COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER:

HM/B-20:07

SUBJECT PROPERTY:

70-72 Picton St. W., Hamilton

You are receiving this notice because you are either:

Assessed owner of a property located within 60 metres of the subject property

Applicant/agent on file, or

• Person likely to be interested in this application

APPLICANT(S):

Herman Turkstra on behalf of the owner Adrienne

Young

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel of land shown as Part 2 on the attached sketch and to retain a parcel of land shown as Part 1 on the attached sketch for

residential purposes

Severed lands:

Frontage of 8.56m[±] and an area of 216.94m^{2±}

Retained lands:

Frontage of 8.27m[±]and an area of 157.0m^{2±}

This application will be heard in conjunction with

Minor Variance Application HM/A-20:24

The Committee of Adjustment will hear this application on:

DATE:

Thursday, July 16th, 2020

TIME:

3:35 p.m.

PLACE:

Via video link or call in (see attached sheet for

details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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

HM/B-20:07 Page 2

Important note: If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written or oral submission

to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal (LPAT) may dismiss the appeal.

MORE INFORMATION

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

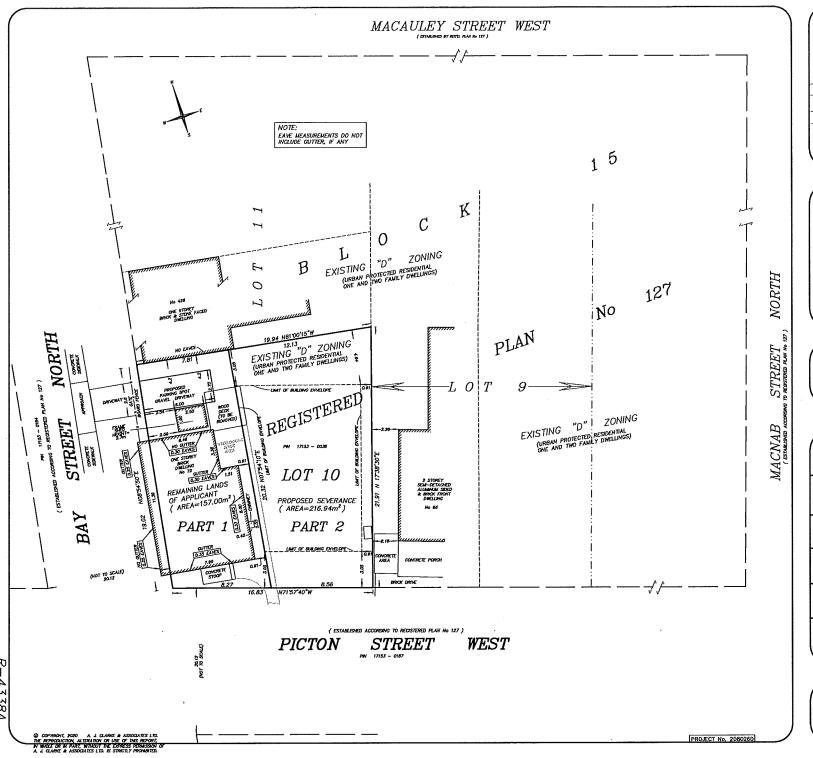
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

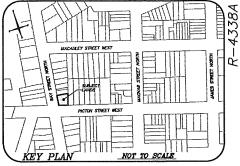
DATED: June 30th, 2020

Original Signed

Jamila Sheffield, Secretary-Treasurer Committee of Adjustment

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





SKETCH FOR CONSENT TO SEVER 70/72 PICTON STREET WEST

$CITY OF \overset{^{N}}{H}AMILTON$

SCALE 1:150 0 1 2 3 4 5 metres

NICHOLAS P. MUTH O.L.S.

THE ABOVE NOTED LANDS ARE MORE PARTICULAR DESCRIBED AS: LOT 10-BLOCK 15 SIR ALLAN MACNAB SURVEY REGISTERED PLAN NO 127

METRIC:

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

NOTE

NOTE: THIS BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE BASED ON A SURVEYOR'S REAL PROPERTY REPORT PREPARED FOR H. TURKSTRA DATED MARCH 9, 2020

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

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

CAUTION:

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

APRIL 13, 2020



A.J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, LBP 1H1
TEL. 905–528–8761 FAX 905–528–2289
email: ajc@ajclarke.com



Committee of Adjustment

City Hall

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

Planning and Economic Development Department Planning Division

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 File No.: Submission No.: Date Application Date Application Deemed Complete: Received: APPLICANT INFORMATION PHONE/FAX **ADDRESS** NAME 1.1, 1.2 Registered Adrienne Owners(s) Young Applicant(s)* Herman Agent or Solicitor Turkstva * Owner's authorisation required if the applicant is not the owner. Owner Applicant Agent/Solicitor 1.3 All correspondence should be sent to 2 LOCATION OF SUBJECT LAND Complete the applicable lines 2.1 Area Municipality Concession Former Township Lot Hamilton Bluck 15 10 Reference Plan N°. Part(s) Registered Plan N°. Lot(s) 127 Municipal Address
72 Piet on Street W. Assessment Roll N°. ウンタ ハンのシオ機や 1000 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: PURPOSE OF THE APPLICATION 3.1 Type and purpose of proposed transaction: (check appropriate box) a) Urban Area Transfer (do not complete Section 10): Other: a charge Creation of a new lot a lease addition to a lot

an easement

a correction of title

b) <u>Rurai Area / Rurai Seti</u>	<u>liement Area I</u>	ranster (Sectio	<u>n 10 must b</u>	<u>e completed):</u>
creation of a new lo	ot		Other: 🔲 a	charge
creation of a new n	on-farm parcel			lease
(i.e. a lot containing a	-			correction of title
resulting from a farm o		J		n easement
addition to a lot	,			
3.2 Name of person(s), if known or charged:		nd or interest ir	n land is to b	e transferred, leased
huf know	nn_			
3.3 If a lot addition, identify the		h the parcel wil		
4 DESCRIPTION OF SUBJ 4.1 Description of land intende	ECT LAND AN	ID SERVICING ed:	INFORMAT	TION
Frontage (m)	Depth (m)		Area (m	² or ha)
55.22 Set	21.90	(1E)		·
			······································	7.5
Existing Use of Property to be	severed:			
Residential		Industrial		Commercial
Agriculture (includes a farm Other (specify)	dwelling)	∐ Agricultur	al-Related	l Vacant
Proposed Use of Property to be	e severed:			
▼ Residential		☐ Industrial		Commercial
Agriculture (includes a farm		Agricultura	al-Related	☐ Vacant
Other (specify)				
Building(s) or Structure(s): Existing:			•	
Proposed: Dnd Yenden				
Type of access: (check approp	riate hov)			
☐ provincial highway	idio box)		U right of	
provincial nighway municipal road, seasonally r	maintained		☐ right of w☐ other put	
municipal road, maintained	all year			nic road
ype of water supply proposed:				
publicly owned and operated	d piped water s	system		her water body
privately owned and operate	d individual we	ell	other me	ans (specify)
ype of sewage disposal propo				
publicly owned and operated	sanitary sewa	ige system		
☐ privately owned and operate ☐ other means (specify)	a individual se	ptic system		
_ other means (specify)				
.2 Description of land intende	d to be Betein	od:		
Frontage (m)		eu.	A== /= 2	
- , ,	Depth (m) <i>ሬ</i> ጛ		Area (m²	
32	67		الدرط	MIGA
xisting Use of Property to be re	atainad:			
	stallieu:			
Residential Industrial Commercial				
Agriculture (includes a farm dwelling)				

Proposed Use of Property to be retained: X Residential	-Related	Commercial Vacant
Building(s) or Structure(s): Existing: 519918 Family Bandano Proposed: Single Family Bandano		
Type of access: (check appropriate box) provincial highway municipal road, seasonally maintained municipal road, maintained all year	☐ right of v ☐ other pu	vay blic road
Type of water supply proposed: (check appropriate box) X publicly owned and operated piped water system		other water body eans (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	X 9	àrbage collection
5 CURRENT LAND USE 5.1 What is the existing official plan designation of the subject Rural Hamilton Official Plan designation (if applicable): Urban Hamilton Official Plan designation (if applicable) Please provide an explanation of how the application con Official Plan.	SUSIDEW forms with	a City of Hamilton
 5.2 What is the existing zoning of the subject land? If the subject land is covered by a Minister's zoning order. Number? 5.3 Are any of the following uses or features on the subject land, unless otherwise specified. Please check the subject land. 	and or with	in 500 metres of the
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		nla

A land fill		no
A sewage treatment plant or waste stabilization plant		No
A provincially significant wetland		ทึง
A provincially significant wetland within 120 metres		No
A flood plain		No
An industrial or commercial use, and specify the use(s)		70
An active railway line	<u>ک</u>	
A municipal or federal airport		No
	nmercial er (specify	· ')
6.1 If Industrial or Commercial, specify use		
6.2 Has the grading of the subject land been changed by a has filling occurred? ☐ Yes ☐ No ☐ Unknown	dding ear	th or other material, i.e.,
6.3 Has a gas station been located on the subject land or a Yes No Unknown	adjacent la	ands at any time?
6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands? ☐ Yes ☑ No ☐ Unknown		
.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands? ☐ Yes ☑ No ☐ Unknown		
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		
ls 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 W No Unknown		
Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? Yes X No Unknown		
What information did you use to determine the answers to 6.1 to 6.10 above?		
6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. Is the previous use inventory attached? Yes No		
 PROVINCIAL POLICY 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the <i>Planning Act</i>? (Provide explanation) 		
Ŋ Yes □ No		

Yes	ation consistent with the Provincial Policy Statement (PPS)? No (Provide explanation)
	Intensification
Does this ap	plication conform to the Growth Plan for the Greater Golden Horse
plans? (If Y	ect lands within an area of land designated under any provincial ples, provide explanation on whether the application conforms or defined provincial plan or plans.)
Yes If yes, is the	ect lands subject to the Niagara Escarpment Plan? No proposal in conformity with the Niagara Escarpment Plan?
Yes	□No proposal in conformity with the Niagara Escarpment Plan? □ No
☐ Yes If yes, is the ☐ Yes (Provide Ex	□No proposal in conformity with the Niagara Escarpment Plan? □ No
☐ Yes If yes, is the ☐ Yes (Provide Ex ————————————————————————————————————	proposal in conformity with the Niagara Escarpment Plan? No planation) ect lands subject to the Parkway Belt West Plan?
☐ Yes If yes, is the ☐ Yes (Provide Ex ————————————————————————————————————	proposal in conformity with the Niagara Escarpment Plan? No planation) ect lands subject to the Parkway Belt West Plan? No proposal in conformity with the Parkway Belt West Plan?

3.1	HISTORY OF THE SUBJECT LAND 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 <i>Planning Act</i> ? Yes \[\sum \] No \[\sum \] Unknown		
	If YES, and known, indicate the appropriate application file number and the decision made on the application.		
	Withdrawn		
3.2	If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.		
3.3	Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? ☐ Yes ☑ No		
	If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.		
8.4	How long has the applicant owned the subject land?		
8.5	Does the applicant own any other land in the City? Yes X No If YES, describe the lands in "11 - Other Information" or attach a separate page.		
9 9.1	OTHER APPLICATIONS Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown		
	If YES, and if known, specify file number and status of the application.		
9.2	Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? Yes X No Unknown		
	If YES, and if known, specify file number and status of the application(s).		
	File number Status		
10 10.1			
	☐ Agricultural ☐ Rural ☐ Specialty Crop		
	☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities		
	Rural Settlement Area (specify) Settlement Area Designation		
	If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.		
10.	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		

lete Section 10.4) Section 4.1) Ction 4.2) Change
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b)	Description of non-abutting farm	
F	rontage (m):	Area (m2 or ha):
E:	kisting Land Use(s):	Proposed Land Use(s):
c)	Description of surplus dwelling land	s intended to be severed:
F	Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
L. Fi	ont yard set back:	
d)	Surplus farm dwelling date of const	ruction:
	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 (retained parcel):	surplus dwelling is intended to be severed
F	Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
E	xisting Land Use:	Proposed Land Use:
11 OTH	HER INFORMATION	
	See alached n	ide
12.1The		a sketch showing the following in metric units:
(a)	the boundaries and dimensions of a the owner of the subject land;	ny land abutting the subject land that is owned by
(b)	the approximate distance between t or landmark such as a bridge or rail	he subject land and the nearest township lot line way crossing;
(c)	the boundaries and dimensions of the severed and the part that is intended	ne subject land, the part that is intended to be d to be retained;
(d)	the location of all land previously se current owner of the subject land;	vered from the parcel originally acquired by the
(e)	the approximate location of all natur barns, railways, roads, watercourse wetlands, wooded areas, wells and	al and artificial features (for example, buildings, s, drainage ditches, banks of rivers or streams, septic tanks) that,
	i) are located on the subject landii) in the applicant's opinion, may a	an on land that is adjacent to it, and affect the application;
(f)	the current uses of land that is adjac agricultural or commercial);	cent to the subject land (for example, residential,

(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

72 Picton Street
Application to Sever Land
Application for Minor Variance

Design Notes:

72 Picton Street is a older formerly two family dwelling on a corner lot at Picton and Bay Streets built sometime before 1940. The addition which housed the second family unit was removed as it was structurally unsound in 2005. This left a vacant lot approximately 32 feet wide fronting on Picton Street, 39 feet at the rear and 71 feet on the East boundary.

The applicant studied placing a second single family dwelling attached to the East Wall of the existing house and an alternative of leaving a walkway next to the existing house. While the corner lot has rear access from Bay Street, leaving a walkway along the East side of the existing house provides for easier access to the existing house from Bay Street and increases the level of privacy for both houses by physically separating them.

The study of the attached house design is attached as Exhibit 1.

An alternative design was also undertaken in which the space between two free standing houses was used for storage. It was concluded that this design was less functional than two completely separated houses in that the storage area removed the walkway to the back door of 72 and potentially created conflicts over use of the storage area. This design is attached as Exhibit 2.

Research was then conducted on small homes which would function well on the vacant lot if that lot had a zero lot line on its West side and a three foot sideyard/walkway on its East side. The resulting building envelope would be 26 feet wide on Picton Street, 47 feet along the east side, and approximately 30 feet at the rear, leaving a 10 foot back yard.

This building envelope design is shown on Exhibit 3. (This is the sketch required by the application.)

A number of single family designs were considered which fit in the resulting building envelope. (Exhibits 4, $5\ \&\ 6$)

A very attractive architect designed house on Bay Street has functioned well as a family home for over 50 years and would fit in the building envelope. (Exhibit 7) There are many houses on Bay Street which are on lots with 30 feet of frontage or less.

It was clear that a functional single family urban house could be built on the 26 foot wide building envelope on a 30 foot wide house.

The Applicant concluded that a design which left a walkway on the East side of 72 and created a building envelope which would have a zero lot line on its West side and a three foot walkway for the second house on the East side of the vacant lot.

The vacant lot has an existing mature tree. Although the tree is somewhat diseased, it currently is structurally sound and the Applicant proposes that the new house would be built North of the existing drip line.

The front boundary of the proposed building envelope will continue the line of the front walls of 72 and 68 Picton to provide a harmonious street wall.

As to parking, many houses on Picton use street parking. The occupant of 72 Picton has used the parking space in front of the house/lot for many years without conflict. However, in order to provide for street parking for the new house, the applicant has applied for, received and constructed a driveway and parking place at the North Side of 72 Picton so the street parking for both 72 and 70 would be available for 70.

The proposed lot lines severance and variances are consistent with the decision of the Ontario Municipal Board relating to 498 and 500 Bay Street.

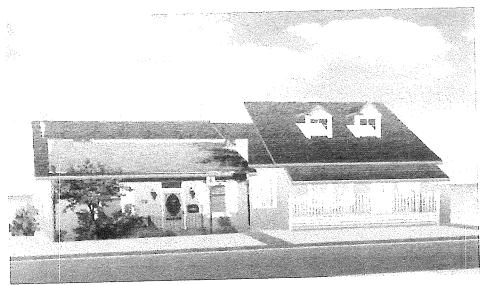
The variances are needed because the outdated existing Zoning By-law sideyards would prevent construction of a second house on the lot, The building envelope permitted under the existing Zoning By-Law is shown on Exhibit 8. The existing Zoning ByLaw does permit two family homes.

The severance and variances will produce two single family houses that are appropriate for the neighbourhood, permit sound design of the new house which complies with current intensification policies, complies with the approved Secondary Plan and with all relevant provincial policies.

Adrienne Young, 500 Bay Street North Hamilton, ON, L8L 1N5 905-540-9188

January 15, 2020.

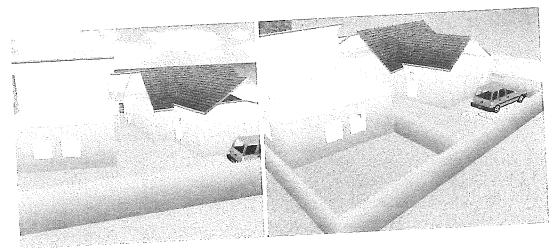
In view of the position of the neighbour across the street, the site has been examined from the perspective of developing a design with a single building theme. The area is zoned for two family and the existing house, prior to the removal of the back structure shown on the survey had two family occupany for a number of years.



This shows the existing house (photograph) with the new house attached to it by a storage area that has the appearance of a continuation of the residence. The primary entrance to the new house will be the side entrance using essentially the same design as approved by the OMB for 500 Bay Street North. This drawing show the new house without the existing tree. With the tree it looks like this:

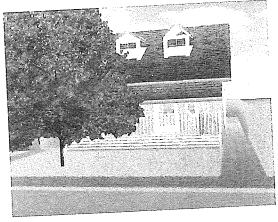


The new house can be constructed outside of the drip line of the existing tree and after allowance for an amenity area in the rear, provides for an 800 square foot floor area on the first floor and about 600 square feet on the second floor

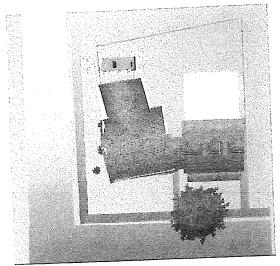


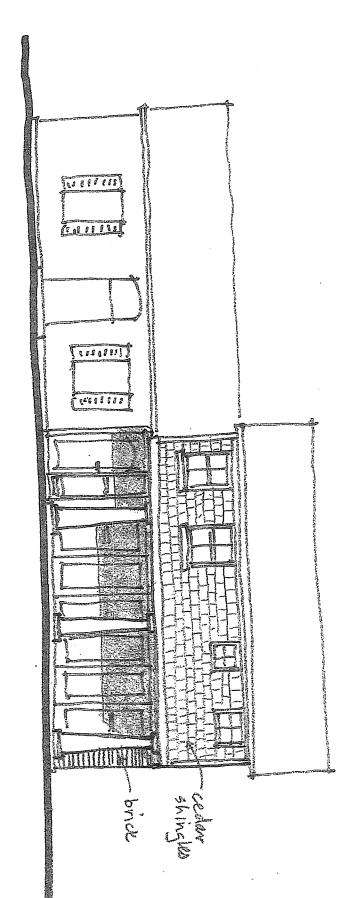
The joining structure is actually a storage area for the existing house and the two amenity areas will be separated by a privacy fence shown in the next sketch. The existing amenity area for the existing house is maintained as it is now. The primary entrance to the new house will at the East side, following the design of 500 Bay

Street North.

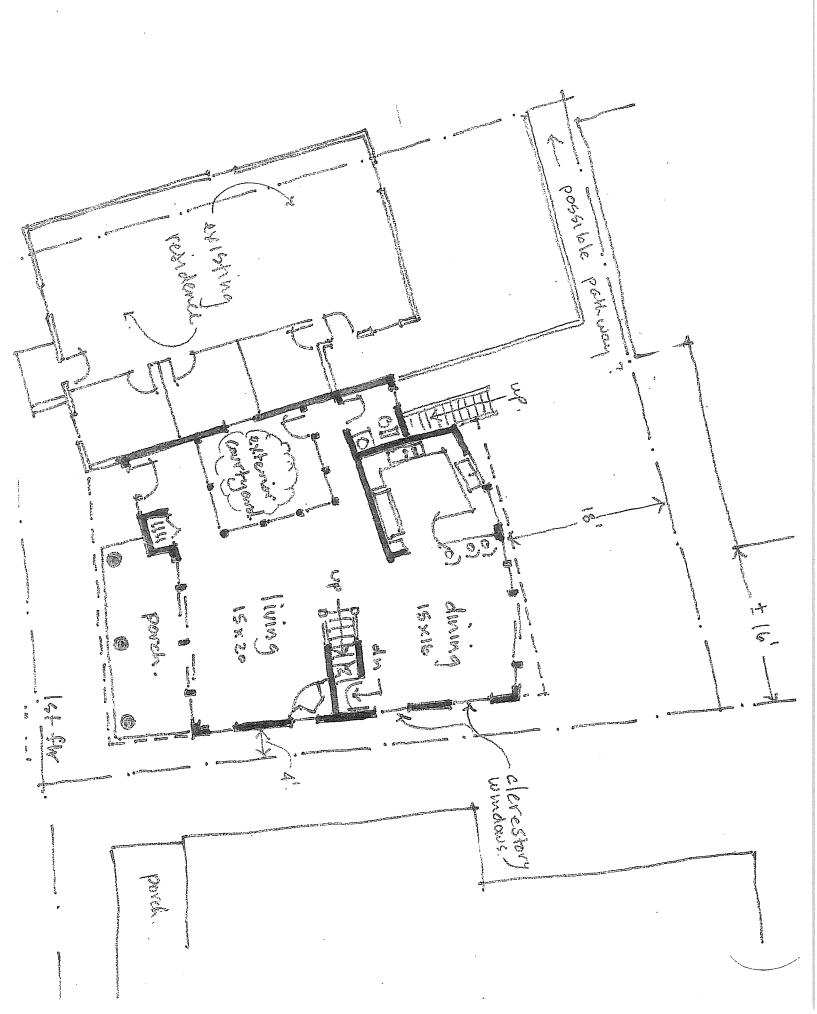


The aerial view below shows the overall siting of the addition.

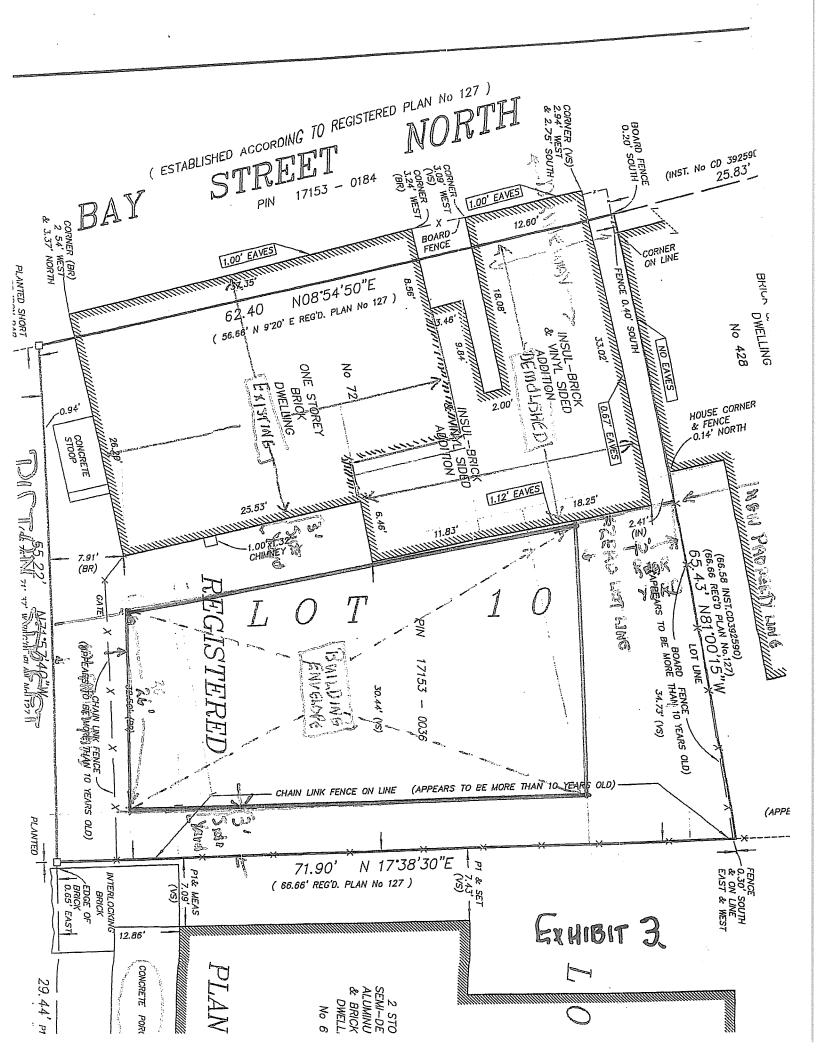


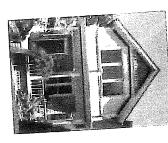


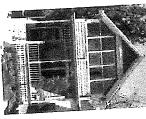
Exhibitz

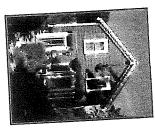












Each home picture will fit on the proposed lot.

Small Homes of the Future

A practical example

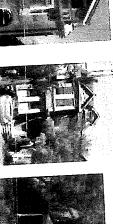








Exhibit 4



Rick Thompson Architect



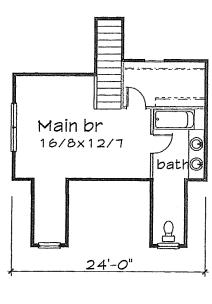
www.thompsonplans.com

POBox 160 Lake Junaluska , NC 28745

828-627-1479

dining | br #3 | 10×13 | | 0-74 | | bath | br #2 | 10×10 | | 10×10 | | 0-9

Floor 1 plan



plan #

1104A

Size fl 1 830

Size fl 2 393

Size Total 1223

Width 24"+ 1'-6"

Depth 34'-0"

Porch 5'

Fl 1 ceiling 8'

Fl 2 ceiling Vaulted

Roofpitch 9/12

Height 22'

Prints 5 sets Please see

Prints 8 sets web site for

Vellums current

Material list pricing

CAD thank you

Exhibit 5

Please specify foundation type (crawl standard) Available types - Crawl, Slab or Basement

Floor 2 plan



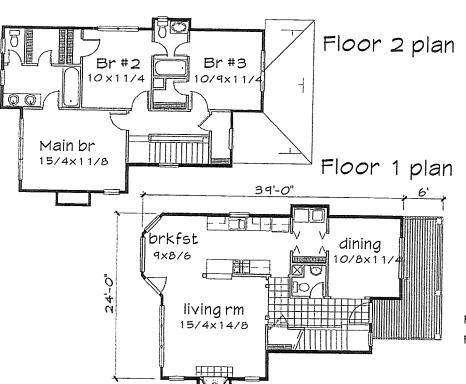
Rick Thompson Architect



www.thompsonplans.com

POBOX 160 Lake Junaluska , NC 28745

828-627-1479



plan #

1501A

Size fl 1 784

Sizefl 2 745

Size Total 1529

Midth 24'-0"

Depth 39'-0"

Porch 6'-0"

FI 1 ceiling 9'

Fl 2 ceiling 8'

Roof pitch 9/12

Height 26'-6"

Prints 5 sets Please see

Prints 8 sets web site for

Vellums current

Material list pricing

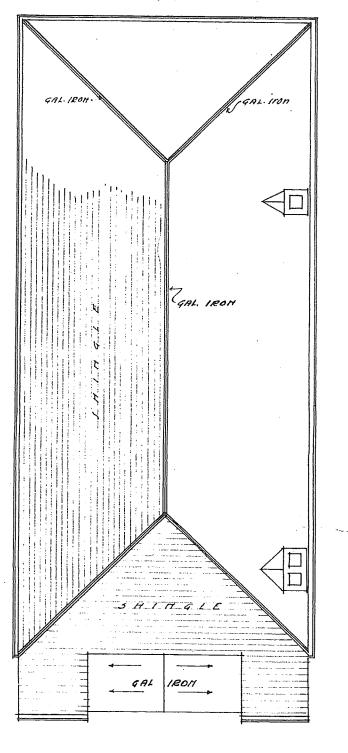
CAD thank you

Exhibit C

Please specify foundation type (crawl standard) Available types - Crawl, Slab or Basement

RESIDENCE FOR H.J.FELL ESQ.
BAY ST. N. HAMILTON. ONT.
FRYER & EYANS MOME BANK BLOG.
REGISTERED ARCHITECTS HAMILTON. ONT.

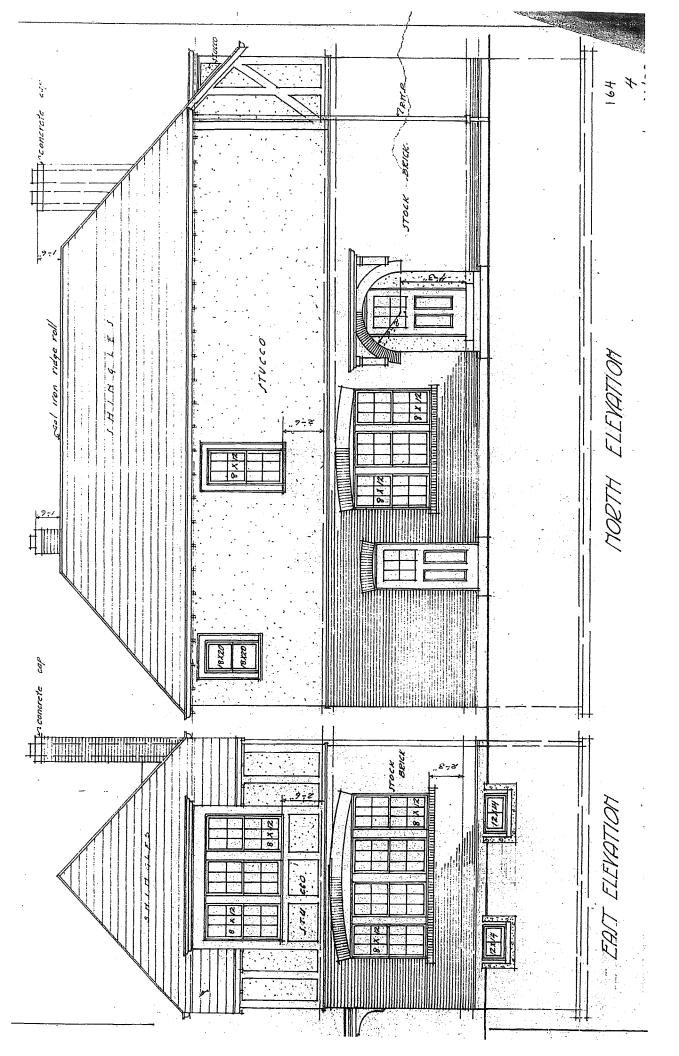
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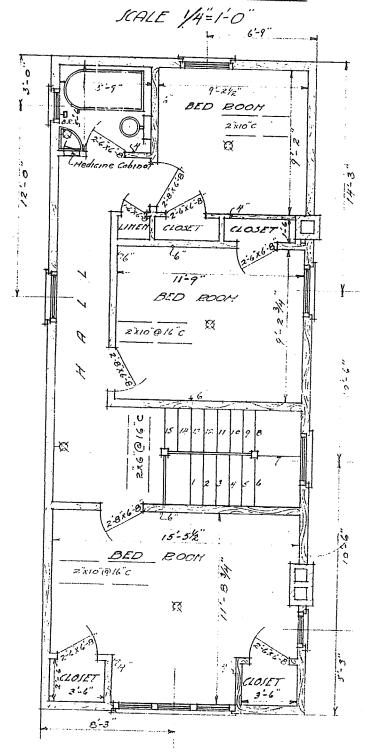
ROOF PLAM

EXHIBIT 7



RESIDETICE FOR H.J.FELL ESQ. BAY ST. M. HAMILTON ONT.

FRYER & EYANS
REGISTERED ARCHITECTS. HAMILTON ONT.

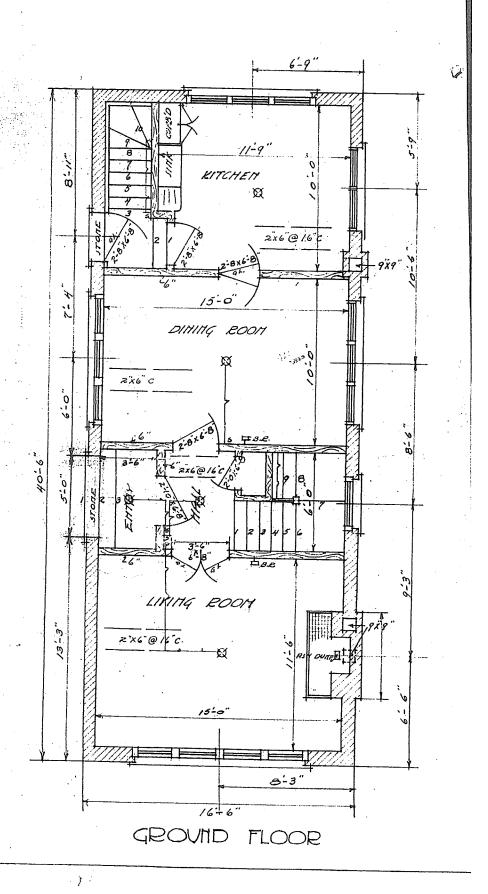


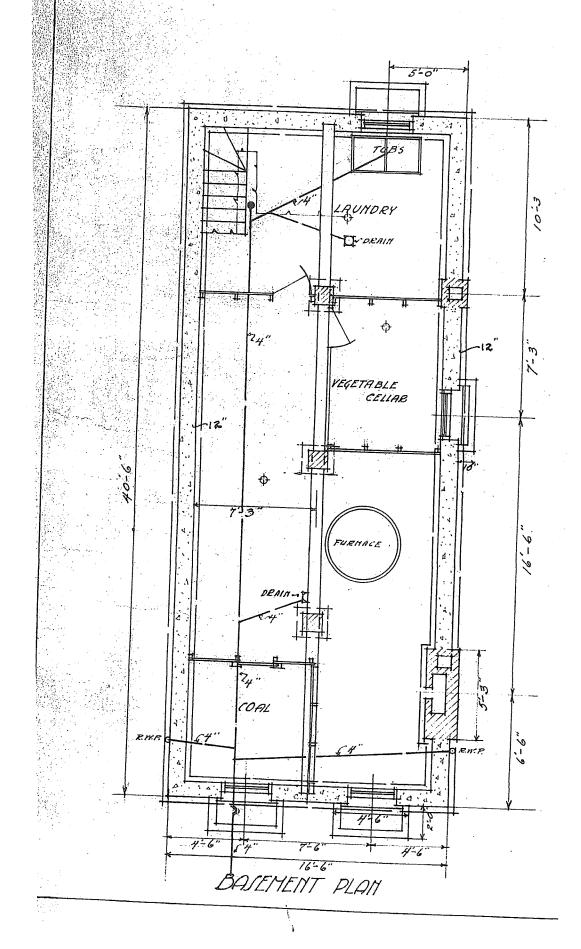
FIRST FLOOR.

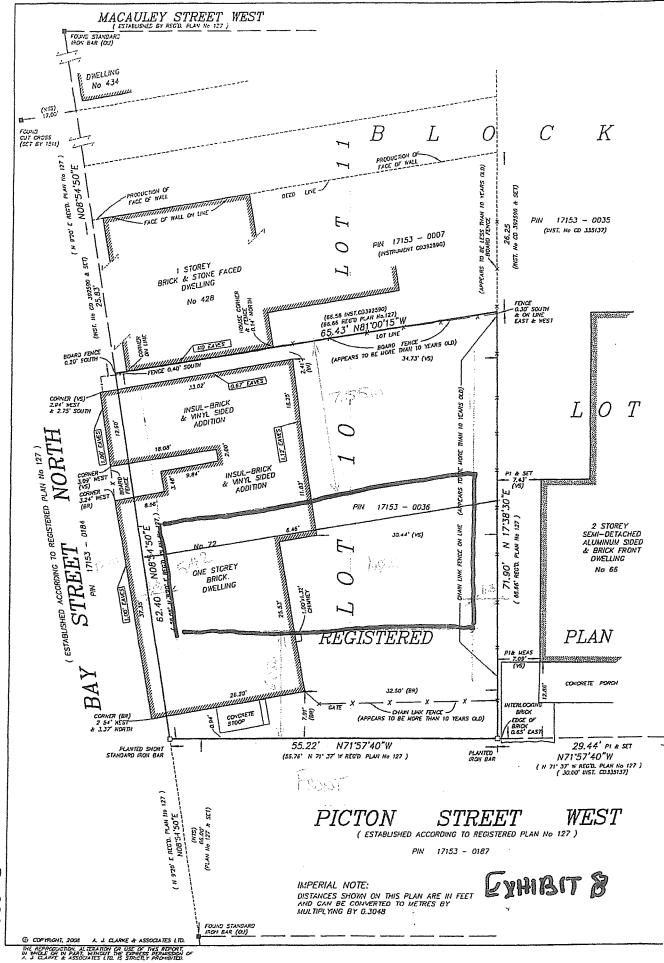
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