

20-150518



**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: Feb. 5 2020	Date Application Deemed Complete:	Submission No.: HM/B. 20:14	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Tuscany Hills Homes c/o Dominic Chiaravalle		
Applicant(s)*	Same As Owner		
Agent or Solicitor	IBI Group c/o Scott Arbuckle		

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

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

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

2.1 Area Municipality Hamilton	Lot Part of 18	Concession 6	Former Township Barton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 360 Mohawk Road West	Assessment Roll N°.		

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

Yes  No

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

**3 PURPOSE OF THE APPLICATION**

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

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

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

- Other:  a charge  
 a lease  
 a correction of title

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

- |   |  |
|---|--|
| <input type="checkbox"/> creation of a new lot  | Other: <input type="checkbox"/> a charge       |
| <input type="checkbox"/> creation of a new non-farm parcel<br>( i.e. a lot containing a surplus farm dwelling<br>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:

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

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

4.1 Description of land intended to be **Severed**: Part 2

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
6.775m	+/- 34m	248.02sq.m

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Vacant

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Proposed: 1 Semi-detached unit

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Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained**: Part 1

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
6.668m	+/- 34m	233.06sq.m

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: Vacant

Proposed: 1 Semi-detached unit

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection

**5 CURRENT LAND USE**

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The Consent application conforms to the UHOP as within the Neighbourhood Designation, new lots created can be adequately services by municipal water and wastewater systems and have frontages onto a public road. The new lots generally reflect the scale and character of the surrounding neighbourhood.

5.2 What is the existing zoning of the subject land? C - Urban Protected Residential

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

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

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
<b>An agricultural operation, including livestock facility or stockyard</b>	<input type="checkbox"/>	

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

**6 PREVIOUS USE OF PROPERTY**

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

- 6.1 If Industrial or Commercial, specify use Mohawk Trail School Museum
- 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?  
Previous knowledge of the property
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
Is the previous use inventory attached?  
 Yes       No

**7 PROVINCIAL POLICY**

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

- Yes       No

The consent application is consistent with the Policy Statement and matters of Provincial interest as a vacant

residential lot will be converted into 4 residential lots, thereby providing another range of housing and making a more efficient use of existing infrastructure.

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

Yes  No (Provide explanation)

This application is consistent with the PPS as it intensifies the area through developing a vacant underutilized parcel into 4 residential lots, thereby efficiently using land and servicing. It is transit supportive and complies with the PPS's housing policies, by adding to the range of housing and increasing density through infill development.

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

Yes  No (Provide explanation)

The application conforms to the GGH as the subject lands are within the built up area, therefore, there is existing municipal water and sanitary infrastructure. The proposed infill development will add to the mix of housing forms and accommodates the 40% intensification target date for the City of Hamilton.

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

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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)

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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)

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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)

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**8 HISTORY OF THE SUBJECT LAND**

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

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

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- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
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- 8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  Yes  No

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

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- 8.4 How long has the applicant owned the subject land?  
+/- 5 years
- 

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

If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

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

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

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

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

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

**10 RURAL APPLICATIONS**

- 10.1 Rural Hamilton Official Plan Designation(s)

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

Settlement Area \_\_\_\_\_ Designation \_\_\_\_\_

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

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

- Agricultural Severance or Lot Addition  
 Agricultural Related Severance or Lot Addition  
 Rural Resource-based Commercial Severance or Lot Addition  
 Rural Institutional Severance or Lot Addition
- } (Complete Section 10.3)

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

**10.3 Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

a) Location of abutting farm:

\_\_\_\_\_  
 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

- Habitable       Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.5 Description of Lands (Non-Abutting Farm Consolidation)**

a) Location of non-abutting farm

\_\_\_\_\_  
 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
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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)
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Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

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

e) Condition of surplus farm dwelling:

- Habitable       Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**11 OTHER INFORMATION**

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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



road or a right of way;

(h) the location and nature of any easement affecting the subject land.

**13 ACKNOWLEDGEMENT CLAUSE**

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

JAN 31/2020

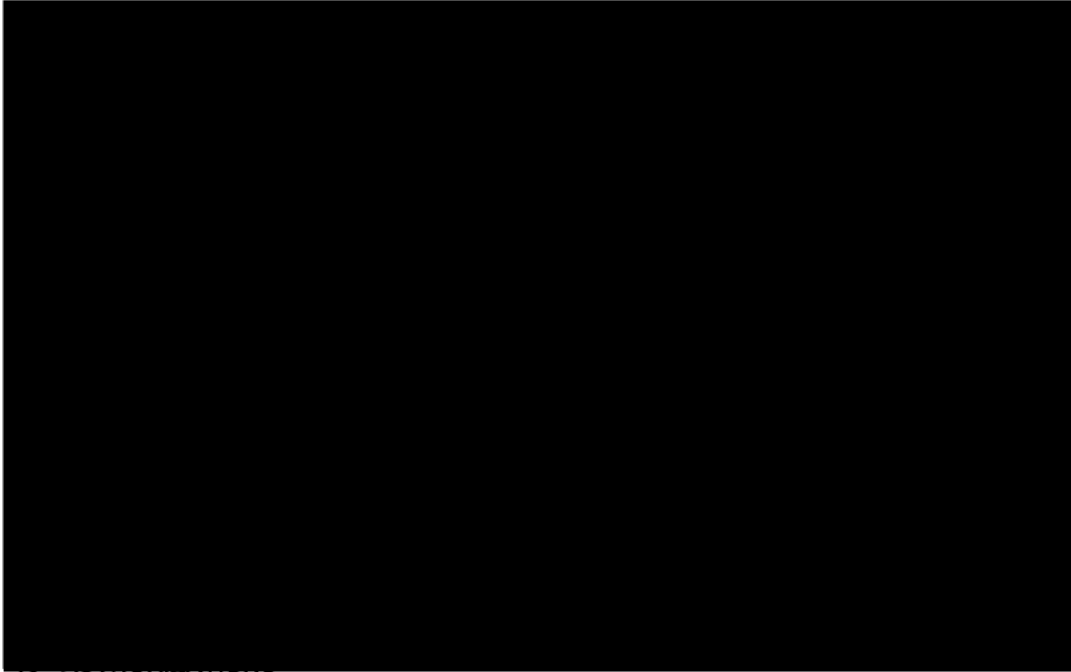
Date



Signature of Owner

**14 AFFIDAVIT OR SWORN DECLARATION**

14.1 Declaration For the Prescribed Information



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

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

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

JAN 31/2020

Date



Signature of Owner

**16 CONSENT OF THE OWNER**

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

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

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

I, Tuscany Hills Homes, the Owner, hereby agree and acknowledge  
(Print name of Owner)

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

JAW 31/2020  
Date

  
Signature of Owner

**17 COLLECTION OF INFORMATION**

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

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

**APPLICANT'S CHECKLIST**

Please attach all items listed below:

- Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- The required fee. ( **A cheque or money order payable to the City of Hamilton**)