



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 23-19
Date: October 5, 2023
Time: 9:00 a.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. WEST DEVELOPMENT	
2.1 9:15 a.m.HM/A-23:187267 Haddon Avenue South, Hamilton (Ward 1) Agent Perspective Views – M. Ribau Owner N. Hawkins	5
2.2 9:25 a.m.HM/A-23:240309 Barton Street East, Hamilton (Ward 3) Applicant S. Rusk Owner Barton Street Lofts – S. Rusk	21
2.3 9:30 a.m.HM/B-23:60162 Stone Church Road East, Hamilton (Ward 8) Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston Owner A. Salemi & R. Kotar	39
2.4 9:30 a.m.HM/A-23:236162 Stone Church Road East, Hamilton (Ward 8) Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston Owner A. Salemi & R. Kotar	53

2.5	9:35 a.m.AN/B-23:59222 Sulphur Springs Road, Ancaster (Ward 12)	67
	Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston Owner 222 Sulphur Inc.	
2.6	9:35 a.m.AN/A-23:234222 Sulphur Springs Road, Ancaster (Ward 12)	79
	Agent UrbanSolutions Planning & Land Development Consultants Inc. – M. Johnston Owner 222 Sulphur Inc.	
2.7	9:40 a.m.AN/A-23:232154 Wilson Street East, Ancaster (Ward 12)	93
	Agent MHBC Planning – S. Mirtitsch Owner T. Valery Construction Ltd.	
2.8	9:45 a.m.FL/B-20:01177 Highway 8, Flamborough (Ward 13)	119
	Agent A. J. Clarke & Associates – F. Kloibhofer Owner 330113 Ontario Incorporated	
2.9	9:45 a.m.FL/A-20:04177 Highway 8, Flamborough (Ward 13)	161
	Agent A. J. Clarke & Associates – F. Kloibhofer Owner 330113 Ontario Incorporated	
2.10	9:50 a.m.FL/A-23:2418 Medwin Drive, Flamborough (Ward 13)	199
	Owners P. & C. Nieuwenhus	
2.11	9:55 a.m.HM/A-23:235555-559 Sanatorium Road, Hamilton (Ward 14)	213
	Agent Weston Consulting – K. Robbins Owner 2358574 Ontario Ltd. – M. Riaz	
2.12	10:00 a.m.FL/A-23:23947 Bayview Avenue, Flamborough (Ward 15)	239
	Owners T. & C. Hanco	
2.13	10:05 a.m.FL/A-23:237761 Centre Road, Flamborough (Ward 15)	257
	Applicant N. Borgdorff S. Schenkel	

- 2.14 10:10 a.m.FL/A-23:23856 Campbellville Road, Flamborough (Ward 15) 275
Applicant Fine Line Drafting & Design Inc. – R. Friesen
Owner S. Judge

3. EAST DEVELOPMENT

- 3.1 10:15 a.m.SC/B-23:56264 Federal Street, Stoney Creek (Ward 10) 295
Agent A. J. Clarke & Associates – S. Fraser
Owner S. Zaralikos & I. Starcevic

- 3.2 10:20 a.m.HM/B-23:57727 Rymal Road East, Hamilton (Ward 6) 311
Applicant G. Mundi
Owner M. Khera, P. & H. Saini

4. CLOSED

5. 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
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-23:187	SUBJECT PROPERTY:	267 HADDON AVENUE S, HAMILTON
ZONE:	"C/S-1335, S-1335a" (Urban Protected Residential)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended 95-02 & 95-33

APPLICANTS: **Owner:** NANCY HAWKINS
 Agent: MATTHEW RIBAU

The following variances are requested:

1. The ground floor area of the Secondary Dwelling Unit – Detached shall be permitted to have 85.5% the ground floor area of the principle dwelling whereas the Zoning By-law states that the ground floor area of a Secondary Dwelling Unit – Detached shall not exceed 70.0% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105.0m².

PURPOSE & EFFECT: To facilitate the construction of a Secondary Dwelling Unit – Detached on the subject lot containing a single-family dwelling.

Notes:

The applicant shall ensure that an eave or gutter shall not extend more than 30.0cm into a required yard; otherwise, further variances shall be required.

The required landscaped strip has not been clearly labelled on the submitted plan. Therefore, the applicant shall ensure that the required 1.2m wide landscaped strip is provided and maintained adjacent to the Secondary Dwelling Unit – Detached; 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:

HM/A-23:187

DATE:	Thursday, October 5, 2023
TIME:	9:15 a.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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:187, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

HM/A-23:187



 Subject Lands

DATED: September 19, 2023

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

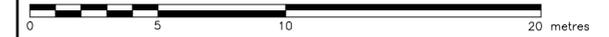
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY SHOWING TOPOGRAPHY OF
ALL OF
LOTS 23 & 24
REGISTERED PLAN 767
IN THE
CITY OF HAMILTON

SCALE 1 : 200



THE INTENDED PLOT SIZE OF THIS PLAN IS 570mm IN WIDTH BY 420mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200 (INCLUDING 15mm BEYOND EACH BORDER)

MackAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
 © 2023

KNOWN AS MUNICIPAL No. 263 & 267 HADDON AVENUE

PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)

LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - JANUARY 30, 2023

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:

SUBJECT TO RIGHT OF WAY AS IN INST. No. VM163732 (PIN 17588-0649)
 SUBJECT TO RIGHT OF WAY AS IN INST. No. AB187166 (PIN 17588-0650)

ADDITIONAL REMARKS:

- REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES

MackAY, MacKAY & PETERS LIMITED grants NANCY HAWKINS ("THE CLIENT"), their solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client"

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
V-45754



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 29(3)

LEGEND

- DENOTES A SURVEY MONUMENT FOUND
 - SIB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - P1 DENOTES REGISTERED PLAN 767
 - P2 DENOTES PLAN BY MARIO IAROCCHI O.L.S. DATED OCTOBER 27, 1969
 - P3 DENOTES PLAN BY MACKAY & MACKAY DATED MARCH 29, 1950 (M-633)
 - P4 DENOTES PLAN BY MMP LIMITED DATED DECEMBER 17, 1987 (X-8650)
 - C1 DENOTES CALCULATED FROM P1
 - PR DENOTES PRODUCTION
 - PIN DENOTES PROPERTY IDENTIFICATION NUMBER
 - (OU) DENOTES ORIGIN UNKNOWN
 - (PR) DENOTES PRODUCTION
 - DENOTES CENTRELINE
 - GM DENOTES GAS METER
 - BF DENOTES BOARD FENCE
 - CWW DENOTES CONCRETE WALKWAY
 - UP DENOTES UTILITY POLE
 - OHW DENOTES OVERHEAD WIRE
 - UGW DENOTES UTILITY GUYWIRE
 - SAN MH DENOTES SANITARY MANHOLE
 - AC DENOTES AIR CONDITIONER
 - DENOTES DECIDUOUS TREE SCALED TO CANOPY TRUNK SIZE SHOWN IN METRES
 - ★ DENOTES CONIFEROUS TREE SCALED TO CANOPY TRUNK SIZE SHOWN IN METRES
- ALL BUILDING TIES ARE TO FOUNDATION AND ARE PERPENDICULAR TO PROPERTY LINES UNLESS OTHERWISE NOTED

BENCHMARK NOTE

CITY OF HAMILTON BENCHMARK No. 0011965U028
 ELEVATION = 99.644 METRES (CGVD28:78 ADJUSTMENT)
 DALEWOOD SCHOOL AT NORTHWEST CORNER OF MAIN STREET AND HADDON AVENUE
 TABLET IN EAST CONCRETE FOUNDATION WALL UNDER MOST SOUTHERLY WINDOW
 1.52 METRES NORTH OF PROJECTION AT MAIN ENTRANCE 0.33 METRES BELOW BRICK SLIGHTLY ABOVE ROAD LEVEL

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF HADDON AVENUE AS SHOWN ON REGISTERED PLAN 767 HAVING A BEARING OF N71°38'00"W

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 31st DAY OF JANUARY, 2023.

MARCH 10, 2023
 DATE

Roy C. May
ROY C. MAY
 ONTARIO LAND SURVEYOR
 FOR MACKAY, MACKAY & PETERS LIMITED

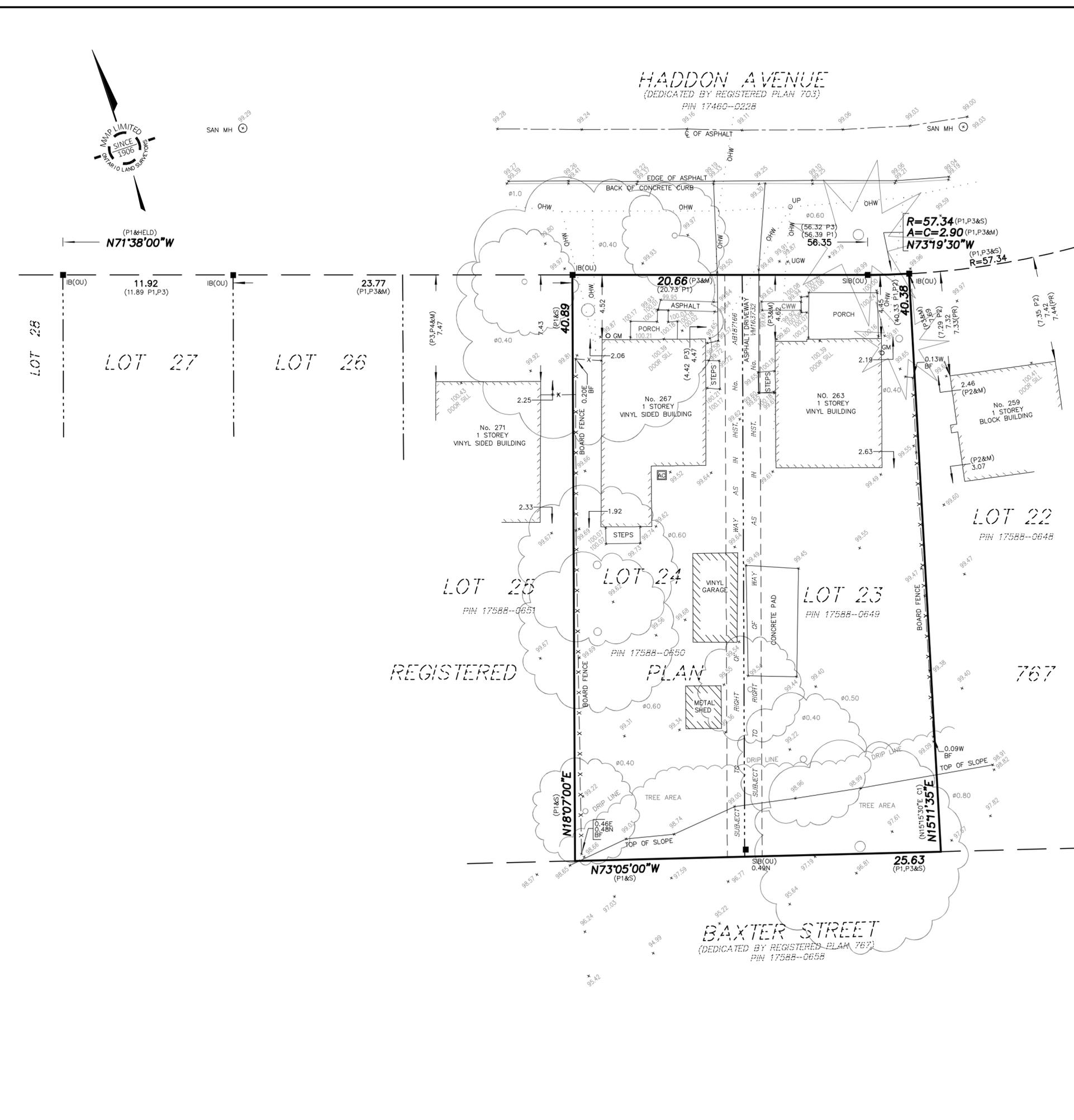
E:\(62) Hamilton-Wentworth\Registered Plans\RP0767\LOT 23, 24\23-022\23-022.dwg



MackAY, MacKAY & Peters Limited
 LAND SURVEYORS & MAPPERS
 SINCE 1906

3380 South Service Road
 Unit 101
 Burlington, ON
 L7N 3J5
 (905) 639-1375
 halton@mmplimited.com
 mmplimited.com

DRAWN BY: SP
 PARTY CHIEF: AC
 CHECKED BY: *[Signature]*
 PROJECT No.:
23-022



SITE INFORMATION & STATISTICS	
ADDRESS:	267 HADDON AVE. S HAMILTON, ON
ZONING TYPE:	C/S-1335 C/S-1335a
LOT AREA:	5212.10 SQ FT (484.23 m ²)
LOT FRONTAGE:	39'-00" (11.89 m)

GENERAL NOTES:

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

EXISTING STRUCTURE NOTE:

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

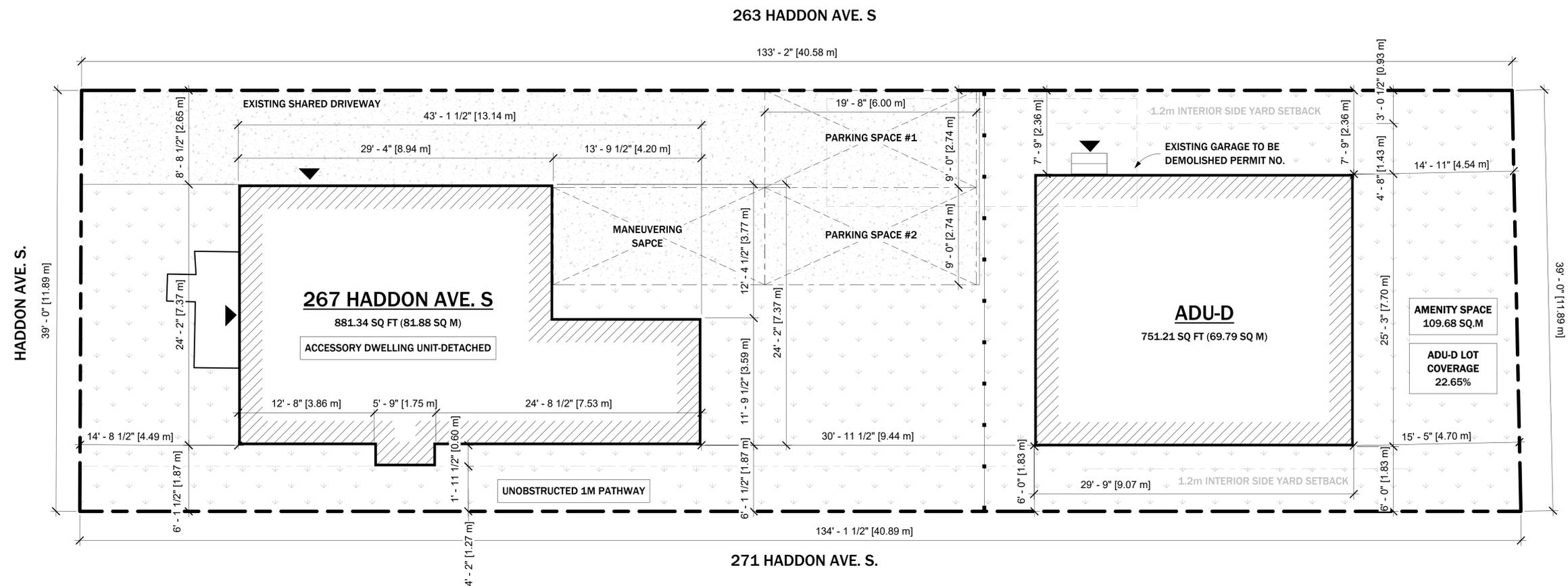
BUILDING CODE COMPLIANCE NOTE:

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

SITE PLAN:

BASED ON <ENTER MUNICIPALITY> SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF <ENTER MUNICIPALITY> MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCR OACH ONTO ADJOINING PROPERTIES.

- CITY ELECTRONIC STAMP:
- GENERAL NOTE:**
1. DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
 2. ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
 3. FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 4. UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
 5. USE LATEST REVISED DRAWINGS.
 6. ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 7. ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF SRK AND ASSOCIATES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT SRK AND ASSOCIATES WRITTEN PERMISSION (LEGAL SECOND SUITES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE).
 8. BUILDING OWNER(S) WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 9. CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.



ZONING	LOT NO:	PLAN NO:	LOT AREA	LOT FRONTAGE	LOT DEPTH
C/S-1335 C/S-1335a	-	-	5212.10 SQ.FT (484.23 m ²)	39'-01" (11.89 m)	132'-0" (40.88 m)
DESCRIPTION	EXISTING	ADU-D	TOTAL	% ALLOWED	%
LOT COVERAGE	81.88 m ²	69.79 m ²	151.67 m ²	31.32%	
LOT COVERAGE ADU-D		69.79 m ²	62.43 m ²	14.41%	25%
GROSS FLOOR AREA	163.76 m ²	69.79 m ²	233.55 m ²	42.62%	45%
GROUND FLR AREA	81.88 m ²	69.79 m ²	151.67 m ²	85.23%	70%
NO. OF STORIES	HEIGHT	1 STOREY	1 STOREY	6.0 m	
		3.96 m	3.96 m		
WIDTH		7.70 m			
DEPTH		9.07 m			



CLIENT:

CONSULTANT:

SRK & ASSOCIATES INC.
STRUCTURAL ENGINEERS & PROJECT MANAGERS
54 Bergen Road, Scarborough, ON M1P 1S2
Phone: 647 915 9572
Email: sumeshrk@yahoo.com

PROJECT NUMBER:

PROJECT NAME/LOCATION:

ACCESSORY DWELLING UNIT - D
267 HADDON AVE. S

REVISION	DESCRIPTION	DATE
		07/06/22

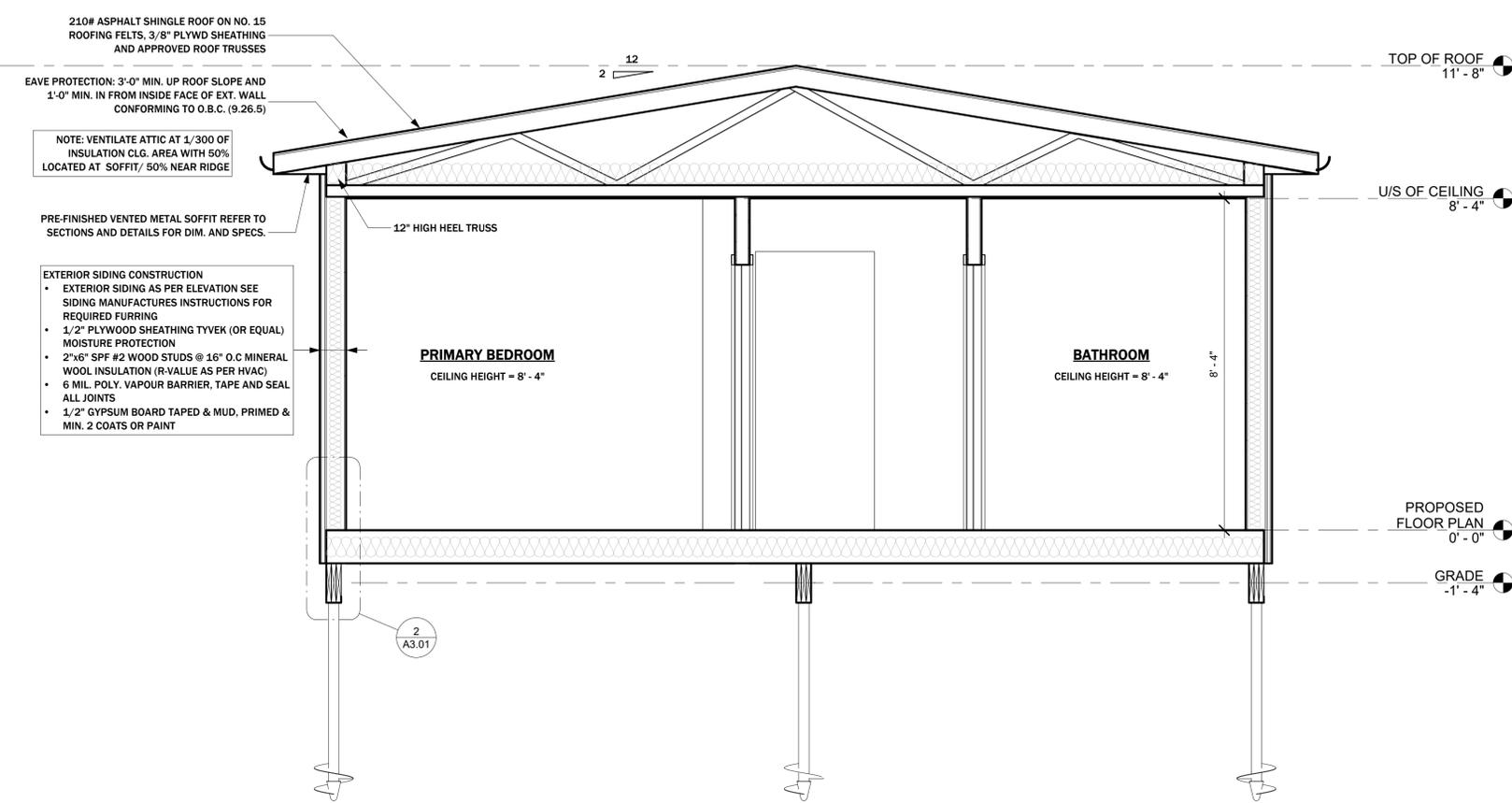
DRAWING SCALE: 3/16" = 1'-0"

DRAWING TITLE:

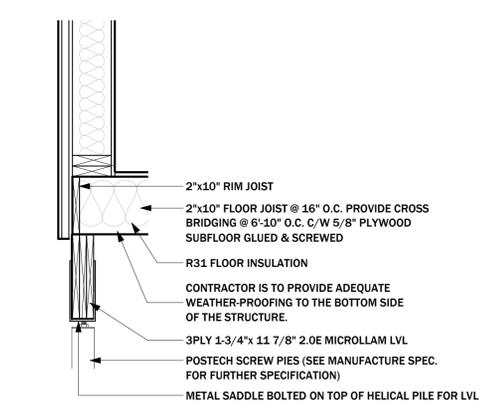
SITE PLAN

SP1.01

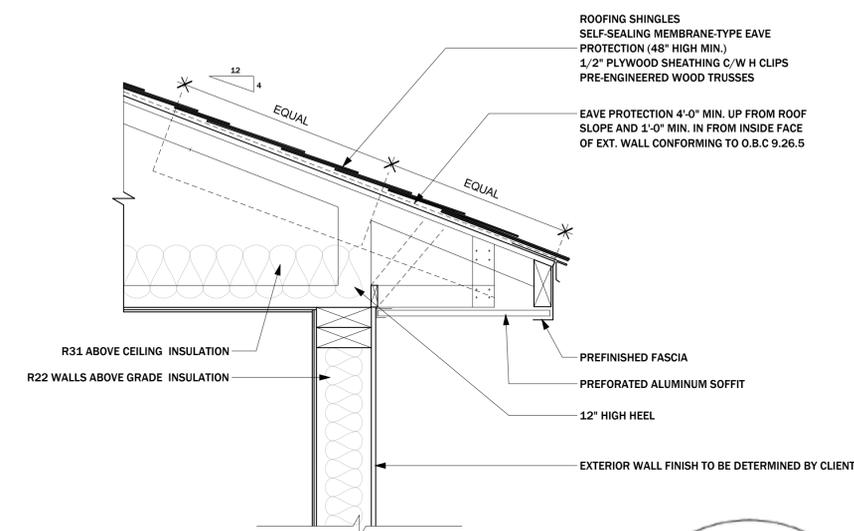
CITY ELECTRONIC STAMP:



1 Section 1
1/2" = 1'-0"



2 Section 1 - Callout 1
1" = 1'-0"



3 TYPICAL TOP PLATE CONNECTION W/
OVERHANG
1 1/2" = 1'-0"



- GENERAL NOTE:**
- DO NOT SCALE DRAWINGS. FULL SCALE: 24" X 36"
 - ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE LEAD DESIGNER MUST BE NOTIFIED IMMEDIATELY.
 - FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
 - UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SUPPORTS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THIS WORK.
 - USE LATEST REVISED DRAWINGS.
 - ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
 - ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF SRK & ASSOCIATES. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT SRK & ASSOCIATES WRITTEN PERMISSION. SRK & ASSOCIATES ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE PEO NUMBER AND ORIGINAL SIGNATURE.
 - BUILDING OWNERS WILL BE RESPONSIBLE FOR HIRING A CERTIFIED CONTRACTOR TO PERFORM SCOPE OF WORK AS PER ISSUED PERMIT.
 - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

CLIENT:

CONSULTANT:

SRK & ASSOCIATES INC.
STRUCTURAL ENGINEERS & PROJECT MANAGERS
54 Bergen Road, Scarborough, ON M1P 1S2
Phone: 647 915 9572
Email: sumeshrk@yahoo.com

PROJECT NUMBER:

PROJECT NAME/LOCATION:

ASSESSORY DWELLING UNIT - D
267 HADDON AVE. S

DESCRIPTION:

DRAWN BY: Author

CHECKED BY: Checker

APPROVED BY:

REVISION	DESCRIPTION	DATE
		07/06/22

DRAWING SCALE: As indicated

DRAWING TITLE:

CROSS SECTION

A3.01



Hamilton

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	[REDACTED]	
Registered Owners(s)	Nancy Victoria Hawkins		
Applicant(s)	Matthew Ribau		
Agent or Solicitor		Phone:	
		E-mail:	

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

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	267 Haddon Ave S.,Hamilton		
Assessment Roll Number	2518010-04502970		
Former Municipality	Hamilton		
Lot	23&24	Concession	
Registered Plan Number	767	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Proposed additional accessory dwelling unit-detached

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Because of the lot size, existing dwelling size and the bylaw as it pertains to the existing.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
11.89m	40.89m	484.23m	6.35m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Dwelling Unit-Detached	4.49m	23.2m	2.06m & 2.58m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Second Dwelling Unit-Detached	27.6m	4.54m	1.83m & 2.36m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Dwelling Unit	81.88 m2	163.76 m2	1	3.96 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Secondary Dwelling Unit-Detached	69.79 m2	66.79 m2	1	3.96 m

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

4.6 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) _____

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

[Second Dwelling Unit-Detached](#)

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

[Single Dwelling Unit-Detached](#)

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

[February 28, 2001](#)

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

[Single Dwelling Unit-Detached](#)

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

[Single Dwelling Unit-Detached](#)

7.4 Length of time the existing uses of the subject property have continued:

[Since constructed](#)

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) [Urban Hamilton Official Plan](#)

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

[Meets the 4 tests, and the variance we are seeking is very minor in nature](#)

7.6 What is the existing zoning of the subject land? [C/S-1335 C/S-1335a \(Urban Protected Residential, Etc.\)](#)7.8 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:

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

Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
-
-



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-23:240	SUBJECT PROPERTY:	309 BARTON STREET E, HAMILTON, Ontario
ZONE:	"C5a" (Mixed Use Medium Density Pedestrian Focus)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: STEPHEN RUSK- BARTON STREET LOFTS

The following variances are requested:

1. Residential units shall also be permitted within the ground floor of a building instead of the requirement that residential units shall not be permitted within the ground floor of a building.

PURPOSE & EFFECT: To permit the conversion of the ground floor of an existing mixed used, dwelling unit to include residential units.

Notes: 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, October 5, 2023
TIME:	9:25 a.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/A-23:240

- 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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:240, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

HM/A-23:240



 **Subject Lands**

DATED: September 19, 2023

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

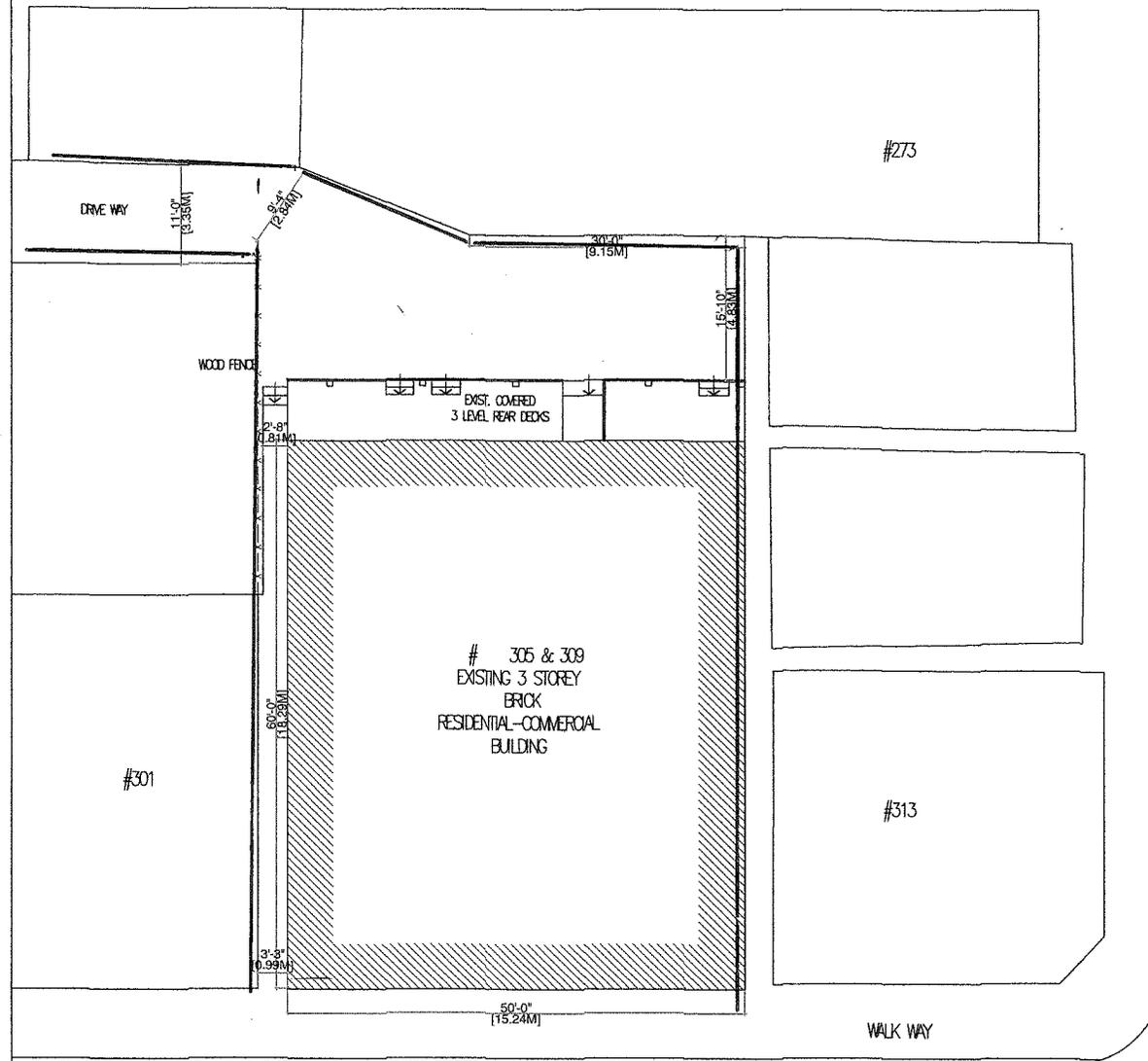
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

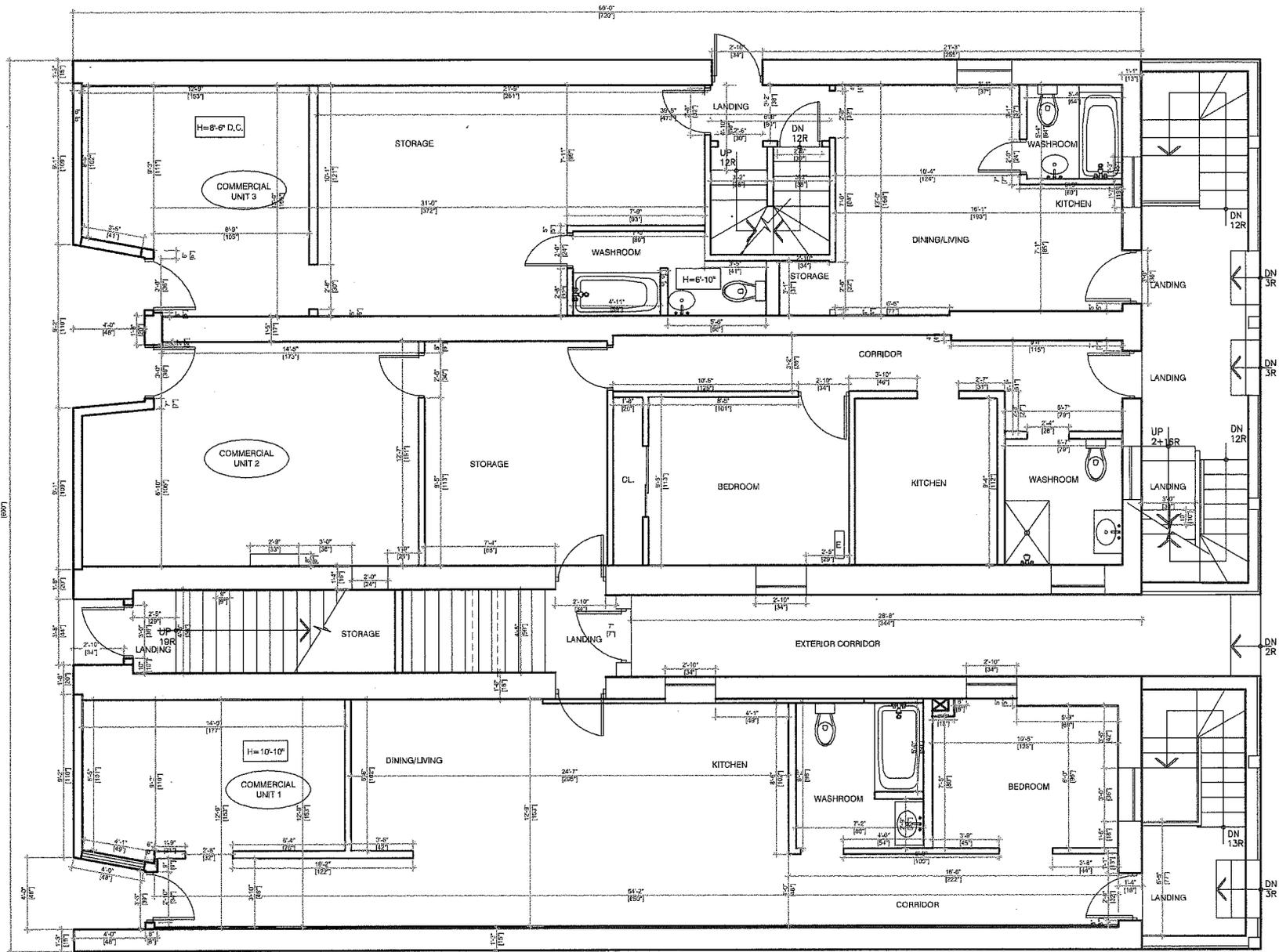
REAR LANE WAY

EAST AVENUE N

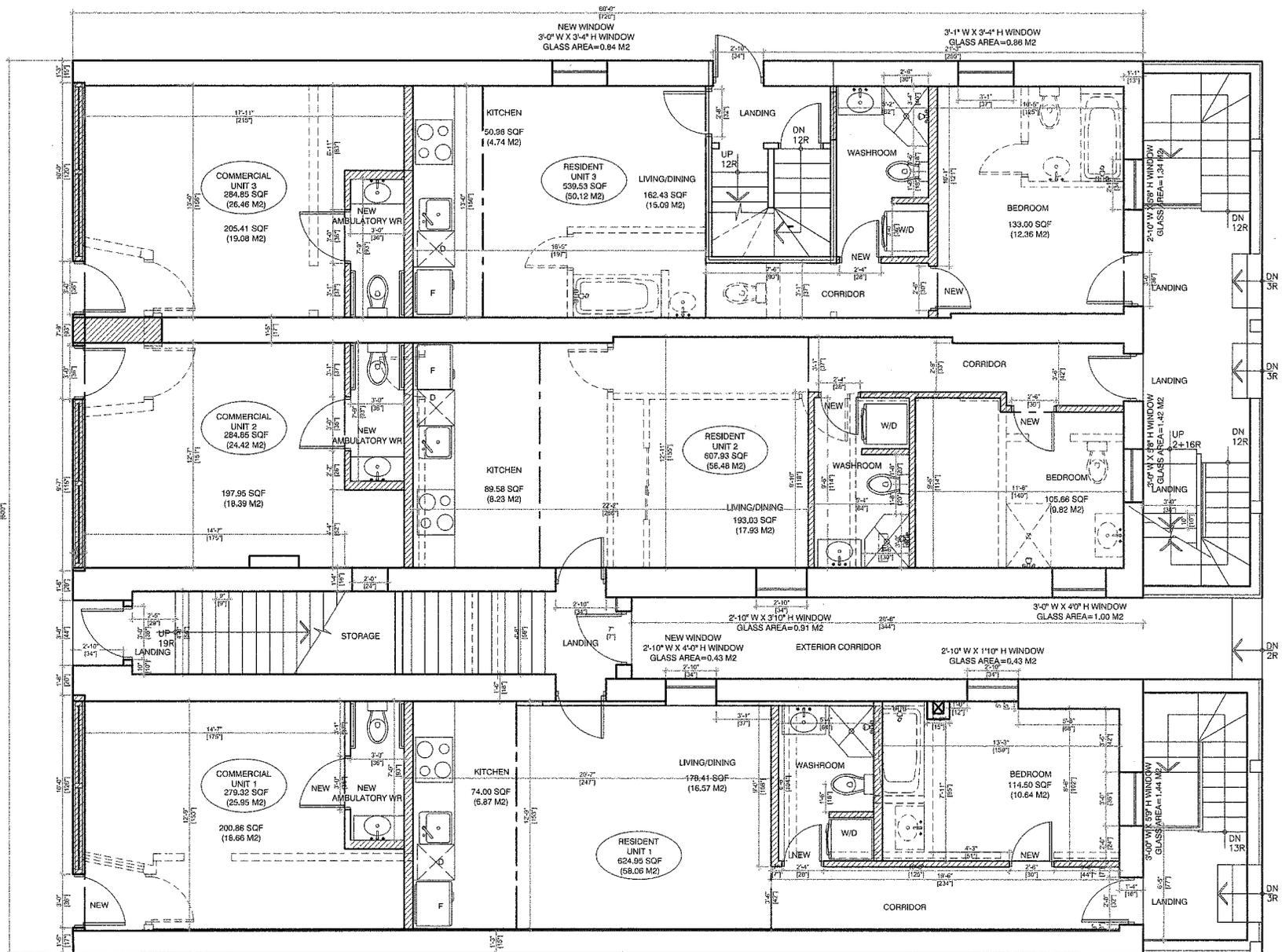


BARTON STREET EAST

SITE PLAN
SCALE 1:200

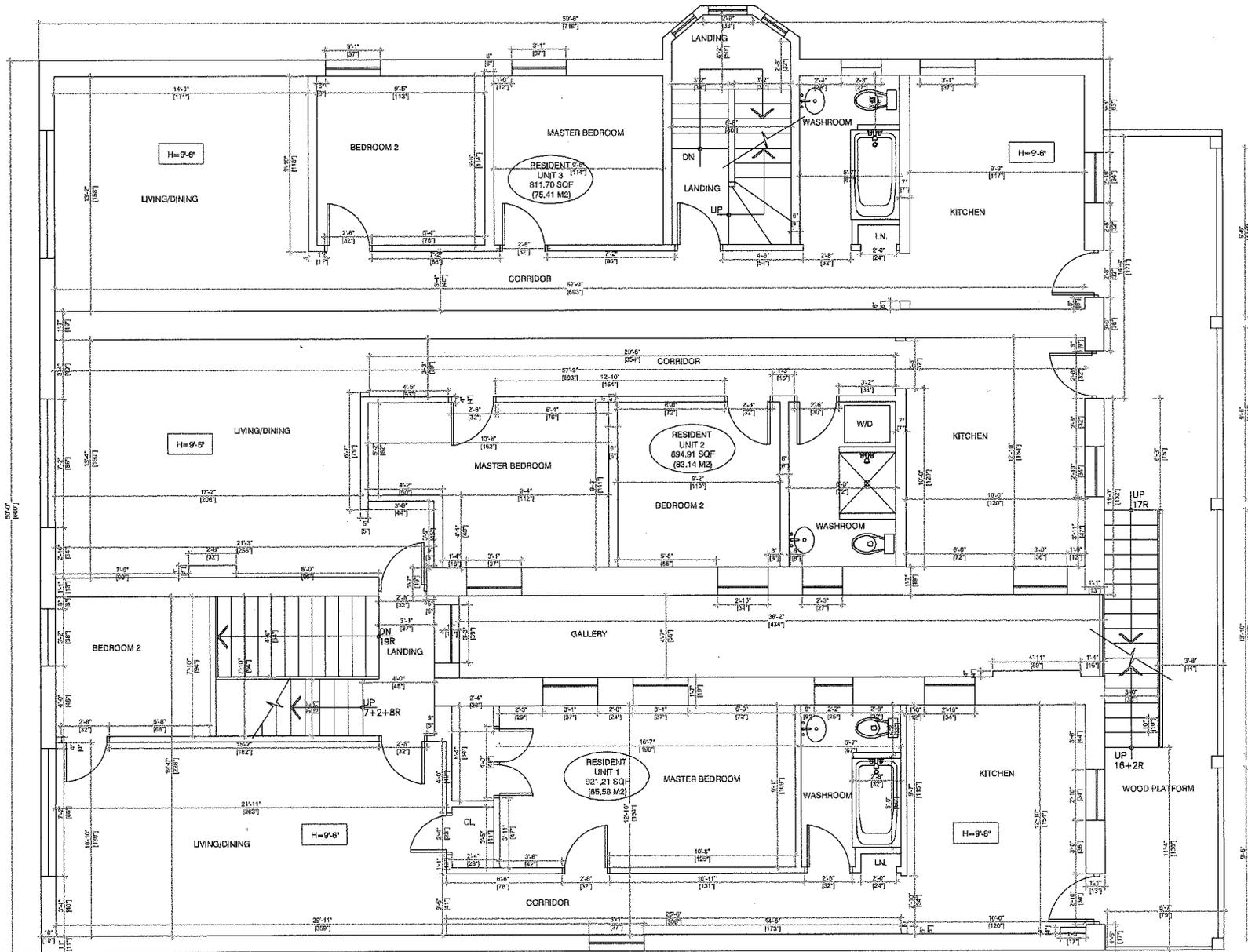


EXISTING GROUND FLOOR PLAN



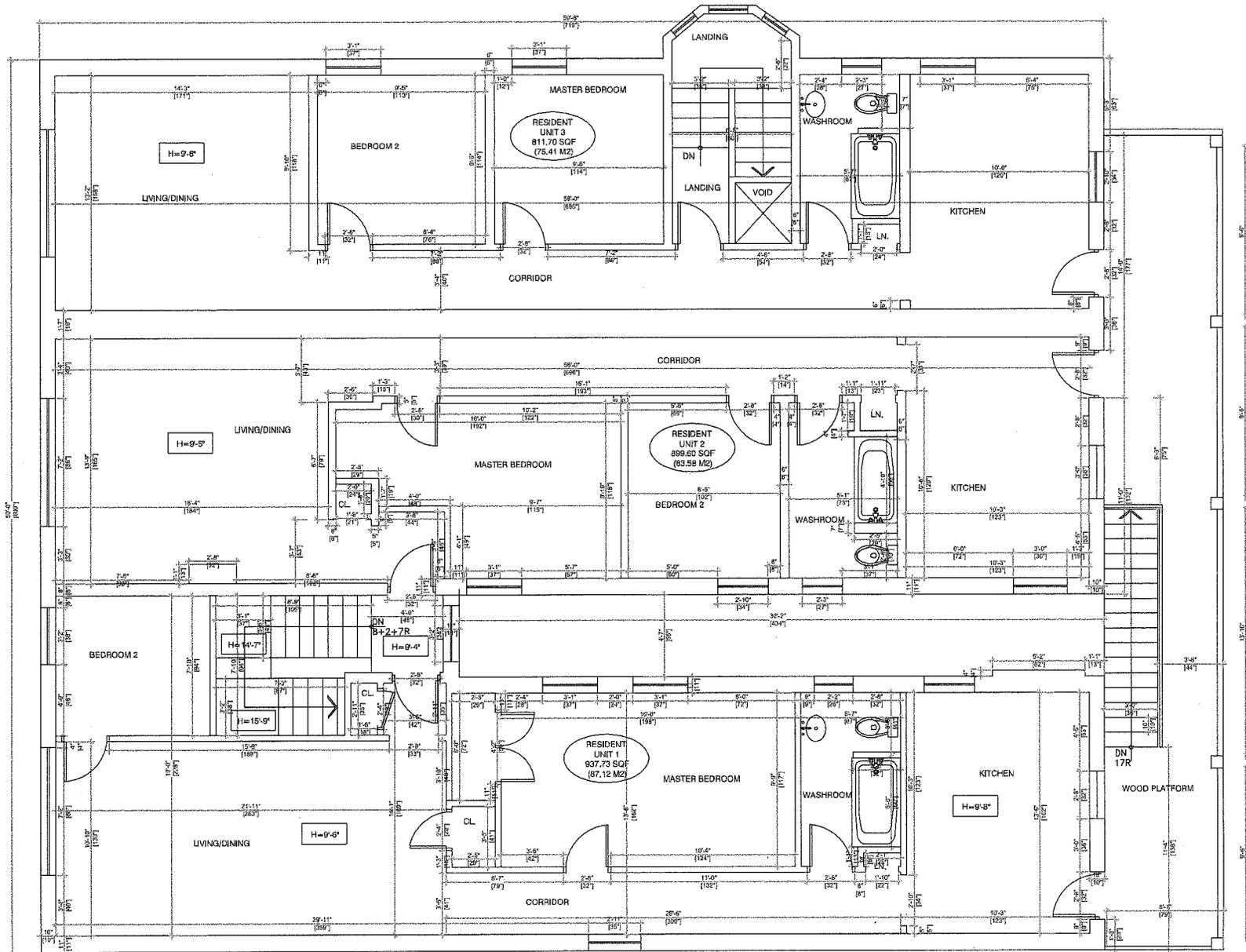
PROPOSED GROUND FLOOR PLAN
SCALE: 3/16" = 1'-0"

LEGEND	
	NEW WALL
	DEMOLITION



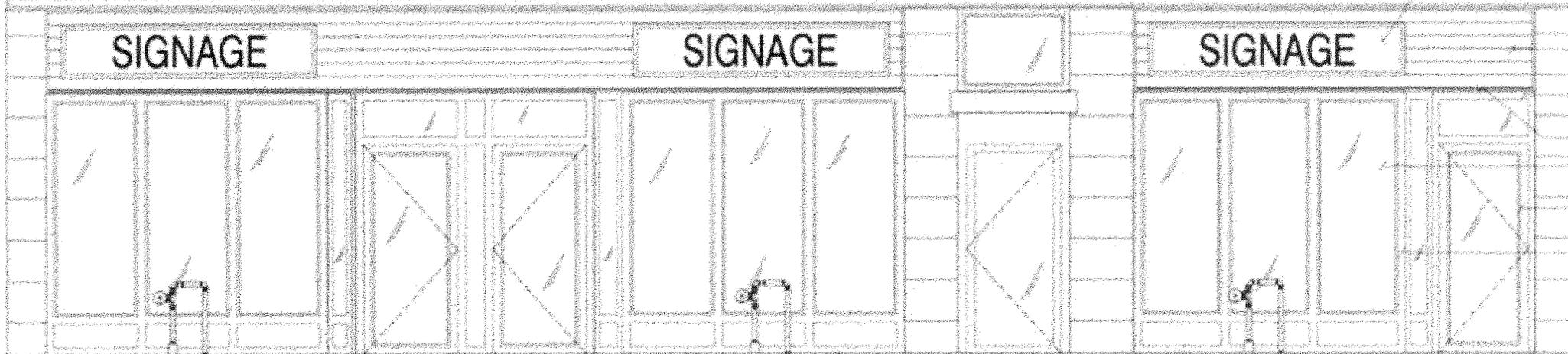
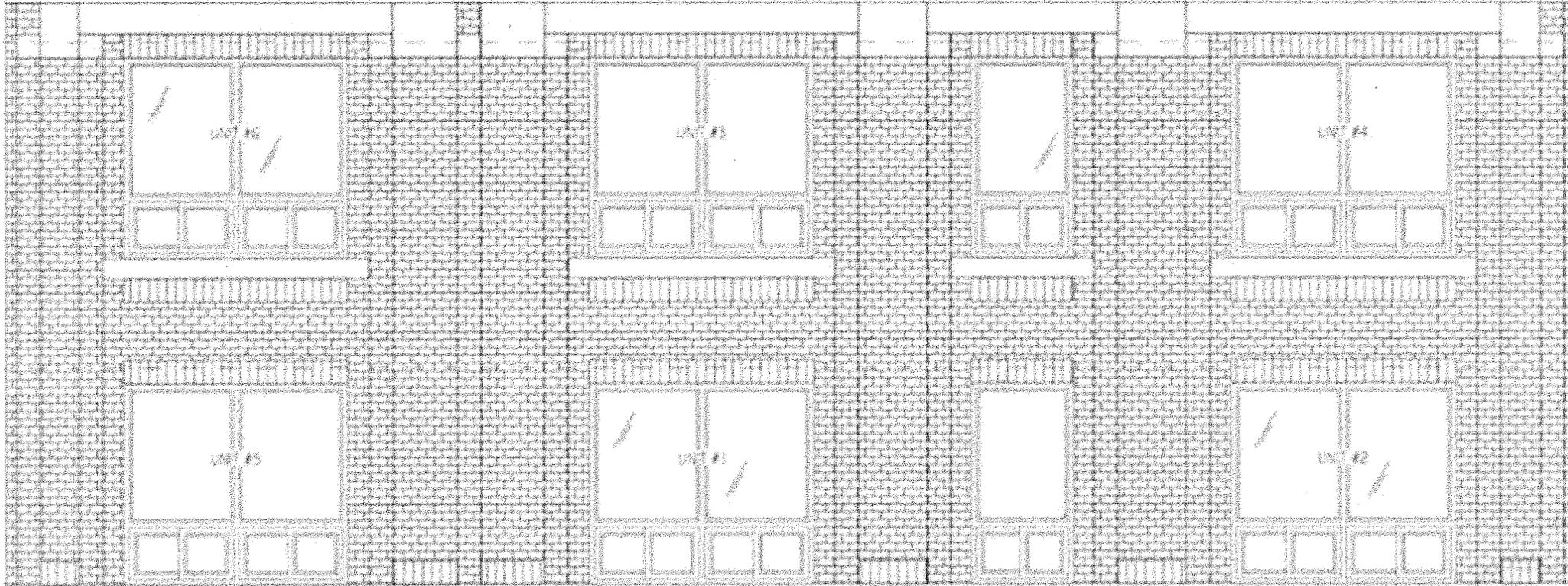
EXISTING SECOND FLOOR PLAN
SCALE: 3/16" = 1'-0"





EXISTING THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"









Planning and Economic Development Department
 Building Division
 71 Main Street West
 Hamilton, Ontario, L8P 4Y5
 Phone: 905-546-2720 Fax: 905-546-2764
 Email: building@hamilton.ca

**CERTIFICATE OF ZONING VERIFICATION
 AND PROPERTY REPORT**

Hamilton

PROPERTY ADDRESS: 309 Barton St. E., Hamilton

SECTION No.:

PROPOSED USE: Mixed Use

ATTENTION OF: David Shortt
 TELEPHONE: 905.546.2424 ext. 7467

A. ZONING VERIFICATION

AS OF THIS DATE, Building Division records indicate the property is subject to:

ZONING DISTRICT: C5A

SECTION 10.5A OF HAMILTON ZONING BY-LAW 05-200 AS AMENDED BY BY-LAW 17-240

SITE PLAN CONTROL: FOR FUTURE DEVELOPMENT OR REDEVELOPMENT

THE PROPOSED USE IS: PERMITTED (SEE BELOW)

ADDITIONAL INFORMATION: Nine (9) residential units and one (1) commercial unit.

COMMENTS:

Building Division records indicate that the recognized use is commercial on the ground floor, with three (3) dwelling units above, which is permitted.

The proposed use of one (1) commercial unit on the ground floor and nine (9) residential dwelling units is permitted in the "C5a" Zone of Hamilton Zoning By-law 05-200. Please note that the "C5a" Zone restricts the location of dwelling units to above the ground floor only. Only those areas for access, accessory office and utility areas shall be permitted on the ground floor.

The specific proposed commercial use has not been identified. Please refer to Section 10.5a of Hamilton Zoning By-law 05-200 for specific permitted uses and regulations.

A building permit is required in order to establish the increase in the number of dwelling units. Please contact the Building Division at (905) 546-2720 for further information.

The lands are subject to Site Plan Control. As such, development or redevelopment may require application to the Development Planning Division. For further information, please contact (905) 546-2424 extension 2799 or 4498.

Tenant improvements, change of use, additions, alterations, renovations and new buildings are subject to the issuance of a building permit from the Building Division.

No survey submitted showing actual conditions.

IMPORTANT:

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS TO THE REQUIREMENTS OF APPLICABLE BY-LAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, OR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. (COPIES OF THE CITY BY-LAWS MAY BE OBTAINED FROM THE CITY CLERK)

B. PROPERTY REPORT

AS OF THIS DATE, Building Division records indicate the following:

No outstanding work orders.

NOTE:

PROPERTY REPORTS PERTAIN TO BUILDING DIVISION FILES ONLY AND RELATE TO ENFORCEMENT PROCEEDINGS COMMENCED BY THIS DIVISION. OTHER DIVISIONS/DEPARTMENTS, INCLUDING BUT NOT LIMITED TO THE PARKING AND BY-LAW ENFORCEMENT DIVISION, FIRE DEPARTMENT, PUBLIC HEALTH SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT MAY HAVE COMMENCED ENFORCEMENT PROCEEDINGS. TO OBTAIN INFORMATION CONCERNING ANY SUCH ENFORCEMENT PROCEEDINGS, YOU MUST CONTACT THOSE DIVISIONS/DEPARTMENTS YOURSELF. ALSO NOTE THAT THIS DOES NOT IMPLY THAT A FIELD INSPECTION HAS BEEN CARRIED OUT.

NOTE: THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT IS CURRENTLY DRAFTING A NEW COMPREHENSIVE ZONING BY-LAW 05-200 FOR THE ENTIRE CITY OF HAMILTON. HAMILTON ZONING BY-LAW 05-200 WILL BE INTRODUCED IN VARIOUS STAGES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND RURAL ZONES. AS A RESULT, THE ZONING OF PROPERTIES THROUGHOUT THE CITY MAY BE AFFECTED.

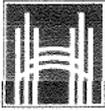
*** THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OF HAMILTON OR ITS OFFICIALS ***

FOR DIRECTOR OF BUILDING DIVISION

CERT. NO. [20-147467 00 ZE2]

DATE ISSUED: January 21, 2020

MAIL TO: MATTHEW CHRISTIE, 725 COLLEGE, PO BOX 31021 COLLEGE SQ ST. , TORONTO, Ontario, M6G 1C5



Hamilton

**APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE PLANNING ACT**

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Barton Street Lofts c/o Stephen Rusk
Applicant(s)	Stephen Rusk 2271 Towne Blvd Oakville, ON L6H 5J9
Agent or Solicitor	



- 1.2 All correspondence should be sent to Owner Applicant
 Agent/Solicitor
- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____
- 1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	309 Barton Street East, Hamilton L8L 2X4		
Assessment Roll Number	251803021506460		
Former Municipality			
Lot	29 & 30	Concession	
Registered Plan Number	PL 33	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

refer to attached.

Conversion of Main floor commercial to Mixed use - Commercial facing Barton Street and

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

refer to attached.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 - Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
53.00 ft	80.25 ft	4,682.30 ft ²	50 FT
<i>16.1544 m</i>	<i>24.4602 m</i>	<i>434.999 m²</i>	<i>15.24 m</i>

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
3 STOREY MASONRY	0 setback	2 metres 4.83 metres	9 metres	1925

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
3 STOREY MASONRY NO CHANGE	0 setback	4.83 metres	9 metres	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
3 STOREY MASONRY	260.58 M2	791.76 M2	3 STOREY	10.34 M

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
3 STOREY MASONRY	265.59 M2	786.74 M2	3 STOREY	10.34 M

4.4 Type of water supply: (check appropriate box)

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales
- ditches
- other means (specify)

4.6 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)

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

MIXED RESIDENTIAL/COMMERCIAL

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

MIXED RESIDENTIAL/COMMERCIAL

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

August 2023

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

MIXED RESIDENTIAL/COMMERCIAL

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

MIXED RESIDENTIAL/COMMERCIAL

7.4 Length of time the existing uses of the subject property have continued:

SINCE 1925

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) mixed use medium density.

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

7.6 What is the existing zoning of the subject land? C5a

7.8 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:

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

Yes No

If yes, please provide the file number:

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 6 RESIDENTIAL 3 COMMERCIAL

8.2 Number of Dwelling Units Proposed: 9 RESIDENTIAL 3 COMMERCIAL

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
- _____
- _____



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-23:60	SUBJECT PROPERTY:	162 STONE CHURCH ROAD E , HAMILTON, ONT
-------------------------	-------------------	--------------------------	--

APPLICANTS: Owner: ANGELA SALEMI & RYAN KOTAR
Agent: MATT JOHNSTON - URBAN SOLUTIONS PLANNING

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 remain.

	Frontage	Depth	Area
SEVERED LANDS:	22.860 m [±]	34 m [±]	777.060 m ² ±
RETAINED LANDS:	22.860 m [±]	56.068 m [±]	1,281.320 m ² ±

Associated Planning Act File(s): HM/A-23:236

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, October 5, 2023
TIME:	9:30 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	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-23:60

- 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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:60, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

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.

HM/B-23:60



 Subject Lands

DATED: September 19, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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.**

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

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadjustment

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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

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

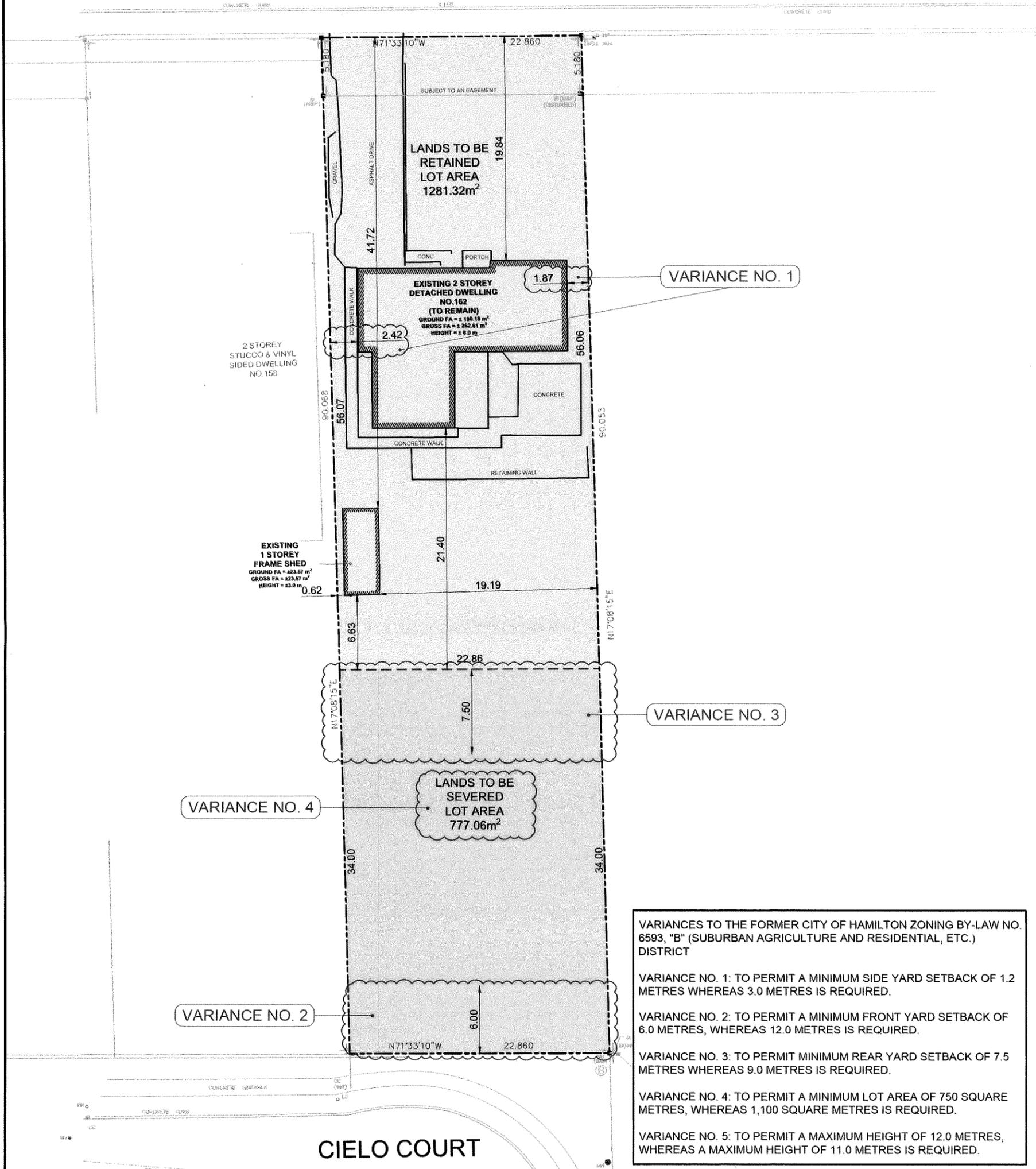
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SCALE 1:350

DEVELOPMENT STATISTIC CHART		
ITEMS	Retained Land	Severed Land
Lot Frontage	22.86m	22.86m
Depth	56.06m	34.00m
Lot Area	1,281.32m ²	777.06m ²
Use	Residential	Residential

STONE CHURCH ROAD EAST



VARIANCES TO THE FORMER CITY OF HAMILTON ZONING BY-LAW NO. 6593, "B" (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) DISTRICT

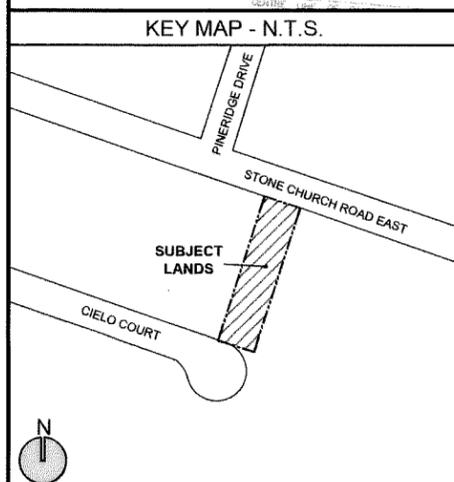
VARIANCE NO. 1: TO PERMIT A MINIMUM SIDE YARD SETBACK OF 1.2 METRES WHEREAS 3.0 METRES IS REQUIRED.

VARIANCE NO. 2: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES, WHEREAS 12.0 METRES IS REQUIRED.

VARIANCE NO. 3: TO PERMIT MINIMUM REAR YARD SETBACK OF 7.5 METRES WHEREAS 9.0 METRES IS REQUIRED.

VARIANCE NO. 4: TO PERMIT A MINIMUM LOT AREA OF 750 SQUARE METRES, WHEREAS 1,100 SQUARE METRES IS REQUIRED.

VARIANCE NO. 5: TO PERMIT A MAXIMUM HEIGHT OF 12.0 METRES, WHEREAS A MAXIMUM HEIGHT OF 11.0 METRES IS REQUIRED.



LEGEND:

- SUBJECT LANDS
- PROPOSED SEVERANCE LINE
- LANDS TO BE SEVERED
- LANDS TO BE RETAINED
- EXISTING BUILDINGS

SCALE 1:350
METRES

PREPARED BY:

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

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

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.

TITLE: COMMITTEE OF ADJUSTMENT SKETCH	
PROJECT: 162 STONE CHURCH ROAD EAST CITY OF HAMILTON	
CLIENT: ANGELA SALEMI & RYAN KOTAR	
DESIGN BY: J. STANLEY	CHECKED BY: S. ERICKSON
DRAWN BY: J. STANLEY	DATE: AUGUST 31, 2023
U/S FILE NUMBER: 489-23	SHEET NUMBER: 1



August 31, 2023

489-23

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: 162 Stone Church Road East, Hamilton
 Consent to Sever & Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Ms. Angela Salemi and Mr. Ryan Kotar, for the lands municipally known as 162 Stone Church Road East in the City of Hamilton. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the severance of the subject lands on their behalf.

The subject lands are comprised of a rectangularly-shaped, +/- 2,058.38 m² through lot with +/- 22.86 m of primary frontage on Stone Church Road East and +/- 22.86 m of rear frontage onto Cielo Court. Abutting the lands to the east is a vacant grassed lot, with low density residential uses surrounding the property on every other side. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned "B" (*Suburban Agriculture and Residential, Etc.*) District in the Former City of Hamilton Zoning By-law No. 6593.

Purpose of the Application

The purpose of the application is to sever the rear portion of the lands that contains frontage onto Cielo Court. The proposed severance is in keeping with existing lots to the west of the lands, with lot depths measured from Cielo Court being around 33.0 to 34.0 metres (HM/B-15:19; HM/B-15:20; HM/B-15:21; HM/B-15:22; HM/B-22:56; & HM/B-21:78). As such, the lands to be severed will have 34 metres of depth, +/-22.86 m of frontage onto Cielo Court and a lot area of +/- 777.06 m², whereas the lands to be retained will keep the existing +/- 22.86 m of frontage onto Stone Church Road East and have an area of approximately +/- 1,281.32 m².

A Minor Variance application is required to bring the proposal into conformity with the applicable "B" District regulations. Specifically, a reduction in the minimum side yard is required to have regard for existing conditions of the detached dwelling on site. Additional variances pertaining to minimum rear yard, front yard, maximum height, and minimum lot area will be required to bring the severed portion of lands into conformity with the Zoning By-law. These variances will reflect the dimensions of the existing lots to the west which were obtained through previous Committee of Adjustment approvals.

The requested variances are as follows:

Variance No. 1 – To permit a minimum side yard setback of 1.2 metres, whereas 3.0 metres is required;

Variance No. 2 – To permit a minimum front yard setback of 6.0 metres, whereas 12.0 metres is required;

Variance No. 3 – To permit a minimum rear yard setback of 7.5 metres, whereas 9.0 metres is required; and,

Variance No. 4 – To permit a minimum lot area of 750.0 square metres, whereas 1,100.0 square metres is required.

Variance No. 5 – To permit a maximum height of 12.0 metres, whereas a maximum height of 11.0 metres is required.

As per Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The variance is minor in nature;
- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law; and,
- The proposal is desirable for the appropriate development or use of the land.

The proposed variances are required in part to legally recognize existing conditions on-site pertaining to the existing detached dwelling. Variances 2 to 4 are requested to bring the lot into conformity with existing lots to the west and contribute to the evolving parcel fabric along Cielo Court. Variance No. 5 ensures the maximum height on site reflects the site's topography, having regard for the limitations of "maximum height" as defined by the Zoning By-law relating to measurements from average grade to architectural top. As such, the variances are minor in nature.

The *Neighbourhoods* Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications. As such, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The "B" District permits a range of residential uses. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed lands. The requested increase in maximum height will ensure that the actual height of a future dwelling on the severed lands will not be affected by the site's topography and be closer to the currently permitted 11.0 metre height restriction. With the approval of the requested variances, the severed lands can maintain the intent of the "B" District regulations permitted uses and ensure the lands can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. Additionally, the requested variances are intended to maintain the existing and planned character of Cielo Court by introducing a parcel fabric consistent with existing lots to the west of the lands. Therefore, the proposal is desirable for the appropriate use of the land.

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. The proposal is consistent with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it facilitates intensification within delineated urban areas. The proposed severances conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Additionally, the continued residential use of the lands implements the intent of the Former City of Hamilton Zoning By-law No. 6593. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

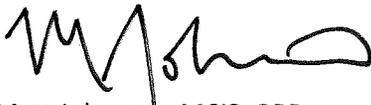
To assist in the evaluation of the application, please refer to the enclosed Committee of Adjustment Sketch.

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

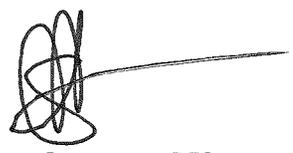
- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** 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



Stefano Rosatone, BES
Planner

cc: Ms. Angela Salemi & Mr. Ryan Kotar
Councillor John-Paul Danko, Ward 8



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
and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT*

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	n/a		Phone:
			E-mail:
Registered Owners(s)	Angela Salemi & Ryan Kotar		
Applicant(s)**	Same as Owner		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent n/a

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	162 Stone Church Road East		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of Lot 13	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

Part 3, Plan 62R-11485 - Subject to easement as in VM67744

3 PURPOSE OF THE APPLICATION

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

- creation of a new lot(s)
 concurrent new lot(s)
 addition to a lot
 a lease
 an easement
 a correction of title
 validation of title (must also complete section 8)
 a charge
 cancellation (must also complete section 9)
 creation of a new non-farm parcel (must also complete section 10)
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land: Please also refer to enclosed Committee of Adjustment Sketch

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Lands to be Retained	Lands to be Severed			
Type of Transfer	N/A	Lot Creation			
Frontage	22.860 m	22.860 m			
Depth	56.068	34.000 m			
Area	1,281.320 sq.m.	777.060 sq.m.			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Detached Dwelling + Frame Shed	Vacant			
Proposed Buildings/ Structures	Detached Dwelling + Frame Shed	n/a			
Buildings/ Structures to be Removed	n/a	n/a			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year

- right of way
- other public road

b) 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)

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please refer to enclosed Cover Letter.

- 5.2 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 known, provide the appropriate file number and status of the application.

n/a +

- 5.3 What is the existing zoning of the subject land? Suburban Agriculture and Residential, Etc. "B" District
in the Former City of Hamilton Zoning By-law No. 6593
 If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

n/a

- 5.4 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 known, provide the appropriate file number and status of the application.

n/a

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	Retail & Fitness ~450 m
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

n/a

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

n/a

- 6.3 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

- 6.4 How long has the applicant owned the subject land?

since June 6, 2023

- 6.5 Does the applicant own any other land in the City? Yes No
 If YES, describe the lands below or attach a separate page.

n/a

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

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

Please refer to enclosed Cover Letter.

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

Please refer to enclosed Cover Letter.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No (Provide explanation)

n/a

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:236	SUBJECT PROPERTY:	162 STONE CHURCH ROAD E , HAMILTON, ONT
ZONE:	"B" (Suburban Agriculture and Residential District)	ZONING BY-LAW:	Zoning By-law former City of Hamilton 6593, as Amended

APPLICANTS: Owner: ANGELA SALEMI & RYAN KOTAR
Agent: MATT JOHNSTON - URBAN SOLUTIONS PLANNING

The following variances are requested:

1. A maximum building height of 12 metres shall be permitted instead of the requirement that no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres in height.
2. A minimum front yard depth of 6.0 metres shall be permitted instead of the required front yard depth of at least 12.0 metres.
3. A side yard width of 1.2 metres shall be permitted instead of the required side yard width of 3.0 metres.
4. A rear yard depth of 7.5 metres shall be permitted instead of the required rear yard depth of 9.0 metres.
5. A minimum lot area of 750.0 squared metres shall be permitted instead of the required minimum lot area of 1,100 squared metres.

PURPOSE & EFFECT: To facilitate the severance of an existing lot/parcel.

Notes:

1. Please be advised a building envelope was not provided for the lands to be severed. Therefore, variances have been written as requested.
2. Please be advised variance #3 is not required however the variance has been written as requested by the applicant to legally establish the existing condition.

HM/A-23:236

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, October 5, 2023
TIME:	9:30 a.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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:236, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

HM/A-23:236



 Subject Lands

DATED: September 19, 2023

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

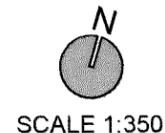
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

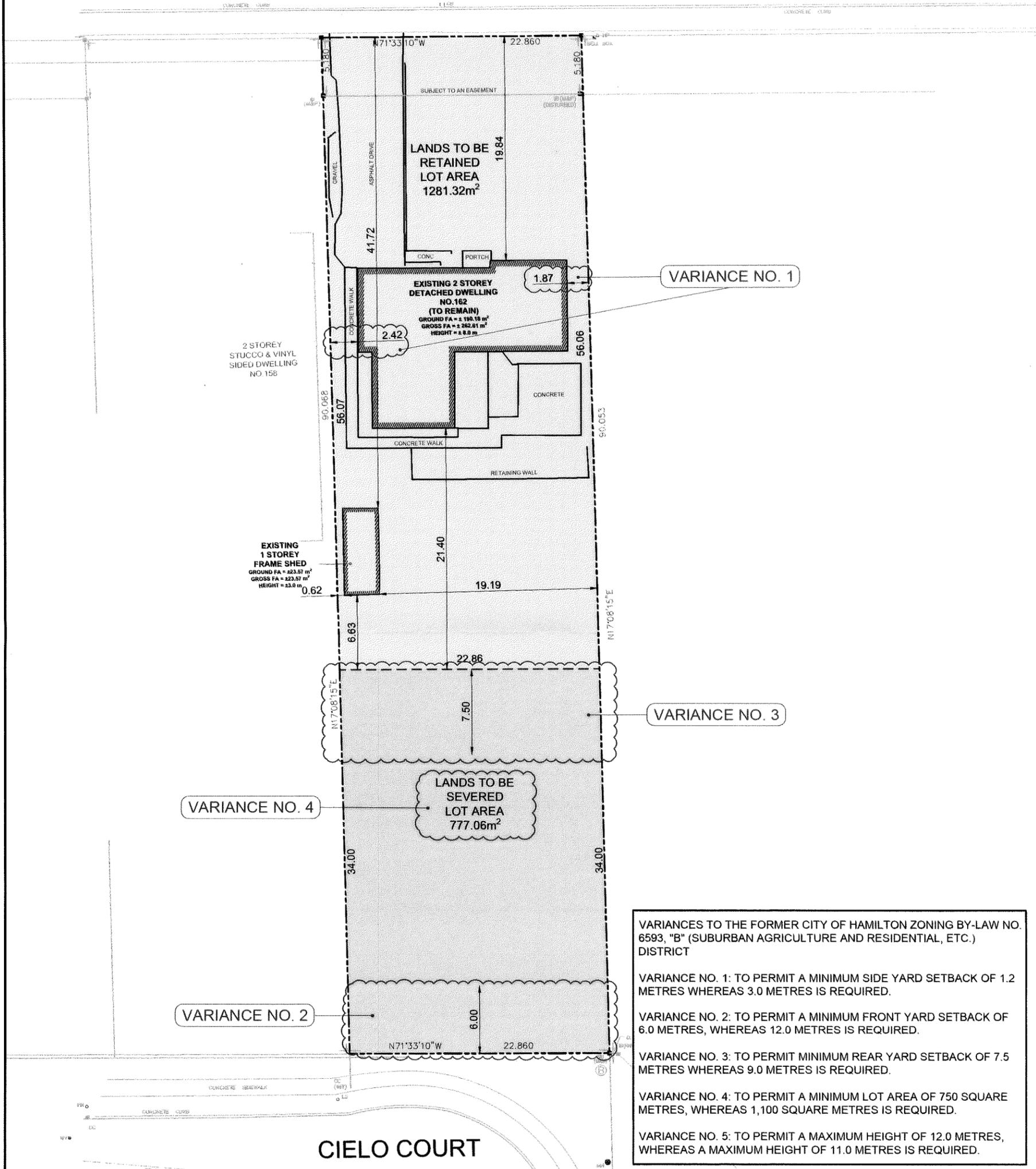
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Lot Area	1,281.32m ²	777.06m ²
Use	Residential	Residential



STONE CHURCH ROAD EAST



VARIANCES TO THE FORMER CITY OF HAMILTON ZONING BY-LAW NO. 6593, "B" (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) DISTRICT

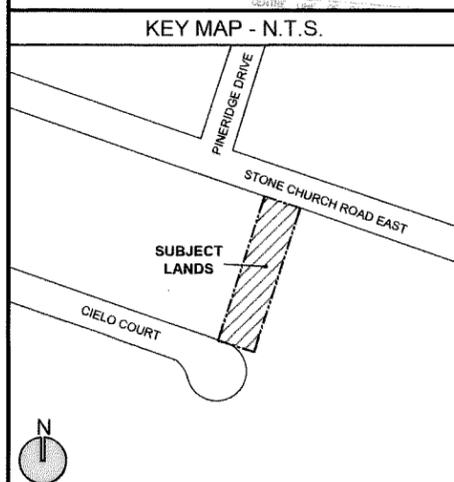
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- SUBJECT LANDS
- PROPOSED SEVERANCE LINE
- LANDS TO BE SEVERED
- LANDS TO BE RETAINED
- EXISTING BUILDINGS

SCALE 1:350
METRES

PREPARED BY:

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

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

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.

TITLE:
COMMITTEE OF ADJUSTMENT SKETCH

PROJECT:
162 STONE CHURCH ROAD EAST
CITY OF HAMILTON

CLIENT:
ANGELA SALEMI & RYAN KOTAR

DESIGN BY: J. STANLEY	CHECKED BY: S. ERICKSON
DRAWN BY: J. STANLEY	DATE: AUGUST 31, 2023
U/S FILE NUMBER: 489-23	SHEET NUMBER: 1



August 31, 2023

489-23

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: 162 Stone Church Road East, Hamilton
 Consent to Sever & Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Ms. Angela Salemi and Mr. Ryan Kotar, for the lands municipally known as 162 Stone Church Road East in the City of Hamilton. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the severance of the subject lands on their behalf.

The subject lands are comprised of a rectangularly-shaped, +/- 2,058.38 m² through lot with +/- 22.86 m of primary frontage on Stone Church Road East and +/- 22.86 m of rear frontage onto Cielo Court. Abutting the lands to the east is a vacant grassed lot, with low density residential uses surrounding the property on every other side. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned "B" (*Suburban Agriculture and Residential, Etc.*) District in the Former City of Hamilton Zoning By-law No. 6593.

Purpose of the Application

The purpose of the application is to sever the rear portion of the lands that contains frontage onto Cielo Court. The proposed severance is in keeping with existing lots to the west of the lands, with lot depths measured from Cielo Court being around 33.0 to 34.0 metres (HM/B-15:19; HM/B-15:20; HM/B-15:21; HM/B-15:22; HM/B-22:56; & HM/B-21:78). As such, the lands to be severed will have 34 metres of depth, +/-22.86 m of frontage onto Cielo Court and a lot area of +/- 777.06 m², whereas the lands to be retained will keep the existing +/- 22.86 m of frontage onto Stone Church Road East and have an area of approximately +/- 1,281.32 m².

A Minor Variance application is required to bring the proposal into conformity with the applicable "B" District regulations. Specifically, a reduction in the minimum side yard is required to have regard for existing conditions of the detached dwelling on site. Additional variances pertaining to minimum rear yard, front yard, maximum height, and minimum lot area will be required to bring the severed portion of lands into conformity with the Zoning By-law. These variances will reflect the dimensions of the existing lots to the west which were obtained through previous Committee of Adjustment approvals.

The requested variances are as follows:

Variance No. 1 – To permit a minimum side yard setback of 1.2 metres, whereas 3.0 metres is required;

Variance No. 2 – To permit a minimum front yard setback of 6.0 metres, whereas 12.0 metres is required;

Variance No. 3 – To permit a minimum rear yard setback of 7.5 metres, whereas 9.0 metres is required; and,

Variance No. 4 – To permit a minimum lot area of 750.0 square metres, whereas 1,100.0 square metres is required.

Variance No. 5 – To permit a maximum height of 12.0 metres, whereas a maximum height of 11.0 metres is required.

As per Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The variance is minor in nature;
- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law; and,
- The proposal is desirable for the appropriate development or use of the land.

The proposed variances are required in part to legally recognize existing conditions on-site pertaining to the existing detached dwelling. Variances 2 to 4 are requested to bring the lot into conformity with existing lots to the west and contribute to the evolving parcel fabric along Cielo Court. Variance No. 5 ensures the maximum height on site reflects the site's topography, having regard for the limitations of "maximum height" as defined by the Zoning By-law relating to measurements from average grade to architectural top. As such, the variances are minor in nature.

The *Neighbourhoods* Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications. As such, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The "B" District permits a range of residential uses. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed lands. The requested increase in maximum height will ensure that the actual height of a future dwelling on the severed lands will not be affected by the site's topography and be closer to the currently permitted 11.0 metre height restriction. With the approval of the requested variances, the severed lands can maintain the intent of the "B" District regulations permitted uses and ensure the lands can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. Additionally, the requested variances are intended to maintain the existing and planned character of Cielo Court by introducing a parcel fabric consistent with existing lots to the west of the lands. Therefore, the proposal is desirable for the appropriate use of the land.

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. The proposal is consistent with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it facilitates intensification within delineated urban areas. The proposed severances conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Additionally, the continued residential use of the lands implements the intent of the Former City of Hamilton Zoning By-law No. 6593. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

To assist in the evaluation of the application, please refer to the enclosed Committee of Adjustment Sketch.

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

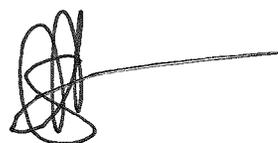
- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** 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



Stefano Rosatone, BES
Planner

cc: Ms. Angela Salemi & Mr. Ryan Kotar
Councillor John-Paul Danko, Ward 8



Hamilton

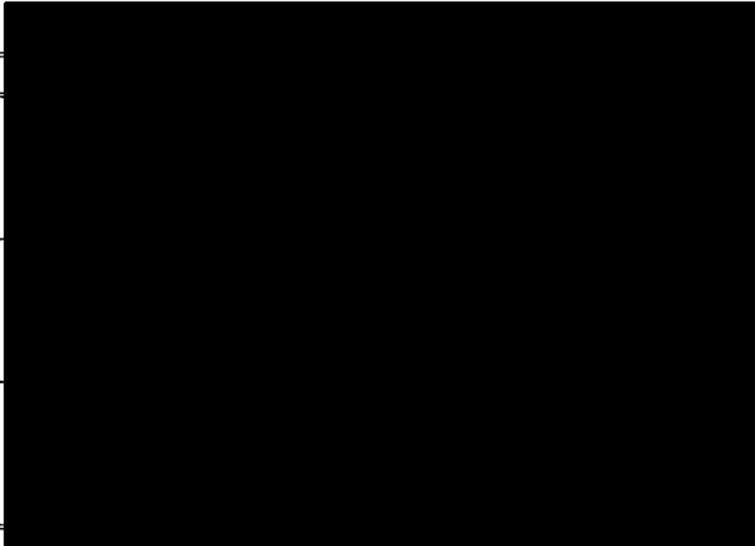
Committee of Adjustment
 City Hall, 5th Floor,
 71 Main St. W.,
 Hamilton, ON L8P4Y5

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

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Angela Salemi & Ryan Kotar
Applicant(s)	Same as Owner
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)



- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent n/a
- 1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	162 Stone Church Road East		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of Lot 13	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

Part 3, Plan 62R-11485 - Subject to easement as in VM67744

3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Please refer to enclosed Cover Letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Please refer to enclosed Cover Letter.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

n/a

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands: Please also refer to enclosed Committee of Adjustment Sketch

Lot Frontage	Lot Depth	Lot Area	Width of Street
22.860 m	90.068 m	2,058.380 sq.m.	+/- 20.100 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Detached Dwelling	19.844 m	55.389 m	1.848 m	unknown
Accessory Frame Shed	n/a	6.630 m	0.632 m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Detached Dwelling	unchanged	21.389 m	unchanged	unknown
Accessory Frame Shed	n/a	6.630 m	unchanged	unknown

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Detached Dwelling	190.18 sq.m.	262.61 sq.m.	2	+/- 7.0 m
Accessory Frame Shed	23.57 sq.m.	23.57 sq.m.	n/a	+/- 2.0 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Detached Dwelling	unchanged	unchanged	unchanged	unchanged
Accessory Frame Shed	unchanged	unchanged	unchanged	unchanged

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)
-

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)
-

- 4.6 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) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway
 - municipal road, seasonally maintained
 - municipal road, maintained all year
- right of way
 - other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
 Single Detached Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 Single Detached Dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
 June 6, 2023

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Single Detached Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Single Detached Dwelling

7.4 Length of time the existing uses of the subject property have continued:
 Unknown

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

~~Rural Hamilton Official Plan designation (if applicable): n/a~~

~~Rural Settlement Area: n/a~~

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

Please provide an explanation of how the application conforms with the Official Plan.
 Please refer to enclosed Cover Letter.

7.6 What is the existing zoning of the subject land? Suburban Agriculture and Residential, Etc. "B" District
 in the Former City of Hamilton Zoning By-law No. 6593

7.8 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: A-78:18

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

Yes No

If yes, please provide the file number: Concurrent application

~~7.10 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 N/A~~

~~7.11 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.~~

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

Please refer to enclosed Cover Letter.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:59	SUBJECT PROPERTY:	222 SULPHUR SPRINGS, ANCASTER,
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APPLICANTS: Owner: 222 SULPHUR INC
Agent: MATT JOHNSTON - URBAN SOLUTIONS PLANNING

PURPOSE & EFFECT: To sever the existing residential lot into three parcels, the severed lands will be two vacant residential building lots and the retained lands will contain the existing dwelling which is intended to remain (with the removal of the pool and pool house).

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	25.45 m [±]	56.10 m [±]	1,428.7 m ² ±
SEVERED LANDS (Part 2):	23.27 m [±]	56.10 m [±]	1,370.1 m ² ±
RETAINED LANDS (Part 3):	35.86 m [±]	52.53 m [±]	1,857 m ² ±

Associated Planning Act File(s): AN/A-23:234

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, October 5, 2023
TIME:	9:35 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

AN/B-23:59

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

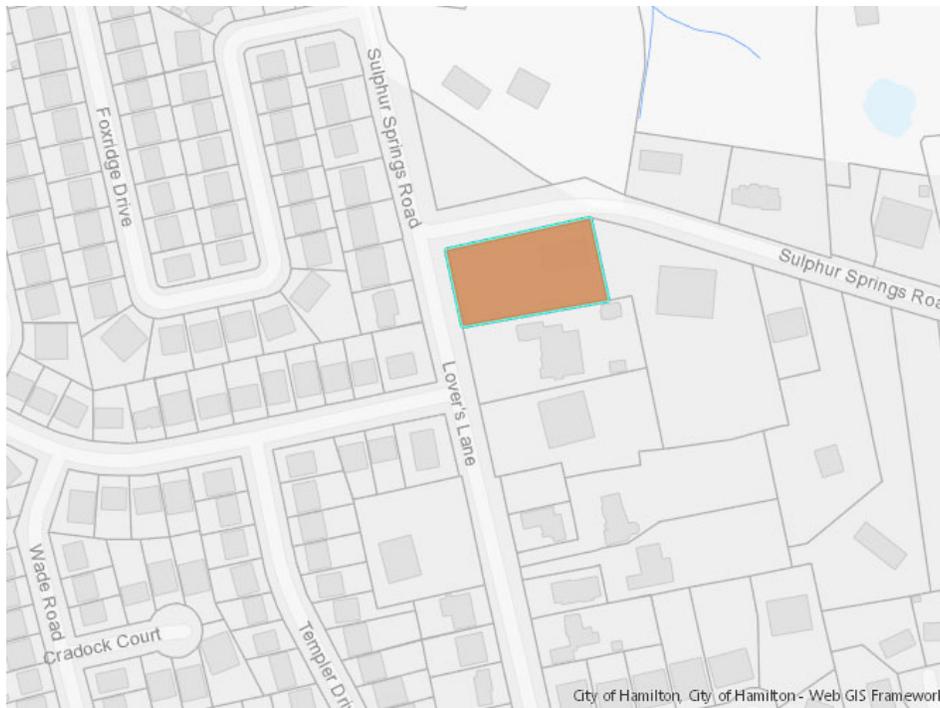
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:59, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

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.

AN/B-23:59



 **Subject Lands**

DATED: September 19, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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.**

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

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadadjustment

Oral Submissions During the Virtual Meeting

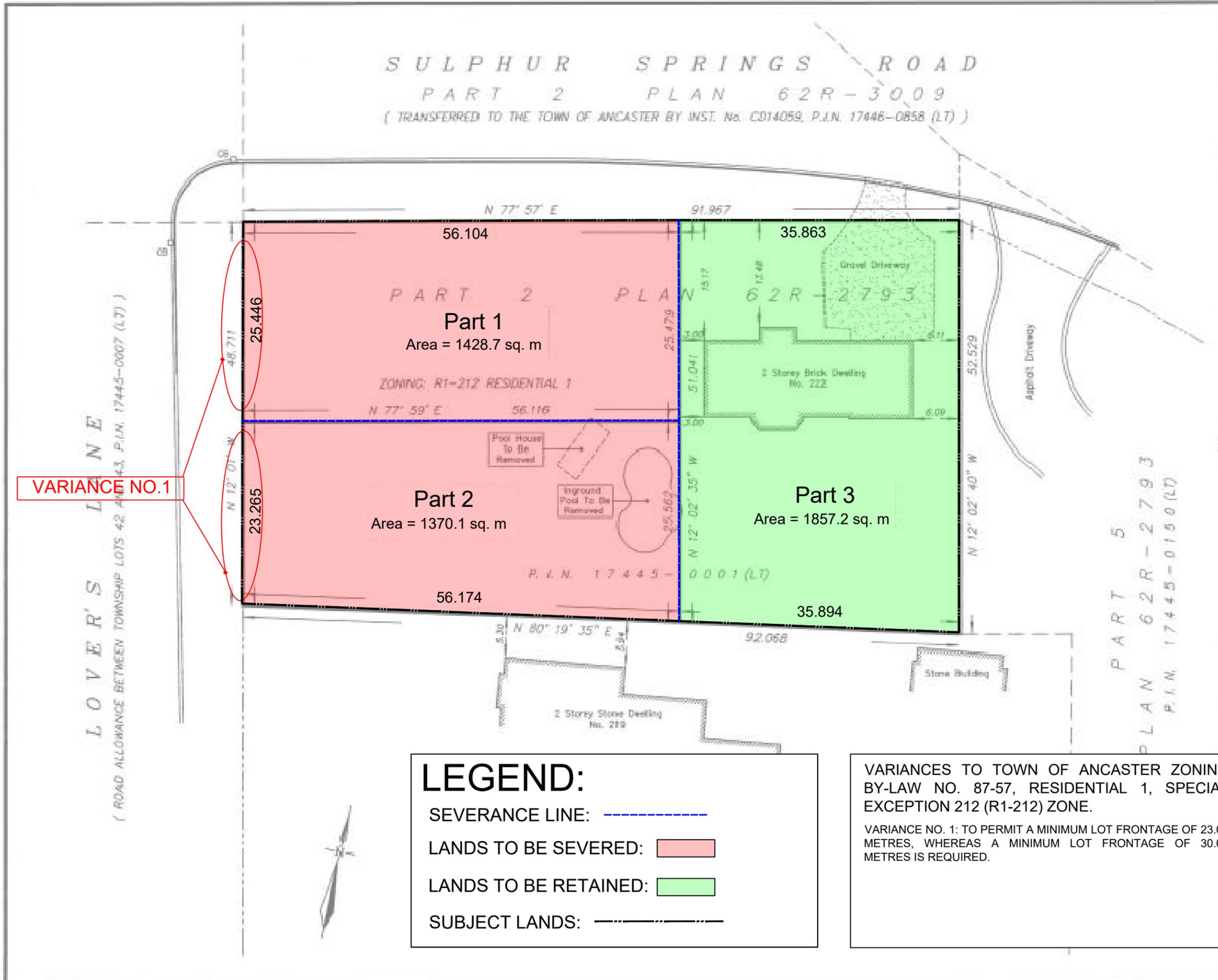
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

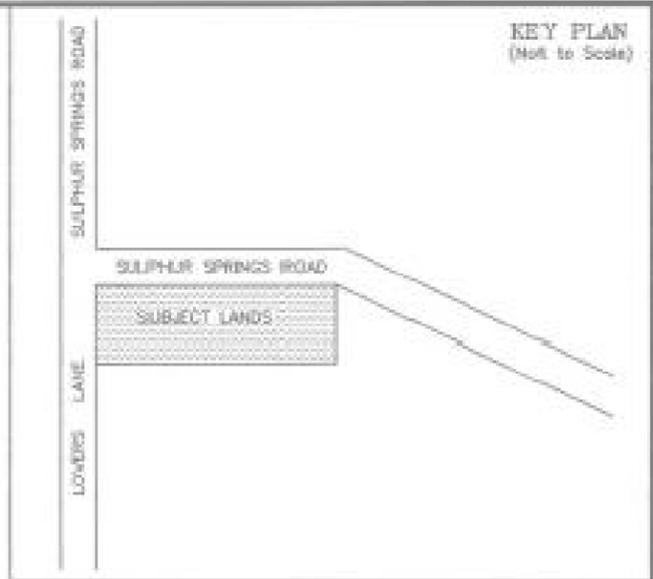
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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

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

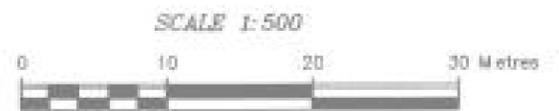


VARIANCE NO. 1



LAND DIVISION SKETCH
 (222 SULPHUR SPRINGS ROAD)

PART OF LOT 43
CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON



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

LEGEND:

SEVERANCE LINE:

LANDS TO BE SEVERED:

LANDS TO BE RETAINED:

SUBJECT LANDS:

VARIANCES TO TOWN OF ANCASTER ZONING BY-LAW NO. 87-57, RESIDENTIAL 1, SPECIAL EXCEPTION 212 (R1-212) ZONE.

VARIANCE NO. 1: TO PERMIT A MINIMUM LOT FRONTAGE OF 23.00 METRES, WHEREAS A MINIMUM LOT FRONTAGE OF 30.00 METRES IS REQUIRED.

B.A. JACOBS SURVEYING LTD.
 152 JACKSON STREET EAST, SUITE 102
 HAMILTON, ONTARIO (L8N 1L9)
 PHONE 905-521-1535 bjacobs@rogers.com



August 29, 2023

491-23

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: 222 Sulphur Springs Road, Ancaster
Consent to Sever & Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of 222 Sulphur Inc., for the lands municipally known as 222 Sulphur Springs Road in the Former Town of Ancaster. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the severance of the subject lands on their behalf.

The subject lands are comprised of a rectangularly-shaped, 4,656.00 m² corner lot with 48.711 metres of frontage on Lovers Lane and 91.967 metres of frontage onto Sulphur Springs Road. The property is surrounded by single-detached dwellings of varying lot sizes. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned 'Residential 1, Special Exception 212 (R1-212) Zone' in the Former Town of Ancaster Zoning By-law No. 87-57.

Purpose of the Application

The purpose of the application is to create two new lots fronting onto Lovers Lane that will have 25.45 metres of frontage and 1,428.70 m² of area, and 23.27 metres of frontage and 1,370.10 m² of area, respectively. The retained lands on the eastern portion of the subject lands will retain 35.86 m of frontage onto Sulphur Springs Road and have an area of 1,857 m² where the existing house will remain and the pool and pool house will be removed. A Minor Variance application is required to bring the proposal into conformity with the applicable "R1-212" Zone regulations pertaining to minimum lot frontage while all other zoning regulations will be adhered to.

The requested variance is as follows:

Variance No. 1 – To permit a minimum lot frontage of 23.00 metres, whereas a minimum lot frontage of 30.00 metres is required.

The variance is required to facilitate lot frontages of 23.27 and 25.45 metres and is minor and nature, implements the intent of the Official Plan and Zoning By-law No. 87-57, and is desirable for the appropriate development of the lands. As such, the proposal satisfies the four tests outlined in Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended. 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 Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Land Division Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** 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



Stefano Rosatone, BES
Planner

cc: 222 Sulphur Inc.



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
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	n/a		Phone:
Registered Owners(s)	222 Sulphur Inc		Email:
Applicant(s)**	222 Sulphur Inc.		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent n/a

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	222 Sulphur Springs Road		
Assessment Roll Number			
Former Municipality	Ancaster		
Lot	PT LT 43	Concession	2
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R2793	Part(s)	2

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)

- | | |
|---|-----------------------|
| <input checked="" type="checkbox"/> creation of a new lot(s) | concurrent new lot(s) |
| addition to a lot | a lease |
| an easement | a correction of title |
| validation of title (must also complete section 8) | a charge |
| cancellation (must also complete section 9) | |
| creation of a new non-farm parcel (must also complete section 10) | |
| (i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Part 3	Part 1	Part 2		
Type of Transfer	N/A	Lot Creation	Lot Creation		
Frontage	35.86 m	25.45 m	23.27 m		
Depth	52.53 m	56.10 m	56.10 m		
Area	1,857 sq.m.	1,428.7 sq.m.	1,370.1 sq.m.		
Existing Use	Residential	Residential	Residential		
Proposed Use	Residential	Residential	Residential		
Existing Buildings/ Structures	Single Family Detached Home	Single Family Detached Home	none		
Proposed Buildings/ Structures	n/a	Single Family Detached Home	Single Family Detached Home		
Buildings/ Structures to be Removed	Pool & Poolhouse	n/a	n/a		

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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)

c) 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): _____~~

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

See cover letter attached. The proposed lots are within the Urban Boundary with full municipal services available.

- 5.2 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 known, provide the appropriate file number and status of the application.

n/a #

- 5.3 What is the existing zoning of the subject land? Residential 1 (R1-212) Zone, Exception 212

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

n/a

- 5.4 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 known, provide the appropriate file number and status of the application.

n/a

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

n/a

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

n/a

6.3 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

6.4 How long has the applicant owned the subject land?

Since July 2023

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

If YES, describe the lands below or attach a separate page.

n/a

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

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

Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

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

Yes No (Provide explanation)

Please refer to enclosed Cover Letter.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

n/a



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-23:234	SUBJECT PROPERTY:	222 SULPHUR SPRINGS , ANCASTER, Ontario, can
ZONE:	"R1-212" (Residential)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: Owner: 222 SULPHUR INC
Agent: MATT JOHNSTON - URBAN SOLUTIONS PLANNING

The following variances are requested:

1. A minimum lot frontage of 23.0m shall be provided instead of the minimum required lot frontage of 30.0m.

PURPOSE & EFFECT: So as to permit the creation of three (3) new lots in accordance with Consent Application No. AN/B-23:59.

Notes:

- i. These variances are necessary to facilitate Consent Application No. AN/B-23:59.

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, October 5, 2023
TIME:	9:35 a.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/A-23:234

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.

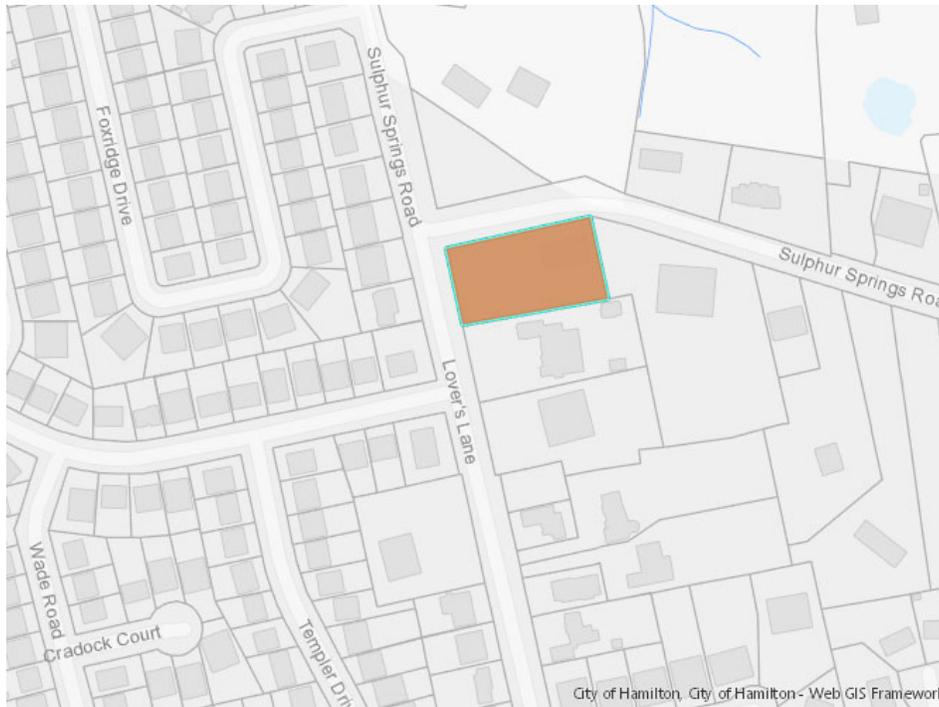
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-23:234, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

AN/A-23:234



DATED: September 19, 2023

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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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.

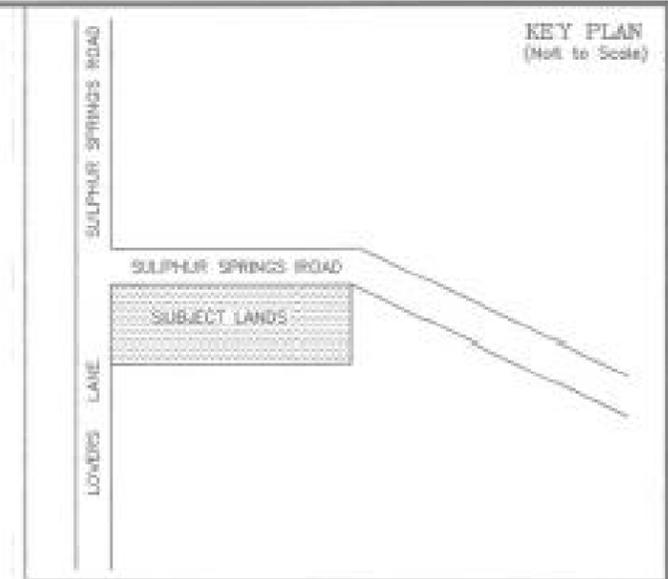
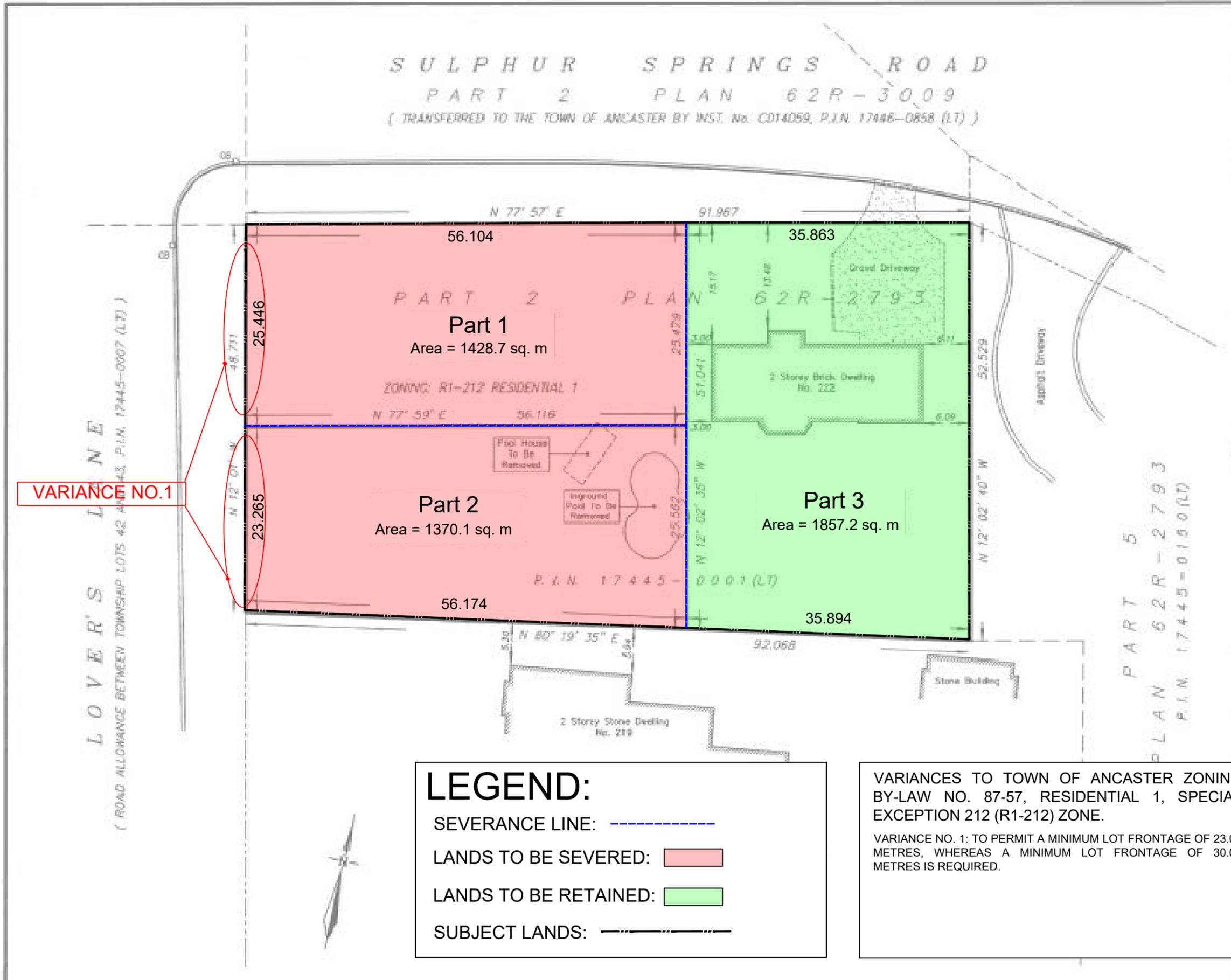
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



LAND DIVISION SKETCH
 (222 SULPHUR SPRINGS ROAD)

PART OF LOT 43
CONCESSION 2
 (GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON



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

VARIANCES TO TOWN OF ANCASTER ZONING
 BY-LAW NO. 87-57, RESIDENTIAL 1, SPECIAL
 EXCEPTION 212 (R1-212) ZONE.

VARIANCE NO. 1: TO PERMIT A MINIMUM LOT FRONTAGE OF 23.00
 METRES, WHEREAS A MINIMUM LOT FRONTAGE OF 30.00
 METRES IS REQUIRED.

B.A. JACOBS SURVEYING LTD.
 152 JACKSON STREET EAST, SUITE 102
 HAMILTON, ONTARIO (L8N 1L9)
 PHONE 905-521-1535 bajacobs@rogers.com

JOB No. 23e22-LDS



August 29, 2023

491-23

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: 222 Sulphur Springs Road, Ancaster
Consent to Sever & Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of 222 Sulphur Inc., for the lands municipally known as 222 Sulphur Springs Road in the Former Town of Ancaster. Please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the severance of the subject lands on their behalf.

The subject lands are comprised of a rectangularly-shaped, 4,656.00 m² corner lot with 48.711 metres of frontage on Lovers Lane and 91.967 metres of frontage onto Sulphur Springs Road. The property is surrounded by single-detached dwellings of varying lot sizes. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned 'Residential 1, Special Exception 212 (R1-212) Zone' in the Former Town of Ancaster Zoning By-law No. 87-57.

Purpose of the Application

The purpose of the application is to create two new lots fronting onto Lovers Lane that will have 25.45 metres of frontage and 1,428.70 m² of area, and 23.27 metres of frontage and 1,370.10 m² of area, respectively. The retained lands on the eastern portion of the subject lands will retain 35.86 m of frontage onto Sulphur Springs Road and have an area of 1,857 m² where the existing house will remain and the pool and pool house will be removed. A Minor Variance application is required to bring the proposal into conformity with the applicable "R1-212" Zone regulations pertaining to minimum lot frontage while all other zoning regulations will be adhered to.

The requested variance is as follows:

Variance No. 1 – To permit a minimum lot frontage of 23.00 metres, whereas a minimum lot frontage of 30.00 metres is required.

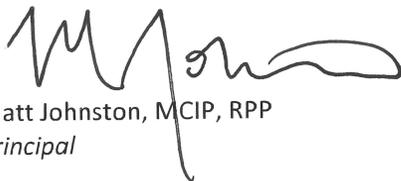
The variance is required to facilitate lot frontages of 23.27 and 25.45 metres and is minor and nature, implements the intent of the Official Plan and Zoning By-law No. 87-57, and is desirable for the appropriate development of the lands. As such, the proposal satisfies the four tests outlined in Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended. 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 Minor Variance Application form;
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the Land Division Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee; and,
- One (1) cheque in the amount of **\$3,220.00** 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



Stefano Rosatone, BES
Planner

cc: 222 Sulphur Inc.



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/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	222 Sulphur Inc
Applicant(s)	222 Sulphur Inc
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston (UrbanSolutions)

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

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent n/a

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	222 Sulphur Springs Road		
Assessment Roll Number			
Former Municipality	Ancaster		
Lot	PT LT 43	Concession	2
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R2793	Part(s)	2

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Lot Frontage of 23m and 25m for new lots within the R1-212 Zone

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The required frontage of 30m does not allow for the creation of two infill lots within the urban boundary, with full municipal services available.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

n/a

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
48.711 m & 91.967 m	Varies, refer to sketch.	4,656 sq.m.	Varies, refer to sketch.

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Family Dwelling	13.48 m	26.2 m	6.11 m	1980
Existing Pool House	7.5+ m	7.5+ m	3+ m	unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Single Family Dwelling	13.48 m	26.2 m	3	1980
New Single Family Dwelling	7.5+ m	7.5+ m	3	n/a
New Single Family Dwelling	7.5+ m	7.5+ m	3	n/a

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Single Family Dwelling	284.260 sq.m.	568.519 sq.m.	2 sty	+/- 10.5 m
Existing Pool House	22.342 sq.m.	22.342 sq.m.	1 sty	unknown

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Single Family Dwelling	284.260 sq.m.	568.519 sq.m.	2 sty	+/- 10.5 m
New Single Family Dwelling	TBC	TBC	TBC	<= 10.5 m
New Single Family Dwelling	TBC	TBC	TBC	<= 10.5 m

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

ditches
 other means (specify)

- 4.6 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) _____
- 4.7 Type of access: (check appropriate box)
 provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
 right of way
 other public road

- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
 Single Family Dwelling
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 Single Family Dwellings

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
 July 2023
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Single Family Dwelling
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Single Family Dwelling
- 7.4 Length of time the existing uses of the subject property have continued:
 30+ yrs
- 7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): n/a

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

Please provide an explanation of how the application conforms with the Official Plan.
 See attached

- 7.6 What is the existing zoning of the subject land? Residential 1 (R1-212) Zone, Exception 212
- 7.8 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:

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

Yes No

If yes, please provide the file number:

TBD

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing:

8.2 Number of Dwelling Units Proposed:

8.3 Additional Information (please include separate sheet if needed):

Please refer to enclosed Cover Letter.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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/A23:232	SUBJECT PROPERTY:	154 WILSON STREET E , ANCASTER, Ontario, CAN
ZONE:	"RM4-715" (Residential Multiple Zone)	ZONING BY-LAW:	Zoning By-law former Town of Ancaster 87-57, as Amended

APPLICANTS: Owner: T. VALERI CONSTRUCTION LTD(TED VALERI)
Agent: MHBC PLANNING LTD.(STEPHANIE MIRTITSCH & DAVE ASTON)

The following variances are requested:

1. To permit a maximum encroachment of 3.05 metres for the townhouse balconies into the required side yard instead of the permitted maximum encroachment of 1.85 metres.

PURPOSE & EFFECT: To accommodate second storey decks/balconies for each townhouse unit.

Notes:

- i. Variances 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, October 5, 2023
TIME:	9:40 a.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/A23:232

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

- Visit www.hamilton.ca/committeeofadjustment
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FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A23:232, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

AN/A23:232



Subject Lands

DATED: September 19, 2023

**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

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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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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.

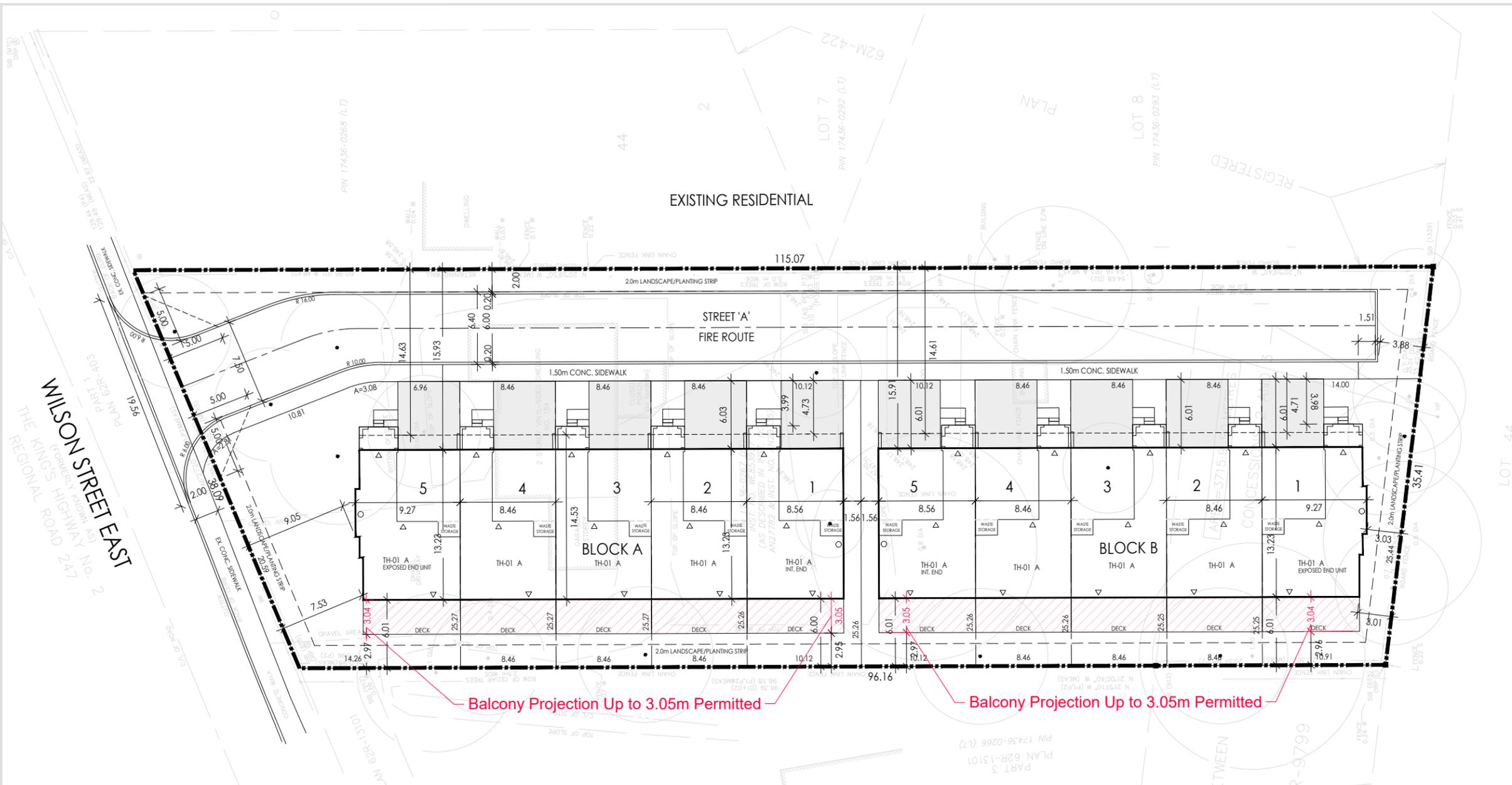
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

MINOR VARIANCE SKETCH

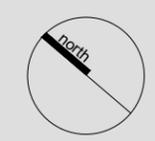
154 Wilson Street East
Ancaster

 Subject Lands (3,713.63 m² / 0.371ha)



Zoning RM4-715		
	Required	Provided
Minimum Lot Area	0.35ha	0.371ha
Minimum Lot Frontage	38m	38.09m
Ground Floor Area	-	799.4m ²
Gross Floor Area	-	3,069m ²
Maximum Lot Coverage	33%	32.2%
Minimum Front Yard	1.95m to Wilson St E	7.53m to Wilson St E
Minimum Side Yard	6.0m	6.0m
Minimum Rear Yard	2.95m	3.01m
Maximum Height	12.5m	10.43m
Minimum Landscaped Area	30%	39.9%
Minimum Planting Strip	2.0m width	2.0m width
Parking	20 (2 per unit)	20 (2 per unit)
Maximum Yard Encroachment for Balcony	1.85m	*3.05m *Minor Variance Required

Notes:
• For information purposes only

DATE: August, 2023	
FILE: 20348C	
SCALE: 1:400	
DRAWN: GC	

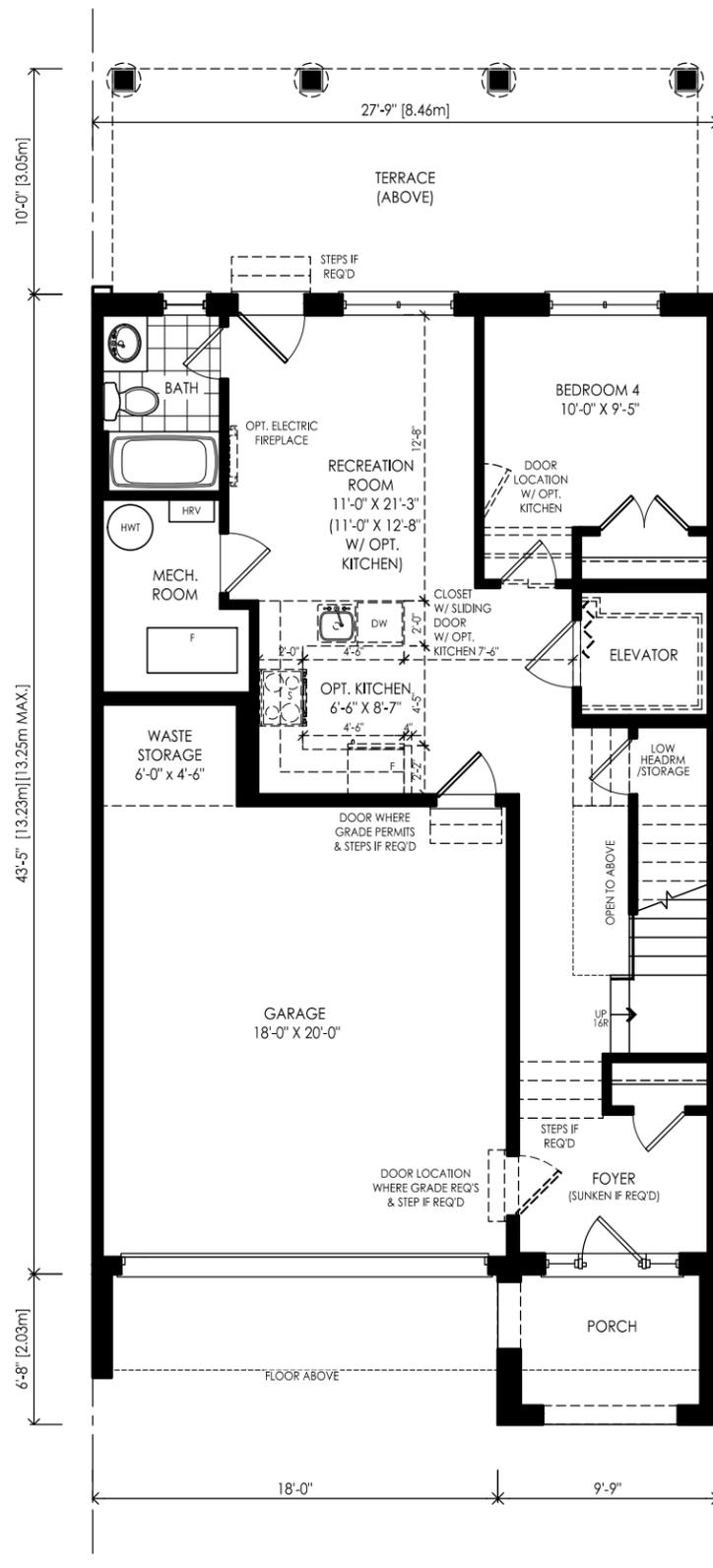
K:\20348C - 154 WILSON STREET ANCASTER\SPMV_SKETCH_21084-SP100-(JUN-01-2023).DWG



PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
 200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
 P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

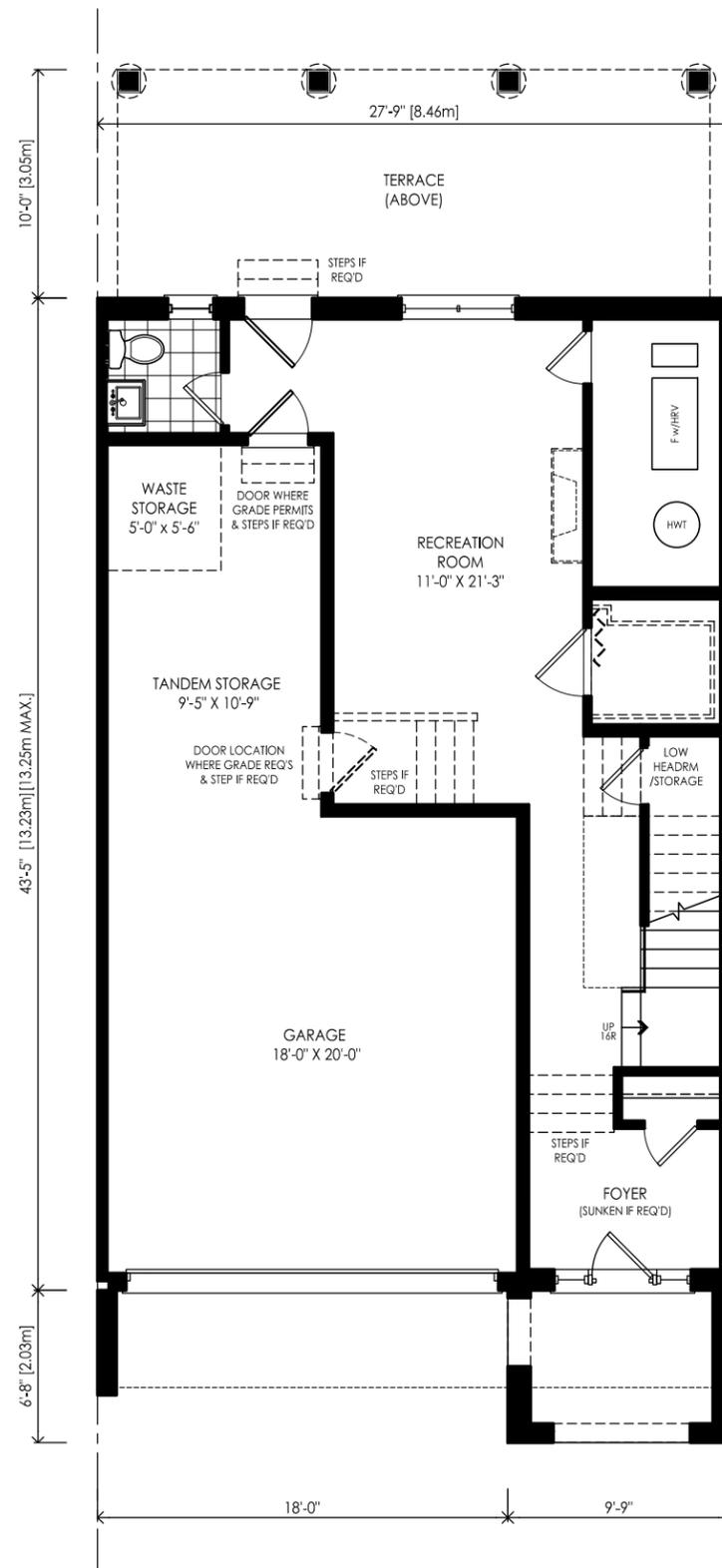


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WWW.THEPLUSGROUP.CA



GROUND FLOOR PLAN ELEV. 'A'

Floor Area:	794.1
Open To Below:	0.0
Total Area (not incl oib):	794.1
Coverage (With Porch):	1346.3
Coverage (Without Porch):	1322.8



OPTIONAL GROUND FLOOR PLAN ELEV. 'A'

Floor Area:	663.2
Open To Below:	0.0
Total Area (not incl oib):	663.2
Coverage (With Porch):	1346.3
Coverage (Without Porch):	1322.8

client

Valery Homes

project

154 Wilson Street
East
Ancaster

model

TH-1

project #

21084

scale

1/8" = 1'0"

page

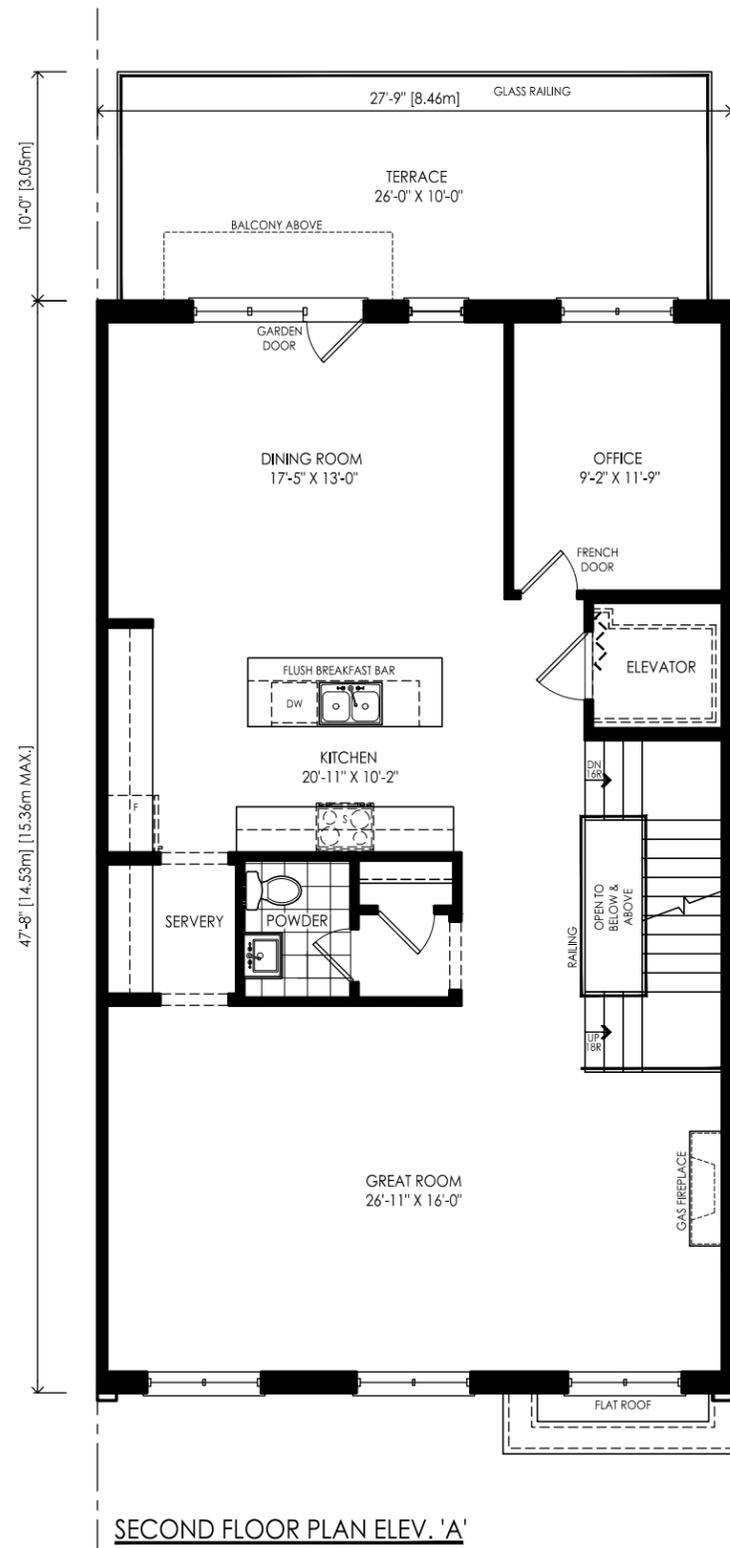
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3 ISSUED FOR FINAL	LP	8-Mar-23
4 ISSUED FOR REVIEW	LP	21-Jun-23
5 ISSUED FOR REVIEW	LP	28-Jul-23

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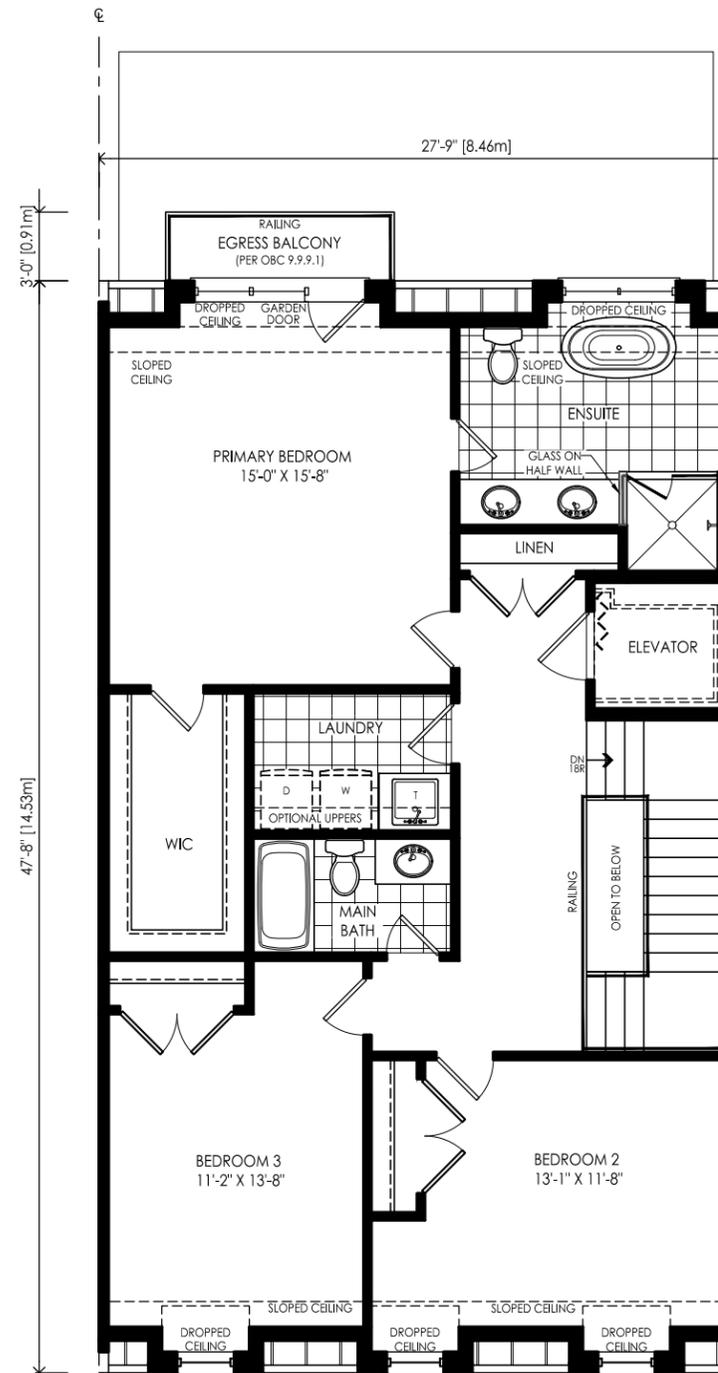


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SECOND FLOOR PLAN ELEV. 'A'

Floor Area: 1322.7
Open To Below: 18.8
Total Area (not incl oib): 1303.9



THIRD FLOOR PLAN ELEV. 'A'

Floor Area: 1290.2
Open To Below: 18.8
Total Area (not incl oib): 1271.4

client

Valery Homes

project

154 Wilson Street
East
Ancaster

model

TH-1

project #

21084

scale

1/8" = 1'0"

page

B2

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FRONT ELEVATION 'A'



REAR ELEVATION 'A'



REAR ELEVATION 'A' - OPTIONAL GROUND FLOOR

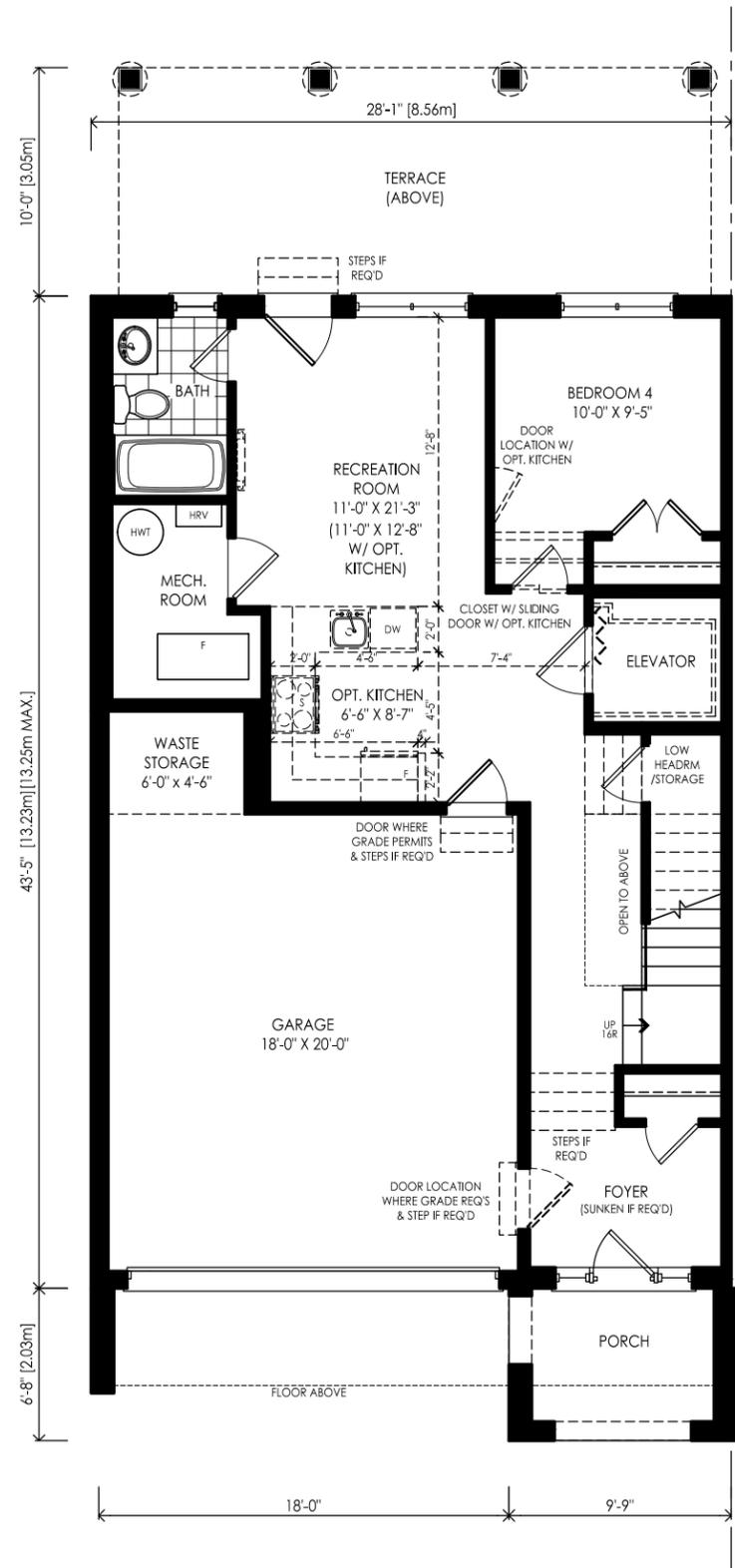
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model	TH-1
project #	21084
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5 ISSUED FOR REVIEW	LP	28-Jul-23

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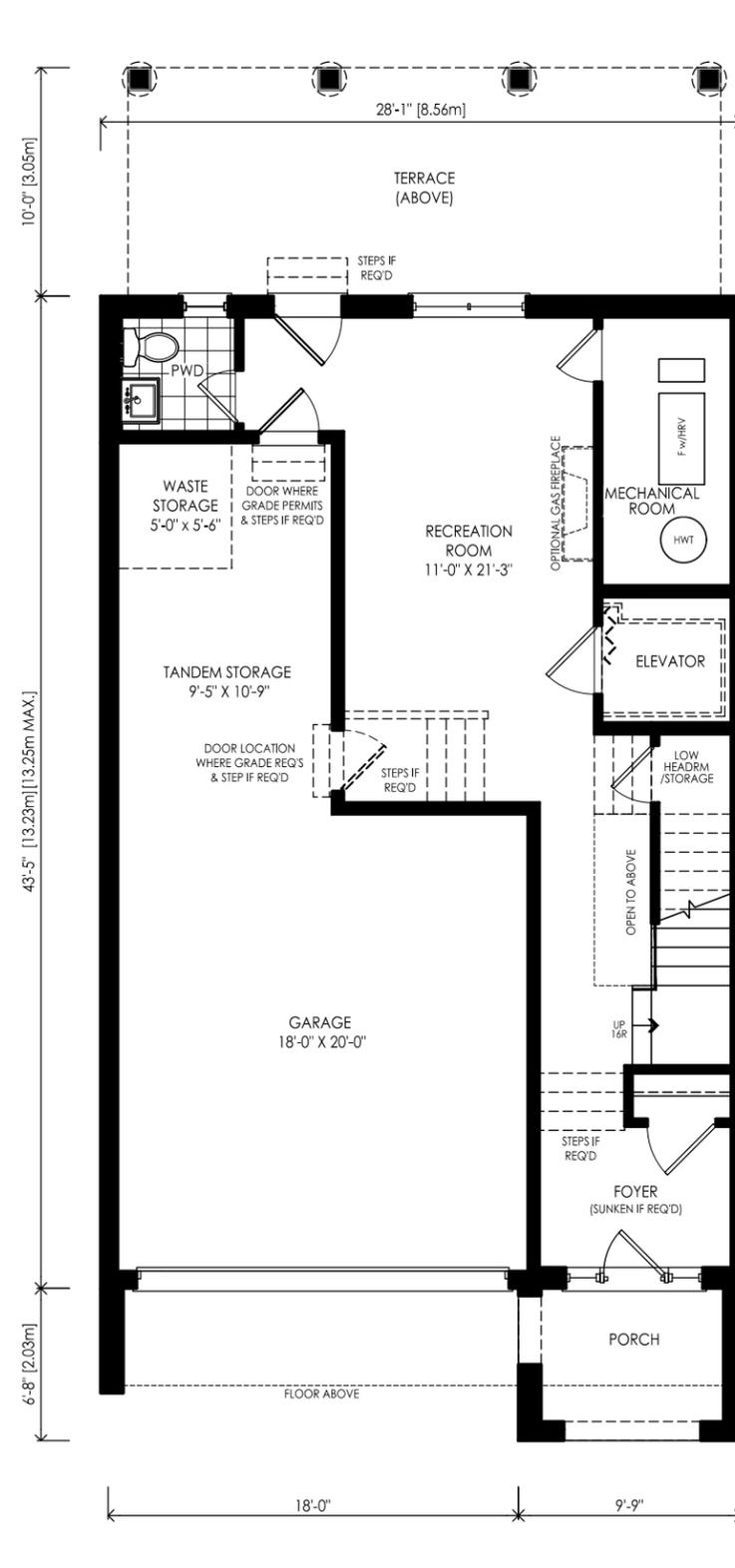


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Tel: 905-738-3177
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GROUND FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: 800.2
Open To Below: 0.0
Total Area (not incl oib): 800.2
Coverage (With Porch): 1362.2
Coverage (Without Porch): 1338.6



OPTIONAL GROUND FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: 665.3
Open To Below: 0.0
Total Area (not incl oib): 665.3
Coverage (With Porch): 1362.2
Coverage (Without Porch): 1338.6

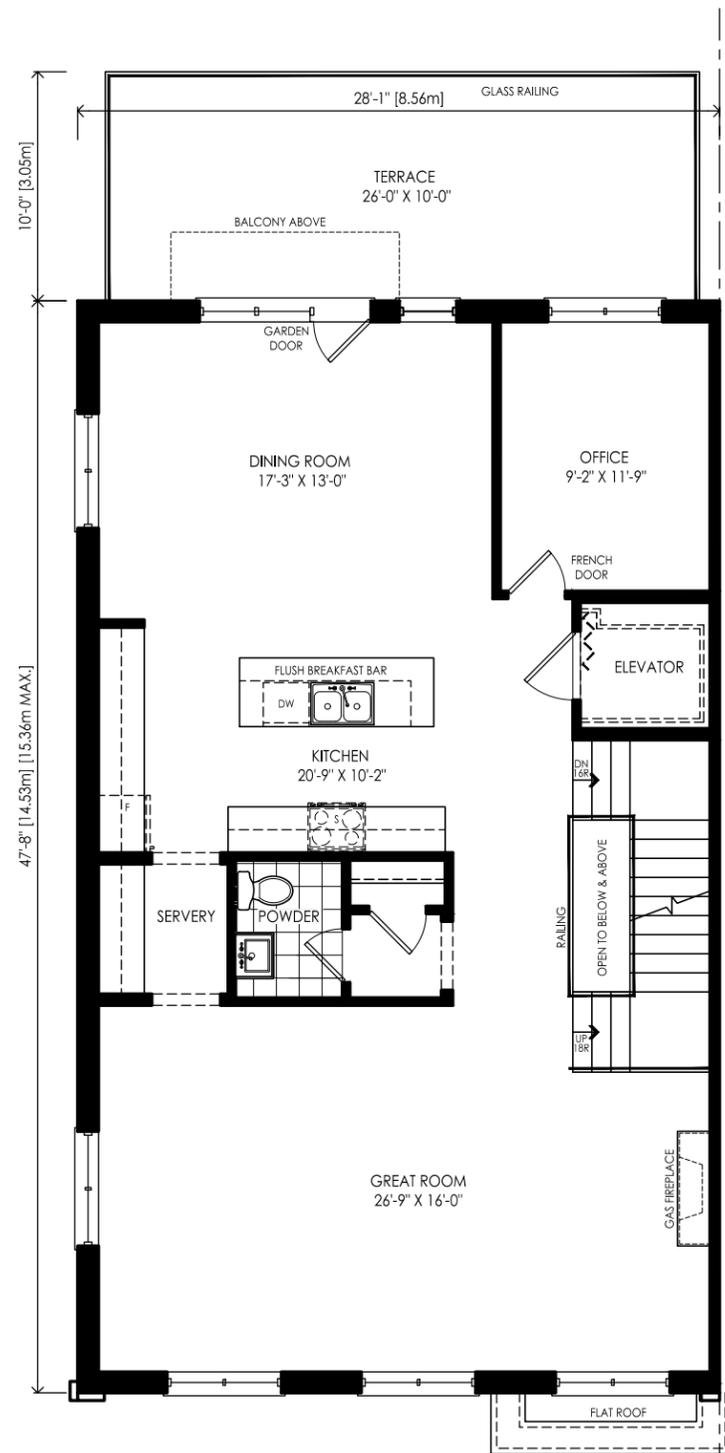
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model	TH-1
project #	21084
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3 ISSUED FOR FINAL	LP	8-Mar-23
4 ISSUED FOR REVIEW	LP	28-Jul-23

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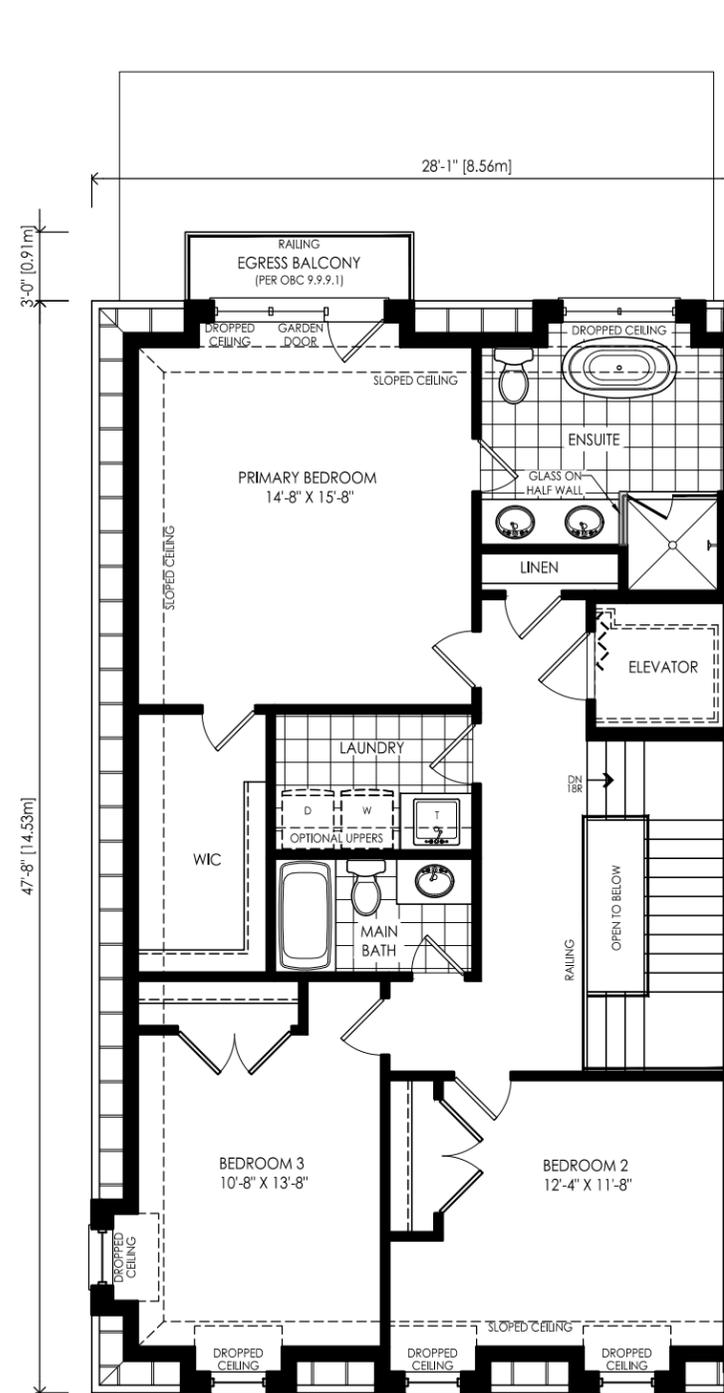


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SECOND FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: 1338.6
Open To Below: 18.8
Total Area (not incl otb): 1319.8



THIRD FLOOR PLAN ELEV. 'A' - INTERIOR END

Floor Area: 1248.7
Open To Below: 18.8
Total Area (not incl otb): 1229.9

client

Valery Homes

project

154 Wilson Street
East
Ancaster

model

TH-1

project #

21084

scale

1/8" = 1'0"

page

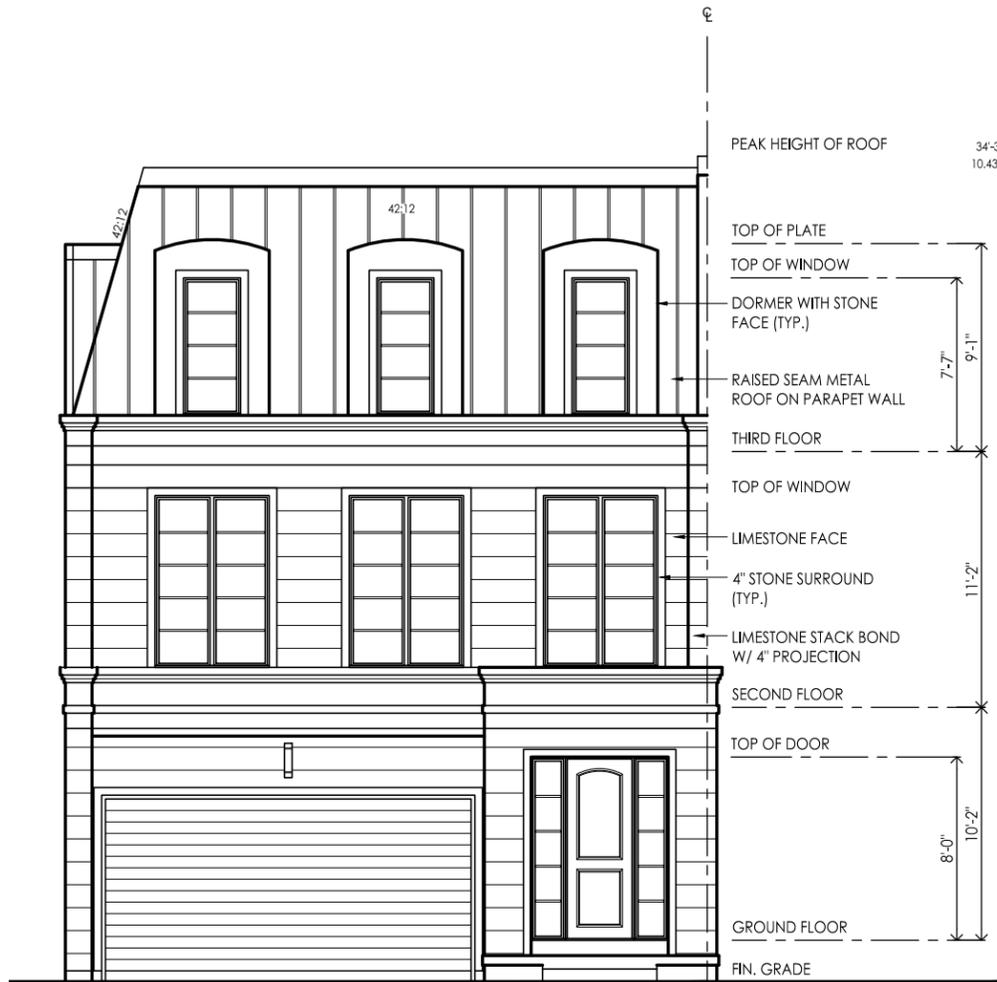
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FRONT ELEVATION 'A'
INTERIOR END



REAR ELEVATION 'A'
INTERIOR END



REAR ELEVATION 'A' - OPTIONAL GROUND FLOOR
INTERIOR END

client

Valery Homes

project

154 Wilson Street
East
Ancaster

model

TH-1

project #

21084

scale

1/8" = 1'0"

page

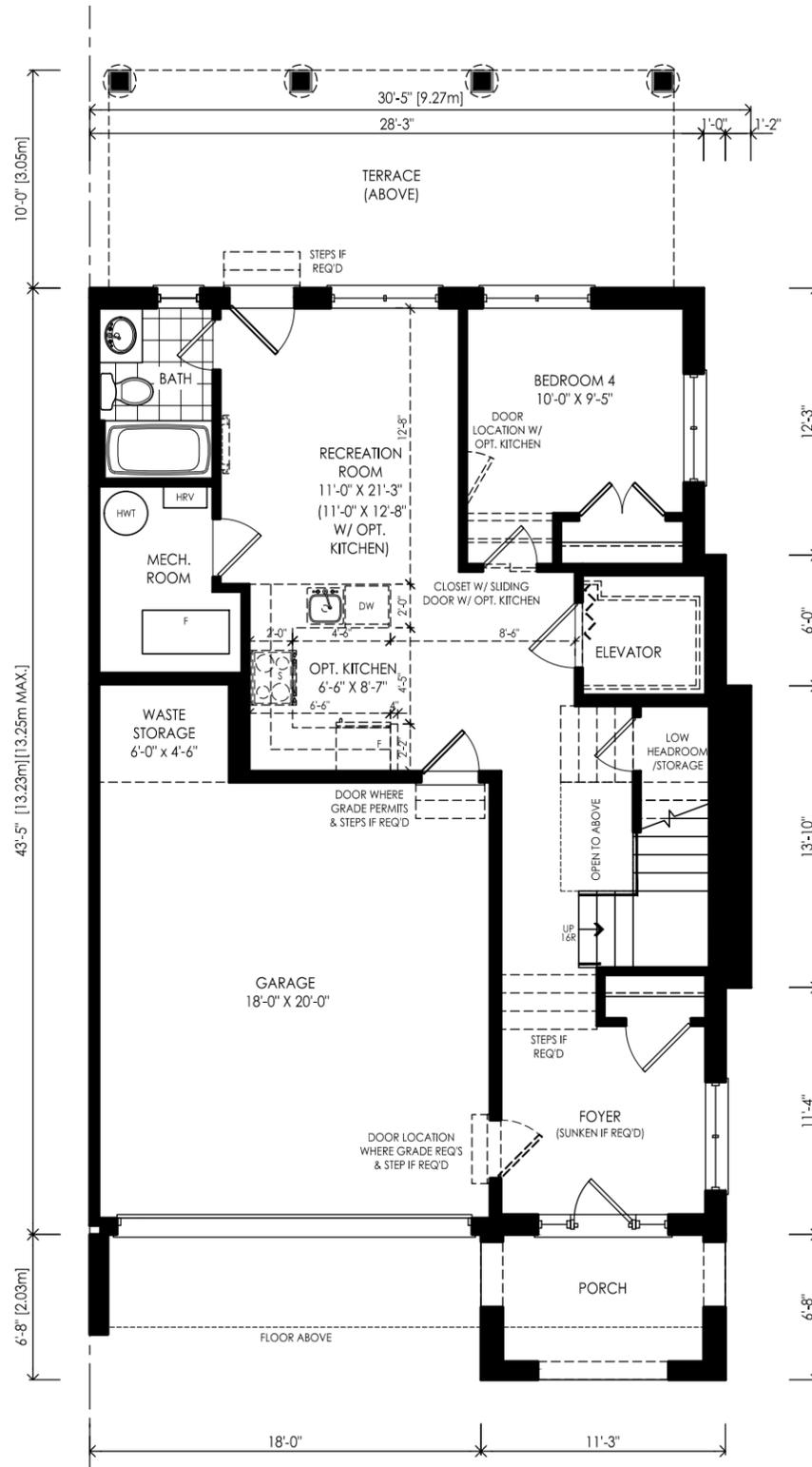
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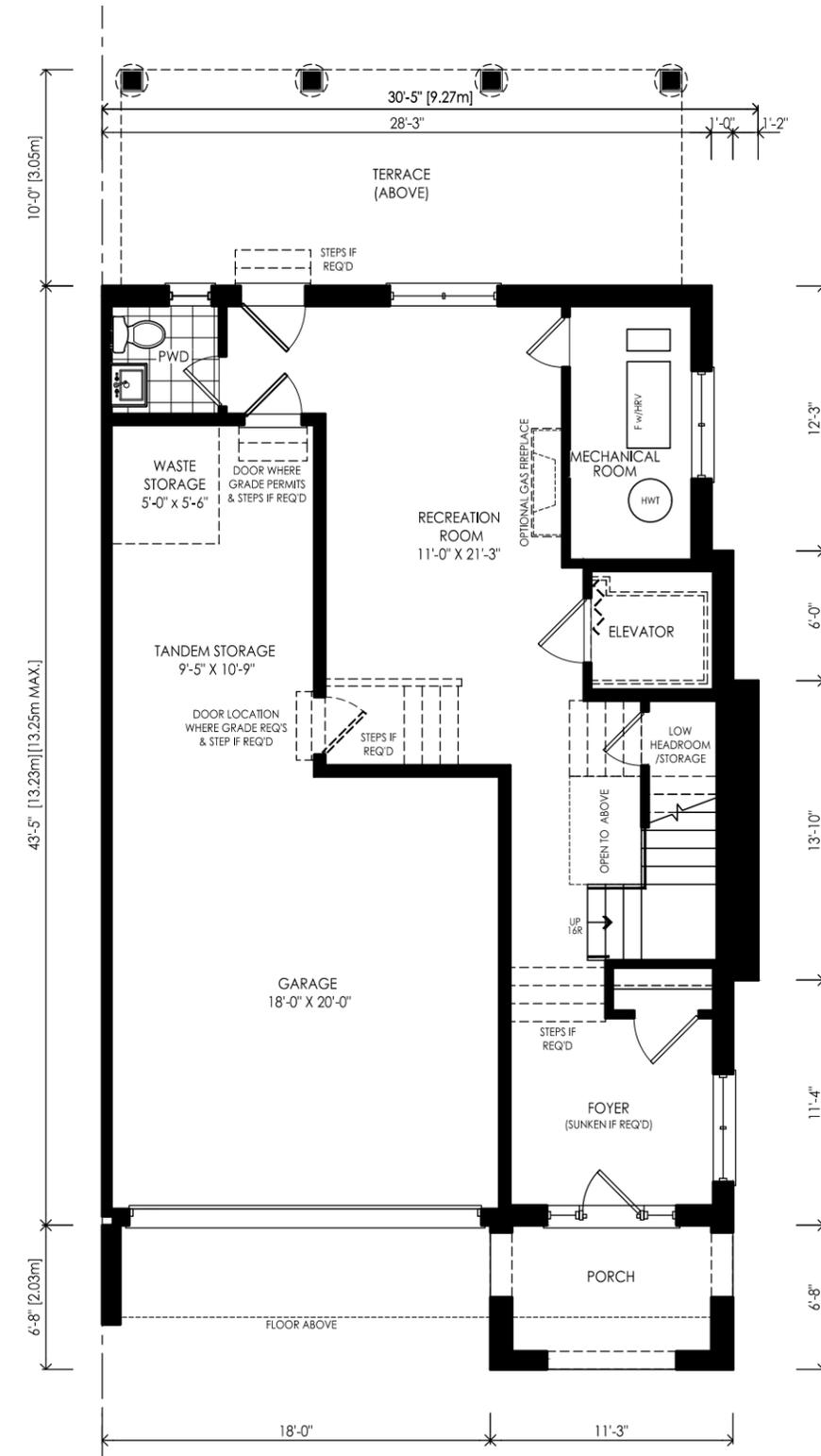


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GROUND FLOOR PLAN ELEV. 'A' - CORNER

Floor Area:	863.1
Open To Below:	0.0
Total Area (not incl oib):	863.1
Coverage (With Porch):	1425.3
Coverage (Without Porch):	1398.1



OPTIONAL GROUND FLOOR PLAN ELEV. 'A' - CORNER

Floor Area:	732.2
Open To Below:	0.0
Total Area (not incl oib):	732.2
Coverage (With Porch):	1425.3
Coverage (Without Porch):	1398.1

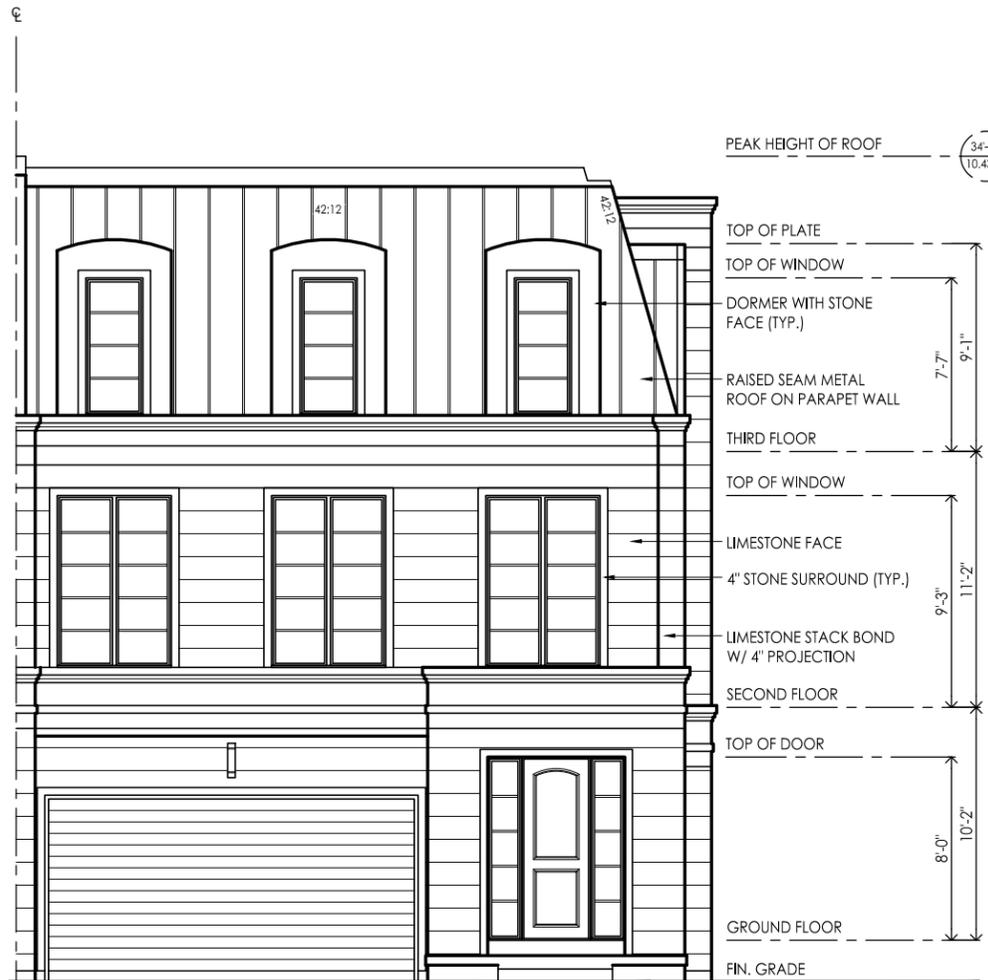
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project	154 Wilson Street East Ancaster
model	TH-1
project #	21084
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page	B8

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3 ISSUED FOR FINAL	LP	8-Mar-23
4 ISSUED FOR REVIEW	LP	28-Jul-23

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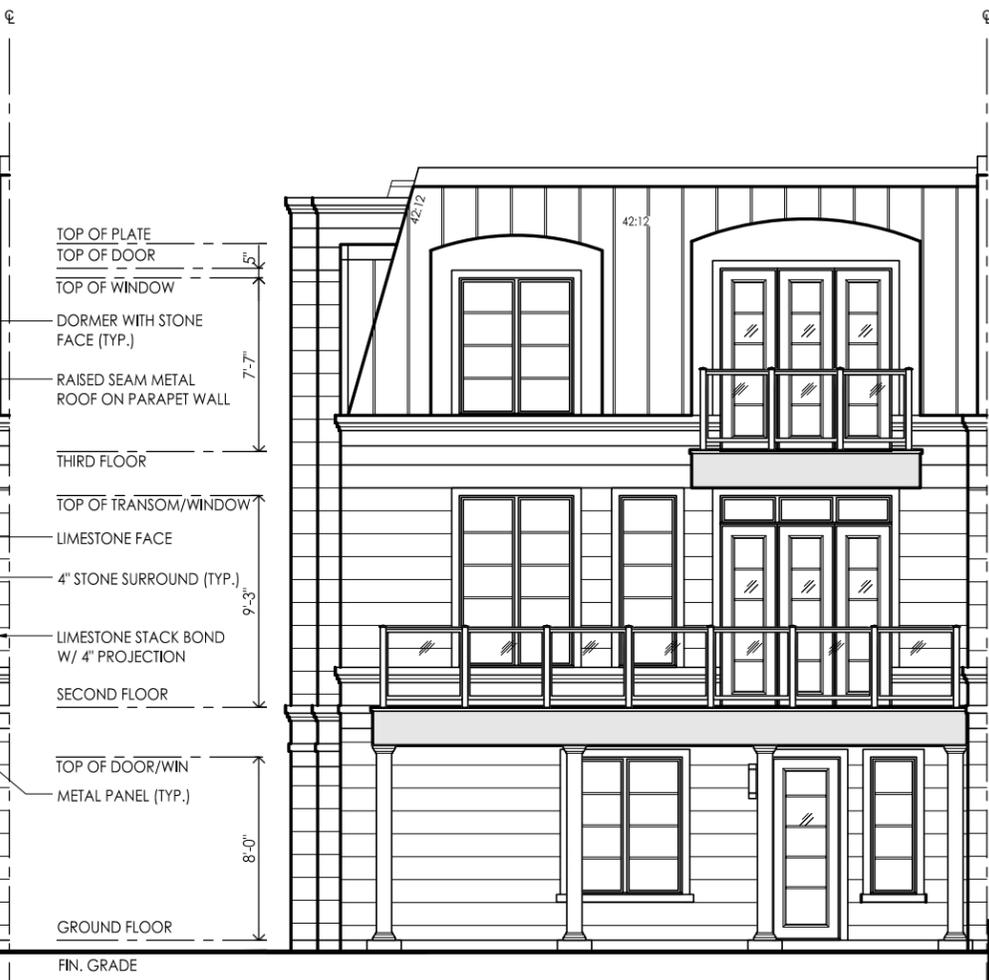
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Tel: 905-738-3177
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FRONT ELEVATION 'A'
CORNER



REAR ELEVATION 'A'
CORNER



REAR ELEVATION 'A' - OPTIONAL GROUND FLOOR
CORNER

client

Valery Homes

project

154 Wilson Street
East
Ancaster

model

TH-1

project #

21084

scale

1/8" = 1'0"

page

B10

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3 ISSUED FOR FINAL	LP	8-Mar-23
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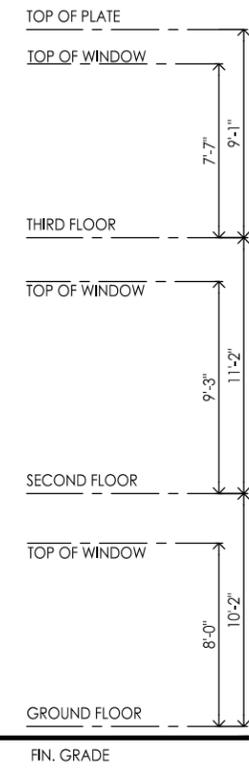
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RIGHT SIDE ELEVATION 'A'
CORNER



revisions	initials	date
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2 ISSUED FOR REVIEW	LP	23-Feb-23
3 ISSUED FOR FINAL	LP	8-Mar-23
4 ISSUED FOR REVIEW	LP	28-Jul-23

client	Valery Homes
project	154 Wilson Street East Ancaster
model	TH-1
project #	21084
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page	B11

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PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

August 17, 2023

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

Dear Jamila Sheffield:

**RE: Minor Variance Application Submission – 154 Wilson Street East Ancaster
OUR FILE 20348C**

On behalf of our client, T. Valeri Construction Limited, we are pleased to submit a minor variance application to facilitate the proposed townhouse development planned for the lands municipally addressed as 154 Wilson Street East, Ancaster, herein referred to as the 'subject lands'.

POLICY FRAMEWORK AND BACKGROUND

An Official Plan Amendment and Zoning By-law Amendment application (File No. UHOPA-18-024/ZAC-18-058) were previously submitted for the subject lands. Through revisions to the proposed concept, an Official Plan Amendment was determined to no longer be required, and the Zoning By-law Amendment was approved on August 12th, 2022. A Site Plan application (File No. DA-23-002) was submitted and deemed no longer required following the Royal Assent of Bill 23, as the proposed development is only 10 units. A standard Plan of Condominium application (City File No. 25CDM-202309) was submitted on June 2nd, 2023, for 10 residential three-storey townhouse units accessed via a common drive from Wilson Street.

REQUESTED MINOR VARIANCE

Each of the 10 townhouse units is proposed to have private amenity space consisting of a rear second storey-deck. The Minor Variance proposes to permit the decks to encroach 3.05 metres into the southerly side yard, whereas the site specific Zoning currently permits an encroachment of 1.85 metres. The requested variance applies to all 10 units.

Due to the configuration of the subject lands, in order to accommodate the common drive (Street 'A'), a 1.5 metre internal sidewalk, landscape strip, and appropriately sized unitized driveways and garages while providing private amenity space in the form of second storey decks, a Minor Variance is required.

Specifically, the minor variance requests:

- Relief from special provision j), Subsection RM4-715, Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster) to permit the side yard encroachment of a deck to a maximum of 3.05 metres, whereas an encroachment of only 1.85 metres is currently permitted.

ANALYSIS

In our opinion, the requested variances meets the four (4) tests of a minor variance under Section 45(1) of the Planning Act. Our analysis of the requested variances with respect to each of the four tests is detailed below.

1) Maintains the general intent and purpose of the Official Plan

The subject lands are within the Urban Area and Built-Up Area of the City of Hamilton and designated 'Community Node' and 'Neighbourhoods' in the Urban Hamilton Official Plan. The lands are also located within a 'Community Node' and the 'Transition Area' Character Area, and designated 'Low Density Residential 3' in the Ancaster Wilson Street Secondary Plan.

Section 2.3.3 of the Urban Hamilton Official Plan provides that the function of a 'Community Node' is to accommodate a full range of uses, including a range of housing opportunities, predominantly of a medium and low rise built form. Similarly, 'Neighbourhoods' are intended to consist of a full range of housing forms, and to accommodate intensification that is compatible with and that respects the built form and character of surrounding neighbourhoods.

The proposed development and the requested variance are in keeping with the objectives of the Urban Hamilton Official Plan for the subject lands. The requested variance will allow for the intensification of the site through redevelopment with townhouse dwellings, which have been sited and designed to respect the surrounding neighbourhood.

The Ancaster Wilson Street Secondary Plan directs that the majority of growth and infill development shall be directed toward the Community Node. The Transition Area is recognized as one of the Plan's two residential areas, and is intended to accommodate sensitive intensification. Further, within the Low Density Residential 3 designation, all forms of townhouses are permitted, the net residential density shall range between 20 and 60 unit per hectare, and a maximum height of three storeys is permitted. As well, new development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses. Consistent with these requirements, the proposed height of the townhouses is 3 storeys, the proposed density is 26.9 units per hectare, and the building is proposed to be setback from existing residential uses to the east approximately 15.29 metres and 6 metres from the commercially zoned property to the west to ensure adequate privacy.

The proposed development maintains the general intent and purpose of the applicable Urban Hamilton Official Plan and Ancaster Wilson Street designations by providing for an appropriate level of intensification in a Community Node that is permitted in the Official Plan.

2) Maintains the general intent and purpose of the Zoning By-law

The lands are zoned Residential multiple "RM4-715" in the Ancaster Zoning By-law 87-57. The proposed use of the subject property is for a block townhouse development, which is permitted in the RM4-715 zone.

Site-specific provision 715 permits a maximum projection of 1.85 metres into a required side yard for a balcony, whereas the development provides an encroachment of 3.05 metres. The requested variance will allow for larger private outdoor decks to be provided for each unit, increasing the overall amount of outdoor amenity space. Further, potential overlook is minimized by the preservation of some existing trees along the shared southerly lot line.

The requested increased encroachment into the side yard setback also increases the site area available to appropriately and safely accommodate the shared access drive and adjacent sidewalk, as well as the unitized driveways and garages to ensure smooth vehicular and pedestrian circulation throughout the site.

The required side yard setback of 6.0 metres is maintained, and a setback of 2.95 metres from the shared property line to the proposed decks is provided, including a 2 metre landscape strip. Adequate separation will be provided between the decks and the adjacent property which is a commercial use.

Therefore, the general purpose of the side yard, as provided for in Zoning Bylaw 87-57, is maintained through the requested side yard setback encroachment variance.

3) Desirable for the appropriate use of the land, building or structure

Land uses surrounding the subject lands are a mixture of low-rise residential, commercial, and newer mid-rise residential uses. Consistent with the surrounding neighborhood, the proposed use and requested minor variance implements the intent of Low Density Residential 3 designation and Residential Multiple 'RM4' zone to contribute to the range and mix of housing types in the neighbourhood, by providing for a townhouse built form.

The proposed variance is desirable to allow for increased private outdoor amenity space as part of the redevelopment of the site with a low density, block townhouse residential development. The proposal represents an opportunity for appropriate residential intensification within a Community Node.

4) The variance is minor

The proposed variance to increase the permitted encroachment of a balcony into the side yard setback from 1.85 metres to 3.05 metres, is minor and represents a 1.2 metre increase to allow for larger private second storey decks for each unit, the buildings maintain the required 6 metre side yard setback. In summary, it is not anticipated to have adverse impacts on adjacent land uses and the requested variance is considered minor in nature.

SUMMARY AND SUPPORTING MATERIALS

Based on the forgoing, it is our opinion that the requested variance satisfies Section 45(1) of the Planning Act. The variance maintains the general intent and purpose of the Official Plan, the Zoning By-law and is desirable for the appropriate use of the land, and is considered minor in nature.

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

- Completed and signed Minor Variance Application Form;
- Minor Variance Sketch, prepared by MHBC, dated August 2023; and,
- A copy of a cheque made payable to the City of Hamilton for \$675.00 representing the Minor Variance application fee (to be delivered under separate cover).

We trust the enclosed is sufficient for acceptance of the minor variance application and request that the application be considered at the next available meeting of the Committee of Adjustment. Please do not hesitate to contact the undersigned should you require additional information.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read 'DAA', with a long horizontal line extending to the right.

Dave Aston, MSc., MCIP, RPP
Partner

A handwritten signature in black ink, appearing to read 'Smirtitsch', written in a cursive style.

Stephanie Mirtitsch, BES, MCIP, RPP
Associate

cc. Amber Lindsay, Valery Homes



Hamilton

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

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

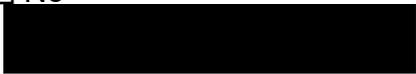
1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	
Applicant(s)	
Agent or Solicitor	

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

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent 

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	154 Willson Street East		
Assessment Roll Number	25181402404740000000		
Former Municipality	Ancaster		
Lot	44	Concession	2
Registered Plan Number	17-16-265-00-AA	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Request relief to permit a 3.05 metre encroachment into the side yard, whereas an encroachment of only 1.85 metres is currently permitted. This request is to accommodate 2nd floor decks for each unit.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

See cover letter.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
38.09	varies	3,713.63 sq. m	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Block townhouse	7.53 m	3.01 m	6 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Block townhouse	799.4 sq. m	3069 sq. m	3	10.43 m

- 4.4 Type of water supply: (check appropriate box)
 publicly owned and operated piped water system
 privately owned and operated individual well

- lake or other water body
 other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
 publicly owned and operated storm sewers
 swales

- ditches
 other means (specify)

4.6 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) _____

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Multiple residential - condo development of 10 three-storey townhouses

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

residential

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Same as existing use

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

Over 20 years

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

Rural Hamilton Official Plan designation (if applicable): - _____

Rural Settlement Area: - _____

Urban Hamilton Official Plan designation (if applicable) UHOP - 'Community Node' & 'Nei

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

See cover letter.

7.6 What is the existing zoning of the subject land? RM4-715, ZAC-18-058

7.8 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: RM4-715, ZAC-18-058

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

Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 10

8.3 Additional Information (please include separate sheet if needed):

See cover letter.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
-
-



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.:	FL/B-20:01	SUBJECT PROPERTY:	177 HIGHWAY 8, FLAMBOROUGH
-------------------------	-------------------	--------------------------	-------------------------------

APPLICANTS: Owner: 330113 ONTARIO INCORPORATED
Agent: FRANZ KLOIBHOFER-AJ CLARKE AND ASSOCIATES

PURPOSE & EFFECT: To permit the conveyance of an irregular shaped parcel of land and to retain a parcel of land for residential development purposes.

	Frontage	Depth	Area
SEVERED LANDS:	20 m [±]	Irregularly shaped lot m [±]	8.0 ha [±]
RETAINED LANDS:	111 m [±] (Highway 8) & 24 m [±] (Oak Avenue)	Irregularly shaped lot m [±]	10.4 ha [±]

Associated Planning Act File(s): FL/A-20:04

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, October 5, 2023
TIME:	9:45 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	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:

FL/B-20:01

- 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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

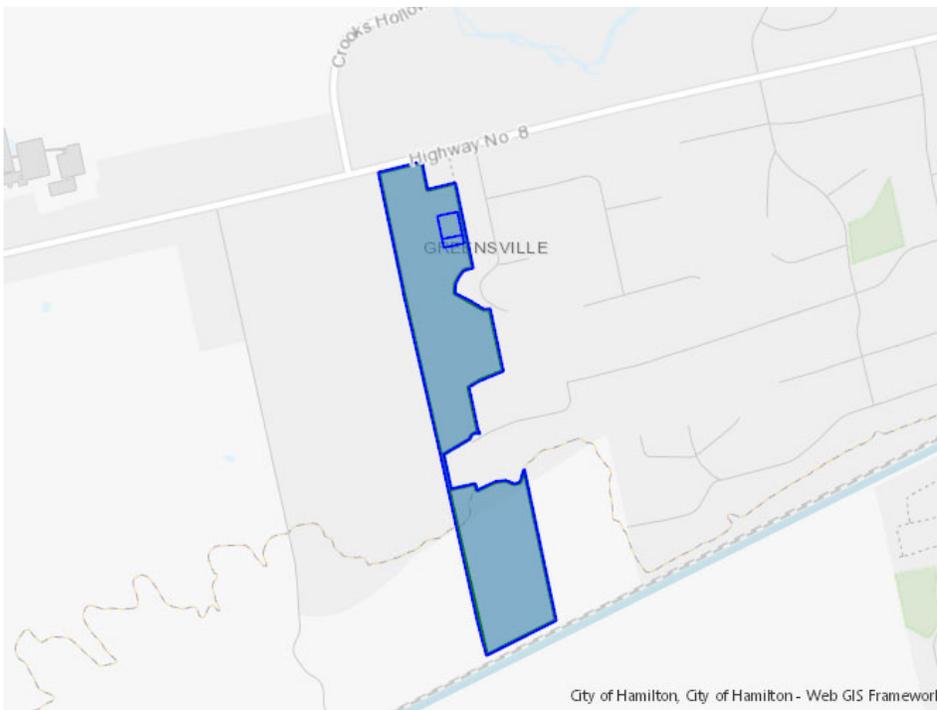
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/B-20:01, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

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.

FL/B-20:01



DATED: September 19, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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.**

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

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

Oral Submissions During the Virtual Meeting

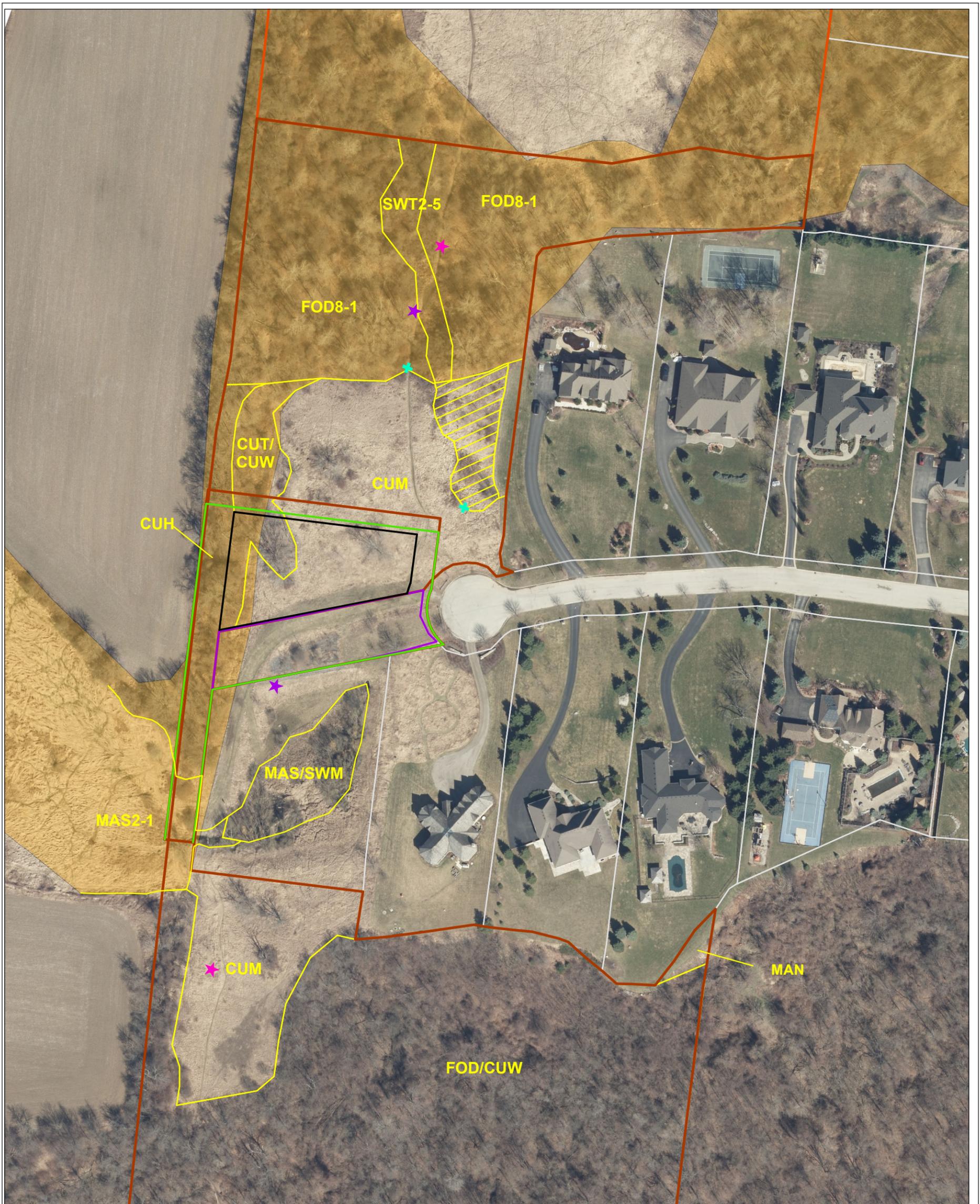
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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

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

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



Legend

- Study Area: Part 1
- Study Area: Part 2
- Significant Wildlife Habitat / SAR Habitat (2016; Greenville Subwatershed Study)
- Parcels
- + Soil Sampling Locations
- ★ Breeding Bird Survey Locations
- ★ Amphibian Survey Locations
- Building Envelope
- Site Area
- Block 9 Amenity

Vegetation Communities

- Phragmites Inclusion
- Ecological Land Classification
- CUH: Cultural Hedgerow
- CUM: Cultural Meadow
- CUT: Cultural Thicket
- CUW: Cultural Woodland
- FOD: Deciduous Forest
- FOD8-1: Fresh – Moist Poplar Deciduous Forest
- MAN: Manicured
- MAS: Shallow Marsh
- MAS2-1: Cattail Mineral Shallow Marsh
- SWD: Deciduous Swamp
- SWM: Stormwater Management Pond
- SWT2-5: Red-osier Dogwood Mineral Deciduous Thicket Swamp

**Figure 4 | 177 Hwy 8 Flamborough:
Survey Location and Ecological Land Classification**

Project Number
19-1134

Date:
2022-06-29



0 50 100 Meters

Map Produced by North South Environmental (NSE) Inc.
This map is proprietary and confidential and must not be duplicated or distributed by any means without permission of NSE.
Data Provided by: North South Environmental Inc. Imagery: First Base Solutions 2018





Legend

- Study Area: Part 1
- Study Area: Part 2
- Parcels
- Building Envelope
- Block 9 Amenity
- Significant Wildlife Habitat
- Significant Wildlife Habitat / SAR Habitat (2016; Greenville Subwatershed Study)
- Habitat for Endangered Species
- Significant Woodlands
- Wetland
- Significant Features 30m Buffer
- Woodland Buffer 15m

**Figure 6 | 177 Hwy 8 Flamborough:
Significant Features**

Project Number
19-1134

Date:
2022-06-29



0 50 100 150 200 250 Meters

Map Produced by North South Environmental (NSE) Inc.
This map is proprietary and confidential and must not be duplicated or
distributed by any means without permission of NSE.
Data Provided by: North South Environmental Inc. Imagery: First Base Solutions 2018





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

September 1, 2023

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

Delivered via e-mail

Attn: Ms. Jamila Sheffield
Secretary-Treasurer

**Re: Severance Application – Recirculation (FL/B-20:01)
Minor Variance Application – Recirculation (FL/A-20:04)
Pt Lot 6, Con 1, Flamborough (177 Hwy No. 8), City of Hamilton**

On behalf of our client, 330113 Ontario Incorporated, we are pleased to provide you with the enclosed resubmission package in support of existing applications for consent to sever (FL/B-20:01) and minor variance (FL/A-20:04) for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$520.00 made payable to the City of Hamilton, in payment of the requisite recirculation fee;
2. One (1) digital copy of the Arborist Report, prepared by North-South Environmental, dated February 2022;
3. One (1) digital copy of a Memorandum, prepared by North-South Environmental, dated August 2022, regarding Mitigation Measures for the proposed severance application.

For the Committee's information, we have met with staff and understand that they are not supportive of lot creation within a Core Area. In this instance, the issue is the lot line that will be created because of the proposed property line that will run across the wildlife corridor. Below is the diagram showing the limits of the severance application.

History

The proposed development consists of a severance application to sever one (1) parcel of land from the existing property. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively, on the enclosed severance sketch. The intent of the severance is to facilitate the development of the severed lands with a single dwelling on the northernmost portion of the severed lands.



The retained lands (Part 1), will have a total area of approximately ± 10.4 hectares, as well as approximately ± 111 metres of frontage along Highway 8 and ± 24 metres of frontage along Oak Avenue. The retained lands will include the existing frontage along Oak Avenue in order to facilitate a potential future right-of-way extension from Oak Avenue northwards.

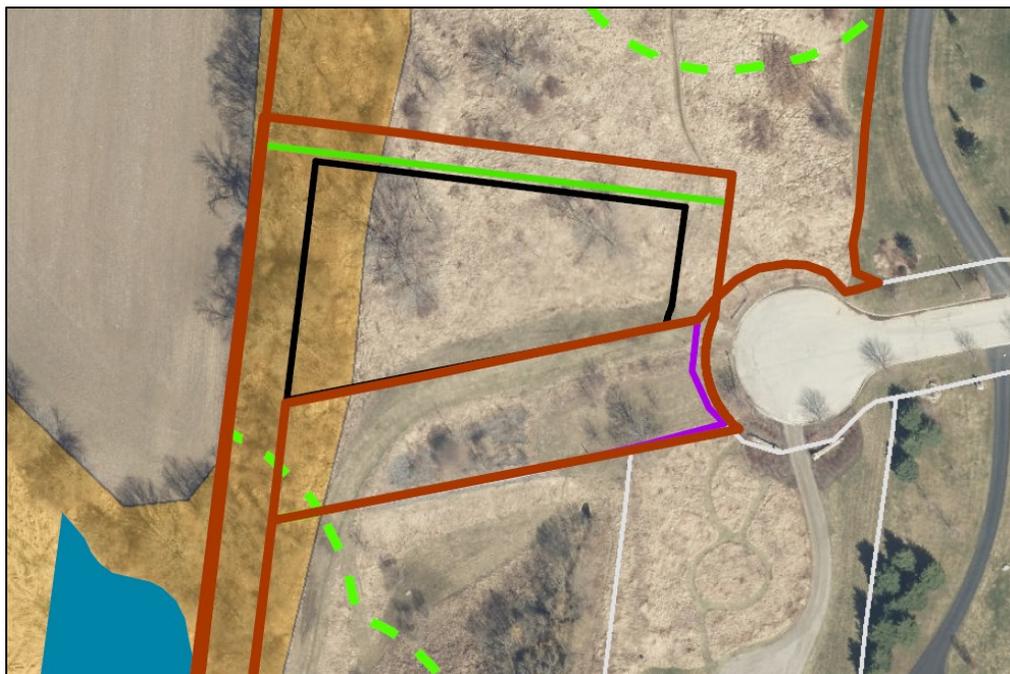
It is therefore intended to merge the severed lands (Part 2) on title with Block 9 of Registered Plan of Subdivision 62M-903 to the south, which is under the same ownership. Block 9 has a total area of approximately $\pm 1,578$ square metres, as well as ± 20 metres of frontage along Oak Avenue. The severed lands (Part 2) will have a total area of approximately 8 hectares (incl. Block 9). The width of the severed lands will be ± 38 metres, although only ± 20 metres will have frontage on Oak Avenue. The portion of the severed lands to be developed for residential use has an area of approximately 4,513 square metres (incl. Block 9) and 2,935 square metres (excl. Block 9).

Response to Staff Comments

In response, we have listed several mitigation measures for the purpose of alleviating staff's concerns respecting the surrounding environmental features.

We propose that staff add a condition should the application be approved to read as follows:

"That the owner shall prepare a Mitigation Strategy by a qualified Ecologist to ensure that the existing Wildlife Corridor will not be impacted as a result of the severance application, to the satisfaction of the Chief Planner, City Planning"





It should be noted that the apprehension of a negative impact is not sufficient to justify whether an impact will occur because of the severance. The intent is to leave the Core Area in-situ and construct a new dwelling far enough away from the Core Area such that there will be no impacts with the mitigation measures proposed. The red lines denote existing property lines. There are existing property lines running through the Core Area.

Further, both the NEC and HCA have previously commented on the proposal and indicate no issues from a Natural Heritage Perspective.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in blue ink that reads "Ryan Ferrari".

Ryan Ferrari, MCIP, RPP

Senior Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy: 330113 Ontario Incorporated

Memorandum

To: Ryan Ferrari, A. J. Clarke and Associates

From: North-South Environmental Inc.

Date: 18 August 2022

File: Proposed severance for 177 Highway 8, Flamborough

cc: Michael Zimmerman, Franz Kloibhofer

Re: **Significant Wildlife Habitat Mapping**

Introduction

North-South Environmental Inc. (NSE) has been retained to undertake an Environmental Impact Statement (EIS) for a proposed lot severance at 177 Highway 8, Flamborough, ON. The client wishes to sever the southern portion of the property and build a single dwelling in an open area near the terminus of Oak Avenue in a discrete building envelope outside areas of native trees. The proposed building site was formerly farmed, but areas to the east have been developed and the proposed building site is now adjacent to large lots supporting residential development.

An EIS was completed to support the severance proposal. The EIS was based on a Terms of Reference that was reviewed by the City of Hamilton and Hamilton Conservation Authority (HCA). Comments were provided by these agencies and the comments were incorporated into the EIS. Comments from City of Hamilton on Terms of Reference referred to the Mid-Spencer Creek-Greenville Rural Settlement Area Subwatershed Study, and this was referenced throughout the EIS. One of the first comments on the proposed Terms of Reference for the severance stated:

"Generally, our policies do not allow new development (lots) within Core Areas - you would have to demonstrate no negative impacts. Even though the building envelope will be outside of the Core Areas, the new resident may remove vegetation and manicure the Core Area if it is within their ownership. I recommend that lot boundaries do not include Core Areas - there is a lot of room for the lot, so this should be possible."

It appeared from these comments that development was not precluded entirely, but that impacts needed to be averted. There was no mention of SWH in these comments. The focus appeared to be on avoiding core areas. Therefore, the EIS focused on assessing the function of the surrounding treed areas as well as the development envelope, and finding a building envelope that had the fewest impacts on trees. The development envelope, and the proposed areas of tree removal, are shown in Figure 1.

It was determined through natural heritage studies that the woodlot to the north and hedgerow to the west did not support Significant Wildlife Habitat (SWH). The woodlot and hedgerow did not meet the criteria for SWH for bat maternity roosts, as the number of cavity trees was not sufficient. It did not support species of Conservation Concern such as Special Concern fauna or flora species.

Measures to protect core features centred on protection of surrounding features by delineation of a building envelope on the site within which site alteration was restricted. Site alteration will be strictly within the building envelope. An arborist report was completed that detailed efforts to avoid tree removal on the site. The proposed building envelope in relation to tree removal is shown in Figure 1 attached to this report. There is a small chance that Species at Risk bats may use the surrounding treed features for maternity roosts. However, trees that have a higher probability of supporting maternity roosts (trees over 25 cm diameter at breast height that support cavities) are rare, and outside the area proposed for tree removal.

The proposed building envelope avoided native trees in the hedgerow along the western portion of the property, which forms the primary linkage and significant wildlife habitat. Trees that were proposed for removal were primarily Manitoba Maple that had grown up around a berm that had been installed adjacent to the hedgerow. The building envelope also remains outside the woodlot on the northern portion of the proposed severance.

Through the delineation of the building envelope, our analysis indicated that impacts to the surrounding core features could be avoided.

Comments from City of Hamilton on EIS

Comments on the EIS were received from the City of Hamilton on June 6th, 2022. Two primary comments were:

- *Lot creation is considered to be development, and it has not been demonstrated by the EIS completed by North-South Environmental that no negative impacts to the Natural Heritage system and features on the subject property can be achieved. Per RHOP Volume 1, Chapter C Section 2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions; and*
- *"the proposed severance currently shows the lot lines going through the mapped Significant Wildlife Habitat. This is not permissible through Policy, please see RHOP Volume 1, Chapter F - Section 1.14.2.1 h) ii)"*

This memo provides additional information on how the severance can be created while core features are protected and enhanced.

Additional Mitigation of Impact on Core Features

The following mitigation measures were proposed in the EIS:

- Restriction of development to a building envelope largely outside treed areas
- Tree removal restricted to Manitoba Maple (a non-native species characteristic of disturbed areas) surrounding the berm on the west side of the proposed development envelope;
- Removal of vegetation outside the bird and bat activity time period
- Measures to limit erosion and sedimentation of surrounding features during construction
- Planting of shrubs and trees along the hedgerow (the primary area of linkage) on the west side of the property.

The following additional mitigation measures are proposed:

- Construction of a barrier fence around the building envelope and amenity area
- Additional tree planting to enhance linkage on the west side of the building envelope.

Construction of a Barrier Fence

Construction of a barrier fence is recommended to create a clear boundary that limits the development and subsequent encroachment. It is recommended that a robust fence be constructed around the building envelope that is at least 2 m high. The fence should be built prior to construction. This will help to mitigate impacts as follows:

- It will prevent encroachment into the adjacent natural features by construction equipment, landscaping and soil disturbance
- It will prevent activities outside the building envelope such as tree removal, dumping of compost, dumping of swimming pool water, etc.

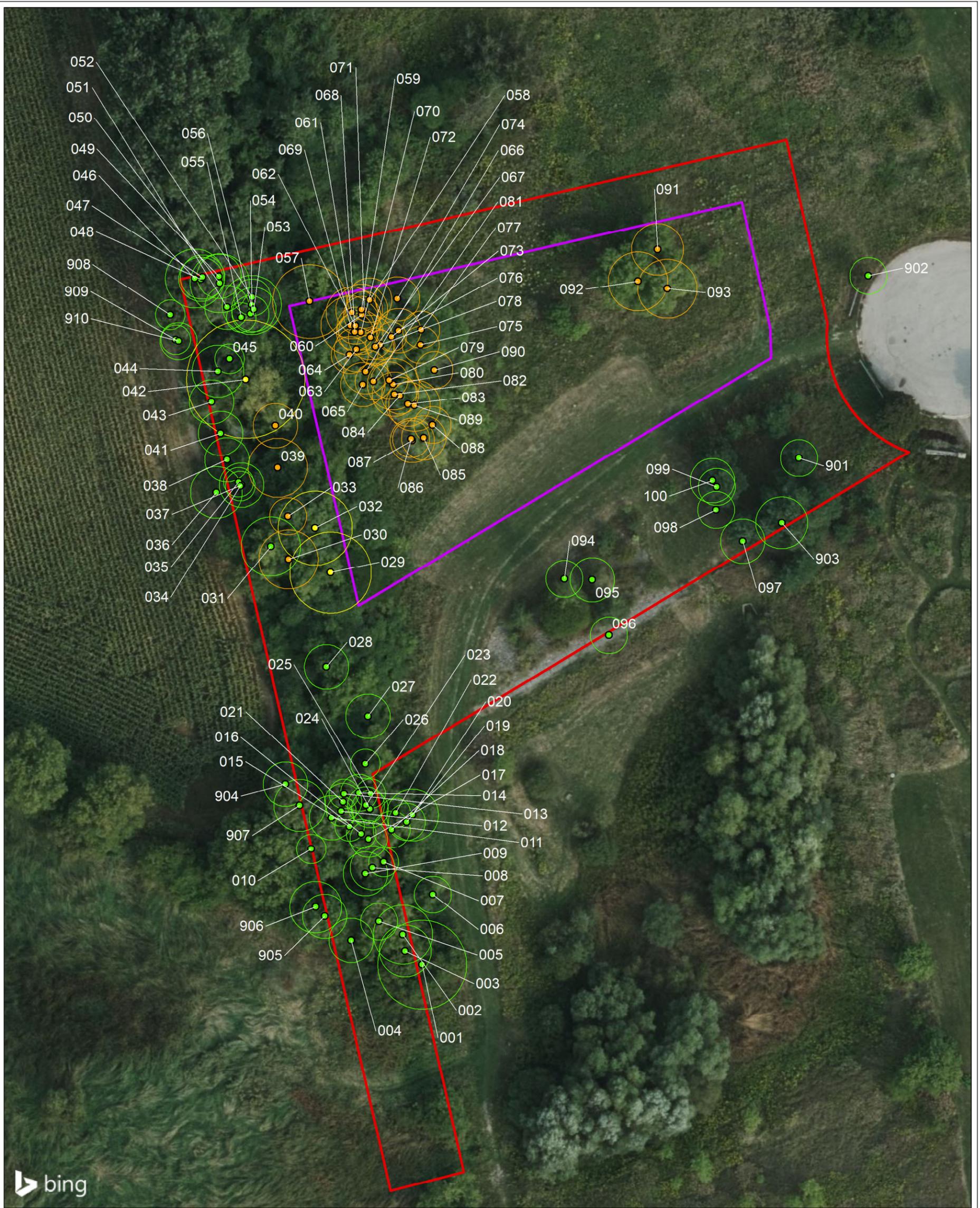
Additional Planting at Western and Northern Edges of Development

Additional planting is recommended to enhance the function of the surrounding core features. This should include:

- Planting of long-lived native tree species inside the western boundary fence (along the edge), as well as between the fence and the western hedgerow, is recommended to enhance the diversity and connectivity of the hedgerow.
- Additional planting of both trees and shrubs is recommended between the woodland to the north and the northern boundary fence.

Conclusions

The creation of a clear-cut building envelope surrounded by a tall boundary fence will eliminate impacts on core features. Planting of long-lived native trees, as well as shrubs, will enhance the function of the northern woodland by increasing connectivity and diversity of core features.



Legend

- Amenity Area Limit
- Building Envelope

Tree Status

- Removal
- Injured
- Retain

Map 1 | 177 Hwy 8 Flamborough : Tree Retention Plan

Project Number
20 - 1134

Date:
2022-02-08



Map Produced by North South Environmental (NSE) Inc.
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Data Provided by: North South Environmental Inc. Imagery: Bing Maps



February 17, 2022

177 Highway 8,
Flamborough,
Ontario

Tree Protection Plan Report

Prepared for

A.J. Clarke and Associates Limited



Project Study Team

North-South Environmental Inc.

Sarah Mainguy - Project Manager, report editor

Will Van Hemessen - ISA Certified Arborist #ON-2459A, Report Author

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177 Highway 8, Flamborough, Ontario

Tree Protection Plan Report

1. Introduction

In February of 2020, North-South Environmental Inc. (NSE) was retained to conduct environmental studies and prepare an Environmental Impact Statement (EIS) for a proposed land severance at 177 Highway 8 in the City of Hamilton. As part of the approved Terms of Reference (TOR) for the EIS, a Tree Protection Plan (TPP) is to be submitted as part of the Consent to Sever Land application. This report summarizes the results of the tree inventory on the amenity area of the site, describes the trees which will be removed in order to accommodate development in the building envelope area on site and provides an analysis of protection measures for trees to be retained. This report has been prepared following the City of Hamilton's Tree Protection Guidelines (2010). The building envelope was reduced in November 2021 to protect additional trees and this report has been revised to reflect the smaller building envelope. A minor modification of the northern boundary of the amenity area (which coincides with the proposed northern boundary of the property line) has also been incorporated into this report: the amenity area was extended north by 5 m, as the proposed building envelope was too close to the property line to provide sufficient room for construction. However, there is no additional tree removal proposed within the extended amenity area.

1.1. Proposed Development

The owner of 177 Highway 8 is proposing to sever the parcel into two lots, which are mapped within the EIS (North-South Environmental 2021): Part 1 (northern) and Part 2 (southern) portions. The northern portion is not proposed for development. The southern lot will include an 0.565 ha amenity area at the end of Oak Avenue within which a hypothetical future development could be constructed in a smaller building envelope. The area within which trees are proposed to be removed is within the building area of 1,862 square meters, smaller than the amenity area. Currently, there are no structures on the property. The only infrastructure is a City-owned stormwater management facility located at the end of Oak Avenue immediately south of the location of the proposed new home. A map of the site showing the proposed amenity area can be found following **Page 6**.

1.2. Methodology

NSE's International Society of Arboriculture (ISA) Certified Arborist visited the site on September 3rd, 2020 and conducted an inventory of trees located in the 0.52 ha amenity area and within 3 m of this area. The methodology followed the City's Tree Protection Guidelines, specifically:

1. Trees larger than 10 centimetres (cm) in diameter at breast height (DBH) located within the amenity area were tagged with a numbered aluminum tree tag
2. Trees larger than 10 cm DBH located within 3 m of the amenity area were inventoried but not tagged
3. For all trees, the following information was documented:
 - a. Tag number (if applicable)
 - b. Species
 - c. DBH (cm)
 - d. Height (m)
 - e. Crown diameter (m)
 - f. Condition (trunk, crown and overall)
 - g. Ownership
 - h. Action (remove, injure, retain)

The information gathered using these methods was compiled to produce the tree inventory provided in **Appendix 2**.

2. Tree Inventory

A total of 103 trees were inventoried within the amenity area and an additional 7 trees were documented within 3 m of the amenity area. Of these trees, 103 were tagged with numbered tree tags. **Table 1** gives a breakdown of trees inventoried in the study area by overall condition.

The majority (97 individuals or 88%) of trees inventoried in the study area are considered native to Ontario, although the most common tree in the study area is Manitoba Maple (*Acer negundo*), which is generally considered to be introduced to the Hamilton area. Trees in the study area consist of 11 species of which Manitoba Maple is the most common (71 individuals or 65%) followed by Sassafras (*Sassafras albidum*) (13 individuals or 12%). About half of the trees in the study area were assessed as "excellent" or "good" condition (54 individuals or 49%) while the other half were determined to be in "fair", "poor" or "very poor" condition (56 individuals or 51%). There are no rare, unusual or designated heritage trees in the study area.

Table 1. Summary of trees inventoried in the study area

Species	Mean DBH (cm)	Overall Condition				
		Excellent	Good	Fair	Poor	Very Poor
Black Cherry <i>Prunus serotina</i>	21.7	3			1	
Black Locust <i>Robinia pseudoacacia</i>	29.2	5				
Common Buckthorn <i>Rhamnus cathartica</i>	17.2				4	1
Domestic Apple	61.7	1			1	

Species	Mean DBH (cm)	Overall Condition				
		Excellent	Good	Fair	Poor	Very Poor
<i>Malus pumila</i>						
Eastern Cottonwood <i>Populus deltoides</i>	19.3	1				
Hawthorns <i>Crataegus spp.</i>	19.7	3	1		1	1
Manitoba Maple <i>Acer negundo</i>	23.1	9	17	25	12	8
Norway Maple <i>Acer platanoides</i>	15.3				1	
Sassafras <i>Sassafras albidum</i>	28.2	12	1			
Trembling Aspen <i>Populus tremuloides</i>	15.0	1				
White Willow <i>Salix alba</i>	15.0					1
TOTAL		35	19	25	18	11

3. Impact Assessment and Mitigation

3.1. Trees for Removal

For the purposes of the Tree Protection Plan, it has been assumed that all trees that fall within the proposed building area (see **Map 1** in **Appendix 1**) will be removed in order to accommodate a hypothetical future development. Trees and shrubs within and outside the larger proposed amenity area will not be removed. In addition, four trees in poor to very poor condition will be removed from the amenity area outside the building envelope, as they are likely to create a hazard. These included tree numbers 30, 33, 39 and 40 (see **Map 1** in **Appendix 1**).

Removal of all trees within the building area, as well as the hazard trees, would result in the removal of 41 trees. **Table 2** breaks down the trees for removal by species and overall condition. Almost all of the trees to be removed are Manitoba Maples (one Black Cherry in excellent condition is proposed to be removed). Most Manitoba Maples are in “fair”, “poor” or “very poor” condition. The other species, two Common Buckthorn and one Domestic Apple, are non-native, and in “poor” or “very poor” condition.

Table 2. Summary of trees to be removed in the proposed amenity area

Species	Overall Condition				
	Excellent	Good	Fair	Poor	Very Poor
Black Cherry <i>Prunus serotina</i>	1				
Manitoba Maple <i>Acer negundo</i>	6	8	12	5	6
Common Buckthorn				1	1

Species	Overall Condition				
	Excellent	Good	Fair	Poor	Very Poor
<i>Rhamnus cathartica</i>					
Domestic Apple <i>Malus pumila</i>				1	
TOTAL	7	8	12	7	7

3.2. Potential Impacts to Remaining Trees

A total of 70 trees will be retained outside of the proposed building area or on adjacent properties (see **Table 3**). Tree protection zones (TPZs), as described in **Section 3.3**, should be established around these trees, where possible, during construction activities on site. It is important to note that trees intended to be retained on site may still be affected by development either directly (e.g., damage to roots, branches, etc. resulting from construction activity) or indirectly (e.g., soil compaction or hydrological changes that alter water and/or nutrient availability). Some specific impacts include:

- **Excavation:** excavation within the root zones of trees which are retained on site could sever roots and cause long term injury. For most trees, 90% of roots are located within the top 15 cm of soil so any excavation within the root zone is likely to impact the tree.
- **Trunk or Crown Injuries:** construction equipment, especially heavy machinery, could accidentally damage the trunk or bark of trees which are not adequately protected.
- **Soil Compaction:** Movement of machinery and workers around the site and compact soil which can alter water infiltration patterns. This is especially likely to affect trees if it occurs within their root zones, as described above.
- **Hydrological Changes:** The proposed development may cause localized changes in hydrology due to an increase in impervious surfaces on the landscape (i.e. buildings, pavement). This may affect water availability which could harm sensitive trees.

Three (3) Manitoba Maples which are located outside of the proposed amenity area but whose root zones enter the amenity area may be injured due to excavation, soil compaction, etc. These trees are denoted as “Retain (Injury)” in the table below and in the tree inventory table in **Appendix 2**. However, two of these trees are in poor condition and should be removed, as they are close to the building envelope.

Table 3. Trees to be retained during construction

Species	Retain	Retain (Injury)
Domestic Apple <i>Malus pumila</i>	1	
Hawthorns <i>Crataegus spp.</i>	6	
Manitoba Maple <i>Acer negundo</i>	31	3 (2 in poor condition)

Species	Retain	Retain (Injury)
Norway Maple <i>Acer platanoides</i>	1	
Sassafras <i>Sassafras albidum</i>	13	
Trembling Aspen <i>Populus tremuloides</i>	1	
Eastern Cottonwood (<i>Populus deltoides</i>)	1	
Black Cherry (<i>Prunus serotina</i>)	3	
Common Buckthorn (<i>Rhamnus cathartica</i>)	3	
Black Locust (<i>Robinia pseudoacacia</i>)	5	
TOTAL	69	3

3.3. Tree Protection and Mitigation Measures

In order to prevent or minimize the impacts described above, the following tree protection measures should be implemented during construction:

- **Tree Protection Zone (TPZ):** The most important, and preferred, tree protection measure is total avoidance of the TPZ of trees to be retained. This should be achieved by clearly demarcating the TPZ around trees to be retained and prohibiting entry into the TPZ by workers and equipment during construction. The TPZ is defined as the dripline (i.e., canopy width) of a tree plus 1 m. TPZs of trees to be retained on site are identified in the table in **Appendix 2**.
- **Tree Protection Fencing:** TPZs of trees to be retained shall be demarcated with Paige wire farm fencing, at a minimum.
- **Signage:** Signs should be installed on tree protection fencing to inform contractors of prohibited activities within the TPZ.
- **Access Route Situation:** Access routes for construction equipment on site shall be situated as far away from TPZs as possible to avoid soil compaction and potential spills of oil and other substances which could harm trees.
- **Root and Branch Pruning:** Where minimum TPZs cannot be provided around trees to be retained (e.g., if they would restrict construction access), branch or root pruning may be required. Where excavation is required within TPZs, major roots should be pruned in a controlled manner and should be supervised by a tree management professional. If branch pruning is required (e.g., to allow construction equipment access), pruning should be done according to standard arboricultural methodology and should be supervised by a tree management professional.

Tree protection measures and any maintenance of trees to be retained on site should be done under the supervision of a tree management professional.

4. Compensation Requirements

Trees recommended for removal in **Section 3.1** and in **Appendix 2** were determined under the assumption that all trees within the proposed building envelope on site will be removed to accommodate a hypothetical future development. The City of Hamilton requires 1 to 1 compensation for any trees removed. Since compensation requirements will depend on the number of trees removed, they should be determined as part of a site plan application for any future development on site. Removal of all trees in the proposed amenity area, including the four hazard trees within the amenity area and three Manitoba Maples that could be injured as they are just outside the building area, would require that 44 trees be planted on site as compensation.

The site is large enough that compensation plantings can be accommodated on site outside the building area. Compensation plantings should consist of species native to the Hamilton area and should be suited to soil texture and moisture conditions on site. Consult Appendix 4 of the City of Hamilton's Tree Protection Guidelines (2010) for a list of recommended species for compensation plantings.

5. Monitoring Requirements

The City of Hamilton requires that a tree management professional be retained to supervise the installation of tree protection measures, pruning and other maintenance of trees retained on site and planting of new trees. The tree management professional shall provide a Verification of Tree Protection Letter to the City of Hamilton's Director of Planning to confirm that the tree protection and mitigation requirements have been properly implemented on site. After construction, the tree management professional shall provide the City with a Post-grading Tree Management Report to document any damage to trees on site and recommend any additional maintenance or compensation requirements.

Compensation plantings on site shall be monitored throughout their warranty period and should be replaced under warranty if required.

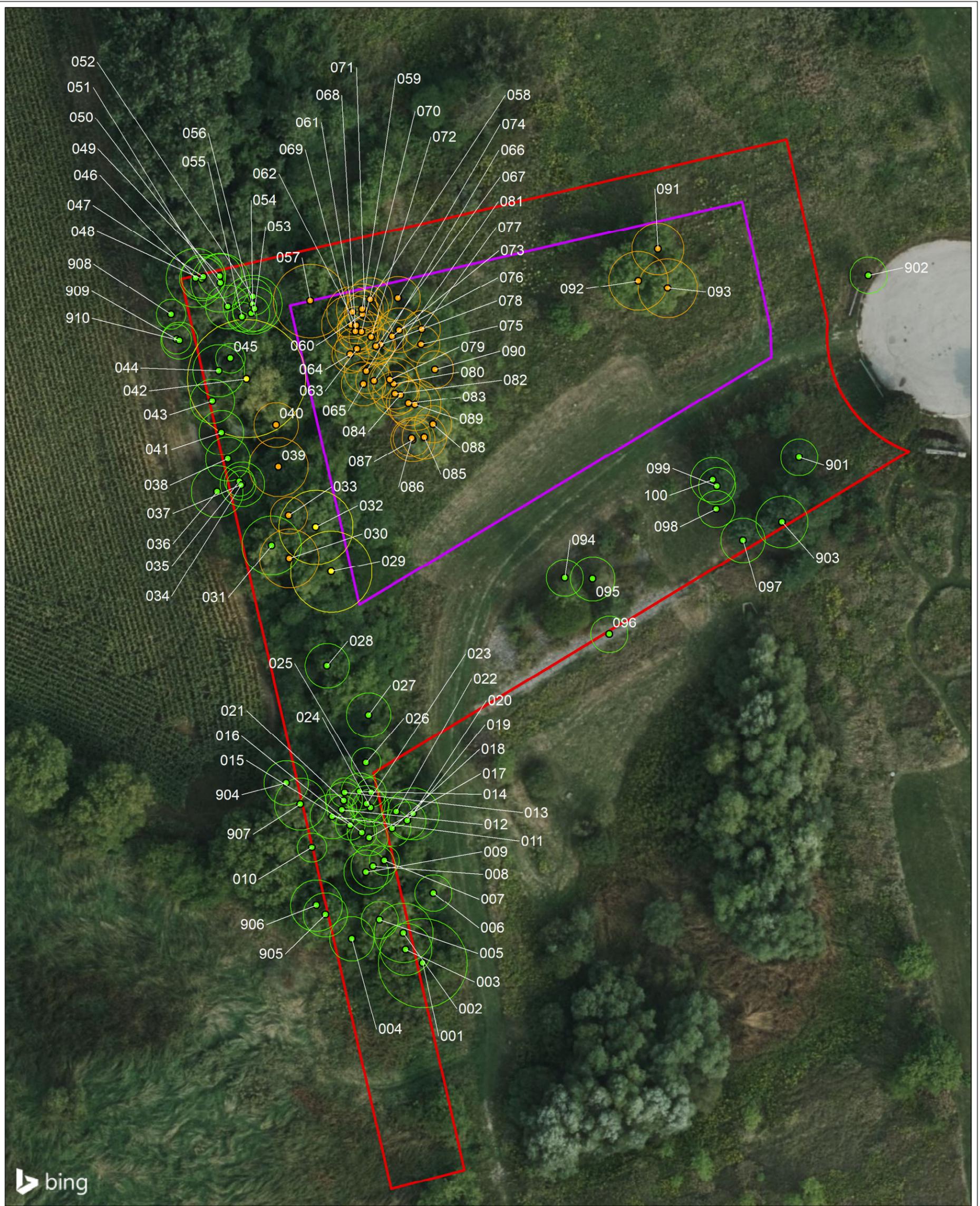
6. Summary

The proposed building envelope in the proposed south parcel of 177 Highway 8 contains 41 trees which may be removed in order to accommodate a potential future development. An additional 3 trees are located in proximity to the proposed building area (two in poor condition), and would likely be injured to accommodate construction of a hypothetical future development. Forty-four trees should be planted as compensation for removal. For trees to be retained, tree protection measures should be implemented as described in **Section 3.3**. The one Black Cherry tree in good condition should be

retained within the building envelope if feasible, but trees in poor condition, especially Manitoba Maples, can be removed. Compensation requirements for trees to be removed will depend on the exact number of trees removed and should be determined as part of a site plan application package for any future development proposal on site.

7. References

City of Hamilton. 2010. Tree Protection Guidelines - City Wide.



Legend

- Amenity Area Limit
- Building Envelope

Tree Status

- Removal
- Injured
- Retain

Map 1 | 177 Hwy 8 Flamborough : Tree Retention Plan

Project Number
20 - 1134

Date:
2022-02-08



Map Produced by North South Environmental (NSE) Inc.
This map is proprietary and confidential and must not be duplicated or distributed by any means without permission of NSE.
Data Provided by: North South Environmental Inc. Imagery: Bing Maps



APPENDIX 1 | Tree Inventory

Appendix 1. Tree Inventory

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	001	<i>Acer negundo</i>	Manitoba Maple	Good	Adjacent landowner	Retain	
43.27	-80.01	002	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	003	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	005	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	006	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	007	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	008	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	009	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	010	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	011	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	012	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	013	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	014	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	015	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Retain	
43.27	-80.01	016	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	

Project Name • Date

1

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	017	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	018	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	019	<i>Acer negundo</i>	Manitoba Maple	Good	Adjacent landowner	Retain	
43.27	-80.01	020	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	021	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	022	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	023	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	024	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	025	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	026	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Retain	
43.27	-80.01	027	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	028	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	029	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Injured	Remove: within 3 m of amenity area and in poor condition
43.27	-80.01	030	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	031	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	032	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Injured	Protect: within 3 m of building

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
								area and in good condition
43.27	-80.01	042	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Injured	Remove: within 3 m of building area and in poor condition
43.27	-80.01	057	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	058	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	059	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	060	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	061	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	062	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	063	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	064	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	065	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	066	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	067	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	068	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	069	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	070	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	071	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	072	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	073	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	074	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	076	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	077	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	078	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	079	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	080	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	081	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	082	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	083	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	084	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	085	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	086	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	087	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	088	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	089	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	090	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	091	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	092	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	093	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	905	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	906	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	907	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	902	<i>Acer platanoides</i>	Norway Maple	Poor	City	Retain	
43.27	-80.01	004	<i>Crataegus</i>	Hawthorn	Very Poor	Proponent	Retain	
43.27	-80.01	036	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	037	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	038	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	041	<i>Crataegus</i>	Hawthorn	Poor	Proponent	Retain	
43.27	-80.01	043	<i>Crataegus</i>	Hawthorn	Good	Proponent	Retain	
43.27	-80.01	039	<i>Malus pumila</i>	Domestic Apple	Poor	Proponent	Remove	
43.27	-80.01	904	<i>Malus pumila</i>	Domestic Apple	Excellent	Adjacent landowner	Retain	
43.27	-80.01	094	<i>Populus deltoides</i>	Eastern Cottonwood	Excellent	Proponent	Retain	
43.27	-80.01	096	<i>Populus tremuloides</i>	Trembling Aspen	Excellent	Adjacent landowner	Retain	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	053	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Retain	
43.27	-80.01	054	<i>Prunus serotina</i>	Black Cherry	Poor	Proponent	Retain	
43.27	-80.01	075	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Remove	
43.27	-80.01	100	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Retain	
43.27	-80.01	033	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Remove	
43.27	-80.01	034	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	035	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	040	<i>Rhamnus cathartica</i>	Common Buckthorn	Very Poor	Proponent	Remove	
43.27	-80.01	044	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	097	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	098	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	099	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	901	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	903	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	095	<i>Salix alba</i>	White Willow	Very Poor	Proponent	Retain	
43.27	-80.01	045	<i>Sassafras albidum</i>	Sassafras	Good	Proponent	Retain	
43.27	-80.01	046	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	047	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	048	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	049	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	050	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	051	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	052	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	055	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	056	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	908	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	
43.27	-80.01	909	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	
43.27	-80.01	910	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	

30, 33, 39 and 40



Hamilton

Planning and Economic Development Department
Planning Division

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

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

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

Office Use Only

Date Application Received: <i>Dec 12 2019</i>	Date Application Deemed Complete:	Submission No.:	File No.:
--	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	330113 Ontario Incorporated		
Applicant(s)*	(same as above)		
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer		

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot Part Lot 6	Concession 1	Former Township West Flamborough
Registered Plan N°. 62M-903	Lot(s) Block 9	Reference Plan N°. 62R-12988	Part(s) Part 2, save and except <i>62M-903</i>
Municipal Address unassigned			Assessment Roll N°. 3021103340 3021104186 (Block 9)

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 over Block 9, Plan 62M-903, in favour of the City of Hamilton for access between Oak Avenue and Block 7, Plan 62M-903, for the purpose of maintenance of stormwater management facilities.

3 PURPOSE OF THE APPLICATION

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

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

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

- Other: a charge
 a lease
 a correction of title

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

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

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

Frontage (m) +- 20 metres (Oak Avenue)	Depth (m) irregularly shaped lot, please refer to severance sketch	Area (m ² or ha) +- 8.0 ha
---	--	--

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: None

Proposed: None at this time.

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

Frontage (m) +- 111 metres (Highway 8) +- 24 metres (Oak Avenue)	Depth (m) irregularly shaped lot, please refer to severance sketch	Area (m ² or ha) +- 10.4 ha
--	--	---

Existing Use of Property to be retained:

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

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

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use 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?
Applicant knowledge and historical context of surrounding area.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

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

Yes No

The proposed redevelopment is consistent with the Policy Statements issued under subsection 2 of

the Planning Act in that it will contribute towards appropriate residential growth and the provision of
a full range of housing options.

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

Yes No (Provide explanation)

The proposed redevelopment is consistent with the PPS in that it represents an appropriate division of land.

The severance will allow for residential infill within the Greensville Settlement Area, promoting efficient development and land use patterns without further fragmenting the nearby sensitive environmental features.

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

Yes No (Provide explanation)

The proposed redevelopment conforms with the Growth Plan in that it represents appropriate division of land within the Greensville Settlement Area of the City of Hamilton. The proposed severance will maintain the established lot fabric of the surrounding neighbourhood context without resulting in fragmentation of the nearby sensitive environmental features.

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 lands are located within the Niagara Escarpment Planning area. For further details please refer to subsection e), below.

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)

The subject lands are designated Escarpment Rural Area, Escarpment Natural Area, and Minor Urban Centre as per Map 2 of the Niagara Escarpment Plan. The natural area is limited to the southern extents of the subject lands, where no future development will occur. Any future development will be limited to the rural area, mitigating any potential adverse impacts to the natural features of the Escarpment.

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

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

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) +- 20 metres (Oak Avenue)	Area (m ² or ha): (from in Section 4.1) +- 8.0 ha
---	---

Existing Land Use: Vacant Proposed Land Use: Residential

b) Lands to be Retained:

Frontage (m): (from Section 4.2) +- 111 metres (Highway 8) +- 24 metres (Oak Avenue)	Area (m ² or ha): (from Section 4.2) +- 10.4 ha
--	---

Existing Land Use: Vacant Proposed Land Use: Residential

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

N/A

(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

N/A

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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

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

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

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

Front yard set back: _____

d) Surplus farm dwelling date of construction:

 Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

 Habitable Non-Habitable

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

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

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

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

Archaeological Assessment (Stage 1) By Mayer Heritage Consultants Inc. completed in September 2001, regarding consent applications F-09-01 to F-12-01, includes the portion of the land to be severed lying north of the escarpment brow within the study area.

A Geotechnical Assessment of the subject lands was prepared in 2002 which supports the proposed severance.

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

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

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-20:04	SUBJECT PROPERTY:	177 HWY 8 , FLAMBOROUGH 330113 ONTARIO INCORPORATED
ZONE:	“R2-24(H)” & “CM” (of Flamborough Zoning By-Law 90-145-z) & “P6” (of Hamilton Zoning By-Law 05-200) (Settlement Residential & Conservation Management and Conservation/Hazard Lands)	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z and Zoning By-law City of Hamilton 05- 200, as Amended

APPLICANTS: Owner: 330113 ONTARIO INCORPORATED
Agent: FRANZ KLOIBHOFER- AJ CLARKE AND ASSOCIATES

The following variances are requested:

Lands to be Retained (Part 1):

1. A lot frontage of 24.0m shall be provided instead of the minimum required lot frontage of 30.0m.

Lands to be Severed (Part 2):

1. A lot frontage of 28.0m shall be provided instead of the minimum required lot frontage of 30.0m.

PURPOSE & EFFECT: So as to permit the creation of two new lots (known as Part 1 and Part 2) in accordance with Consent Application No. FL/B-20:01:

Notes:

- i. These variances are necessary to facilitate consent application no. FL/B-20:01.
- ii. The survey submitted shows a 0.3m reserve currently in place along Oak Avenue. These variances are based on the 0.3m reserves being removed. Otherwise, further variances will be required to permit the creation of a lot (Part 2) without frontage along a street.

FL/A-20:04

- iii. In addition to comment ii above, the lot lines abutting Oak Avenue will be considered the front lot lines for each proposed lot as they are the shortest lot lines abutting a street.
- iv. The applicant shall ensure the intended Lot Frontages have been measured in accordance with the definition of Lot Frontage as contained in Flamborough Zoning By-law 90-145-Z.
- v. The southerly portion of the lands being served (Part 2) are under the Niagara Escarpment Commission's Development Control Area.

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, October 5, 2023
TIME:	9:45 a.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.

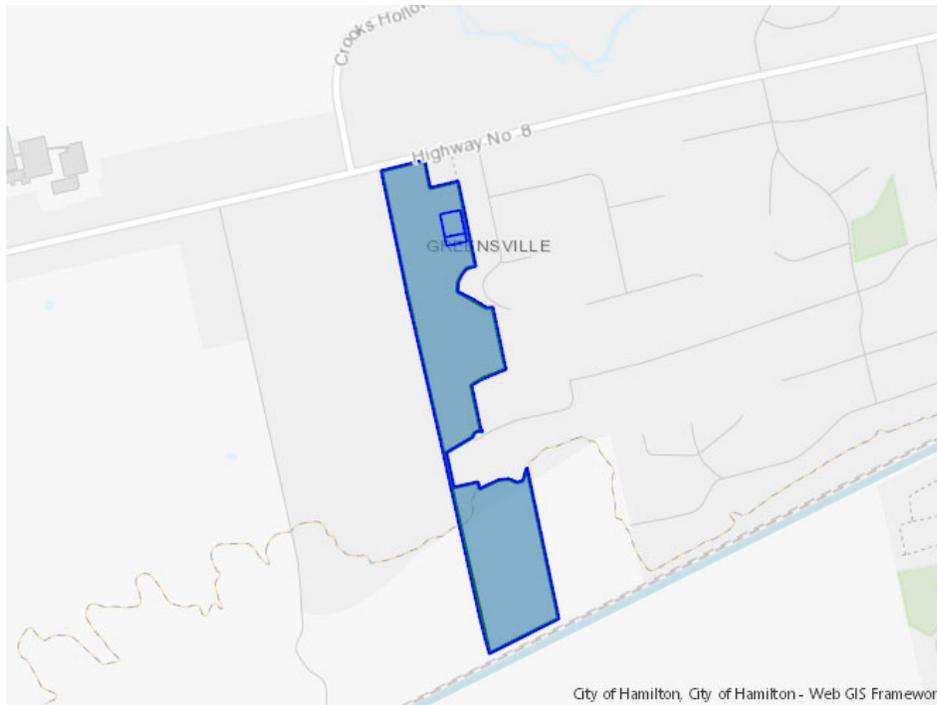
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-20:04, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

FL/A-20:04

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



DATED: September 19, 2023

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.

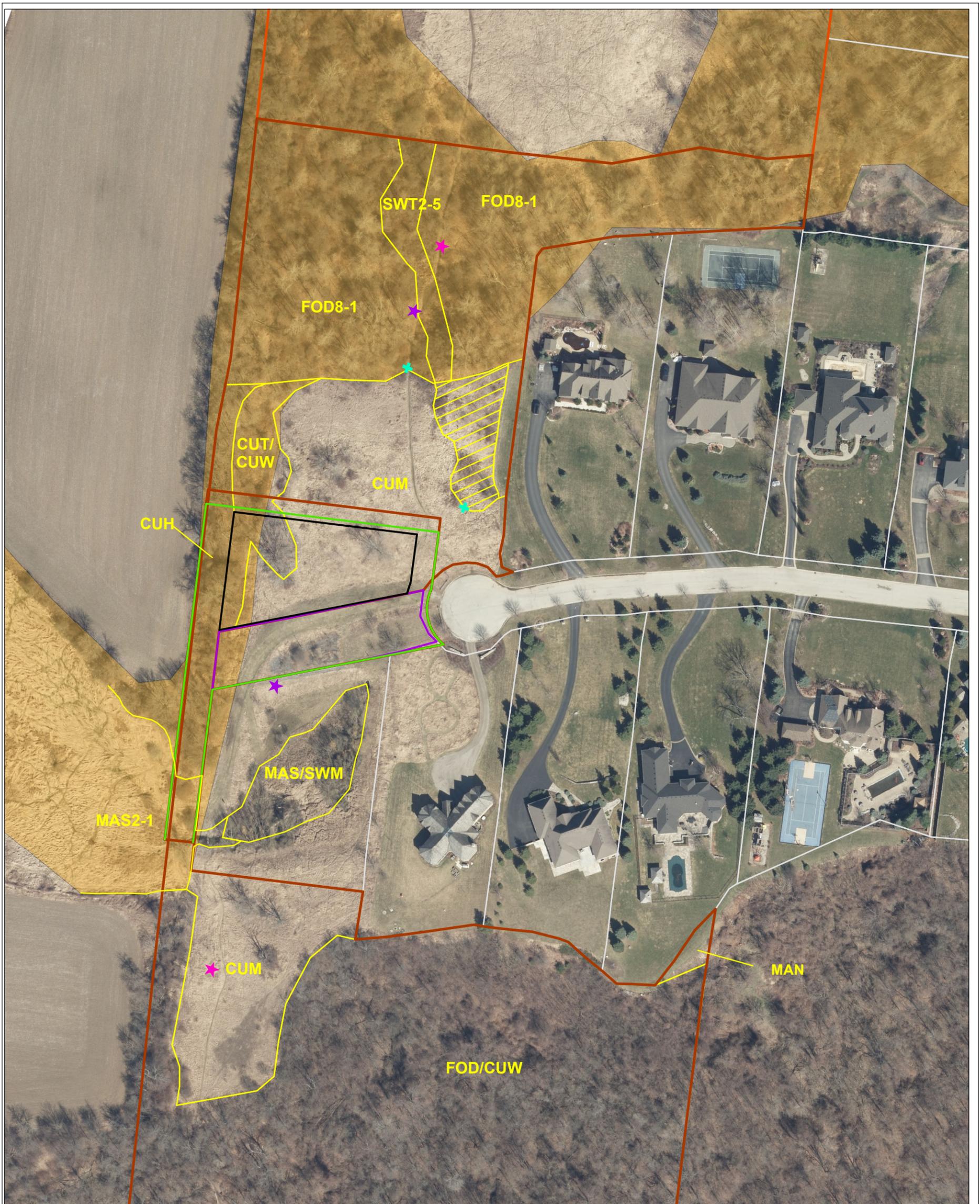
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



Legend

- Study Area: Part 1
- Study Area: Part 2
- Significant Wildlife Habitat / SAR Habitat (2016; Greenville Subwatershed Study)
- Parcels
- + Soil Sampling Locations
- ★ Breeding Bird Survey Locations
- ★ Amphibian Survey Locations
- Building Envelope
- Site Area
- Block 9 Amenity

Vegetation Communities

- Phragmites Inclusion
- Ecological Land Classification
- CUH: Cultural Hedgerow
- CUM: Cultural Meadow
- CUT: Cultural Thicket
- CUW: Cultural Woodland
- FOD: Deciduous Forest
- FOD8-1: Fresh – Moist Poplar Deciduous Forest
- MAN: Manicured
- MAS: Shallow Marsh
- MAS2-1: Cattail Mineral Shallow Marsh
- SWD: Deciduous Swamp
- SWM: Stormwater Management Pond
- SWT2-5: Red-osier Dogwood Mineral Deciduous Thicket Swamp

**Figure 4 | 177 Hwy 8 Flamborough:
Survey Location and Ecological Land Classification**

Project Number
19-1134

Date:
2022-06-29



0 50 100 Meters

Map Produced by North South Environmental (NSE) Inc.
This map is proprietary and confidential and must not be duplicated or distributed by any means without permission of NSE.
Data Provided by: North South Environmental Inc. Imagery: First Base Solutions 2018





Legend

- Study Area: Part 1
- Study Area: Part 2
- Parcels
- Building Envelope
- Block 9 Amenity
- Significant Wildlife Habitat
- Significant Wildlife Habitat / SAR Habitat (2016; Greenville Subwatershed Study)
- Habitat for Endangered Species
- Significant Woodlands
- Wetland
- Significant Features 30m Buffer
- Woodland Buffer 15m

**Figure 6 | 177 Hwy 8 Flamborough:
Significant Features**

Project Number
19-1134

Date:
2022-06-29



0 50 100 150 200 250 Meters

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distributed by any means without permission of NSE.
Data Provided by: North South Environmental Inc. Imagery: First Base Solutions 2018



Memorandum

To: Ryan Ferrari, A. J. Clarke and Associates

From: North-South Environmental Inc.

Date: 18 August 2022

File: Proposed severance for 177 Highway 8, Flamborough

cc: Michael Zimmerman, Franz Kloibhofer

Re: **Significant Wildlife Habitat Mapping**

Introduction

North-South Environmental Inc. (NSE) has been retained to undertake an Environmental Impact Statement (EIS) for a proposed lot severance at 177 Highway 8, Flamborough, ON. The client wishes to sever the southern portion of the property and build a single dwelling in an open area near the terminus of Oak Avenue in a discrete building envelope outside areas of native trees. The proposed building site was formerly farmed, but areas to the east have been developed and the proposed building site is now adjacent to large lots supporting residential development.

An EIS was completed to support the severance proposal. The EIS was based on a Terms of Reference that was reviewed by the City of Hamilton and Hamilton Conservation Authority (HCA). Comments were provided by these agencies and the comments were incorporated into the EIS. Comments from City of Hamilton on Terms of Reference referred to the Mid-Spencer Creek-Greensville Rural Settlement Area Subwatershed Study, and this was referenced throughout the EIS. One of the first comments on the proposed Terms of Reference for the severance stated:

“Generally, our policies do not allow new development (lots) within Core Areas - you would have to demonstrate no negative impacts. Even though the building envelope will be outside of the Core Areas, the new resident may remove vegetation and manicure the Core Area if it is within their ownership. I recommend that lot boundaries do not include Core Areas - there is a lot of room for the lot, so this should be possible.”

It appeared from these comments that development was not precluded entirely, but that impacts needed to be averted. There was no mention of SWH in these comments. The focus appeared to be on avoiding core areas. Therefore, the EIS focused on assessing the function of the surrounding treed areas as well as the development envelope, and finding a building envelope that had the fewest impacts on trees. The development envelope, and the proposed areas of tree removal, are shown in Figure 1.

It was determined through natural heritage studies that the woodlot to the north and hedgerow to the west did not support Significant Wildlife Habitat (SWH). The woodlot and hedgerow did not meet the criteria for SWH for bat maternity roosts, as the number of cavity trees was not sufficient. It did not support species of Conservation Concern such as Special Concern fauna or flora species.

Measures to protect core features centred on protection of surrounding features by delineation of a building envelope on the site within which site alteration was restricted. Site alteration will be strictly within the building envelope. An arborist report was completed that detailed efforts to avoid tree removal on the site. The proposed building envelope in relation to tree removal is shown in Figure 1 attached to this report. There is a small chance that Species at Risk bats may use the surrounding treed features for maternity roosts. However, trees that have a higher probability of supporting maternity roosts (trees over 25 cm diameter at breast height that support cavities) are rare, and outside the area proposed for tree removal.

The proposed building envelope avoided native trees in the hedgerow along the western portion of the property, which forms the primary linkage and significant wildlife habitat. Trees that were proposed for removal were primarily Manitoba Maple that had grown up around a berm that had been installed adjacent to the hedgerow. The building envelope also remains outside the woodlot on the northern portion of the proposed severance.

Through the delineation of the building envelope, our analysis indicated that impacts to the surrounding core features could be avoided.

Comments from City of Hamilton on EIS

Comments on the EIS were received from the City of Hamilton on June 6th, 2022. Two primary comments were:

- *Lot creation is considered to be development, and it has not been demonstrated by the EIS completed by North-South Environmental that no negative impacts to the Natural Heritage system and features on the subject property can be achieved. Per RHOP Volume 1, Chapter C Section 2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions; and*
- *"the proposed severance currently shows the lot lines going through the mapped Significant Wildlife Habitat. This is not permissible through Policy, please see RHOP Volume 1, Chapter F - Section 1.14.2.1 h) ii)"*

This memo provides additional information on how the severance can be created while core features are protected and enhanced.

Additional Mitigation of Impact on Core Features

The following mitigation measures were proposed in the EIS:

- Restriction of development to a building envelope largely outside treed areas
- Tree removal restricted to Manitoba Maple (a non-native species characteristic of disturbed areas) surrounding the berm on the west side of the proposed development envelope;
- Removal of vegetation outside the bird and bat activity time period
- Measures to limit erosion and sedimentation of surrounding features during construction
- Planting of shrubs and trees along the hedgerow (the primary area of linkage) on the west side of the property.

The following additional mitigation measures are proposed:

- Construction of a barrier fence around the building envelope and amenity area
- Additional tree planting to enhance linkage on the west side of the building envelope.

Construction of a Barrier Fence

Construction of a barrier fence is recommended to create a clear boundary that limits the development and subsequent encroachment. It is recommended that a robust fence be constructed around the building envelope that is at least 2 m high. The fence should be built prior to construction. This will help to mitigate impacts as follows:

- It will prevent encroachment into the adjacent natural features by construction equipment, landscaping and soil disturbance
- It will prevent activities outside the building envelope such as tree removal, dumping of compost, dumping of swimming pool water, etc.

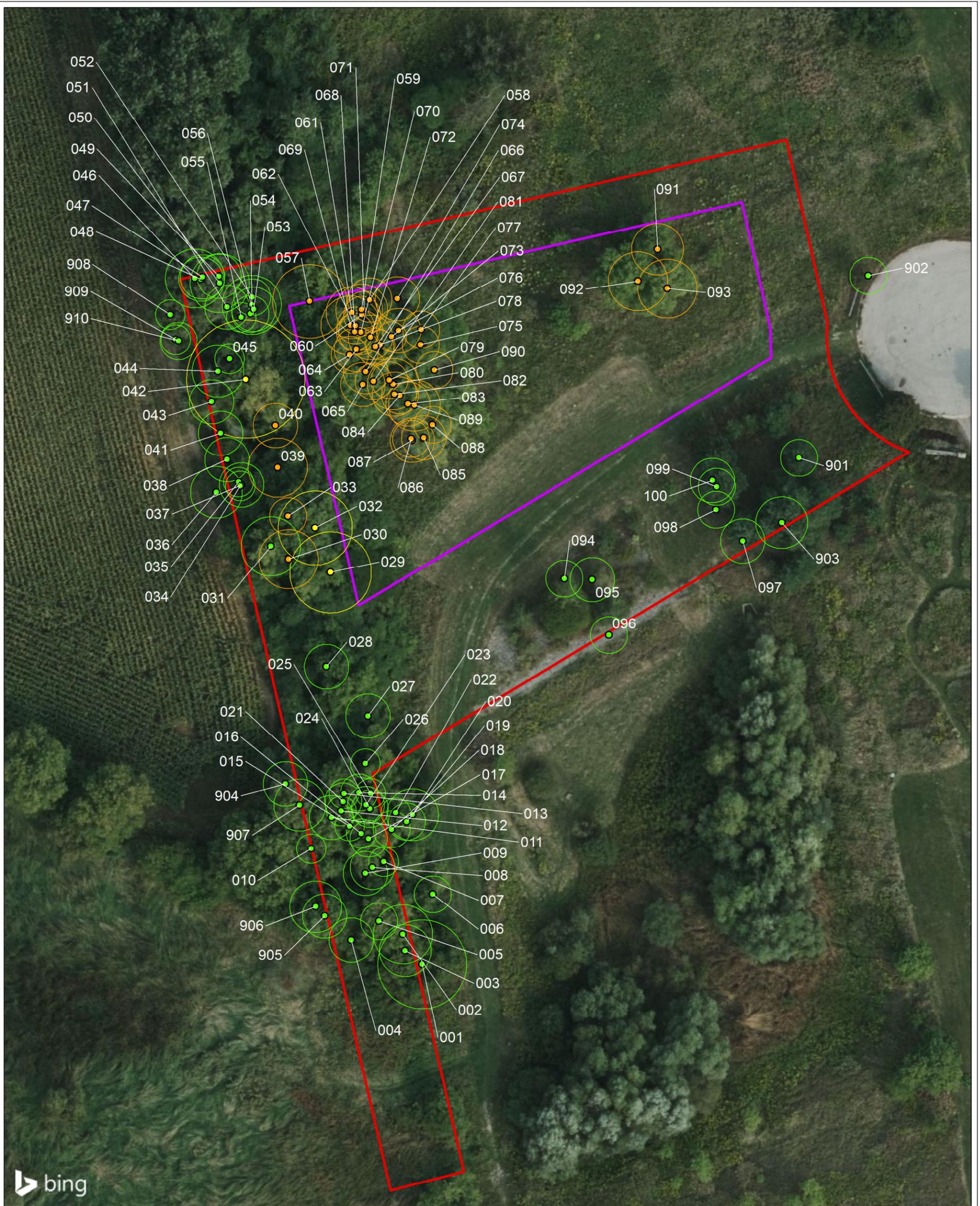
Additional Planting at Western and Northern Edges of Development

Additional planting is recommended to enhance the function of the surrounding core features. This should include:

- Planting of long-lived native tree species inside the western boundary fence (along the edge), as well as between the fence and the western hedgerow, is recommended to enhance the diversity and connectivity of the hedgerow.
- Additional planting of both trees and shrubs is recommended between the woodland to the north and the northern boundary fence.

Conclusions

The creation of a clear-cut building envelope surrounded by a tall boundary fence will eliminate impacts on core features. Planting of long-lived native trees, as well as shrubs, will enhance the function of the northern woodland by increasing connectivity and diversity of core features.



Legend

- Amenity Area Limit
- Building Envelope

Tree Status

- Removal
- Injured
- Retain

Map 1 | 177 Hwy 8 Flamborough : Tree Retention Plan

Project Number
20 - 1134

Date:
2022-02-08



Map Produced by North South Environmental (NSE) Inc.
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Data Provided by: North South Environmental Inc. Imagery: Bing Maps



February 17, 2022

177 Highway 8,
Flamborough,
Ontario

Tree Protection Plan Report

Prepared for

A.J. Clarke and Associates Limited



Project Study Team

North-South Environmental Inc.

Sarah Mainguy - Project Manager, report editor

Will Van Hemessen - ISA Certified Arborist #ON-2459A, Report Author

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177 Highway 8, Flamborough, Ontario

Tree Protection Plan Report

1. Introduction

In February of 2020, North-South Environmental Inc. (NSE) was retained to conduct environmental studies and prepare an Environmental Impact Statement (EIS) for a proposed land severance at 177 Highway 8 in the City of Hamilton. As part of the approved Terms of Reference (TOR) for the EIS, a Tree Protection Plan (TPP) is to be submitted as part of the Consent to Sever Land application. This report summarizes the results of the tree inventory on the amenity area of the site, describes the trees which will be removed in order to accommodate development in the building envelope area on site and provides an analysis of protection measures for trees to be retained. This report has been prepared following the City of Hamilton's Tree Protection Guidelines (2010). The building envelope was reduced in November 2021 to protect additional trees and this report has been revised to reflect the smaller building envelope. A minor modification of the northern boundary of the amenity area (which coincides with the proposed northern boundary of the property line) has also been incorporated into this report: the amenity area was extended north by 5 m, as the proposed building envelope was too close to the property line to provide sufficient room for construction. However, there is no additional tree removal proposed within the extended amenity area.

1.1. Proposed Development

The owner of 177 Highway 8 is proposing to sever the parcel into two lots, which are mapped within the EIS (North-South Environmental 2021): Part 1 (northern) and Part 2 (southern) portions. The northern portion is not proposed for development. The southern lot will include an 0.565 ha amenity area at the end of Oak Avenue within which a hypothetical future development could be constructed in a smaller building envelope. The area within which trees are proposed to be removed is within the building area of 1,862 square meters, smaller than the amenity area. Currently, there are no structures on the property. The only infrastructure is a City-owned stormwater management facility located at the end of Oak Avenue immediately south of the location of the proposed new home. A map of the site showing the proposed amenity area can be found following **Page 6**.

1.2. Methodology

NSE's International Society of Arboriculture (ISA) Certified Arborist visited the site on September 3rd, 2020 and conducted an inventory of trees located in the 0.52 ha amenity area and within 3 m of this area. The methodology followed the City's Tree Protection Guidelines, specifically:

1. Trees larger than 10 centimetres (cm) in diameter at breast height (DBH) located within the amenity area were tagged with a numbered aluminum tree tag
2. Trees larger than 10 cm DBH located within 3 m of the amenity area were inventoried but not tagged
3. For all trees, the following information was documented:
 - a. Tag number (if applicable)
 - b. Species
 - c. DBH (cm)
 - d. Height (m)
 - e. Crown diameter (m)
 - f. Condition (trunk, crown and overall)
 - g. Ownership
 - h. Action (remove, injure, retain)

The information gathered using these methods was compiled to produce the tree inventory provided in **Appendix 2**.

2. Tree Inventory

A total of 103 trees were inventoried within the amenity area and an additional 7 trees were documented within 3 m of the amenity area. Of these trees, 103 were tagged with numbered tree tags. **Table 1** gives a breakdown of trees inventoried in the study area by overall condition.

The majority (97 individuals or 88%) of trees inventoried in the study area are considered native to Ontario, although the most common tree in the study area is Manitoba Maple (*Acer negundo*), which is generally considered to be introduced to the Hamilton area. Trees in the study area consist of 11 species of which Manitoba Maple is the most common (71 individuals or 65%) followed by Sassafras (*Sassafras albidum*) (13 individuals or 12%). About half of the trees in the study area were assessed as "excellent" or "good" condition (54 individuals or 49%) while the other half were determined to be in "fair", "poor" or "very poor" condition (56 individuals or 51%). There are no rare, unusual or designated heritage trees in the study area.

Table 1. Summary of trees inventoried in the study area

Species	Mean DBH (cm)	Overall Condition				
		Excellent	Good	Fair	Poor	Very Poor
Black Cherry <i>Prunus serotina</i>	21.7	3			1	
Black Locust <i>Robinia pseudoacacia</i>	29.2	5				
Common Buckthorn <i>Rhamnus cathartica</i>	17.2				4	1
Domestic Apple	61.7	1			1	

Species	Mean DBH (cm)	Overall Condition				
		Excellent	Good	Fair	Poor	Very Poor
<i>Malus pumila</i>						
Eastern Cottonwood <i>Populus deltoides</i>	19.3	1				
Hawthorns <i>Crataegus spp.</i>	19.7	3	1		1	1
Manitoba Maple <i>Acer negundo</i>	23.1	9	17	25	12	8
Norway Maple <i>Acer platanoides</i>	15.3				1	
Sassafras <i>Sassafras albidum</i>	28.2	12	1			
Trembling Aspen <i>Populus tremuloides</i>	15.0	1				
White Willow <i>Salix alba</i>	15.0					1
TOTAL		35	19	25	18	11

3. Impact Assessment and Mitigation

3.1. Trees for Removal

For the purposes of the Tree Protection Plan, it has been assumed that all trees that fall within the proposed building area (see **Map 1** in **Appendix 1**) will be removed in order to accommodate a hypothetical future development. Trees and shrubs within and outside the larger proposed amenity area will not be removed. In addition, four trees in poor to very poor condition will be removed from the amenity area outside the building envelope, as they are likely to create a hazard. These included tree numbers 30, 33, 39 and 40 (see **Map 1** in **Appendix 1**).

Removal of all trees within the building area, as well as the hazard trees, would result in the removal of 41 trees. **Table 2** breaks down the trees for removal by species and overall condition. Almost all of the trees to be removed are Manitoba Maples (one Black Cherry in excellent condition is proposed to be removed). Most Manitoba Maples are in “fair”, “poor” or “very poor” condition. The other species, two Common Buckthorn and one Domestic Apple, are non-native, and in “poor” or “very poor” condition.

Table 2. Summary of trees to be removed in the proposed amenity area

Species	Overall Condition				
	Excellent	Good	Fair	Poor	Very Poor
Black Cherry <i>Prunus serotina</i>	1				
Manitoba Maple <i>Acer negundo</i>	6	8	12	5	6
Common Buckthorn				1	1

Species	Overall Condition				
	Excellent	Good	Fair	Poor	Very Poor
<i>Rhamnus cathartica</i>					
Domestic Apple <i>Malus pumila</i>				1	
TOTAL	7	8	12	7	7

3.2. Potential Impacts to Remaining Trees

A total of 70 trees will be retained outside of the proposed building area or on adjacent properties (see **Table 3**). Tree protection zones (TPZs), as described in **Section 3.3**, should be established around these trees, where possible, during construction activities on site. It is important to note that trees intended to be retained on site may still be affected by development either directly (e.g., damage to roots, branches, etc. resulting from construction activity) or indirectly (e.g., soil compaction or hydrological changes that alter water and/or nutrient availability). Some specific impacts include:

- **Excavation:** excavation within the root zones of trees which are retained on site could sever roots and cause long term injury. For most trees, 90% of roots are located within the top 15 cm of soil so any excavation within the root zone is likely to impact the tree.
- **Trunk or Crown Injuries:** construction equipment, especially heavy machinery, could accidentally damage the trunk or bark of trees which are not adequately protected.
- **Soil Compaction:** Movement of machinery and workers around the site and compact soil which can alter water infiltration patterns. This is especially likely to affect trees if it occurs within their root zones, as described above.
- **Hydrological Changes:** The proposed development may cause localized changes in hydrology due to an increase in impervious surfaces on the landscape (i.e. buildings, pavement). This may affect water availability which could harm sensitive trees.

Three (3) Manitoba Maples which are located outside of the proposed amenity area but whose root zones enter the amenity area may be injured due to excavation, soil compaction, etc. These trees are denoted as “Retain (Injury)” in the table below and in the tree inventory table in **Appendix 2**. However, two of these trees are in poor condition and should be removed, as they are close to the building envelope.

Table 3. Trees to be retained during construction

Species	Retain	Retain (Injury)
Domestic Apple <i>Malus pumila</i>	1	
Hawthorns <i>Crataegus spp.</i>	6	
Manitoba Maple <i>Acer negundo</i>	31	3 (2 in poor condition)

Species	Retain	Retain (Injury)
Norway Maple <i>Acer platanoides</i>	1	
Sassafras <i>Sassafras albidum</i>	13	
Trembling Aspen <i>Populus tremuloides</i>	1	
Eastern Cottonwood (<i>Populus deltoides</i>)	1	
Black Cherry (<i>Prunus serotina</i>)	3	
Common Buckthorn (<i>Rhamnus cathartica</i>)	3	
Black Locust (<i>Robinia pseudoacacia</i>)	5	
TOTAL	69	3

3.3. Tree Protection and Mitigation Measures

In order to prevent or minimize the impacts described above, the following tree protection measures should be implemented during construction:

- **Tree Protection Zone (TPZ):** The most important, and preferred, tree protection measure is total avoidance of the TPZ of trees to be retained. This should be achieved by clearly demarcating the TPZ around trees to be retained and prohibiting entry into the TPZ by workers and equipment during construction. The TPZ is defined as the dripline (i.e., canopy width) of a tree plus 1 m. TPZs of trees to be retained on site are identified in the table in **Appendix 2**.
- **Tree Protection Fencing:** TPZs of trees to be retained shall be demarcated with Paige wire farm fencing, at a minimum.
- **Signage:** Signs should be installed on tree protection fencing to inform contractors of prohibited activities within the TPZ.
- **Access Route Situation:** Access routes for construction equipment on site shall be situated as far away from TPZs as possible to avoid soil compaction and potential spills of oil and other substances which could harm trees.
- **Root and Branch Pruning:** Where minimum TPZs cannot be provided around trees to be retained (e.g., if they would restrict construction access), branch or root pruning may be required. Where excavation is required within TPZs, major roots should be pruned in a controlled manner and should be supervised by a tree management professional. If branch pruning is required (e.g., to allow construction equipment access), pruning should be done according to standard arboricultural methodology and should be supervised by a tree management professional.

Tree protection measures and any maintenance of trees to be retained on site should be done under the supervision of a tree management professional.

4. Compensation Requirements

Trees recommended for removal in **Section 3.1** and in **Appendix 2** were determined under the assumption that all trees within the proposed building envelope on site will be removed to accommodate a hypothetical future development. The City of Hamilton requires 1 to 1 compensation for any trees removed. Since compensation requirements will depend on the number of trees removed, they should be determined as part of a site plan application for any future development on site. Removal of all trees in the proposed amenity area, including the four hazard trees within the amenity area and three Manitoba Maples that could be injured as they are just outside the building area, would require that 44 trees be planted on site as compensation.

The site is large enough that compensation plantings can be accommodated on site outside the building area. Compensation plantings should consist of species native to the Hamilton area and should be suited to soil texture and moisture conditions on site. Consult Appendix 4 of the City of Hamilton's Tree Protection Guidelines (2010) for a list of recommended species for compensation plantings.

5. Monitoring Requirements

The City of Hamilton requires that a tree management professional be retained to supervise the installation of tree protection measures, pruning and other maintenance of trees retained on site and planting of new trees. The tree management professional shall provide a Verification of Tree Protection Letter to the City of Hamilton's Director of Planning to confirm that the tree protection and mitigation requirements have been properly implemented on site. After construction, the tree management professional shall provide the City with a Post-grading Tree Management Report to document any damage to trees on site and recommend any additional maintenance or compensation requirements.

Compensation plantings on site shall be monitored throughout their warranty period and should be replaced under warranty if required.

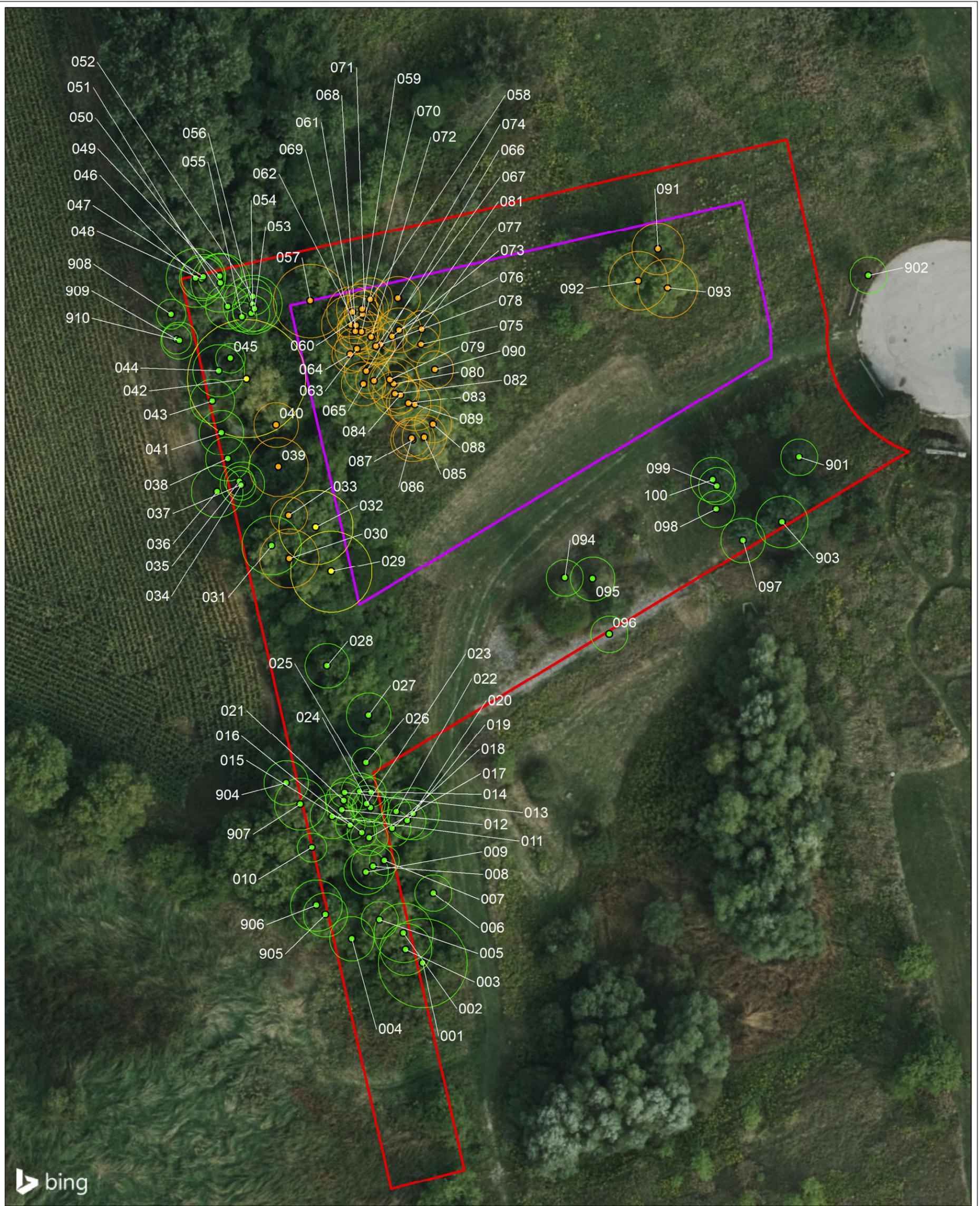
6. Summary

The proposed building envelope in the proposed south parcel of 177 Highway 8 contains 41 trees which may be removed in order to accommodate a potential future development. An additional 3 trees are located in proximity to the proposed building area (two in poor condition), and would likely be injured to accommodate construction of a hypothetical future development. Forty-four trees should be planted as compensation for removal. For trees to be retained, tree protection measures should be implemented as described in **Section 3.3**. The one Black Cherry tree in good condition should be

retained within the building envelope if feasible, but trees in poor condition, especially Manitoba Maples, can be removed. Compensation requirements for trees to be removed will depend on the exact number of trees removed and should be determined as part of a site plan application package for any future development proposal on site.

7. References

City of Hamilton. 2010. Tree Protection Guidelines - City Wide.



Legend

- Amenity Area Limit
- Building Envelope

Tree Status

- Removal
- Injured
- Retain

Map 1 | 177 Hwy 8 Flamborough : Tree Retention Plan

Project Number
20 - 1134

Date:
2022-02-08



Map Produced by North South Environmental (NSE) Inc.
This map is proprietary and confidential and must not be duplicated or distributed by any means without permission of NSE.
Data Provided by: North South Environmental Inc. Imagery: Bing Maps



APPENDIX 1 | Tree Inventory

Appendix 1. Tree Inventory

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	001	<i>Acer negundo</i>	Manitoba Maple	Good	Adjacent landowner	Retain	
43.27	-80.01	002	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	003	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	005	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	006	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	007	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	008	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	009	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	010	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	011	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	012	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Retain	
43.27	-80.01	013	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	014	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	015	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Retain	
43.27	-80.01	016	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	

Project Name • Date

1

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	017	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	018	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	019	<i>Acer negundo</i>	Manitoba Maple	Good	Adjacent landowner	Retain	
43.27	-80.01	020	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	021	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	022	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	023	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	024	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	025	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	026	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Retain	
43.27	-80.01	027	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Retain	
43.27	-80.01	028	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Retain	
43.27	-80.01	029	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Injured	Remove: within 3 m of amenity area and in poor condition
43.27	-80.01	030	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	031	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Retain	
43.27	-80.01	032	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Injured	Protect: within 3 m of building

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
								area and in good condition
43.27	-80.01	042	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Injured	Remove: within 3 m of building area and in poor condition
43.27	-80.01	057	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	058	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	059	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	060	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	061	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	062	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	063	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	064	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	065	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	066	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	067	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	068	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	069	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	070	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	071	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	072	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	073	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	074	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	076	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	077	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	078	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	079	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	080	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	081	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	082	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	083	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	084	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	085	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	086	<i>Acer negundo</i>	Manitoba Maple	Poor	Proponent	Remove	
43.27	-80.01	087	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	088	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	089	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	090	<i>Acer negundo</i>	Manitoba Maple	Very Poor	Proponent	Remove	
43.27	-80.01	091	<i>Acer negundo</i>	Manitoba Maple	Excellent	Proponent	Remove	
43.27	-80.01	092	<i>Acer negundo</i>	Manitoba Maple	Good	Proponent	Remove	
43.27	-80.01	093	<i>Acer negundo</i>	Manitoba Maple	Fair	Proponent	Remove	
43.27	-80.01	905	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	906	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	907	<i>Acer negundo</i>	Manitoba Maple	Fair	Adjacent landowner	Retain	
43.27	-80.01	902	<i>Acer platanoides</i>	Norway Maple	Poor	City	Retain	
43.27	-80.01	004	<i>Crataegus</i>	Hawthorn	Very Poor	Proponent	Retain	
43.27	-80.01	036	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	037	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	038	<i>Crataegus</i>	Hawthorn	Excellent	Proponent	Retain	
43.27	-80.01	041	<i>Crataegus</i>	Hawthorn	Poor	Proponent	Retain	
43.27	-80.01	043	<i>Crataegus</i>	Hawthorn	Good	Proponent	Retain	
43.27	-80.01	039	<i>Malus pumila</i>	Domestic Apple	Poor	Proponent	Remove	
43.27	-80.01	904	<i>Malus pumila</i>	Domestic Apple	Excellent	Adjacent landowner	Retain	
43.27	-80.01	094	<i>Populus deltoides</i>	Eastern Cottonwood	Excellent	Proponent	Retain	
43.27	-80.01	096	<i>Populus tremuloides</i>	Trembling Aspen	Excellent	Adjacent landowner	Retain	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	053	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Retain	
43.27	-80.01	054	<i>Prunus serotina</i>	Black Cherry	Poor	Proponent	Retain	
43.27	-80.01	075	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Remove	
43.27	-80.01	100	<i>Prunus serotina</i>	Black Cherry	Excellent	Proponent	Retain	
43.27	-80.01	033	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Remove	
43.27	-80.01	034	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	035	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	040	<i>Rhamnus cathartica</i>	Common Buckthorn	Very Poor	Proponent	Remove	
43.27	-80.01	044	<i>Rhamnus cathartica</i>	Common Buckthorn	Poor	Proponent	Retain	
43.27	-80.01	097	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	098	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	099	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	901	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	903	<i>Robinia pseudoacacia</i>	Black Locust	Excellent	Proponent	Retain	
43.27	-80.01	095	<i>Salix alba</i>	White Willow	Very Poor	Proponent	Retain	
43.27	-80.01	045	<i>Sassafras albidum</i>	Sassafras	Good	Proponent	Retain	
43.27	-80.01	046	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	

north-south

Latitude	Longitude	Tag Number	Scientific Name	Common Name	Condition	Ownership	Action	Comments
43.27	-80.01	047	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	048	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	049	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	050	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	051	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	052	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	055	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	056	<i>Sassafras albidum</i>	Sassafras	Excellent	Proponent	Retain	
43.27	-80.01	908	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	
43.27	-80.01	909	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	
43.27	-80.01	910	<i>Sassafras albidum</i>	Sassafras	Excellent	Adjacent landowner	Retain	

30, 33, 39 and 40



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

September 1, 2023

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

Delivered via e-mail

Attn: Ms. Jamila Sheffield
Secretary-Treasurer

**Re: Severance Application – Recirculation (FL/B-20:01)
Minor Variance Application – Recirculation (FL/A-20:04)
Pt Lot 6, Con 1, Flamborough (177 Hwy No. 8), City of Hamilton**

On behalf of our client, 330113 Ontario Incorporated, we are pleased to provide you with the enclosed resubmission package in support of existing applications for consent to sever (FL/B-20:01) and minor variance (FL/A-20:04) for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$520.00 made payable to the City of Hamilton, in payment of the requisite recirculation fee;
2. One (1) digital copy of the Arborist Report, prepared by North-South Environmental, dated February 2022;
3. One (1) digital copy of a Memorandum, prepared by North-South Environmental, dated August 2022, regarding Mitigation Measures for the proposed severance application.

For the Committee's information, we have met with staff and understand that they are not supportive of lot creation within a Core Area. In this instance, the issue is the lot line that will be created because of the proposed property line that will run across the wildlife corridor. Below is the diagram showing the limits of the severance application.

History

The proposed development consists of a severance application to sever one (1) parcel of land from the existing property. The proposed severed and retained parcels are identified as Parts 1 & 2, respectively, on the enclosed severance sketch. The intent of the severance is to facilitate the development of the severed lands with a single dwelling on the northernmost portion of the severed lands.



The retained lands (Part 1), will have a total area of approximately ± 10.4 hectares, as well as approximately ± 111 metres of frontage along Highway 8 and ± 24 metres of frontage along Oak Avenue. The retained lands will include the existing frontage along Oak Avenue in order to facilitate a potential future right-of-way extension from Oak Avenue northwards.

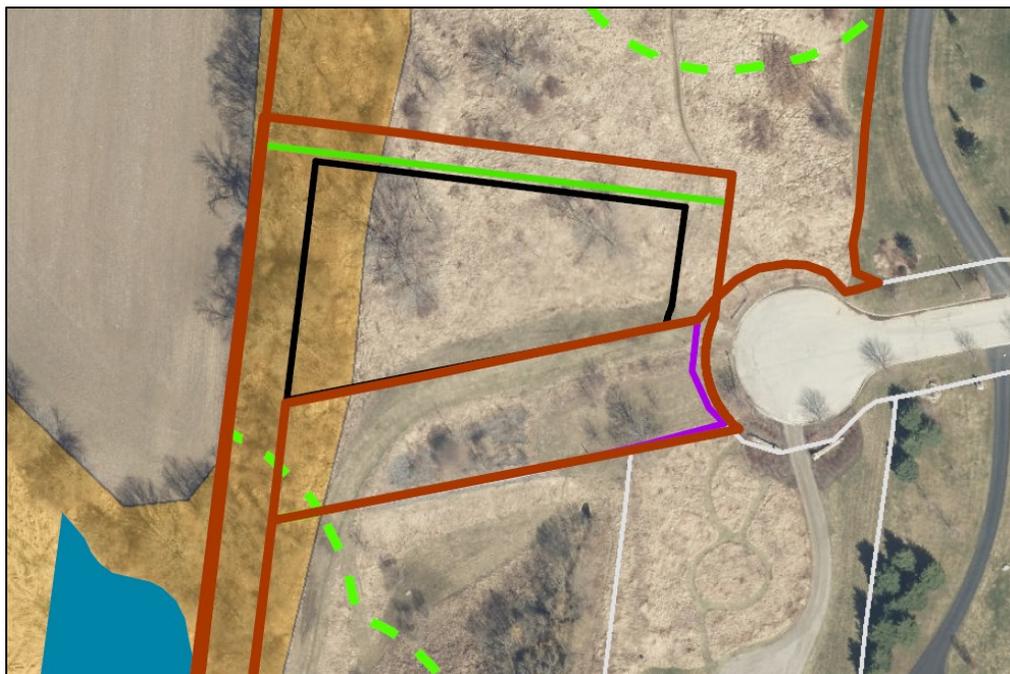
It is therefore intended to merge the severed lands (Part 2) on title with Block 9 of Registered Plan of Subdivision 62M-903 to the south, which is under the same ownership. Block 9 has a total area of approximately $\pm 1,578$ square metres, as well as ± 20 metres of frontage along Oak Avenue. The severed lands (Part 2) will have a total area of approximately 8 hectares (incl. Block 9). The width of the severed lands will be ± 38 metres, although only ± 20 metres will have frontage on Oak Avenue. The portion of the severed lands to be developed for residential use has an area of approximately 4,513 square metres (incl. Block 9) and 2,935 square metres (excl. Block 9).

Response to Staff Comments

In response, we have listed several mitigation measures for the purpose of alleviating staff's concerns respecting the surrounding environmental features.

We propose that staff add a condition should the application be approved to read as follows:

"That the owner shall prepare a Mitigation Strategy by a qualified Ecologist to ensure that the existing Wildlife Corridor will not be impacted as a result of the severance application, to the satisfaction of the Chief Planner, City Planning"





It should be noted that the apprehension of a negative impact is not sufficient to justify whether an impact will occur because of the severance. The intent is to leave the Core Area in-situ and construct a new dwelling far enough away from the Core Area such that there will be no impacts with the mitigation measures proposed. The red lines denote existing property lines. There are existing property lines running through the Core Area.

Further, both the NEC and HCA have previously commented on the proposal and indicate no issues from a Natural Heritage Perspective.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in blue ink that reads "Ryan Ferrari".

Ryan Ferrari, MCIP, RPP

Senior Planner

A. J. Clarke and Associates Ltd.

Encl.

Copy: 330113 Ontario Incorporated



Hamilton

Planning and Economic Development Department
Planning Division

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

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

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

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED <u>Dec. 12/19</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

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

The Planning Act

Application for Minor Variance or for Permission

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

1. Name of Owner 330113 Ontario Incorporated Telephone No. [REDACTED]



3. Name of Agent A.J. Clarke & Associates Ltd.
c/o Franz Kloibhofer Telephone No. [REDACTED]



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

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

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:

Relief from the minimum lot frontage requirement of 30 metres is requested. The applicant
proposes a minimum lot frontage of 20 metres.

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

Please refer to the concurrently submitted covering letter, which provides a detailed description of the subject
lands and justification for the proposed minor variance.

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

Part of Lot 6, Concession 1, Geographic Township of West Flamborough, City of Hamilton

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____
 Agricultural _____ Vacant x _____
 Other _____

9.1 If Industrial or Commercial, specify use

N/A

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Yes _____ No x Unknown _____

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

Applicant knowledge and historical context of surrounding area.

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

Is the previous use inventory attached? Yes _____ No x

ACKNOWLEDGEMENT CLAUSE

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

DECEMBER 6, 2019
Date


Signature Property Owner

330113 Ontario Incorporated per Michael Zimmerman
Print Name of Owner

10. Dimensions of lands affected:

Frontage + - 20 metres along Oak Avenue
Depth Irregularly shaped parcel - please refer to concurrently submitted Severance Sketch
Area + - 8.4 ha
Width of street + - 20 metres

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

Existing: None

Proposed: None at this time.

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

Existing: None

Proposed: None at this time.



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-23:241	SUBJECT PROPERTY:	8 MEDWIN DRIVE , FLAMBOROUGH, Ontario
ZONE:	“S1” (Settlement Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: PETRUS & CORNELIA NIEUWENHUIS

The following variances are requested:

1. A maximum height of 5.49 metres for the accessory building shall be provided whereas the by-law requires a maximum height of 4.5 metres.
2. A maximum aggregate gross floor area of 143.17 square metres for all accessory buildings shall be provided whereas the by-law requires a maximum aggregate gross floor area of 45.0 square metres.

PURPOSE & EFFECT: So as to permit the construction of a new accessory building in the rear yard to complement the existing Single Detached Dwelling.

Notes: 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, October 5, 2023
TIME:	9:50 a.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

FL/A-23:241

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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:241, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

FL/A-23:241



 Subject Lands

DATED: September 19, 2023

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.

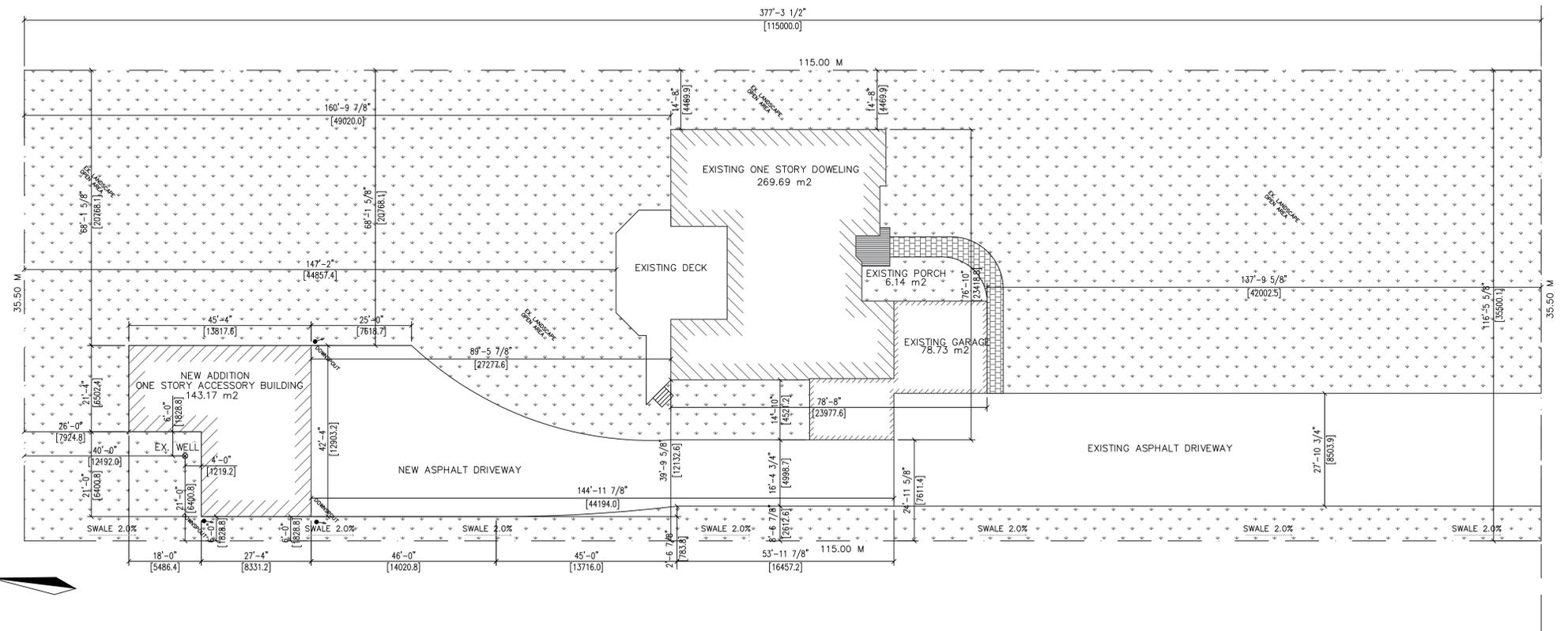
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



1 SITE PLAN

SCALE: 1:200

PLAN OF SURVEY OF LOT 9, REGISTERED PLAN 62M-835, TOWN OF FLAMBOROUGH ONTARIO

PLEASE NOTE THAT INFORMATION FOR THIS SITE PLAN WAS TAKEN FROM A SURVEY PLAN BY L.G. WOODS SURVEYING INC.

SITE DATA

ZONING LABEL S1 (RURAL SETTLEMENT RESIDENTIAL AREA)	LOT AREA 4082.51 (m ²)	LANDSCAPED OPEN AREA 3584.78 (m ²) OR 75 %	SOFT LANDSCAPED 2733.99 (m ²)		
		FRONT YARD AREA 1762.99 (m ²)	FRONT YARD SOFT LANDSCAPE 1266.67 (m ²) = 71.9%		
DESCRIPTION	EXISTING	ADDITION	TOTAL	%	ALLOWED
LOT COVERAGE (includes)	354.56 (m ²) ex. main fl. + porch + garage	143.17 (m ²) new accessory building	497.73 (m ²)	12.19 %	N/A
RES. FLOOR AREA (includes)	269.69 (m ²) ex. main fl.	0.0 (m ²)	269.69 (m ²)	6.61 %	N/A
ACCESSORY BLDG. AREA	0.0 (m ²)	143.17 (m ²)	143.17 (m ²)	3.51 %	200.0 (m ²) OR 5.0 % (LESSER OF)

SETBACKS (ACCESSORY BLDG.)		
YARD	BY-LAW	PROPOSED
FRONT YARD (SOUTH)	7.50 (m)	42.00 (m)
REAR YARD (NORTH)	1.00 (m)	7.92 (m)
INTERIOR SIDE YARD (WEST)	1.00 (m)	1.83 (m)
INTERIOR SIDE YARD (EAST)	1.00 (m)	20.77 (m)
MAX. HEIGHT	6.00 (m)	5.49 (m)

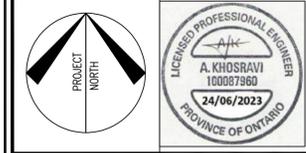
- CONTRACTOR MUST VERIFY ALL JOB DIMENSIONS, ALL DRAWINGS, DETAILS AND SPECIFICATIONS, AND REPORT ANY DISCREPANCIES TO ENGINEER BEFORE PROCEEDING WITH THE WORK.
- ALL DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND THE PROPERTY OF CARE ENGINEERING OR CONSULTANTS WHICH MUST BE RETURNED AT THE COMPLETION OF THE WORK. THE DRAWINGS AND SPECIFICATIONS ARE TO BE USED ONLY FOR THE PROJECT AS NOTED. REPRODUCTION OF THE DOCUMENTS IN PART OR IN WHOLE FOR ANY OTHER PURPOSE OR FOR ANY OTHER THAN THIS PROJECT WITHOUT THE WRITTEN CONSENT OF CARE ENGINEERING IS PROHIBITED. DRAWINGS ISSUED FOR GENERAL PURPOSE, NEGOTIATION, LEASE ETC. CARRY ALL THE ABOVE COPYRIGHT PROTECTION.
- ISSUED FOR REVIEW _____
- ISSUED FOR TENDER _____
- ISSUED FOR PERMIT _____
- ALL DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS COUNTERSIGNED BY THE CONSULTANT.

SIGNATURE _____ DATE _____

THE FOLLOWING DRAWINGS AND NOTES TO BE CONSIDERED AS PART OF THE CONSTRUCTION DRAWINGS:

2			
1	ISSUED FOR PERMIT	JUN 24 2023	
0	ISSUED FOR REVIEW	MAY 24 2023	
NO. REVISION	DESCRIPTION	DATE	BY

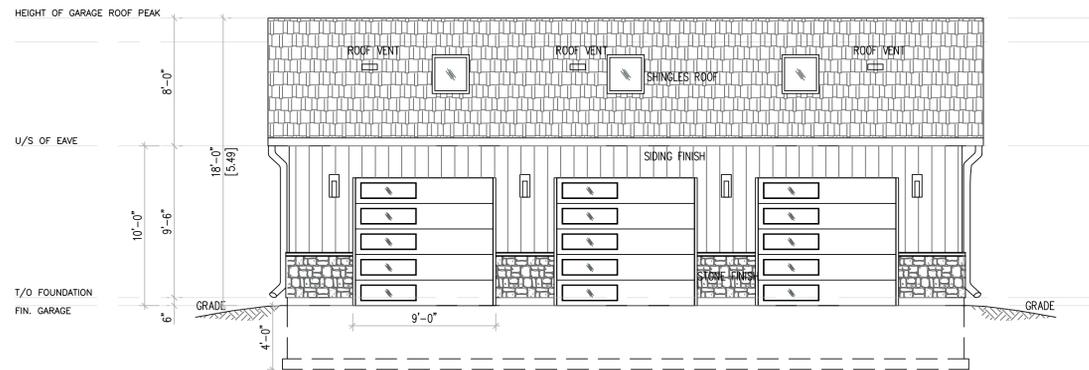
DO NOT SCALE DRAWINGS; THESE DRAWINGS SHOW INTENT OF THE DESIGN ONLY OR EXISTING CONDITIONS AND MAY NOT REFLECT EXACT LOCATIONS.



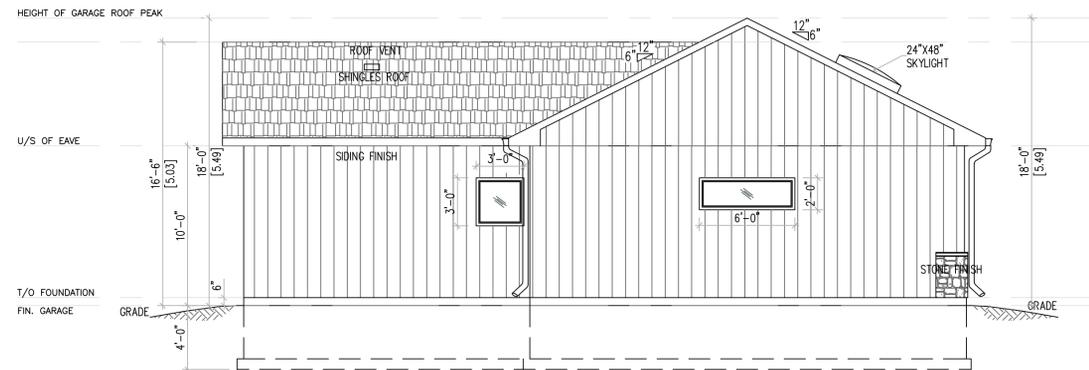
PROJECT NAME
ADDITION NEW BUILDING (ACCESSORY)
TO A ONE STOREY (DETACHED) HOUSE
8 MEDWIN DR.
DUNDAS, ONTARIO

SHEET TITLE SITE PLAN

SCALE AS SHOWN	PROJECT NO. 23-1107
DRAWN BY E.F.	DWG. NO. SP1
CHECKED BY A.K.	REV. NO. 1
DATE MAY 2023	
FILE NAME 23-1107.DWG	



PROPOSED FRONT VIEW (SOUTH ELEVATION)



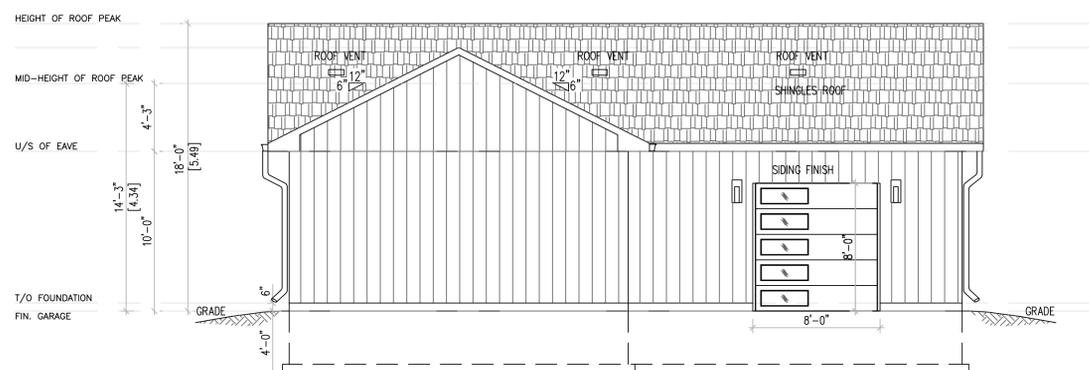
PROPOSED SIDE VIEW (WEST ELEVATION)

1 A2 PROPOSED FRONT ELEVATION (SOUTH VIEW)

SCALE: 3/16 = 1'-0"

2 A2 PROPOSED SIDE ELEVATION (WEST VIEW)

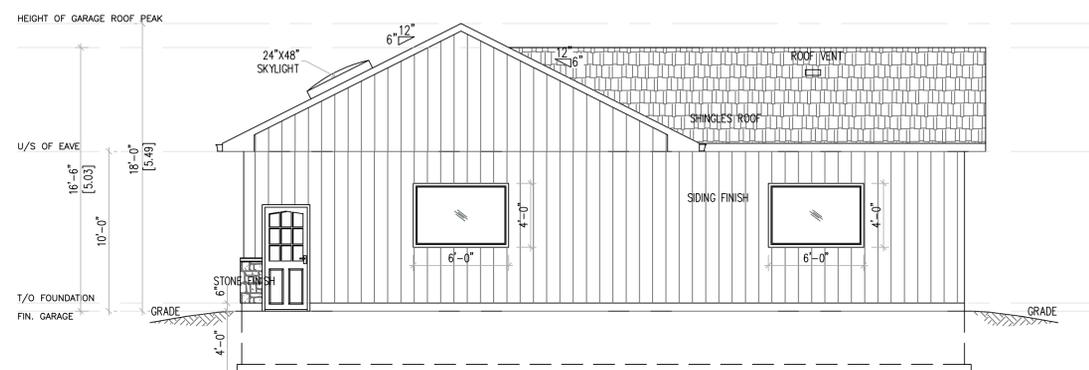
SCALE: 3/16 = 1'-0"



PROPOSED REAR VIEW (NORTH ELEVATION)

3 A2 PROPOSED REAR ELEVATION (NORTH VIEW)

SCALE: 3/16 = 1'-0"



PROPOSED SIDE VIEW (EAST ELEVATION)

4 A2 PROPOSED SIDE ELEVATION (EAST VIEW)

SCALE: 3/16 = 1'-0"

- CONTRACTOR MUST VERIFY ALL JOB DIMENSIONS, ALL DRAWINGS, DETAILS AND SPECIFICATIONS, AND REPORT ANY DISCREPANCIES TO ENGINEER BEFORE PROCEEDING WITH THE WORK.
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ISSUED FOR REVIEW _____

ISSUED FOR TENDER _____

ISSUED FOR PERMIT _____

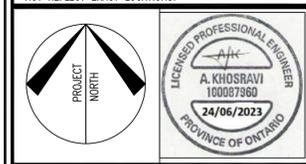
ALL DRAWINGS NOT TO BE USED FOR CONSTRUCTION UNLESS COUNTERSIGNED BY THE CONSULTANT.

SIGNATURE _____ DATE _____

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NO.	REVISION	DESCRIPTION	DATE	BY
2				
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0		ISSUED FOR REVIEW	MAY 24 2023	

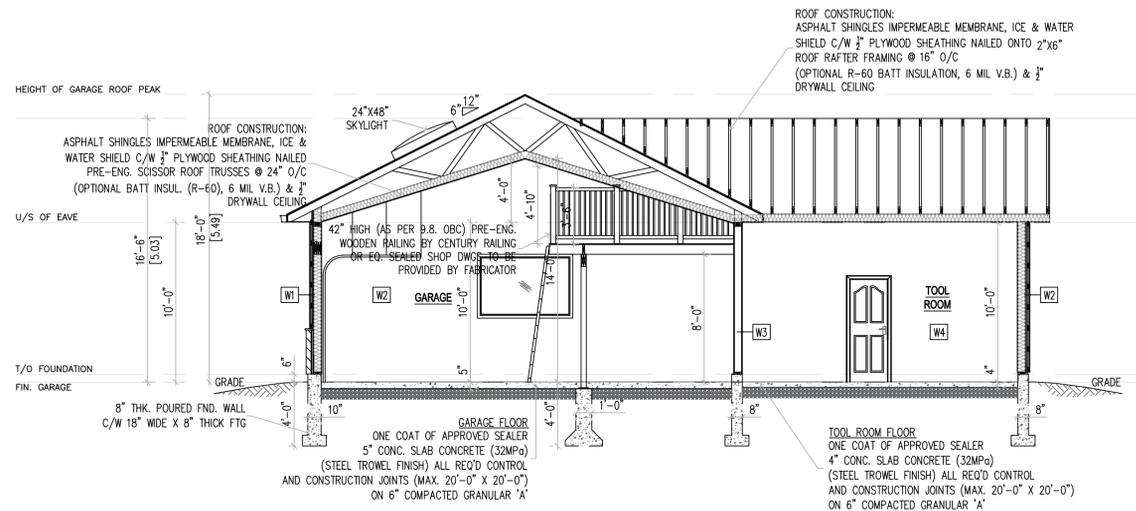
DO NOT SCALE DRAWINGS; THESE DRAWINGS SHOW INTENT OF THE DESIGN ONLY OR EXISTING CONDITIONS AND MAY NOT REFLECT EXACT LOCATIONS.



PROJECT NAME
 ADDITION NEW BUILDING (ACCESSORY)
 TO A ONE STOREY (DETACHED) HOUSE
 8 MEDWIN DR.
 DUNDAS, ONTARIO

SHEET TITLE PROPOSED ELEVATIONS

SCALE AS SHOWN	PROJECT NO. 23-1107
DRAWN BY E.F.	DWG. NO. A2
CHECKED BY A.K.	REV. NO. 1
DATE MAY 2023	
FILE NAME 23-1107.DWG	



WALL CONSTRUCTION:

W1 EXTERIOR GARAGE WALL-(FRONT ELEVATION)
 3 1/2" CULTURED STONE & 1/2" AIR GAP (UP TO 48" AFTER TOP OF FND.) HARDIE PLANK LAP SIDING & 1" WOOD FURRING STRIPS (FROM CAP STONE UP)
 1" RIGID INSULATION (R-5 C.I.)
 TYVEK AIR BARRIER
 3/4" PLYWOOD SHEATHING
 2X6 STUDS @ 16" O/C
 (OPTIONAL BATT INSULATION (R-19 INSULATION) 6 MIL V.B.) AND 1/2" DRYWALL

W3 SHARED WALL BETWEEN GARAGE & TOOL ROOM:
 1/2" DRYWALL
 GAS PROOFING AS PER 9.10.9.16 O.B.C.
 2X6 STUDS @ 16" O/C
 AND 1/2" DRYWALL

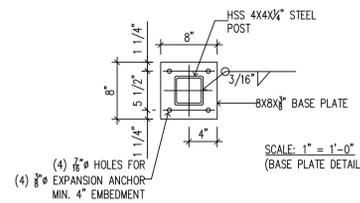
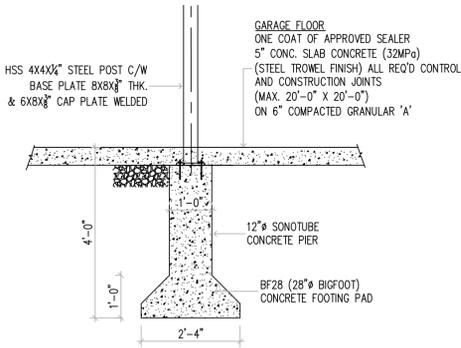
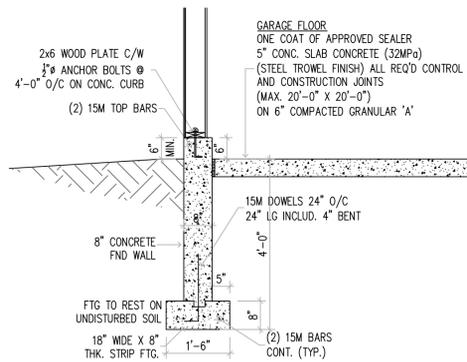
W2 EXTERIOR GARAGE & WORKSHOP WALL:
 HARDIE PLANK LAP SIDING & 1" WOOD FURRING STRIPS
 1" RIGID INSULATION (R-5 C.I.)
 TYVEK AIR BARRIER
 3/4" PLYWOOD SHEATHING
 2X6 STUDS @ 16" O/C
 (OPTIONAL BATT INSULATION (R-19 INSULATION) 6 MIL V.B.) AND 1/2" DRYWALL

W4 INTERIOR WALL CONSTRUCTION:
 1/2" DRYWALL
 2X4 STUDS @ 16" O/C
 1/2" DRYWALL

1 PROPOSED SECTION

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

2 WALL TYPES



2 FOUNDATION DETAIL

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

3 FOOTING DETAIL

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

CONTRACTOR MUST VERIFY ALL JOB DIMENSIONS, ALL DRAWINGS, DETAILS AND SPECIFICATIONS, AND REPORT ANY DISCREPANCIES TO ENGINEER BEFORE PROCEEDING WITH THE WORK.

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SIGNATURE _____ DATE _____

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NO. REVISION	DESCRIPTION	DATE	BY

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CARE ENGINEERING & DESIGN SERVICES INC.
 603 Argus Rd. Suite 207, Oakville, ON L6J 6G6
 Tel: 905-825-1173 info@careengineering.com

PROJECT NAME
 ADDITION NEW BUILDING (ACCESSORY)
 TO A ONE STOREY (DETACHED) HOUSE
 8 MEDWIN DR.
 DUNDAS, ONTARIO

SHEET TITLE PROPOSED SECTION & WALL TYPES

SCALE AS SHOWN	PROJECT NO. 23-1107
DRAWN BY E.F.	DWG. NO. A3
CHECKED BY A.K.	REV. NO. 1
DATE MAY 2023	
FILE NAME 23-1107.DWG	



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

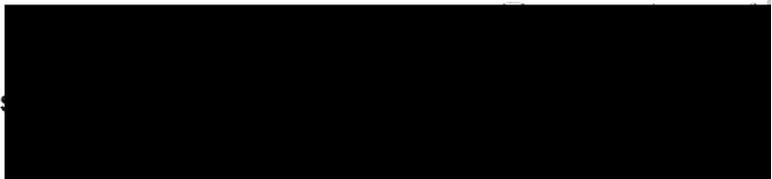
APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Petrus B. Nieuwenhuis Cornelia Nieuwenhuis
Applicant(s)	As Above.
Agent or Solicitor	



- 1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor
- 1.4 Request for digital copy of sign Yes*
 If YES, provide email address where sign is to be sent
- 1.5 All correspondence may be sent by email



If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	3 Medwin Drive Famborough L9H 7N6		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Building accessory building on residential lot

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

size exceeding 45 sq.m allowance.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
35.5 m	115 m	4082 m ²	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
House	42 m	49 m	4.47 m	2011

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Bldg	100 m	7.9 m	1.8 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
House	269.69 m ²	-	1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory bldg	143.17 m ²	-	1	5.49 m.

4.4 Type of water supply: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)

None. Well

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)

4.6 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) _____

~~11/10~~

4.7 Type of access: (check appropriate box)

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

~~existing private driveway~~

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Garage.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands: May 25, 2023.

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

7.4 Length of time the existing uses of the subject property have continued:

since 05/23.

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

Rural Hamilton Official Plan designation (if applicable): Rural Settlement Area

Rural Settlement Area: ~~S1~~ Greenville RSA

Urban Hamilton Official Plan designation (if applicable) _____

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

7.6 What is the existing zoning of the subject land? S1

7.8 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: _____

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

 Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:235	SUBJECT PROPERTY:	555-559 SANATORIUM ROAD , HAMILTON, Ontario
ZONE:	"I3 & I3,740" (Major Institutional)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 21-059

APPLICANTS: Owner: M RIAZ - 2358574 ONTARIO LTD
Agent: KAYLY ROBBINS - WESTON CONSULTING

The following variances are requested:

1. A maximum building height of 20.0m shall be permitted instead of the maximum 18.0m building height permitted for a retirement home.
2. A maximum building height of 20.0m shall be permitted for a multiple dwelling whereas a maximum 18.0m building height is permitted and whereas the by-law states that in addition, a maximum building height may be equivalently increased as yard increases beyond minimum yard requirement established in Section 8.3.2.2 a).

PURPOSE & EFFECT: To facilitate the construction of a six (6) storey residential apartment building as well as the construction of a six (6) storey retirement home on the subject lands.

Notes:

These variances are necessary to facilitate Site Plan application DA-22-142.

The building height dimension on the submitted elevation plans is not shown from grade as defined. Therefore, the applicant shall ensure that the requested variances to the maximum building height is correct; otherwise, further variances may be required.

No underground parking layout was submitted from which to determine compliance respecting parking requirements such as minimum number of parking spaces, barrier free parking, minimum sizes, aisle widths etc.; therefore, further variances may be required.

HM/A-23:235

The applicant shall ensure that the minimum requirements for Landscaped Areas or Landscaped Parking Island(s) is satisfied as per the zoning By-law; otherwise, further variances shall be required.

Further details regarding all uses on the lot shall be provided in order to confirm the minimum number of parking spaces required on site; as such, 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, October 5, 2023
TIME:	9:55 a.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.

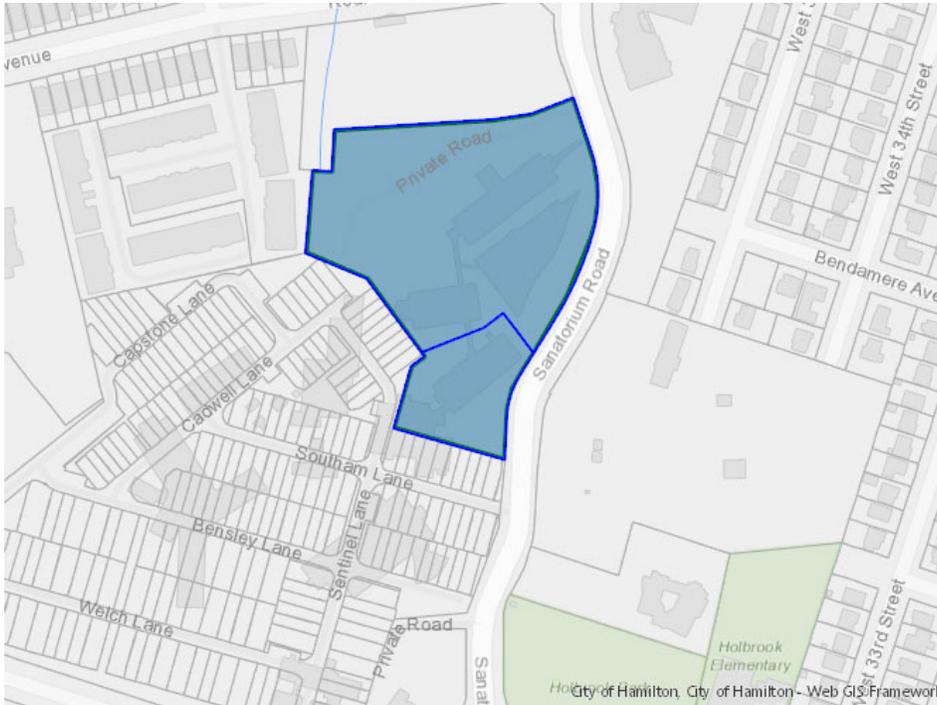
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/A-23:235, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

HM/A-23:235



 Subject Lands

DATED: September 19, 2023

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.

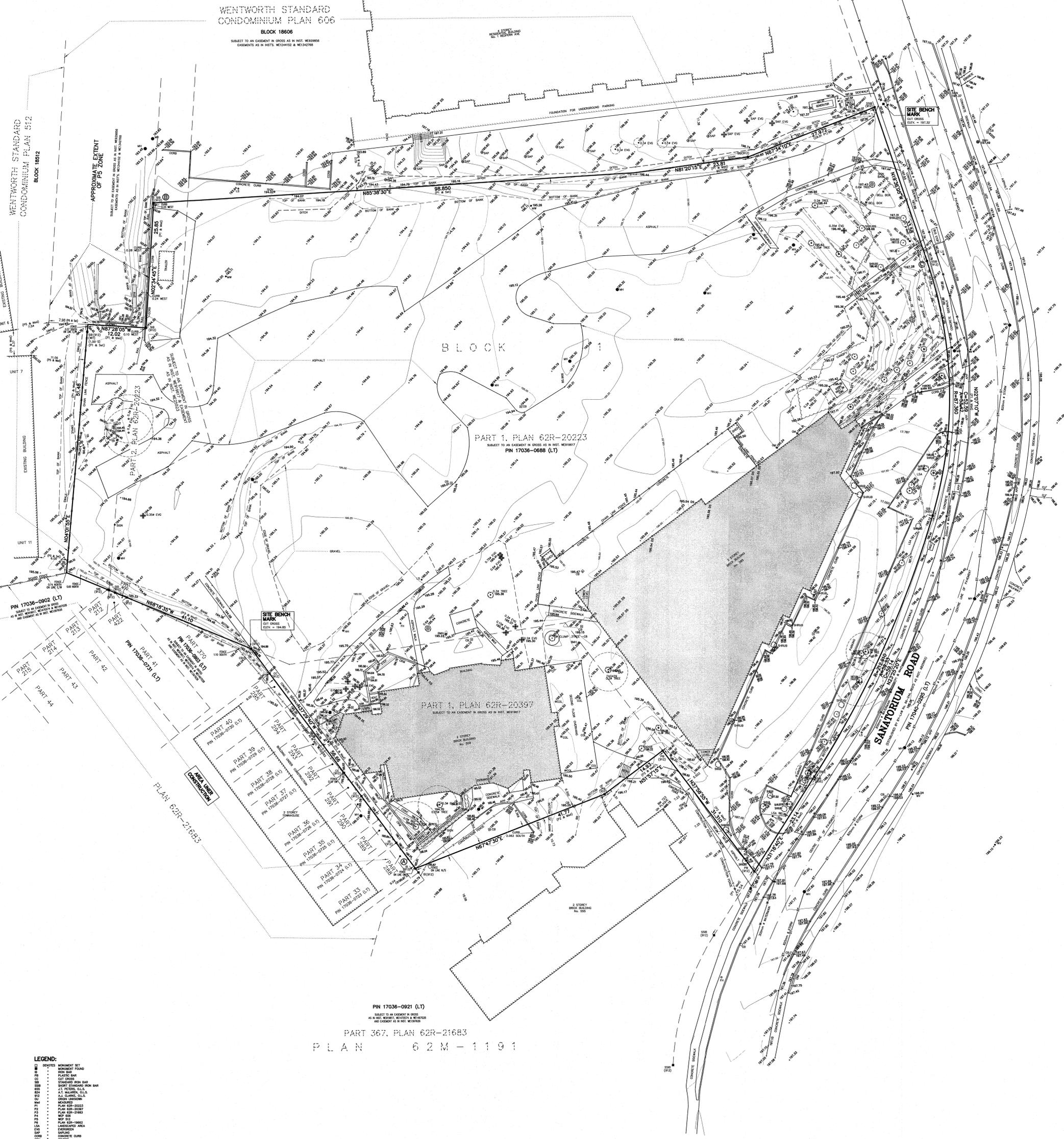
2. In person Oral Submissions

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.

TOPOGRAPHIC SURVEY
 OF PART OF
BLOCK 1
 REGISTERED PLAN 62M-1191
 IN THE
CITY OF HAMILTON
 SCALE 1:250 METRIC
 S.D. McLAREN, O.L.S. - 2023



- LEGEND:**
- 11 MONUMENT SET
 - 12 MONUMENT FOUND
 - 13 MONUMENT
 - 14 CLIP CROSS
 - 15 STANDARD IRON BAR
 - 16 SHORT STANDARD IRON BAR
 - 17 ALL IRON, O.L.S.
 - 18 ALL GALV., O.L.S.
 - 19 CONCRETE MONUMENT
 - 20 MEASURED
 - 21 PLAN 62R-20223
 - 22 PLAN 62R-20397
 - 23 PLAN 62R-21683
 - 24 M.C.P. 623
 - 25 M.C.P. 624
 - 26 LANDSCAPED AREA
 - 27 CONCRETE
 - 28 CONCRETE CURB
 - 29 CONCRETE
 - 30 INVERT
 - 31 MANHOLE
 - 32 GUTTER
 - 33 GUTTER
 - 34 GUTTER
 - 35 HYDRO MANHOLE
 - 36 HYDRO
 - 37 S.F. FENCE
 - 38 CHAIN LINK FENCE
 - 39 CONCRETE
 - 40 ROCK RETAINING WALL
 - 41 CONCRETE RETAINING WALL
 - 42 STONE RETAINING WALL
 - 43 S.F. WALL
 - 44 WATER VALVE
 - 45 FURNITURE
 - 46 GAS VALVE
 - 47 GAS METER
 - 48 STAND PIPE
 - 49 LIGHT STANDARD
 - 50 SIGN
 - 51 BOTTOM OF BANK
 - 52 SLOPE
 - 53 APPROACH
 - 54 DIMENSION
 - 55 NOT TO SCALE

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 0.9999889

INTEGRATION DATA

POINT #	E	N	HEIGHT
170267	432	56794.138	192.705
170268	102	56794.205	192.705
170269	212	56794.272	192.705

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

BENCHMARK:
 MONUMENT 001195/036
 CONCRETE BRIDGE ON SCENIC DRIVE, 91.4
 M EAST OF OSSEING AVENUE,
 IMMEDIATELY EAST OF HOUSE NO. 979,
 TABLET IN SOUTH FACE OF CONCRETE
 WALL ON SOUTH SIDE OF ROAD, 36 CM
 FROM EAST END, 36 CM BELOW TOP, AT
 ROAD LEVEL.
 ELEVATION: 190.741 metres CVD=1928.1976

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

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., being duly sworn, depose and say that I am a duly qualified and licensed surveyor in the Province of Ontario, Canada, and that I have personally supervised and participated in the execution of the survey shown on this plan, and that the same is a true and correct copy of the original survey records, and that the same were made under my personal supervision and control, and that the same were made in accordance with the provisions of the Survey Act and the Regulations made thereunder, and that the survey was completed on the 7th day of February, 2022.

DATE: FEBRUARY 10, 2022
 S. DAN McLAREN, O.L.S.

REVISIONS

No.	DESCRIPTION	DATE	BY
1	ADDITIONAL TOPOGRAPHIC FEATURES	MAY 4, 2023	JL
2	CONCRETE ON N SIDE OF RD. 1901	JUNE 13, 2023	JL

© S.D. McLAREN, O.L.S. - 2023. NO PART OF THIS PLAN MAY BE REPRODUCED, STORED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF S.D. McLAREN, O.L.S.

A.T. McLaren Limited
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, CANADA L8N 2K5
 PHONE (905) 557-8829 FAX (905) 557-0032
 WWW.ATMCLAREN.COM

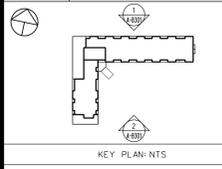


1 NORTH ELEVATION (REAR)
A-B301 SCALE : 1/125

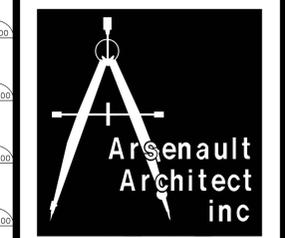


2 SOUTH ELEVATION (FRONT)
A-B301 SCALE : 1/125

DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 18 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



No	Date	Revisions
CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME. REPORTING ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WORK.		
ALL DRAWINGS, PRINTS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED TO HIM ON COMPLETION OF WORK.		
LATEST APPROVED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.		
PRINTS ARE NOT TO BE SCALED.		



Tel: (416) 295-4378 Fax: (416) 255-4351 5188A Dundas Street West Toronto, Ontario, M5A 1C4

ARCHITECT : D. ARSENAULT
JOB CAPTAIN : D. ARSENAULT
DRAWN BY : PL
DATE OF PLOT : AUG 1 2023
SCALE : 1:50
CLIENT'S NAME : ELITE DEVELOPMENT
102 - 3410 SOUTH SERVICE ROAD BURLINGTON, ONTARIO
PROJECT NAME : RESIDENTIAL COMPLEX
565 SANATORIUM ROAD HAMILTON ONTARIO

DRAWING TITLE : NORTH & SOUTH ELEV. (FRONT & REAR)

PROJECT NO. : 22-103 DRAWING NO. : A-B301



1 EAST ELEVATION (SIDE)
SCALE : 1/125

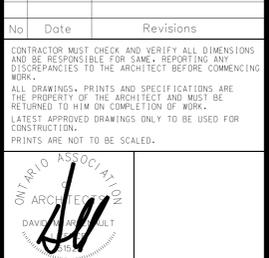


2 WEST ELEVATION (SIDE)
SCALE : 1/125

DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 16 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA

KEY PLAN: NTS

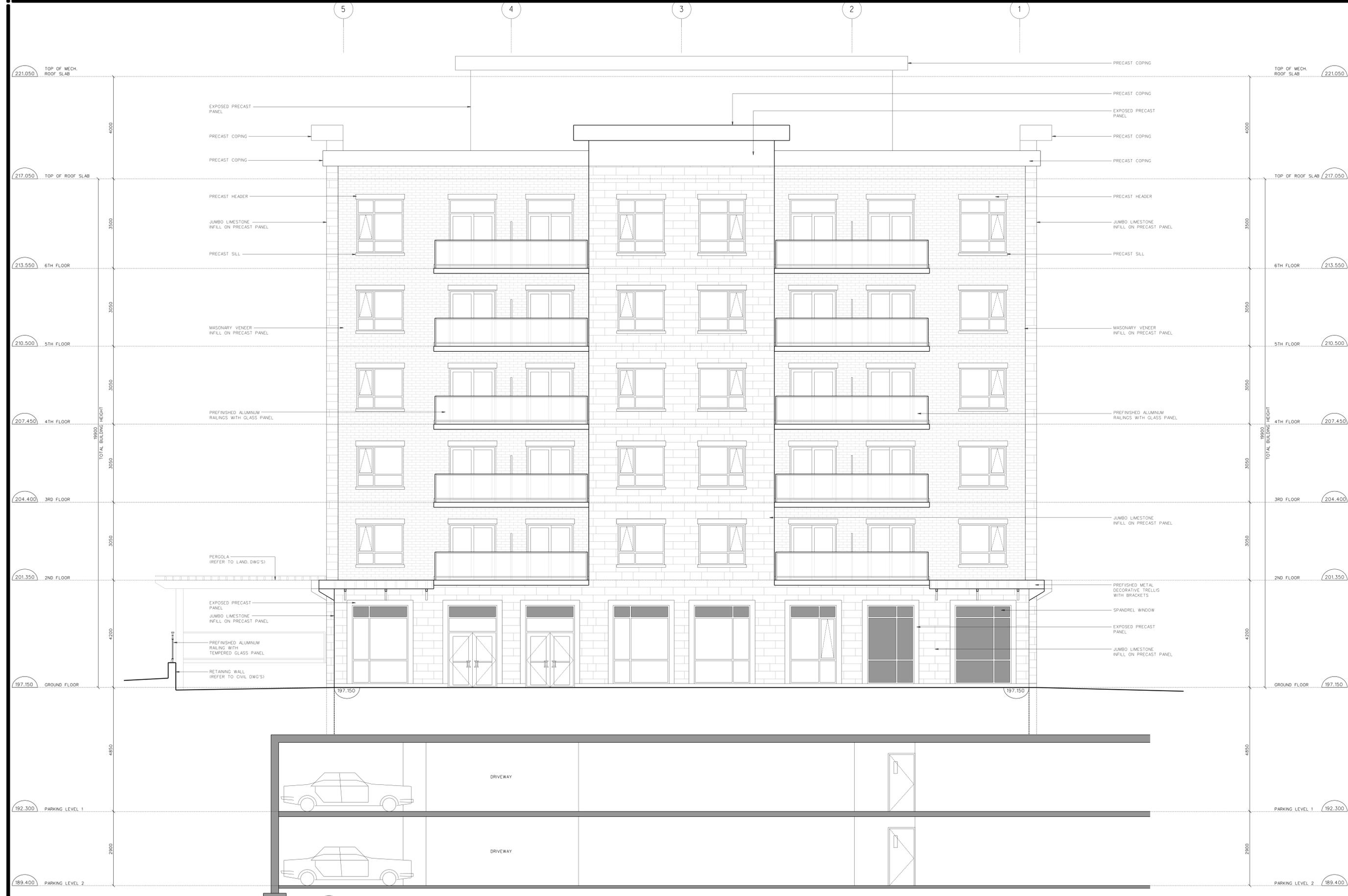
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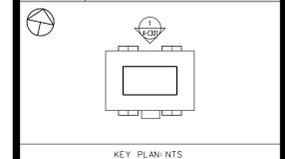
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JOB CAPTAIN : D. ARSENAULT
DRAWN BY : PL
DATE OF PLOT : AUG 1 2023
SCALE : 1:50
CLIENT'S NAME : ELITE DEVELOPMENT
102 - 3410 SOUTH SERVICE ROAD BURLINGTON, ONTARIO
PROJECT NAME : RESIDENTIAL COMPLEX
565 SANATORIUM ROAD HAMILTON ONTARIO

DRAWING TITLE : EAST & WEST ELEVATION (SIDE)
PROJECT NO. : 22-103
DRAWING NO. : A-B302

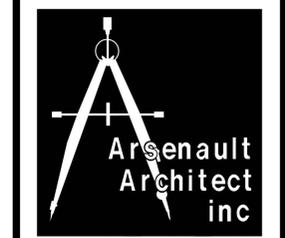


1 NORTH ELEVATION (REAR)
SCALE : 1/50

DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 18 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



No Date Revisions
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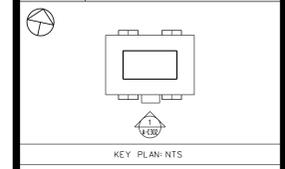


Tel (416) 255-4378 Fax (416) 255-4351	5188A Dundas Street West Toronto, Ontario, M5A 1C4
ARCHITECT :	D. ARSENAULT
JOB CAPTAIN :	D. ARSENAULT
DRAWN BY :	PL
DATE OF PLOT :	AUG 1 2023
SCALE :	1 : 50
CLIENT'S NAME :	ELITE DEVELOPMENT
PROJECT NAME :	102 - 3410 SOUTH SERVICE ROAD BURLINGTON, ONTARIO
DRAWING TITLE :	RESIDENTIAL COMPLEX NORTH ELEVATION REAR
PROJECT NO. :	22-103
DRAWING NO. :	A-C301

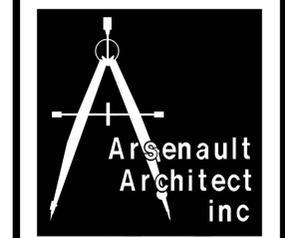


1 SOUTH ELEVATION (FRONT)
 A-C302 SCALE : 1/50

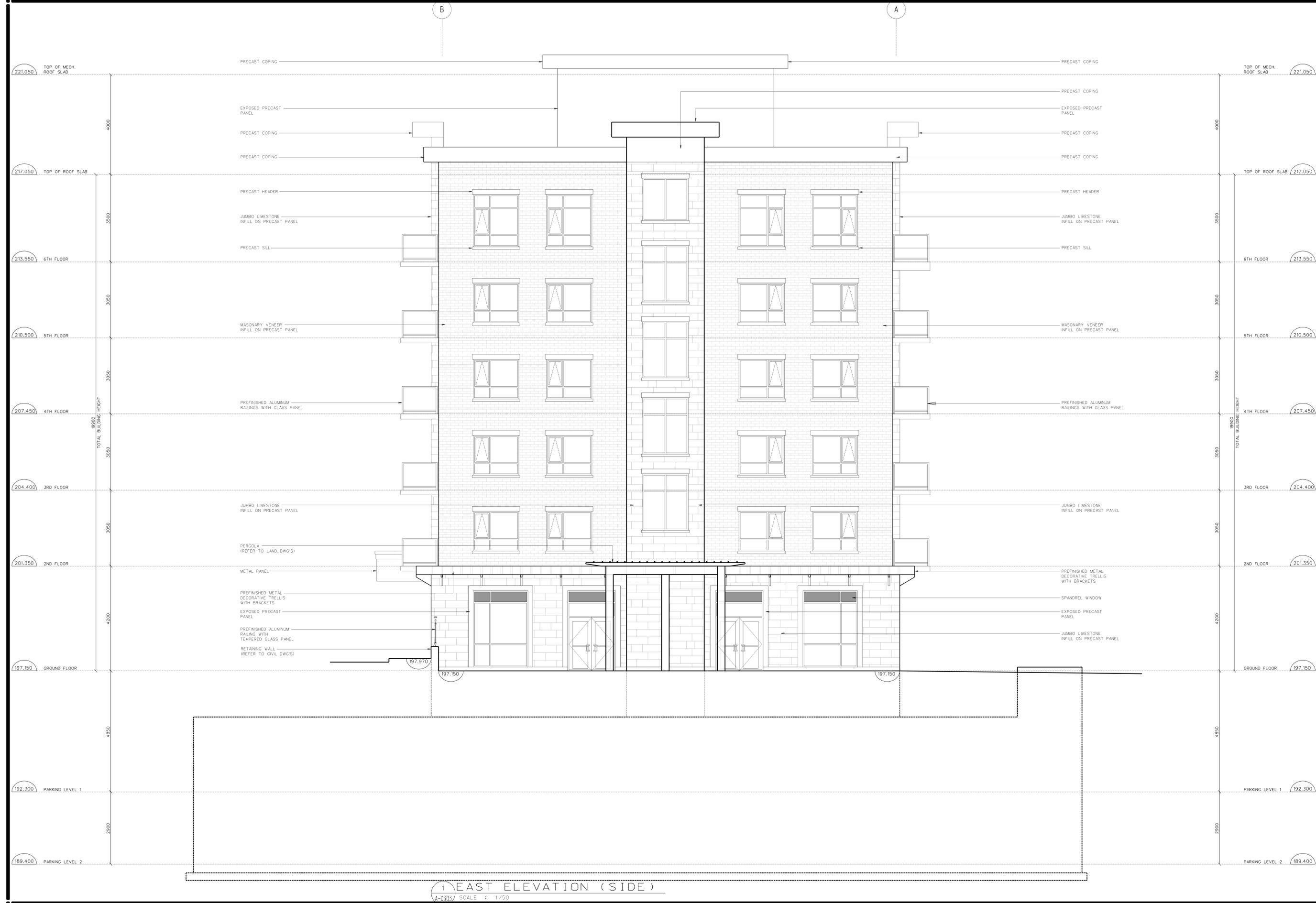
DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 18 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



No Date Revisions
 CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR SAME. REPORTING ANY DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WORK.
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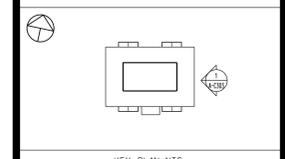


Tel (416) 255-4378 Fax (416) 255-4351	5188A Dundas Street West Toronto, Ontario, M5A 1C4
ARCHITECT :	D. ARSENAULT
JOB CAPTAIN :	D. ARSENAULT
DRAWN BY :	PL
DATE OF PLOT :	AUG 1 2023
SCALE :	1:50
CLIENT'S NAME :	ELITE DEVELOPMENT
102 - 3410 SOUTH SERVICE ROAD BURLINGTON, ONTARIO	
PROJECT NAME :	
RESIDENTIAL COMPLEX	
565 SANATORIUM ROAD HAMILTON ONTARIO	
DRAWING TITLE :	
SOUTH ELEVATION FRONT	
PROJECT NO. :	DRAWING NO. :
22-103	A-C302



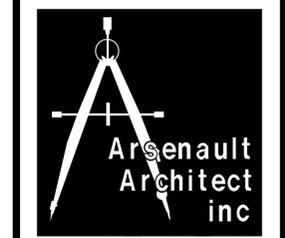
1 EAST ELEVATION (SIDE)
 A-C303 SCALE : 1/50

DATE	ISSUED FOR
APR 20 22	ISSUED TO CLIENT
JUN 24 22	ISSUED TO CLIENT
AUG 10 22	ISSUED FOR SITE PLAN APPROVAL
AUG 01 23	ISSUED FOR COA



KEY PLAN: NTS

No	Date	Revisions
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ARCHITECT	: D. ARSENAULT
JOB CAPTAIN	: D. ARSENAULT
DRAWN BY	: PL
DATE OF PLOT	: AUG 1 2023
SCALE	: 1:50
CLIENT'S NAME	: ELITE DEVELOPMENT
102 - 3410 SOUTH SERVICE ROAD BURLINGTON, ONTARIO	
PROJECT NAME	: RESIDENTIAL COMPLEX
565 SANATORIUM ROAD HAMILTON ONTARIO	
DRAWING TITLE	: EAST ELEVATION SIDE

PROJECT NO.:	22-103	DRAWING NO.:	A-C303
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Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

August 30, 2023
File 10421

Attn: Jamila Sheffield, Secretary-Treasurer for the Committee of Adjustment

**RE: Minor Variance Application – 555-559 Sanatorium Road
Related File No.: DA-22-142**

Weston Consulting is the planning consultant for 2358574 Ontario Ltd. the registered owner of the property located at 555-559 Sanatorium Road in the City of Hamilton (herein referred to as the 'subject lands'). This letter has been prepared in support of a Minor Variance application for the subject lands to permit the development of the vacant north portion of the subject lands with two mid-rise buildings, one residential building and one retirement building. The existing two-storey medical building will be retained. The proposed development is currently subject to a Site Plan Approval application, File No. DA.22.142 which received Conditional Approval on May 17, 2023. The purpose of this Minor Variance application is to:

- Increase the maximum building height of Building B (residential building) to 20.0 metres; whereas 19.1 metres is permitted; and
- Increase the maximum building height of Building C (retirement building) to 20.0 metres; whereas 18.0 metres is permitted.

It is our opinion that the proposed variances conform to the applicable planning policies set out in the Urban Hamilton Official Plan and meet the four tests set out under the *Planning Act* and should be approved. The rationale contained herein seeks to support this recommendation and our planning opinion that the proposed minor variances represent good planning.

Description of the Subject Property and Surrounding Context

The subject lands are located along the west side of Sanatorium Road, south of the Redfern Avenue and Sanatorium Road intersection. The property was formally part of the Chedoke Hospital Campus which was closed in 2014 and has been parcelled off and sold over time. The lands are currently occupied by a medical building and a vacant building with associated parking; a third building on the premises was recently demolished. The subject lands have an approximate area of 2.03 hectares (5.02 acres) and a frontage along Sanatorium Road of approximately 169.47 metres.

Abutting the subject lands are the following land uses:

North: Immediately north of the subject lands includes a 4-storey residential building, fronting onto Redfern Avenue and the Columbia International College residences. Further north of the subject lands includes single-detached residential dwellings and the Sanatorium Falls of the Chedoke Creek system.

East: Immediately east of the subject lands includes the Columbia International College campus. Further east includes single-detached residential dwellings.

South: Immediately south of the subject lands is a vacant two-storey building. Further south of the subject lands are street townhouses, fronting onto Southam Lane, Bensley Lane, Sentinel Lane, and Welch Lane and the Wellwood Cancer Support Centre.

West: Immediately west of the subject lands include street townhouses and single detached dwellings fronting onto Redfern Lane. Further west of the subject lands is the St. Peter's Residence at Chedoke long term care home and the Chedoke Twin Pad Arena.



Figure 1: Aerial Photo of Subject Lands

Description of Proposed Development

The development proposes the construction of two mid-rise buildings within the vacant portion of the subject lands and the retention of the two-storey medical clinic and associated parking in its current form. Building B, as identified on the Site Plan, consists of a six-storey residential L-shaped building, with a gross floor area of 14,740.70 square meters, 202 dwelling units, and a building height of 20.0 metres. Building C, as identified on the Site Plan, consists of a six-storey retirement home with a gross floor area of 3,045.24 square metres, 40 units and a building height of 20.0 metres. A total of 538 parking spaces are provided, including 74 existing at-grade parking spaces for the medical building, 432 proposed parking spaces within two levels of underground parking and 32 additional at-grade parking spaces. The proposal includes two vehicular accesses from Sanitorium Road, one of which is a one-way exit.

Description of Minor Variance Application

The purpose of the Minor Variance application is to seek relief from the City of Hamilton's Zoning By-law to address the following deficiencies:

- Increase the maximum building height of Building B (residential building) to 20.0 metres; whereas 19.1 metres is permitted in accordance with Section 8.3.2.2(b) of Hamilton Zoning By-law 05-200;
 - Section 8.3.2.2 (b)ii) allows for the maximum building height to be equivalently increased as yard increases beyond the minimum yard requirement. The required side and rear yard is 6.0 metres; however, this has been increased to 7.1 metres on the Site Plan, allowing a maximum building height of 19.1 metres.

- Increase the maximum building height of Building C (retirement building) to 20.0 metres; whereas 18.0 metres is permitted in accordance with Section 8.3.2.1(d) of Hamilton Zoning By-law 05-200.

The subject property is subject to a current Site Plan Application which identified the required variances stated above.

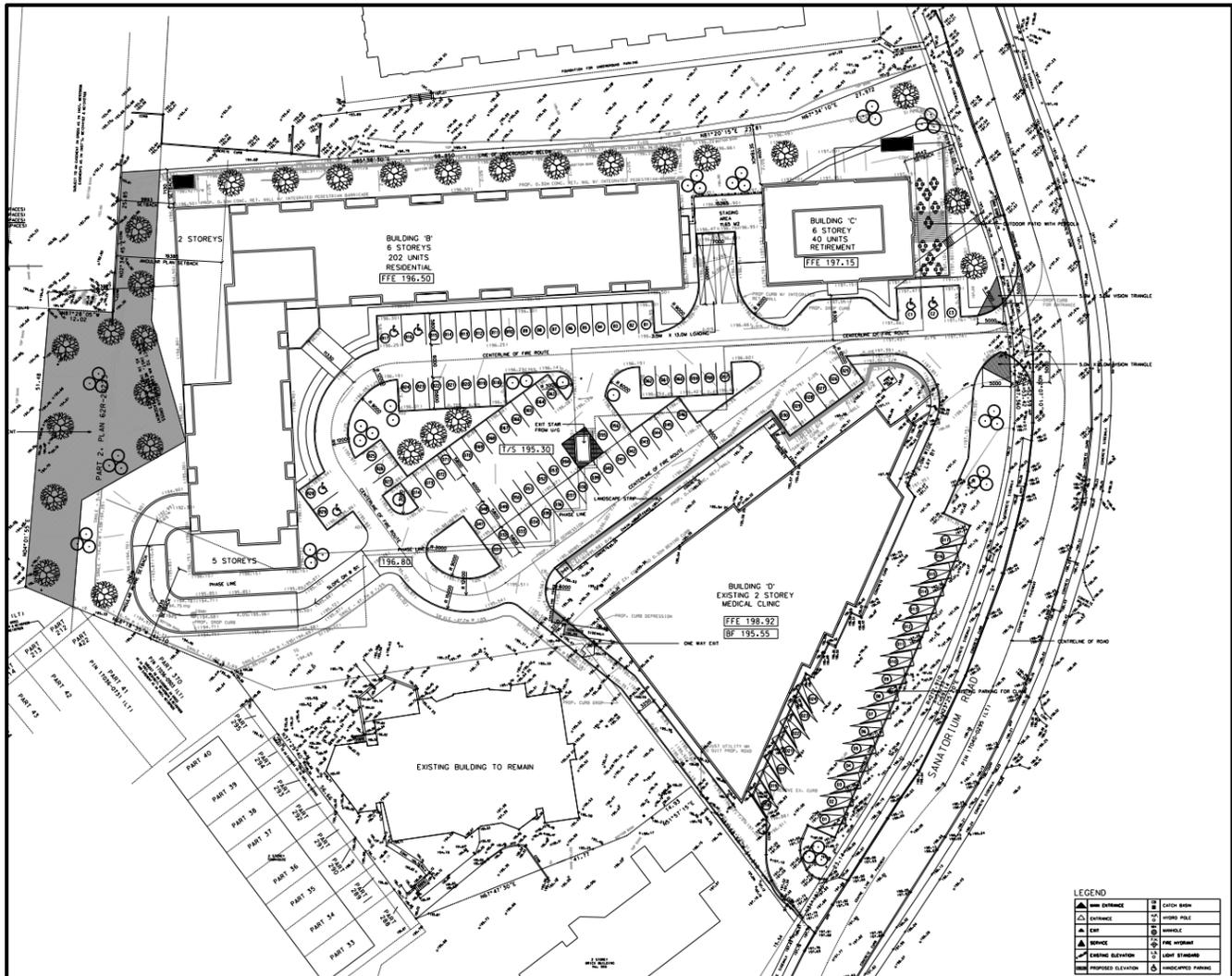


Figure 2: Site Plan

Minor Variance Acceptability and Analysis

Section 45(1) of the *Planning Act* directs that a Minor Variance may be granted if, in the opinion of the Committee of Adjustment, the following tests are met:

1. The Variance requested maintains the general intent and purpose of the Official Plan;
2. The Variance requested maintains the general intent and purpose of the Zoning By-law;
3. The Variance is desirable for the appropriate development or use of the land; and,
4. The Variance is minor in nature.

The following is a summary of how the proposed variances meet the four tests under the *Planning Act*. The following provides an analysis of how the proposed variances are reviewed under these criteria.

1. The General Purpose and Intent of the Official Plan is Maintained.

Urban Hamilton Official Plan (2022 Office Consolidation)

The Urban Hamilton Official Plan designates the subject lands as *Institutional* which permits educational facilities, religious facilities, cultural facilities, health care facilities, long term care facilities, day care, and accessory/ancillary uses. Additionally, in accordance with Section E.6.2.4 of the Official Plan, residential uses ancillary to an institutional use are permitted provided that the residential uses are developed in accordance with the applicable policies of Sections E.3.4 – Low Density Residential and E.3.5 – Medium Density Residential. Per Section E.3.5.2, uses permitted in medium density residential areas include all forms of *multiple dwellings* which includes a building containing five or more dwelling units and apartment dwellings.

The proposed variances conform to the designation of the subject property and the policies of Section E.3.5 – Medium Density Residential. The proposed mid-rise buildings maintain the objective of the Official Plan by providing a built form that is compatible with the character of the existing neighbourhood through setbacks, use, building orientation, height, and architectural style. The Official Plan identifies a maximum height of medium density residential uses of six storeys, which the proposed development does not exceed. Furthermore, the four-storey residential building to the north of the subject lands is of a similar built form to the proposed development which will provide for a continuous built form along the north side of Sanatorium Road. Lastly, it is our opinion the proposed six-storey residential building complements and is compatible with the proposed six-storey retirement home.

For these reasons, it is our opinion that the required variances for increased height for the proposed mid-rise buildings maintain the general intent and purpose of the Urban Hamilton Official Plan.

2. The General Purpose and Intent of the Zoning By-law is Maintained.

City of Hamilton Zoning By-law 05-200

The City of Hamilton Zoning By-law 05-200 zones the subject property as *I3 – Major Institutional* which permits medical clinics, place of worship, recreation, social service establishments, retirement home, residential care facility and multiple dwellings when on the same lot as a retirement home. *Multiple Dwellings* are categorized in the Zoning By-law as buildings containing three or more dwelling units but not including a street townhouse or semi-detached dwelling.

The proposed mid-rise residential building and mid-rise retirement home are permitted under Section 8.3.1 and 8.3.2.2. The required site development provisions for the proposed retirement home are contained within Section 8.3.2.1 and for the multiple dwelling building the provisions are contained within Section 8.3.2.2.

A planning analysis of each of the variances requested is provided below.

By-law Section	By-law Provision	Required	Provided
8.3.2.1 d)	Maximum Building Height	18.0 metres	20.0 metres (Building C)
8.3.2.2 b)	Maximum Building Height	i) 18.0 metres; ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.3.2.2 a) above The side yard has been increased to 7.1 metres, therefore, the maximum height in accordance with 8.3.2.2 b)ii) is 19.1 metres.	20.0 metres (Building B)

Table 1: Requested Variances

The proposed building height variance for 20.0 metres for Buildings B and C is to ensure a six-storey building height which provides an increased first floor height of 4.20 metres and an increased first floor height for the 6th storey. The deficiency of 0.9 metres and 2 metres for Building B and C, respectively, is only slightly above the maximum height requirement while still allowing for a six-storey building. The height of the buildings conforms to the Official Plan which permits six storey buildings. Furthermore, the increase of 0.9 metres and 2 metres is not expected to result in adverse impacts to the surrounding area as it does not result in additional storeys, rather it captures design elements that contribute to the building massing and architectural style. Furthermore, it should be noted the proposed residential building (Building B) is located 7.1 metres from the northern side yard and a minimum of 9.8 metres to the rear yard and the proposed retirement home (Building C) is located 11.0 metres from the northern side yard. The setbacks to adjacent lot lines have been increased where possible to provide for additional separation and buffering to adjacent uses.

It is our opinion that the proposed residential and retirement buildings will not result in negative impacts with regards to privacy and overlook. The proposed buildings have provided larger than required side yard and rear yard setbacks to further reduce any potential impacts on neighboring properties. The requested building heights maintain a 6-storey built form and is not expected to result in any negative shadow or privacy issues for adjacent lots. The proposed residential building contains a two-storey portion in the northwest corner, along the rear and side yard to provide for additional separation and buffering to the adjacent uses.



Figure 3: Proposed Elevation for Building B



Figure 4: Proposed Elevation for Building C

Based on the above, it is our opinion that the proposed variances maintain the general purpose and intent of the Zoning By-Law by permitting an increased building height to recognize the six-storey buildings.

3. Desirable and Appropriate

It is our opinion that the proposed variances will facilitate a development and built form which conforms to the Official Plan and is compatible with the site context, surrounding area. Furthermore, the addition of 202 residential units and 40 retirement units will provide for desired housing typologies and variety in housing options in the neighbourhood.

The proposed building height is desirable and appropriate and provides a built form that is compatible with the surrounding built form and neighbourhood pattern and an architectural style that represents good urban design principles. The proposal represents a desirable development while respecting and increasing yard setbacks where possible and all other provisions of the Zoning By-law, with the exception of the height. It is our opinion the increase in height is appropriate by permitting two buildings with a height of six storeys which provide increased floor to ceiling heights and architectural styles that contribute to the desirable design of the proposal. Minor relief is required as it relates to zoning provisions associated with the proposed development and in our opinion, does not represent an overbuild of the subject lands.

For the reasons listed above, it is our opinion that the proposed variances are appropriate and desirable for the use of the subject lands.

4. Minor in Nature

The requested variances are minor in nature as they meet the intent of the Urban Hamilton Official Plan and City of Hamilton Zoning By-law 05-200 and represent an appropriate and desirable use. The proposed height of 20.0 metres for the residential and retirement building represent a nominal increase in height that maintains the buildings at six-storeys, as permitted through the Official Plan, and provides for an articulation of the proposed architectural style. The proposed setbacks for both buildings are in surplus of the minimum requirements and the six-storey residential building has been stepped back from the rear lot line, as such, issues of privacy, overlook and impact to the immediate neighbours are minimized.

For these reasons, it is our opinion that the proposed development and implementing variances will create no adverse impacts or undesirable impacts on neighbouring properties and are minor in nature.

Summary

In summary, it is our opinion that the proposed Minor Variance application maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the use of the land, and is minor in nature.

Concluding Remarks

Based on the information provided in this letter, and other materials accompanying this application, it is our opinion that the Minor Variance application before the Committee maintains the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the use of the subject lands and is minor in nature. The application satisfies the four tests prescribed in Section 45(1) of the Planning Act, has planning merit, and represents good planning.

To support the Minor Variance application, one copy of the following materials has been submitted along with this covering letter and rationale:

1. Competed and Signed Minor Variance Application Form;
2. Application Fee in the amount of \$3,735.00;
3. Survey Plan prepared by A.T. McLaren Limited; and
4. Architectural Site Plan prepared by Arsenault Architect Inc;

It is our understanding that the above is in order and that staff have all of the required materials to facilitate their review and the preparation of a Staff Report for this application. We request that the application be scheduled for the next available Committee of Adjustment Hearing. Please do not hesitate to contact the undersigned at extension 315 or Rupneet Mangat at ext. 277, should there be any questions regarding this submission.

Yours truly,
Weston Consulting
Per:



Kayly Robbins, MPI, MCIP, RPP
Senior Planner

c. 2358574 Ontario Ltd.



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/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	2358574 Ontario Ltd. c/o Ma
Applicant(s)	Same as owner.
Agent or Solicitor	Weston Consulting c/o Kayly

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent [Redacted]

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	555-559 Sanatorium Road		
Assessment Roll Number			
Former Municipality			
Lot	Part Lot 1 and 2	Concession	
Registered Plan Number	62M-1191	Lot(s)	Part Block 1
Reference Plan Number (s)	62R-20397	Part(s)	Parts 1 and 2 on 62R20

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:

WE919617 - Drainage / WE25523 - Underground Servicing

3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Increase the maximum building height from 18.0 metres to 20.0 metres.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Grading on the subject property and to provide for an increased first floor height. Please refer to covering letter for additional information.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
169.47 m	185.77m	2.03 ha	

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Medical Office	13 m	85 m	3.25 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential Building	N/A	9.89 m	7.13 m	
Retirement Building	9.5 m	N/A	11.01 m	

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Medical Office	1753.36 m ²	3,760 m ²	2	6.6 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential Building	2825.44 m ²	14,740.70 m ²	6	20.0 m
Retirement Building	515.99 m ²	3,045.24 m ²	6	20.0 m

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- _____

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- _____

4.6 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) _____

4.7 Type of access: (check appropriate box)

provincial highway

right of way

municipal road, seasonally maintained

other public road

municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

The proposed development consists of residential and retirement building, both 6-storey's in height.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Residential, office, and institutional

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

2017/03/30

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Medical Building and vacant.

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Medical Building and vacant.

7.4 Length of time the existing uses of the subject property have continued:

Unknown

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Institutional

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

The proposed variances conform to the designation of the subject property and the provisions of section E 3.5 – Medium Density Residential. Please refer to covering letter for additional information.

7.6 What is the existing zoning of the subject land? I3 – Major Institutional

7.8 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: _____

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

Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 242

8.3 Additional Information (please include separate sheet if needed):

The development proposes the construction of two mid-rise buildings within the vacant portion of the subject lands. The proposed development will maintain the existing medical clinic and vacant building. Building B, as identified on the Site Plan, consists of a 6-storey residential L-shaped residential apartment building, with a gross floor area of 14,740.70 square meters, 202 dwelling units, and a building height of 20.0 metres. Building C, as identified on the Site Plan, consists of a 6-storey retirement home with a gross floor area of 3,045.24 square metres, 40 units and a building height of 20.0 metres. A total of 538 parking spaces are provided at grade and within two levels of underground parking, 74 of these parking spaces are existing.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:239	SUBJECT PROPERTY:	47 BAYVIEW AVENUE , FLAMBOROUGH, Ontario
ZONE:	"R1-6" (Urban Residential (Single Detached))	ZONING BY-LAW:	Zoning By-law former Town of Flamborough 90-145-Z, as Amended

APPLICANTS: Owner: TIM & CAROL HANCO

The following variances are requested:

1. To permit a maximum lot coverage of 28% instead of the permitted maximum lot coverage of 15%.
2. To permit a maximum floor space of 450m² instead of the permitted maximum floor space of 372m².
3. To permit a maximum building height of 9.2m instead of the maximum building height of 8.2m.
4. To permit a maximum allowable accessory building lot coverage of 9% instead of the permitted maximum allowable accessory building lot coverage of 5%.

PURPOSE & EFFECT: To facilitate the construction of a new single family detached dwelling, a secondary dwelling unit-detached and an accessory building (pool house).

Notes:

- i. Variances have been written exactly as requested by the applicant.
- ii. A Secondary Dwelling Unit – Detached, is not considered an accessory building/structure.
- iii. The lot coverage of all accessory buildings or structures shall be included within the total lot coverage on any lot.
- iv. Swimming pools are not considered in part of lot coverage.

FL/A-23:239

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, October 5, 2023
TIME:	10:00 a.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.

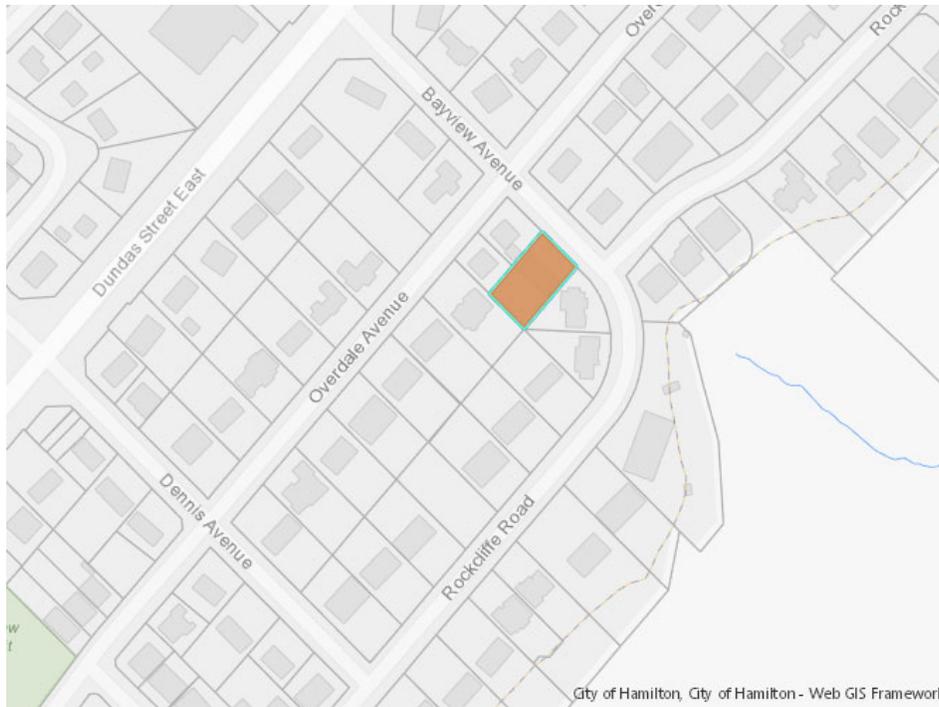
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:239, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

FL/A-23:239



 Subject Lands

DATED: September 19, 2023

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.

47 BAYVIEW AVE.

Project Scope:

- Demolish existing single family dwelling and rebuild
- Proposed ADU in rear yard
- Proposed accessory pool structure



PROPOSED FRONT SKETCH

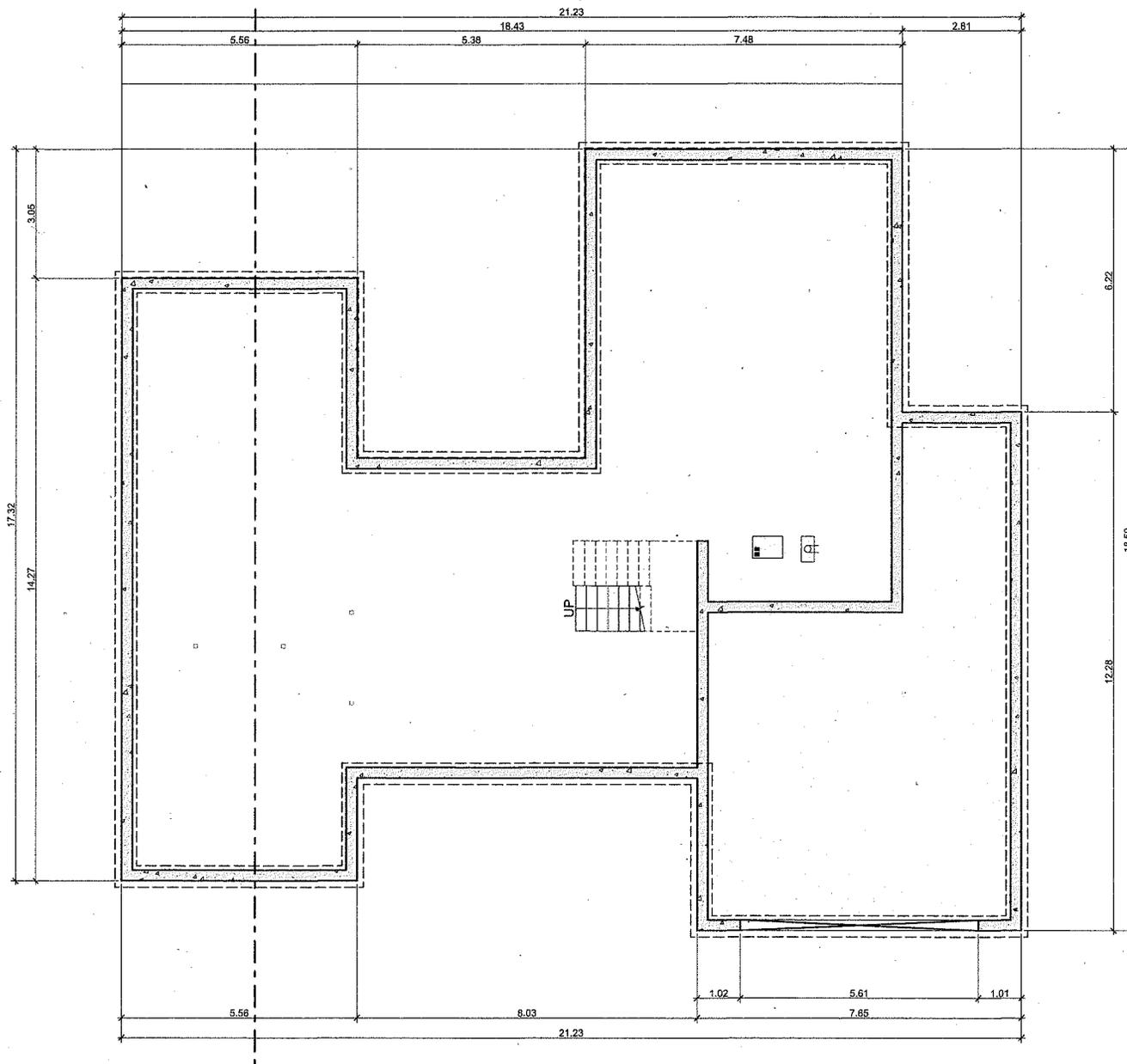
PROJECT:
HANCO

PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9

DRAWING:
COVER SHEET

PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
	2023-08-30	3		
		4		
		5		
		6		
		7		

DRAWING NO:
A0.01

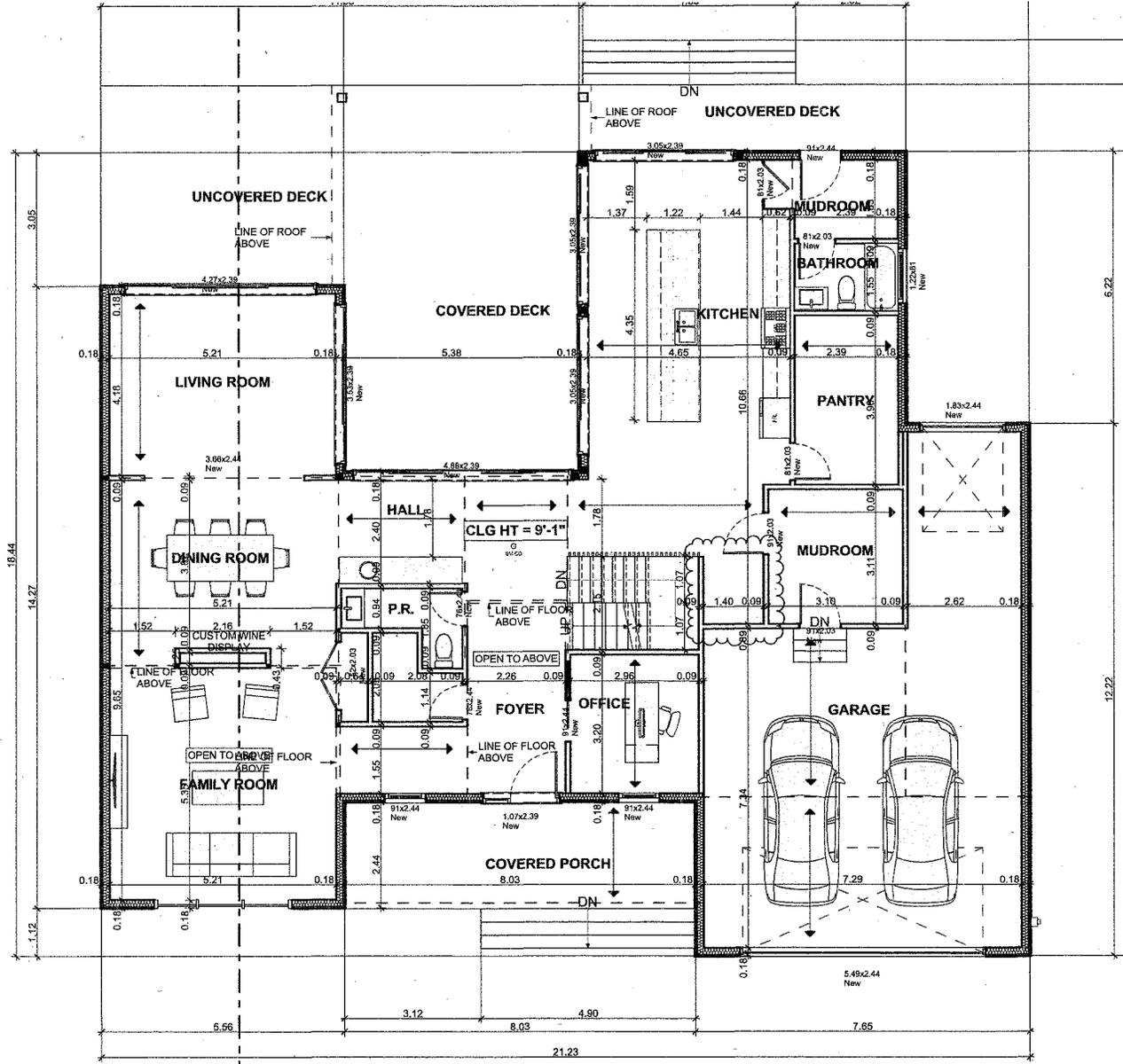


PROJECT # 23-006	SCALE:	AS NOTED
	NO.:	1
	ISSUE / REVISION	Schematic Design
DRAWING NO: A1.01	DATE:	2023-08-30
	NO.:	3
	ISSUE / REVISION	Minor Variance
DATE		2023-07-28
DATE		2023-08-30
NO.:		4
ISSUE / REVISION		
NO.:		5
ISSUE / REVISION		
NO.:		6
ISSUE / REVISION		
NO.:		7

DRAWING:
**PROPOSED BASEMENT
PLAN**

PROJECT:
HANCO

PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9



PROJECT:
HANCO
PROJECT ADDRESS:
 47 BAYVIEW AVE HAMILTON ON L9H 7G9

DRAWING:
PROPOSED MAIN FLOOR PLAN

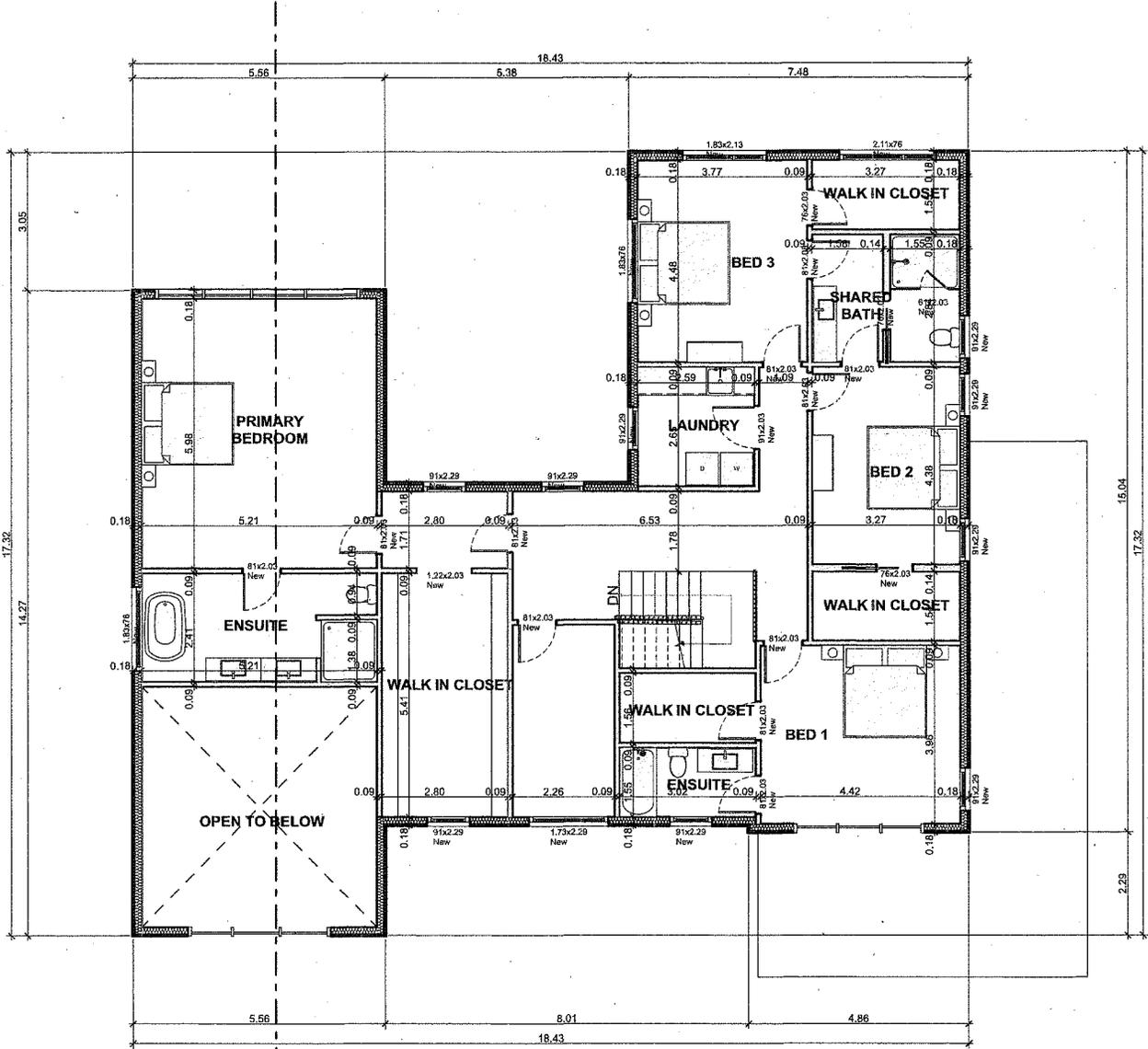
NO.	ISSUE / REVISION	DATE
1	Schematic Design	2023.07.28
2	Minor Variance	2023.08.30
3		
4		
5		
6		
7		

PROJECT #
 23-006

SCALE:
 AS NOTED

DATE:
 2023-08-30

DRAWING NO.:
A1.02



PROJECT:
HANCO

PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9

PROPOSED SECOND FLOOR PLAN

DRAWING:

NO.	ISSUE / REVISION	DATE
1	Schematic Design	2023.07.28
2	Minor Variance	2023.08.30
3		
4		
5		
6		
7		

PROJECT #	SCALE:
23-006	AS NOTED

A1.03

DRAWING NO:



1

PROPOSED FRONT ELEVATION

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



2

PROPOSED REAR ELEVATION

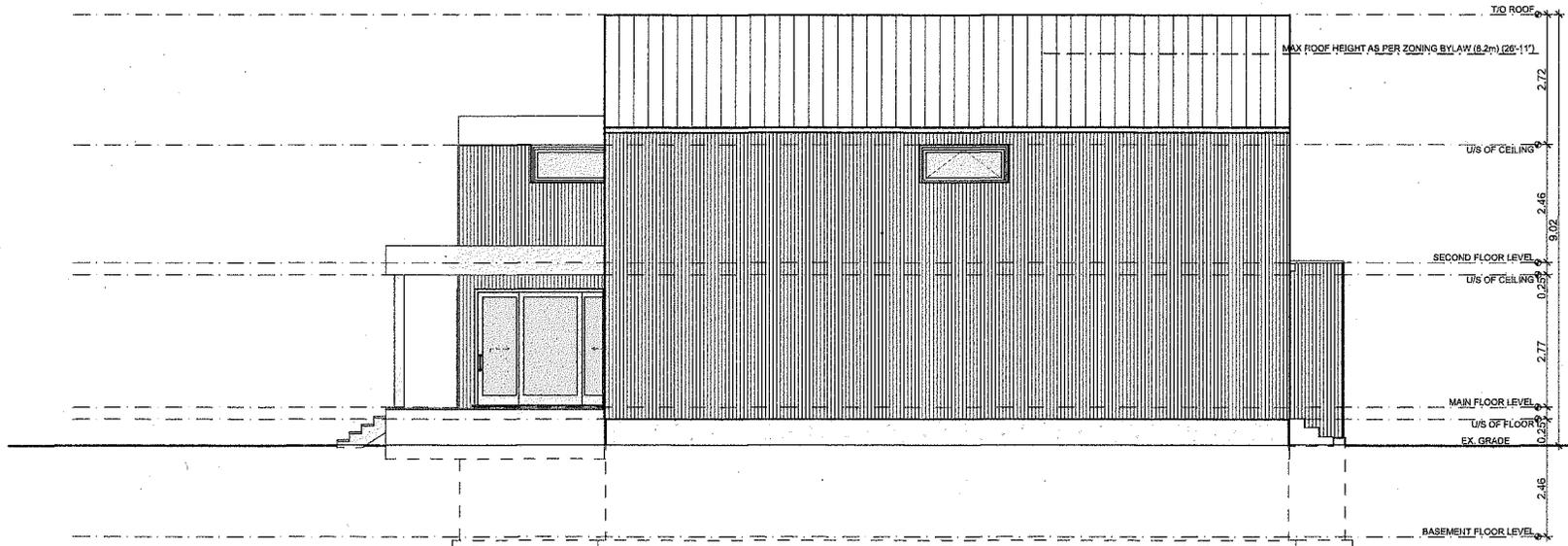
SCALE: 1/8" = 1'-0"

PROJECT:
HANCO
PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9

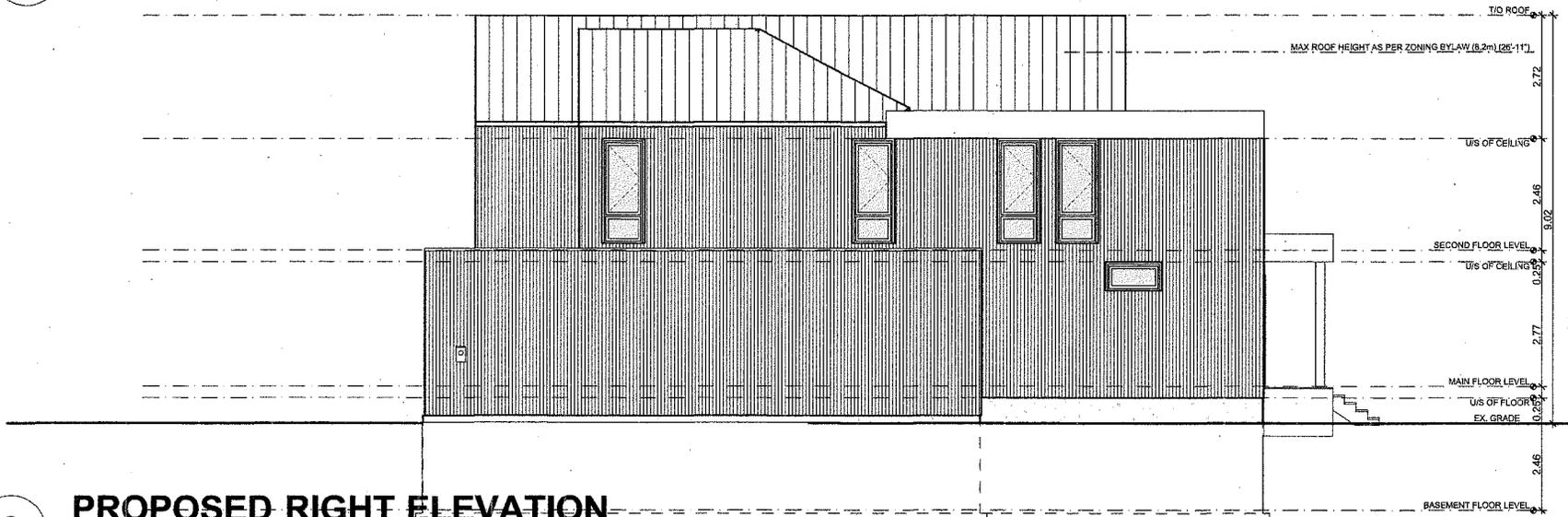
DRAWING:
PROPOSED FRONT AND REAR ELEVATIONS

PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
		3		
		4		
		5		
		6		
		7		

DRAWING NO: **A2.01**



1 PROPOSED LEFT ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

PROJECT:
HANCO
PROJECT ADDRESS:
47 BAYVIEW AVE HAMILTON ON L9H 7G9

DRAWING:
**PROPOSED LEFT AND
RIGHT ELEVATION**

PROJECT #	SCALE:	NO.	ISSUE / REVISION	DATE
23-006	AS NOTED	1	Schematic Design	2023.07.28
	DATE:	2	Minor Variance	2023.08.30
		3		
		4		
		5		
		6		
		7		

DRAWING NO:
A2.02

Calculations

① Lot coverage

• Dwelling incl. garage*	=	285.25 m ²
• ADU	=	35.75 m ²
• Accessory Structure	=	<u>13.5 m²</u>
total	=	334.54 m ²

* does not include decks. (covered or uncovered)

② Lot Area = 1496 ∴ 334.54 ÷ 1496 = 23%

✦ increase slightly for discrepancies → 25% of 1496 = 374 m²

③ Accessory Building lot coverage

• Pool house	=	13.5 m ²
• Decks (covered and uncovered)	=	<u>103.7 m²</u>
total	=	117.2 m ²

$$117.2 \div 1496 = 7.8\%$$

increase to 125 m² = 8.4%



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/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	
Registered Owners(s)	Carol Hanco	
Applicant(s)	Tim Hanco	
Agent or Solicitor		
		E-mail:

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	47 Bayview Ave. Hamilton, ON		
Assessment Roll Number	30333035000		
Former Municipality	Flamborough		
Lot	32	Concession	
Registered Plan Number	777	Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

1. To increase the allowable lot coverage from 15% to 25%, 28%
2. To increase the allowable floor space from 372 m² to 450 m²
3. To increase the allowable building height from 8.2 m to 9.2 m
4. To increase the allowable accessory building lot coverage from 5% to 9%

Second Dwelling Unit Reconstruction of Existing Dwelling

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

- the current zoning restrictions limit the house size and they are outdated

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
30.48	50.29 m	1496 m ²	6.85 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	14.72m	23.72m	3.3m and 3.6m	1975
Accessory Structure	n/a	1.67m	6.9m	1975
Accessory Structure	n/a	1.2m	1.2m	1975

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Dwelling	10.73m	20.22m	3.14 and 4.89	2024
ADU	n/a	1.2m	1.2m	2024
Accessory Structure	n/a	3.78m	6.34m	2024

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	200 m ²	279 m ²	2	6.4m
Accessory Structure	9.3 m ²	9.3 m ²	1	3.1m
Accessory Structure	7.4 m ²	7.4 m ²	1	3.1m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Dwelling	285.25 m ²	430 m ²	2	9.14m
ADU	35.75 m ²	75 m ²	2	6 m
Accessory Structure (pool house)	13.5 m ²	13.5 m ²	1	4.6m

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- _____

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- _____

- 4.6 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) _____
- 4.7 Type of access: (check appropriate box)
- provincial highway right of way
- municipal road, seasonally maintained other public road
- municipal road, maintained all year _____

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

single detached dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

single detached dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Jan. 13, 2012

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

single family dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

single family dwelling

7.4 Length of time the existing uses of the subject property have continued:

~ 40 years

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

* Urban Hamilton Official Plan designation (if applicable) *NEIGHBOURHOODS*

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

- the proposed dwelling respects the current zoning by-law and is minor in nature

7.6 What is the existing zoning of the subject land? *R1-6*

7.8 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: _____

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

Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 2

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:237	SUBJECT PROPERTY:	761 Centre Rd, Flamborough, Ontario
ZONE:	"S1" (Settlement Residential)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: SARA SCHENKEL
Agent: NICK BORGDORFF - BNK DESIGN AND CONSTRUCTION

The following variances are requested:

1. An Accessory building shall be permitted to be located within the front yard instead of the requirement no accessory buildings or structures shall be located within a front yard.
2. A maximum accessory building height of 10.7m shall be permitted instead of the maximum 4.5m accessory building height permitted.
3. A maximum gross floor area of 166.761m² for all buildings accessory to a single detached dwelling instead of the requirement that all buildings accessory to a single detached dwelling shall not exceed 45m².

PURPOSE & EFFECT: To facilitate the construction of a proposed accessory building.

Notes:

1. With regards to variance #3, it is noted that regulation 4.8.1.1 a) refers to both aggregate gross floor area and total lot coverage, though the intent of the regulation is to regulate total lot coverage. As such, in the case of a two-storey accessory building, only the ground floor area is considered.

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.

FL/A-23:237

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

DATE:	Thursday, October 5, 2023
TIME:	10:05 a.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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:237, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

FL/A-23:237



DATED: September 19, 2023

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

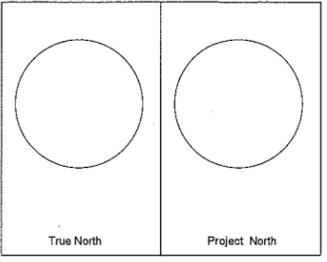
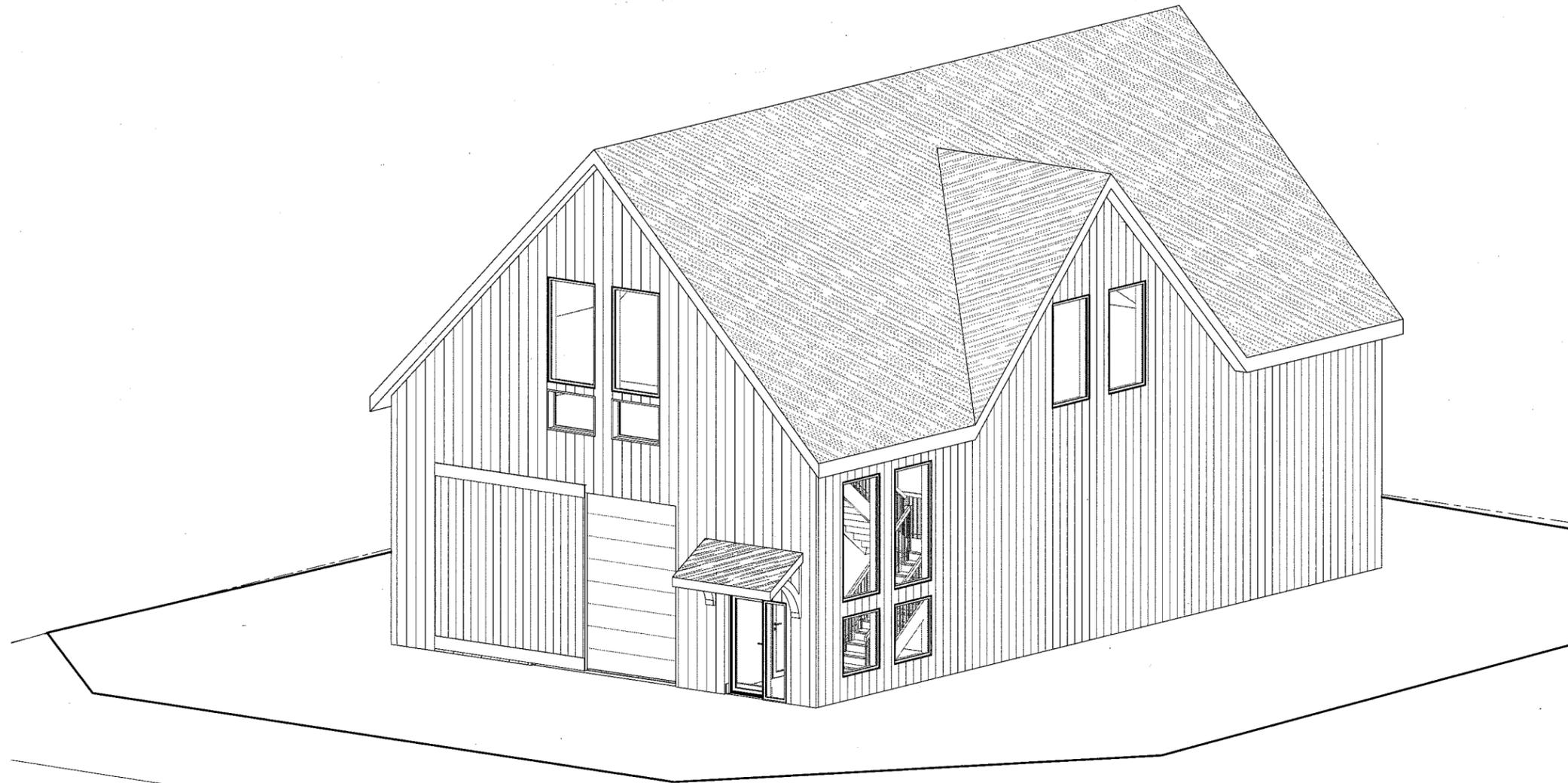
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

TABLE OF CONTACTS

- A99 TITLE PAGE
- A100 SITEPLAN
- A101 FRONT / BACK ELEVATIONS
- A102 LEFT / RIGHT ELEVATIONS
- A103 FLOOR PLANS
- A104 SECTIONS



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4. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE OCCUPATIONAL HEALTH AND SAFETY ACT OF ONTARIO.
5. THE CONTRACTOR SHALL EXAMINE ALL DRAWINGS, CHECK ALL DIMENSIONS AND REPORT ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.

NAME: NICK BORGENDORFF	FIRM BCIN: 115042
ADDRESS: 20 VICTOR BLD., ST. GEORGE, ON	DESIGNER BCIN: 108224

PROJECT
SCHENKEL SHOP 761 CENTRE RD.
HAMILTON ON. L8N2Z7

TITLE

TITLE PAGE



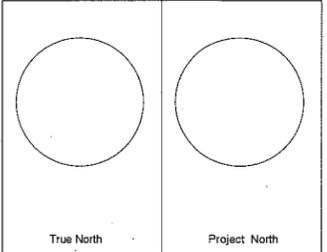
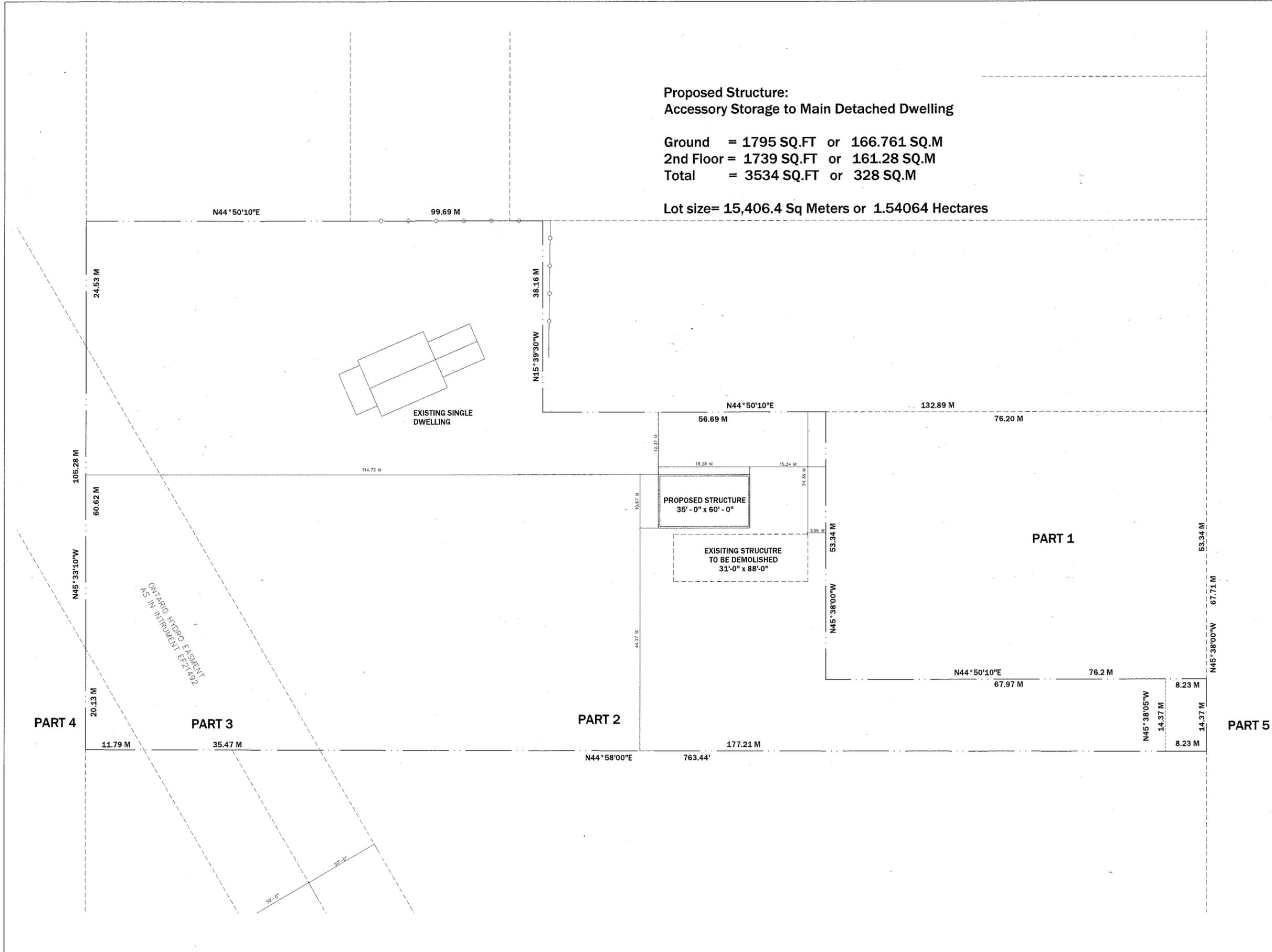
DRAWN BY BNK DESIGN & CONSTRUCTION INC.	DATE 07/11/23
	SCALE (@ A1)

DRAWING NUMBER A99	REV 001
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**Proposed Structure:
Accessory Storage to Main Detached Dwelling**

Ground = 1795 SQ.FT or 166.761 SQ.M
 2nd Floor = 1739 SQ.FT or 161.28 SQ.M
 Total = 3534 SQ.FT or 328 SQ.M

Lot size= 15,406.4 Sq Meters or 1.54064 Hectares



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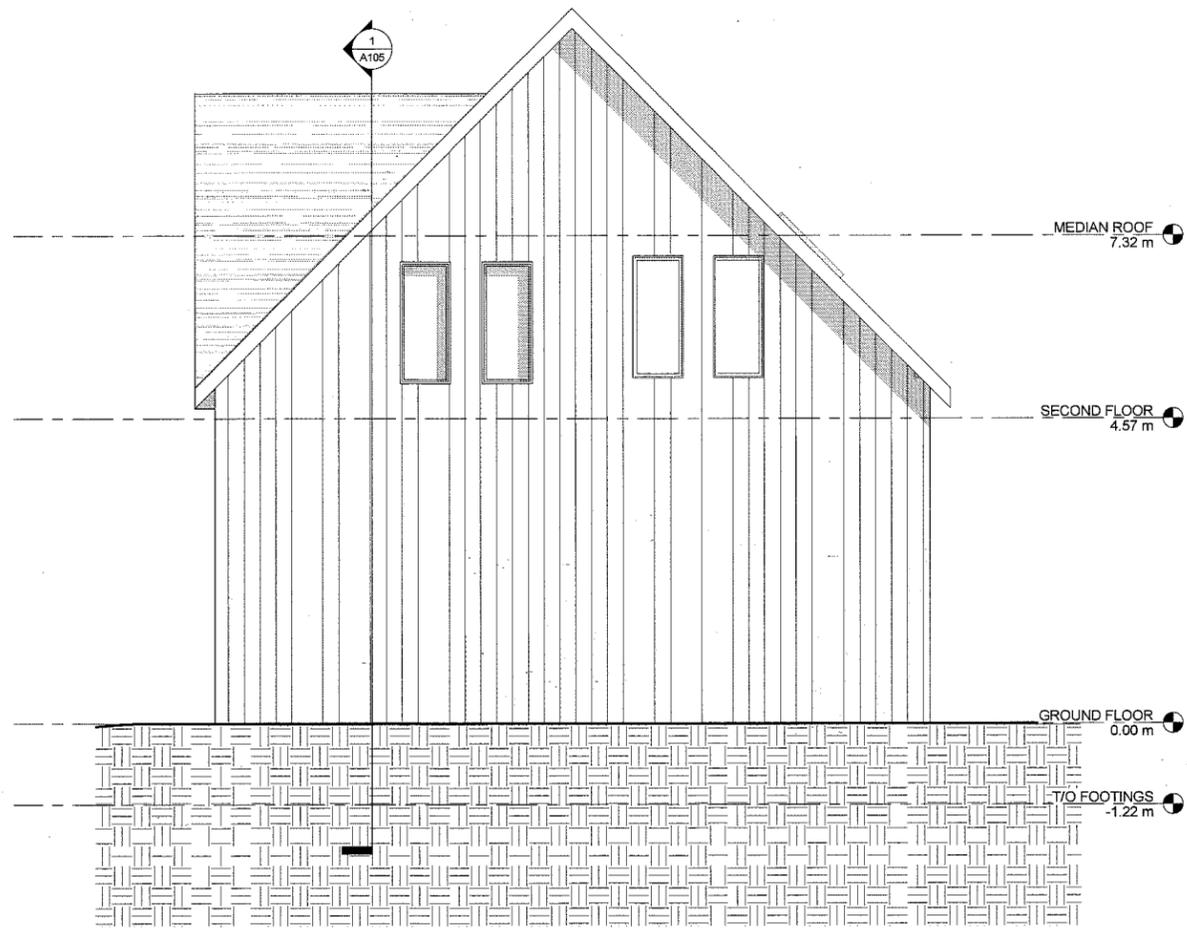
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 HAMILTON ON. L8N2Z7

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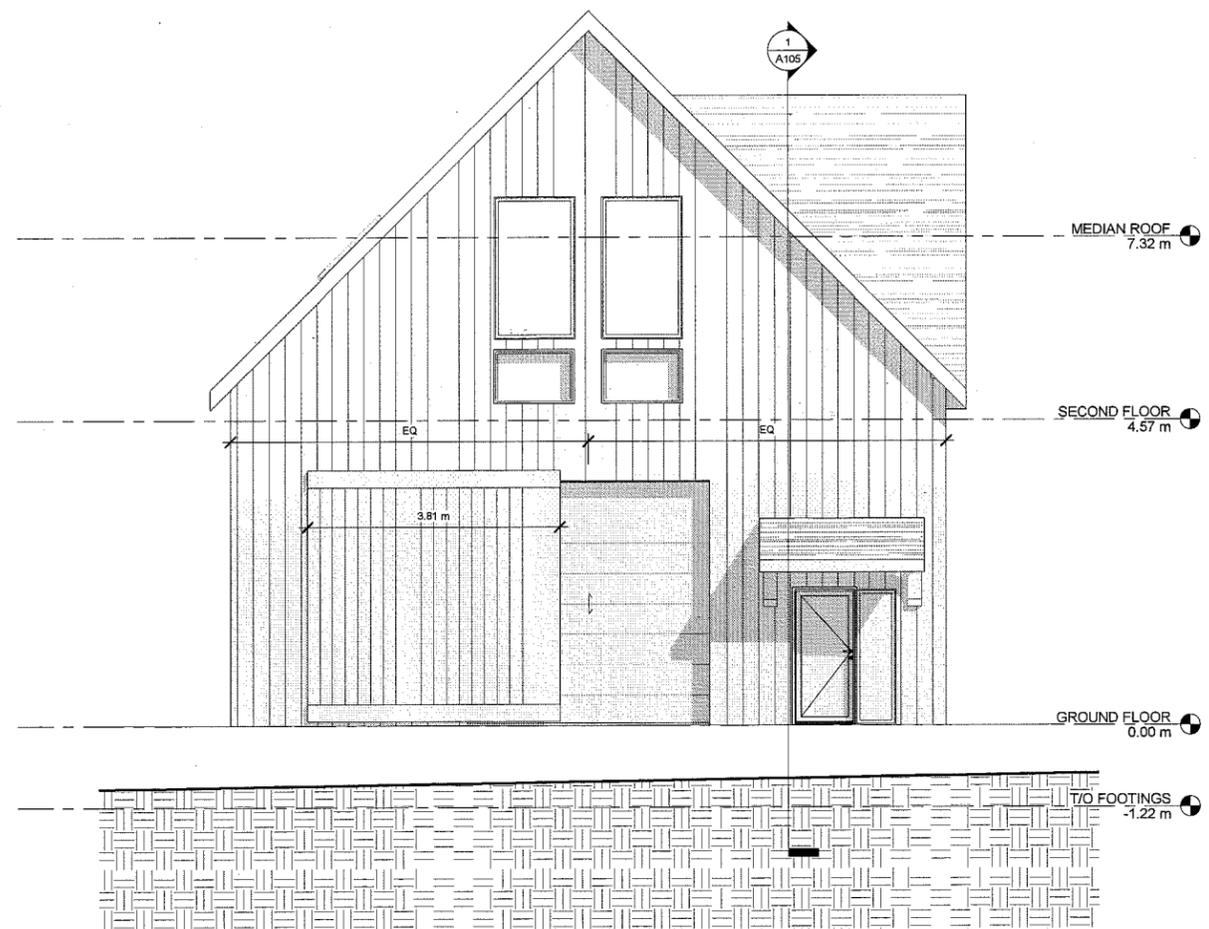


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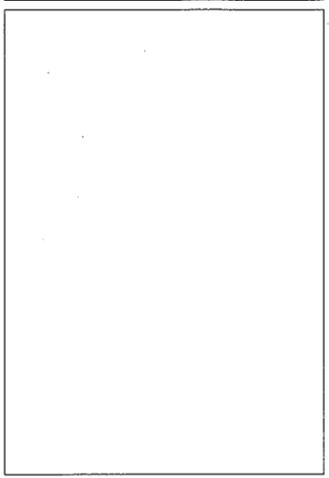
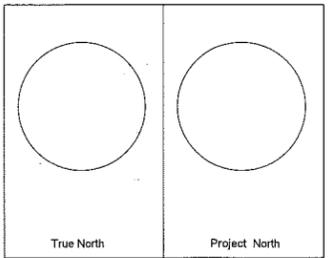
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1 North
A101 1:48



2 South
A101 1:48



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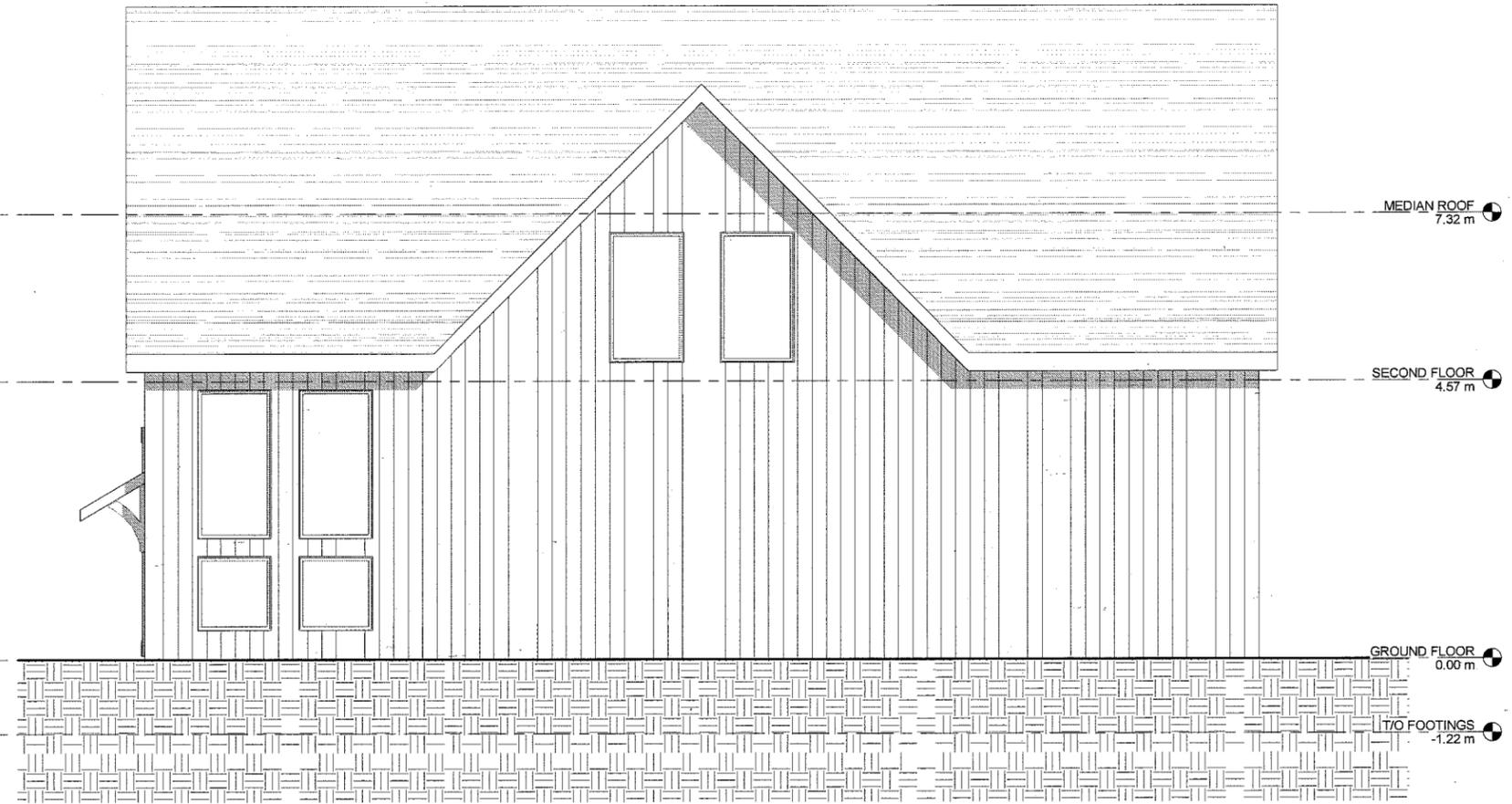
NAME: NICK BORGENDORFF	FIRM BCIN: 115042
ADDRESS: 20 VICTOR BLD., ST. GEORGE, ON	DESIGNER BCIN: 108224

PROJECT
SCHENKEL SHOP 761 CENTRE RD.
HAMILTON ON. L8N2Z7

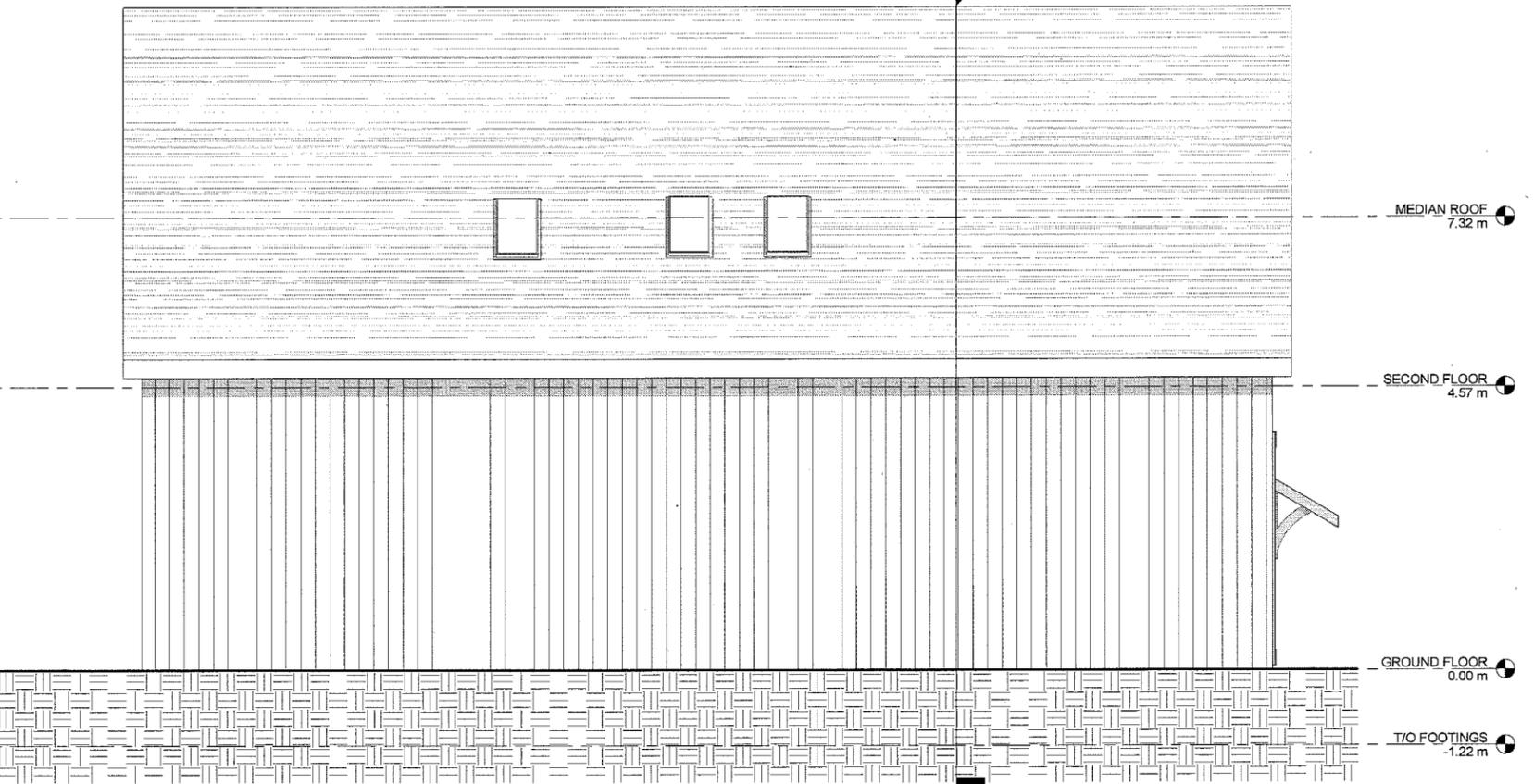
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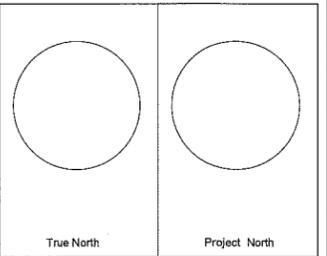
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	REV: 001



1 RIGHT
A102 1:48



2 LEFT
A102 1:48



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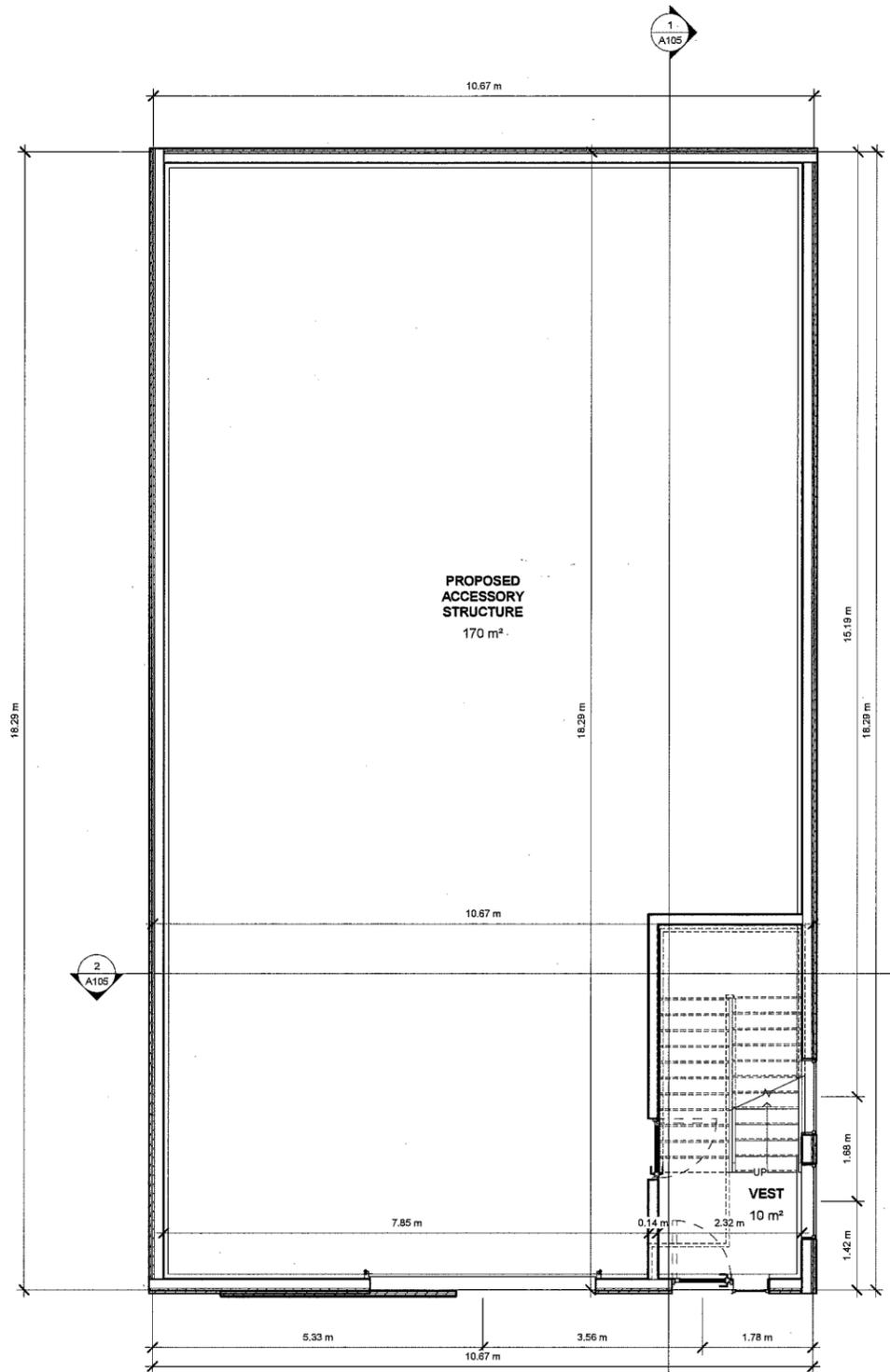
PROJECT SCHENKEL SHOP HAMILTON ON. L8N2Z7	761 CENTRE RD.
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TITLE

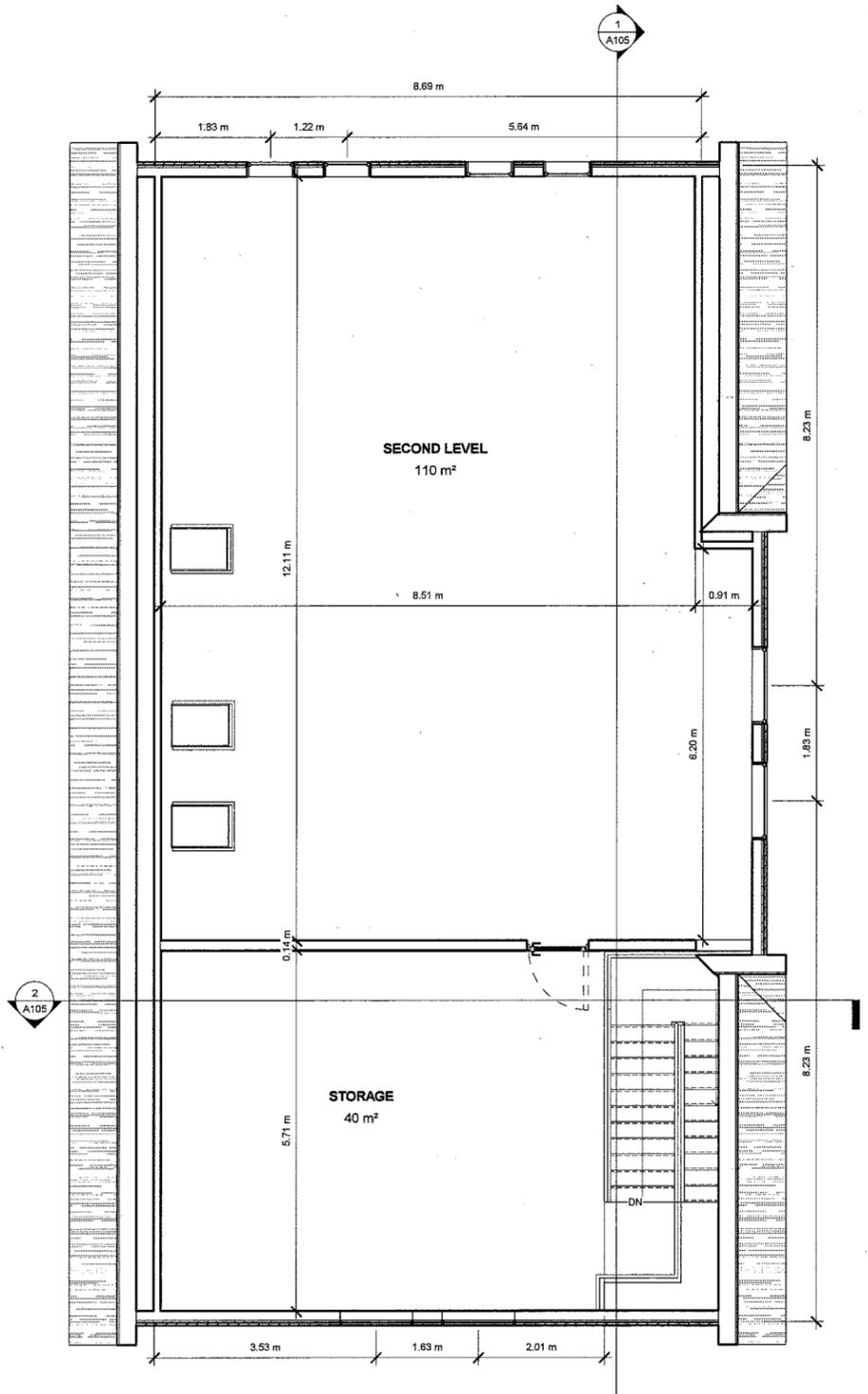
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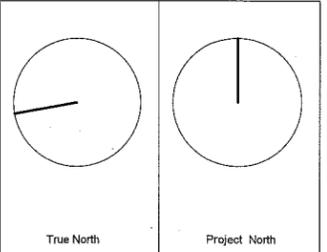
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	REV 001



1 GROUND FLOOR
A103 1:48



2 SECOND FLOOR
A103 1:48



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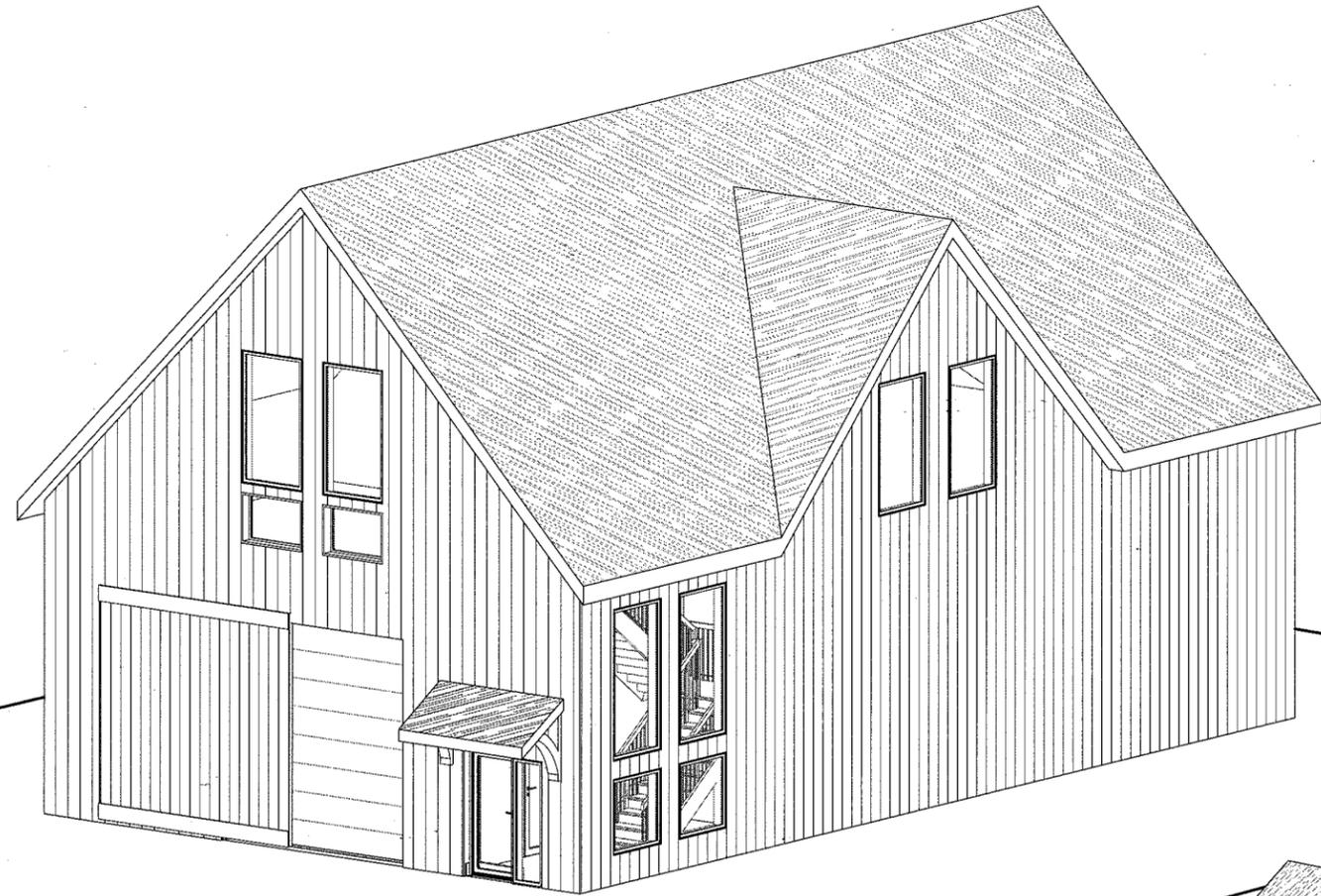
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SCHENKEL SHOP 761 CENTRE RD.
HAMILTON ON. L8N2Z7

TITLE
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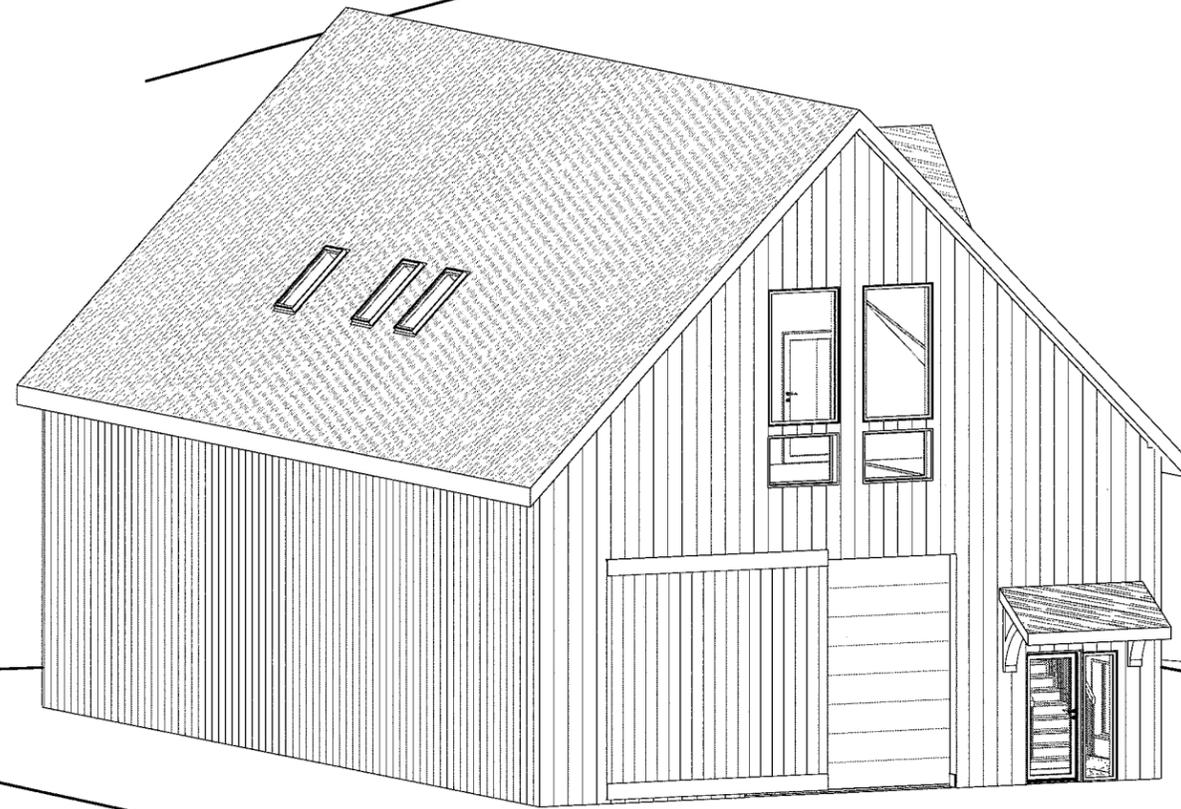


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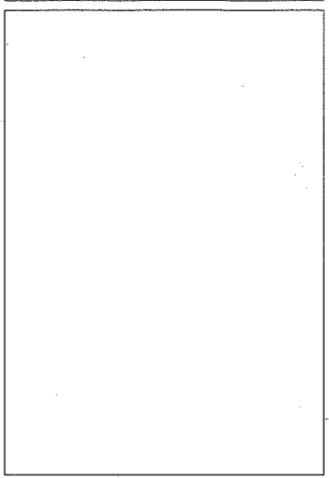
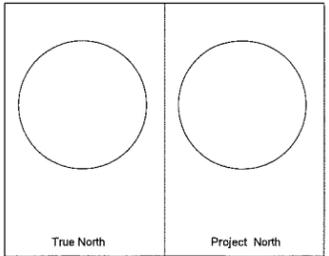
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1 3D RIGHT
A104



2 3D LEFT
A104



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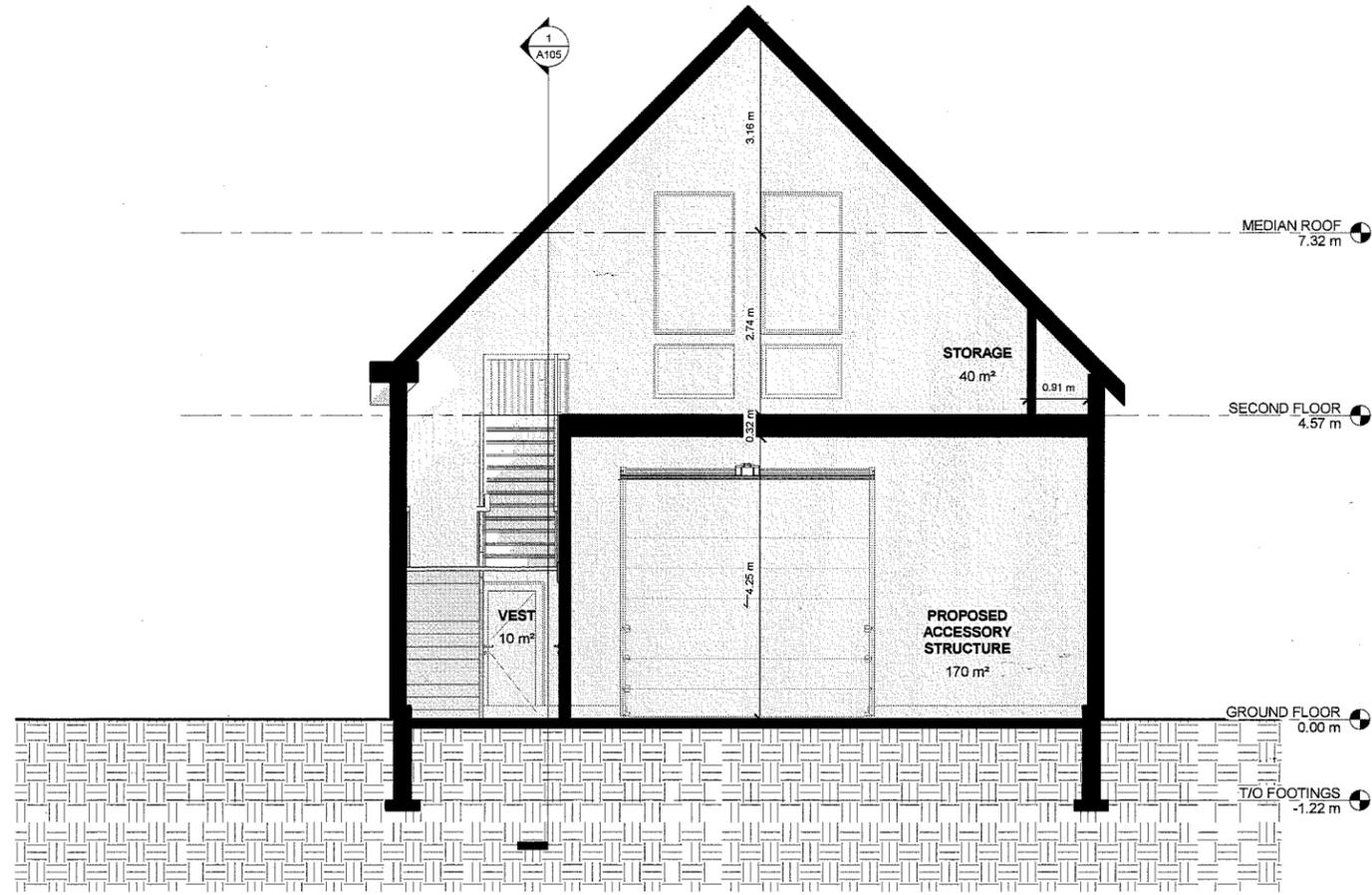
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PROJECT
SCHENKEL SHOP 761 CENTRE RD.
HAMILTON ON. L8N2Z7

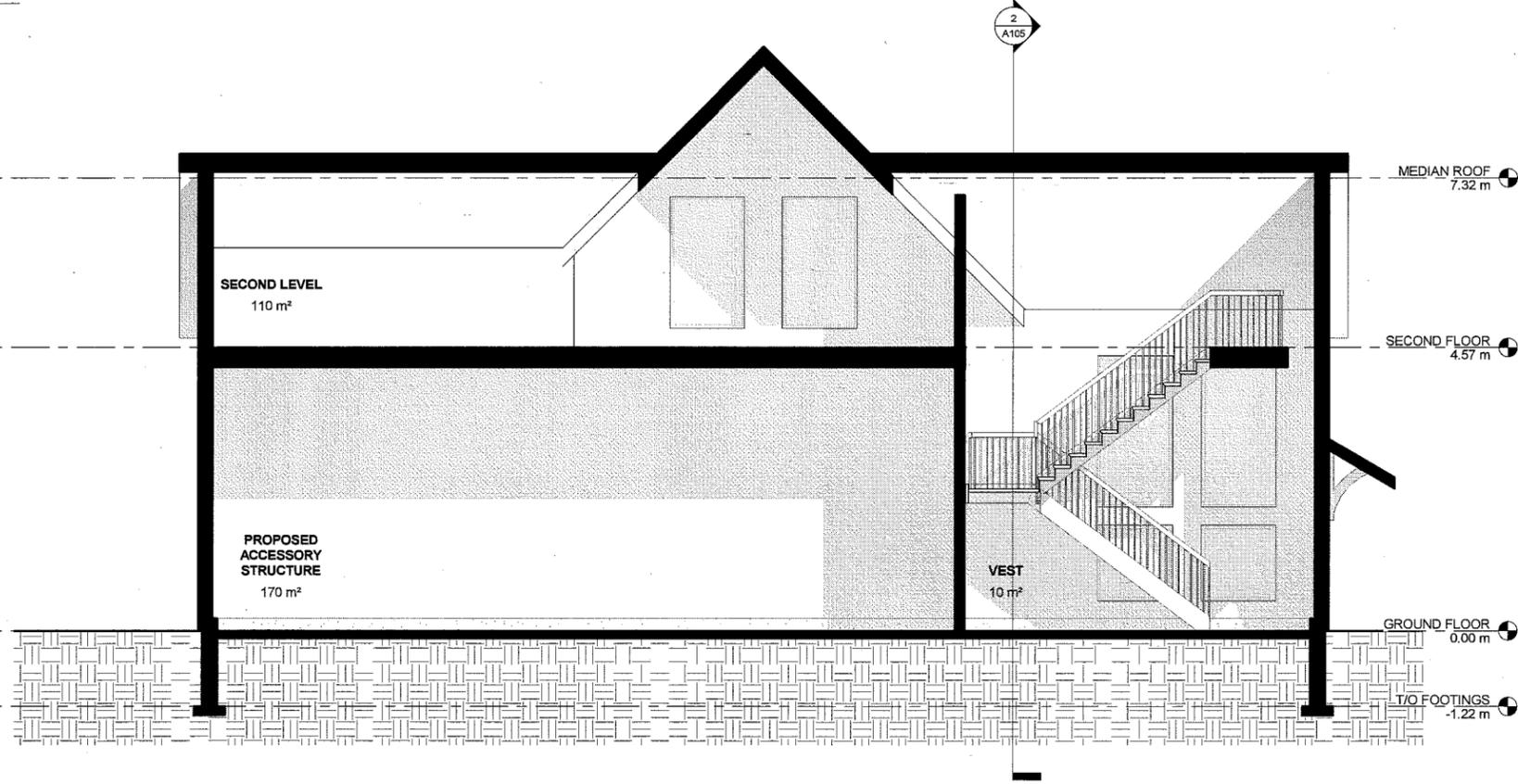
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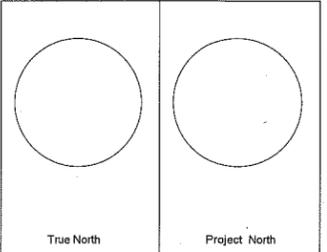
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2 Section 1
A105 1:48



1 SECTION
A105 1:48



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ADDRESS: 20 VICTOR BLD., ST. GEORGE, ON	DESIGNER BCIN: 108224

PROJECT
SCHENKEL SHOP 761 CENTRE RD.
HAMILTON ON. L8N2Z7

TITLE
SECTIONS



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REV: 001	

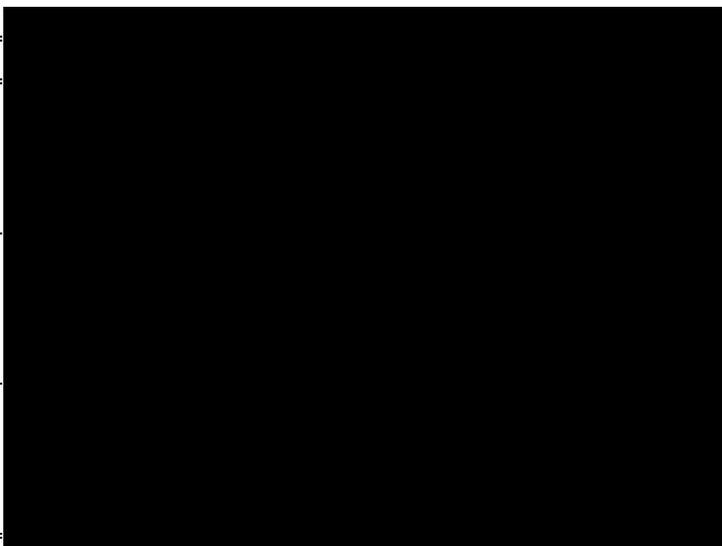


Hamilton

APPLICATION FOR A MINOR VARIANCE/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

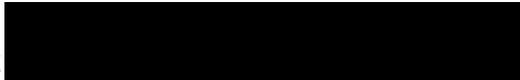
	NAME
Registered Owners(s)	Sara Schenkel
Applicant(s)	Nick Borgdorff
Agent or Solicitor	Same as Above



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

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes*

If YES, provide email address where sign is to be sent 

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	761 Centre Road, RR 2 Hamilton, ON, L8N2Z7		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	8	Concession	4
Registered Plan Number	17511-0091(LT)	Lot(s)	
Reference Plan Number (s)		Part(s)	2,3 & 4

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:

Ontario Hydro Easement

3. PURPOSE OF THE APPLICATION

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

The lot coverage and building height of this proposed structure exceeds the Hamilton zoning bylaw.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

Due to the size of the property, the space is needed to service this address. However, the application still meets the intent of the percentage of the by-law and the existing accessory building will be removed.

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
14.63 Meters (105.3 M)	232.70 Meters	15406.4 Sq. Meters	26 Meters

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Family Dwelling	148.6m/23.8m	47.4m	27.4m & 63.6m	08/02/2002
Accessory Building	70.7m/4.25m	124.5m	23.3m & 32.9m	08/02/1994

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Accessory Storage Structure	15.24 Meters	114.7 Meters	12.37m & 44.37 Meters	09/17/2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Single Family Dwelling	~198.3 sq.m	~291.3 sq.m	1.5	~5.79m
Accessory Building	253 sq.m	253 sq.m	1.5	~5.48m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Accessory Building	166.76 sq.m	~328 sq.m	1.5	10.07m

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
- privately owned and operated individual well

- lake or other water body
- other means (specify)
- _____

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
- swales

- ditches
- other means (specify)
- _____

4.6 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) _____

4.7 Type of access: (check appropriate box)

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

This property is access

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Single Family Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Single Family Dwelling or Agricultural

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Aug 2, 2002

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single Family Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Single Family Dwelling

7.4 Length of time the existing uses of the subject property have continued:

As long as known

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

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: Rural

Urban Hamilton Official Plan designation (if applicable) _____

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

The size of the Accessory building is within the official plans percentage of lot coverage for accessory buildings, is it is attractive to the area and not imposing on neighboring properties. ts also updates the existing building on the property with heritage consideration.

7.6 What is the existing zoning of the subject land? S1

7.8 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: _____

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

Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
 - Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
 - Minimum Distance Separation Formulae (data sheet available upon request)
 - Hydrogeological Assessment
 - Septic Assessment
 - Archeological Assessment
 - Noise Study
 - Parking Study
-
-



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-23:238	SUBJECT PROPERTY:	56 CAMPBELLVILLE ROAD, FLAMBOROUGH, Ontario, CAN
ZONE:	"A2" (Rural)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: SANTOKH JUDGE
Agent: RODNEY FRIESEN- FINE LINE DRAFTING & DESIGN

The following variances are requested:

1. To permit an accessory building to be located in the front yard whereas the by-law requires an accessory building to be located in the rear or side yard.
2. A maximum height of 9.25 metres for the accessory building shall be provided whereas the by-law requires a maximum height of 6.0 metres.
3. A maximum aggregate gross floor area of 395.2 square metres for all accessory buildings shall be provided whereas the by-law requires a maximum aggregate gross floor area of 200.0 square metres.

PURPOSE & EFFECT: So as to permit the construction of a new accessory building in the front yard to complement the existing Single Detached Dwelling.

Notes: 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, October 5, 2023
TIME:	10:10 a.m.
PLACE:	Via video link or call in (see attached sheet for details)

FL/A-23:238

	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.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/A-23:238, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

FL/A-23:238



 Subject Lands

DATED: September 19, 2023

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.

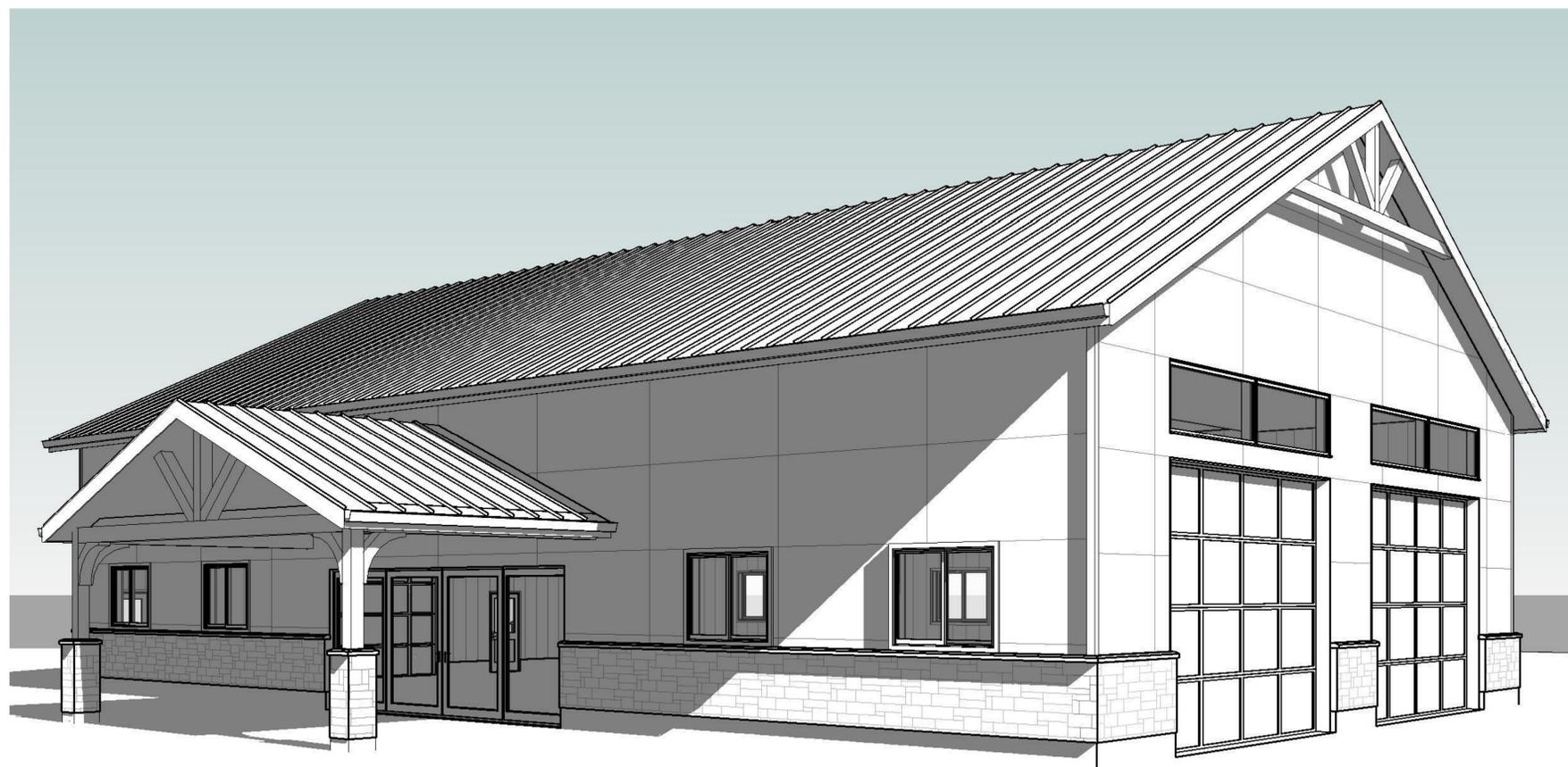
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

50'x80' AGRICULTURE SHOP

56 CAMPBELLVILLE RD, HAMILTON, ON L0P 1B0

LIST OF DRAWINGS	
PAGE NUMBER	PAGE NAME
A0.1	GENERAL INFORMATION
A1.1	FOUNDATION PLAN
A1.2	FRAMING PLAN
A1.3	ROOF PLAN
A3.1	ELEVATIONS
A3.2	ELEVATIONS
A4.1	BUILDING, WALL SECTION AND DETAILS
SP1.1	SITE PLAN



ISSUED FOR BUILDING PERMIT

MAY 31th, 2023

ARCHITECTURAL DESIGNER:

FINE LINE | DRAFTING & DESIGN

rodnef@finelinedraftingdesign.ca | 519-871-4299 | finelinedraftingdesign.ca

STRUCTURAL DESIGNER:

TACOMA
ENGINEERS

m.cleroux@tacomaengineers.com | 226-647-0109 | tacomaengineers.com

GENERAL NOTES:

- UNLESS NOTED OTHERWISE ON THE DRAWINGS, THE FOLLOWING NOTES SHALL GOVERN.
- ALL WORK ON THIS PROJECT SHALL CONFORM TO THE 2012 ONTARIO BUILDING CODE (OBC 2012 +2022), ANY LOCAL REGULATIONS AND BYLAWS, AND THE 2012 OCCUPATIONAL HEALTH AND SAFETY ACT (OHS/A) FOR CONSTRUCTION PROJECTS. ALL CODES AND STANDARDS SHALL BE THOSE REFERENCED IN OBC 2012 +2022.
- THIS SET OF DRAWINGS SUPERCEDES AND REPLACES ALL PREVIOUS DRAWINGS.
- READ THESE DRAWINGS IN CONJUNCTION WITH ALL RELATED CONTRACT DOCUMENTS AND MECHANICAL AND ELECTRICAL DRAWINGS.
- IF ANY STRUCTURAL DISCREPANCIES ON THE DRAWINGS EXIST, THE MOST STRINGENT SHALL APPLY.
- THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AND MEASUREMENTS AT THE SITE AND REPORT TO THE DESIGNER ANY DISCREPANCIES OR UNSATISFACTORY CONDITIONS WHICH MAY ADVERSELY AFFECT THE PROPER COMPLETION OF THE PROJECT BEFORE PROCEEDING WITH THE WORK.
- DRAWINGS ARE NOT TO BE SCALED.
- THE CONTRACTOR SHALL MAKE ADEQUATE PROVISION FOR CONSTRUCTION LOADS AND TEMPORARY BRACING TO KEEP STRUCTURE PLUMB AND IN TRUE ALIGNMENT AT ALL PHASES OF CONSTRUCTION. ANY BRACING MEMBERS SHOWN ON THE DRAWINGS ARE REQUIRED FOR THE FINISHED STRUCTURE AND MAY NOT BE SUFFICIENT FOR ERECTION PURPOSES.
- ALL DISCREPANCIES SHALL BE BROUGHT TO THE ENGINEERS ATTENTION IMMEDIATELY. NO CHANGES SHALL BE MADE WITHOUT THE ENGINEERS APPROVAL.
- CONTACT TACOMA ENGINEERS FOR CONSTRUCTION REVIEWS AS REQUIRED BY THE LOCAL BUILDING DEPARTMENT.

DESIGN LOADS:

- DESIGN LOADS ARE UNFACTORED UNLESS NOTED OTHERWISE.
 - CLIMATIC DESIGN DATA (HAMILTON, ONTARIO):
 - $S_s = 1.5 \text{ kPa}$
 - $S_o = 0.4 \text{ kPa}$
 - $q_{top} = 0.46 \text{ kPa}$
 - ROOF (SNOW) = 1.29kPa (PART 4)
 - ROOF (DEAD) = 0.50 kPa
- FOUNDATIONS TO BEAR DIRECTLY ON MATERIAL SUITABLE FOR 75 kPa (1500 psf) BEARING PRESSURE, UNLESS NOTED OTHERWISE.
- ALL GUARDS SHALL CONFORM TO OBC 9.8.8. AND SUPPLEMENTARY STANDARD SB-7.
- BACKFILL: LL SURCHARGE = 2.4 kPa
SOIL = 480 kg/m³
(EQUIVALENT FLUID DENSITY - OBC 9.4.4.6)

CONCRETE AND REINFORCING STEEL:

- ALL CONCRETE SHALL CONFORM TO OBC 9.3.1. AND ALL FOOTINGS AND FOUNDATIONS SHALL CONFORM TO OBC 9.15 U.N.O. ON THE DRAWINGS.
- THE MINIMUM 28 DAY COMPRESSIVE STRENGTH OF CONCRETE SHALL BE:
 - 20 MPa FOR FOOTINGS, WALLS AND BEAMS
 - 25 MPa FOR FLOOR SLABS
 - 32 MPa FOR EXTERIOR REINFORCED SLABS WITH 5%-8% AIR ENTRAINMENT
- MAINTAIN THE FOLLOWING CLEAR CONCRETE COVER TO REINFORCEMENT (U.N.O.):
 - A) 40 mm (1.5") FOR CONCRETE PLACED IN FORMWORK FOR 15M OR SMALLER BARS.
 - B) 50 mm (2") FOR CONCRETE PLACED IN FORMWORK FOR 20M OR LARGER BARS.
 - C) 65 mm (2.5") FOR SLAB ON GRADE, TOP OF SLAB TO TOP LAYER OF STEEL.
 - D) 75 mm (3") FOR CONCRETE PLACED AGAINST THE EARTH (BOTTOM OF FOOTINGS), CHAIRS SHALL BE USED TO MAINTAIN THE SPECIFIED CONCRETE COVER.
- USE HIGH FREQUENCY VIBRATION TO PLACE ALL CONCRETE.
- ALL CONCRETE SHALL BE KEPT MOIST DURING THE FIRST THREE DAYS OF CURING.
- TAKE ADEQUATE MEASURES TO PROTECT CONCRETE FROM EXPOSURE TO FREEZING TEMPERATURES AT LEAST SEVEN DAYS AFTER CONCRETE PLACEMENT.
- REBAR TO BE DEFORMED BARS WITH A YIELD STRENGTH OF 400 MPA.
- LAP LENGTH FOR 10M BARS IS 18" AND THE LAP LENGTH FOR 15M BARS IS 24".

HEAVY TIMBER:

- SAWN TIMBER SHALL BE D FIR-L SELECT STRUCTURAL OR BETTER AS DEFINED IN THE CAN/CSA O86, UNLESS NOTED OTHERWISE. ALL UNGRADED TIMBER IS ASSUMED TO BE NO. 2 GRADE.
- TIMBER SHALL HAVE A GRADE STAMP OR A CERTIFICATE OF GRADE FROM THE GRADER.
- TIMBER IS ASSUMED TO BE SEASONED WITH A MOISTURE CONTENT OF 19% OR LESS AT TIME OF ASSEMBLY. TIMBER INSTALLED IN A "GREEN" STATE, OR GREATER THAN 19% MOISTURE CONTENT HAS A REDUCED CAPACITY. CONTACT TACOMA ENGINEERS FOR A REDESIGN.
- ALL TIMBER SIZES ARE NOMINAL SIZES THAT ARE 1/2" LARGER THAN THE ACTUAL DIMENSIONS (EX. 8x10 IS 7.5" BY 9.5").
- TIMBER SHALL NOT BE NOTCHED OR DRILLED IN THE FIELD WITHOUT PERMISSION OF TACOMA ENGINEERS.
- STRUCTURAL SCREWS TO BE THE MAKE AND SIZE AS SHOWN ON THE DRAWINGS. ALTERNATE STRUCTURAL SCREW MAKES AND SIZES MAY BE USED UPON APPROVAL BY THE ENGINEER.
- BOLT AND LAG SCREW CONNECTIONS SHALL BE MADE USING GRADE A307 BOLTS.
- LAG SCREWS TO BE INSTALLED IN PRE-DRILLED HOLES.
- BOLTS AND THREADED RODS MUST HAVE A TYPICAL ROUND WASHER, U.N.O.
- HEAVY TIMBER IS A NATURAL MATERIAL THAT SHRINKS AND CHECKS WITH CHANGES TO MOISTURE CONTENT. SOME SHRINKAGE AND CHECKS ARE EXPECTED TO DEVELOP OVER TIME.

STRUCTURAL FRAMING:

- ALL WOOD-FRAME CONSTRUCTION SHALL CONFORM TO OBC 9.23. U.N.O. ON THE DRAWINGS.
- WOOD TRUSSES AND MANUFACTURED FRAMING MEMBERS ARE TO BE DESIGNED & CERTIFIED BY A PROFESSIONAL ENGINEER FOR THE LOADS AND CONDITIONS INDICATED ON THE DRAWINGS. REFER TO TRUSS MANUFACTURER'S DRAWINGS FOR UPLIFT CLIPS. PROVIDE ADEQUATE BEARING SURFACE FOR THE TRUSS BEARING LOADS.
- LUMBER SHALL BE SPF No. 1/2 OR BETTER UNLESS NOTED OTHERWISE. MOISTURE CONTENT SHALL BE 19% OR LESS.
- LUMBER SHALL NOT BE NOTCHED OR DRILLED IN THE FIELD WITHOUT PERMISSION OF TACOMA ENGINEERS OTHER THAN AS SPECIFIED BY OBC 9.23.5.
- ENGINEERED LUMBER (TJI, LVL, PSL, LSL) MAY BE DRILLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND DETAILS.
- THICKNESS AND TYPE OF SUBFLOOR, ROOF SHEATHING AND WALL SHEATHING SHALL CONFORM TO OBC 9.23.14, 9.23.15, AND 9.23.16 RESPECTIVELY.
- USE PRESSURE TREATED LUMBER (CWPB APPROVED) OR APPLY SUITABLE WOOD PRESERVATIVE TO ALL WOOD IN CONTACT WITH SOIL.
- WOOD IS NOT PERMITTED TO BEAR DIRECTLY ON MASONRY OR CONCRETE WITHOUT PROTECTION. PROVIDE EITHER PRESSURE TREATED LUMBER, SUITABLE WOOD PRESERVATIVE OR 6 MIL (0.152mm) POLYETHYLENE SHEET.
- SOLID HORIZONTAL BRIDGING SHALL BE PROVIDED AT 1200mm (4'-0") O.C. IN THE FIRST TWO JOIST SPACES ADJACENT TO THE EXTERIOR WALLS. BRIDGING SHALL BE ATTACHED TO THE EXTERIOR WALL TO PROVIDE LATERAL STABILITY.
- PROVIDE 38mm x 38mm (2X2) DIAGONAL CROSS BRIDGING OR SOLID BLOCKING AT MAXIMUM 2.1m (6'-10") O.C. FOR ALL SAWN JOIST LOCATIONS AS PER OBC 9.23.9.4.
- PROVIDE SOLID WOOD HORIZONTAL BLOCKING AT MAXIMUM 3.0m (10'-0") O.C. FOR ALL FRAMED WALLS. INSTALL MORE FREQUENTLY WHEN SO NOTED ON THE ARCHITECTURAL OR STRUCTURAL WALL DRAWINGS (EG. FOR BLOCKING OF SHEAR WALLS, TALL WALLS, OR FOR LATERAL STUD SUPPORT).
- USE JOIST HANGERS WHERE FRAMING MEMBERS CONNECT INTO THE SIDES OF SUPPORTING MEMBERS.
- ALL STEEL CONNECTORS (UPLIFT CLIPS, BRACKETS, JOIST HANGERS etc.) SHALL BE SIMPSON STRONG TIE CONNECTORS UNLESS NOTED OTHERWISE. FASTEN AS PER THE MANUFACTURER'S SPECIFICATIONS ASSUMING MAXIMUM NAILING U.N.O. TYPICAL BEAM HANGERS REQUIRE 16d NAILS (3" LONG).
- ALL NAILS AND FASTENERS IN CONTACT WITH PRESSURE TREATED WOOD ARE TO BE ACQ APPROVED, HOT DIP GALVANIZED (TO CSA-G164) OR STAINLESS STEEL.
- FOR SOLID AND BUILT UP MEMBERS (TRUSSES, BEAMS, LINTELS) PROVIDE A BUILT UP POST WITH AN EQUAL OR GREATER THICKNESS UNLESS NOTED OTHERWISE. ALL BUILT UP POSTS TO BE CONTINUOUS (INCLUDING TRANSFER BLOCKING AT FLOORS) DOWN TO THE FOUNDATIONS.
- ALL BUILT UP WOOD BEAMS TO BE FASTENED TOGETHER WITH THREE 3" COMMON NAILS AT 8" O.C. FOR EVERY PLY AND EACH BUILT UP WOOD POST TO BE CONNECTED WITH TWO 3" COMMON NAILS AT 8" O.C. UNLESS NOTED OTHERWISE.
- PROVIDE SOLID BLOCKING OR MECHANICAL CONNECTIONS AT THE TOP AND BOTTOMS OF BEAMS AT BEARING POINTS TO PREVENT MOVEMENT OR ROTATION.
- PRE-ENGINEERED ROOF TRUSSES WITH INTERIOR BEARING SUPPORTS ARE REQUIRED TO HAVE A TRUSS NODE DIRECTLY ABOVE THE BEARING LINE.
- ALL MANUFACTURED WOOD PRODUCTS (LVLS, LSLs, PSLs, Tjis) TO BE USED IN DRY SERVICE CONDITIONS ONLY. WHERE MANUFACTURED WOOD PRODUCTS ARE LOCATED OUTDOORS, PROVIDE SUITABLE CLADDING TO PROTECT FROM THE ELEMENTS AND ALLOW FOR DRYING.
- LVL = WEYERHAEUSER 2600Fb 2.0E MICROLAM LVL, WITH MINIMUM VALUES:
 - E = 2.0 x 10⁶ psi, fb = 4,805 psi, fv = 530 psi, G = 125,000 psi, fc_perp = 1365 psi
 - APPROVED EQUIVALENTS: WEST FRASER LVL 3100Fb 2.0E; LP SOLID START LVL 2900Fb 2.0E; BOISE CASCADE VERSA-LAM 3100Fb 2.0E.

FOUNDATIONS:

- SOIL BEARING CAPACITY ON SITE TO BE VERIFIED BY LOCAL BUILDING DEPARTMENT OR GEOTECHNICAL ENGINEER PRIOR TO THE PLACING OF FOUNDATIONS. ANY NON-COMFORMANCE WITH THE SPECIFIED MINIMUM CAPACITIES MUST BE IMMEDIATELY REPORTED TO THE STRUCTURAL ENGINEER.
- FOOTINGS TO BEAR DIRECTLY ON UNDISTURBED NATIVE SOILS OR APPROVED ENGINEERED FILL SUITABLE FOR MINIMUM DESIGN BEARING PRESSURES.
- ENSURE FOUNDATION WALLS ARE Laterally SUPPORTED BEFORE BACKFILLING.
- PLACE FOOTINGS WHICH ARE EXPOSED TO FREEZING WEATHER A MINIMUM OF 48" BELOW FINISHED GRADE UNLESS SPECIFIED OTHERWISE.
- SOFT AREAS UNCOVERED DURING EXCAVATION SHALL BE SUB-EXCAVATED TO SOUND MATERIAL AND FILLED WITH CLEAN, FREE DRAINING GRANULAR SOIL COMPACTED TO 100% STANDARD PROCTOR DRY DENSITY (SPDD).
- DO NOT EXCEED A RISE OF 7 IN A RUN OF 10 IN THE LINE OF SLOPE BETWEEN ADJACENT FOOTING EXCAVATIONS OR ALONG STEPPED FOOTINGS. USE STEPS NOT EXCEEDING 24" IN HEIGHT AND NOT LESS THAN 24" IN LENGTH.
- SHOULD UNDERGROUND WATER BE ENCOUNTERED, PROVIDE DEWATERING FACILITIES TO KEEP WATER LEVEL BELOW FOOTINGS AND POUR AN ADDITIONAL 3" LAYER OF LEAN CONCRETE UNDER ALL FOOTINGS.
- FOUNDATION WALLS TO BE CONNECTED TO STRIP FOOTINGS WITH SHEAR KEY OR 15M DOWELS X 16" LONG AT 4'-0" O.C. WITH 4" EMBEDMENT INTO FOOTING, U.N.O.
- PROTECT SOIL FROM FREEZING ADJACENT TO AND BELOW ALL FOOTINGS.
- BACKFILL AGAINST FOUNDATION WALL IN SUCH A MANNER THAT THE LEVEL OF BACKFILLING ON ONE SIDE OF THE WALL IS NEVER MORE THAN 18" DIFFERENT FROM THE LEVEL ON THE LOWER SIDE OF THE WALL, EXCEPT WHERE TEMPORARY SUPPORT FOR THE WALL IS PROVIDED OR WALLS ARE DESIGNED FOR SUCH UNEVEN PRESSURES.
- LOCATE ALL FOOTINGS AND PIERS CENTRALLY UNDER COLUMNS AND WALLS UNLESS NOTED OTHERWISE.
- FOUNDATION WALLS HAVE BEEN DESIGNED TO SUPPORT DRAINED EARTH. ENSURE GROUNDWATER DRAINAGE CAN OCCUR.
- WHERE FOUNDATION WALL THICKNESS IS REDUCED AT TOP OF WALL TO ALLOW FOR STONE LEDGE, THE REDUCTION IN THICKNESS SHALL COMPLY WITH OBC 2012 9.15.4.7.
- CONCRETE FOUNDATION WALLS WHICH DO NOT EXTEND TO THE UNDERSIDE OF THE MAIN FLOOR JOISTS MAY BE BACKFILLED UP TO THE FOLLOWING HEIGHTS ABOVE THE BASEMENT FLOOR BASED ON OBC 2012 9.15.4.2.A:
 - 8" THICK FOUNDATION = 3'-11"
 - 10" THICK FOUNDATION = 4'-7"
 - 12" THICK FOUNDATION = 4'-11"

DRAWING SYMBOL LEGEND

DRAWING NUMBER **A1.1**

A - ARCHITECTURAL
S - STRUCTURAL
M - MECHANICAL
E - ELECTRICAL

0.1 - PROJECT INFORMATION
1.1 - FLOOR PLANS
2.1 - BUILDING ELEVATIONS
3.1 - BUILDING & WALL SECTIONS
4.1 - DETAILS
5.1 - REFLECTED CEILING PLANS

TITLE LABEL

TITLE NUMBER
TITLE
SCALE
REFERENCE PAGE LOCATION

CROSS SECTION KEY

DIRECTION OF VIEW
CROSS SECTION NUMBER
REFERENCE PAGE LOCATION

WALL SECTION KEY

DIRECTION OF VIEW
WALL SECTION NUMBER
REFERENCE PAGE LOCATION

INTERIOR ELEVATION

PAGE NUMBER
REFERENCE TO SPECIFIC DRAWING ELEVATION

DETAIL KEY

DIVISION NUMBER
DETAIL PAGE NUMBER

T/O CONCRETE GROUND FLOOR
DATUM

GRID
NOTE 01
NOTE 02
CEILING HEIGHT
ELEVATION HEIGHT
CONSTRUCTION TYPE
REVISION
PRIMARY ENTRANCE
SECONDARY ENTRANCE
ELECTRICAL PANEL
CARBON MONOXIDE ALARM
SMOKE ALARM
FLOOR DRAIN
15 MINUTE FIRE SEPARATION
30 MINUTE FIRE SEPARATION
45 MINUTE FIRE SEPARATION
1 HOUR FIRE SEPARATION
PROPOSED DOOR AND FRAME
EXISTING DOOR AND FRAME TO REMAIN
EXISTING DOOR AND FRAME TO BE DEMOLISHED
EXISTING WALL TO REMAIN
EXISTING WALL TO BE DEMOLISHED
PROPOSED WALL

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No.	CHRONOLOGY	DATE
1	PRELIM DRAWING SET TO CLIENT	2023.02.20
2	ISSUED FOR BUILDING PERMIT	2023.05.31



No.	REVISIONS	DATE

FINE LINE DRAFTING & DESIGN

RODNEY FRIESEN
519-871-4299
rodnevf@finelinedraftingdesign.ca
finelinedraftingdesign.ca

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

Rodney Friesen
Personal BCIN: 114065
Firm BCIN: 126803

CLIENT

ENRIQUE CENTENO

PROJECT NAME

50'x80' SHOP
56 CAMPBELLVILLE RD, HAMILTON,
ON L0P 1B0

DRAWING TITLE

GENERAL INFORMATION

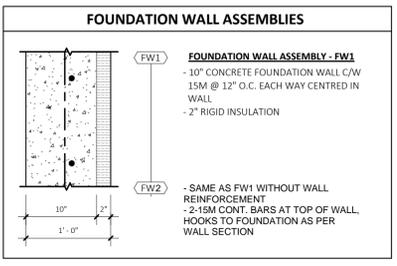
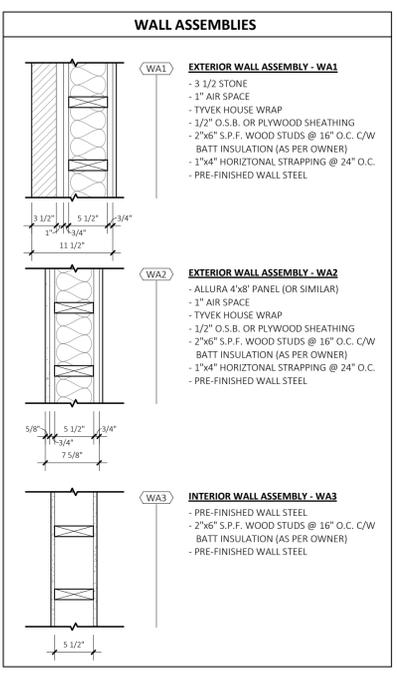
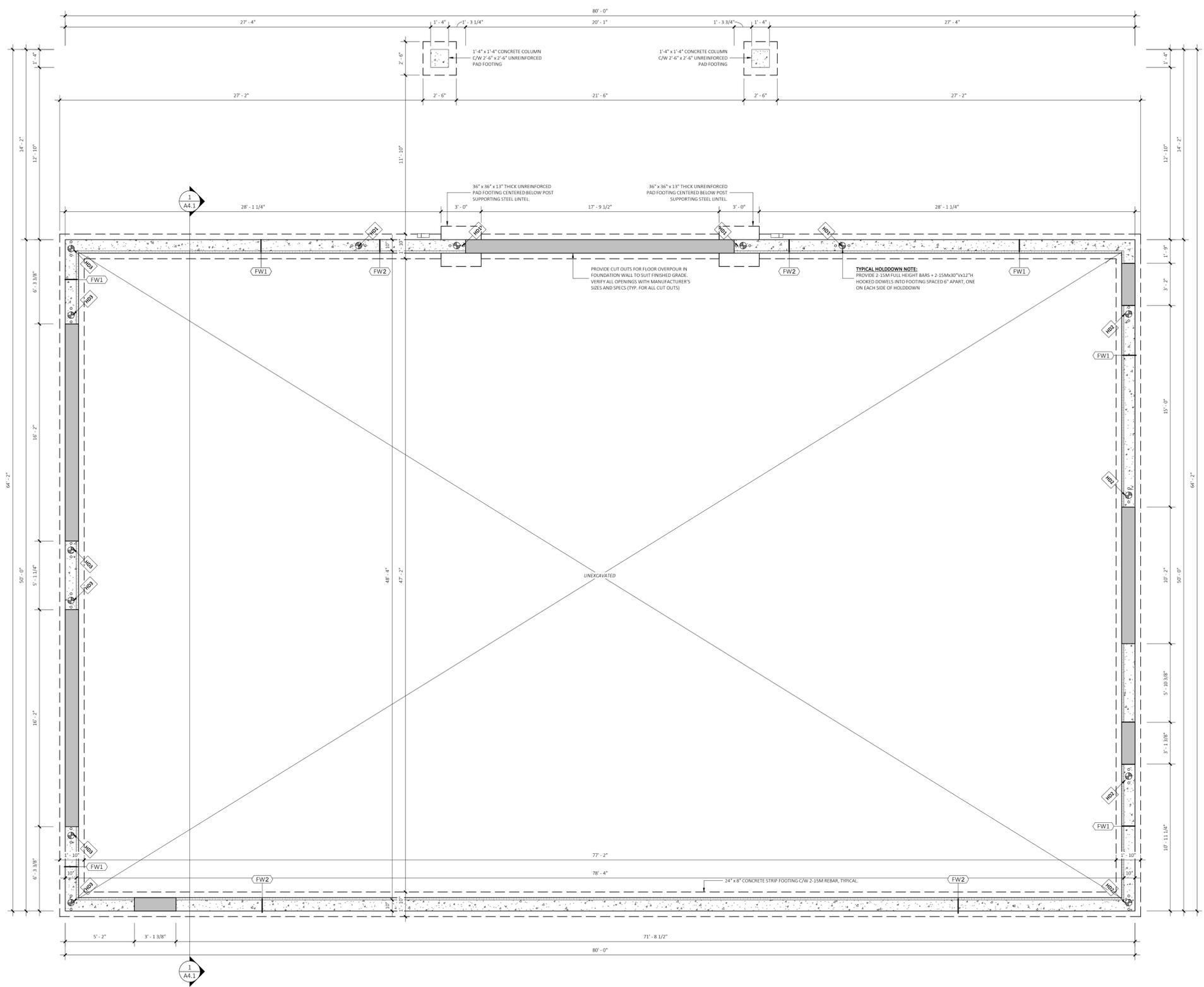
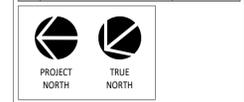
DATE	2023.05.31	SHEET NO.	A0.1
SCALE	3/16" = 1'-0"	PROJECT NO.	
PROJECT NO.	2023-003		

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CLIENT
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PROJECT NAME
50'x80' SHOP
56 CAMPBELLVILLE RD, HAMILTON,
ON L0P 1B0

DRAWING TITLE
FOUNDATION PLAN

DATE	2023.05.31	SHEET NO.	A1.1
SCALE	As indicated	PROJECT NO.	
PROJECT NO.	2023-003		

VENTING NOTE:
 PROVIDE CONTINUOUS RIDGE AND SOFFIT VENTING OF ALL ROOFS.
 ENSURE FREE OPENING OF VENTS COMPLIES WITH OBC. VENTILATION
 FOR ROOF SPACES AT A RATIO OF 1 SQ. FT. MIN. OF UNOBSTRUCTED
 VENTILATION FOR EACH 300 SQ. FT. OF INSULATED CEILING AREA WITH
 NOT MORE THAN HALF THE REQUIRED VENTILATION LOCATION AT THE
 EAVES

SHOP ROOF CONSTRUCTION (RA1):
 - STANDING SEAM METAL ROOF
 (STYLE AND COLOUR TO BE CONFIRMED BY OWNER)
 - 7/16" O.S.B. OR PLYWOOD SHEATHING C/W H-CLIPS
 AND W/ 2.12" LONG (Ø.120") @ AIRNAIS @ 5" O.C.
 AT PANEL EDGES
 - PRE-ENGINEERED ROOF STRUSSLIES @ 24" O.C.
 - BLOW-IN INSULATION (AS PER OWNER)
 - 1"x4" HORIZONTAL STRAPPING @ 24" O.C.
 - PRE-FINISHED CEILING STEEL

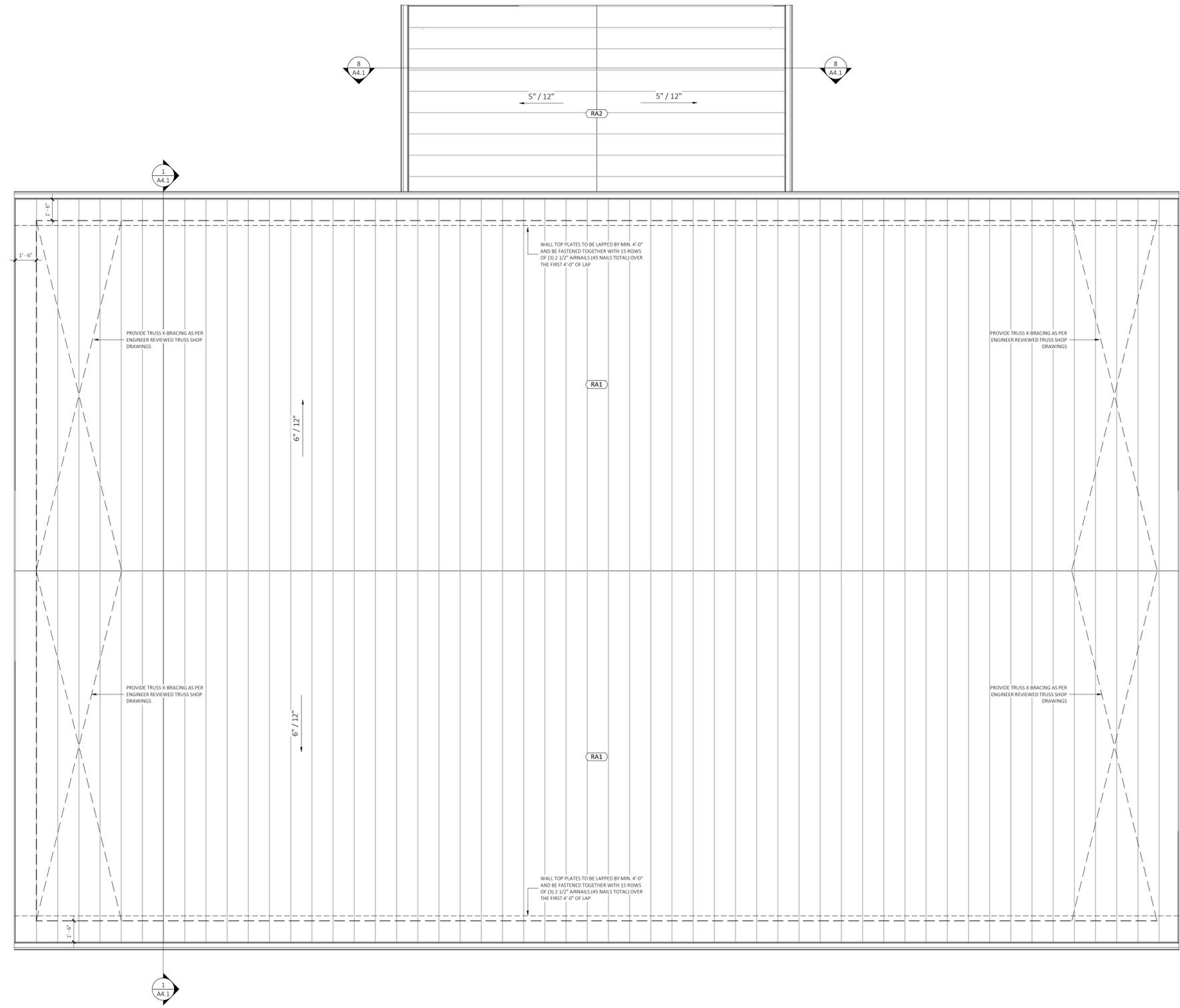
PORCH ROOF CONSTRUCTION (RA2):
 - STANDING SEAM METAL ROOF
 (STYLE AND COLOUR TO BE CONFIRMED BY OWNER)
 - 7/16" O.S.B. OR PLYWOOD SHEATHING C/W H-CLIPS
 AND W/ 2.12" LONG (Ø.120") @ AIRNAIS @ 5" O.C.
 AT PANEL EDGES
 - PRE-ENGINEERED ROOF STRUSSLIES @ 24" O.C.
 - 1"x4" HORIZONTAL STRAPPING @ 24" O.C.
 - PRE-FINISHED ALUMINUM SOFFIT OR T&G WOOD
 SOFFIT (OWNER TO CONFIRM)

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 rodneym@finelinedraftingdesign.ca
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 Personal BCIN: 114065
 Firm BCIN: 126803

CLIENT
ENRIQUE CENTENO

PROJECT NAME
50'x80' SHOP
 56 CAMPBELLVILLE RD, HAMILTON,
 ON L0P 1B0

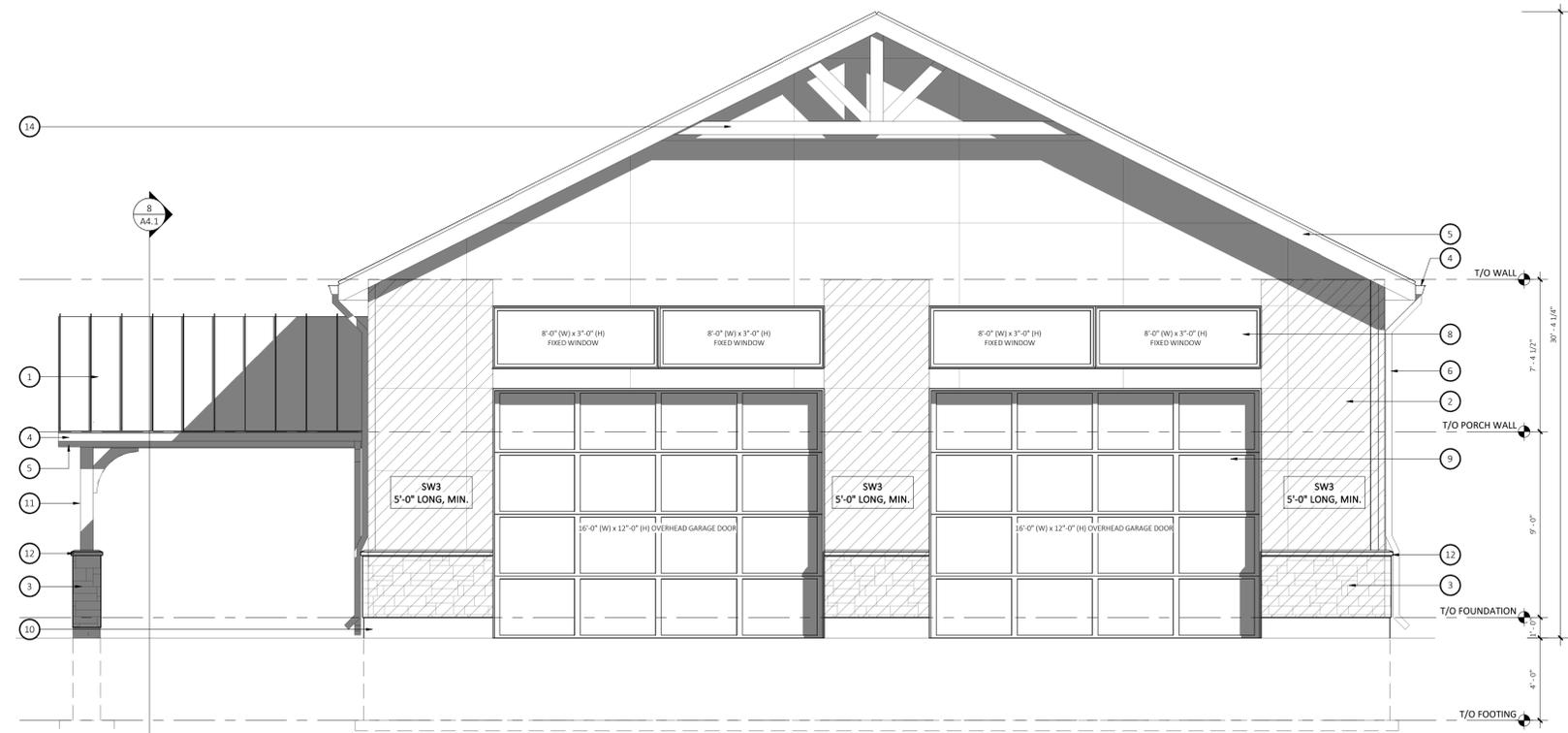
DRAWING TITLE
ROOF PLAN

DATE: 2023.05.31 SHEET NO.: **A1.3**
 SCALE: 1/4" = 1'-0"
 PROJECT NO.: 2023-003

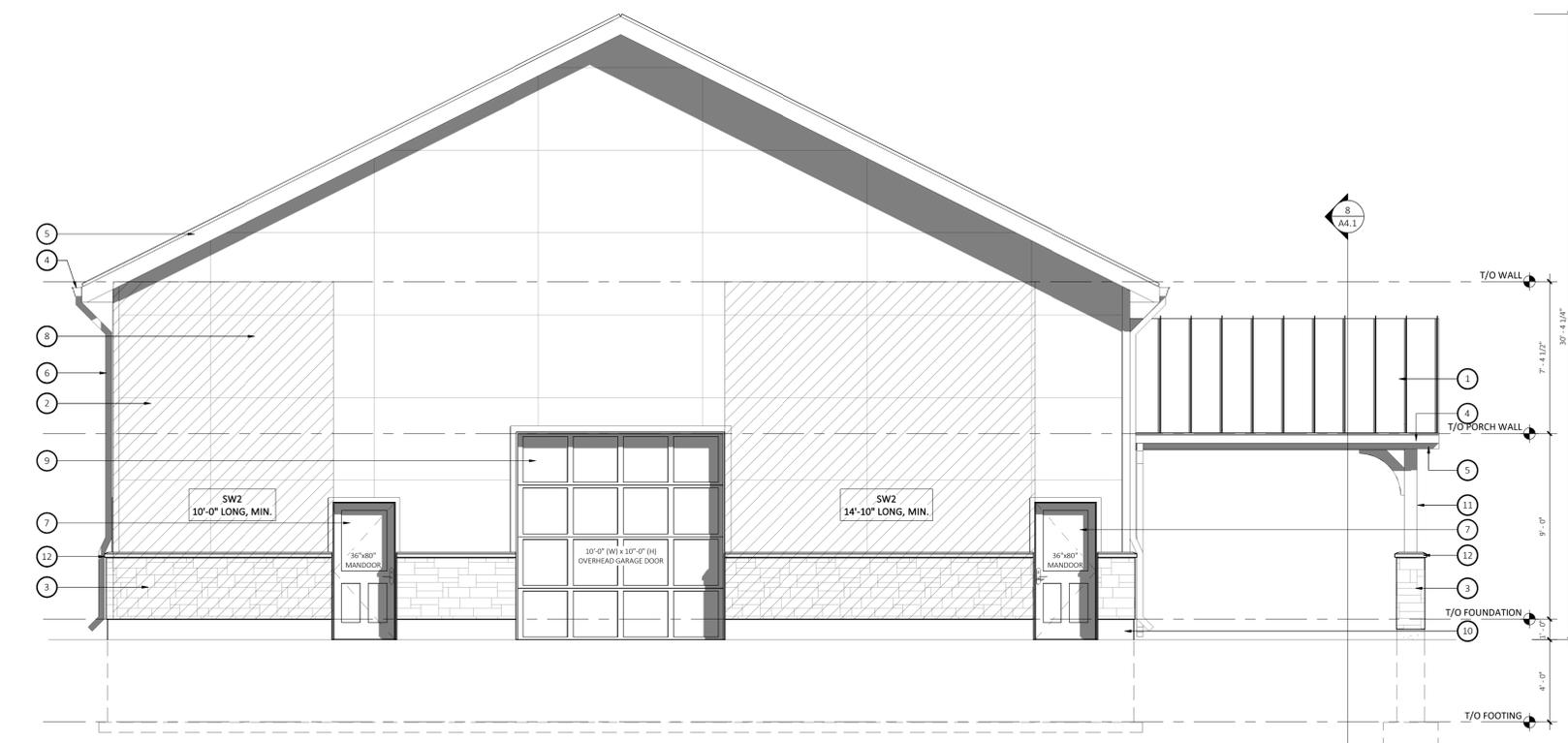
1 ROOF PLAN
 A1.3 1/4" = 1'-0"

MATERIAL LEGEND

1. PROFILED STANDING SEAM METAL ROOF, OR SIMILAR METAL ROOF MATERIAL. PROFILE TBD BY HOME OWNER, COLOUR: TBD BY OWNER
2. ALLURA 4'x8' PANEL (OR SIMILAR) COLOUR: TBD BY OWNER STYLE: TBD BY OWNER
3. EXTERIOR STONE COLOUR: TBD BY OWNER
4. PRE-FINISHED ALUMINUM EAVESTROUGH. COLOUR: TBD BY OWNER
5. PRE-FINISHED ALUMINUM FASCIA. COLOUR: TBD BY OWNER
6. PRE-FINISHED ALUMINUM DOWNSPOUT. COLOUR: TBD BY OWNER
7. INSULATED EXTERIOR METAL MAN DOOR.
8. VINYL WINDOWS, REFER TO FLOOR PLAN FOR SIZE. EXTERIOR COLOUR: BLACK INTERIOR COLOUR: TBD BY OWNER
9. OVERHEAD GARAGE DOOR. EXACT STYLE TO BE CONFIRMED BY HOMEOWNER AND CONTRACTOR.
10. EXPOSED CONCRETE FOUNDATION.
11. TIMBER BEAMS AND POST
12. PRECAST CONCRETE SILL
13. SLIDING/SWING GLASS DOOR. EXACT STYLE TO BE CONFIRMED BY HOMEOWNER AND CONTRACTOR.
14. ARCHITECTURAL GABLE BRACKET. TO MATCH TIMBER OVER PORCH OVERHANG.



1 FRONT ELEVATION
A3.1 1/4" = 1'-0"



2 REAR ELEVATION
A3.1 1/4" = 1'-0"

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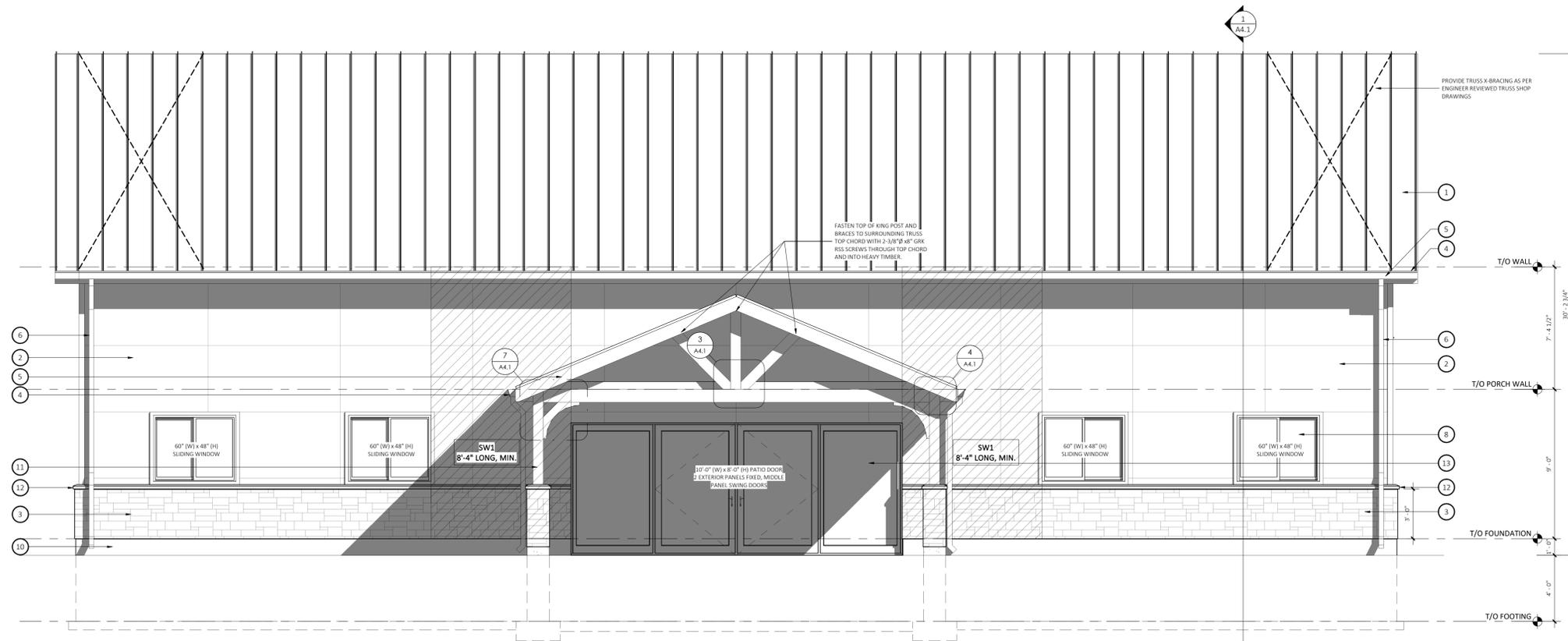
CLIENT
ENRIQUE CENTENO

PROJECT NAME
50'x80' SHOP
56 CAMPBELLVILLE RD, HAMILTON,
ON L0P 1B0

DRAWING TITLE
ELEVATIONS

DATE	2023.05.31	SHEET NO.	A3.1
SCALE	1/4" = 1'-0"		
PROJECT NO.	2023-003		

MATERIAL LEGEND	
1	PROFILED STANDING SEAM METAL ROOF, OR SIMILAR METAL ROOF MATERIAL. PROFILE TBD BY HOME OWNER, COLOUR: TBD BY OWNER
2	ALLURA 4'x8' PANEL (OR SIMILAR) COLOUR: TBD BY OWNER
3	EXTERIOR STONE COLOUR: TBD BY OWNER
4	PRE-FINISHED ALUMINUM EAVESTROUGH. COLOUR: TBD BY OWNER
5	PRE-FINISHED ALUMINUM FASCIA. COLOUR: TBD BY OWNER
6	PRE-FINISHED ALUMINUM DOWNSPOUT. COLOUR: TBD BY OWNER
7	INSULATED EXTERIOR METAL MAN DOOR.
8	VINYL WINDOWS, REFER TO FLOOR PLAN FOR SIZE. EXTERIOR COLOUR: BLACK
9	INTERIOR COLOUR: TBD BY OWNER
10	OVERHEAD GARAGE DOOR. EXACT STYLE TO BE CONFIRMED BY HOMEOWNER AND CONTRACTOR.
11	EXPOSED CONCRETE FOUNDATION.
12	TIMBER BEAMS AND POST
13	PRECAST CONCRETE SILL
14	SLIDING/SWING GLASS DOOR. EXACT STYLE TO BE CONFIRMED BY HOMEOWNER AND CONTRACTOR.
15	ARCHITECTURAL GABLE BRACKET. TO MATCH TIMBER OVER PORCH OVERHANG.



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



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

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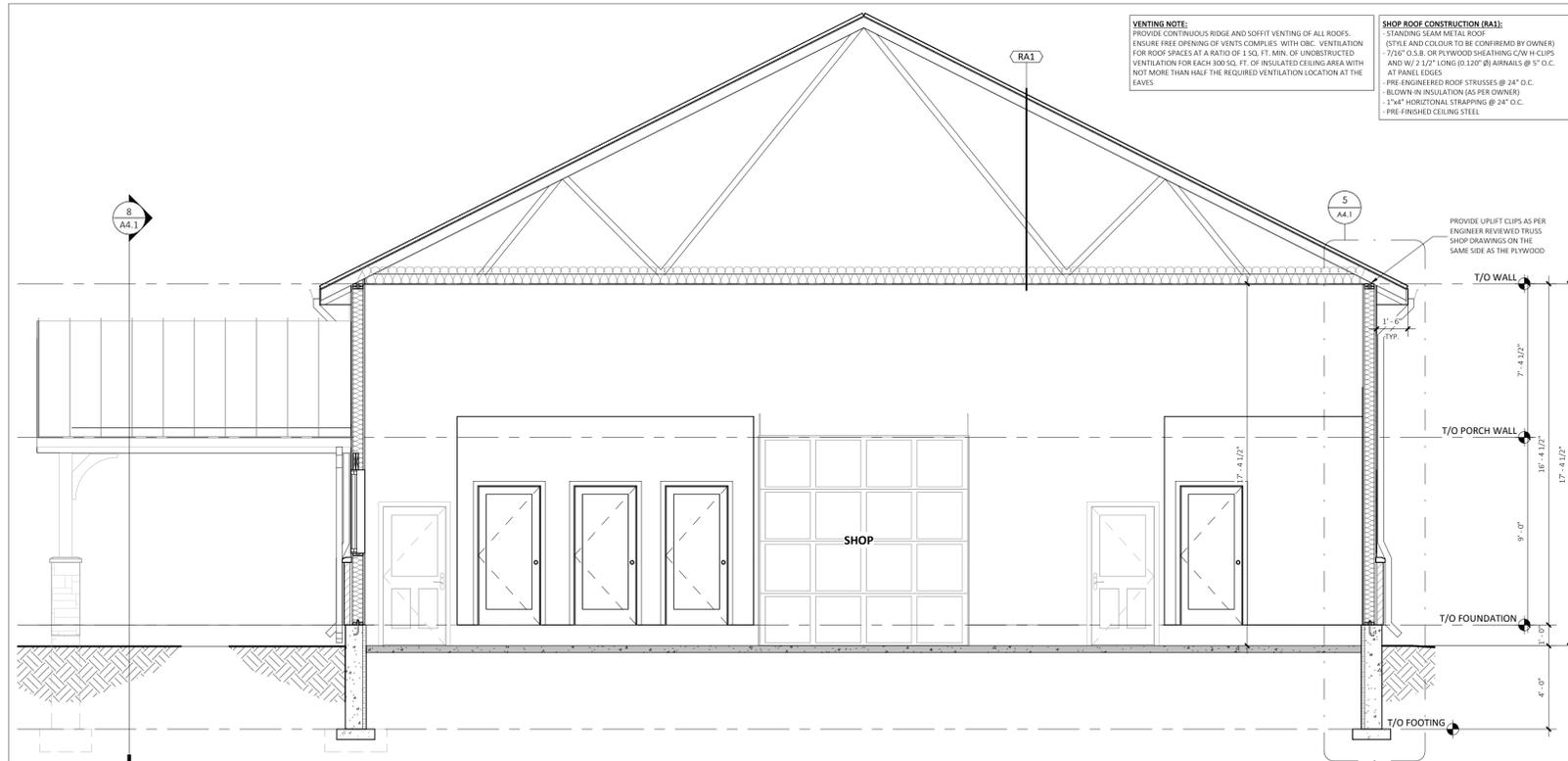
Rodney Friesen
Rodney Friesen
Personal BCIN: 114065
Firm BCIN: 126803

CLIENT
ENRIQUE CENTENO

PROJECT NAME
50'x80' SHOP
56 CAMPBELLVILLE RD, HAMILTON,
ON L0P 1B0

DRAWING TITLE
ELEVATIONS

DATE	2023.05.31	SHEET NO.	A3.2
SCALE	1/4" = 1'-0"		
PROJECT NO.	2023-003		

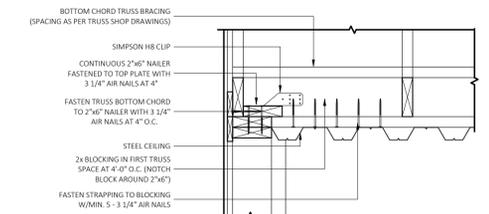


1 BUILDING SECTION
A4.1 1/4" = 1'-0"

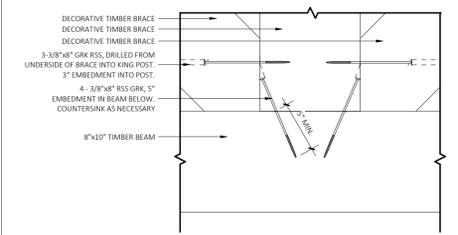
VENTING NOTE:
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- BLOWN-IN INSULATION (AS PER OWNER)
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- PRE-FINISHED CEILING STEEL

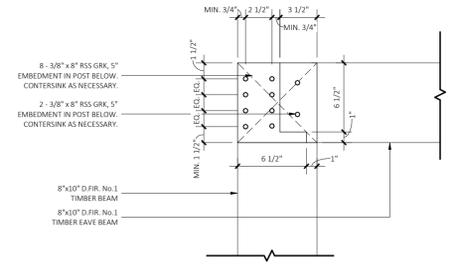
PORCH ROOF CONSTRUCTION (RA2):
(STYLE AND COLOUR TO BE CONFIRMED BY OWNER)
- 7/16" O.S.B. OR PLYWOOD SHEATHING CW/H-CLIPS AND W/ 2 1/2" LONG (Ø 120° Ø) AIRNAILS @ 5" O.C. AT PANEL EDGES
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- PRE-FINISHED ALUMINIUM SOFFIT OR T&W WOOD SOFFIT (OWNER TO CONFIRM)



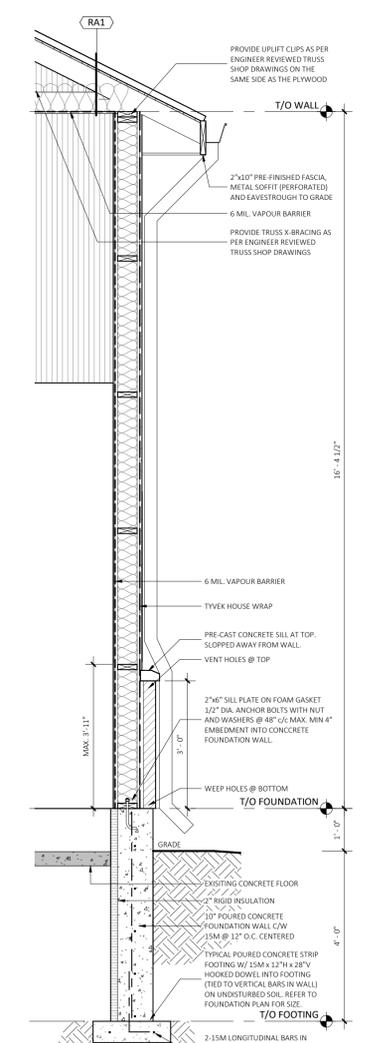
2 GABLE WALL CONNECTION SECTION DETAIL
A4.1 1" = 1'-0"



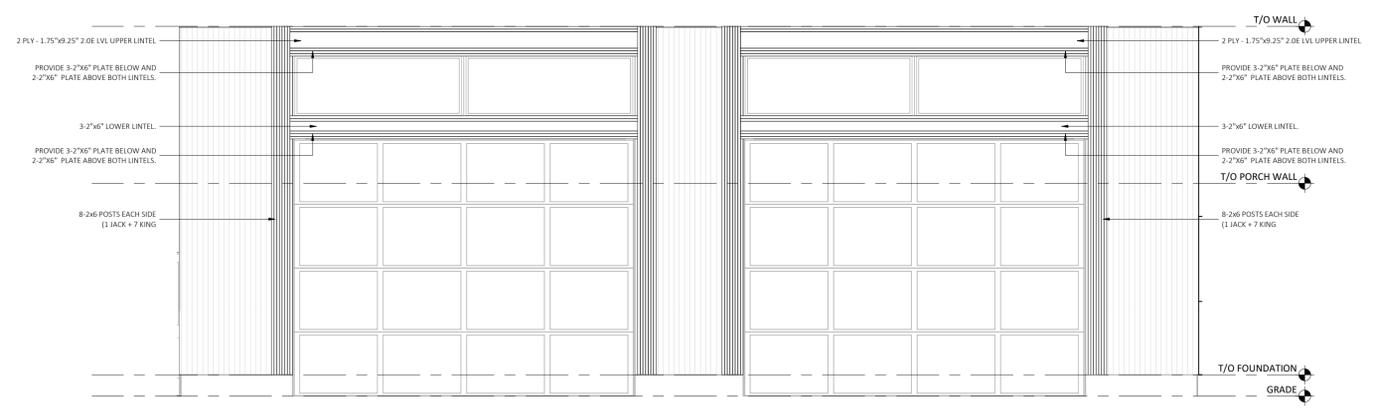
3 KING POST TO BEAM SECTION DETAIL
A4.1 1 1/2" = 1'-0"



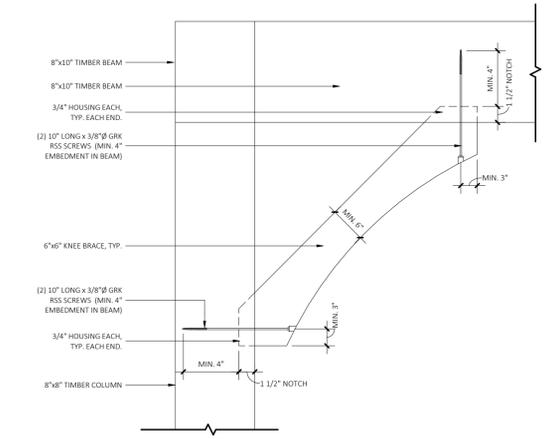
4 BEAMS TO POST PLAN DETAIL
A4.1 1 1/2" = 1'-0"



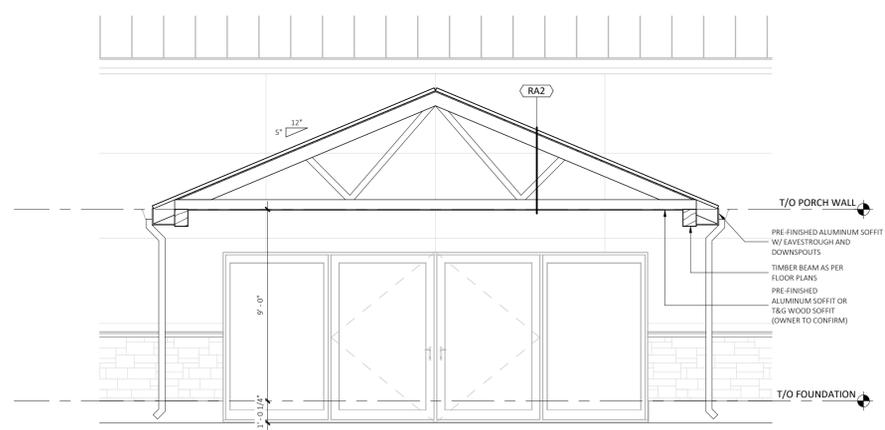
5 TYPICAL WALL SECTION
A4.1 1/2" = 1'-0"



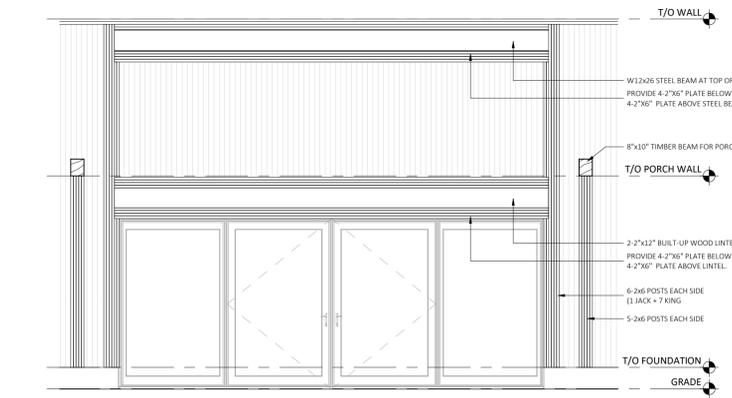
6 FRONT ELEVATION FRAMING DETAIL
A4.1 1/4" = 1'-0"



7 TIMBER PORCH KNEE BRACE DETAIL
A4.1 1 1/2" = 1'-0"



8 COVERED PORCH SECTION
A4.1 1/4" = 1'-0"



9 PORCH ELEVATION FRAMING DETAIL
A4.1 1/4" = 1'-0"

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Personal BCIN: 114065
Firm BCIN: 126803

ENRIQUE CENTENO

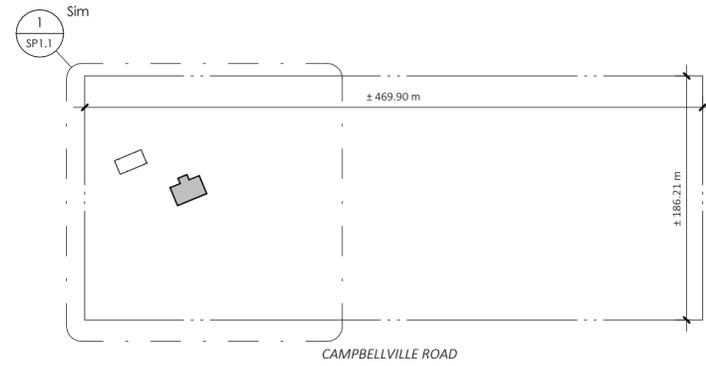
PROJECT NAME
50'x80' SHOP
56 CAMPBELLVILLE RD, HAMILTON, ON L0P 1B0

DRAWING TITLE
BUILDING, WALL SECTION AND DETAILS

DATE	2023.05.31	SHEET NO.	A4.1
SCALE	As indicated		
PROJECT NO.	2023-003		



1 SITE PLAN - ENLARGED
 SP1.1 1/64" = 1'-0"



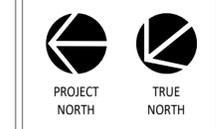
2 SITE PLAN - KEY PLAN
 SP1.1 1" = 300'-0"

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 Firm BCIN: 126303

CLIENT
ENRIQUE CENTENO

PROJECT NAME
50'x80' SHOP
 56 CAMPBELLVILLE RD, HAMILTON,
 ON L0P 1B0

DRAWING TITLE
SITE PLAN

DATE	2023.05.31	SHEET NO.	SP1.1
SCALE	As indicated		
PROJECT NO.	2023-003		

COVER LETTERAugust 30th, 2023

City of Hamilton
Planning Division
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

To Planning Division,

We are applying for a Minor Variance on the property of 56 Campbellville Road, Flamborough to allow for a height increase of 9.25 meters rather than the maximum height of 6.0 meters, and a lot area coverage of 411.12 square meters rather than the maximum lot area coverage of 200 square meters for accessory buildings to allow for a new shop to be built on the side yard of the property. This can be seen in the attached drawing.

We believe that the request maintains the intent of the official plan and maintains the intent of the Zoning By-Law. We believe the request is minor in effect for the large size of the property, which is zoned agriculture. The reason as to why we require this height and size variance is due to the intended use of the building. The owners are desiring to use this building for storage, and require the addition height and space to store personal items in the shop. This plan does not negatively affect the adjacent properties and neighbors as the property is very large in scale, and covered with trees for privacy.

If you have any further questions or concerns, don't hesitate to contact me.

Thanks,



Rodney Friesen
President/Owner



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/PERMISSION
 UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	
Registered Owners(s)	Santokh Judge	
Applicant(s)	Rodney Friesen Fine Line Drafting & Design Inc.	
Agent or Solicitor		
		E-mail:

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

1.3 Sign should be sent to Purchaser Applicant Owner Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	56 Campbellville Road		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Proposed 80'x64' shop on the property with a height of 30'-4"

Second Dwelling Unit

Reconstruction of Existing Dwelling

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

The size of shop required by the homeowners is larger than what by-laws allow for this property.

3.3 Is this an application 45(2) of the Planning Act.

Yes

No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
304.8 m	185.6 m	56,570.88 m ²	± 17.3 m

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Residential House	110.94 m	55.83 m	21.03 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Shop	86.83 m	75.03 m	63.04 m	11/01/2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Residential House	247 m ²	401 m ²	2	± 7.6 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Shop	361 m ²	361 m ²	1	9.25 m

4.4 Type of water supply: (check appropriate box)

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

4.5 Type of storm drainage: (check appropriate boxes)

- publicly owned and operated storm sewers
- swales
- ditches
- other means (specify)

4.6 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) _____

4.7 Type of access: (check appropriate box)

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

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
Accessory Building

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
Single Detached Dwelling

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
Septemner 2005

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Single Detached Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
Single Detached Dwelling

7.4 Length of time the existing uses of the subject property have continued:
10 + years

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

Rural Hamilton Official Plan designation (if applicable): Zone A2 (Rural)

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

7.6 What is the existing zoning of the subject land? Zone A2 (Rural)

7.8 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: _____

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

Yes No

If yes, please provide the file number: _____

7.10 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

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

8.3 Additional Information (please include separate sheet if needed):

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:56	SUBJECT PROPERTY:	264 FEDERAL STREET , STONE CREEK,
-------------------------	-------------------	--------------------------	--------------------------------------

APPLICANTS: **Owner:** SOPHIE ZARALIKOS
Agent: A. J. CLARKE & ASSOCIATES (STEPHEN FRASER)

PURPOSE & EFFECT: To permit the conveyance of two parcels of land to be added to two separate properties known municipally as 260 Federal Street (Part 1) and 262 Federal Street (Part 2). Part 3 is to remain as 264 Federal Street.

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	15.24 m [±]	51.87 m [±]	790.40 m ² [±]
RETAINED LANDS (Part 1):	15.24 m [±]	51.87 m [±]	790.41 m ² [±]
RETAINED LANDS (Part 3):	15.54 m [±]	97.63 m [±]	1,514.65 m ² [±]

Associated Planning Act File(s): SC/B-17:104

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, October 5, 2023
TIME:	10:15 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/B-23:56

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

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:56, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

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.

SC/B-23:56



 **Subject Lands**

DATED: September 19, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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.**

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

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadjustment

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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

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

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

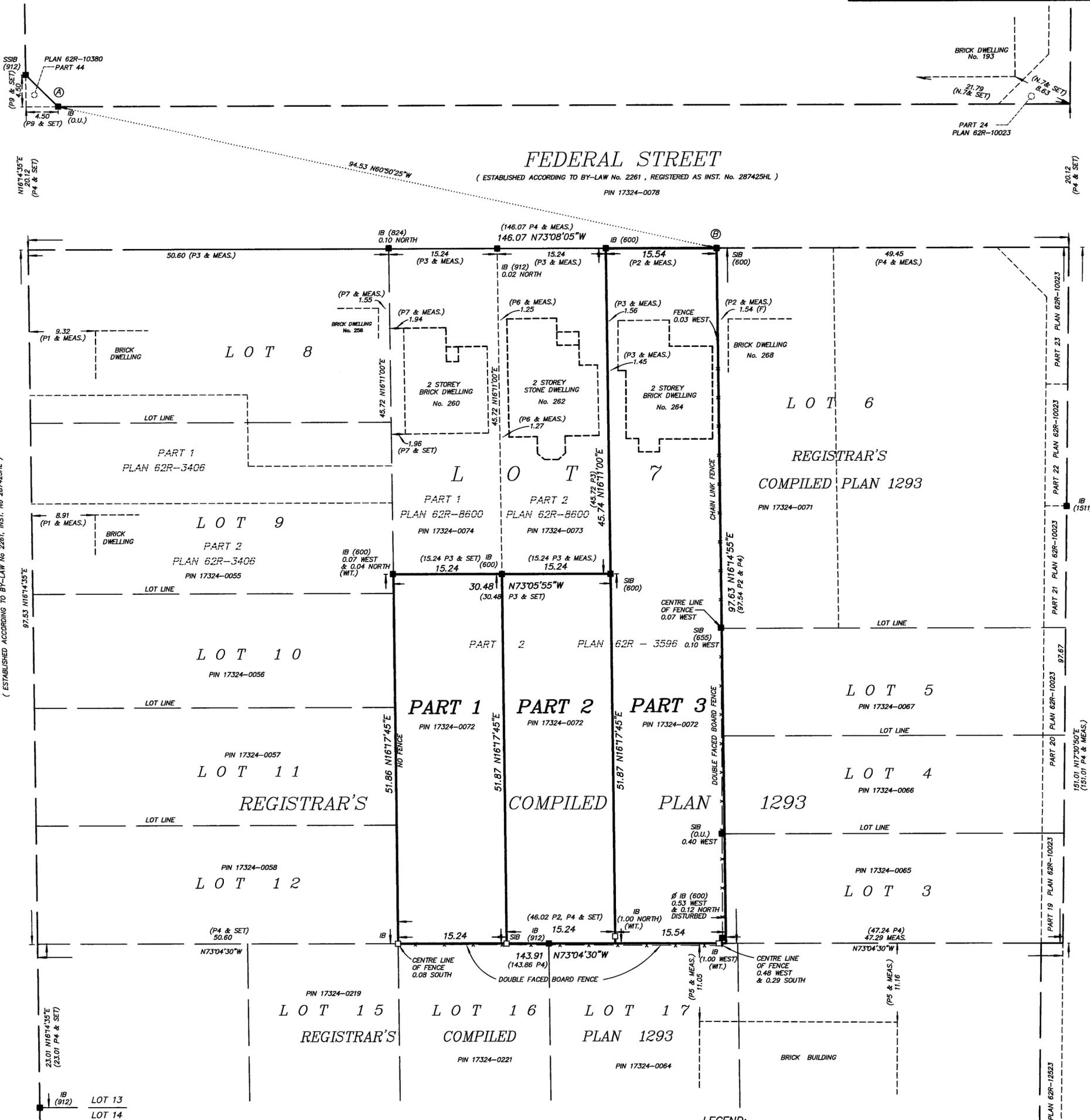
PLAN OF SURVEY OF PART OF LOT 7 REGISTRAR'S COMPILED PLAN 1293 IN THE CITY OF HAMILTON

SCALE 1:400 0 5 10 15 20 metres G. G. ALDWORTH O.L.S.



SCHEDULE table with columns: PART, LOT, PLAN, PIN, AREA. Rows 1, 2, 3.

PLAN 62R-21050 RECEIVED AND DEPOSITED: Jan 9/19 'A. Sarany' REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62) I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT. DECEMBER 21, 2018 MAURIZIO TARLI



BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, (81 DEGREES LONGITUDE) NAD83 (CSRS)(2010) DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999721

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS) (2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

Table with columns: POINT ID, NORTHING, EASTING. Rows for points A and B.

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

FOR BEARING COMPARISON A ROTATION OF 0°50'05" COUNTERCLOCKWISE WAS APPLIED TO P2 & P3 TO CONVERT TO GRID BEARINGS AND A ROTATION OF 0°51'35" COUNTERCLOCKWISE WAS APPLIED TO P1 TO CONVERT TO GRID BEARINGS AND A ROTATION OF 0°17'45" COUNTERCLOCKWISE WAS APPLIED TO P8 TO CONVERT TO GRID BEARINGS AND A ROTATION OF 0°47'10" COUNTERCLOCKWISE WAS APPLIED TO P10 TO CONVERT TO GRID BEARINGS

LEGEND:

- SIGN THIS DENOTES A SURVEY MONUMENT PLANTED DENOTES A SURVEY MONUMENT FOUND IB DENOTES IRON BAR SIB DENOTES STANDARD IRON BAR SSIB DENOTES SHORT STANDARD IRON BAR (600) DENOTES S. W. WOODS O. L. S. (655) DENOTES J. T. PETERS O. L. S. (824) DENOTES A. T. McLAREN O. L. S. (912) DENOTES A. J. CLARKE O. L. S. (1511) DENOTES CONSOLI O. L. S. (N.) DENOTES PREVIOUS SURVEY NOTES BY A. J. CLARKE & ASSOCIATES LTD. DATED JUNE 11, 1974 (F) DENOTES FOUNDATION (P1) DENOTES PLAN 62R-3406 (P2) DENOTES PLAN 62R-3596 (P3) DENOTES PLAN 62R-8600 (P4) DENOTES REGISTRAR'S COMPILED PLAN No 1293 (P5) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED AUG. 24, 1988 (FILE No R-2112) (P6) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED JULY 9, 1997 (FILE No E-14355) (P7) DENOTES BUILDING LOCATION BY A. J. CLARKE & ASSOCIATES LTD. DATED OCTOBER 26, 1987 (FILE No H-18277) (P8) DENOTES PLAN 62R-10023 (P9) DENOTES PLAN 62R-10380 (P10) DENOTES PLAN 62R-12523 (MEAS.) DENOTES MEASURED (WT.) DENOTES WITNESS

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

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT: 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM 2. THE SURVEY WAS COMPLETED ON THE 21th DAY OF DECEMBER 2018

DECEMBER 21, 2018 DATE

Signature of G. G. Aldworth, Ontario Land Surveyor

PROJECT 178187

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

X-9986A

Caution:
This is not a plan of survey and shall not be used except for the purpose indicated in the title block.

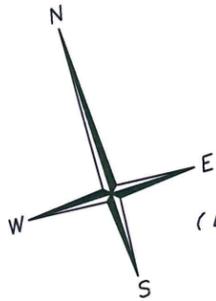
SKETCH SHOWING THE LOCATION OF THE GARAGE
264 FEDERAL AVENUE
IN THE
CITY OF HAMILTON

SCALE 1:400
0 5 10 15 20 metres

KEVIN H. BROWN O.L.S.

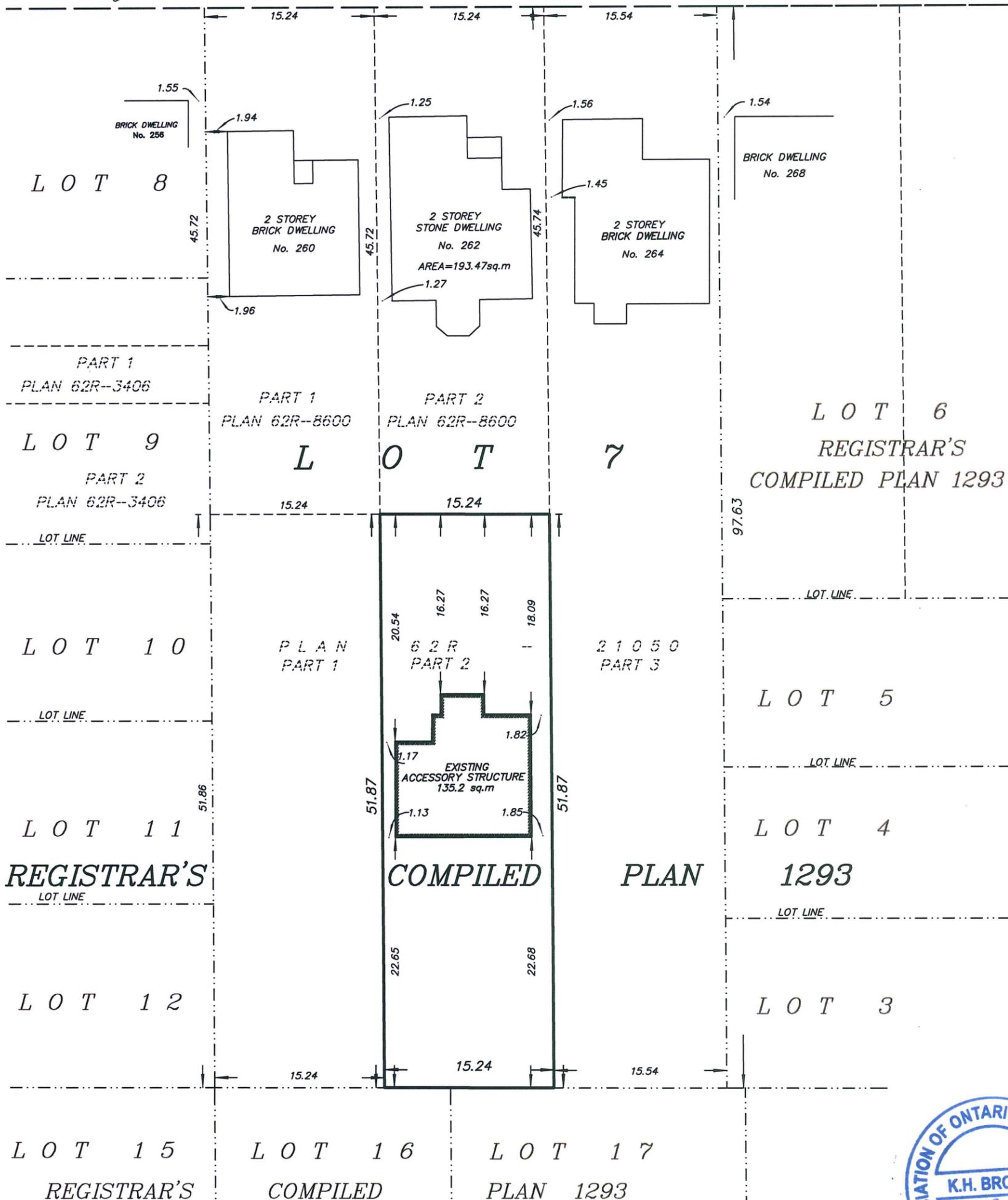
NOTE:
THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:
PART OF LOT 7
REGISTRAR'S COMPILED PLAN 1293

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



FEDERAL STREET

(ESTABLISHED ACCORDING TO BY-LAW No. 2261 , REGISTERED AS INST. No. 287425HL)



AUGUST 24, 2023
DATE

STONEY CREEK- BY LAW 3092-92 R6-RESIDENTIAL	
LOT AREA AFTER CONSOLIDATION	1487.59 sqm
ACCESSORY AREA	135.2 sqm
ACCESSORY COVERAGE AFTER CONSOLIDATION 10% MAX	PROPOSED 9.01%
LOT COVERAGE AFTER CONSOLIDATION 40% MAX	PROPOSED 22.09%

NOTE:
THE INFORMATION SHOWN ON THIS PLAN WERE OBTAINED BY ACTUAL FIELD SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED AUGUST 10, 2023 AND COMPILED PLANS ON FILE

NOTE:
THE INTENT OF THE PARCEL WILL BE THE CONSOLIDATION OF PART 2 PLAN 62R-8600 AND PART 2 PLAN 62R-21050

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

DRAWN BY: WS	CHECKED BY: KB	PROJECT No. 178187	INDEX No. X-9986A
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X-9986A



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

July 26th, 2023

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

Attn: Ms. Jamila Sheffield, via email: Jamila.Sheffield@hamilton.ca
Secretary-Treasurer

Re: Severance Application
264 Federal Street, Stoney Creek (Hamilton)

Dear Madam,

As required for the above-noted application, please find attached the following:

1. A cheque in the amount of \$3,220.00; made payable to the City of Hamilton.
2. One (1) copy of the completed application form with signatures.
3. One (1) digital copy of Plan 62R-21050.
4. One (1) digital copy of the Notice of Decision for the previous severance approval.

The proposed consent application is a resubmission of the previous consent application under File: SC/B-17:104, that was completed but not registered and/or transferred in the statutory timeline.

This application will act as a lot line adjustment for 3 lots by severing the lands into 3 parcels; each parcel will retain the existing dwelling on 260,262 & 264 Federal Street, respectively. Please refer to the concurrently submitted deposited reference Plan 62R-21050. Part 1 will be merged and added to 260 Federal Street and Part 2 (severed) will be merged and added to 262 Federal Street. Part 3 will also be retained by the current owner of the lands at 264 Federal Street by the creation of Part 2 (severed lands). No new building lots will be created because of the proposed severance. The resultant lots will be compliant with the existing zoning with respect to frontage and lot area.

Further to questions 7.2 and 7.3 of the attached application form, the following is submitted:

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

This property is appropriate for development because it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate the creation of a more logical lotting pattern and serve to correct an existing flag shaped lot, which are generally discouraged. The proposal does not propose any new building lots, nor does it propose an expansion to any structure, or increase the intensity of the existing use. As such, the proposed development is consistent with the Provincial Policy Statement (2020).



“Does this application conform to the Growth Plan for the Greater Golden Horseshoe?”

The Growth Plan stresses the importance of optimizing the existing supply of land already designated for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal is consistent with the Growth Plan as it will encourage a more logical lotting pattern. The proposal does not propose any new building lots, nor does it propose an expansion to any structure, or increase the intensity of the existing use. As such, the proposed development complies with the Growth Plan for the Greater Golden Horseshoe (2019).

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

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

Encl.

Copy via email: Ms. Sophia M. Starcevic sstarcevic@georgestreetlaw.ca



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
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
Registered Owners(s)	Sophie Zaralikos (c/o Ilija St		
Applicant(s)**	Same as owner		
Agent or Solicitor	A. J. Clarke and Associates		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	264 Federal Street, Stoney Creek		
Assessment Roll Number			
Former Municipality	Hamilton-Wentworth		
Lot		Concession	
Registered Plan Number	1293	Lot(s)	Pt. Lot 7
Reference Plan Number (s)	62R-21050	Part(s)	1-3 inclusive

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)

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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:

Part 1 to be added to 260 Federal Street and Part 2 to be added to 262 Federal Street

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Part 1 and 3	Part 2			
Type of Transfer	N/A				
Frontage	15.24 (width) and	15.24 (width)			
Depth	51.87 and 97.63	51.87			
Area	790.41sq.m and	790.40sq.m			
Existing Use	residential/vacant	residential			
Proposed Use	residential	residential			
Existing Buildings/ Structures	none on Part 1. Single-detached dwelling and	Accessory building			
Proposed Buildings/ Structures	no change	no change			
Buildings/ Structures to be Removed	none	none			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year

- right of way
 other public road

b) 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)

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Please see cover letter.

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? "R6" Residential Zone

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

- 5.4 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 known, provide the appropriate file number and status of the application.

Previous File: SC/B-17:104 was completed but not registered and/or transferred.

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	banks directly south al
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

Previous File: SC/B-17:104 was completed but not registered and/or transferred.

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

No change from previous File: SC/B-17:104.

- 6.3 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.

- 6.4 How long has the applicant owned the subject land?

Since 1959

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

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

Please see cover letter.

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

Yes No (Provide explanation)

Please see cover letter.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

Please see cover letter.

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

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

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

10.5 Description of abutting 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: _____

10.7 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: _____

a) Date of construction:

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

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



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-23:57	SUBJECT PROPERTY:	727 RYMAL ROAD E , HAMILTON,
-------------------------	-------------------	--------------------------	---------------------------------

APPLICANTS: Owner: HARKAMAL SAINI & PARVINDER SAINI & MANPREET KHERA
Agent: GURBIR MUNDI (AM ENGEINEERING)

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create two new residential building lots. The existing dwelling will be demolished to facilitate this application.

	Frontage	Depth	Area
SEVERED LANDS (Parcel 1):	13.426 m [±]	54.399 m [±]	710.472 m ² [±]
RETAINED LANDS (Parcel 2):	13.668 m [±]	49.548 m [±]	645.800 m ² [±]

Associated Planning Act File(s): HM/B-21:79

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, October 5, 2023
TIME:	10:20 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	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-23:57

- 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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:57, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

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.

HM/B-23:57



DATED: September 19, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 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.**

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

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

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

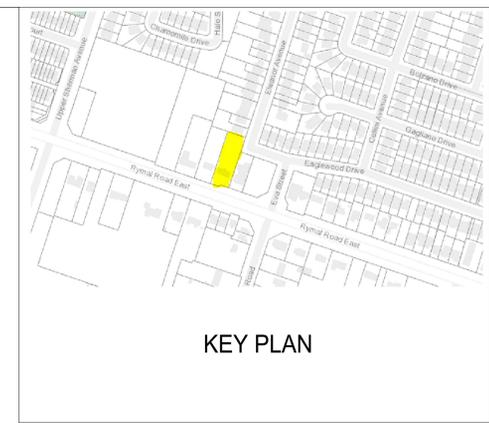
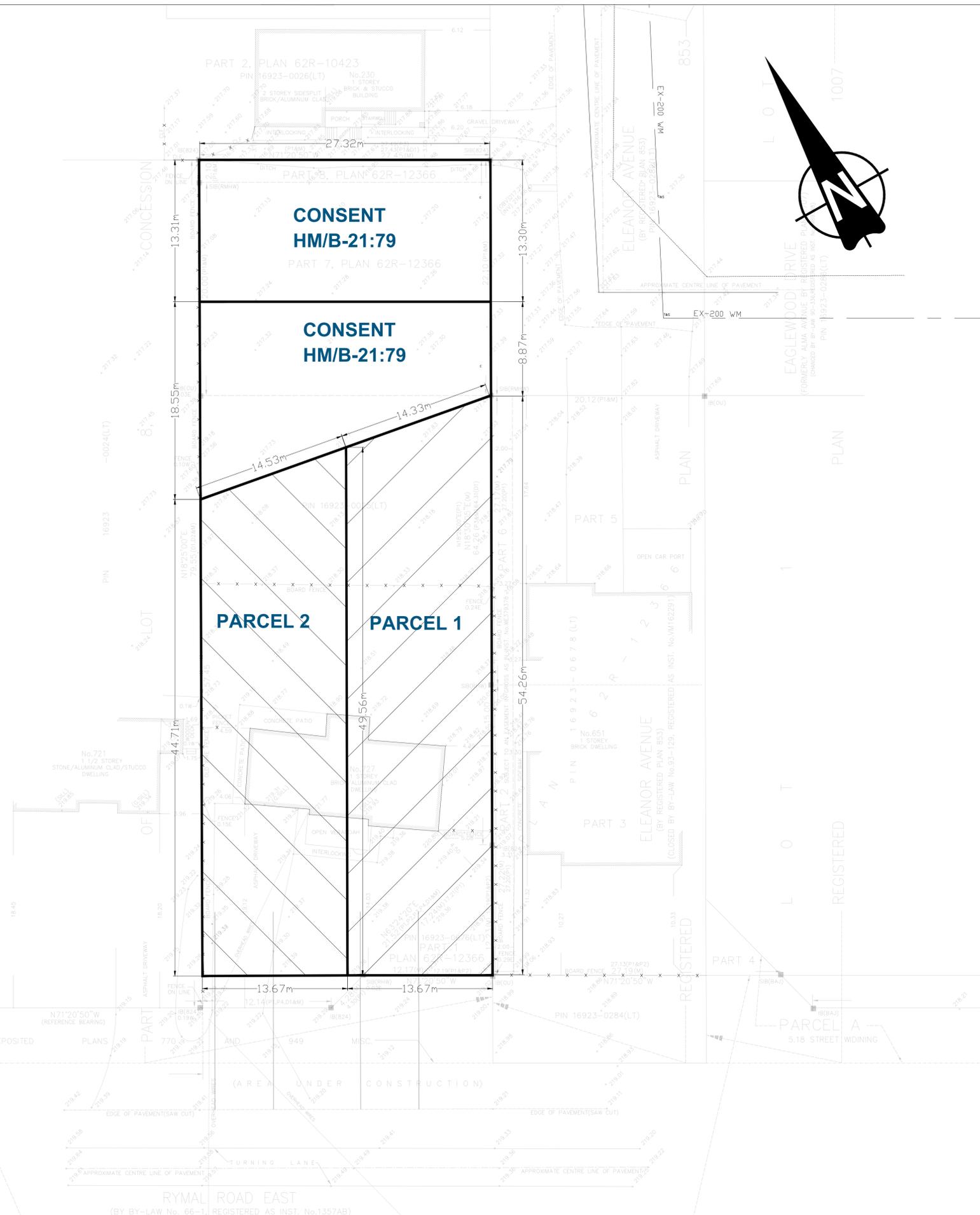
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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

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



PROJECT INFORMATION/ZONING CONFORMANCE	
ZONED "C" (URBAN PROTECTED RESIDENTIAL, ETC)	
REQUIREMENT	PROPOSED
PARCEL 1 (SEVERED LOT)	
MIN. LOT AREA= 360M ²	710.5M ²
MIN. LOT WIDTH= 12M	13.6M
PARCEL 2 (RETAINED LOT)	
MIN. LOT AREA= 360M ²	645.8M ²
MIN. LOT WIDTH= 12M	13.6M



Contractor must verify all dimensions on the Project Site and report any discrepancies before proceeding with the Work.

This drawing is a part of the Contract Documents and is to be read in conjunction with all other Contract Documents.

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All rights reserved.

03		
02		
01	ISSUED FOR REVIEW	08/08/23
REV.	DESCRIPTION	DATE

PROJECT:
727 RYMAL ROAD SEVERANCE

CLIENT: **MANPREET KHERA**

CONSULTANT: **AM ENGINEERING**

 4145 North Service Road,
Burlington, ON L7L 6A3
amengineering.ca

DWG TITLE: 727 RYMAL ROAD SEVERANCE	
SHEET: A.01	SCALE: 1:200
DRAWN: GM	DATE: AUG 2023

AM ENGINEERING

4145 North Service Road,
Burlington, Ontario L7L 6A3
P: [+1\(519\) 400-3101](tel:+1(519)400-3101) E: info@amengineering.ca

August 09, 2023

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

To Whom it may concern:

RE: 727 RYMAL ROAD EAST, HAMILTON
CONSENT APPLICATION

AM Engineering is pleased to submit this letter on behalf of the owner, information with regards to the Consent for the creation of 2 lots through a severance to allow the future construction of 2 new single detached dwelling units on the property currently municipally known as 727 Rymal Road East. This development is in conjunction with Application No: HM/B-21:79 - 727 Rymal Road East.

The subject lands are zoned Urban Protected Residential "C" District which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions. The lotting configuration can allow for dwellings to be constructed in a manner that is compatible with the existing streetscape and match the existing C District zone, similarly to many surrounding dwellings along Rymal Road East. Additionally, the lot configuration also continues a lotting pattern that is established within the surrounding area.

AM Engineering reviewed the adjacent applications that have either been approved or are in the process of gaining approval. Following discussion and review, it was confirmed by the City's Growth Management Section that the Eaglewood Drive extension will not move forward and that a revision to the Eleanor Neighbourhood Plan will happen after the lotting is finalized. Furthermore, it is acknowledged that a 3.0m road widening is to be dedicated to Rymal Road East as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. It is also noted that the daylighting triangle dedicated at the South East corner of

727 Rymal Road East is no more required. A daylighting triangle at the corner of Rymal Road East and the previous Eleanor Avenue Road allowance exists according to the City's GIS mapping. Transportation Planning no longer requires this daylighting triangle.

With the approval of the severance for application No: HM/B-21:79 - 727 Rymal Road East, we strongly believe that this development is in accordance with City of Hamilton's Zoning By-law and compliments the streetscape and surrounding areas.

AM ENGINEERING



Gurbir Mundi, P. Eng



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
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
Registered Owners(s)	Manpreet Khera Parvinder Saini Harkamal Saini		
Applicant(s)**	Gurbir Mundi		
Agent or Solicitor			E-mail:

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	727 Rymal Road East, Hamilton, ON		
Assessment Roll Number	PIN 16923-0025(LT)		
Former Municipality	CITY OF HAMILTON-WENTWORTH		
Lot	8	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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)

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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:

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:		Parcel 1 Severed	Parcel 2- Retained		
Type of Transfer	N/A	New Lot	New Lot		
Frontage		13.426m	13.668m		
Depth		54.399m	49.548m		
Area		710.472m ²	645.800m ²		
Existing Use		Zone "C"	Zone "C"		
Proposed Use		Zone "C"	Zone "C"		
Existing Buildings/ Structures		1-Storey Residential	1-Storey Residential		
Proposed Buildings/ Structures		1-Storey Residential	1-Storey Residential		
Buildings/ Structures to be Removed		Existing structure to be demolished	Existing Structure to be demolished		

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) 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) _____

c) 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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) C" (Urban Protected Residential, Etc.)

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

5.2 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 known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? "C" (Urban Protected Residential, Etc.)

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

5.4 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 known, provide the appropriate file number and status of the application.

HM/B-21:79

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

6 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

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

Unknown

- 6.3 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.

Please find attached letter

- 6.4 How long has the applicant owned the subject land?

3 years

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

If YES, describe the lands below or attach a separate page.

Manpreet k Khera, 110 Annabelle Street Hamilton

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

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

Yes No (Provide explanation)

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?
 Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?
 Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?
 Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?
 Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?
 Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?
 Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?
 Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

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 consolidation property.

10.4 Description of farm consolidation property:

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

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

10.5 Description of abutting 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: _____

10.7 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: _____

a) Date of construction:

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

b) Condition:

- Habitable
- Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

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-
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