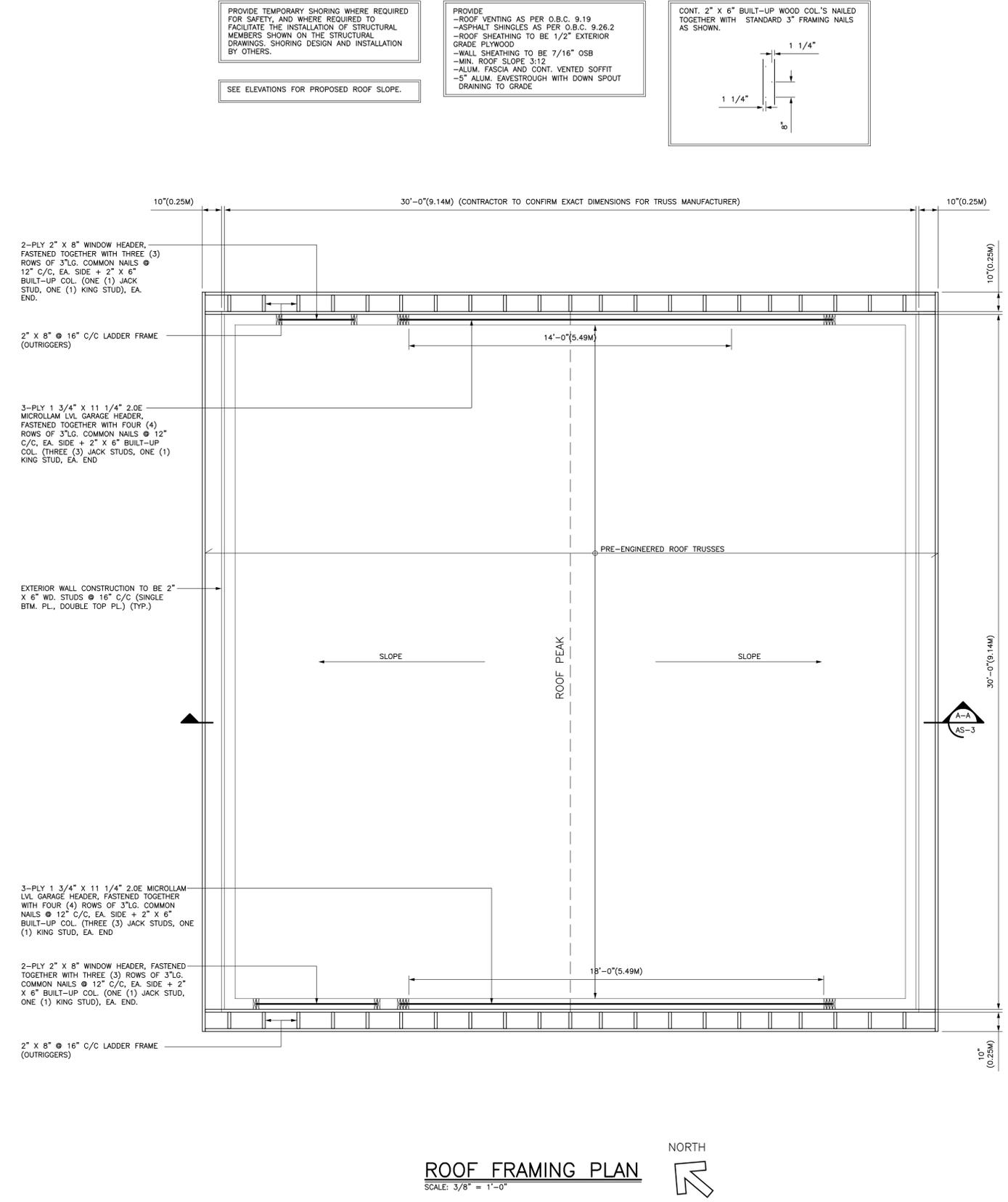
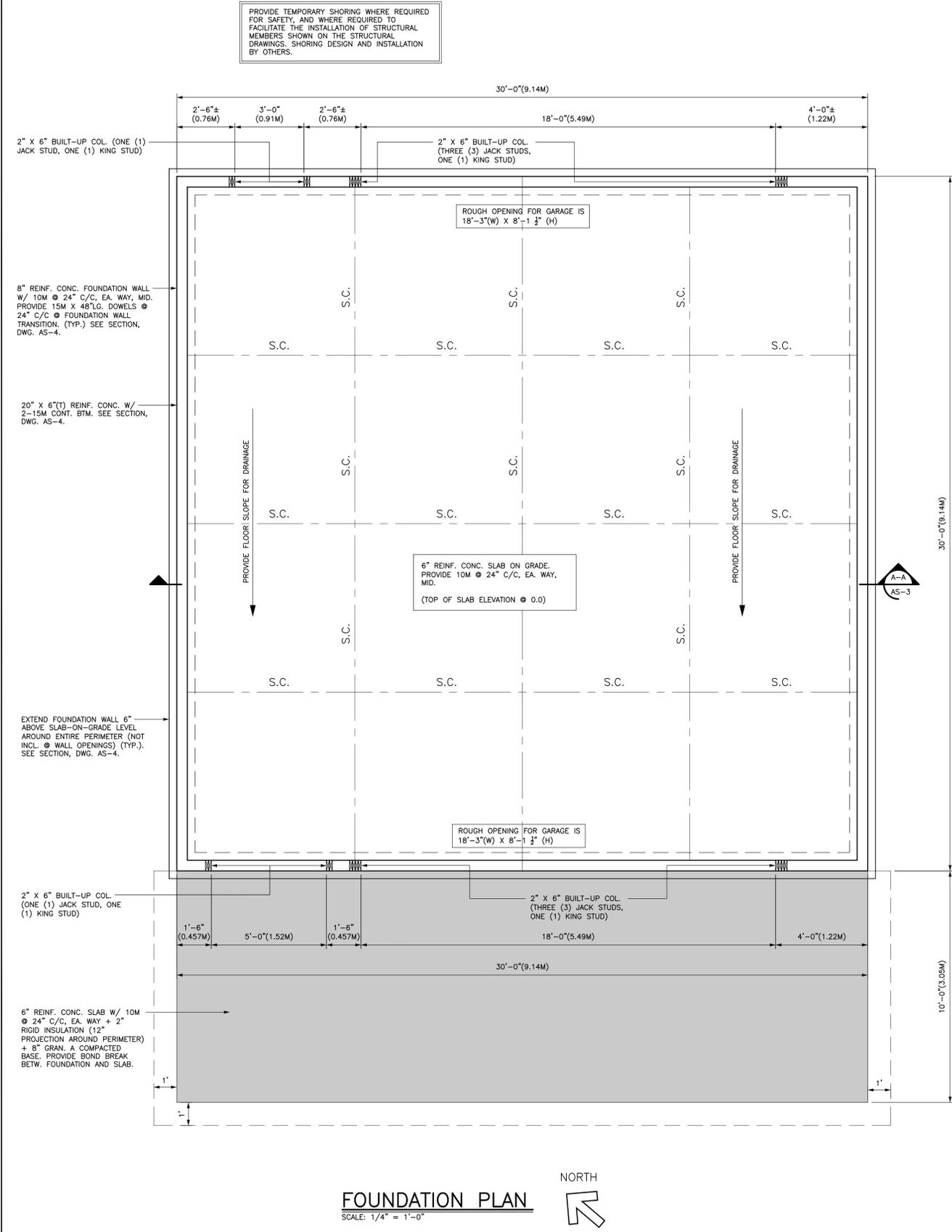
MAY 16 2022
DATE

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

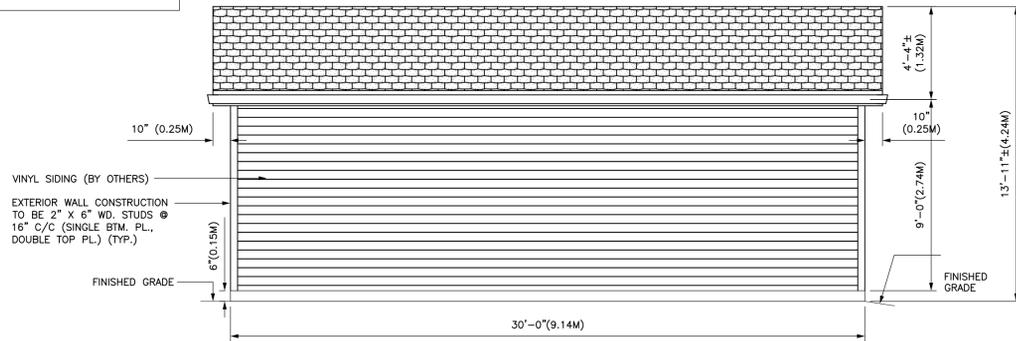
SINCE 1956

DRAWN BY W.S.	CALC'D BY W.S.	CHK'D BY H.K.	FILE No. 21--190 TOPO
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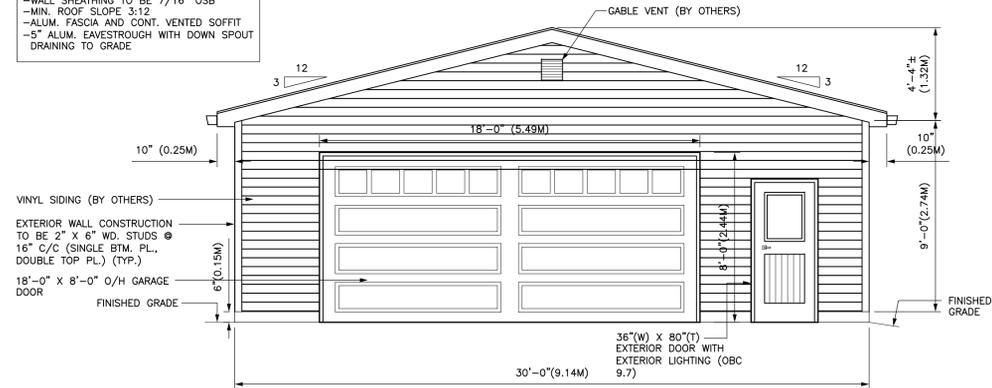
REVISIONS No. Description/Date 0 ISSUED FOR PERMIT JULY 20, 2022		CND ENGINEERING LIMITED 115 KING STREET EAST, 3RD FLOOR HAMILTON, ON L8N 1A9 THE FOUNDATION TO A SUCCESSFUL PROJECT STARTS HERE. WWW.CNDENG.CA	Project Title: 838 BEACH BLVD., HAMILTON DETACHED GARAGE	Drawn: PAS Date: JULY 2022	Scale: AS NOTED Project Number: 22047
			Drawing Title: FOUNDATION PLAN AND ROOF FRAMING PLAN	Checked: DL Date: JULY 2022	This Set Contains 4 Drawings Drawing Number: AS-3 Revision: 0

PROVIDE
 -ROOF VENTING AS PER O.B.C. 9.19
 -ASPHALT SHINGLES AS PER O.B.C. 9.26.2
 -ROOF SHEATHING TO BE 1/2" EXTERIOR PLYWOOD (G1S)
 -WALL SHEATHING TO BE 7/16" OSB
 -MIN. ROOF SLOPE 3:12
 -ALUM. FASCIA AND CONT. VENTED SOFFIT
 -5" ALUM. EAVESTROUGH WITH DOWN SPOUT DRAINING TO GRADE



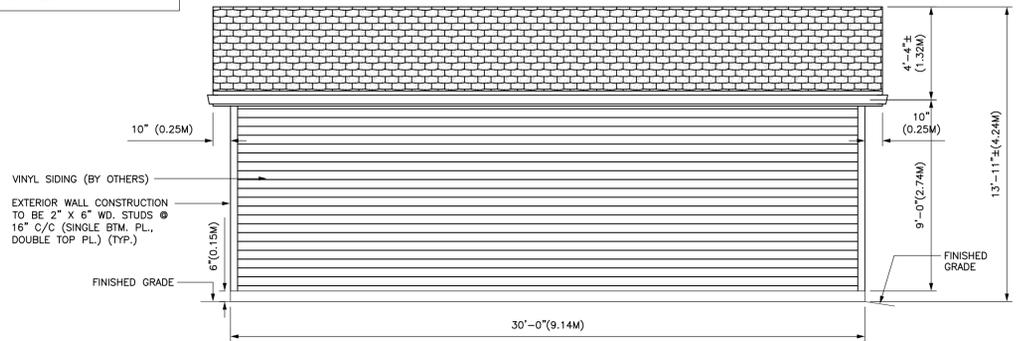
EAST ELEVATION
 SCALE: 1/4" = 1'-0"

PROVIDE
 -ROOF VENTING AS PER O.B.C. 9.19
 -ASPHALT SHINGLES AS PER O.B.C. 9.26.2
 -ROOF SHEATHING TO BE 1/2" EXTERIOR PLYWOOD (G1S)
 -WALL SHEATHING TO BE 7/16" OSB
 -MIN. ROOF SLOPE 3:12
 -ALUM. FASCIA AND CONT. VENTED SOFFIT
 -5" ALUM. EAVESTROUGH WITH DOWN SPOUT DRAINING TO GRADE



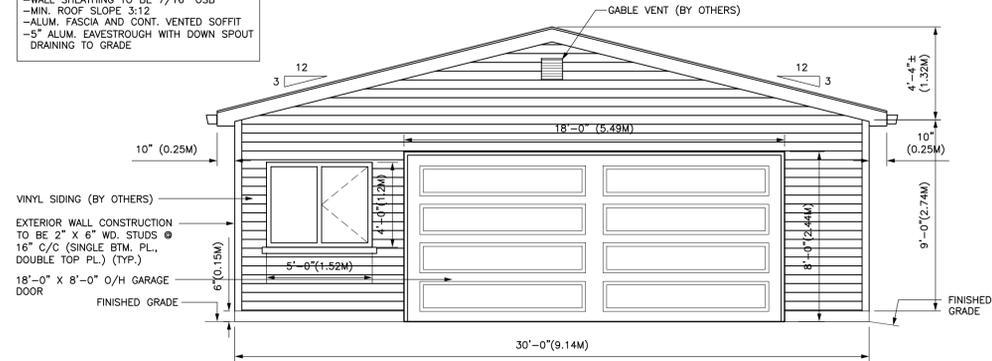
NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

PROVIDE
 -ROOF VENTING AS PER O.B.C. 9.19
 -ASPHALT SHINGLES AS PER O.B.C. 9.26.2
 -ROOF SHEATHING TO BE 1/2" EXTERIOR PLYWOOD (G1S)
 -WALL SHEATHING TO BE 7/16" OSB
 -MIN. ROOF SLOPE 3:12
 -ALUM. FASCIA AND CONT. VENTED SOFFIT
 -5" ALUM. EAVESTROUGH WITH DOWN SPOUT DRAINING TO GRADE



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

PROVIDE
 -ROOF VENTING AS PER O.B.C. 9.19
 -ASPHALT SHINGLES AS PER O.B.C. 9.26.2
 -ROOF SHEATHING TO BE 1/2" EXTERIOR PLYWOOD (G1S)
 -WALL SHEATHING TO BE 7/16" OSB
 -MIN. ROOF SLOPE 3:12
 -ALUM. FASCIA AND CONT. VENTED SOFFIT
 -5" ALUM. EAVESTROUGH WITH DOWN SPOUT DRAINING TO GRADE



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

REVISIONS	No.	Description	Date		CND ENGINEERING LIMITED 115 KING STREET EAST, 3RD FLOOR HAMILTON, ON L8N 1A9 THE FOUNDATION TO A SUCCESSFUL PROJECT STARTS HERE. WWW.CNDENG.CA	Project Title: 838 BEACH BLVD., HAMILTON DETACHED GARAGE	Drawn: PAS	Scale: AS NOTED		
	0	ISSUED FOR PERMIT APPLICATION	JULY 20, 2022				Date: JULY 2022	Project Number: 22047		
						Drawing Title: ELEVATIONS	Checked: DL	This Set Contains 4 Drawings	Drawing Number: AS-2	Revision: 0

SPECIFICATION NOTES

GENERAL

- 1 READ STRUCTURAL NOTES IN CONJUNCTION WITH STRUCTURAL DRAWINGS.
- 2 ALL DIMENSIONS ON DRAWINGS ARE IN INCHES, UNLESS NOTED OTHERWISE.
- 3 FIELD CHECK ALL SITE DIMENSIONS AND HEIGHTS AND REPORT ANY DISCREPANCIES, PRIOR TO PROCEEDING WITH ANY WORK.
- 4 CONTRACTOR TO CONFIRM AND PROVIDE ALL REQUIRED DIMENSIONS TO TRUSS MANUFACTURER. DIMENSIONS SHOWN ON DRAWING ARE APPROXIMATE.
- 5 EACH BEARING END OF NEW TRUSSES SHALL HAVE A H1/H1.81Z HURRICANE TIES (BY SIMPSON STRONG-TIE) INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS.
- 6 PROVIDE TEMPORARY SHORING WHERE REQUIRED FOR SAFETY, AND WHERE REQUIRED TO FACILITATE THE INSTALLATION OF STRUCTURAL MEMBERS SHOWN ON THE STRUCTURAL DRAWINGS. SHORING DESIGN BY OTHERS.
- 7 ALL LOADS INDICATED ON DRAWINGS ARE UNFACTORED UNLESS OTHERWISE NOTED.
- 8 ALL WORK TO CONFORM TO OBC PART 9.

DESIGN LOADS

ROOF AREA
 SNOW LOAD = 1.23 KPA (S_s=1.5, S=0.4)
 DEAD LOAD = 1.00 KPA

GARAGE AREA
 LIVE LOAD = 4.8 KPA
 DEAD LOAD = VARIES

WIND LOADING FACTORS (HAMILTON)
 q = 0.46 KPA (1/50), I_w = 1.0, C_e = 1.0, C_gC_g = AS PER NBC COMMENTARY 1
 C_w = -0.7 TO 0.7

SEE DRAWINGS FOR ADDITIONAL LOADS NOT SPECIFIED.

FOUNDATION NOTES

- 1 SEE FOUNDATION PLAN ON DRAWING AS-3.
- 2 ALL NEW AND EXISTING FOUNDATIONS ARE ASSUMED TO BE FOUNDED ON UNDISTURBED NATIVE SOIL WITH AN UNFACTORED BEARING RESISTANCE (SLS) OF 75KPA (ULS = 113KPA). IN THE EVENT OF POORER BEARING CAPACITIES AT THESE ELEVATIONS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION.

CONCRETE NOTES

- 1 ALL CONCRETE TO HAVE A MINIMUM TWENTY-EIGHT (28) DAY COMPRESSIVE STRENGTH:
 - ALL EXTERIOR EXPOSED CONCRETE: 35MPA, 5-8% AIR ENTRAINMENT, CLASS C-1 (FOUNDATION WALLS AND EXTERIOR SLABS-ON-GRADE)
 - FOOTINGS, INTERIOR SLABS-ON-GRADE, AND ANY OTHER UNSPECIFIED CONCRETE: 25MPA, 0-3% AIR ENTRAINMENT, CLASS N
- 2 ALL CONCRETE REINFORCEMENT TO BE DEFORMED CONFORMING TO CAN/CSA G30.12 WITH A MINIMUM YIELD STRENGTH OF 400MPA (WELDABLE REBAR: 350MPA).
- 3 ALL REBAR SHALL BE DETAILED AND PLACED IN ACCORDANCE WITH CSA A23.1 AND A.C.I. 315 MANUAL.
- 4 ALL GROUT SHALL BE SIKA CONSTRUCTION 112 STANDARD OR EQUAL, NON-SHRINK, WITH A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 40MPA (5,800 PSI).
- 5 ALL CONCRETE CONSTRUCTION TO CONFORM TO C.S.A. A23.1.
- 6 ALL RIGID INSULATION SHALL BE 'STYROFOAM SQUARE EDGE' MANUFACTURED BY DUPONT, OR APPROVED EQUIVALENT. MINIMUM COMPRESSIVE STRENGTH OF INSULATION SHALL BE 210 KPA.

WOOD CONSTRUCTION

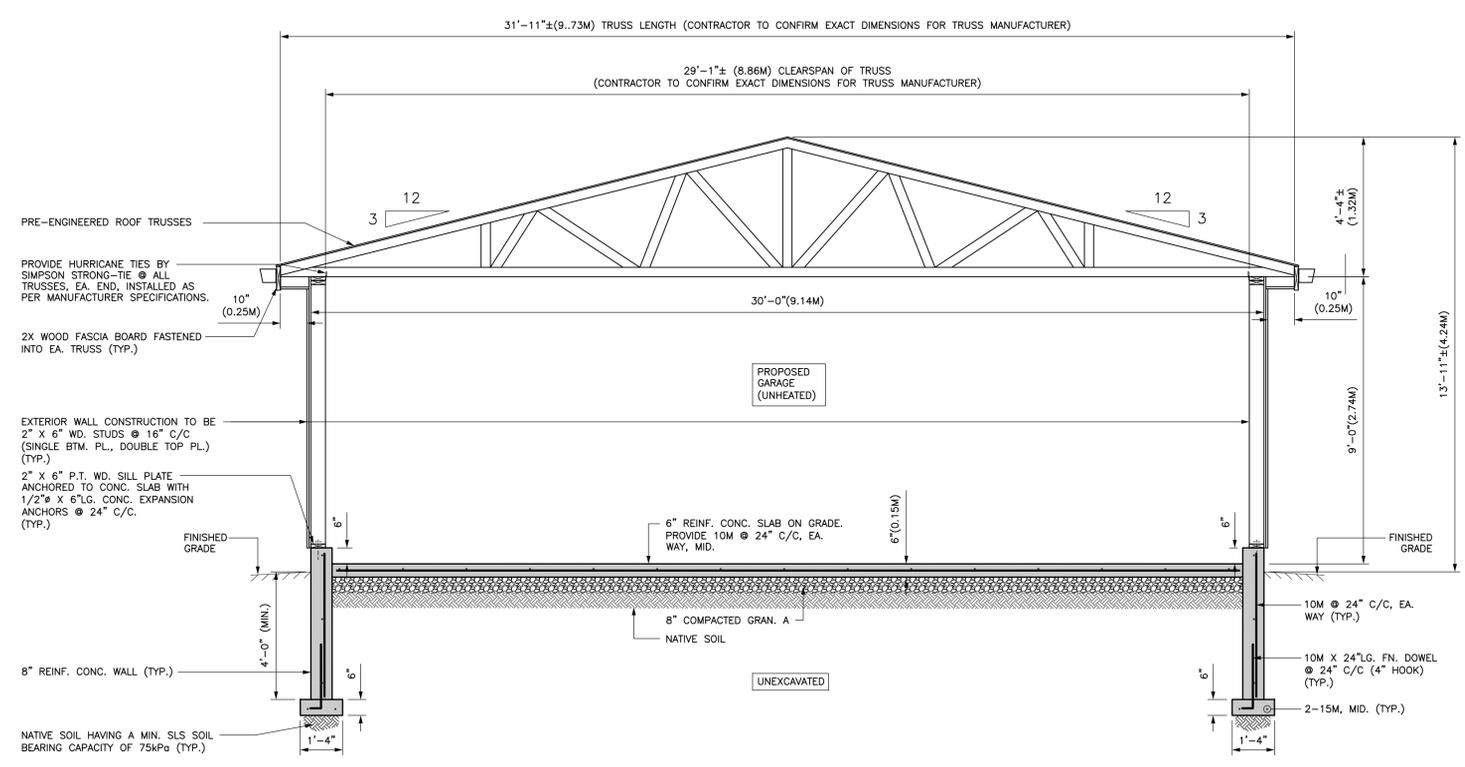
- 1 ALL WOOD FRAMING AND CONSTRUCTION (I.E. NAILING, BLOCKING, BRIDGING, BEARING, ETC.) SHALL COMPLY WITH OBC SECTION 9.23, WOOD FRAMING.
- 2 ALL STRUCTURAL WOOD FRAMING SHALL BE MINIMUM NO. 02 GRADE, SPRUCE-PINE-FIR MATERIAL, UNLESS NOTED OTHERWISE.
- 3 SILL PLATE FOR WOOD STUD WALLS TO BE PRESSURE TREATED OR REGULAR LUMBER WITH POLY BETWEEN CONCRETE AND WOOD.
- 4 PLYWOOD FOR ROOF SHEATHING SHALL BE MINIMUM 1/2".
- 5 WALL SHEATHING SHALL BE MINIMUM 7/16" OSB.
- 6 ALL ROOF AND WALL SHEATHING SHALL BE NAILED TO SUPPORTING FRAMING IN ACCORDANCE WITH CSA 086, CASE 2 SYSTEM.
- 7 ALL WOOD CONNECTORS SHALL BE MINIMUM 18 GA. GALVANIZED STEEL, PREFABRICATED ELEMENTS AS MANUFACTURED BY SIMPSON STRONG TIE OR APPROVED EQUIVALENT. INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.

PRE-ENGINEERED WOOD ROOF TRUSSES

- 1 WOOD TRUSS MANUFACTURER SPECIFICATIONS/RECOMMENDATIONS SHALL BE FOLLOWED FOR THE STORAGE, HANDLING, INSTALLATION AND BRACING OF THE PRE-ENGINEERED WOOD TRUSSES.
- 2 PRE-ENGINEERED WOOD ROOF TRUSSES ARE TO BE DESIGNED FOR THE LOADS MENTIONED ON THE DRAWINGS AS WELL AS A 1.10KPA NET UPLIFT.
- 3 EACH BEARING END OF NEW TRUSSES SHALL HAVE A H1/H1.81Z HURRICANE TIES (BY SIMPSON STRONG-TIE) INSTALLED AS PER MANUFACTURERS RECOMMENDATIONS.

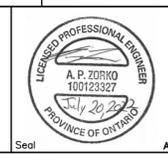
PROVIDE
 -ROOF VENTING AS PER O.B.C. 9.19
 -ASPHALT SHINGLES AS PER O.B.C. 9.26.2
 -ROOF SHEATHING TO BE 1/2" EXTERIOR GRADE PLYWOOD
 -WALL SHEATHING TO BE 7/16" OSB
 -MIN. ROOF SLOPE 3:12
 -ALUM. FASCIA AND CONT. VENTED SOFFIT
 -5" ALUM. EAVESTROUGH WITH DOWN SPOUT DRAINING TO GRADE

PROVIDE TEMPORARY SHORING WHERE REQUIRED FOR SAFETY, AND WHERE REQUIRED TO FACILITATE THE INSTALLATION OF STRUCTURAL MEMBERS SHOWN ON THE STRUCTURAL DRAWINGS. SHORING DESIGN AND INSTALLATION BY OTHERS.



BUILDING SECTION A-A
 SCALE: 3/8" = 1'-0"

REVISIONS	No.	Description	Date
	0	ISSUED FOR PERMIT APPLICATION	JULY 20, 2022



CND ENGINEERING LIMITED
 115 KING STREET EAST, 3RD FLOOR
 HAMILTON, ON L8N 1A9

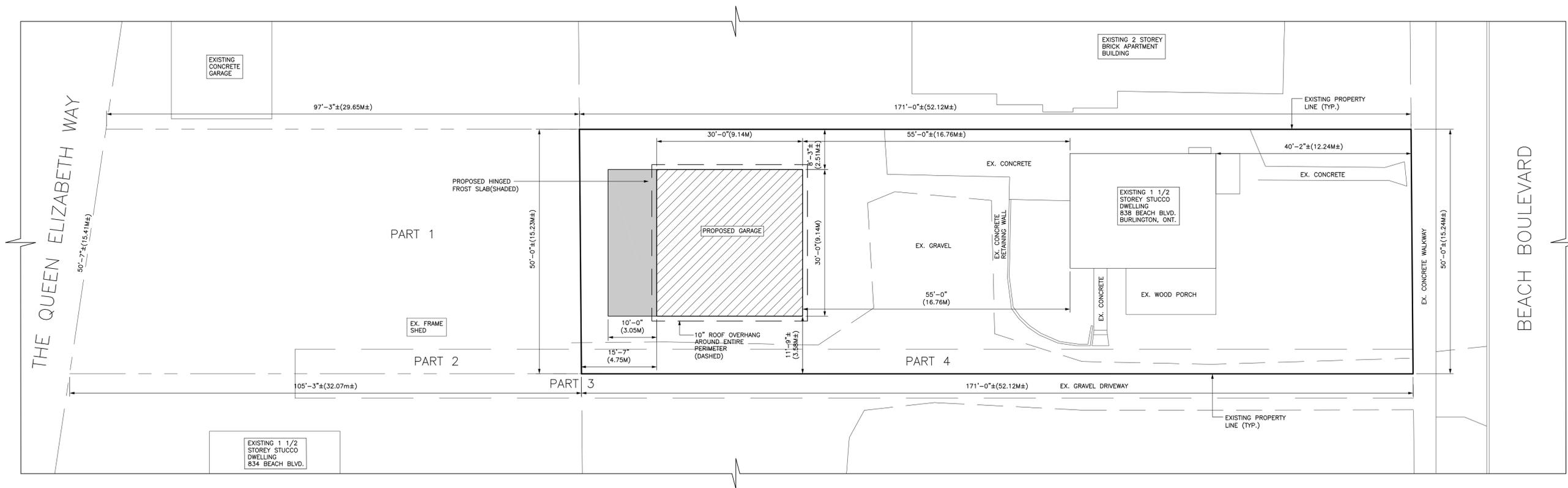
THE FOUNDATION TO A SUCCESSFUL PROJECT STARTS HERE.

WWW.CNDENG.CA

Project Title:
838 BEACH BLVD., HAMILTON DETACHED GARAGE

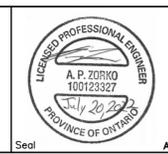
Drawing Title:
SECTION, SCHEDULE AND NOTES

Drawn: PAS	Scale: AS NOTED
Date: JULY 2022	Project Number: 22047
Checked: DL	This Set Contains: 4 Drawings
Date: JULY 2022	Drawing Number: AS-4
	Revision: 0



SITE PLAN
 SCALE: 3/32" = 1'-0"
 NORTH

REVISIONS No. Description/Date 0 ISSUED FOR PERMIT 11/15/2022 1 JULY 20, 2022	Project Title: 838 BEACH BLVD., HAMILTON DETACHED GARAGE		Drawn: PAS Date: JULY 2022	Scale: AS NOTED Project Number: 22047
	Drawing Title: SITE PLAN		Checked: DL Date: JULY 2022	This Set Contains 4 Drawings Drawing Number: AS-1 Revision: 0



CND ENGINEERING LIMITED
 115 KING STREET EAST, 3RD FLOOR
 HAMILTON, ON L8N 1A9
 THE FOUNDATION TO A SUCCESSFUL
 PROJECT STARTS HERE.
 WWW.CNDENG.CA





Hamilton

Committee of AdjustmentCity Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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)	BENJAMIN CHAMBERLAIN		
	VICTORIA ARCHER		
Applicant(s)*	BENJAMIN CHAMBERLAIN		
Agent or Solicitor			Phone:
			E-mail:

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

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

BEN CHAMBERLAIN - 838 BEACH BLVD, HAMILTON, ON, L8H6Z4
VICTORIA ARCHER - 838 BEACH BLVD, HAMILTON, ON, L8H6Z4

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

4. Nature and extent of relief applied for:

THE TOTAL HEIGHT OF THE PROPOSED GARAGE EXCEEDS THE REQUIREMENTS BY .41 M, WE ARE LOOKING FOR A VARIANCE ON THIS

Second Dwelling Unit Reconstruction of Existing Dwelling

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

IT IS NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY LAW BECAUSE THE SIZE OF THE BUILDING DOES NOT ALLOW FOR A ROOF WITH A LOWER PITCH

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**):

838 BEACH BLVD, HAMILTON
PLAN 62R-6554

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 8.1 to 8.10 above?

CONSULTATION WITH THE ZONING DEPARTMENT

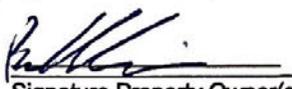
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

2022/08/10/4
Date


Signature Property Owner(s)

Benjamin Chamberlain + Victoria Archer
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>15.24 M</u>
Depth	<u>82.3 M</u>
Area	<u>1254.19 SQUARE METERS</u>
Width of street	<u>6.10 M</u>

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

Existing: _

THE EXISTING BUILDING IS ROUGHLY 6.10X9.14 M GROUND LEVEL GARAGE WITH NO SECOND STORY OR LOFT.
GROSS FLOOR AREA - 69.68 SQUARE METERS

Proposed

THE PROPOSED NEW BUILDING IS A 9.14X9.14 FOOT GROUND LEVEL GARAGE WITH NO SECOND STORY OR LOFT.
GROSS FLOOR AREA - 83.61 SQUARE METERS

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: 12.25M FROM NORTH BOUNDRY, 1.31M FROM WEST BOUNDRY, 6.80M FROM EAST BOUNDRY, 60.90M FROM SOUTH BOUNDRY
GARAGE: 36.58M FROM NORTH BOUNDRY, 1.10M FROM WEST BOUNDRY, 5.64M FROM EAST BOUNDRY, 36.88M FROM SOUTH BOUNDRY

Proposed:

GARAGE: 38.16M FROM NORTH BOUNDRY, 2.53M FROM WEST BOUNDRY, 3.63M FROM EAST BOUNDRY, 34.75M FROM SOUTH BOUNDRY

13. Date of acquisition of subject lands:
DECEMBER, 2020
14. Date of construction of all buildings and structures on subject lands:
1915
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
SINGLE FAMILY HOME
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE FAMILY (LEFT), MULTI UNIT (RIGHT)
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 YES Connected YES
Sanitary Sewer YES Connected YES
Storm Sewers VCS
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/S-1436b
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
- If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:282	SUBJECT PROPERTY:	132 ALBANY AVENUE, HAMILTON
ZONE:	"C" (Urban Protected Residential and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 89-203

APPLICANTS: Owners: J. & S. Jackson-Fry

The following variances are requested:

1. No parking spaces shall be provided instead of the minimum one (1) parking space required for a single-family dwelling having up to 8 habitable rooms.
2. The front yard landscaped area shall be a minimum of 0% the gross area of the front yard instead of the minimum 50.0% required front yard landscaped area.

PURPOSE & EFFECT: To permit the conversion of the existing Single-Family Dwelling to contain a maximum of one (1) Secondary Dwelling Unit, notwithstanding:

Notes:

1. Building Permit No. 22-113996, submitted on March 24, 2022, for a change of use to convert an existing single-family dwelling to a two-family dwelling, has not yet been issued.
2. It does not appear that exterior alterations to the building have been proposed as part of the subject application. However, please note that elevation drawings were not included as part of the submitted application materials to confirm. Should alterations to the exterior of the dwelling be proposed, additional review shall be required, and further variances may be identified. Please note that as per Section 19(1)1(vi) there shall be no outside stairway above the first floor other than a required exterior exit. Further, as per Section 19(1)1(v), a maximum of one entrance shall be permitted on the front façade of a dwelling containing a Secondary Dwelling Unit.
3. Building Division / Tax Records indicate that the existing Single-Family Dwelling was constructed in 1967. Based on the date of construction, and the parking requirements in force and effect at

HM/A-22:282

the time, one (1) parking space is required for the existing dwelling. Please note however, that the current parking requirement for a Single-Family Dwelling is based on two (2) parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable room. As floor plans were not included as part of the submitted application materials, there is insufficient information to confirm if the number of habitable rooms of the existing single-family dwelling has been increased beyond eight (8). Additional variances with respect to parking may therefore be required if the number of habitable rooms in the existing Single-Family Dwelling is increased beyond eight (8)/

4. Please be advised that a parking space appears to be intended however this space is provided partially on the road allowance and therefore is not considered a provided onsite parking space. A boulevard parking agreement is required for the parking space located on the road allowance.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	1:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:282



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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

PLAN

SHOWING
LOT 14 BLOCK 2 - KENILWORTH SURVEY

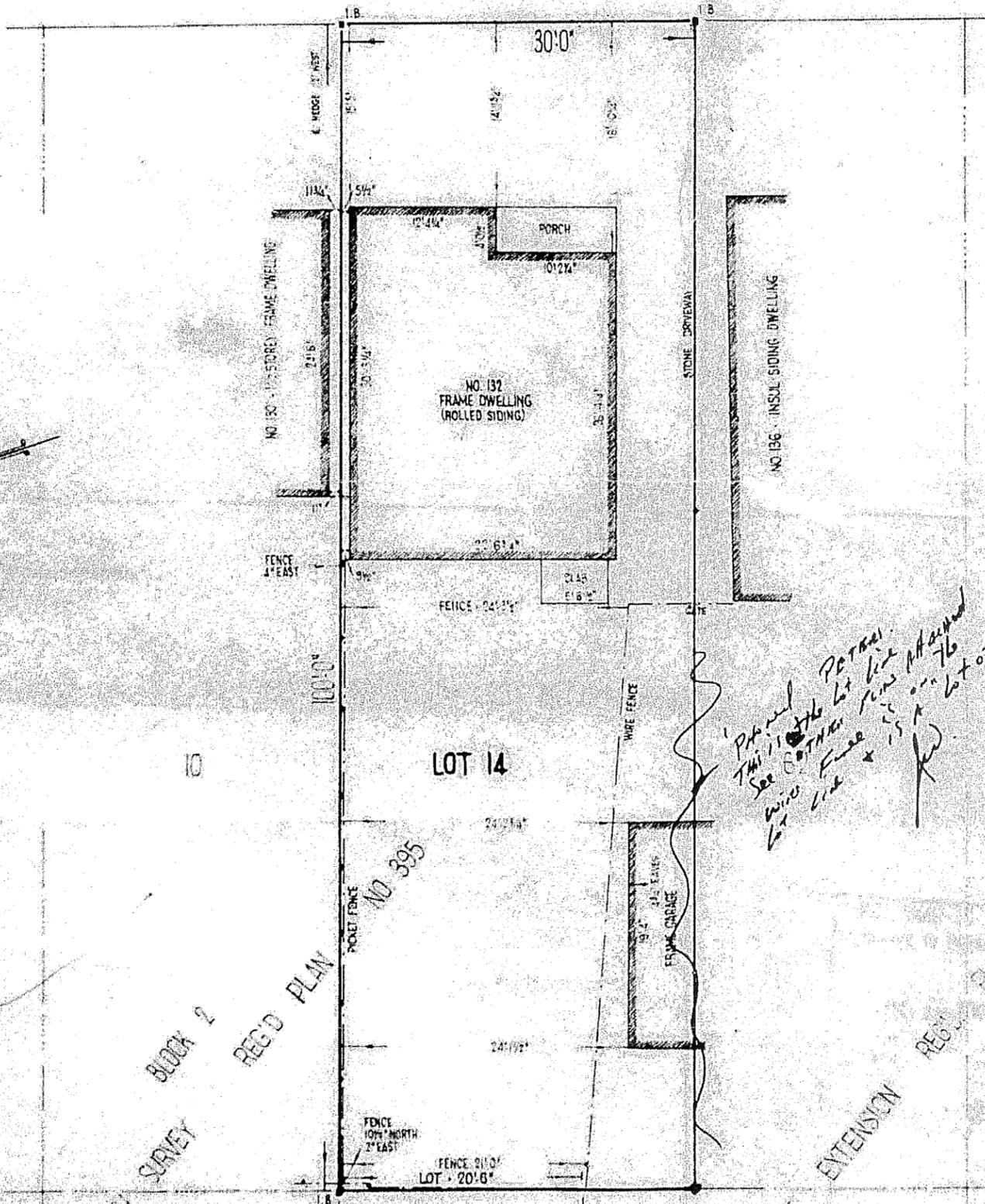
REG'D. PLAN NO. 395

IN THE

CITY OF HAMILTON

SCALE 1" = 10'

ALBANY AVENUE



Handwritten note:
 "Planned Petrol
 This is the lot
 See OTHER plans
 lot with fence
 line & 15' x 76'
 lot of record"
 J.W.

KENILWORTH SURVEY
 BLOCK 2
 REG'D. PLAN
 NO. 395

HOMESTEAD EXTENSION
 REG'D. PLAN NO. 395

Mackay & Mackay & PETERS
 ENGINEERS & SURVEYORS
 HAMILTON, ONTARIO
John A. Peters
 ONTARIO SURVEYOR
 AUGUST 11, 1967

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: 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)	JOANN CATHERINE JACKSON-FRY SAMUEL JACKSON-FRY	[REDACTED]	
Applicant(s)*	Same as Above		Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

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

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:

Please refer to attached cover letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

It is not possible to comply with the provisions of the zoning by-law due to the fact that the zoning deficiencies are a result of existing 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**):

132 Albany Avenue, Hamilton
Lot 14, Block 2, Kenilworth Survey, Registered Plan No. 395, City of 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 8.1 to 8.10 above?

Owner's knowledge.

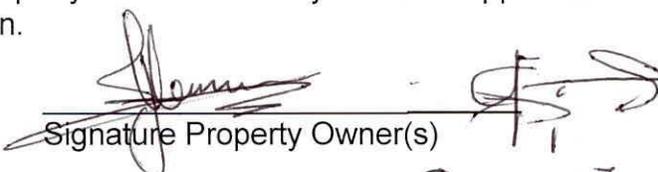
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

July 26, 2022
Date


Signature Property Owner(s)

JOANN JACKSON-FRY, SAMUEL JACKSON-FRY
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/- 9.144m
Depth +/- 30.48m
Area +/- 230 sq.m.
Width of street +/- 15.2m

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

Existing:

Existing 2 storey +/-230 sq.m. residential building. Dimensions of the building are approximately 7m x 10m. See enclosed site survey.

Proposed

Existing 2 storey +/-230 sq.m. residential building. Dimensions of the building are approximately 7m x 10m. See enclosed site survey & 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:

Front: 2.6m
Side: 0.14m/ 0.3m
Rear: 17.8m

Proposed:

Front: 2.6m
Side: 0.14m/ 0.3m
Rear: 17.8m

13. Date of acquisition of subject lands:
08 AUGUST 2008
14. Date of construction of all buildings and structures on subject lands:
Approximately 1967
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:
Prior to 1967
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
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 Districts (Urban Protected Residential) By-Law No. 6593
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
~~NO~~ OTHER PROPERTIES IN THE AREA ALSO HAVE NO LANDSCAPED AREA IN THE FRONT OF THEIR PROPERTIES, AND IT WAS ALREADY EXISTING WHEN WE PURCHASED IT IN 2008.
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:273	SUBJECT PROPERTY:	15 FULLERTON AVENUE, HAMILTON
ZONE:	"D" (Urban Protected Residential – 1 & 2 Family dwellings Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owners: Valdi & Mark Greco

The following variances are requested:

1. A minimum northerly side yard of 0.1m shall be permitted instead of the minimum 2.7m side yard required.
2. An eave/gutter shall be permitted to project into the entire northerly side yard and therefore may be located as close as 0.0m to the northerly lot line whereas the zoning By-law permits an eave/gutter to project into a required side yard not more than one-half of its width or 1.0m whichever is the lesser.

PURPOSE & EFFECT: To facilitate the construction of third storey addition to the existing single-family dwelling.

Notes:

The elevation plans do not show the height dimension from grade as defined. The applicant shall ensure that the maximum 14.0m permitted height is not exceeded; otherwise, further variances may be required.

HM/A-22:273

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:00 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:273



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

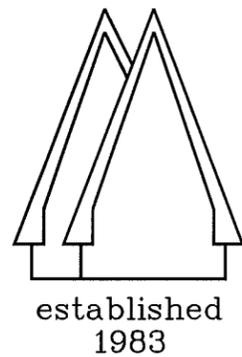
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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

PROPOSED ALTERATIONS
15 FULLERTON AVENUE NORTH
HAMILTON, ONTARIO

GENERAL NOTES:

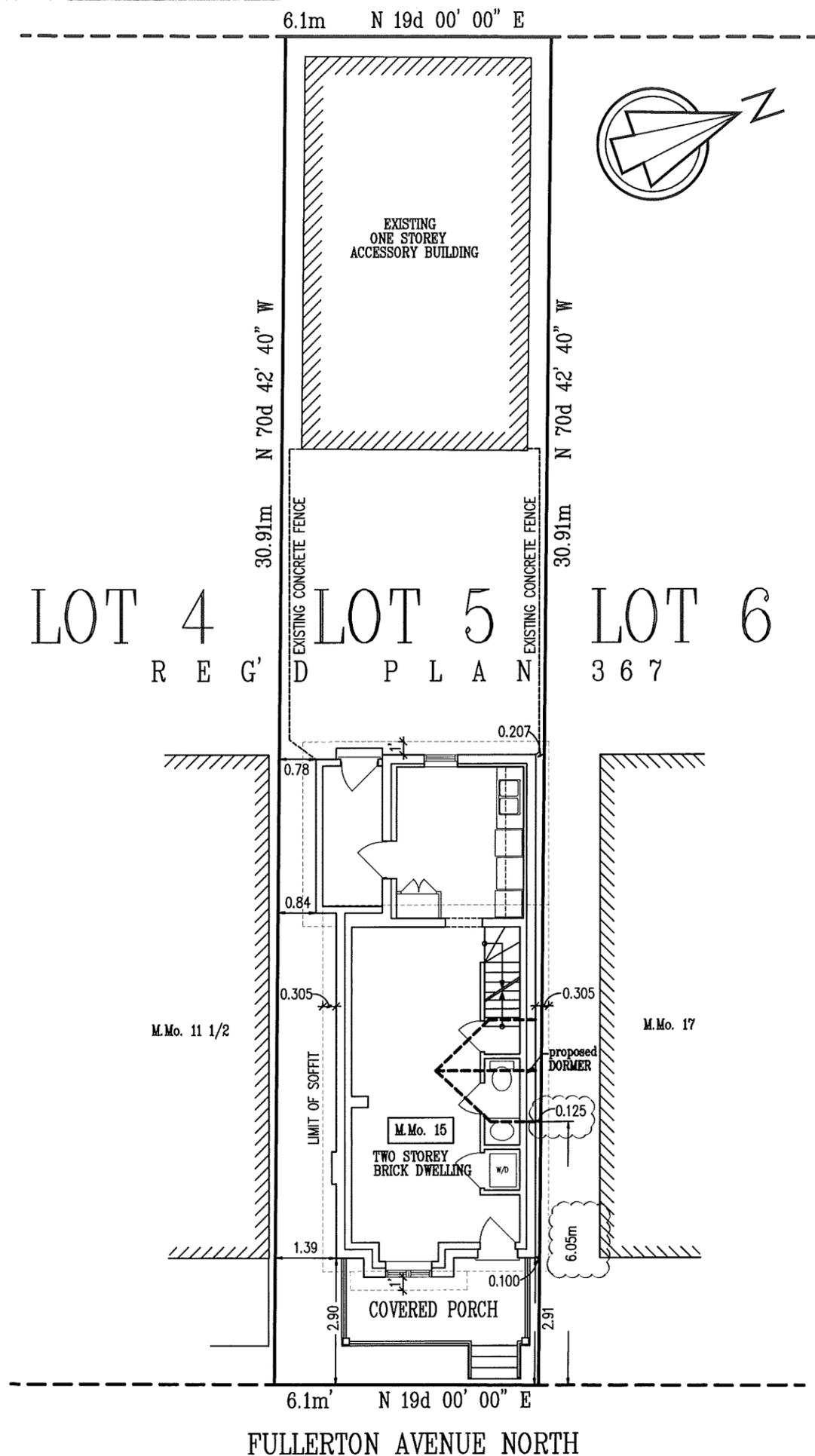
- A0.01 - COVER SHEET
- SP1.01 - SITE PLAN
- A1.01 - BASEMENT FLOOR PLAN
- A1.02 - GROUND FLOOR PLAN
- A1.03 - UPPER FLOOR PLAN
- A1.04 - ATTIC FLOOR PLAN
- A4.01 - TYPICAL SECTION/DETAIL



SAGITTARIUS

design & drafting
99 HANOVER PLACE
HAMILTON, ONTARIO
L8K - 5X7
Phone: (905) 973-9839
e-mail: sagit1129@rogers.com

TO PERFORM ACTUAL CONSTRUCTION THE BUILDER SHALL USE SET OF DRAWINGS SEALED - THEREFORE APPROVED - BY THE LOCAL BUILDING DEPARTMENT



Development Details:

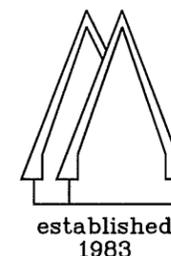
LOT AREA: 188.687 sq.m.
 BUILDING AREA: 55.65 sq.m. (29.5%) - EXISTING
 WOOD FRONT PORCH: 7.80 sq.m. (4.1%) - EXISTING
 ACCESSORY STRUCTURE: 45.71 sq.m. (24.2%) - EXISTING
 TOTAL LOT COVERAGE: 53.7% - EXISTING
 GROSS FLOOR AREA: 92.067 sq.m. - EXISTING
 No. STOREYS: 2, ROOF HEIGHT: 9.32m - EXISTING
 WIDTH OF HOUSE: FRONT: 4.60m REAR: 5.05m - EXISTING
 DEPTH OF HOUSE: 11.99m - EXISTING

EXISTING HOUSE SETBACKS:

FRONT: 2.90m - EXISTING
 NORTH SIDE: 0.100m FRONT, 0.207m REAR - EXISTING
 SOUTH SIDE: 1.39m FRONT, 0.78m REAR - EXISTING
 REAR SETBACK: 16.46m - EXISTING

EXISTING ACCESSORY STRUCTURE SETBACKS:

FRONT: 21.34+-m - EXISTING
 NORTH SIDE: 0.46m - EXISTING
 SOUTH SIDE: 0.46m - EXISTING
 REAR SETBACK: 0.46m - EXISTING



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established
 1983

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6. ALL CONCRETE MATERIALS AND WORKMANSHIP TO SCA A23.1, 2 & 3.

JULY 19, 2022 - METRIC

JULY 10, 2022 - REVISED AS PER CITY OF HAMILTON'S COMMENTS DATED JULY 5, 2022

**PROPOSED ALTERATIONS
 15 FULLERTON AVENUE NORTH
 HAMILTON, ONTARIO**

SITE PLAN

DATE:	JUNE 12, 2022
SCALE:	1:125
DWG BY:	M.T.
FILE:	2218

REGISTRATION INFORMATION

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

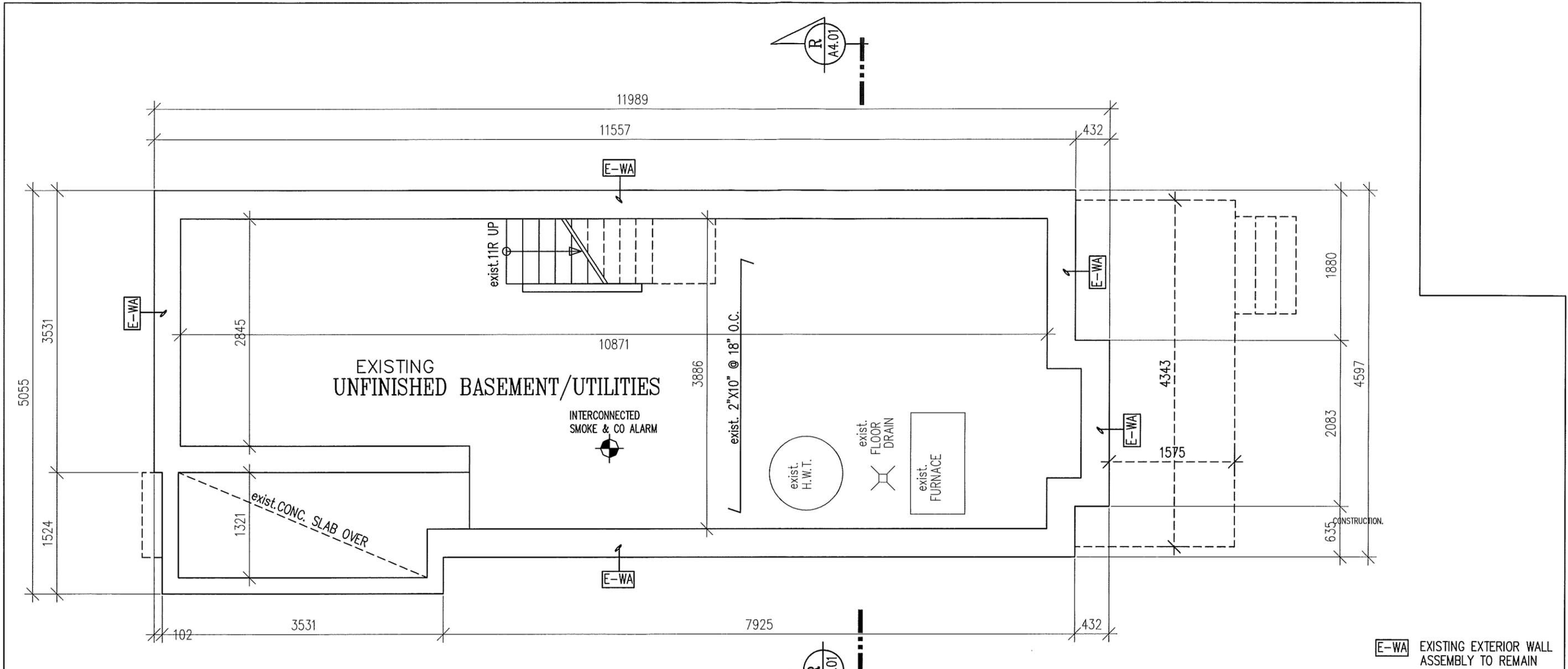
MILOS TRKULJA
SAGITTARIUS DESIGNS

BCIN: 24457
 BCIN: 30427

Signature:

NOT ISSUED FOR CONSTRUCTION
 UNTIL SIGNED AND DATED

DWG No.
SP1.01



E-WA EXISTING EXTERIOR WALL ASSEMBLY TO REMAIN

TO PERFORM ACTUAL CONSTRUCTION THE BUILDER SHALL USE SET OF DRAWINGS SEALED - THEREFORE APPROVED - BY THE LOCAL BUILDING DEPARTMENT

JULY 19, 2022 - METRIC
 JULY 10, 2022 - REVISED AS PER CITY OF HAMILTON'S COMMENTS DATED JULY 5, 2022

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PROPOSED ALTERATIONS
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HAMILTON, ONTARIO

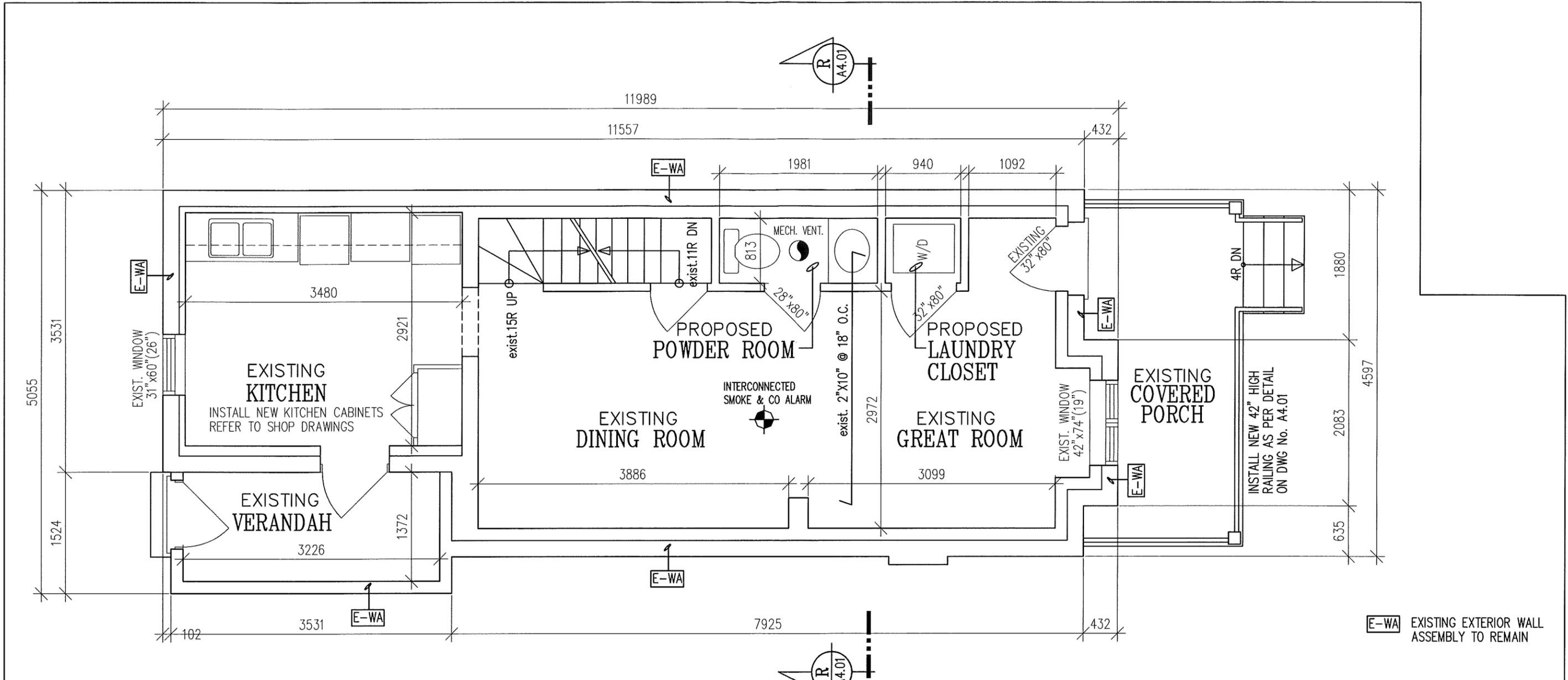
BASEMENT FLOOR PLAN

DATE:	JUNE 12, 2022
SCALE:	1:50
DWG BY:	M.T.
FILE:	2218

REGISTRATION INFORMATION
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MILOS TRKULJA
SAGITTARIUS DESIGNS
 BCIN: 24457
 BCIN: 30427

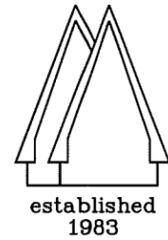
Signature:
 NOT ISSUED FOR CONSTRUCTION UNTIL SIGNED AND DATED

DWG No.
A1.01



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 JULY 10, 2022 - REVISED AS PER CITY OF HAMILTON'S COMMENTS DATED JULY 5, 2022



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PROPOSED ALTERATIONS
15 FULLERTON AVENUE NORTH
HAMILTON, ONTARIO

GROUND FLOOR PLAN

DATE:	JUNE 12, 2022
SCALE:	1:50
DWG BY:	M.T.
FILE:	2218

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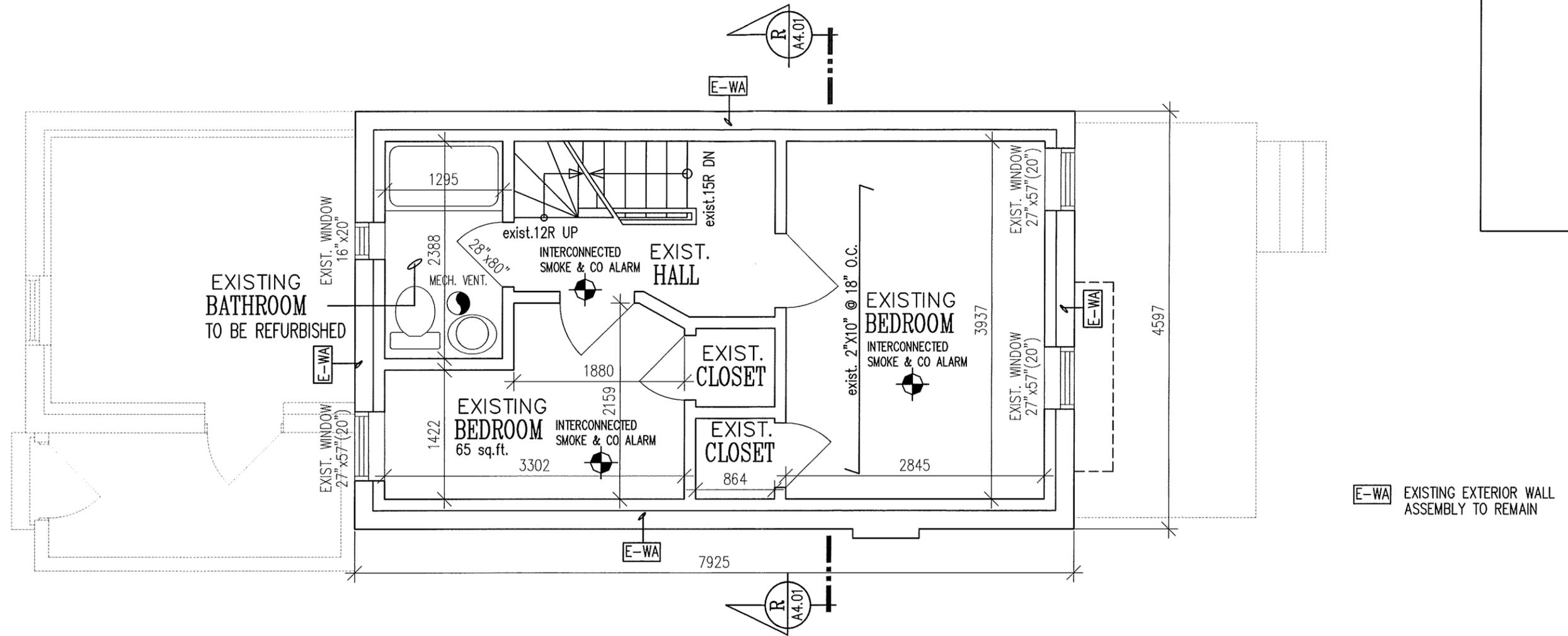
MILOS TRKULJA
SAGITTARIUS DESIGNS

BCIN: 24457
 BCIN: 30427

Signature: *Milos Trkulja*

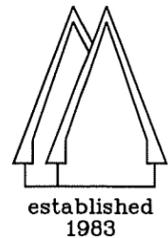
NOT ISSUED FOR CONSTRUCTION
 UNTIL SIGNED AND DATED

DWG No.
A1.02



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PROPOSED ALTERATIONS
 15 FULLERTON AVENUE NORTH
 HAMILTON, ONTARIO

UPPER FLOOR PLAN

DATE:	JUNE 12, 2022
SCALE:	1:50
DWG BY:	M.T.
FILE:	2218

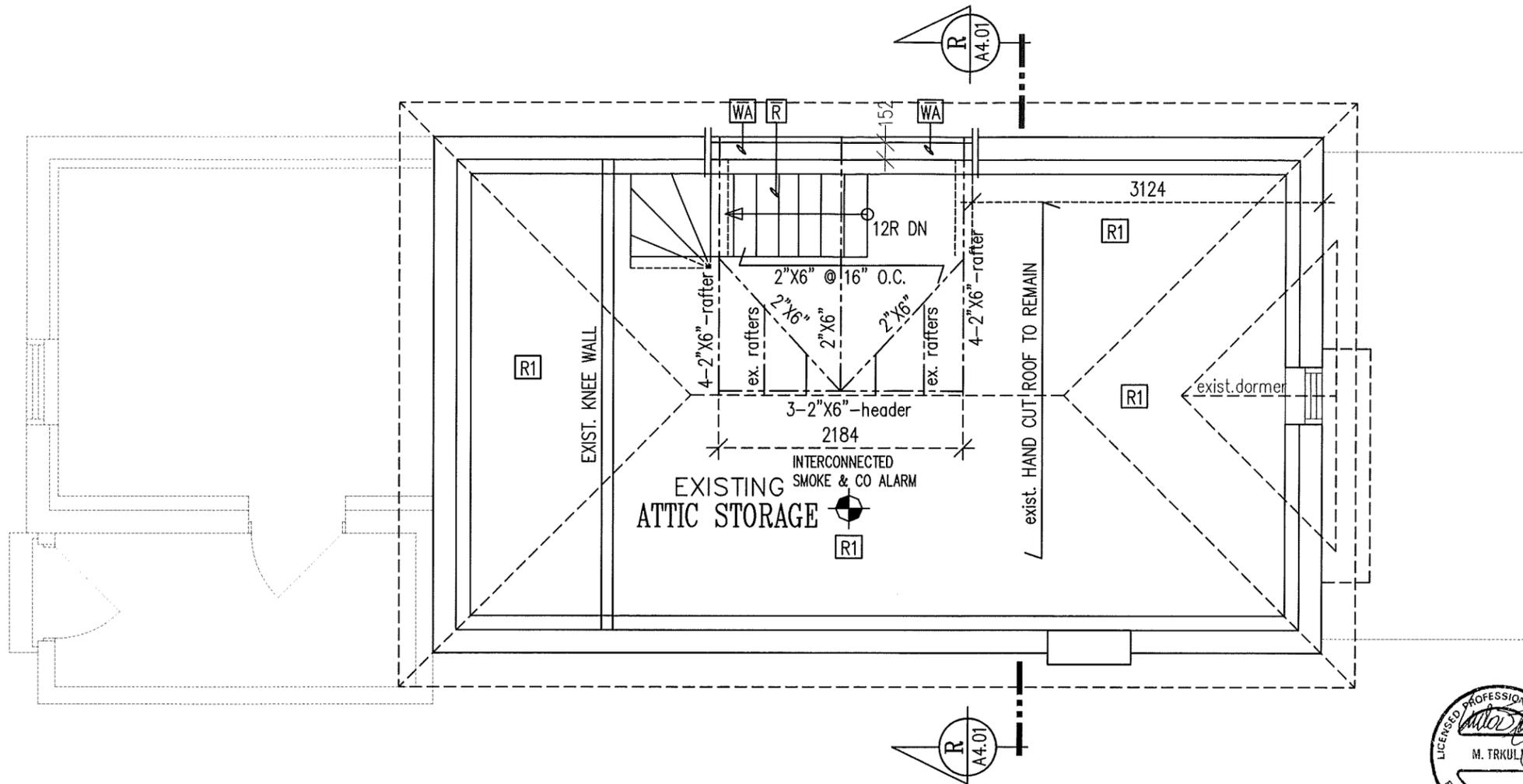
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MILOS TRKULJA
 SAGITTARIUS DESIGNS
 BCIN: 24457
 BCIN: 30427

Signature: *Milos Trkulja*
 NOT ISSUED FOR CONSTRUCTION
 UNTIL SIGNED AND DATED

DWG No.
A1.03



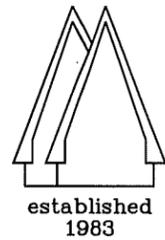
- [R1] EXISTING ROOF TO REMAIN
- [R] 1/2" DRYWALL
6 MIL POLY VAP. BAR.
R-31 FOAM INSULATION
2"x6" @ 16" O. C.
7/16" ASPENITE SHEATHING
ASPHALT SHINGLES
- [WA] 45 MIN. F.R. SB-3: EW1c
TWO LAYERS OF
1/2" DRYWALL
6 MIL POLY VAP. BAR.
R-19 INSULATION
2"x6" @ 16" O. C.
R-5 "GLASSGLAD" WALL SHEATHING
BUILDING PAPER
NONCOMBUSTIBLE VYNIL SIDING



TO PERFORM ACTUAL CONSTRUCTION THE BUILDER SHALL USE SET OF DRAWINGS SEALED - THEREFORE APPROVED - BY THE LOCAL BUILDING DEPARTMENT

JULY 10, 2022 - REVISED AS PER CITY OF HAMILTON'S COMMENTS DATED JULY 5, 2022

JULY 19, 2022 - METRIC



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PROPOSED ALTERATIONS
15 FULLERTON AVENUE NORTH
HAMILTON, ONTARIO

ATTIC FLOOR PLAN

DATE:	JUNE 12, 2022
SCALE:	1:50
DWG BY:	M.T.
FILE:	2218

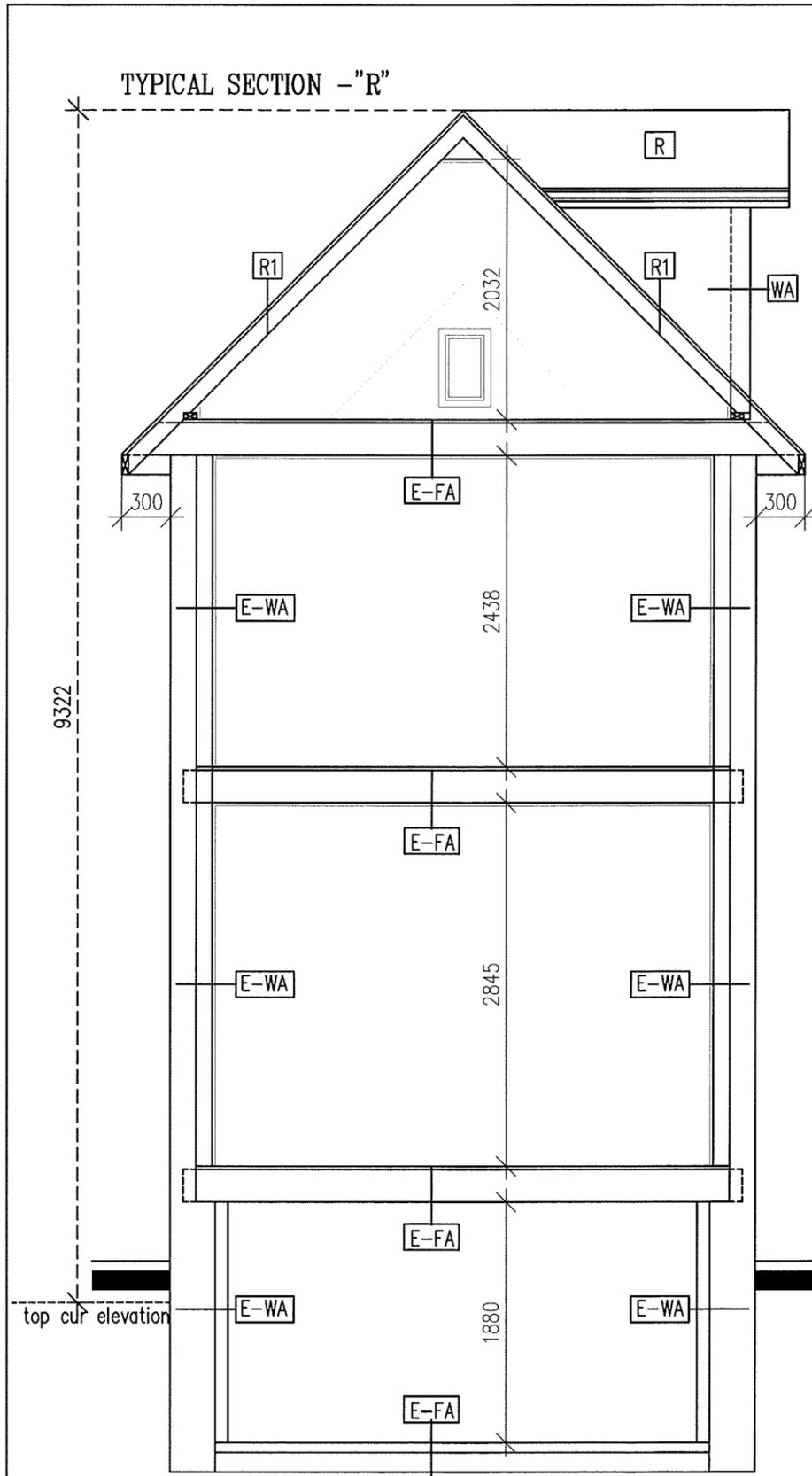
REGISTRATION INFORMATION

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MILOS TRKULJA
SAGITTARIUS DESIGNS
BCIN: 24457
BCIN: 30427

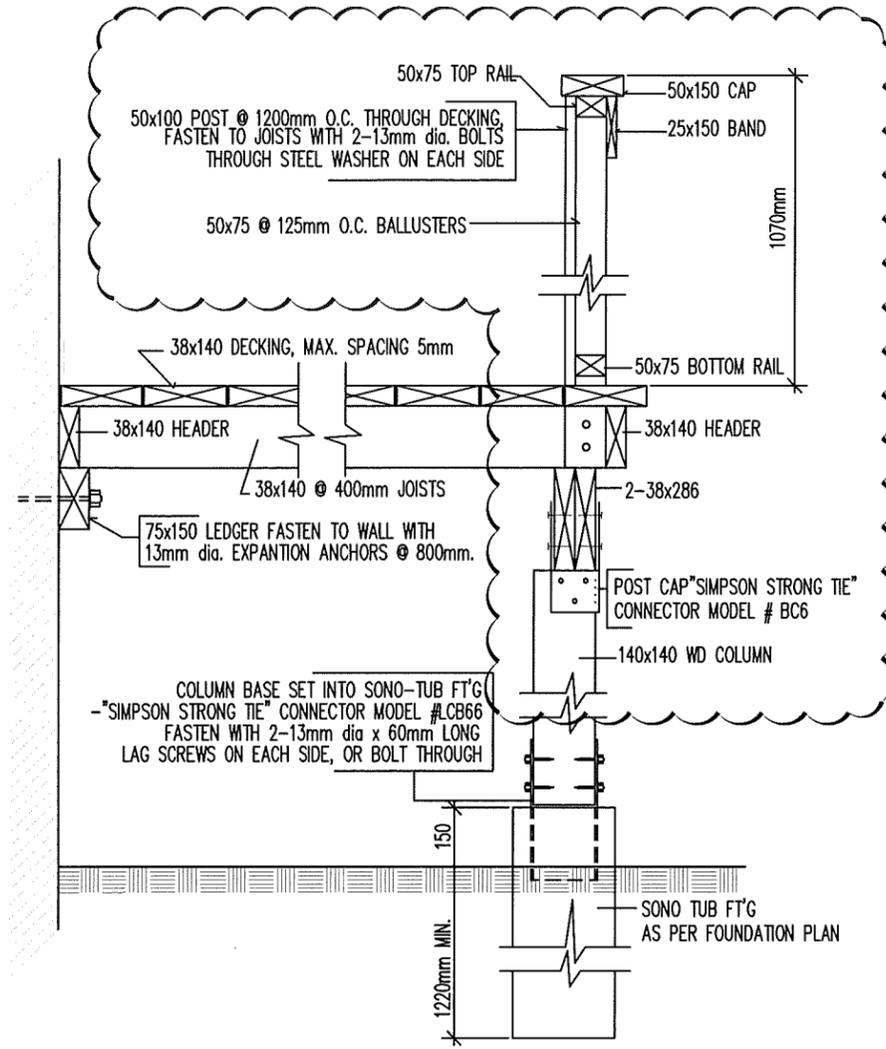
Signature: *Milos Trkulja*
NOT ISSUED FOR CONSTRUCTION UNTIL SIGNED AND DATED

DWG No.
A1.04



- E-FA** EXISTING FLOOR ASSEMBLY TO REMAIN
- E-WA** EXISTING EXTERIOR WALL ASSEMBLY TO REMAIN
 1/2" DRYWALL
 EXISTING FIRE & SOUND PROOFING
 EXISTING STRAPPING
 EXISTING DOUBLE BRICK (NON COMBUSTIBLE)
- R1** EXISTING ROOF TO REMAIN
- R** 1/2" DRYWALL
 6 MIL POLY VAP. BAR.
 R-31 FOAM INSULATION
 2"x6" @ 16" O. C.
 7/16" ASPENITE SHEATHING
 ASPHALT SHINGLES
- WA** 45 MIN. F.R. SB-3: EW1c
 TWO LAYERS OF
 1/2" DRYWALL
 6 MIL POLY VAP. BAR.
 R-19 INSULATION
 2"x6" @ 16" O. C.
 R-5 "GLASSGLAD" WALL SHEATHING
 BUILDING PAPER
 NONCOMBUSTIBLE VINYL SIDING

WOOD RAILING ATTACHMENT DETAIL - N.T.S.



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JULY 10, 2022 - REVISED AS PER CITY OF HAMILTON'S COMMENTS DATED JULY 5, 2022

PROPOSED ALTERATIONS
15 FULLERTON AVENUE NORTH
HAMILTON, ONTARIO

TYPICAL SECTION	
DATE:	JUNE 12, 2022
SCALE:	1:50
DWG BY:	M.T.
FILE:	2218

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MILOS TRKULJA
SAGITTARIUS DESIGNS
 BCIN: 24457
 BCIN: 30427

Signature: *Milos Trkulja*

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DWG No.
A4.01

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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	Valdi Greco Mark Greco	
Applicant(s)*	Valdi Greco Mark Greco	
Agent or Solicitor	Valdi Greco	

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:

side yard setback for the dormer addition does not meet the minimum zoning by-law requirement. Applying 0.4 feet set back in line with existing house.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The dormer is located over the stairs leading to the attic. The dormer is proposed to gain headroom over the subject stairs located along the exterior wall. The house was built to the zoning bylaw valied at the time of its construction. The proposed dormer is located in line with existing exterior double brick wall.

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

15 Fullerton Ave Hamilton Ontario L8L 6G9
Lot 5 Plan 367

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 8.1 to 8.10 above?

In Residential Neighbourhood and public common knowledge.
Owner Knowledge

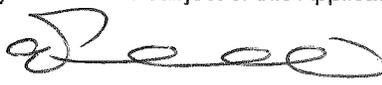
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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.

July 26 2022
Date


Signature Property Owner(s)
Valdi Greco MARIC GRECO
Print Name of Owner(s)

Mark Greco

10. Dimensions of lands affected:

Frontage	<u>6.1m</u>
Depth	<u>30.94m</u>
Area	<u>188.73 sq.m.</u>
Width of street	<u>20.12m (road allowance)</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:
Height of roof 9.32m, Number of stories 2
Ground floor area 55.65 sq.m. plus 7.80 sq.m. wood front porch
Gross floor area 92.07 sq.m.
Width of house 4.60m, length 11.99m
Accessory Structure Area : 45.71 sq.m.

Proposed
This is related to new dormer only

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 Existing : Front 2.90m, North Side: 0.10m at front, 0.21m at rear
Souh Side: 1.39m at front, 0.78m at rear, Rear set back 16.46m
Accessory structure both sides 0.46m, rear 0.46m, Front 21.34m

Proposed:
N/A

13. Date of acquisition of subject lands:
December 1 2021
14. Date of construction of all buildings and structures on subject lands:
January 15 2022
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Home
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single Family Home
17. Length of time the existing uses of the subject property have continued:
The house was erected
18. Municipal services available: (check the appropriate space or spaces)
Water yes Connected yes
Sanitary Sewer yes Connected yes
Storm Sewers yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Lot 5 RP 367
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? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
Disregard 2020
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:249	SUBJECT PROPERTY:	837 KING STREET E, HAMILTON
ZONE:	TOC3 (Transit Oriented Corridor Multiple Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended by By-law No. 16-265

APPLICANTS: Owner – Ronsen Corporation
 Agent – Design Plan Services Inc. c/o D. Igelman

The following variances are requested:

1. A minimum front yard setback of 0.9 m shall be provided instead of the minimum required 3.0 m building setback from a street line; and
2. A minimum rear yard setback of 4.2 m shall be provided instead of the minimum required 7.5 m rear yard setback; and
3. A minimum building height of 7.3 m to the highest point shall be provided instead of the minimum required building height of 11.0 m; and
4. No landscaped area shall be provided on site instead of the requirement in the By-Law which states that a minimum of 10 % of the lot area for multiple dwelling shall be landscaped area; and
5. No parking spaces shall be provided for the proposed residential units >50 m² in GFA instead of the minimum required 3 parking spaces; and
6. To permit the proposed new and existing steps and platform to encroach into the entire front yard and therefore may be located 0.0 m from the front lot line instead of the requirement in the By-Law which states that a porch, deck or canopy may encroach into any required yard to a maximum of 1.5 m, or to a maximum of half the distance of the required yard, which ever is the lesser.
7. To permit the proposed ground floor dwelling units to provide and elevation of 0.3 m above grade instead of the regulation within the By-Law which states that the finished floor elevation of any

HM/A-22:249

dwelling unit shall be a minimum of 0.9 m above grade.

PURPOSE & EFFECT: To facilitate the construction of a second storey addition and to convert the existing commercial use (financial establishment) into a multiple dwelling notwithstanding that;

Notes:

- i. 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.
- ii. Please note that no parking is required for the proposed 2 residential units (on the second floor) less than 50m² in GFA.
- iii. This property is listed in the City of Hamilton's Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at culturalheritageplanning@hamilton.ca, or visit www.hamilton.ca/heritageplanning for further information.
- iv. A Residential Boulevard Parking Agreement with the Hamilton Municipal Parking Authority may be required for any parking spaces encroaching on the Holton Avenue North road allowance.
- v. The O.B.C. will regulate the type of construction permitted as the limiting distance is less than 0.6m.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:05 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

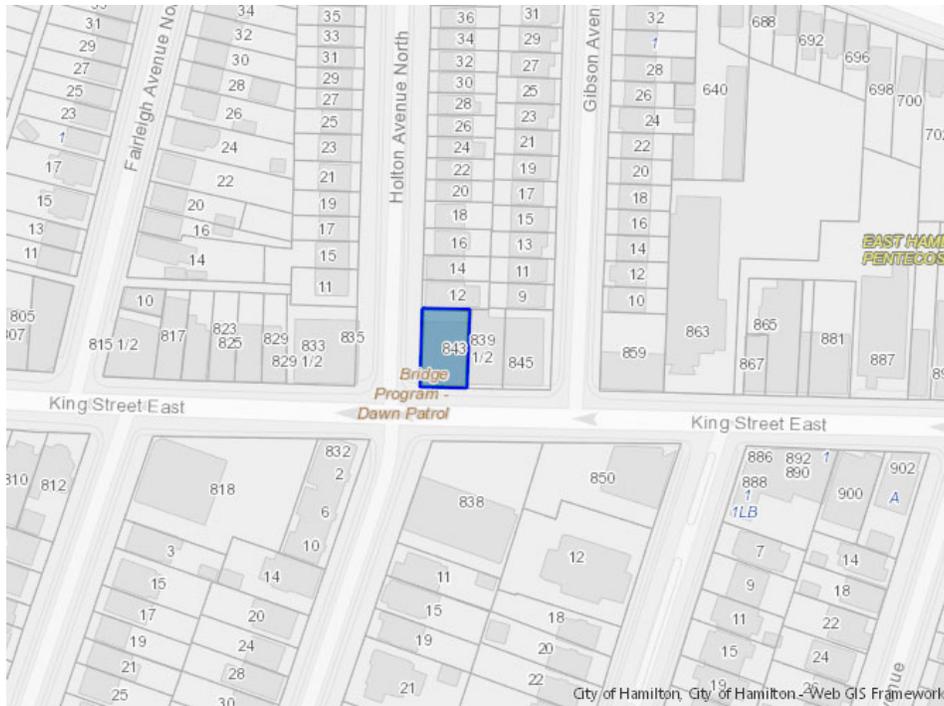
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

HM/A-22:249

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

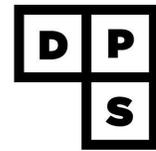
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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

Hamilton Committee of Adjustment
 Committee of Adjustment
 71 Main Street West, 5th Floor
 Hamilton, Ontario, L8P 4Y5
 Phone: 905-546-2424 Ext. 4221
 Email: cofa@hamilton.ca



**DESIGN
 PLAN
 SERVICES**
 TOWN
 PLANNING
 CONSULTANTS

Wednesday, August 31st, 2022

DPS File: 22100

**RE: 837 King Street East, Hamilton
 City of Hamilton
 Committee of Adjustment Application
 Cover Letter**

On behalf of our client, Ronsen Corporation, the property owners of 837 King Street East, we are submitting this cover letter as part of our formal submission for the subject Committee of Adjustment application.

Proposal Description:

This proposal is for an addition to an existing two-storey commercial building to add 232.27 sq. m of Gross Floor Area (GFA) above the existing 1-storey portion on the east side of the building as well as within the existing 2-storey portion on the west side. The proposed addition will effectively raise the height of the existing 1-storey portion on the east to the same height as the existing two-storey portion of the building. There is currently a partial second storey within the existing building and the proposal includes extending the existing partial second storey to a full second storey within the building to allow for (4) four new residential dwelling units within the second floor. Three (3) residential dwelling units are proposed on the ground floor. Currently, the existing building functions as a single-use commercial building. The proposal will maintain the existing height of the taller portion of the building, which is legal non-conforming, but will not alter the existing setbacks or coverage on the Subject Property as the building footprint will remain the same.

The proposal will be maintaining all existing parking on the Subject Property which includes a parking space between the rear lot line and the rear main wall, as well as two

street parking spaces abutting the paved portion of the Holton Avenue North right-of-way. The proposal requires a variance for the minimum required number of parking spaces for the residential dwelling units as 3 are proposed whereas a minimum of 4 is required. The variance for the number of parking spaces is also to recognize the existing condition on the Subject Property and the Subject Property is located along King Street East, which has good access to transit facilities and is in close proximity to a number of amenities and services. As such, the proposed parking space variance maintains the intent and purpose of the By-law provision. The proposed altered building has direct access to transit considering it is located with frontage along King Street East and there is a bus transit stop directly in front of the Subject Property. As per the list of variances below, the proposal requires seven (7) variances. However, each of the seven variances required are due to an existing condition and the subject Minor Variance application is to recognize the existing condition on the Subject Property. Specifically in regards to the height variance, the proposal requires a variance for the proposed height of 7.3m whereas a minimum height of 11m is required. This variance is needed to recognize an existing condition on the Subject Property as the proposed addition will match the height of the existing building. It is also our understanding from the applicant that the height of the existing building cannot be increased due to structural limitations.

Site and Area Description:

The Subject Property is located on the north side of King Street East, west of Sherman Avenue South, east of Stanford Avenue North, and south of Wilson Street. The Subject Property backs onto residential dwellings to the north, abuts Holton Avenue North to the west, and is attached to mixed-use commercial and residential buildings to the east. The immediate context consists of a mix of low-medium density residential and mixed-uses in the form multi-storey buildings as well as ground related two-storey detached dwellings. There are open spaces interspersed throughout the area as well as mixed-use and commercial uses, which provide amenities to the area.

The Subject Property is located in an area that consists of a variety of residential and mixed-use building types and is currently experiencing gentle and gradual intensification due to its proximity to King Street East which is a "Major Arterial" street as per the Urban Hamilton Official Plan ("UHOP") Schedule "C", which is also identified as a "Primary Corridor" as per the UHOP Schedule "E". The Subject Property is in close proximity to existing community services and amenities and public transit. The proposal will result in a built form and use that will be in keeping with the existing and planned character of the area and will contribute to increasing the availability of housing in the area.

As per Zoning By-law 05-200, the Subject Property is zoned "TOC3". Along King Street East, there is a range of residential and mixed-use building types and built-forms which vary in terms of scale, density, and other standards. The "TOC3" zone permits multiple dwellings and recognizes existing commercial uses. The requested variances are to recognize the existing condition on the Subject Property which has existed since 1940. The proposed height variance of 7.3m whereas a minimum of 11m is required is necessary in order to recognize the existing condition on the Subject Property, which the proposed addition will match. The proposed height variance is appropriate considering that the proposal will maintain the existing building, which is listed on the Municipal Heritage Register. Additionally it is our understanding that it may be structurally difficult if not unfeasible to propose additional height on the existing building.

Considering the above, I am of the opinion that the proposal meets the four tests as set out in Section 45(1) of the Planning Act, as the proposal maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is appropriate for the development of the Subject Property

The following materials are being submitted with this cover letter:

- Revised Architectural Plans (Site Plan, Floor Plans, and Elevations);
- List of variances (below).

Please consider this letter as a formal request to be notified of the decision of the Committee of Adjustment to the undersigned.

Should you have any questions or concerns please do not hesitate to contact the undersigned.

Sincerely,



David Igelman, BURPI, MCIP, RPP

DESIGN PLAN SERVICES INC.

david@designplan.ca

416-626-5445 ext. 204

Required Variances as per Plans dated August 30th, 2022 being submitted with this Cover Letter.

- 1. By-law 05-200 11.3.2(a)(i) - Building Setback from a Street Line - Minimum 3.0 metres.**

The proposal will be setback 0.9m from the front lot line (To recognize condition of existing building on the Subject Property as the proposed addition will match the existing height and footprint of the building).

- 2. By-law 05-200 11.3.2(b) - Minimum Rear Yard - Minimum 7.5 metres.**

The proposal will be setback 4.2m from the rear lot line (To recognize condition of existing building on the Subject Property as the proposed addition will match the existing height and footprint of the building).

- 3. By-law 05-200 11.3.2(e)(i) - Building Height - Minimum Building Height - Minimum 11 metres.**

The proposal will have a height of 7.3m to the highest point (To recognize condition of existing building on the Subject Property as the proposed addition will match the existing height and footprint of the building).

- 4. By-law 05-200 11.3.2(g) - Minimum Landscaped Area for Multiple Dwellings - Minimum 10% of the lot area shall be landscaped area.**

The proposal will have 0% of the lot area for landscaped area (To recognize condition of existing building on the Subject Property as the proposed addition will match the existing height and footprint of the building).

- 5. By-law 05-200 5.6(c) - Minimum Required Parking Spaces for Dwelling Units within a Multiple Dwelling - Minimum of four (4) parking spaces required.**

The proposal will have 3 parking spaces for the residential dwelling units (To recognize the existing condition of the Subject Property).

- 6. By-law 05-200 4.6(d) - Maximum permitted Yard Encroachment - Maximum of 1.5metres or to a Maximum of half the distance of the required yard, whichever is lesser.**

To permit the proposed new steps and platform to encroach into the entire front yard and therefore may be located 0.0 m from the front lot line (To recognize the existing condition of the Subject Property).

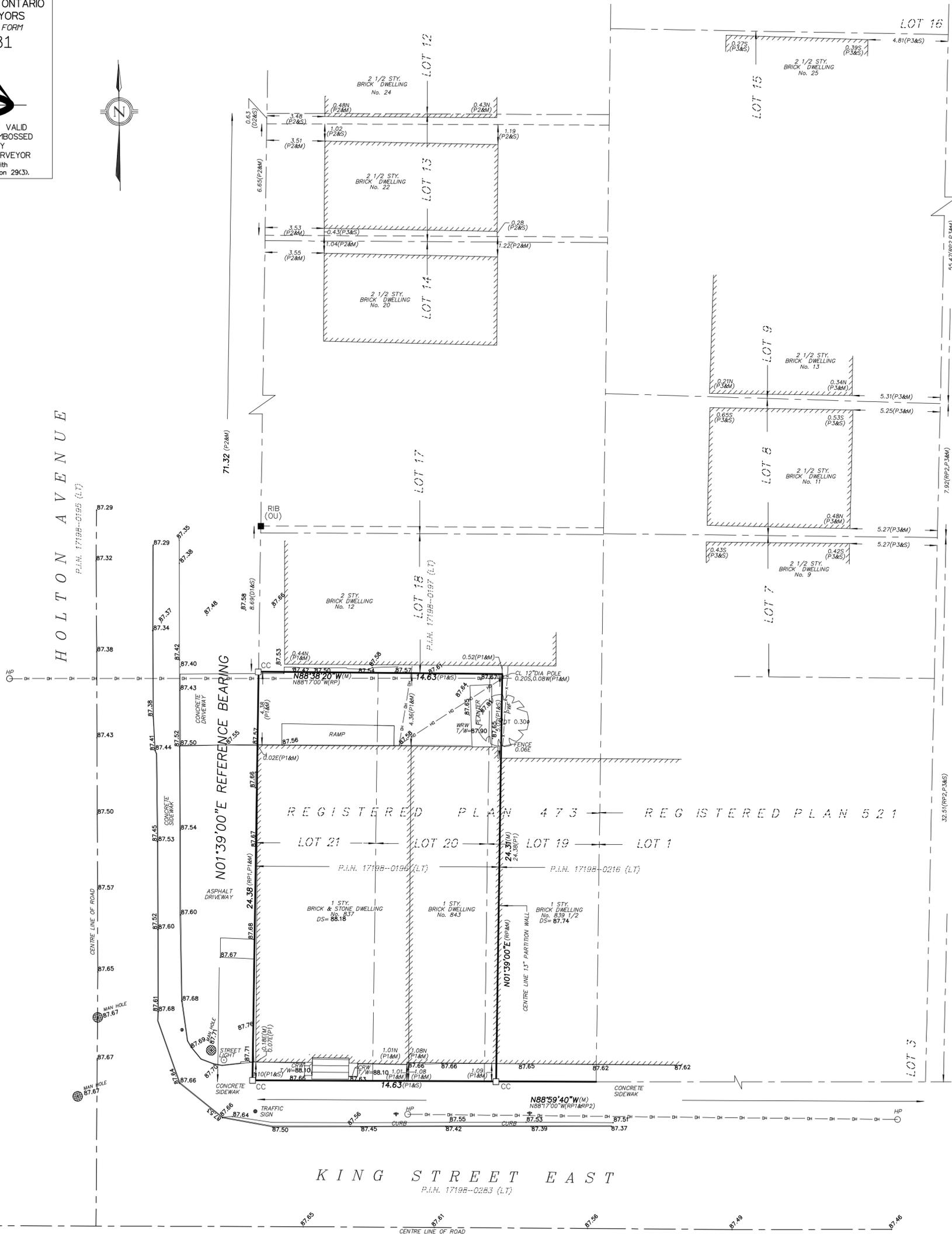
- 7. By-law 05-200 11.3.1.1(i)(1) - Minimum required elevation of 0.9m for any dwelling unit above grade.**

To permit the proposed ground floor dwelling units with an elevation of 0.3m above grade (To recognize the existing condition of the Subject Property).

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
V-31681



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



**SURVEYOR'S REAL PROPERTY REPORT,
PART 1**

**LOTS 20 & 21
AND PART OF LOT 19
REGISTERED PLAN 473
IN THE**

**CITY OF HAMILTON
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)**

SCALE & NOTES



THOMAS GONDO
ONTARIO LAND SURVEYOR
© COPYRIGHT 2022

LEGEND

■	SURVEY MONUMENT FOUND
□	SURVEY MONUMENT PLANTED
RIB	ROUND IRON BAR
IB	IRON BAR
OU	DENOTES ORIGIN UNKNOWN
N-E-W-S	DENOTES NORTH - EAST - WEST - SOUTH
S	DENOTES SET
M	DENOTES MEASURED
P1	DENOTES PLAN BY MacKAY & MacKAY & PETERS, O.L.S. DATE: SEPTEMBER 5, 1964
P2	DENOTES PLAN BY G.V. CONSOLI, O.L.S. DATE: JUNE 8, 1987
P3	DENOTES PLAN BY BRYAN JACOBS, O.L.S. DATE: OCTOBER 15, 1992
D1	DENOTES INSTRUMENT CD385558
D2	DENOTES INSTRUMENT VM169961
RP1	DENOTES REGISTERED PLAN 473
RP2	DENOTES REGISTERED PLAN 521
PWF	DENOTES POST & WIRE FENCE
CRW	DENOTES CONCRETE RETAINING WALL
WRW	DENOTES WOOD RETAINING WALL
T/W	DENOTES TOP OF WALL
HP	DENOTES HYDRO POLE
DS	DENOTES DOOR SILL
---	DENOTES SUBJECT LANDS BOUNDARY
---	DENOTES DEED LINE
---	DENOTES LOT LINE
---	DENOTES LIMIT OF STREET
-X-X-	DENOTES FENCE LINE
-H-H-	DENOTES OVER HEAD WIRE

METRIC
DISTANCES AND COORDINATES 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 EASTERLY
LIMIT OF HOLTON AVENUE, HAVING A BEARING OF N01°39'00"E
AS SHOWN ON PLAN 473.

BENCHMARK
ELEVATIONS ARE GEODETIC AND ARE REFERRED TO COSINE BENCHMARK
No. 07720100040 HAVING AN ELEVATION OF 86.565 METRES, DATUM-CGVD28: 78.

THIS PLAN WAS SIGNED WITH A SCANNED SIGNATURE AS A RESULT OF THE
EMERGENCY ORDER RELATED TO THE COVID-19 PANDEMIC

PART 2 - SURVEY REPORT
REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:
- THERE WERE NO REGISTERED RIGHT OF WAY LISTED ON THE PARCEL REGISTER
FOUND AT THE LAND REGISTRY OFFICE
- THE SUBJECT PROPERTY IS SUBJECT TO AND TOGETHER WITH AN EASEMENT
AS IN INSTRUMENT NO. CD225029 ON THE PARTY WALL ON THE EAST LIMIT
REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:
- THERE WERE NO BOUNDARY FEATURES OBSERVED TO SUGGEST AN EASEMENT.
OTHERS:
COMPLIANCE WITH MUNICIPAL BY-LAWS:
- THE PLAN DOES NOT CERTIFY ZONING COMPLIANCE

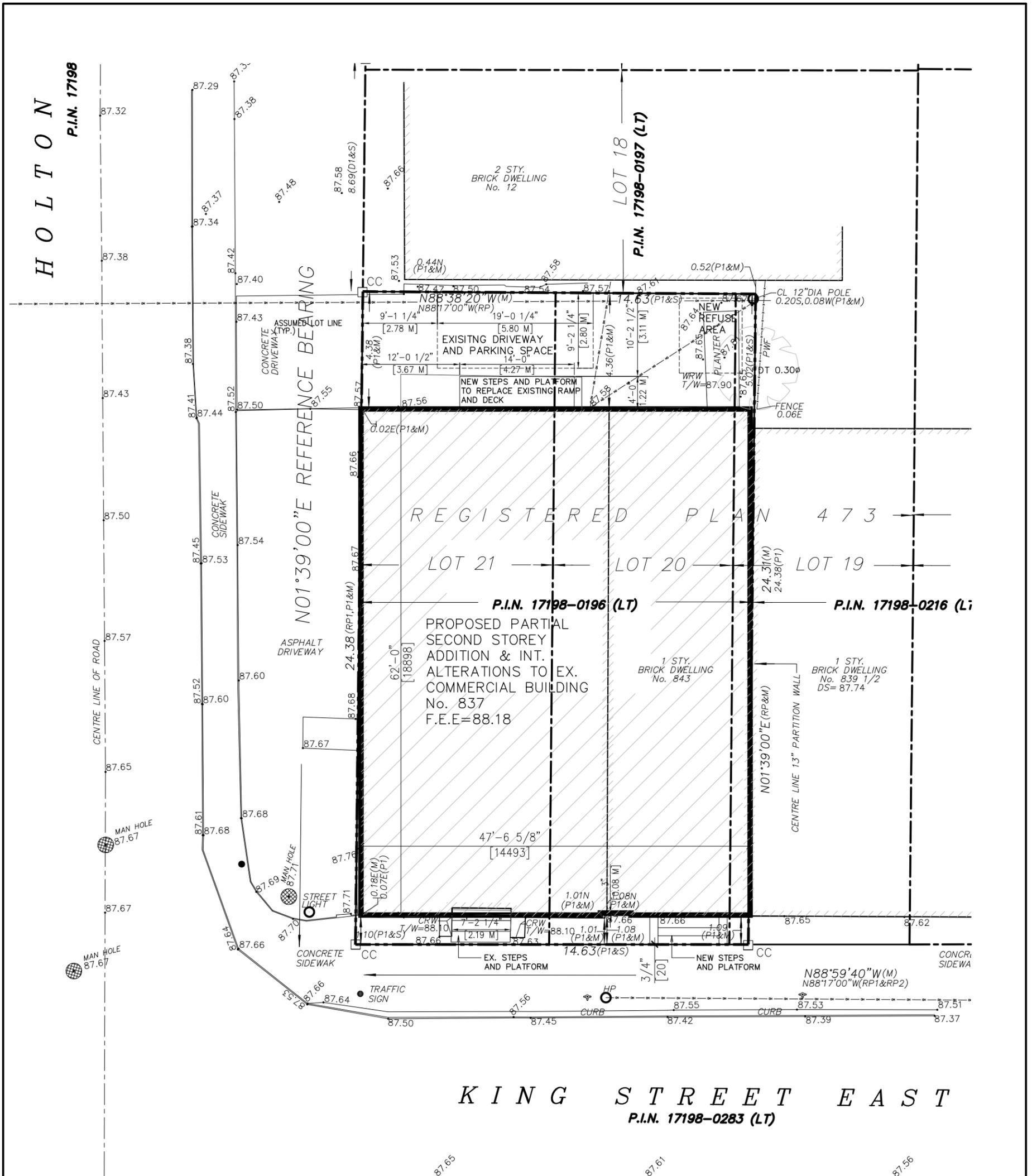
- THE FENCES ARE NOT ALWAYS ON THE PROPERTY LINES

THIS SURVEY IS PREPARED EXCLUSIVELY FOR SABRINA RIOS TRIVINO AND
THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHERS.

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 AUGUST 30, 2022.

DATE: AUGUST 30, 2022.
THOMAS GONDO
ONTARIO LAND SURVEYOR

	Lejan land Surveying Inc. 572 Barton Street Stoney Creek, ON L8E 5N3 Phone: 905-643.6131 Email: info@ejansurveying.ca	DWN BY: KC
		CHK BY: TG
		JOB No. 22-064



1 SITE PLAN

A01.01 SCALE: 1:150

RESIDENTIAL UNIT AREA BREAKDOWN;
 GROUND FLOOR RESIDENTIAL:
 UNIT 101: 718.75 SQ. FT. = 66.77 M2
 UNIT 102: 603.94 SQ. FT. = 56.11 M2
 UNIT 103: 1151.77 SQ. FT. = 107.00 M2
 RESIDENTIAL:
 UNIT 201: 821.13 SQ. FT. = 76.28 M2
 UNIT 202: 652.61 SQ. FT. = 60.63 M2
 UNIT 203: 431.47 SQ. FT. = 40.08 M2
 UNIT 204: 487.63 SQ. FT. = 45.30 M2

ADVISORY NOTE:
 FLOOR PLAN DRAWINGS PREPARED BASED ON DRAWINGS PREPARED BY "MEASURED UP" DATED MARCH 8 2022. ELEVATION DRAWINGS PREPARED BASED ON FIELD MEASUREMENTS BY CULMONE AND ASSOCIATES LTD., MAY 11, 2022.
 SITE PLAN DRAWING HAS BEEN PREPARED BASED ON PROPERTY SURVEY PREPARED BY LEJAN LAND SURVEYING INC. DATED: AUGUST 30, 2022.

6	ISSUED FOR REVIEW	08/30/2022
5	REVISED PLANS & ELEVATIONS	08/18/2022
4	REVISED PLANS & ELEVATIONS	07/21/2022
3	REVISED SITE STATS & DIMENSIONS	06/17/2022
2	ISSUED FOR REVIEW	05/18/2022
1	ISSUED FOR REVIEW	05/04/2022

CULMONE & ASSOCIATES LTD.
 200 EVANS AVE., SUITE 102, ETOBICOKE, ONTARIO
 TEL: (416) 252-9861 or (416) 252-9867
 FAX: (416) 252-1578, EMAIL: culmone@on.aibn.com

PROJECT:
**ADDITION / ALTERATIONS
 837 KING STREET EAST
 HAMILTON, ONTARIO**

DRAWN BY: JC	CHECKED BY: JC
DATE: 03/09/2022	SCALE: AS SHOWN
PROJECT NO.: 22-06	DRAWING NO.: A01.01

ZONING

ZONING	HAMILTON ZONING BY-LAW 05-200/16-265 05-200, 16-265	
LOT AREA	3831.50 (SQ.FT.)	355.96 (SQ.M.)
MAX. COVERAGE (NOT REGULATED)	100	OF LOT
	NO CHANGE= 3831.50 (SQ.FT.)	355.96 (SQ.M.)
ALLOWABLE G.F.A (NOT REGULATED)		

AVERAGE GRADE CALCULATION

	POINT 1	POINT 2	POINT 3	POINT 4
	87.71	87.57	87.65	87.65
TOTAL				350.58
TOTAL/4				87.64

SITE STATISTICS

EXISTING

LOT COVERAGE			
MAIN BUILDING	2946.15 (SQ.FT.)	273.71 (SQ.M.)	
REAR DECK	0.00 (SQ.FT.)	0.00 (SQ.M.)	
TOTAL	2946.15 (SQ.FT.)	273.71 (SQ.M.)	76.89%
G.F.A.			
GROUND FLOOR AREA	2946.15 (SQ.FT.)	273.71 (SQ.M.)	
SECOND FLOOR AREA	446.07 (SQ.FT.)	41.44 (SQ.M.)	
BASEMENT AREA (EXCL. MECH. RM.)	2422.49 (SQ.FT.)	225.06 (SQ.M.)	
TOTAL G.F.A.	5814.71 (SQ.FT.)	540.20 (SQ.M.)	

PROPOSED ADDITION

LOT COVERAGE			
MAIN BUILDING	0.00 (SQ.FT.)	0.00 (SQ.M.)	
COVERED PORCH	0.00 (SQ.FT.)	0.00 (SQ.M.)	
TOTAL	0.00 (SQ.FT.)	0.00 (SQ.M.)	0.00%
G.F.A.			
GROUND FLOOR AREA	0.00 (SQ.FT.)	0.00 (SQ.M.)	
SECOND FLOOR AREA	2500.08 (SQ.FT.)	232.27 (SQ.M.)	
BASEMENT AREA	0.00 (SQ.FT.)	0.00 (SQ.M.)	
TOTAL ADDITION	2500.08 (SQ.FT.)	232.27 (SQ.M.)	

TOTAL

LOT COVERAGE			
MAIN BUILDING	2946.15 (SQ.FT.)	273.71 (SQ.M.)	
COVERED PORCH	0.00 (SQ.FT.)	0.00 (SQ.M.)	
TOTAL LOT COVERAGE	2946.15 (SQ.FT.)	273.71 (SQ.M.)	76.89%
G.F.A.			
BASEMENT AREA	2422.49 (SQ.FT.)	225.06 (SQ.M.)	
GROUND FLOOR AREA	2946.15 (SQ.FT.)	273.71 (SQ.M.)	
SECOND FLOOR AREA	2946.15 (SQ.FT.)	273.71 (SQ.M.)	
VOID AREAS	0.00 (SQ.FT.)	0.00 (SQ.M.)	
TOTAL G.F.A.	8314.79 (SQ.FT.)	772.47 (SQ.M.)	
	217.01%	OF LOT	

SCOPE OF WORK

INTERIOR ALTERATION	5814.71 (SQ.FT.)	540.20 (SQ.M.)
NEW CONSTRUCTION	2500.08 (SQ.FT.)	232.27 (SQ.M.)

SITE INFORMATION TAKEN FROM

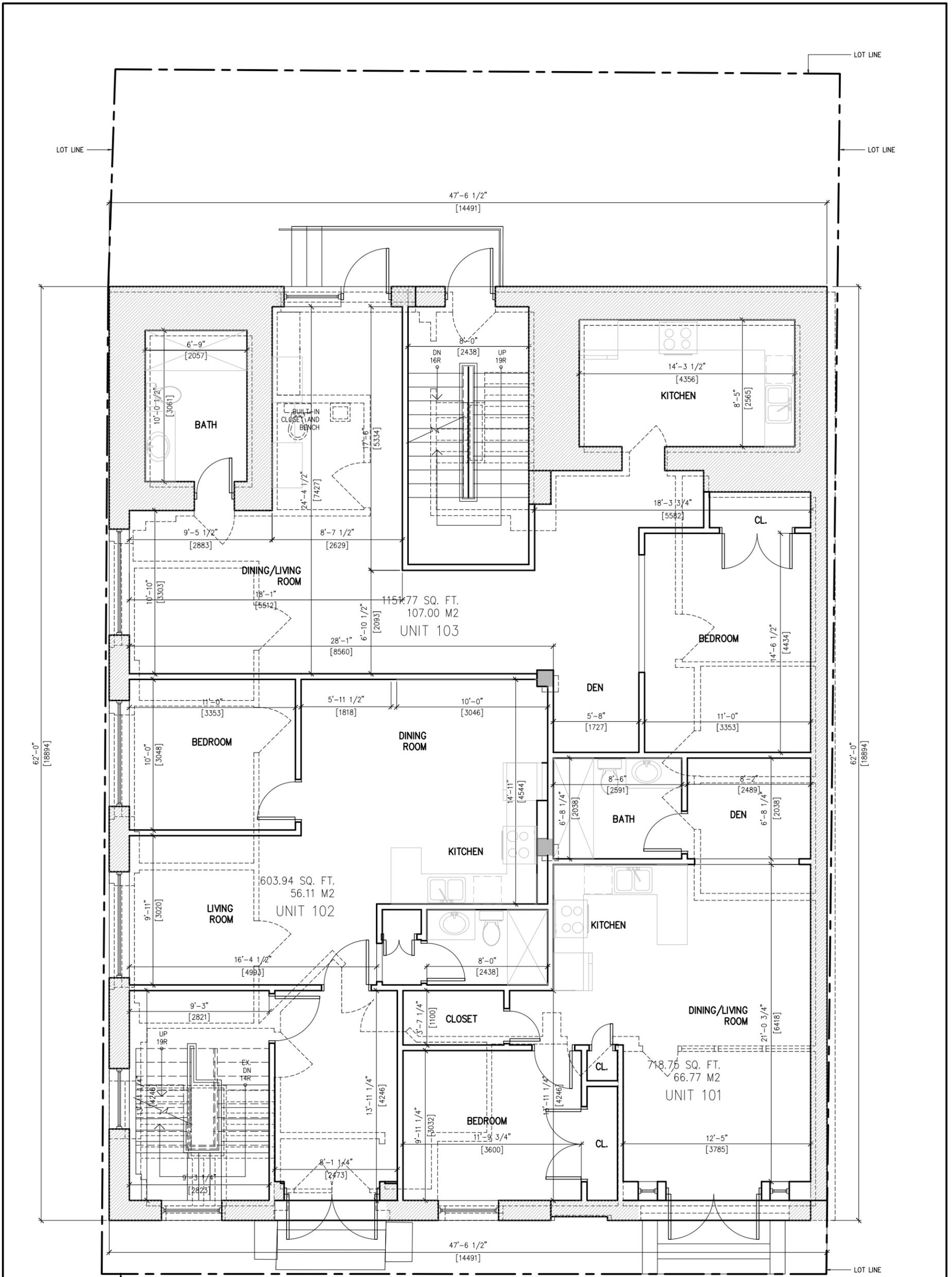
LOTS 20 & 21 AND PART OF LOT 19 REGISTERED PLAN 473

CITY OF HAMILTON

PREPARED BY LEJAN LAND SURVEYING INC. DATED: AUGUST 30, 2022.

6	ISSUED FOR REVIEW	08/30/2022
5	REVISED PLANS & ELEVATIONS	08/18/2022
4	REVISED PLANS & ELEVATIONS	07/21/2022
3	REVISED SITE STATS & DIMENSIONS	06/17/2022
2	ISSUED FOR REVIEW	05/18/2022
1	ISSUED FOR REVIEW	05/04/2022

 <p>200 EVANS AVE., SUITE 102, ETOBICOKE, ONTARIO TEL: (416) 252-9861 or (416) 252-9867 FAX: (416) 252-1578, EMAIL: culmone@on.aibn.com</p>	<p>PROJECT: ADDITION / ALTERATIONS 837 KING STREET EAST HAMILTON, ONTARIO</p>	<p>DRAWN BY: JC</p>	<p>CHECKED BY: JC</p>
		<p>DATE: 03/09/2022</p>	<p>SCALE: AS SHOWN</p>
		<p>PROJECT NO.: 22-06</p>	<p>DRAWING NO.: A01.02</p>



1 GROUND FLOOR PLAN
A02.01 SCALE: 1:75

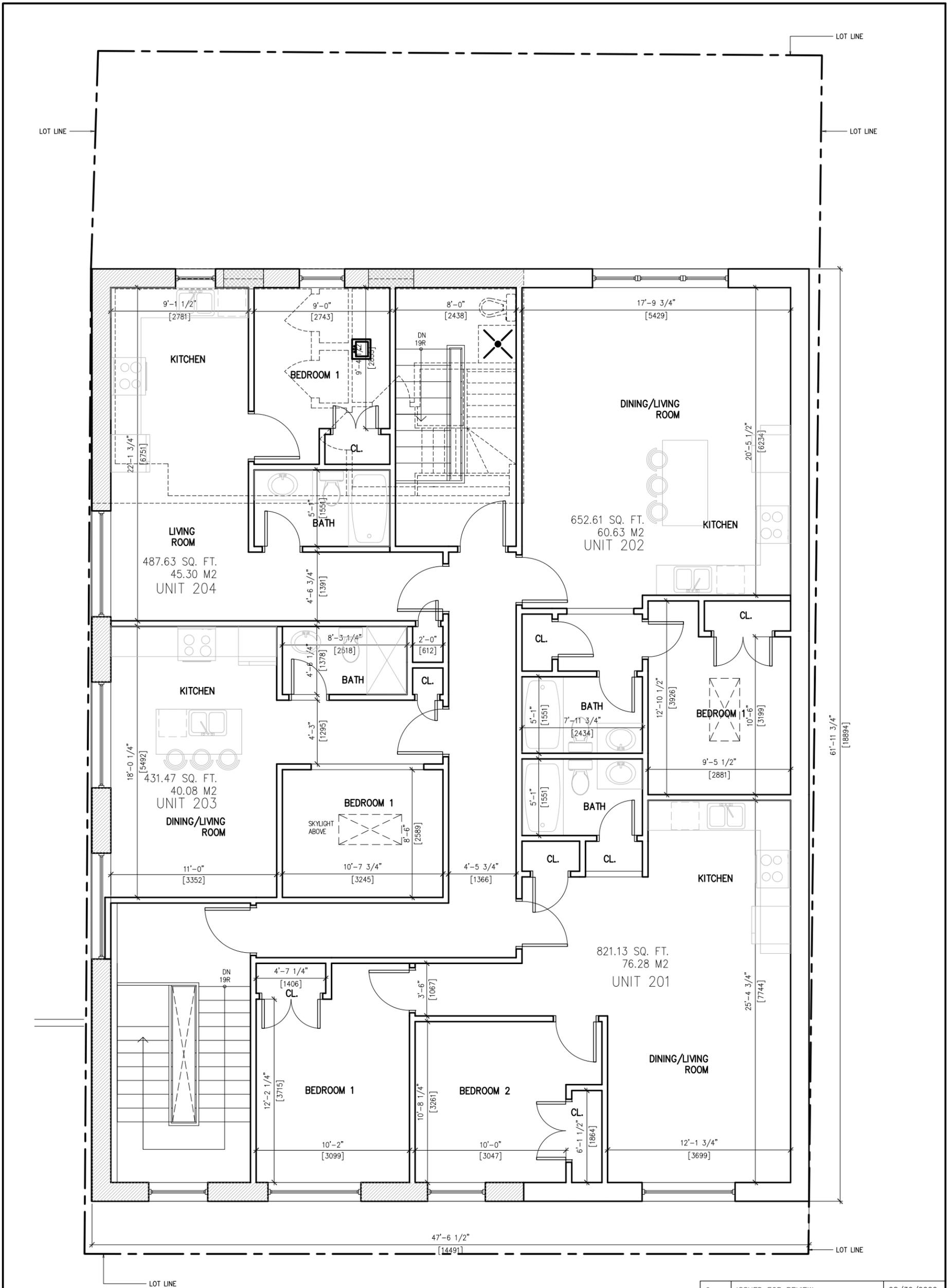
WALL LEGEND
 - - - - - EXISTING TO BE REMOVED
 ===== EXISTING TO REMAIN
 ===== PROPOSED WALL
 ===== OPENING TO BE BLOCKED IN

6	ISSUED FOR REVIEW	08/30/2022
5	REVISED PLANS & ELEVATIONS	08/18/2022
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 FAX: (416) 252-1578, EMAIL: culmone@on.aibn.com

PROJECT:
ADDITION / ALTERATIONS
837 KING STREET EAST
HAMILTON, ONTARIO

DRAWN BY: JC	CHECKED BY: JC
DATE: 03/09/2022	SCALE: AS SHOWN
PROJECT NO.: 22-06	DRAWING NO.: A02.02

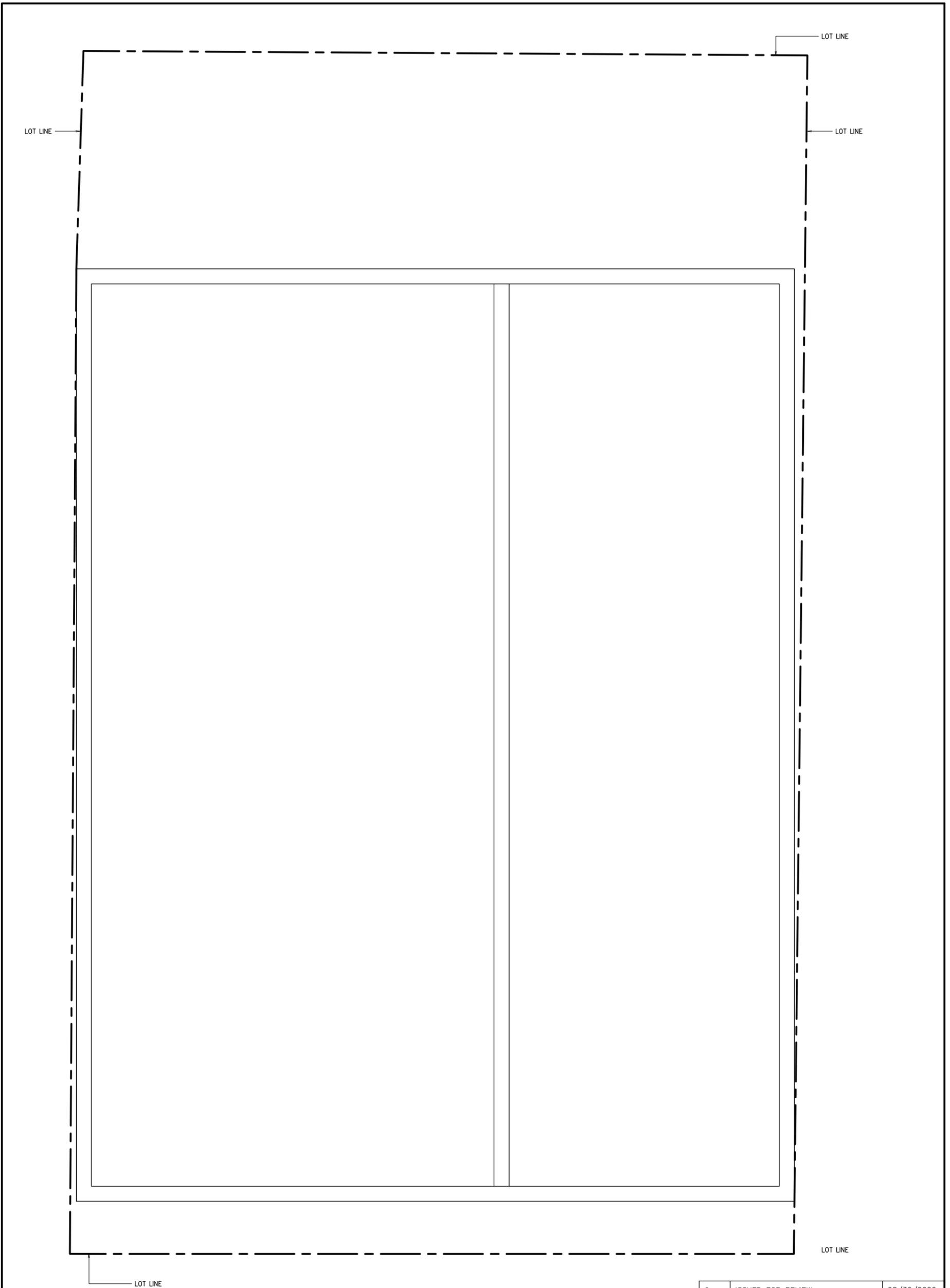


1 SECOND FLOOR PLAN
SCALE: 1:75

CULMONE & ASSOCIATES LTD.
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PROJECT:
ADDITION / ALTERATIONS
837 KING STREET EAST
HAMILTON, ONTARIO

DRAWN BY: JC	CHECKED BY: JC
DATE: 03/09/2022	SCALE: AS SHOWN
PROJECT NO.: 22-06	DRAWING NO.: A02.03



6	ISSUED FOR REVIEW	08/30/2022
5	REVISED PLANS & ELEVATIONS	08/18/2022
4	REVISED PLANS & ELEVATIONS	07/21/2022
3	REVISED SITE STATS & DIMENSIONS	06/17/2022
2	ISSUED FOR REVIEW	05/18/2022
1	ISSUED FOR REVIEW	05/04/2022

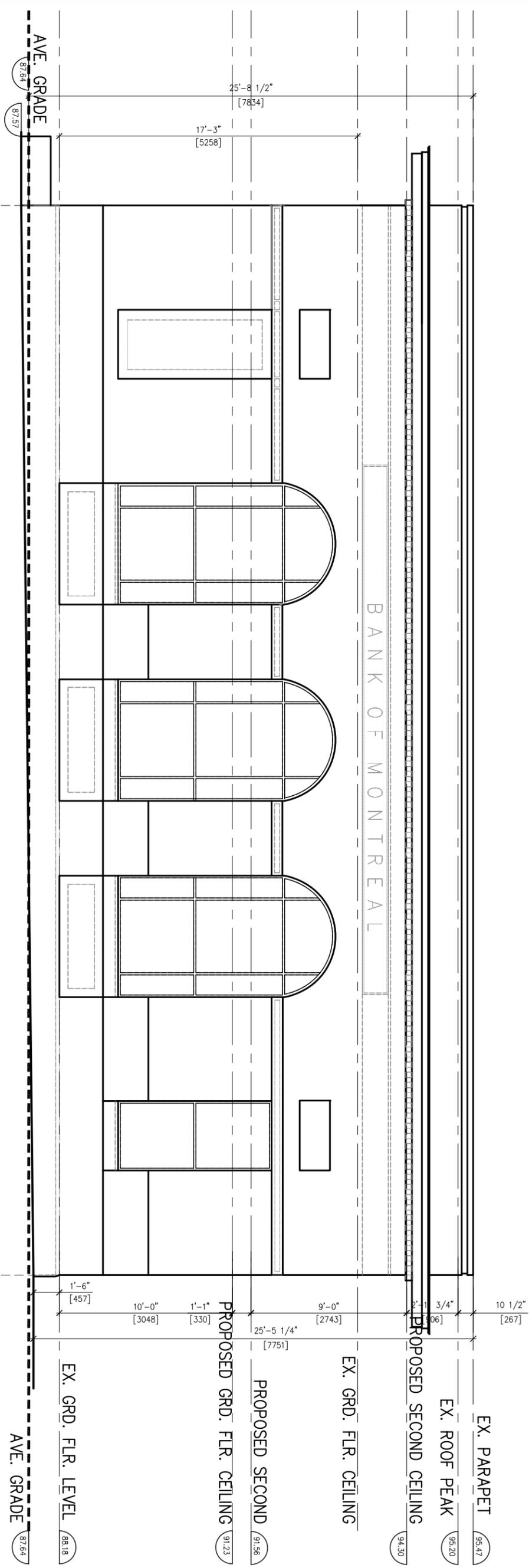
1 ROOF PLAN
A02.04 SCALE: 1:75

CULMONE
& ASSOCIATES LTD.
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PROJECT:
ADDITION / ALTERATIONS
837 KING STREET EAST
HAMILTON, ONTARIO

DRAWN BY: JC
 DATE: 03/09/2022
 PROJECT NO.:
22-06

CHECKED BY: JC
 SCALE: AS SHOWN
 DRAWING NO.:
A02.04



1 WEST ELEVATION
 A03.01 SCALE: 1:75

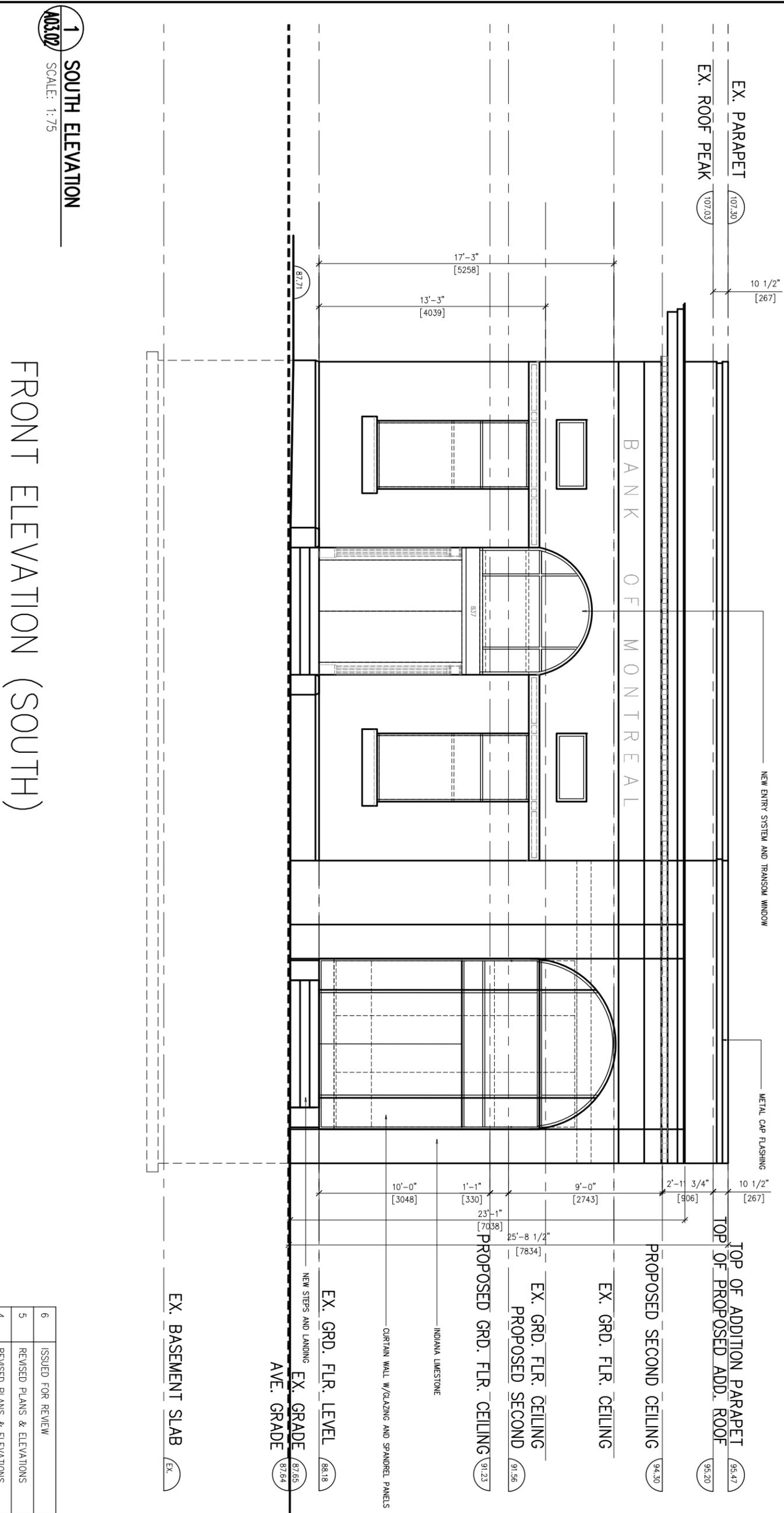
WEST ELEVATION

1	ISSUED FOR REVIEW	05/04/2022
2	ISSUED FOR REVIEW	05/18/2022
3	REVISED SITE STAIRS & DIMENSIONS	06/17/2022
4	REVISED PLANS & ELEVATIONS	07/21/2022
5	REVISED PLANS & ELEVATIONS	08/18/2022
6	ISSUED FOR REVIEW	08/30/2022

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HAMILTON, ONTARIO

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DATE: 03/09/2022	SCALE: AS SHOWN
PROJECT NO.: 22-06	DRAWING NO.: A03.01



1 SOUTH ELEVATION
SCALE: 1:75

FRONT ELEVATION (SOUTH)

6	ISSUED FOR REVIEW	08/30/2022
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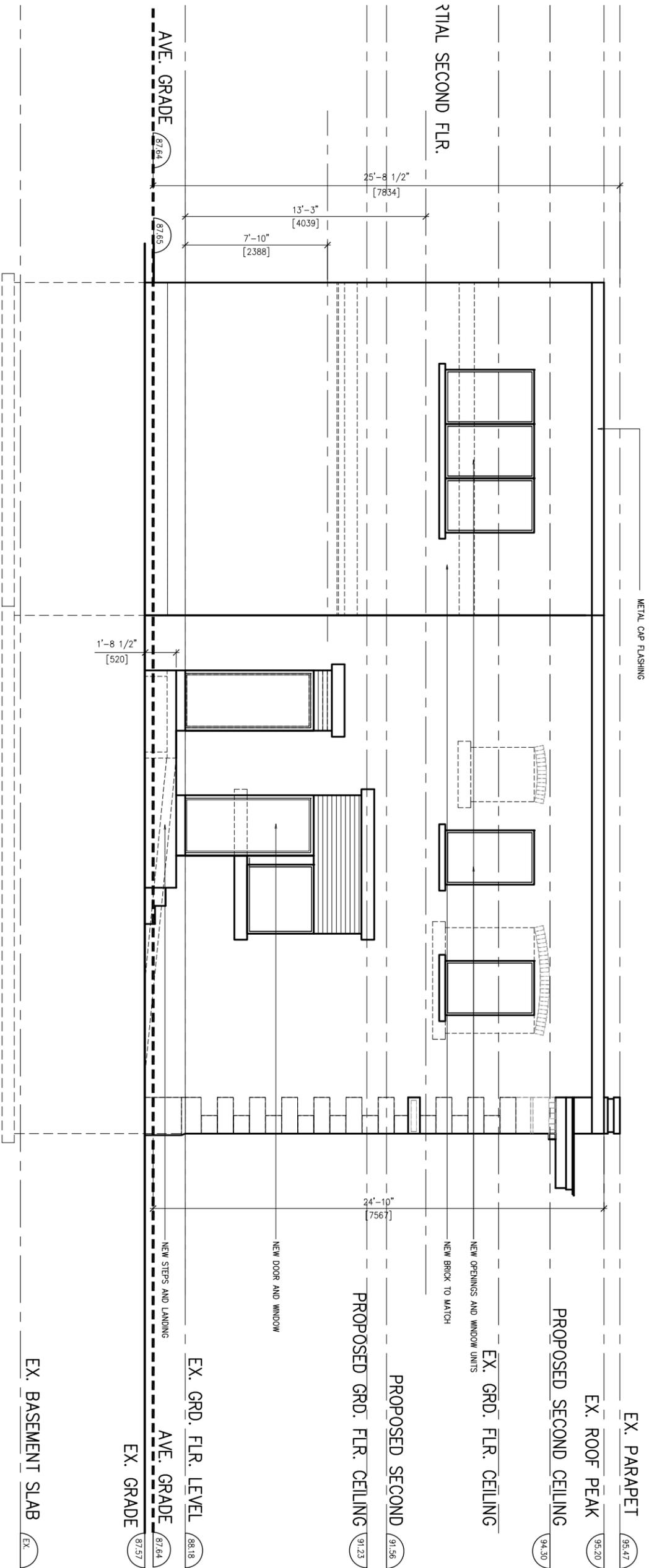
DRAWN BY: JC
DATE: 03/09/2022
PROJECT NO.: **22-06**

CHECKED BY: JC
SCALE: AS SHOWN
DRAWING NO.: **A03.02**

1
A03.03

NORTH ELEVATION
SCALE: 1:75

REAR ELEVATION (NORTH)



6	ISSUED FOR REVIEW	08/30/2022
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3	REVISED SITE STAIRS & DIMENSIONS	06/17/2022
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PROJECT:
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837 KING STREET EAST
HAMILTON, ONTARIO

DRAWN BY: JC
DATE: 03/09/2022
PROJECT NO.:
22-06

CHECKED BY: JC
SCALE: AS SHOWN
DRAWING NO.:
A03.03



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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	RONSEN CORPORATION	
Applicant(s)*	Design Plan Services Inc (C/O David Igelman)	
Agent or Solicitor	Design Plan Services Inc (C/O David Igelman)	

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:

Proposal for an addition to an existing building. See attached List of Variances.

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

Proposal requires relief from the Zoning By-law requirements to recognize existing condition of the Subject Property. See attached cover letter for additional details.

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**):

LTS 20 & 21, PL 473 ; PT LT 19, PL 473 , AS IN HL290874 & 'HA316134' S/T & T/W CD225029 ; HAMILTON. 837 King Street East, Hamilton

7. PREVIOUS USE OF PROPERTY

Residential

Industrial

Commercial

Agricultural

Vacant

Other _____

8.1 If Industrial or Commercial, specify use Office

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?

Information provided by the 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.

12-JUL-2022

Date

Signature Property Owner(s)

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage 14.86m

Depth 24.43m

Area 360.96 sq.m.

Width of street 16m

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 ground floor - 273.71 sq.m, existing number of storeys - 2, existing width 14.86m, existing length - 19.5m, existing height - 7.97m. See proposed plans for more detail.

Proposed

Proposed ground floor - 273.71 sq.m, Proposed number of storeys - 2, Proposed width 14.86m, Proposed length - 19.5m, Proposed height - 7.97m. See proposed plans for more detail.

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

Existing:

Both sides - 0m, Rear - 4.93m, front - 0.61m

Proposed:

Both sides - 0m, Rear - 4.93m, front - 0.61m

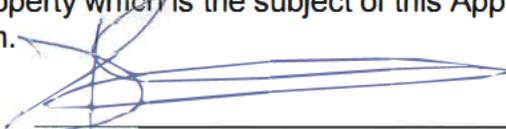
8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

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-JUL-2022
Date


Signature Property Owner(s)

Domenic STACTARI
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>14.86m</u>
Depth	<u>24.43m</u>
Area	<u>360.96 sq.m.</u>
Width of street	<u>16m</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.)

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

Existing:

Both sides - 0m, Rear - 4.93m, front - 0.61m

Proposed:

Both sides - 0m, Rear - 4.93m, front - 0.61m

- 13. Date of acquisition of subject lands:
July 2022

- 14. Date of construction of all buildings and structures on subject lands:
approx. 1940

- 15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Commercial office building

- 16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Mixed-use commercial and residential

- 17. Length of time the existing uses of the subject property have continued:
Over 80 years.

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

- 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:

TOC3

- 21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes No

 If yes, please provide the file number:
 - 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No
 - 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.

- 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 include separate sheet if needed)

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:278	SUBJECT PROPERTY:	27 STEVEN STREET, HAMILTON
ZONE:	"D" (Urban Protected Residential – One- and Two-Family Swellings and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 75-231

APPLICANTS: Owner: Joel Anthony Forget

The following variances are requested:

1. A front yard setback of 0.0 m shall be provided for the front porch and staircase instead of the minimum required 1.5 m from the nearest street line.
2. A side yard setback of 0.195 m shall be provided for the front porch and staircase instead of the minimum required 0.5 m from the nearest side lot line.
3. A front yard landscaping area of 25% shall be provided instead of the minimum required 50%.

PURPOSE & EFFECT: To permit a porch and staircase within the front yard notwithstanding that:

Notes:

- i) Insufficient information has been provided to determine if the porch is to be roofed over/ screened. Should the front porch be roofed over/ screened, but otherwise unenclosed, Variance #1 above shall be altered to read "A front yard setback of 0.0 m shall be provided for the front porch and staircase instead of the required 3.0 m into a front yard or rear yard and at least 1.5 m from the front lot line." should the proposed porch be roofed over or screened as per Section 18 (3)(d) of Hamilton Zoning By-Law 6593.
- ii) In addition to the comment above, should the porch be roofed over/ screened but otherwise unenclosed, Variance #1 shall be altered to the new variance as indicated above and Variance # 2 shall no longer apply.

HM/A-22:278

- iii) Insufficient information has been provided to determine the percentage of front yard landscaping. Based on the information provided, a calculation using the dimensions indicated on the submitted site plan, the front yard landscaping is shown to be 25.15% of the front yard. As such, a variance has been provided to address this deficiency.
- iv) Please be advised that an Encroachment Agreement with the Public Works Department to facilitate the proposed porch and staircase. Comments were provided for an Encroachment Agreement (RAC-22-127861) on June 28, 2022.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:10 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:278



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

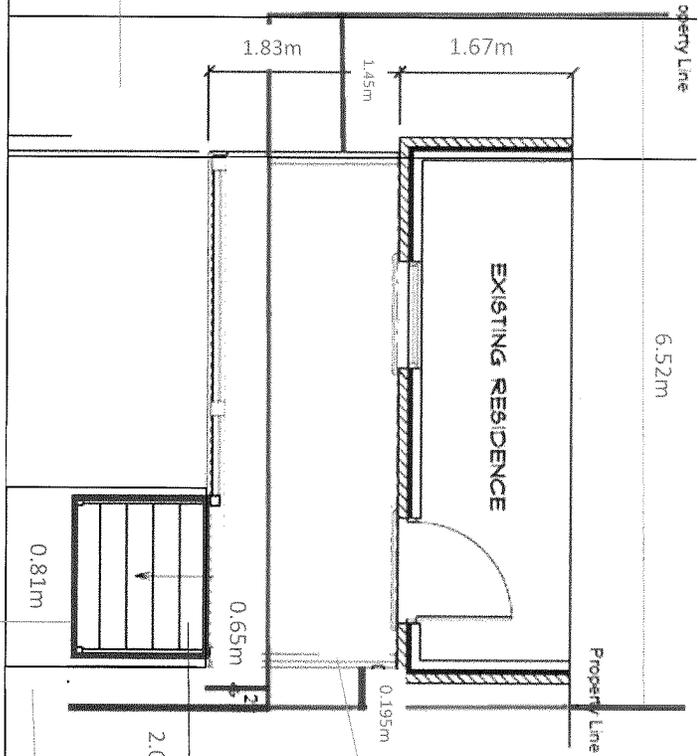
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

27 Steven Street, Hamilton, Ontario, L8L 5N4
Sketch for Proposed stairs

PT LT 89, PL 125, AS IN VM169243 ;
HAMILTON

City of Hamilton
PIN #: 17179-0125 (LT)

Existing
Walkway



Sidewalk

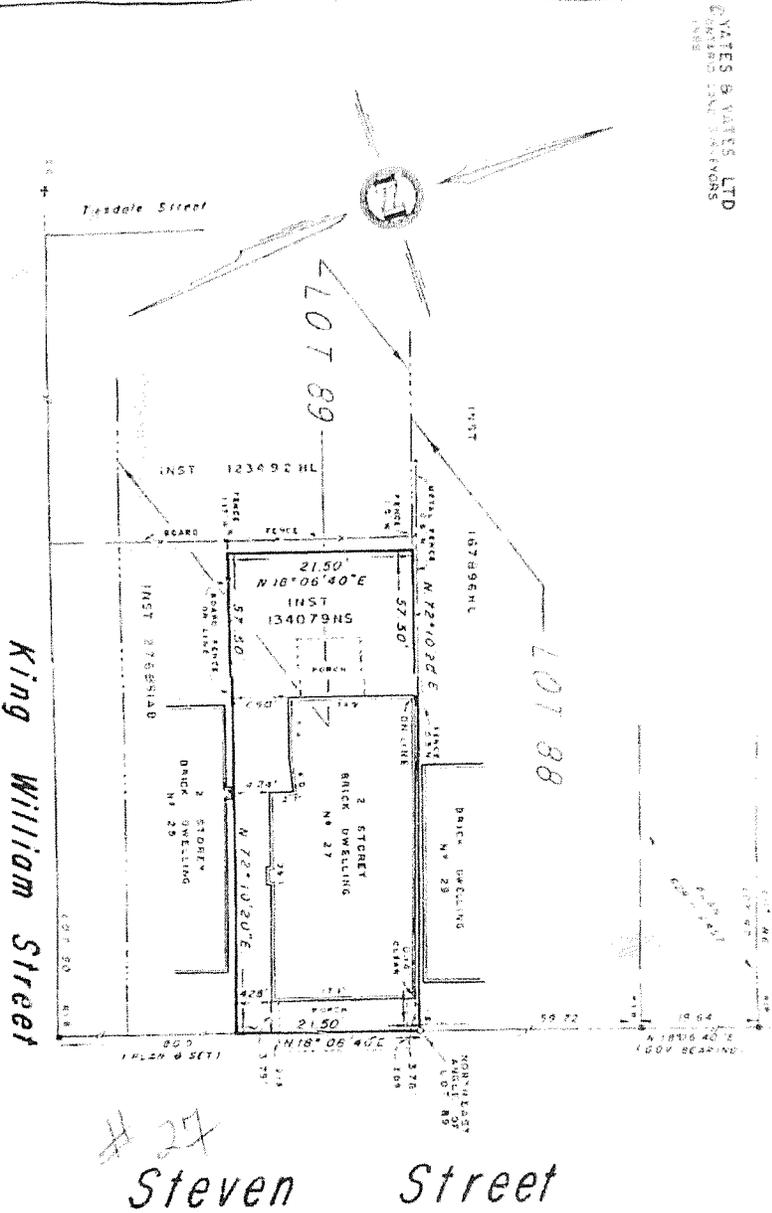
2.23m

Steven Street



BUILDING LOCATION SURVEY OF
 PART OF LOT 89
 REGISTERED PLAN 125
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

YATES & YATES LTD
 1080 BATHURST STREET
 TORONTO ONT M5R 3A5



King William Street

27
 Steven Street

NOTE
 BEARINGS AND DISTANCES ARE REFERRED TO THE METRIC UNIT SYSTEM STREETS AS SHOWN ON PLAN CAN 1:50,000 N. 18-06-40 E

LEGEND
 M DITCHES SURVEY MONUMENT FOUND
 S BOUNDARY SURVEY MONUMENT SET
 I IRON BAR
 R ROUND IRON BAR
 C CONCRETE CROSS
 S STEEL

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 The field survey represented by this plan was completed on the 19th day of OCT. 1984

DATE: OCT 21, 1984
 M. J. FERRI
 CHAIRMAN, LAND SURVEYORS

YATES & YATES LIMITED
 ONTARIO LAND SURVEYORS
 Registered of S.L.M.P.I. & S.L.A.S.I.
 484 Bathurst Line, BURLINGTON ONT L7R 3J9
 (519) 335-1932

JOB N.E. REV. B.59

Handwritten notes and signatures at the bottom of the page, including a signature that appears to be 'M. J. Ferreri' and some illegible text.

**Committee of Adjustment**

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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)	Joël Anthony Forget		
Applicant(s)*	same	same	Phone: same
			E-mail: same
Agent or Solicitor			Phone:
			E-mail:

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

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

TD Bank - mortgage

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:

Repaired existing porch and want to move the stairs in front of the front door from the south side of the property - which is on city property and 0.81m from the sidewalk.

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

For security, privacy, accessibility and curb appeal reasons, I did not want to keep the stairs on the south side of the property, where people need to walk across the house, in front of my main window, to access to front door.

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**):

27 Steven Street, Hamilton, Ontario, L8L 5N4
PT LT 89, PL 125, AS IN VM169243 ; HAMILTON (PIN): 17179-0125
(assessment roll # 2518030 - 214040400000) Reg.# WE904922

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 8.1 to 8.10 above?

I have been living at 27 Steven Street since March 2014. There is no gas station adjacent to my home.

- 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.

June 16, 2022

Date

Signature Property Owner(s)

Joël Anthony Forget

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	5'x4.58' (1.52m x 1.40m)
Depth	4.58' (1.40m)
Area	22.9' (6.98 m2)
Width of street	5' (1.52m)

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 front porch (16'x6') (4.88m x 1.83m)
Stairs: 5'x4.58'. (1.52m x 1.40m)

Proposed

Moving stairs to the front of the porch.
5'x4.58'. (1.52m x 1.40m)

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

Existing:

N/A

Proposed:

Stairs:
0.195 from north property line
0.81m west of sidewalk.

13. Date of acquisition of subject lands:
March 2014
-
14. Date of construction of all buildings and structures on subject lands:
Summer 2021
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single Family Home
-
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:
N/A
-
18. Municipal services available: (check the appropriate space or spaces)
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:

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

D – Urban Protected Residentials – One and Two family dwellings.
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
- If yes, please provide the file number:
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being “received” for processing.
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 include separate sheet if needed)

Made improvements to the front porch and moved the stairs from the south side of the property to the east side, to be in front of the door for privacy, security, accessibility and curb appeal reasons.
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:277	SUBJECT PROPERTY:	42 RAY STREET S, HAMILTON
ZONE:	"E" (Multiple Dwellings, Lodges, Clubs and Etc.)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: Richard Quinn – Quinn Investigations Inc.
Agent: Andy Tran – Suite Additions

The following variances are requested:

1. A minimum lot width of 358.4m² and a minimum lot area of 10.5m shall be permitted instead of the minimum lot width of 12.0m and the minimum lot area of 405.0m² required for a three-family dwelling.
2. A minimum manoeuvring aisle width of 3.8m shall be permitted for parking spaces #2, #3 and #4 and no onsite manoeuvring shall be permitted for parking space #1 instead of the minimum 6.0m manoeuvring aisle width required.
3. A minimum parking space size of 2.6m x 5.4m shall be provided for parking space #1 instead of the minimum parking space size of 2.7m x 6.0m required.

PURPOSE & EFFECT: To facilitate the establishment of a three-family dwelling within the existing building.

Notes:

The zoning By-law requires a minimum of one (1) parking space to be designated exclusively for visitors. Visitors parking has not been exclusively shown on the submitted plan. Therefore, the applicant shall ensure that visitors parking is exclusively designated and properly marked for visitors; otherwise, further variances shall be required.

HM/A-22:277

Parking is proposed to be accessed via an alleyway to the south. Based on our records, it appears that the alleyway may not be publicly assumed. If the alleyway is privately owned, an Encroachment Agreement and a Maintenance Easement may be required which shall be entered into and registered on title for both the lot upon which the building is encroaching onto and the subject lot.

The zoning By-law requires that the parking spaces and manoeuvring is paved with concrete or asphalt. No details were provided on the submitted plan. Therefore, the applicant shall ensure that proper surfacing is provided and maintained; otherwise, further variances may be required.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:277


 **Subject Lands**

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

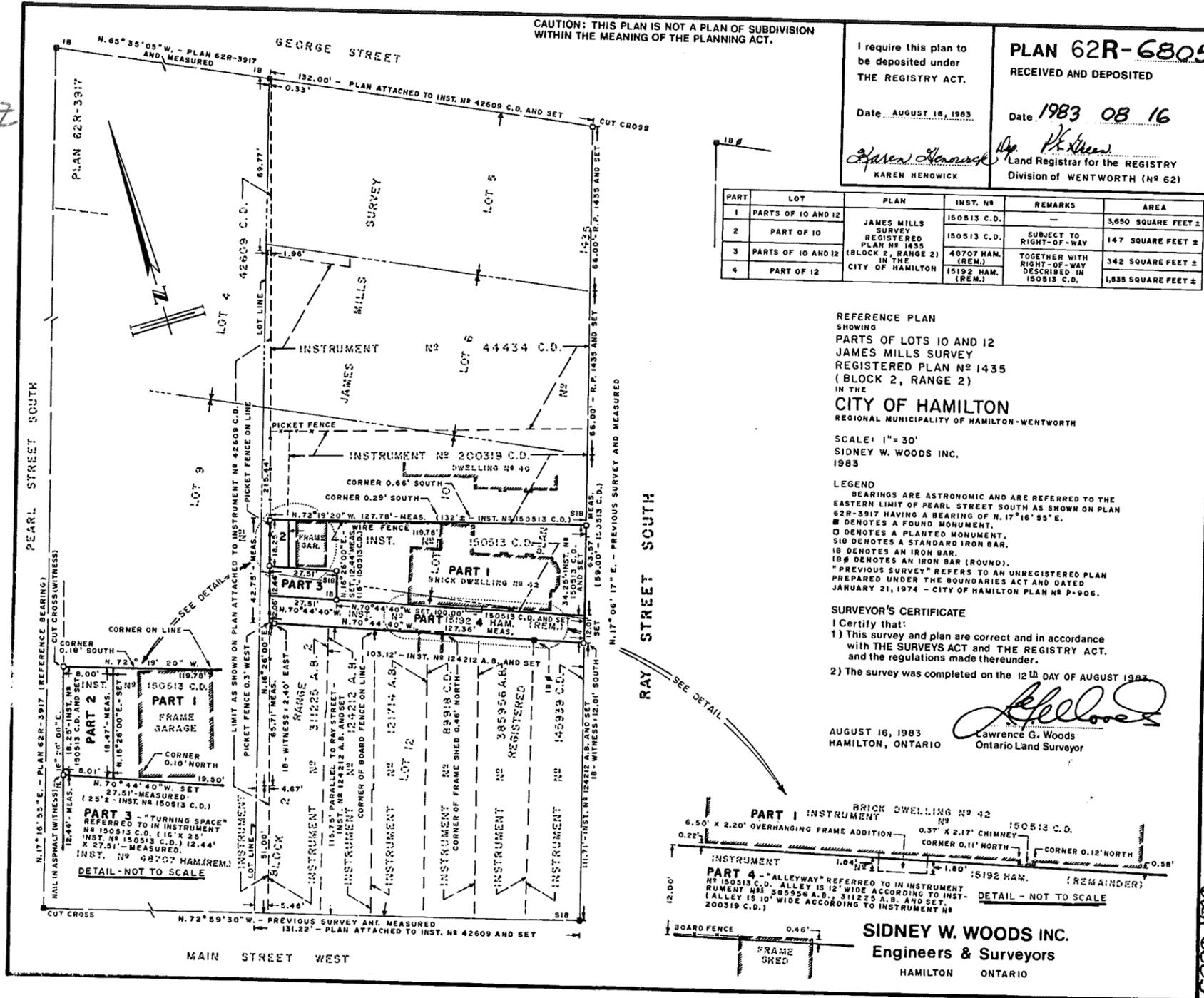
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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

pull pins
~~17142-0082~~
 17142-0073
 17142-0098



16X

62R-6805

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5



Hamilton

Phone: (905) 546-2424 ext. 4221

Email: 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)	Quinn Investigations Inc.	
Applicant(s)*	RICHARD QUINN for Quinn Investigations Inc.	
Agent or Solicitor	ANDY TRAN SUITE ADDITIONS INC.	

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:

The Bank of Nova Scotia (overdraft)
40 King St. W., First Mezzanine South
Toronto, ON
M5W 2X6

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:

- Rear maneuvering to be off-site for 4 rear parking spaces (3 + 1 visitor) onto private shared alleyway (house being converted from 2 to 3 units)
 - Parking space inside garage is 5.43m instead of required 6.0m

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

- Section 18A requires rear maneuvering to be 6.0m long onsite. A portion of the rear maneuvering will be on the alleyway - existing condition
 - Existing garage has 5.43m available - existing condition

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**):

42 RAY STREET SOUTH, HAMILTON, ON, L8P 3V3

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 8.1 to 8.10 above?

PROPERTY IN EXISTENCE AS RESIDENTIAL PROPERTY FOR OVER 100 YEARS

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.

August 16, 2022
Date


Signature Property Owner(s)
Quinn Investigations Inc.
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	<u>10.51 m</u>
Depth	<u>39.01 m</u>
Area	<u>358.43 m2</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 = 127.43 m2
GROSS FLOOR AREA = 246.96 m2
ONE STOREY = 5.79 m WIDE, 18.98 m DEEP, 10.96 m HIGH

Proposed

NO CHANGES

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

Existing:

(E) FRONT SETBACK - 3.79 m
(S) SIDE SETBACK - 0.3 m
(W) REAR SETBACK - 17.39 m
(N) SIDE SETBACK - 0.4 m

Proposed:

NO CHANGES

13. Date of acquisition of subject lands:
NOV 4th, 1997
-
14. Date of construction of all buildings and structures on subject lands:
APPROXIMATELY 1900
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
TWO FAMILY DWELLING
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
SINGLE AND MULTI FAMILY DWELLINGS
-
17. Length of time the existing uses of the subject property have continued:
30 years +
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------|-----------|------------|
| Water | <u>YES</u> | Connected | <u>YES</u> |
| Sanitary Sewer | <u>YES</u> | Connected | <u>YES</u> |
| Storm Sewers | <u>YES</u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBOURHOODS
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
E - MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.
-
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)
- LEGAL LETTER INDICATING ACCESS TO PRIVATE ALLEYWAY PROVIDED
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, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/A-22:281	SUBJECT PROPERTY:	1280 MAIN STREET W, HAMILTON
ZONE:	I3" (05-200); C/S-1361, A/S-395, B/S-395 (6593) Major Institutional, Urban Protected Residential, Etc., Conservation Open Space Park and Recreation, Suburban, Agriculture and Residential, Etc.	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200 and Former City of Hamilton 6593 as Amended 07-101, 96-109, 75-208

APPLICANTS: Owner: McMaster University – L. Goray
Agent: Bousfields Inc. – D. Falletta / A. Paton

The following variances are requested:

1. A minimum of five (5) parking spaces for each classroom plus one (1) space for every seven (7) seat capacity in an auditorium or theatre or one (1) space for each 23 square metres of gross floor area which accommodates the auditorium or theatre, whichever results in a greater requirement. No parking spaces are required for a stadium use or a Lodging House.

PURPOSE & EFFECT: To facilitate future development on the lands known municipally as 1280 Main Street West, included as part of the McMaster University campus, notwithstanding:

Notes:

1. 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.

HM/A-22:281

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

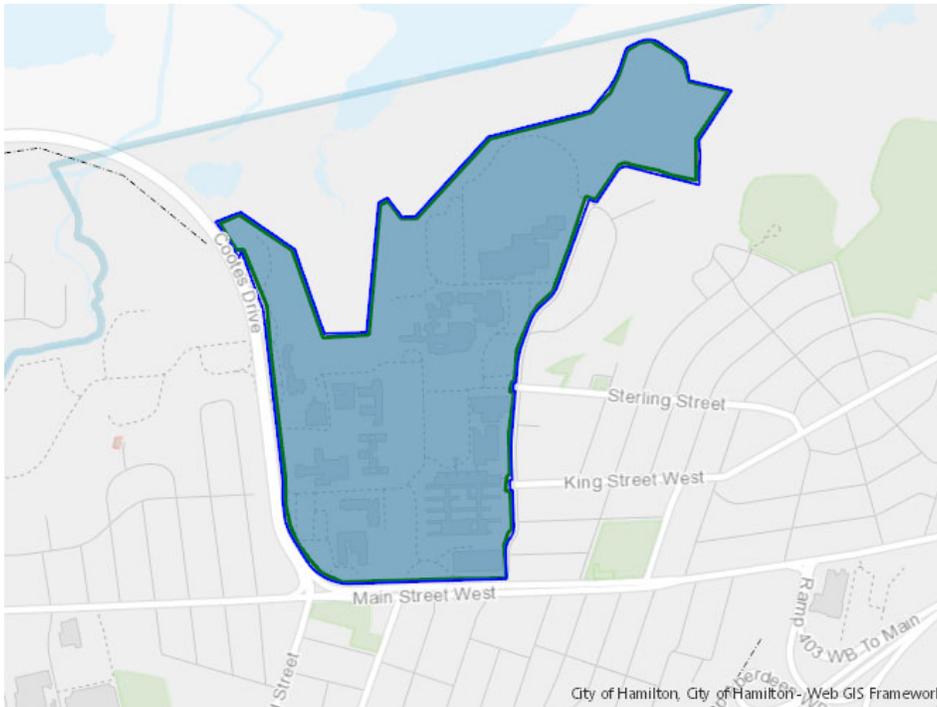
- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

HM/A-22:281



 Subject Lands

DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

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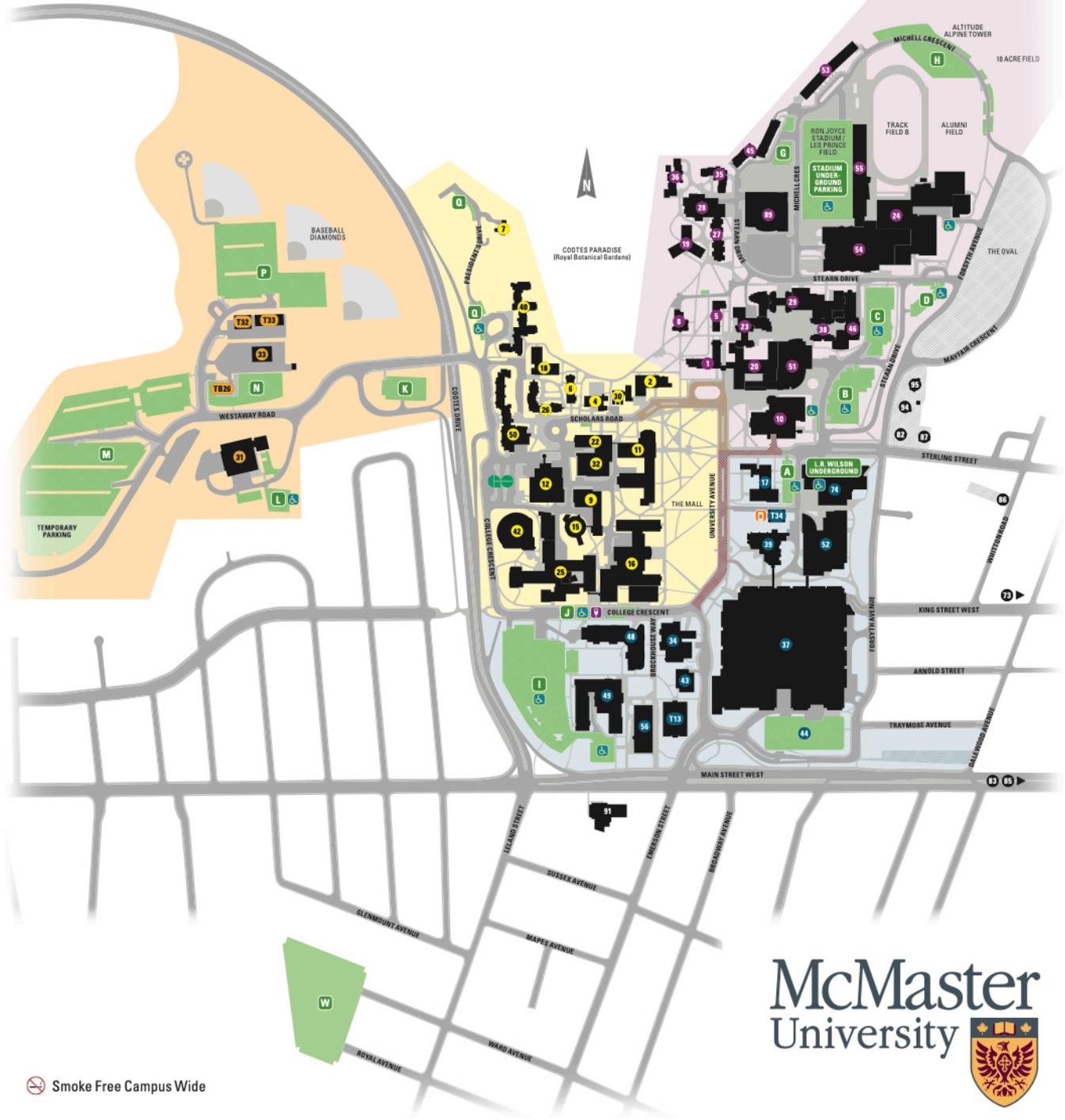
CAMPUS MAP

BUILDINGS

Alumni House	7	John Hodgins Engineering Building (JHE)	16
Alumni Memorial Hall (University Club)	8	Kenneth Taylor Hall (KTH)	38
Applied Dynamics Laboratory (ADL)	33	L.R. Wilson Hall (LRW)	74
Arthur N. Bourns Building (ABB)	25	Les Prince Hall	53
Bates Residence Building	40	Life Sciences Building (LSB)	39
Bertrand Russell Archives and Research Centre	82	Mary E. Keyes Residence	50
Biology Greenhouse	30	Matthews Hall	26
Brandon Hall	36	McKay Hall	27
Burke Science Building (BSB)	11	McMaster Children's Centre	T33
Campus Services Building (CSB)	31	McMaster Divinity College (MDC)	17
Canadian Martyrs CES Testing/Exam Centre (Licensed Space)	91	McMaster University Student Centre (MUSC)	51
Chester New Hall (CNH)	23	Michael DeGroot Centre for Learning and Discovery (MDCL)	52
Commons Building	28	Mills Memorial Library / Alvin A. Lee Building / Museum of Art (MML)	10
Communications Research Laboratory (CRL)	43	Moulton Hall	18
David Braley Athletic Centre (DBAC)	54	Nuclear Reactor	15
David Braley Health Sciences Centre (DBHSC)	83	Nuclear Research Building (NRB)	9
DeGroot School of Business (DSB)	46	One James North (OJN)	85
E.T. Clarke Centre (Security)	12	Parking Services	T32
Edwards Hall	5	Peter George Centre for Living and Learning (PGCLL)	89
Engineering Technology Building (ETB)	56	Preliminary Laboratory	T13
General Sciences Building (GSB)	22	Psychology Building (PC)	34
Gilmour Hall (GH)	20	Refractory (The Phoenix / Bridges)	4
H.G. Thode Library of Science and Engineering	42	Ron Joyce Stadium / Les Prince Field	55
Hamilton Hall (HH)	2	St. Paul's Anglican Church	73
Health Sciences Centre (HSC/MUMC)	37	Tandem Accelerator Building	32
Health Sciences Complex Parking Structure	44	Temporary Building, Multi-Use	TB26
Hedden Hall	45	Temporary Lecture Theatre	T34
Information Technology Building (ITB)	49	Togo Salmon Hall (TSH)	29
Institute for Applied Health Sciences (IAHS)	48	University Hall (UH)	1
Ivor Wynne Centre (IWC - Athletic Centre)	24	Wallingford Hall	6
		Whidden Hall	19
		Woodstock Hall	35
		47 Whitton Road	86
		96 Forsyth Avenue North	94
		106 Forsyth Avenue North	95
		182 Sterling Street	87

LEGEND

- X Parking Lot Zone
- A Accessible Parking
- P Meter Parking
- P Pedestrian Priority
- P Pedestrian Priority / Emergency and Service Vehicles Only



P Smoke Free Campus Wide



Project No. 17166-1

August 9, 2022

Steve Robichaud, Director, Planning & Chief Planner
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Dear Mr. Robichaud,

Re: *Minor Variance Application – By-law 05-200*
McMaster University, 1280 Main Street West, Hamilton

We are the planning consultants for McMaster University with regards to their university campus at 1280 Main Street West in the City of Hamilton (the “Campus Lands”). As part of the anticipated development of the Campus Lands, we have prepared this letter in support of a minor variance application for the required parking provisions for the Institutional Zones of Zoning By-law 05-200 for the Campus Lands.

Background

The Campus Lands, located west of Downtown Hamilton, are 196 hectares in size and located on the north side of Main Street West, generally bound by Cootes Drive to the east and Forsyth Avenue to the West. The west side of Cootes Drive is also part of the Campus Lands and is predominantly used for parking. To the north, the Campus Lands are bound by Cootes Paradise and the Royal Botanical Gardens. To the east and west, the Campus lands are bound by residential neighbourhoods. The lands south of the commercial Main Street West are also residential.

The 2017 McMaster University Campus Master Plan (the “Master Plan”) provides a vision for the future growth of the University, in a manner that is attractive, welcoming, health-promoting and sustainable for generations of students, faculty and staff. Among other recommendations, the Master Plan proposes new buildings and has identified development opportunities for new infill and intensification. The Master Plan provides that as the campus evolves, vehicular traffic will be further directed to the edge of the campus, reinforcing a people-focused and vehicle-free core campus. The Master Plan also articulates the introduction of a new transit hub on the Campus Lands which will take advantage of the Light Rail Transit (“LRT”) planned and funded for Main Street West.

The Campus Lands are currently occupied by a large number of institutional and student residence buildings. In terms of existing classrooms, there are 47 classrooms with more than 100 seats and 213 classrooms with less than 100 seats. A stadium (Ron Joyce Stadium) is located on the northeast side of the campus lands and has a capacity of 5,500 people and provides 298 parking spaces underground. The stadium occupies a gross floor area of 4,181 square metres.

To accommodate the anticipated parking for the various uses on the Campus Lands, McMaster University currently leases parking lot areas surrounding the campus. Lot W, located south of Main Street West and west of Ward Avenue is currently leased and provides 473 spaces. The lease agreement for Lot W expires in April 2023 and is not planned to be renewed, which reduces the parking supply to 3,709 spaces.

On December 15, 2016, the Committee of Adjustment approved a variance to permit a minimum of 3,585 parking spaces on the Campus Lands, instead of the minimum 4,759 parking spaces required by By-law No. 05-200. A condition of the variance approval was that no further physical expansion is permitted on the campus lands without the provision of additional parking. Accordingly, any future building expansion will require the provision of additional parking or relief from the parking requirements of the Hamilton Zoning By-law No. 05-200.

The limitation on parking has implications for McMaster University's capacity to grow. There is a desire for infill and intensification on campus lands to expand the institutional program and uses and better serve students. The termination of the lease agreement for the Lot W lands provides further implications regarding parking accommodation and development potential on the Campus Lands. A solution is required that will provide greater flexibility to the University and more accurately reflect the parking supply and demand that applies to the Campus Lands.

Proposal

To address the loss of the Ward Avenue Parking Lot, and to continue to allow the university to grow we are proposing to vary the by-law to read as follows:

Notwithstanding Section 5.6 of By-law 05-200, parking spaces for 1280 Main Street West shall be provided at a rate of 5 parking spaces for each classroom plus 1 space for every 7 seat capacity in auditorium or theatre or 1 space for each 23 square metres of gross floor area which accommodates the auditorium or theatre, whichever results in a greater requirement. Parking spaces are not required for a stadium use or a Lodging House use.

The proposed variance would remove the requirement for parking for the stadium, which calculates to approximately 786 spaces. This variance would have the effect of addressing the University's desire to continue to grow and the loss of parking spaces on Lot W.

Policy and Regulatory Framework

Provincial Policies

Development on the Campus Lands would need to be supportive of the policy directions articulated in both the Provincial Policy Statement (2020) and A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020).

Policy 1.1.3.2 of the PPS promotes densities and a mix of land uses, which efficiently use land, resources, infrastructure and public service facilities and are transit-supportive, where transit is planned, exists or may be developed. Policy 1.1.3.3 provides that planning authorities shall identify and promote opportunities for transit-supportive development, intensification and redevelopment, where this can be accommodated. A mix and range of uses, including institutional uses, is encouraged.

Similarly, the Growth Plan prioritizes intensification and higher densities to make efficient use of land and infrastructure and supports transit viability (Policy 1.2.1) and supports the achievement of complete communities that feature a diverse mix of land uses (Policy 2.2.1.4). Policy 2.2.5.2 of the Growth Plan states that major office and appropriate major institutional development will be directed to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit services.

Urban Hamilton Official Plan

The Campus Lands are included within the Urban Hamilton Official Plan (the "Official Plan"). This Official Plan has been effective as of August 16, 2013, with the exception of policies, schedules, maps and appendices that remain under appeal. The Campus Lands are identified as "Major Activity Centres" in the Urban Structure (Schedule E) and are designated "Institutional" within the Urban Land Use Designations (Schedule E-1).

Policies regarding Major Activity Centres are included in Section E.2.5 of the Official Plan. Major Activity Centres primarily function for dual purposes (educational and health care), providing regional-scale services. Policy E.2.5.2 provides that Major Activity Centres shall primarily accommodate major institutional uses but also provide for ancillary residential, recreation, research and office use. Major Activity Centres

shall be served by a range of transportation modes (Policy E.2.5.3) and shall be served by higher order transit service in recognition of the high ridership rates by students and employees (Policy E.2.5.4).

Policies regarding the Institutional designation are included in Section E.6.0 of the Official Plan. The Official Plan encourages the development of institutional campuses as important community resources and focal points in the urban fabric (Policy E.6.1.2) and seeks to ensure the integration and harmonious relationship between institutional areas and adjacent land use designations, particularly from transportation and urban design perspective (Policy E.6.1.3).

Policy E.6.2.2 provides that, among others, educational facilities and ancillary uses, as defined, are permitted uses within lands designated Institutional. Policy E.6.2.4 provides that residential uses ancillary to an institutional use may be permitted provided that the building is designed to minimize negative impacts on institutional uses, the uses are developed in accordance with the residential policies of the Official Plan, and adequate on-site parking shall be provided. Similarly, Policy E.6.2.5 provides that recreational uses may be permitted as an ancillary use provided that the building is designed to minimize negative impacts on the residential uses and adjacent lands and adequate on-site parking is provided.

GRIDS 2 & Municipal Comprehensive Review

The City of Hamilton is currently completing a Municipal Comprehensive Review which involves four key Phases. Phase 1, Conformity Review – Urban Focused Review, was recently completed and provided to the province for review and approval. Phase 4, which is expected to be completed in Q2 – 2023 includes the delineation of Major Transit Station Areas (MTSA) as work on the development of the LRT system evolves. The Campus Lands are located on the western terminus of the LRT system and are anticipated to be identified as an MTSA (500-800 metre radius of a higher order transit station settlement stop). Lands within an MTSA are primarily to be developed with higher density mixed-use developments and encourage transit use.

Zoning By-law 05-200

The campus lands are zoned Major Institutional (“I3”) in the City of Hamilton Zoning By-law No. 05-200. The By-law came into effect on May 25, 2005 and is being implemented in stages. The Institutional Zones were brought into effect with By-law No. 07-101 on February 14, 2007.

Section 5 of By-law No. 05-200 outlines that for an “Educational Establishment – University, College” the required parking is:

5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium or 5 spaces for every classroom plus 1 space for each 23 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.

In addition, for “Lodging Houses”, Zoning By-law No. 05-200 requires *1 parking space per 3 persons accommodated or designed for accommodation.*

McMaster University Campus Master Plan

As referenced above, a Campus Master Plan was prepared in 2002 and updated in 2008 and subsequently in 2017 to provide a vision for the future growth of McMaster University.

Section 3.4 of the 2017 Campus Master Plan outlines a parking strategy. The strategy provides that a long-term solution is required that balances parking demand with the broader goals of intensification and infill development along the campus edges, while promoting physically active transportation and reinforces sustainable modes of transportation. To manage parking as the campus evolves, it is recommended that the university: maintains the current supply of parking is maintained as baseline (identified as 4,581 spaces); enhances cycling and pedestrian infrastructure; advocates for the construction of the proposed Light Rail Transit on Main Street; works with municipal and regional transit providers to improve bus routes and timings; and identify locations to construct additional parking.

Importantly, the Campus Master Plan identifies that parking needs should be regularly reassessed in light of the increasing size of the McMaster University community and changing commuting patterns (Section 3.4.1). McMaster University is currently revising the Campus Master Plan to reflect recent and anticipated changes to the campus. The current iteration of the Campus Master Plan (2017) has been utilized as a baseline for the parking assessment.

Precedence

We have also reviewed parking standards of similar uses within the City of Hamilton and the broader Greater Golden Horseshoe area. Our analysis indicates that university campuses apply different strategies to zoning parking provision. Similar to McMaster, the University of Guelph requires parking at separate rates based on use.

However, the zoning by-laws that apply to the University of Waterloo, Wilfrid Laurier University, Conestoga College and the University of Western Ontario base parking standards on either gross floor area, staff population of student enrolment (or some

combination thereof). By-law No. Z.-1 that applies to Western University and By-law 2018-050 that apply to the University of Waterloo, Wilfred Laurier University and Conestoga College consider stadium uses as ancillary and do not require additional parking.

McMaster University's Parking Demand

As part of this application, the University engaged the services of LEA Consulting Ltd. (LEA) to complete a Parking Justification Study (dated July 26, 2022). The Parking Justification Study summarized the parking supply and peak parking demand, as well as the future parking supply and demand. The study concluded:

- The university campus has an existing parking supply of 4,182 spaces with 4,056 active parking spaces (126 spaces lost due to construction)
- Existing parking exceeds the by-law requirements by 619 spaces.
- Current parking includes 786 spaces for the Stadium.
- During surveying, the maximum utilization of the parking lots was 72% during a weekday, compared to 13% during the weekend.
- During weekends, when classes are not in session, the existing parking supply for the classroom, auditorium, and theatre uses at the University are able to accommodate the parking demand by the Stadium.
- There is a large surplus of parking during the weekends, which is able to accommodate the parking demand during football games.
- The university does not plan to renew a lease for an existing parking lot (Lot W) which will reduce the parking supply to 3,709 spaces, providing a surplus of 324 spaces than required by the existing zoning by-law requirements.

Analysis

In our opinion, the requested variance would satisfy the four tests set out in Section 45(1) of the *Planning Act*, namely (1) maintains the general intent and purpose of the Official Plan; (2) maintains the general intent and purpose of the Zoning By-law; (3) is desirable for the appropriate development and use of the lands; and (4) is minor in nature.

1) *Maintains the intent and purpose of the Official Plan*

The Campus Lands are developing in a manner that conforms to the Official Plan's vision for a Major Activity Centre and are in keeping with the policies of the Institutional designation. The categorization of stadium as a secondary use to the primary educational facility meets the applicable Official Plan policies identifying residential and recreational uses as ancillary to an institutional use. The variance regarding

parking meets the intent of the Official Plan by ensuring there is adequate on-site parking provided for these ancillary uses, as further detailed in this letter.

2) *Maintains the intent and purpose of the Zoning By-law*

The intent of the Zoning By-law seeks to ensure that there is sufficient parking on the Campus Lands to serve the demand generated from the mix of uses that exist. The primary use on the Campus Lands is the educational facility – including classrooms and auditoriums. The standard application of the parent by-law does not adjust for the hierarchy of uses on the Campus Lands, and results in a surplus of spaces. The proposed variance would ensure that there is sufficient parking and accordingly meets the intent of the Zoning By-law. In our opinion, the stadium use is a secondary use and the usage of the stadium typically occurs outside of the peak usage of the principal uses on campus. As demonstrated in the Parking Justification Study prepared by LEA, removal of the parking requirements for the stadium would still result in a significant surplus of parking beyond the peak demand. Based on the foregoing, it is our opinion that the variance maintains the intent and purpose of the zoning by-law since there is sufficient parking maintained on site to meet peak demand.

3) *Desirable for the appropriate development and use of the lands*

In our opinion, a reduced requirement of parking is appropriate and desirable for the lands and would facilitate the infill and intensification of the Campus Lands while reducing reliance on the automobile and encouraging the use of existing and planned public transportation options. As the LRT project evolves, it is our opinion that a modal shift will occur and result in the reduction of personal automobile use and a transition to public transit, including the LRT. This will reduce the demand for parking on the Campus Lands even further.

A revision to the parking standards will allow for the University to continue to expand through infill and intensification, providing greater services and educational opportunities to existing and future students, without returning to the Committee of Adjustment on a building-by-building basis. As evidenced by LEA's analysis, the existing parking will continue to serve the campus demands, and this demand will reduce as the University continues to experience a modal shift away from the vehicle and toward alternative modes of public and sustainable transportation.

A 2011 McMaster Travel survey identifies that students only 24% of students commute with a car, 39% commute using transit and 37% walk or cycle. Faculty commute with rates of 65%, 13% and 18%, respectively. This diversified modal breakdown is unique within the City of Hamilton. Accordingly, the parking standards in the parent by-law

should not apply to the campus lands, but rather a more nuanced site-specific approach that reflects the actual demand for vehicle parking spaces.

4) *Is Minor in Nature*

An assessment of the requested variance against the test of “minor” is not solely a numerical assessment, but rather involves an assessment of impact.

The Parking Justification Study prepared by LEA Consulting Ltd. (LEA) detailed the existing supply and demand, as well as the future supply of the campus lands. Based on the existing active supply in May 2022 and an analysis conducted during weekdays and weekends in September 2019, LEA provides that the campus’s peak weekday parking demand was 2,793 spaces and the peak weekend demand was 808 spaces. Based on this data, the parking demand in all scenarios is less than the total parking supply, and during peak times approximately 72% of spaces are utilized during weekdays and 13% are utilized during weekends.

The Parking Justification Study also identifies that the required parking supply at McMaster University is largely driven by the parking demand during weekdays when classes are in session. The aforementioned statistics indicate that the stadium's peak parking demand is less than the peak weekday period parking demand. During the weekends, there is a large surplus in parking supply, which is able to accommodate the parking demand during football games and other stadium-related uses.

Given that football games or other stadium related event uses typically occur in the evenings, weekends or in the summer, the demand for other stadium related event use parking occurs at different hours than the demand for parking by students and faculty who are attending classes at the educational facility. Furthermore, stadium related event uses occur with less frequency than daily classes. Accordingly, the patrons of the stadium can use the spaces required for classrooms and auditoriums without an unreasonable impact to the overall supply. Dedicated spaces are not required.

Based on the foregoing, it is our opinion that the reduction in parking space requirements would not negatively impact the Campus Lands or the surrounding neighbourhoods.

Conclusion

It is our opinion that the requested variance would allow for the appropriate parking provision on the Campus Lands and facilitate the sustainable development of new university facilities.

In support of our application, please find attached the following information:

- A copy of the completed and signed Minor Variance Application Form, dated July 26, 2022;
- A cheque in the amount of \$3,465.00, representing the Standard Minor Variance Application fee (to be delivered under separate cover); and,
- A Parking Justification Study, prepared by LEA Consulting Ltd., dated July 26, 2022.

We trust that the foregoing is satisfactory for your purposes. Should you have any questions or clarifications, please do not hesitate to contact the undersigned.

Yours truly,

Bousfields Inc.



David Falletta, MCIP RPP

cc. *Lalita Goray, McMaster University*
Jocelyn Lee, LEA Consulting Ltd.

**LEA Consulting Ltd.**625 Cochrane Drive, 5th Floor
Markham, ON, L3R 9R9 Canada
T | 905 470 0015 F | 905 470 0030
WWW.LEA.CAJuly 26th, 2022**Reference Number:** 22250**Ashley Paton**

Senior Planner

Bousfields Inc.

1 Main Street East, Suite 200

Hamilton, ON

L8N 1E7

Dear Ms. Paton,

**RE: Parking Justification Study
Minor Variance Application for Ron Joyce Stadium
1280 Main Street West, City of Hamilton**

LEA Consulting Ltd. (LEA) was retained by Bousfields Inc. on behalf of McMaster University to prepare a Parking Justification Study regarding the Minor Variance Application for Ron Joyce Stadium located on McMaster University's campus at 1280 Main Street West (herein referred to as the "subject site") in the City of Hamilton.

The follow letter has been prepared for the Minor Variance Application submitted for the subject site, which seeks to remove the parking requirements associated with the stadium. The justification will review the applicable Zoning By-law requirements, supply and demand of parking available on McMaster's campus, and the nature of the uses for the stadium.

1 RON JOYCE STADIUM

Ron Joyce Stadium is located on the northeastern side of McMaster University's campus, as shown in **Figure 1**. The Stadium has a capacity of 5,500 people and has an underground parking lot with 298 parking spaces.

The Stadium is located between Mitchell Crescent and Stearn Drive, with vehicular access to the Stadium via Mitchell Crescent. In addition to the underground parking lot, the Stadium is adjacent to Parking Lots C, D, G, and H. The Stadium is surrounded by the Campbell Track David Braley Athletic Centre, Les Prince Hall, Hedden Hall, and Peter George Living and Learning Centre.



Figure 1: Ron Joyce Stadium Context



A majority of the use of the Ron Joyce Stadium is for university athletics. Prior to the ongoing COVID-19 pandemic, the highest generator of visitors to the Stadium was for football games. The football schedule for 2019 (pre-COVID-19) is summarized in **Table 1-1**. In total, the football team played 11 games in 2019, with 5 home games at Ron Joyce Stadium and 6 away games.

Table 1-1: 2019 Football Schedule for McMaster Marauders

Date	Location
Sunday, August 25 th , 2019	Guelph, ON – Away
Sunday, September 1 st , 2019	Ron Joyce Stadium
Saturday, September 7 th , 2019	Ron Joyce Stadium
Saturday, September 14 th , 2019	North York, ON – Away
Saturday, September 21 st , 2019	Ron Joyce Stadium
Saturday, October 5 th , 2019	Toronto, ON – Away
Friday, October 11 th , 2019	Ottawa, ON – Away
Saturday, October 19 th , 2019	Ron Joyce Stadium
Saturday, November 2 nd , 2019	Ron Joyce Stadium
Saturday, November 9 th , 2019	London, ON – Away
Saturday, November 16 th , 2019	Calgary, Alberta - Away



2 VEHICULAR PARKING

2.1 PREVAILING BY-LAW REQUIREMENTS

The subject site is governed by the City of Hamilton Zoning By-law No. 05-200, which sets out the minimum vehicular parking rates required for the subject site. **Table 2-1** summarizes the existing requirements for the uses on the subject site.

Table 2-1: Zoning By-law No. 05-200 Requirements

Land Use	Parking Requirement
University, College	5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre, or stadium or 5 spaces for every classroom plus 1 space for each 23.0 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement
Residential Use on the same lot as a University of College	No parking shall be required for any residential use on the same lot as a University of College

Table 2-2: Zoning By-law No. 05-200 Requirements

Use	Number/Size
Classrooms	234 classrooms
Auditoriums/Theatres/Stadiums	47 auditoriums
Total Auditorium/Theatre/Stadium Capacity	15,508 people
Total Auditorium/Theatre/Stadium GFA	16,023.44 m ²
Total Spaces Required	3,385 spaces

Based on the by-law requirements, McMaster University requires a total of 3,385 parking spaces. It is noted that two (2) buildings are currently under construction for the University, the McLean Centre for Collaborative Discovery, and the LSB Greenhouse. No parking is required for the Greenhouse, and 49 parking spaces are required for the McLean Centre for Collaborative Discovery.

The Ron Joyce Stadium has a stadium capacity of 5,500 people and a GFA of 4,180 m². Based on the by-law requirements, 786 parking spaces are required for the Stadium use.

2.2 EXISTING PARKING SUPPLY

Table 2-3 summarizes the existing parking supply for McMaster University. Due to construction activities, several parking spaces are currently used for construction purposes, resulting in slightly less active parking spaces when compared to the existing parking supply.



Table 2-3: Existing Parking Supply for McMaster University as of May 11, 2022

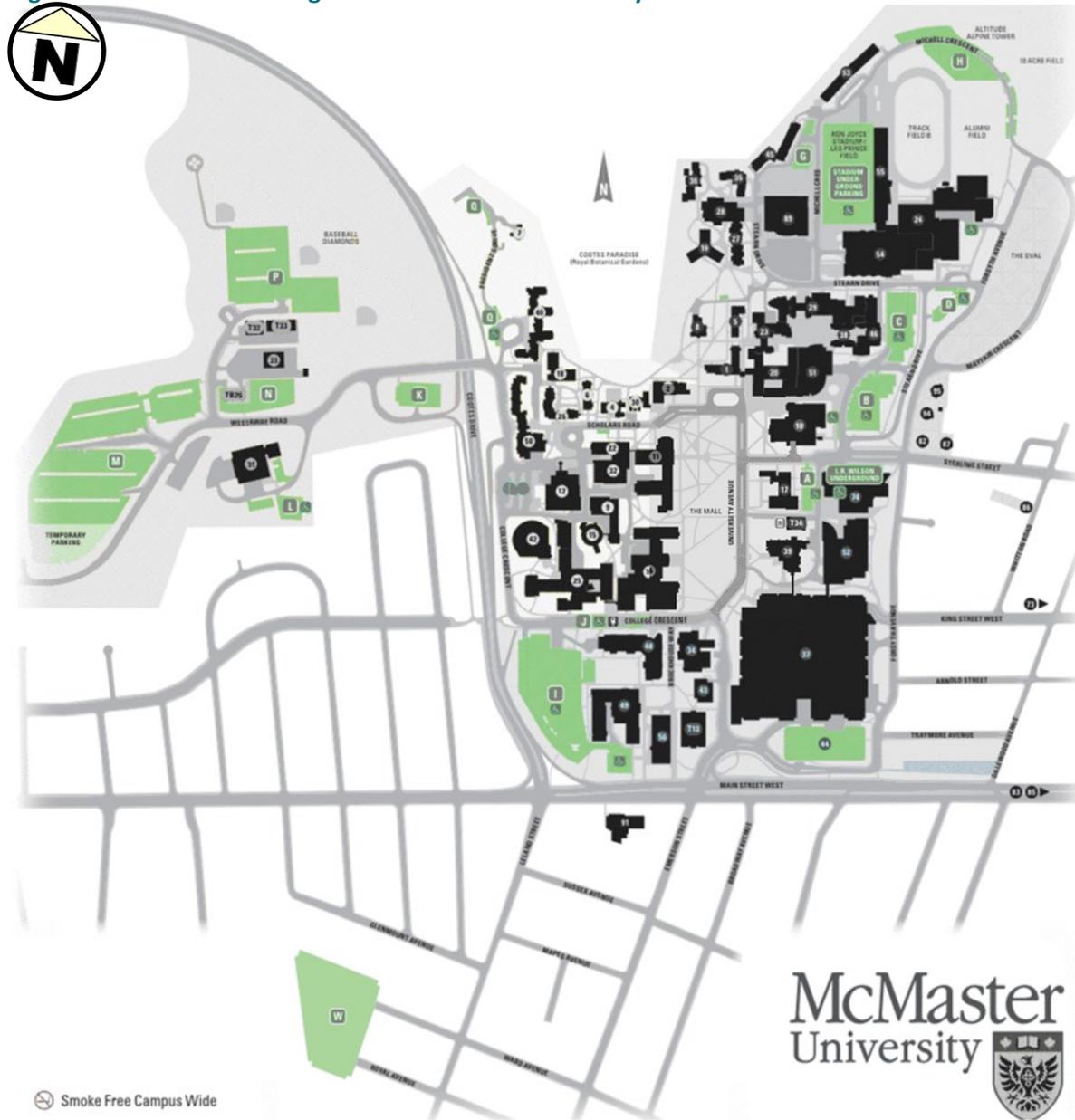
Parking Lot	Parking Supply	Spaces Lost due to Construction	Active Parking Spaces
Lot A	41	0	41
Lot B	108	2	106
Lot C	130	62	68
Lot D	31	0	31
Lot E	117	57	60
Lot F	17	0	17
Lot G	108	0	108
Lot H	216	0	216
Lot I	474	0	474
Lot J	47	0	47
Lot K	97	0	97
Lot L	70	0	70
Lot M	1,151	0	1151
Lot N	105	0	105
Lot O	0	0	0
Lot P	452	0	452
Lot Q	52	1	51
Lot W	473	0	473
Stadium Garage	322	0	322
Miscellaneous	64	4	60
Peter George LLC	55	0	55
LR Wilson	52	0	52
Total	4,182	126	4,056

The current parking supply for McMaster University is 4,182 parking spaces, with 4,056 parking spaces currently active. This exceeds the by-law requirements by 619 spaces. The location of the parking lots is illustrated in **Figure 2**. The lease for Lot W is ending and will not be renewed as of September 2022. After the lease ends, the parking supply of McMaster University will be 3,709 spaces, exceeding the by-law requirements by 324 spaces.

It is noted that the parking supply for McMaster University does not include parking for the McMaster Children's Hospital on campus, which has its own parking requirements and supply.



Figure 2: Location of Parking Lots for McMaster University



Source: McMaster University

2.3 PARKING DEMAND

Football games are held on Saturdays in the fall, outside of class times which are scheduled Mondays to Fridays between 8:30 am to 10:00 pm. The required parking supply at McMaster University is largely driven by the parking demand during the weekdays when classes are in session. As such, it is expected that during the



weekends, there is a large surplus in parking supply, which is able to accommodate the parking demand during football games.

To understand the parking demand for the University on weekends during football games, data was extracted from the University's parking management system for two (2) 24-hour periods in September 2019, as summarized in **Table 2-4**. This data was used to compare the demand during weekdays when class is in session and compare it to the demand during football games. Data from 2019 was used, as data in 2020 and 2021 have been affected by COVID-19. Detailed data from the University's parking management system is provided in **Appendix A**.

Table 2-4: Parking Demand Survey Periods

Date	Event
Wednesday, September 18 th , 2019	Typical Fall Semester Weekday
Saturday, September 21 st , 2019	Football Game

The existing parking supply at McMaster University provided in **Table 2-3** is based on the active supply as of May 2022. To match the parking demand survey periods, only parking lots with data available that were in use as of 2019 were used to assess the parking demand, as summarized in **Table 2-5**.

Table 2-5: Active Parking Supply as of 2019

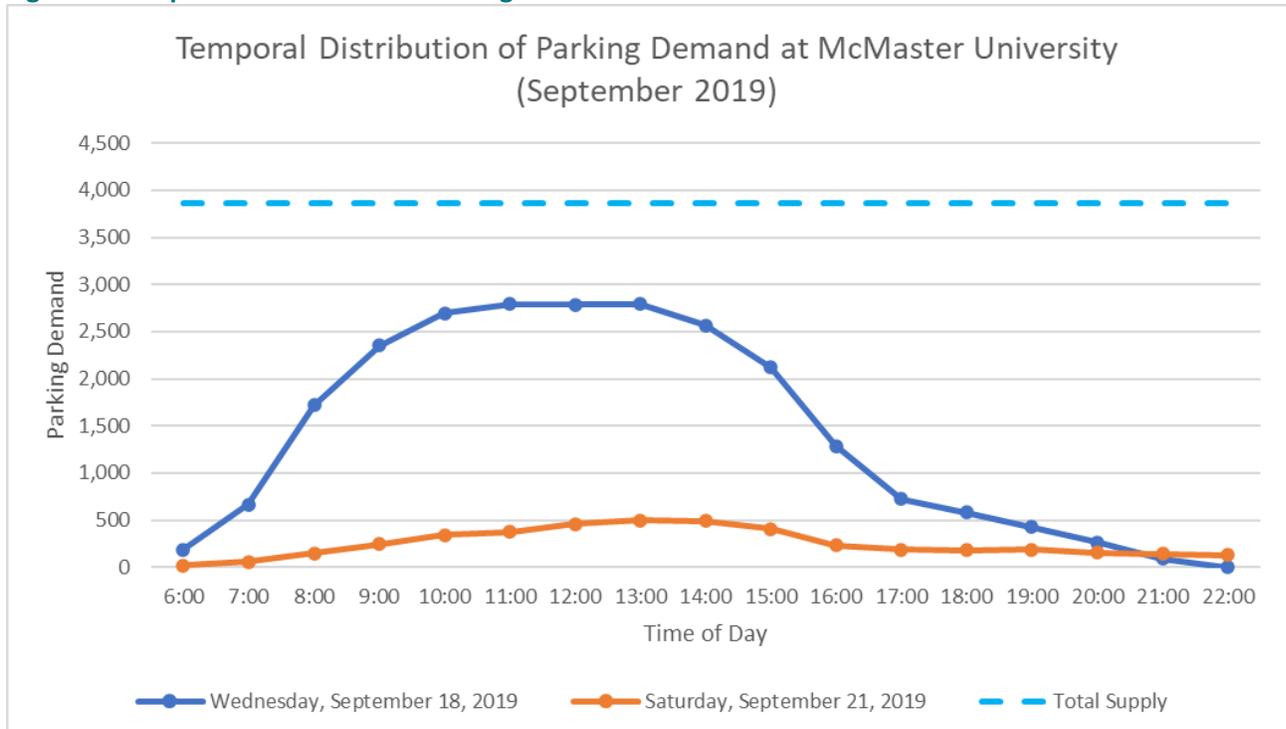
Parking Lot	Supply as of 2019	Notes
Lot A	41	
Lot B	106	
Lot C	130	As Of May 2022, Lot C has 62 spaces lot due to construction, but these spaces were available in September 2019
Lot D	31	
Lot G	108	
Lot H	216	
Lot I	474	
Lot K	97	
Lot M	1,151	
Lot N	105	
Lot O	60	Spaces estimated based on satellite imagery – lot no longer exists
Lot P	452	
Lot Q	51	
Lot W	473	
Stadium Garage	322	
LR Wilson	52	
Total	3,869	
Parking Lots Not Included as Supply in Demand Calculations		
Lot E	60	Lot closed in September 2019
Lot F	17	Short-term parking lot – no data available
Lot J	47	Short-term parking lot – no data available
Lot L	70	Lot not gated
Miscellaneous	60	Short-term parking– no data available
Peter George LLC	55	Lot closed in September 2019
Total	309	
Grand Total	4,178	122 more spaces in September 2019 than in May 2022



In total, the parking supply as of September 2019 is assumed to be 4,178 parking spaces, which is 122 more parking spaces than May 2022. However, no data is available for 309 parking spaces located in Lot E, F, J, L, miscellaneous spaces, and in PGCLL. As such, the total supply used to determine the utilization of the parking lots during the dates surveyed in September 2019 is 3,869 parking spaces.

The parking demand at McMaster University by day of the week is summarized in **Figure 3**.

Figure 3: Temporal Distribution of Parking Demand



The peak demand during the Wednesday and Saturday was at 1:00 pm, with a peak demand of 2,793 vehicles on Wednesday, September 18th, 2019, and 499 vehicles on Saturday, September 21st, 2019. Incorporating the parking lots without demand data (total of 309 spaces), the overall demands would be 3,102 vehicles during the weekday and 808 vehicles on Saturday. It is noted that the University's parking management system records the total number of vehicles in and out of each parking lot per hour. As such, vehicles remaining in a parking lot over several days would not be accounted for in the parking demand, and the parking demand at the University is likely slightly higher than calculated. However, the parking demand during the Wednesday is significantly higher than the parking demand during the Saturday.

The peak demand in each parking lot at 1:00 pm for the Wednesday and Saturday is summarized in **Table 2-6**.



Table 2-6: Peak Demand by Parking Lot at 1:00 pm

Parking Lot	Existing Supply	Wednesday, September 18 th , 2019		Saturday, September 21 st , 2019	
		Max. Demand	Utilization	Max. Demand	Utilization
Lot A	41	22	54%	7	17%
Lot B	106	85	80%	90	85%
Lot C	130	90	69%	92	71%
Lot D	31	26	84%	22	71%
Lot G	108	22	20%	3	3%
Lot H	216	182	84%	63	29%
Lot I	474	378	80%	92	19%
Lot K	97	72	74%	1	1%
Lot M	1151	946	82%	19	2%
Lot N	105	94	90%	0	0%
Lot O	60	19	32%	4	7%
Lot P	452	238	53%	0	0%
Lot Q	51	34	67%	12	24%
Lot W	473	334	71%	0	0%
Stadium Garage	322	230	71%	89	28%
LR Wilson	52	21	40%	5	10%
Total	3,869	2,793	72%	499	13%

Overall, during the Wednesday surveyed, the maximum utilization of the parking lots was 72%, compared to 13% during the Saturday surveyed. This demonstrates that the parking demand during football games on Saturday is significantly lower than the parking demand during the weekday when classes are in session. As such, it can be concluded that the existing parking supply for the classroom, auditorium, and theatre uses at McMaster University would be sufficient in accommodating the parking demand of the Stadium.



3 CONCLUSIONS

This letter has been prepared in support of the Minor Variance Application for the Ron Joyce Stadium located on McMaster University's campus at 1280 Main Street West in the City of Hamilton. The Minor Variance Application seeks to remove the parking requirements associated with the stadium.

The Ron Joyce Stadium has a capacity of 5,500 people and is located on the northeastern side of McMaster University's campus. A majority of the use for the Ron Joyce Stadium is for university athletics, with the highest generator of visitors to the Stadium for football games. Games are held on Saturdays in the fall semester.

The University is governed by the City of Hamilton Zoning By-law No. 05-200, which requires a minimum of 3,385 parking spaces, including 786 parking spaces for the Stadium. Currently, the parking supply at McMaster University is 4,056 spaces, satisfying the minimum by-law requirements.

The required parking supply at McMaster University is largely driven by the parking demand during weekdays when classes are in session. During the weekends, there is a large surplus in parking supply, which is able to accommodate the parking demand during football games.

When reviewing the parking demand surveys on a weekday compared to a weekend in September 2019, the parking demand is significantly lower than the supply during the weekend when classes are not in session. As such, the existing parking supply for the classroom, auditorium, and theatre uses at McMaster University is able to accommodate the parking demand by the Stadium.

Should you have any questions regarding this Parking Justification Study, please contact the undersigned.

Yours truly,

LEA CONSULTING LTD.

Christopher Sidlar, M.Sc.P.I., MCIP, RPP
Vice President, Transportation

Jocelyn Lee, EIT
Project Coordinator

Encl. Appendix A: Detailed Data from the University's Parking Management System

APPENDIX A

Detailed Parking Data from McMaster University's
Parking Management System

Hour	Lot A						Lot B						Lot C					
	September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019		
	In	Out	Total															
6:00	0	0	0	0	0	0	3	12	0	3	0	3	13	2	11	8	0	8
7:00	3	0	3	1	0	1	26	3	14	13	0	16	18	12	17	4	1	11
8:00	6	0	9	0	0	1	45	3	56	14	3	27	49	11	55	15	1	25
9:00	4	0	13	8	5	4	22	3	75	25	4	48	11	6	60	30	4	51
10:00	8	3	18	9	4	9	10	6	79	26	13	61	18	8	70	26	14	63
11:00	5	4	19	2	4	7	7	10	76	19	14	66	11	14	67	23	25	61
12:00	3	1	21	2	2	7	13	6	83	29	16	79	24	12	79	48	15	94
13:00	2	1	22	3	3	7	12	10	85	28	17	90	26	15	90	14	16	92
14:00	4	5	21	4	4	7	8	10	83	25	29	86	23	26	87	9	21	80
15:00	1	2	20	0	4	3	20	19	84	14	26	74	30	32	85	12	32	60
16:00	4	11	13	0	2	1	48	62	70	12	35	51	31	51	65	8	39	29
17:00	1	5	9	0	1	0	30	38	62	5	18	38	30	44	51	5	12	22
18:00	5	4	10	0	0	0	40	27	75	9	4	43	41	32	60	2	7	17
19:00	3	5	8	4	0	4	7	23	59	15	12	46	18	28	50	8	10	15
20:00	1	3	6	0	3	1	9	36	32	7	23	30	3	30	23	2	3	14
21:00	0	3	3	0	1	0	17	28	21	4	8	26	9	29	3	2	8	8
22:00	0	3	0	0	0	0	3	24	0	4	7	23	9	19	0	1	5	4

Hour	Lot D						Lot G						Lot H					
	September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019		
	In	Out	Total															
6:00	5	0	5	0	0	0	8	1	7	1	0	1	15	0	15	4	1	3
7:00	10	4	11	0	0	0	3	2	8	0	2	0	27	2	40	8	3	8
8:00	12	5	18	2	1	1	11	1	18	1	0	0	99	5	134	26	9	25
9:00	7	11	14	15	4	12	3	1	20	1	0	1	46	5	175	11	12	24
10:00	8	7	15	16	7	21	2	0	22	1	1	1	21	9	187	23	13	34
11:00	5	7	13	5	6	20	1	1	22	1	0	2	27	20	194	16	12	38
12:00	12	8	17	9	9	20	0	1	21	1	0	3	28	28	194	25	6	57
13:00	17	8	26	11	9	22	2	1	22	0	0	3	11	23	182	19	13	63
14:00	12	14	24	4	3	23	3	7	18	1	2	2	19	38	163	20	14	69
15:00	9	10	23	0	5	18	2	6	14	2	2	2	30	58	135	14	36	47
16:00	8	12	19	1	13	6	0	8	6	0	0	2	73	141	67	27	68	6
17:00	5	9	15	3	2	7	0	5	1	0	2	0	39	71	35	13	16	3
18:00	10	8	17	0	1	6	0	1	0	0	1	0	27	33	29	2	4	1
19:00	3	8	12	1	2	5	1	1	0	1	2	0	19	18	30	6	8	0
20:00	4	10	6	3	0	8	0	0	0	0	0	0	39	33	36	1	2	0
21:00	3	8	1	2	0	10	0	0	0	1	0	0	6	8	34	7	5	0
22:00	2	3	0	0	1	9	1	0	1	0	0	0	3	43	0	4	0	4

Hour	Lot I						Lot K						Lot M					
	September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019		
	In	Out	Total															
6:00	7	1	6	1	0	1	0	0	0	0	0	0	15	0	15	2	0	2
7:00	55	2	59	18	2	17	13	0	13	0	0	0	103	0	118	0	1	1
8:00	191	8	242	37	4	50	46	0	59	0	0	0	283	1	400	4	3	2
9:00	103	13	332	30	6	74	9	0	68	0	0	0	293	14	679	5	4	3
10:00	54	21	365	25	6	93	8	2	74	0	0	0	235	35	879	11	3	11
11:00	39	33	371	19	9	103	3	2	75	0	0	0	146	65	960	10	6	15
12:00	56	61	366	25	37	91	2	4	73	0	0	0	98	105	953	10	6	19
13:00	50	38	378	14	13	92	5	6	72	1	0	1	96	103	946	3	3	19
14:00	42	65	355	16	15	93	1	2	71	0	0	1	52	160	838	8	7	20
15:00	26	72	309	9	25	77	0	7	64	0	0	1	19	183	674	6	6	20
16:00	33	142	200	11	34	54	0	41	23	0	0	1	18	253	439	3	3	20
17:00	44	118	126	7	14	47	0	18	5	0	0	1	10	251	198	1	7	14
18:00	63	64	125	7	15	39	0	4	1	0	0	1	15	104	109	3	3	14
19:00	14	40	99	5	9	35	0	0	1	0	0	1	8	75	42	7	6	15
20:00	5	41	63	9	9	35	0	1	0	0	0	1	7	40	9	5	6	14
21:00	5	64	4	4	9	30	0	0	0	0	0	1	6	59	0	5	4	15
22:00	3	21	0	6	8	28	0	0	0	0	0	1	5	31	0	2	5	12

Hour	Lot N						Lot O						Lot P					
	September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019		
	In	Out	Total															
6:00	37	1	36	0	0	0	0	0	0	0	0	0	6	2	4	0	0	0
7:00	60	1	95	0	0	0	1	0	1	0	0	0	21	0	25	0	0	0
8:00	6	5	96	0	0	0	8	0	9	4	0	4	136	2	159	1	1	0
9:00	0	0	96	0	0	0	5	0	14	0	0	4	51	4	206	1	0	1
10:00	1	1	96	0	0	0	2	0	16	0	0	4	23	3	226	2	3	0
11:00	0	0	96	0	0	0	2	0	18	0	0	4	12	8	230	0	0	0
12:00	2	3	95	0	0	0	1	0	19	0	0	4	14	9	235	0	0	0
13:00	2	3	94	0	0	0	0	0	19	0	0	4	7	4	238	0	0	0
14:00	3	8	89	0	0	0	0	0	19	0	0	4	5	12	231	2	1	1
15:00	0	35	54	0	0	0	1	0	20	0	0	4	3	20	214	0	0	1
16:00	1	39	16	0	0	0	10	0	30	0	0	4	1	67	148	0	0	1
17:00	1	19	0	0	0	0	8	0	38	0	0	4	0	44	104	0	0	1
18:00	1	4	0	0	0	0	0	0	38	0	0	4	1	19	86	0	0	1
19:00	0	2	0	0	0	0	0	0	38	0	0	4	0	6	80	0	0	1
20:00	0	0	0	0	0	0	1	0	39	0	0	4	0	8	72	1	1	1
21:00	0	1	0	0	0	0	0	0	39	0	0	4	0	3	69	1	1	1
22:00	0	0	0	0	0	0	0	0	39	0	0	4	0	0	69	0	0	1

Hour	Lot Q						Lot W						Stadium Garage					
	September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019		
	In	Out	Total															
6:00	8	1	7	1	0	1	72	6	66	0	0	0	28	3	25	2	0	2
7:00	2	1	8	0	0	1	129	6	189	0	0	0	35	3	57	2	2	2
8:00	14	1	21	4	2	3	109	6	292	0	0	0	84	3	138	11	0	13
9:00	16	1	36	6	6	3	50	5	337	0	0	0	71	4	205	12	3	22
10:00	13	4	45	7	4	6	17	6	348	1	1	0	30	8	227	27	7	42
11:00	7	16	36	7	8	5	6	5	349	0	0	0	16	7	236	24	13	53
12:00	10	11	35	10	5	10	3	6	346	0	0	0	11	23	224	28	7	74
13:00	6	7	34	6	4	12	0	12	334	0	0	0	21	15	230	23	8	89
14:00	5	7	32	4	4	12	1	24	311	2	2	0	17	41	206	9	7	91
15:00	2	14	20	4	2	14	5	87	229	0	0	0	7	56	157	11	18	84
16:00	2	12	10	5	3	16	8	146	91	0	0	0	4	82	79	7	50	41
17:00	6	11	5	4	4	16	6	64	33	1	0	1	7	47	39	6	16	31
18:00	3	4	4	9	2	23	6	38	1	0	1	0	8	18	29	4	2	33
19:00	6	3	7	6	8	21	4	25	0	1	0	1	7	12	24	8	2	39
20:00	3	2	8	8	11	18	3	10	0	1	1	1	1	20	5	2	7	34
21:00	1	5	4	4	6	16	0	1	0	0	0	1	0	8	0	6	6	34
22:00	5	4	5	3	4	15	0	0	0	0	0	1	0	9	0	1	3	32

Hour	LR Wilson						Campus Total					
	September 18, 2019			September 21, 2019			September 18, 2019			September 21, 2019		
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
6:00	0	0	0	0	0	0	217	29	188	22	1	21
7:00	8	0	8	0	0	0	514	36	666	46	11	56
8:00	20	11	17	0	0	0	1119	62	1723	119	24	151
9:00	9	2	24	1	0	1	700	69	2354	145	48	248
10:00	13	5	32	2	2	1	463	118	2699	176	78	346
11:00	5	8	29	2	0	3	292	200	2791	128	97	377
12:00	0	4	25	2	1	4	277	282	2786	189	104	462
13:00	0	4	21	3	2	5	257	250	2793	125	88	499
14:00	4	5	20	2	1	6	199	424	2568	106	110	495
15:00	4	4	20	1	3	4	159	605	2122	73	159	409
16:00	3	15	8	2	2	4	244	1082	1284	76	249	236
17:00	3	6	5	0	3	1	190	750	724	45	95	186
18:00	3	3	5	0	0	1	223	363	584	36	40	182
19:00	1	2	4	0	0	1	91	248	427	62	59	185
20:00	0	2	2	0	1	0	76	236	267	39	67	157
21:00	0	6	0	0	0	0	47	223	91	36	48	145
22:00	0	4	0	0	0	0	31	161	0	21	33	133



Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: 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			Phone:
			E-mail:

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

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

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:

Second Dwelling Unit Reconstruction of Existing Dwelling

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

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**):

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 8.1 to 8.10 above?

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.

28 July 2022

 Date

Lalita G

 Signature Property Owner(s)

Lalita Goray

 Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage _____
 Depth _____
 Area _____
 Width of street _____

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

Existing: _

There are several institutional and student residence buildings located on the Campus Lands. These buildings range in height from one-storey to 11-storeys. s

Proposed

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

Existing:

Proposed:

13. Date of acquisition of subject lands:

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

15. Existing uses of the subject property (single family, duplex, retail, factory etc.):

16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):

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

18. Municipal services available: (check the appropriate space or spaces)

Water _____ Connected _____

Sanitary Sewer _____ Connected _____

Storm Sewers _____

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

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

21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)

Yes No

If yes, please provide the file number:

File No. Unknown. CoA Decision date December 15, 2016

21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

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 include separate sheet if needed)

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	HM/B-22:90	SUBJECT PROPERTY:	122 FLORENCE STREET, HAMILTON
-------------------------	-------------------	--------------------------	----------------------------------

APPLICANTS: Owner: Jyoti Mahwal-Jain & Neeraj Jain
Agent: A.J. Clarke – Franz Kloibhofer

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling and 4 vehicle garage will be demolished to facilitate this application.

	Frontage	Depth	Area
SEVERED LANDS:	10.42 m [±]	40.63	421.82 m ² ±
RETAINED LANDS:	10.42 m [±]	40.58	421.08 m ² ±

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-22:90

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



 **Subject Lands**

DATED: September 6, 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, and may include posting electronic versions..

HM/B-22:90

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

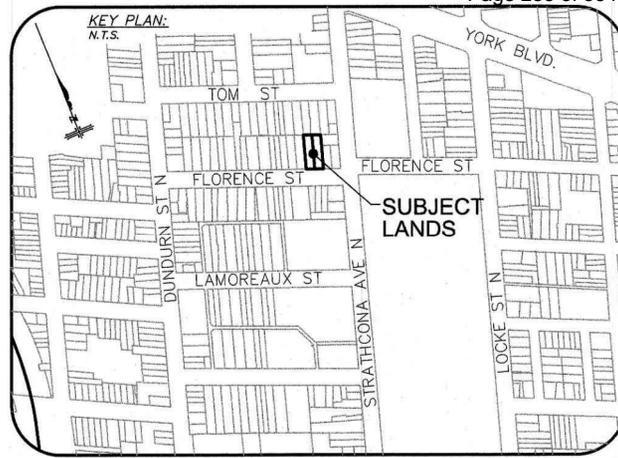
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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

R-4685



EXISTING D ZONE : URBAN PROTECTED RESIDENTIAL

LOT 38 LOT 39 LOT 40

REGISTERED

PIN 17147-0125 PART 1 PLAN 62R - 4918 PART 5 PIN 17147-0127 PIN 17147-0128

20.81 N69°30'30"W 10.41 10.40

LOT 23 LOT 22 LOT 21

PIN 17147-0135 PART 1 LANDS TO BE SEVERED AREA = 421.82m² PART 2 LANDS TO BE RETAINED AREA = 421.08m² No. 41 PIN 17147-0134 PIN 17147-0133

EXISTING D ZONE : URBAN PROTECTED RESIDENTIAL

N16°16'10"E
40.63
FLORENCE STREET
20.12m WIDE

N16°15'00"E
40.58
N16°13'00"E
40.53

SOUTHEAST CORNER LOT 21 REG'D. PLAN 41

10.42 20.84 10.42 20.83 N69°47'10"W

FLORENCE STREET
(ESTABLISHED BY REGISTERED PLAN No. 41)

PIN 17147-0155

STRATHCONA AVENUE NORTH

SKETCH FOR CONSENT TO SEVER
122 FLORENCE STREET
CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:
LOT 22
REGISTERED PLAN No. 41 (A. MacNAB SURVEY) BOUNDED BY STRATHCONA, TOM, DUNDURN, AND FLORENCE STREETS)

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 - COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

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

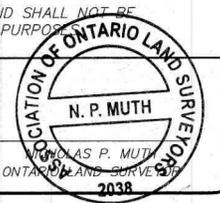
THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

CONSENT SCHEDULE:

PART 1 (PROPOSED SEVERANCE)	AREA=421.82m ²
PART 2 (LANDS TO BE RETAINED)	AREA=421.08m ²

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

AUGUST 12, 2022
DATE



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

R-4685



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

August 15, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 122 Florence Street, Hamilton
Severance Application Submission**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Jyoti Mahwal-Jain (owner) for the purposes of submitting the enclosed Severance (Consent) Application for the subject lands, municipally known as 122 Florence Street, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Application for Consent to Sever Land Form;
- One (1) electronic copy of the Cost Acknowledgement Agreement, signed and dated August 10th, 2022;
- One (1) electronic copy of a cheque in the amount of \$2,985.00 representing the required application fee;
- One (1) electronic copy of the Sketch for Consent to Sever, prepared by A.J Clarke & Associates Ltd, and dated August 12, 2022.

This analysis is in support of the Severance (Consent) Application for the subject lands. The proposed development is to facilitate a severance to create two (2) separate residential lots. Following the proposed severance, the existing residential dwelling and detached 3 car garage will be demolished, and two (2) new, two-dwelling structures will be built (one on each new lot).

The subject lands are located on the north side of Florence Street, between Dundurn Street North and Strathcona Avenue North. The subject lands are currently occupied by one (1) single detached dwelling with one (1) detached four-vehicle garage in the rear.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	Part 1	Part 2
Lot Frontage	±10.42m	±10.42m
Lot Depth	±40.63m	±40.6m
Lot Area	± 421.82m ²	±421.08m ²



The surrounding area is predominately residential, with various institutional uses. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings on lots of various widths and sizes. Presently, the subject lot is the one of two large lots on a block characterized by thin and deep lots. This neighbourhood sits between the York Boulevard and King Street West arterial roads; King St W is now designated as a "Transit-Oriented Corridor" with various commercial, residential, and mixed-use buildings. York Boulevard also contains numerous commercial, and office, uses along the northern border of the residential neighbourhood.

Various religious institutes including St. Demetrios Greek Orthodox Church, Our Lady of Mercy Lithuanian Catholic Church, Hamilton Christian Fellowship, and Korean United Church are located throughout the neighbourhood. Victoria Park marks the heart of the neighbourhood and is located less than 50 metres east of the subject lands. Dundurn Castle and park, Harvey Park, Kay Drage Park, and Tom Street Park are located to the northwest. The subject lands are also within walking distance to numerous transit routes and within 100 metres of Strathcona Elementary School.

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,

Franz Kloibhofer, BES (Hons.), MCIP, RPP
Principal Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy via email: Jyoti Mahwal-Jain (jyoti.mj@gmail.com)



Hamilton

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

Phone: (905) 546-2424 ext. 4221
Email: 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

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Jyoti Mahwal-Jain Neeraj Jain		
Applicant(s)**	same as owner		
Agent or Solicitor	A.J. Clarke and Associates Ltd c/o Franz Kloibhofer		

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton (Barton)	Lot 18	Concession 2	Former Township
Registered Plan N°.	Lot(s) 22	Reference Plan N°.	Part(s)
Municipal Address 122 Florence Street			Assessment Roll N°. 01010305330

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

Yes No

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

3 PURPOSE OF THE APPLICATION

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

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

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

- Other: a charge
 a lease
 a correction of title

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

- creation of a new lot
- creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)
- addition to a lot

- Other: a charge
 a lease
 a correction of title
 an easement

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

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m) +/-10.42 m	Depth (m) +/- 40.63 m	Area (m ² or ha) +/- 421.82 m ²
----------------------------	--------------------------	--

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: single detached dwelling, 4-vehicle garage

Proposed: "two-family" dwelling

Existing structures to be removed: single detached dwelling and 4-vehicle garage

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m) +/-10.42m	Depth (m) +/- 40.58m	Area (m ² or ha) +/-421.08m ²
---------------------------	-------------------------	--

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

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: single detached dwelling, four-vehicle garage

Proposed: "two-family" dwelling

Existing structures to be removed: single detached dwelling, four-vehicle garage

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods: Low-Density Residential 3

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

Proposed is a permitted use within the Built Up, Urban Boundary that will create lots consistent with the surrounding streetscape. The proposed development will increase housing stock and options, contribute to a complete community, promote transit while having a density of 47.48 UPH.

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" District (Urban Protected Residential, Etc)

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"/>	180-240m (offices), 325m (TOC Zone)
An active railway line	<input type="checkbox"/>	390m
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

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?

digital mapping software and 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

Proposed will not have adverse effects to surrounding neighbourhood. Has regard for provincial interest, particularly Section 2 (f),(h),(j),(p) and (q).
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Promotes healthy, liveable, safe community while efficiently using land and existing infrastructure while adding to a range of housing stock and options through gentle intensification.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Gentle intensification within a settlement area with delineated built boundary, with connection to existing municipal water/ wastewater system and can support the achievement of complete communities.
- 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?

July 22, 2022

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.

217 and 219 Beach Road, 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)**

- | | | |
|--|-------------------------------------|---|
| <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 ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

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

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

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

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

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

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

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

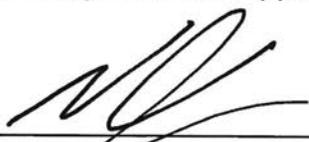
Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Owners own other lands within Hamilton Municipality: 217 Beach Road Lot 133 Plan 465 Hamilton ; Hamilton 219 Beach Road Lot 132 Plan 465 Hamilton ; Hamilton
--

12 ACKNOWLEDGEMENT CLAUSE

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

Aug. 19/22 _____
Date

 _____
Signature of Owner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	AN/B-22:87	SUBJECT PROPERTY:	1584 POWER LINE ROAD W, ANCASTER
-------------------------	-------------------	--------------------------	-------------------------------------

APPLICANTS: Owner: Joseph Loewith 7 Sons Limited
Agent: Ruchika Angrish
Purchaser: Walter & Maria Verhey

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 1650 Powerline Road West.

	Frontage	Depth	Area
SEVERED LANDS:	94.84 m [±]	588.18	5.573 ha [±]
RETAINED LANDS:	83.48 m [±]	588.18	29.327 ha [±]

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:30 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

AN/B-22:87

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: September 6, 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, and may include posting electronic versions..

AN/B-22:87

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

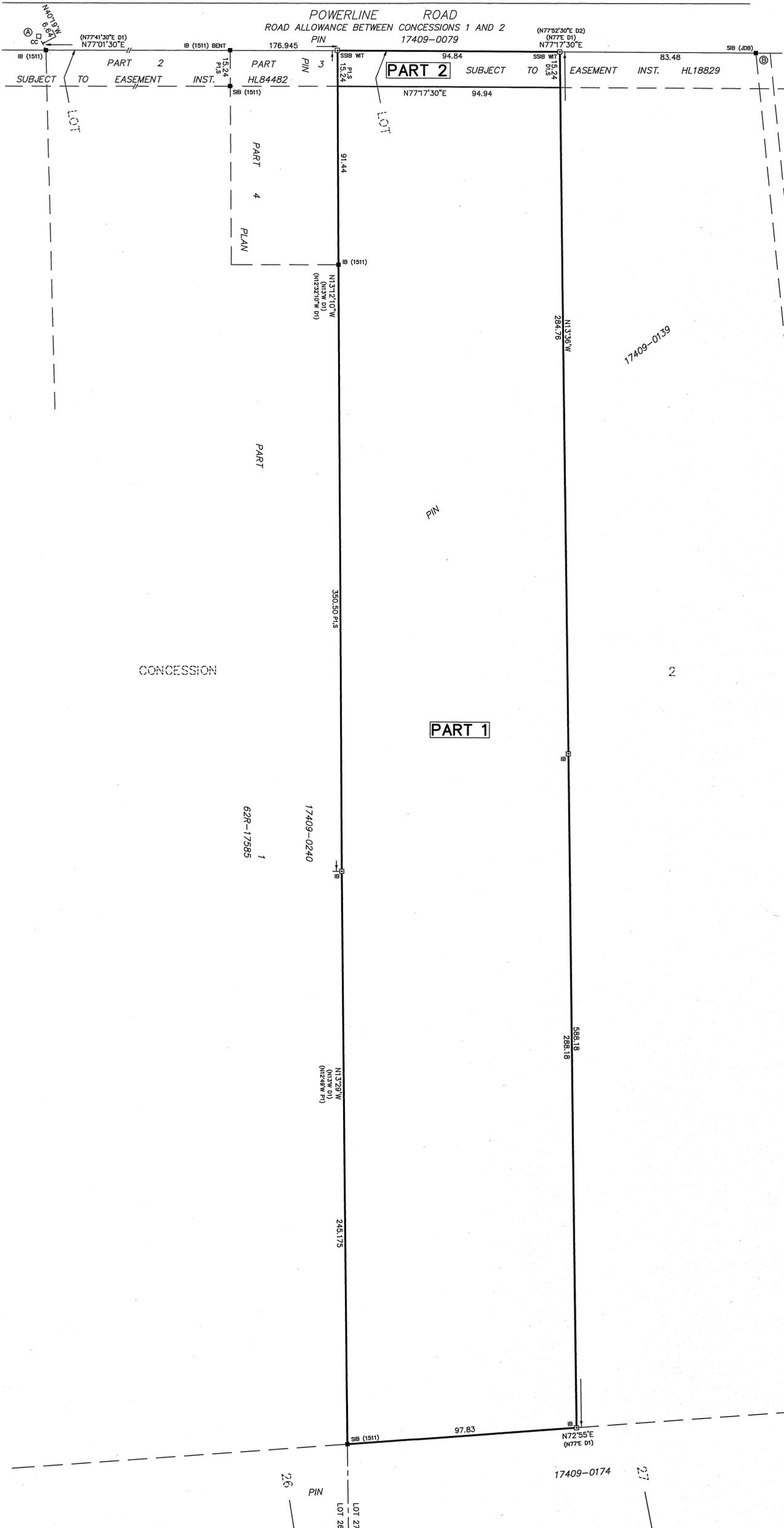
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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



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

PLAN 2R- _____
RECEIVED AND DEPOSITED.

DATE JUNE 21, 2022 DATE _____

J. MUIR
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRANT (No. 2).

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA IN HECTARES
1	PART OF 27	2	17409-0139	5.573
2				0.145

PARTS 1 AND 2 TOGETHER COMPRISE PART OF PIN 17409-0139.
PART 2 IS SUBJECT TO A RIGHT OF WAY DESCRIBED IN INST. HL18829.

**PLAN OF SURVEY OF
PART OF LOT 27
CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON**

SCALE 1:1000

MacAULAY, WHITE & MUIR LTD.

- LEGEND**
- SIB - STANDARD IRON BAR
 - SSIB - SHORT STANDARD IRON BAR
 - IB - IRON BAR
 - CC - CUT CROSS
 - CP - CONCRETE PIN
 - - PLANTED
 - - FOUND
 - - ROUND
 - WT - WITNESS
 - S - SET
 - P1 - PLAN 62R-17585
 - D1 - PIN 17409-0139 (INST. 123113AB)
 - D2 - PIN 17409-0139 (INST. HL18829)

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

NOTE:
BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010). FOR BEARING COMPARISONS, A ROTATION OF 1°05'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 2R-7266.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996.
ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.
ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.
ALL PINS ARE LT UNLESS NOTED (R).

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010)
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG 216/10.

POINT ID	NORTHING	EASTING
A	4786098.59	575329.44
B	4786172.53	575679.97

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20th DAY OF JUNE, 2022.

JUNE 21, 2022

JOHN W. MUIR
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.

MacAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
440 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3T 5L8
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22-133



THE ANGRISH GROUP

156 Charing Cross Street, Brantford, ON, N3R 2J4

Planning Justification Report

1584 Powerline Road, Ancaster, ON

Prepared For: Loewith and Verhey

Prepared By: The Angrish Group

August 10, 2022

Table of Contents

1.	<i>Introduction and Background</i>	3
2.	<i>Location and Description</i>	4
3.	<i>Proposal</i>	6
4.	<i>The Policy Context</i>	9
4.1.	Provincial Policy Statement (2020)	10
4.2.	Growth Plan for the Greater Golden Horseshoe (2020)	12
4.3.	Growth Plan for the Greater Golden Horseshoe (2020)	13
4.4.	Guidelines on Permitted Uses	15
4.5.	Official Plan	15
5.	<i>Zoning By-Law</i>	20
6.	<i>Summary and Recommendations</i>	22
	APPENDIX A	24

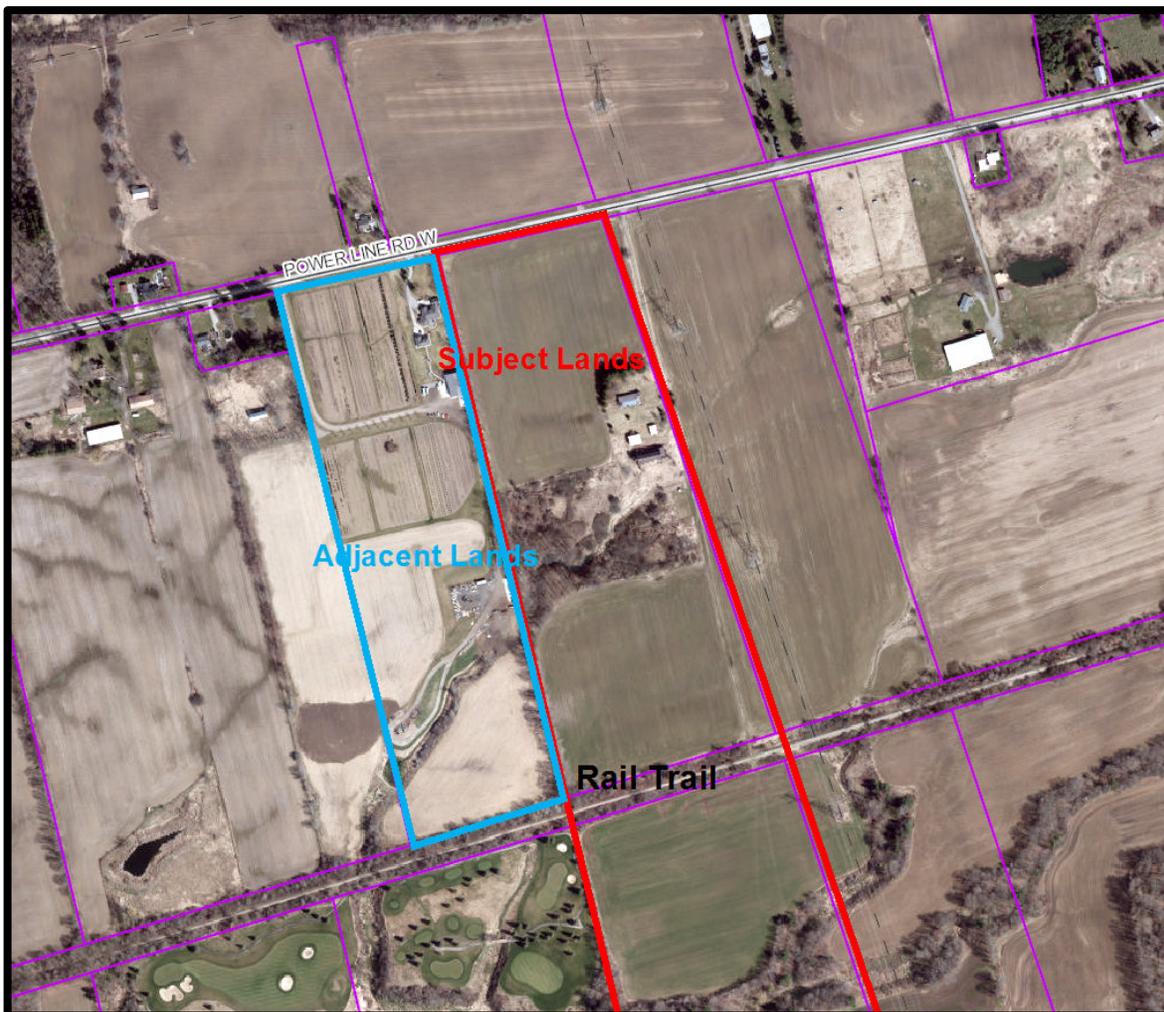
1. Introduction and Background

The Planning Justification Report has been prepared by The Angrish Group on behalf of Walter & Maria Verhey and Joseph Loewith & Sons Limited, for the property municipally known as 1584 Powerline Road West, Ancaster. The report outlines the request for a lot line adjustment required for expansion of an existing agricultural use located at 1650 Powerline Road West, Ancaster.

Scenic Grove Nursery owned and operated by Walter & Maria Verhey has been operating on 1650 Powerline Road West ('Adjacent Lands') since the creation of this new lot in 2006 by the City of Hamilton. Joseph Loewith & Sons Limited ('Owners') own the adjoining farm on 1584 Powerline Road West ('Subject Lands'). Loewith family owns multiple agricultural properties in the surrounding area and have been farming for many decades.

Map 1 shows the aerial view of the lands subject to this application.

Map 1: Aerial View of lands



The owners are proposing a lot addition to the Adjacent Lands to allow the expansion of an existing nursery and landscaping business. The proposal requires a Consent Application and will not result in the creation of any new lot through this application.

The Planning Justification Report will provide an analysis of the provincial and municipal planning framework and provide a professional planning opinion related to the proposed Consent Application.

2. Location and Description

The Subject Lands are located at 1584 Powerline Road West, and are legally described as Part Lot 27, Concession 2 Ancaster, as in AB123113 lying North of The Hamilton Region Conservation Authority & West of The H.E.P.C.; S/T HI188829 Ancaster; Hamilton.

The property is approximately 34.9 hectares (+/-86.2 acres) in size with a frontage of around 178.32 meters (+/-585 feet) on Powerline Road West.

Map 2 shows the location of the property and the surrounding area.

Map 2: Location of Subject Lands and Surrounding Area

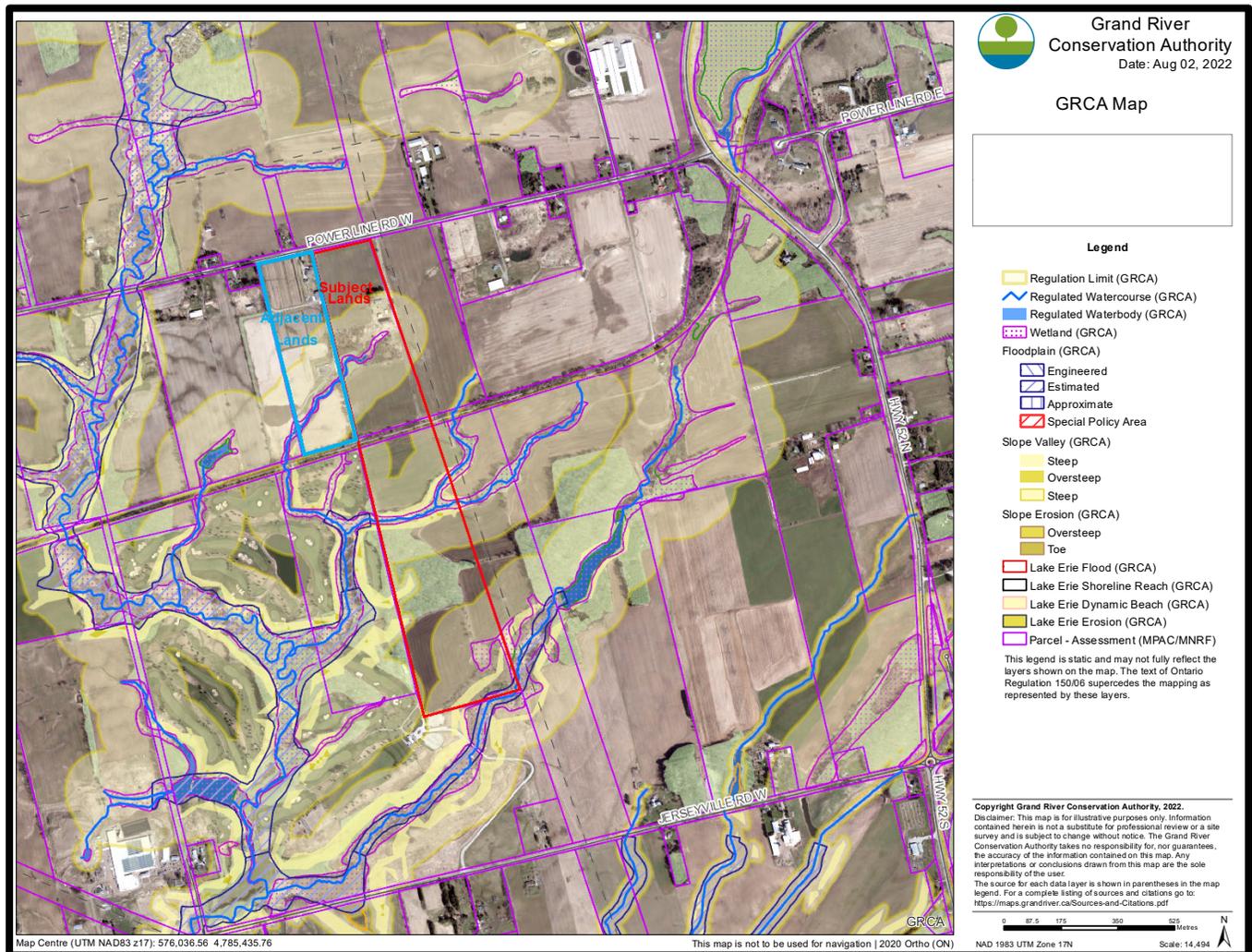


The subject property is located on the south side of Powerline Road West, north side of Jerseyville Road West and west side of Highway No. 52 North

There is an existing single detached dwelling and a barn located on the property. The Subject Lands are currently serviced by private well and septic system. The parcel is split through middle by a rail trail. The lands are actively being farmed by Loewith family who own a number of other agricultural properties in the immediate surrounding area.

Natural heritage features in terms of a small creek and wetlands are present on the subject property and the Adjacent Lands. There are complex woodlands and vegetation and steep slopes located to the rear of the Subject Lands south of the rail trail. The lands are located within the regulation limit of Grand River Conservation Authority (GRCA) and Map 3 shows the extent of these features on both Subject Lands and the Adjacent Lands.

Map 3: GRCA Regulation Map



The lands are surrounded by agricultural properties. There is a golf course located to the south-west of the subject property.

The Adjacent Lands are 26 acres in size with a frontage of approximately 170 meters along Powerline Road West. The Adjacent Lands were created via a 2006 Consent Application to allow establishment of a nursery and landscaping business. The business has been operating on the property for last 16 years.

The Adjacent Lands contain a single detached dwelling, a detached accessory structure and a building containing a landscaping contractors yard establishment. The property is serviced by private well and septic system. Additionally, the farm grows flowers, plants and trees related to the nursery and the landscaping business. A portion of the property is used for planting crops as well. The area used for the landscaping establishment is approximately 2 acres which is located towards the eastern property line. Appendix A to this report includes the pictures of the farm.

3. Proposal

The owners are proposing a lot line adjustment for expansion of the nursery. It is proposed to sever approximately 5.573 hectares of land from 1584 Powerline Road West and add it to the Adjacent Lands on 1650 Powerline Road West. Map 4 depicts the proposal. The severed portion will have a frontage of 94.84 meters and a depth of 588.18 meters. The retained parcel will have an area of 29.33 hectares with a frontage of 83.48 meters and a depth of 588.18 meters.

Agricultural uses are permitted on both severed and retained lands. No buildings or structures are proposed in the area to be severed. No site alteration or grading works are proposed in or adjacent to the natural heritage features on these lands. the lands are currently being farmed and will continue to be farmed with plants and flowers supporting the existing agricultural use.

A preliminary discussion with staff occurred in April 2022 to discuss the proposed development. Preliminary comments from City Staff and agencies such as Grand River Conservation Authority and Source Protection was received on the proposed lot addition. Complete application requirements included the following:

- Consent Application form and fees
- Planning Justification Report
- Severance Sketch
- Draft Reference Plan

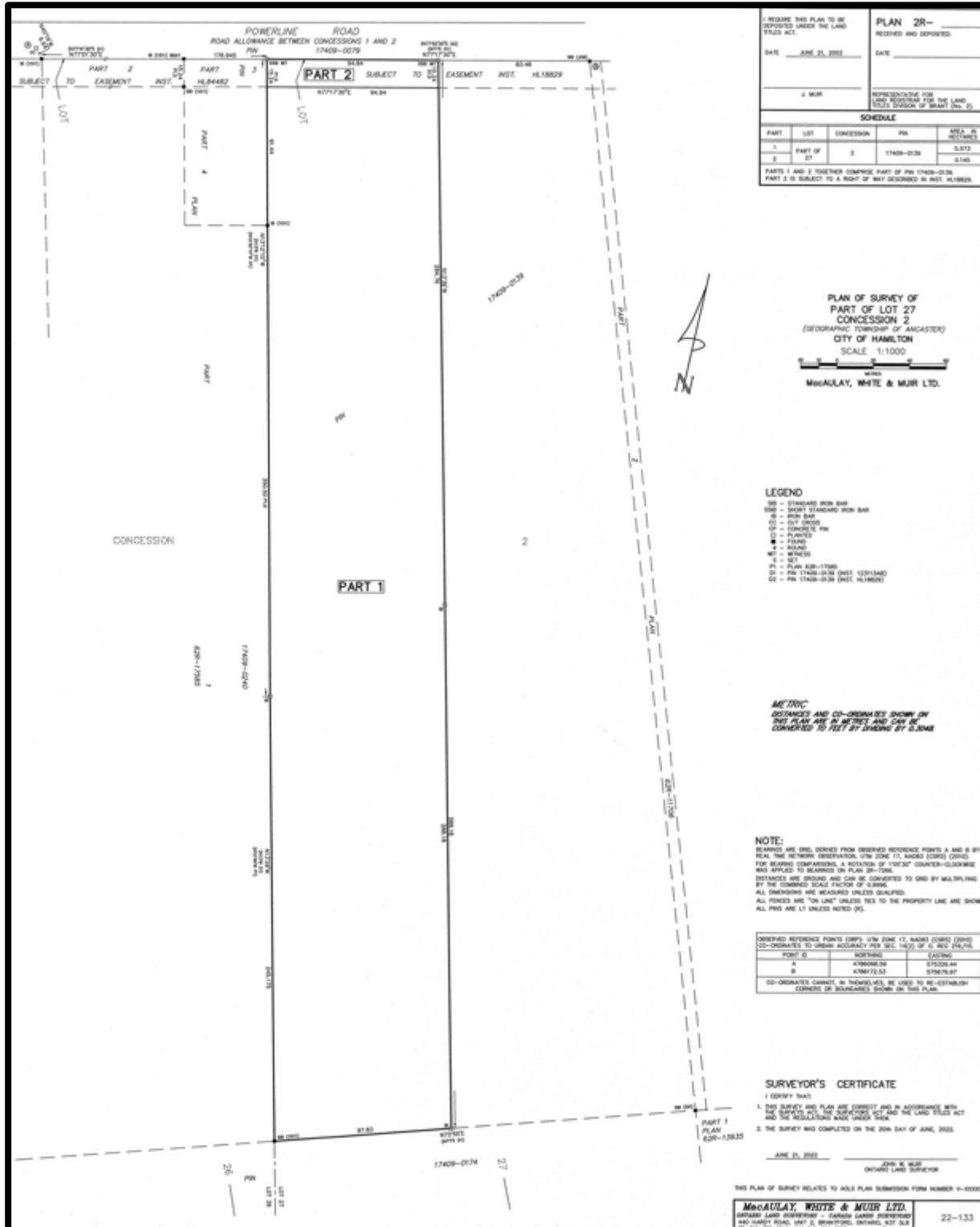
The information has been enclosed with the application.

Map 4: Proposed Concept

With the proposed Consent, both severed and retained lands will continue to be used for agricultural uses and no new lots will be created through these applications. Loewith family owns many farm properties in the immediate surroundings with more than 150 acres used for agricultural purposes. The proposed lot addition will not impact on the viability of the retained farm.

Map 5 shows a draft reference plan prepared showing Part 1 will be transferred and added to the property to the west.

Map 5: Draft Reference Plan



The Subject Lands are currently zoned Agriculture (A1), Open Space (P4), Conservation/Hazard Land Rural (P7 and P8) Zone in the City of Hamilton Comprehensive Zoning By-Law 05-200. The Adjacent Lands are zoned Agriculture (A1) and special exception Agricultural (A1-253).

In 2015, City Council approved By-Law 15-238 as City-Initiative Housekeeping By-law and included additional exception 253 to the Adjacent Lands.

Additional Exception 253 lands (Rural Landscape Contractors)

- a) The following use shall also be permitted:

Landscape Contracting Establishment

- b) For the purposes of Special Exception No. 253, the following definition shall apply:

Landscape Contracting Establishment - Shall mean the use of land building or structure, or part thereof for the storage of soil, composted materials and other soil amendments, mulch, rock, screening and other similar materials along with the provision of landscape design services and off-site landscape installation services; storage of landscaping and horticultural maintenance equipment; composting and mixing of soil and soil amendments; and Accessory storage of snow removal equipment.

The A1 zoning on the Subject Lands and the Adjacent Lands allow for agricultural uses. The proposal involves expansion of the area for tree plantations for the nursery business. Approximately 10 acres of the Adjacent Lands are currently being used for tree plantations. Due to natural features and slopes on the south side of the property, plantations are not possible to avoid any soil erosion due to topography as well as to protect the natural environment. The additional land will be used to increase the area to grow trees and plants to ensure the Scenic Grove Nursery remains a sustainable business. The natural environment will remain protected. No new buildings or structures or any additions are proposed through these applications.

4. The Policy Context

The applications are subject to the provisions of the Planning Act, as amended. All Planning Act applications are evaluated to ensure that the proposal is consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2020), Greenbelt Plan (2017) and is in conformity with the Official Plan. This section demonstrates that the proposed lot addition application is consistent with, and conform to, the applicable provincial and local planning policy framework.

4.1. Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) is issued in accordance with 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” the PPS.

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario and sets the policy foundation for regulating the development and use of land. The PPS encourages efficient development patterns that support sustainability by promoting strong, livable, healthy, and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The wise use and management of natural heritage resources, water resources, agricultural resources, mineral resources, and cultural heritage and archaeological resources over the long term is a key provincial interest.

Section 1.1.1 of the PPS advocates for healthy, liveable, and safe communities.

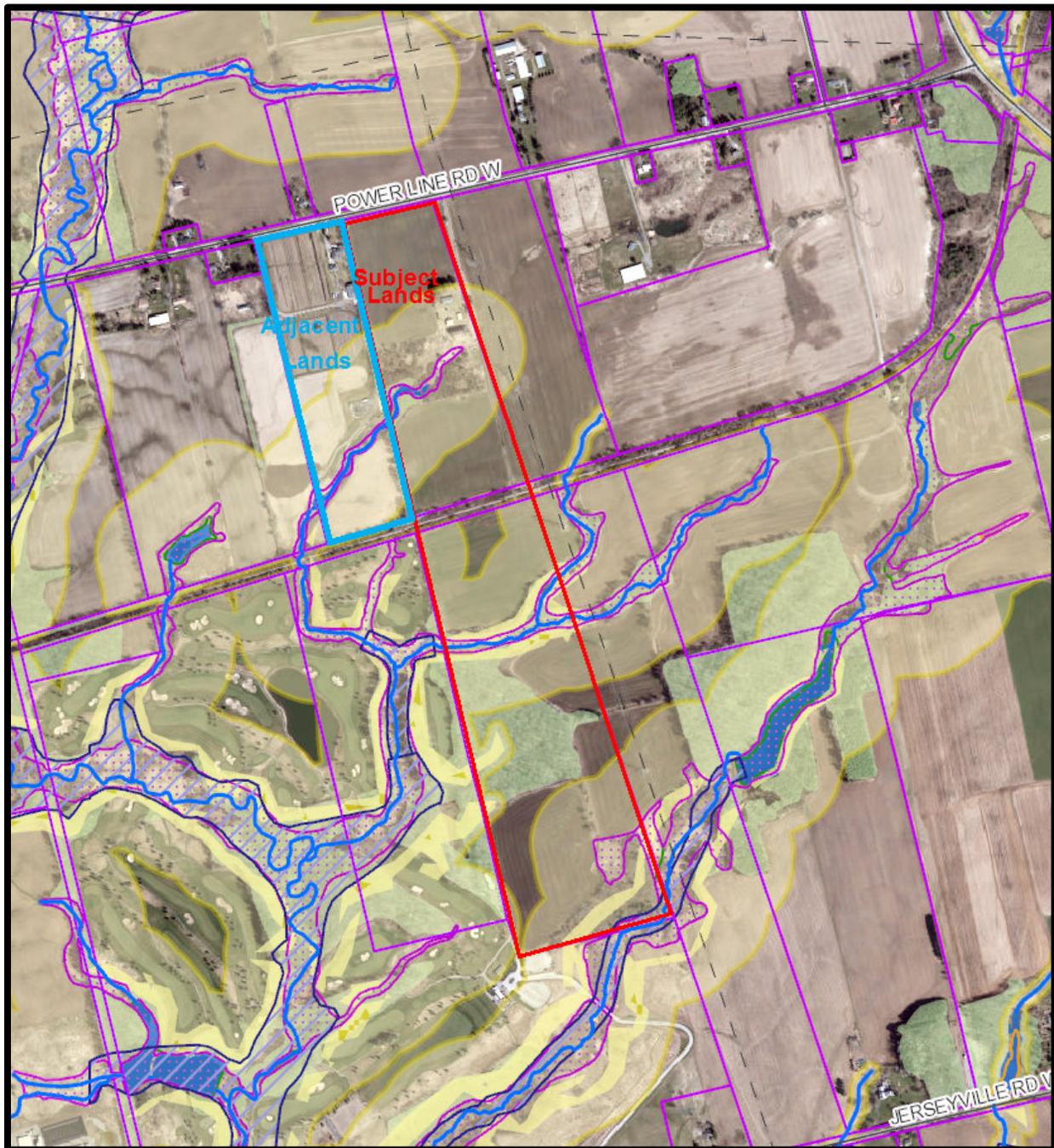
The Subject Lands are located within a Prime Agricultural Area as defined in the PPS. The proposal involves lot addition to support expansion of an existing agricultural use. The proposed consent is consistent with this section as it does not cause any environmental or public health and safety concerns. The proposal does not involve any physical design of new developments. The proposal does not generate additional demand on utilities and municipal services as all structures are existing. As set out in Policy 1.1.4.1 of the PPS, one way to achieve strong rural areas is to promote the diversification of the economic base. This can be achieved through expansion of existing business. The property is currently used for agricultural purposes for growing plants and flowers supporting the landscaping business and Scenic Grove Nursery. The continued operation and expansion of Scenic Grove Nursery is considered to have a positive economic benefit on the agricultural community.

Section 2.1 of PPS outlines policies related to natural heritage systems. Natural features and areas are to be protected for the long term as per Section 2.1. These features include significant wetlands, significant woodlands, significant valley lands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. This protective policy framework is also applicable to natural heritage features on Adjacent Lands.

There is a small creek and wetlands present to the south of the Subject Lands. The lands are located within the regulation limit of Grand River Conservation Authority (GRCA). Through preliminary review of the application, GRCA noted no concerns related to the lot addition. There are extensive natural features located to the south of the rail trail which is not subject to the proposed severance. No buildings or structures are proposed in or near any natural heritage features or required buffers. The additional

land proposed to be severed and added is currently being farmed and is required for increasing the area for plantations required for the nursery. No grading or site alteration will be proposed in or adjacent to these features. There will be no negative impact on the natural environment located on the lands. Map 6 shows an excerpt of the natural heritage features from the GRCA website.

Map 6: GRCA Map



Section 2.3 of PPS provides policies for Prime Agricultural Areas and highlights the importance of protecting the agricultural resources of Ontario. Permitted uses and activities include agricultural uses, agriculture-related uses, and on-farm diversified uses.

The subject property is located within the prime agricultural area of the City. More specifically, the Subject Lands are within a Prime Agricultural Area and Specialty Crop Area, as further delineated within the Greenbelt Plan. The lands are designated as Rural Area and Natural Heritage System in the City of Hamilton Official Plan, 2012 (the “Official Plan”). Agricultural uses are permitted in the Rural Area designation. The property is serviced by private well and septic system.

Policy 2.3.1 of the PPS directs that Prime Agricultural Areas are to be protected for the long-term use for agriculture.

The Subject Lands and the Adjacent Lands are currently being farmed and will continue to be used for agricultural purposes.

Section 2.3.4 of PPS notes the policies for Lot Creation and Lot Adjustments.

The proposed Consent would result in a lot adjustment as no new lots are being created. The lot addition will support the growing agricultural business and will support the economic base of the City’s rural area. The lot addition is required to ensure the existing Scenic Grove Nursery and the landscaping establishment supporting the community remains sustainable.

It is my professional opinion that the proposed application is consistent with the Provincial Policy Statement (2020).

4.2. Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan”) is prepared under the Places to Grow Act, 2005. The Growth Plan provides policy direction for growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It implements Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. The Growth Plan recognizes the significance of the natural areas and agricultural lands that provide significant contribution to the Ontario’s resilience and ability to adapt to a changing climate. The Growth Plan notes that the agricultural lands will be protected for the provision of healthy, local food for future generations.

The Subject Lands are designated Rural Area and Natural Heritage System in the City’s Official Plan. The lands are further classified as Agriculture under the Rural Area designation. The proposed application is required for the expansion of an agricultural use, supporting the economic growth policies. There is no loss of farmland or impact on the natural heritage features proposed through these applications. No new lots are being

created in agricultural area. The natural heritage features will remain protected on the lands. Furthermore, the proposed Consent does not require additional services nor affect lands that are currently used for agricultural uses.

It is my professional opinion that the proposed application is in conformity with the policies of the Growth Plan for Greater Golden Horseshoe (2020).

4.3. Growth Plan for the Greater Golden Horseshoe (2020)

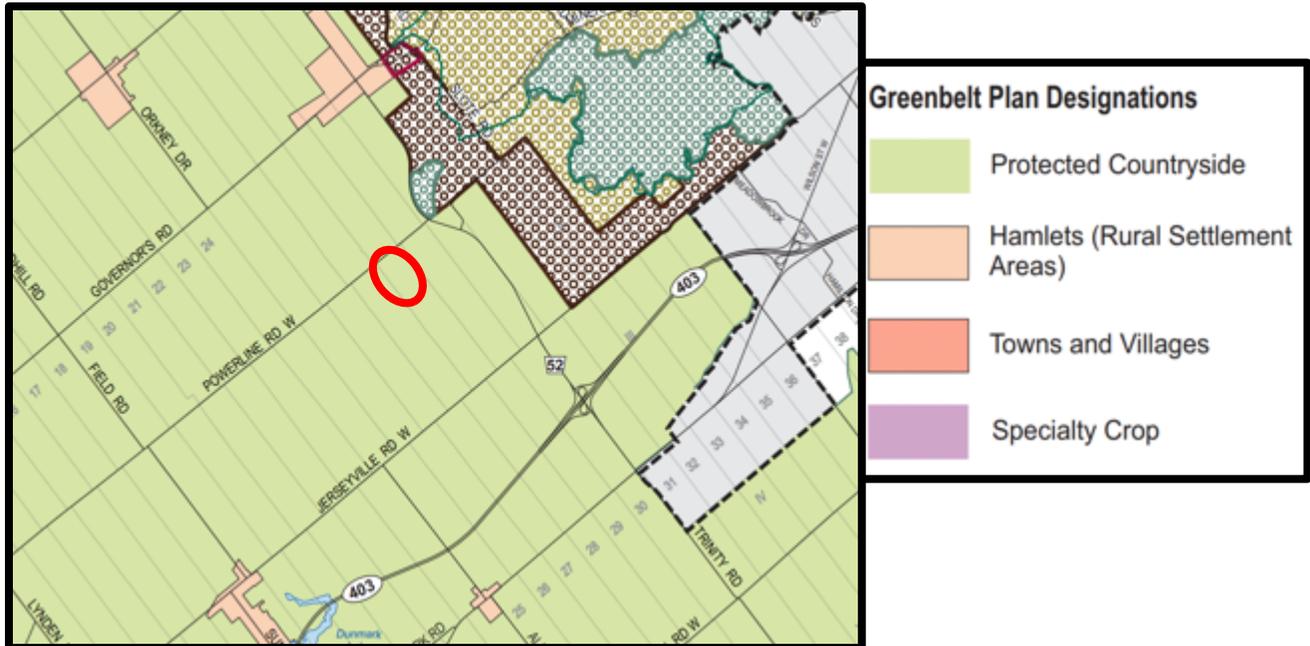
The Greenbelt Plan was introduced in 2005 to protect the Greater Golden Horseshoe (GGH) and establishes a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and ecological and hydrogeological features, areas and functions occurring on the landscape. The Plan contains designations and policies to manage development and preserve resources.

Section 1.2.1 of The Greenbelt Plan provides policy vision which:

- protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use
- gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized
- provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation, and resource uses

The lands are identified as Protected Countryside in the Greenbelt Plan (Map 7). The Subject Lands and the Adjacent Lands are currently being used for agricultural uses.

The proposed lot addition will support the existing agricultural uses on the Adjacent Lands. The proposed application is required for the expansion of an agricultural use and will enhance the economic base of the City's rural area. The proposal supports a planned agricultural investment by a local business and the additional land is required to ensure the existing business remain sustainable. The sale of materials grown on site and related business transactions will have a positive benefit on the agricultural community and support the economic vitality of the agricultural community.

Map 7: Greenbelt Plan Designation

As per Section 3.1.3 of The Greenbelt Plan, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

The lands are currently used for agricultural uses and the proposed severance is to expand on the agricultural uses. There is no loss of farmland or impact on the natural heritage features proposed through these applications. The natural heritage features are protected as no development or site alteration is proposed in or adjacent to these features. No new buildings or structures or additions to existing buildings are proposed through these applications.

The term 'Development' in The Greenbelt Plan is defined as:

Means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- activities that create or maintain infrastructure authorized under an environmental assessment process; or
- works subject to the Drainage Act (Based on PPS, 2014 and modified for this Plan).

The proposal does not involve creation of any new lots or construction of any buildings or structures. The additional land will continue to be used for agricultural purposes, hence no change in land use is proposed.

It is my professional opinion that the proposed application is in conformity with the policies of The Greenbelt Plan (2017).

4.4. Guidelines on Permitted Uses

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) developed Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, which outlines the range of uses that are allowed in prime agricultural areas. The document provides guidance on agricultural uses, agriculture-related uses and on-farm diversified uses as described in the Provincial Policy Statement (PPS). As described in the PPS definition, agriculture-related uses add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity.

The Scenic Grove Nursery was established on the Adjacent Lands in 2006. The lands were severed from the farm to the west to establish the nursery. Balsam Creek Landscaping was also established on the lands which provides landscaping materials to the community. Both businesses support each other by sharing resources and serving the community in the city and its surrounding areas. The additional land is required for the expansion of tree planting to support the growing demand for the nursery products. The topography of the existing lands only allows approximately 10 acres of the property to be utilized for plantations. There are natural heritage features due to presence of a creek, these areas along with the required buffers are not used for agricultural uses for the protection of these features. Approximately 4.5-5 acres of the lands are currently used for the existing buildings and structures and landscaping materials. The expansion of the nursery is required to ensure the business remains sustainable and continues to support local growers.

The proposed expansion is directly related to the agricultural community and provides a service to the community. The proposed use will diversify the rural economy by providing additional employment.

The severed lands are proposed to be used for farming. No buildings and structures are proposed on the severed parcel. There are no negative impacts on the existing infrastructure or the natural heritage features.

It is my professional opinion that the proposal meets the intent of the OMAFRA's Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas.

4.5. Official Plan

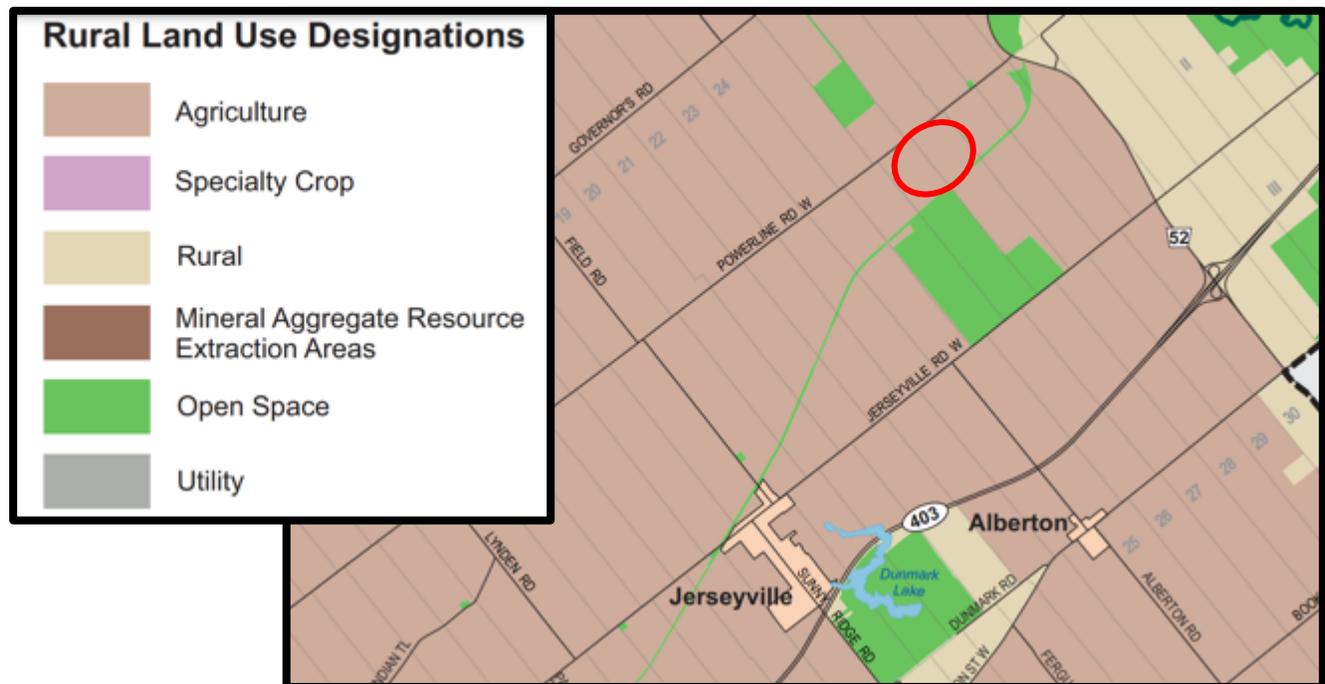
The Rural Official Plan (the "Official Plan") of the City of Hamilton was adopted by Council on September 27, 2006 and was approved by the Ministry of Municipal Affairs and Housing on December 24, 2008. The Official Plan came in effect on March 7, 2012. The city has completed its review of the current Rural Official Plan and By-Law 22-146 was adopted by

City Council on May 25, 2022. The revised document was prepared to update policies reflecting current updates to the provincial policies. The By-Law has been submitted to the Ministry of Municipal Affairs and Housing for final approval.

The Official Plan provides a framework of objectives and strategies, land use designations and policies intended to guide the future growth and development in the City supporting Vision 2020 for a vibrant, healthy, and sustainable city. The Rural Official Plan applies to all lands within Rural Hamilton (OPA 26).

The subject property is designated as Agricultural and Natural Heritage System in the Rural Official Plan. The lands are identified within the prime agricultural area of the city. Map 8 provides an excerpt of the property showing the land use designations.

Map 8: Land Use Designation



Section C.2.0 of the Rural Official Plan provides policy direction for Natural Heritage System. These natural areas and features contribute to the municipality's beauty, unique character, and quality of life. A large portion of the city has been identified as part of the Natural Heritage System of the Protected Countryside in the Greenbelt Plan.

The Subject Lands and the Adjacent Lands are identified Protected Countryside in the Official Plan (Map 7). As per Section C.2.2.2 the policies do not prohibit the continuation of existing or the establishment of new agricultural uses, agricultural-related and secondary uses within or adjacent to the Natural Heritage System lands. The Subject Lands and the Adjacent Lands are currently used for agricultural uses and are proposed to continue as such. The proposed lot addition will not have any impact on

the natural heritage system as no site alteration is being proposed in or adjacent to the natural features. No major development or new buildings or structures or any land use changes are being proposed that will impact the natural environment.

Section C.3.0 General Land Use Provisions and Designations provides policy direction on the uses permitted in various land use designations. Section 3.1 notes policies related to Rural Area.

Both the Subject Lands and the Adjacent Lands are permitted to continue for agricultural uses. Both parcels are currently serviced by private well and septic system. No new development is proposed through these applications.

Section F.1.14.2 of the Official Plan provides policies related to Lot Creation (OPA 5). The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18) (Section 1.14.2.1):

d) All proposed lot additions shall:

- i) comply with the policies of this Plan including rural settlement area plans where one exists;
- ii) be compatible with and not hinder surrounding agricultural operations;
- iii) conform to the Zoning By-law;
- iv) only be permitted when both lots will retain frontage on a public road;
- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).

The proposed lot addition will not result in creation of any new lot. The severed lands and the retained lands both have frontage on Powerline Road West. The lands are currently zoned and designated to permit agricultural uses and will continue to be used for agricultural uses. The lot addition will not impact the surrounding land uses. No buildings or structures are proposed and the existing buildings on both Subject Lands and Adjacent Lands contain existing well and septic system which are sufficient for the uses. No additional infrastructure is required for the lot addition.

e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according

to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.

Minimum Distance Separation (MDS) Guidelines is prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and represents the Minimum Distance Separation Formulae as defined in the Provincial Policy Statement, 2014 (PPS). The MDS Document is a land use planning tool with the intent to prevent land use conflicts and minimize nuisance complaints from odour. While MDS setbacks are an important and effective tool for dealing with nuisance issues related to odour, these do not eliminate all potential odour complaints. MDS I formula determines setbacks between proposed new development and existing livestock facilities and MDS II formula determines setbacks between proposed new, enlarged, or renovated livestock facilities and other existing or approved development.

As per Guideline #8 of the MDS Guidelines, MDS I setback is not required for a severed or retained lot for an agricultural use that already has an existing dwelling on it. Both Subject Lands and Adjacent Lands contain an existing dwelling. The area subject to lot addition does not contain any buildings or structures and no new dwelling will be constructed on the severed lands. No new lots are being created through this application. Both severed and retained lands will continue to be farmed.

f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.

The lot addition is required for the expansion of the nursery and landscaping business. It is proposed to sever approximately 5.573 hectares (13.77 acres) of land from 1584 Powerline Road West and add it to the Adjacent Lands on 1650 Powerline Road West. The lot area for adjacent land will be increased from 10.5 hectares (26 acres) to approximately 16.09 hectares (39.77 acres). The retained parcel will have an area of 29.33 hectares with a frontage of 83.48 meters. No land is being taken out of agricultural production as a result of the application.

Section C.5.1.1.c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:

- i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;
- ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and,

iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26)

The retained lands will have a lot area of 29.33 hectares. The lot addition will result in the lot area for the Adjacent Lands to be 16.09 hectares. Both the severed and retained lands will be more than the required 0.4 hectare in size.

As per Section F.1.14.2.5, Lot Additions in All Designations (OPA 18), the Official Plan allows lot additions in agricultural areas subject to the following provisions:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.

The lot addition is required for the expansion of the nursery and landscaping business. It is proposed to sever approximately 5.573 hectares (13.77 acres) of land from 1584 Powerline Road West and add it to the Adjacent Lands on 1650 Powerline Road West. The lot area for adjacent land will be increased from 10.5 hectares (26 acres) to approximately 16.09 hectares (39.77 acres). The retained parcel will have an area of 29.33 hectares with a frontage of 83.48 meters.

No land is being taken out of agricultural production as a result of the application.

Both the severed and retained lands will be more than the required 0.4 hectare in size and will continued to be serviced by the existing well and septic systems. The proposal

does not generate additional demand for sanitary sewage disposal, water supply or drainage as there is no new dwellings are proposed.

The lands to be severed will be merged with the abutting property and a condition of approval can be included to ensure the completion of the conveyance.

While both parcels are currently undersized and will remain undersized as per the requirements of the Zoning By-Law, both the retained lands and Adjacent Lands will continue to be viable farm operations.

Both the retained lands and the Adjacent Lands front onto Powerline Road West which is a public road that is of a reasonable standard of construction and maintained year-round.

The farms will remain economically viable and appropriate in size as compared to other farms in the area. no new lots will be created in the agricultural area. The proposal is in keeping with the surrounding agricultural operations.

The use conforms to all provisions of the Official Plan and is not considered to have any negative impact on or off-site.

It is my professional opinion that the proposed Consent application required for expansion of an agricultural use conforms with the policies of City of Hamilton Rural Official Plan.

5. Zoning By-Law

The City of Hamilton's Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005 and is being implemented in stages.

The Subject Lands are currently zoned Agriculture (A1), Open Space (P4), Conservation/Hazard Land Rural (P7 and P8) Zone in the City of Hamilton Comprehensive Zoning By-Law 05-200. The Adjacent Lands are zoned Agriculture (A1) and special exception Agricultural (A1-253). Map 9 shows the zoning on both the parcels.

Section 12.1. of the Zoning By-Law provides regulations for Agriculture (A1) zoning. A1 Zone permits agricultural uses. In 2015, City Council approved By-Law 15-238 as City-Initiative Housekeeping By-law and included additional exception 253 to the Adjacent Lands.

Additional Exception 253 lands (Rural Landscape Contractors)

- a) The following use shall also be permitted:
 - Landscape Contracting Establishment
- b) For the purposes of Special Exception No. 253, the following definition shall apply:

Landscape Contracting Establishment - Shall mean the use of land building or structure, or part thereof for the storage of soil, composted materials and other soil amendments, mulch, rock, screening and other similar materials along with the provision of landscape design services and off-site landscape installation services; storage of landscaping and horticultural maintenance equipment; composting and mixing of soil and soil amendments; and Accessory storage of snow removal equipment.

No new buildings or structures or any additions are proposed through these applications.

Map 9: Zoning Excerpt



6. Summary and Recommendations

The proposed Consent application is requested to allow for a lot line adjustment for the expansion of an existing nursery. It is proposed to sever approximately 5.573 hectares of land from 1584 Powerline Road West and add it to the Adjacent Lands on 1650 Powerline Road West. The proposal involves expansion of the land area for planting trees, flowers, shrubs etc. for the nursery business. Approximately 10 acres of the Adjacent Lands are currently being used for tree plantations. The additional land will be used to increase the area to grow trees and plants to ensure the Scenic Grove Nursery remains a sustainable agricultural business. The natural environment on the lands will remain protected as no development or site alteration are proposed in these areas. No new residential dwelling lots will be created in the agricultural area as a result of the proposed application as the severed lands will be merged. The proposed application is required for the sustainability of an agricultural use.

It is my professional opinion that the proposed Application is:

- consistent with the Provincial Policy Statement;
- in conformity with the Growth Plan for the Greater Golden Horseshoe;
- conforms to The Greenbelt Plan;
- conform to the policies of the City of Hamilton Rural Official Plan; and
- in keeping with the regulations of the City of Hamilton Zoning By-Law.

The proposed application represents good planning, and it is requested to the Committee of Adjustment that the application be approved.

Respectfully Submitted,

TAG – The Angrish Group



Ruchika Angrish, MPlan, B.Tech., MCIP, RPP
Co-Founder

CC: Ben Loewith, Owner of 1584 Powerline Road West
Walter Verhey, Owner of 1650 Powerline Road West

The Angrish Group
Planning Justification Report

1584 Powerline Road, Ancaster
August 2022

I hereby certify that this Planning Justification Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners' Institute Act, 1994.

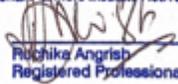


August 10, 2022

I hereby certify that this plan/report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

August 10, 2022

Date


Ruchika Angrish
Registered Professional Planner

APPENDIX A

Pictures of the Adjacent Lands showing the plantations

















Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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

	NAME	MAILING ADDRESS
Purchaser*	Walter and Maria Verhey	
Registered Owners(s)	Joeseeph Loewith & Sons Limited	
Applicant(s)**	Ruchika Angrish	
Agent or Solicitor	Ruchika Angrish	

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

1.3 All correspondence should be sent to

 Purchaser Applicant Owner Agent/Solicitor**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Lynden, Ancaster	Lot Part of 27	Concession 2	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 1584 Powerline Road W, Hamilton	Assessment Roll N°. 251814021042400		

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 (remainder)**:

Frontage (m) 83.48	Depth (m) 588.18	Area (m ² or ha) 29.327
-----------------------	---------------------	---------------------------------------

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

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: House, barn

Proposed: none

Existing structures to be removed: none

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

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): Agricultural

Urban Hamilton Official Plan designation (if applicable): _____

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

Please see the enclosed Planning Justification Report.

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? A1, P4, P7, P8

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"/>	Yes
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" 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"/>	

*Complete MDS Data Sheet if applicable

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 lands have historically been used for agricultural purposes only. The Official Plan policies do not allow such uses on these lands.
- 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 see attached Planning Justification Report.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
 Please see attached Planning Justification Report.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
 Please see attached Planning Justification Report.
- 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 see attached Planning Justification Report.
- 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 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) 94.84	Area (m ² or ha): (from in Section 4.1) 5.578 ha
Existing Land Use: <u>Agricultural</u>	Proposed Land Use: <u>Agricultural</u>

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 83.48	Area (m ² or ha): (from Section 4.2) 29.327 ha
Existing Land Use: <u>Agricultural</u>	Proposed Land Use: <u>Agricultural</u>

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

a) Location of abutting farm:

1650 Powerline Road W, RR1 Lynden Ancaster L0R1T0
 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m): +/-178m	Area (m ² or ha): 10.5 ha
Existing Land Use(s): <u>Agricultural</u>	Proposed Land Use(s): <u>Agricultural</u>

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

Frontage (m):	Area (m ² or ha):
Existing Land Use: _____	Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

_____ (Street) _____ (Municipality) _____ (Postal Code)

b) Description of non-abutting farm

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

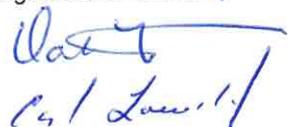
Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Committee of Adjustment approved an application in 2006 for the establishment of a nursery and plantations for a greenhouse. The business has been serving the community since 2006 and requires expansion which would require additional land for growing flowers and other plans required for the greenhouses.

12 ACKNOWLEDGEMENT CLAUSE

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

Aug 10, 2022 _____
Date

 _____
Signature of Owner




Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-22:276	SUBJECT PROPERTY:	685 CONCESSION 4 WEST, FLAMBOROUGH
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 15-173

APPLICANTS: Owner: Wil Bartels

The following variances are requested:

1. A maximum Accessory Building Height of 8.5 m shall be provided instead of the maximum required 6.0 m for all Accessory Buildings.

PURPOSE & EFFECT: So as to permit an accessory structure (outbuilding/ garage) within the rear yard of an existing single detached dwelling notwithstanding that:

Notes:

- i. The specific use of the Out Building has not be provided. Please be advised that as per Section 4.5 of Hamilton Zoning By-Law 05-200, where a Single Detached Dwelling is permitted, no more than one such dwelling shall be erected on a lot. As such, the proposed Out Building shall not be used for human habitation.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, September 22, 2022
TIME:	2:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at

FL/A-22:276

www.hamilton.ca/committeeofadjustment
--

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: September 6, 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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Please include your name and address, hearing date, and file number. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

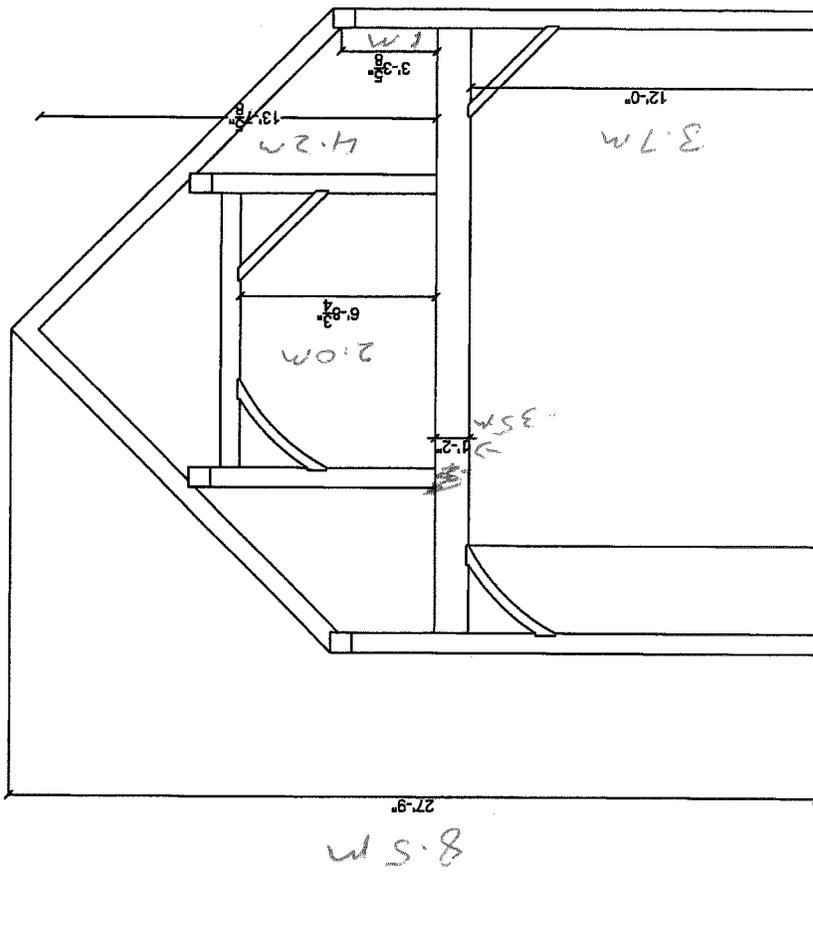
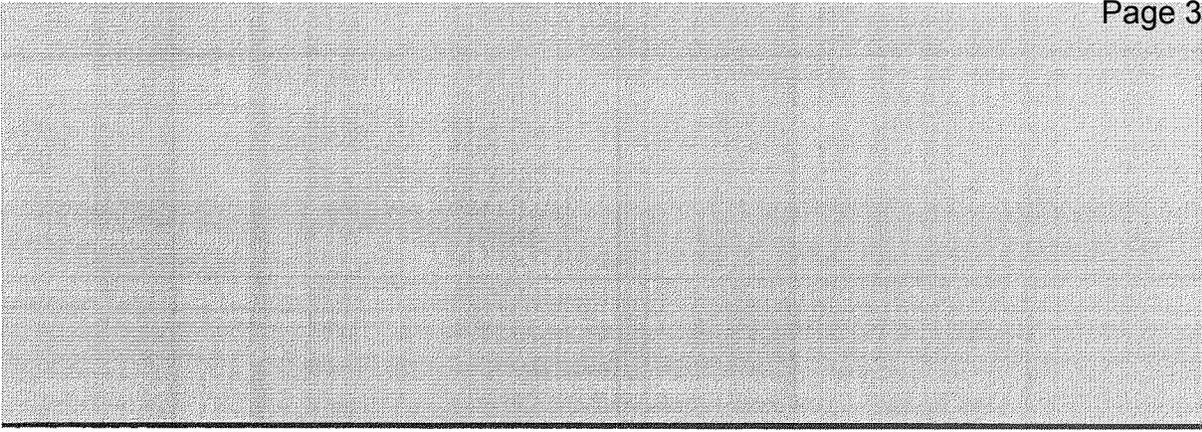
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

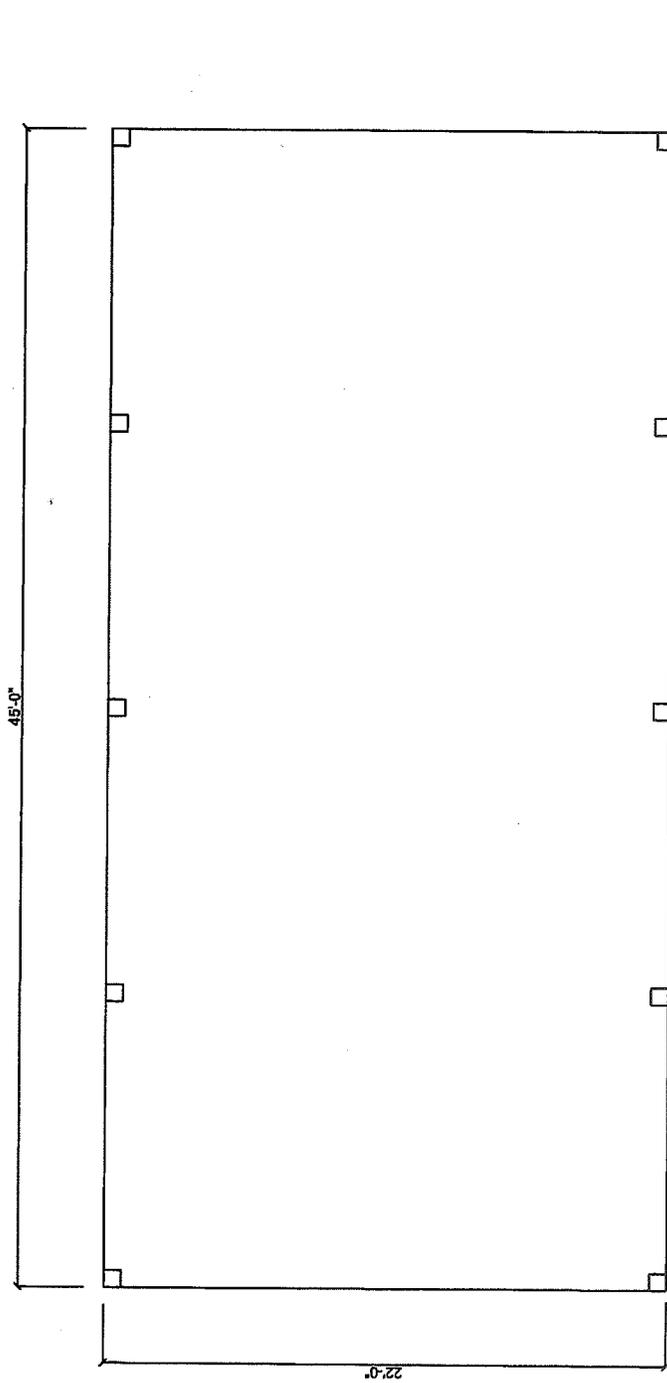
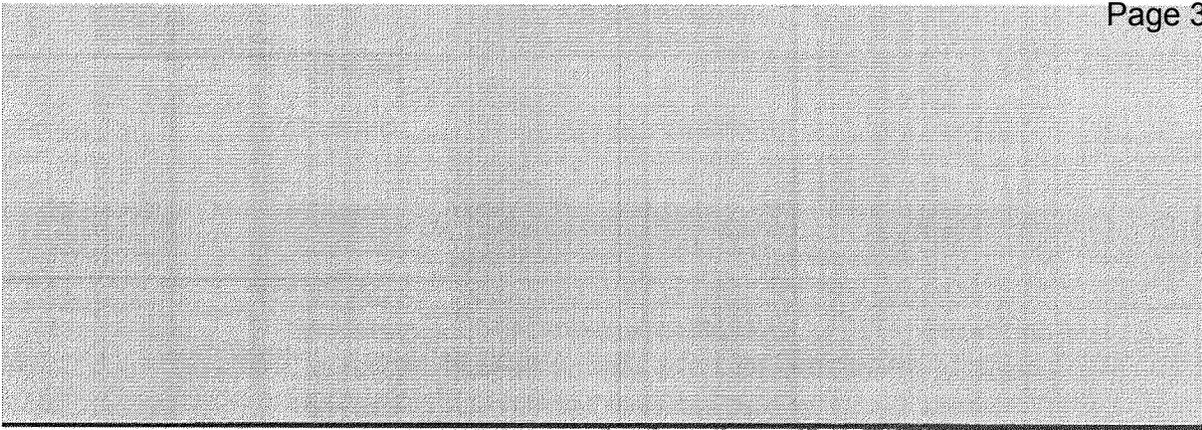
2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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

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





PAS Checklist

Permit #		Payee: <input type="checkbox"/> Owner <input type="checkbox"/> Applicant <input type="checkbox"/> Contractor <input type="checkbox"/> Other						
Address: 685 Concession		Payment type: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Visa <input type="checkbox"/> MC <input type="checkbox"/> Debit						
Municipality: Flamberg	Bylaw: 05-200	Intake By: _____ Date: _____						
Zone: A1	Reviewed by: _____ Date: _____							
Lot Type: <input checked="" type="checkbox"/> Interior <input type="checkbox"/> Corner <input type="checkbox"/> Through <input type="checkbox"/> Other								
Is there an order on this property? Y/N Does the permit application include all construction from the order? Y/N Is there a surcharge? Y/N Did you email the Enforcement Inspector? Y/N								
TYPE OF PERMIT	Location (zone, site, lot)	Use Coverage (See Reviewer's note)	Height (A or Max)	Limiting Clearance	Islands	Type of Pool (IN, ON, AB)	Pool Equipment Location	Grading Completed
Porch								
Deck								
Acc. Bld	200m ² 91m ² 1M	200m ² 91m ² 1M	6m	8m	6m	6m	8m	
Pool								
Int./Remod/Hi		Height of Structure (m)	Height of Pool (m)	Height of Deck (m)	Height of Wall (m)	Height of Fence (m)	Height of Sign (m)	Height of Other (m)
APPLICABLE LAWS:		Y	N	Y	N	Y	N	Y/N
Committee of Adjustment	Ontario Heritage Act	<input checked="" type="checkbox"/>						Schedule 1
Encroachment Agreements	NEC							Other:
Ministry of Transportation	Conservation Authority							Other:
Additional Comments:		Committee of Adjustment 905-546-2124 ext 4421 Got A @ Hamilton on Wellhead Protection carmen.vega@hamilton.ca 905-346-2424 ext 301						
Inspector: Martine Zanatta	Date: 5/5/22	Reviewed by:	Date:					



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

Phone: (905) 546-2424 ext. 4221
 Email: 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)	Wil Bartels	[REDACTED]	[REDACTED]
Applicant(s)*	11	11	Phone: 11
			E-mail: 11
Agent or Solicitor			Phone:
			E-mail:

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

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

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:

Construction of a outbuilding total
height will 27-9ft 8.24m

- Second Dwelling Unit Reconstruction of Existing Dwelling

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

I need it to be 2 Storeys
12ft on ground level with an upper floor
for storage

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):

685 Concession 4 W
Waterdown
L8B 136

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 8.1 to 8.10 above?

The property was developed 16 years ago and we have lived here for 14 of those years

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.

May 9/22
Date


Signature Property Owner(s)



Lori-Ann Bartels
Print Name of Owner(s)

Lori-Ann Bartels

10. Dimensions of lands affected:

Frontage 45.72 m
Depth 91.44 m
Area 1 Acre
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 Existing bungalow is 2,889 sq ft

Proposed

Proposed out building is 2 stories 990 sq ft

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

Existing:

Side 19.14 ft
Rear 168.96 ft
Front 87.5 ft

Proposed:

Side 20 ft
Rear 20 ft
Front 236 ft

13. Date of acquisition of subject lands:
2008
14. Date of construction of all buildings and structures on subject lands:
2005
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family and Agricultural
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family and Agricultural
17. Length of time the existing uses of the subject property have continued:
16 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:
Agricultural
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
A1
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
 If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 include separate sheet if needed)

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.