



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**

**Application for Consent/Land Severance**

**APPLICATION NUMBER:** SC/B-20:44

**SUBJECT PROPERTY:** 28 Sandbeach Dr., Stoney Creek

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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):** Urban Solutions c/o M. Johnston on behalf of the owners G. & M. Defaveri

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes

**Severed lands:**

24.20m<sup>±</sup> x 57.81m<sup>±</sup> and an area of 1,399.96m<sup>2±</sup>

**Retained lands:**

16.20m<sup>±</sup> x 57.87m<sup>±</sup> and an area of 937.70m<sup>2±</sup>

**This application will be heard in conjunction with  
Minor Variance Application SC/A-20:145**

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, August 27th, 2020

**TIME:** 3:20 p.m.

**PLACE:** Via video link or call in (see attached sheet for details)

**To be streamed at [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only**

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**PUBLIC INPUT**

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


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

**MORE INFORMATION**

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

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

DATED: August 11th, 2020

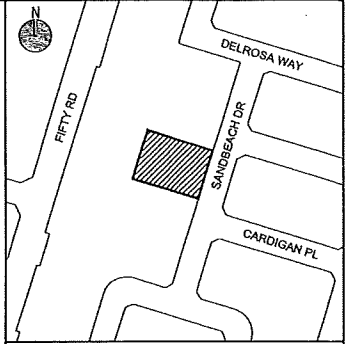
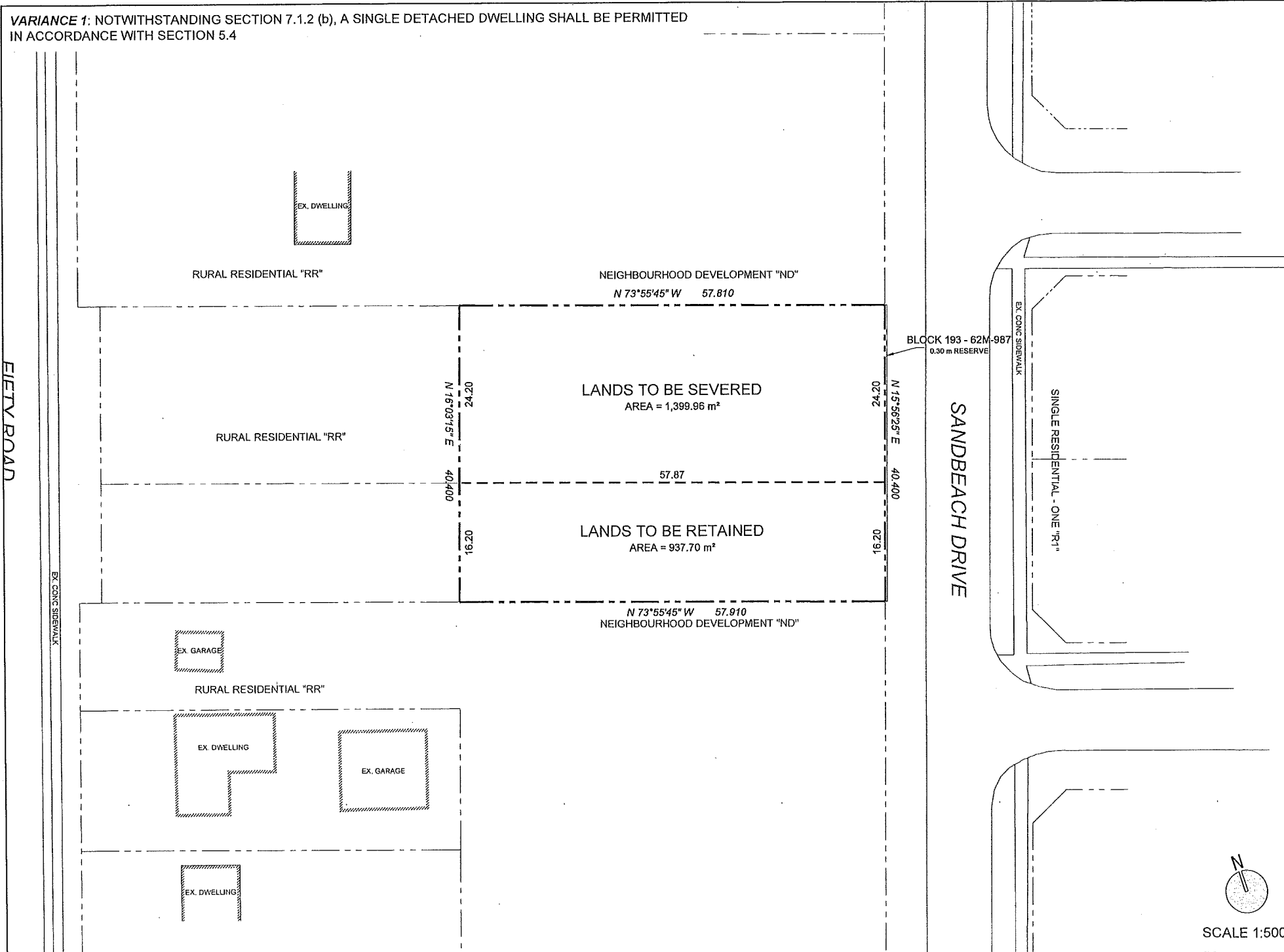


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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

**VARIANCE 1: NOTWITHSTANDING SECTION 7.1.2 (b), A SINGLE DETACHED DWELLING SHALL BE PERMITTED IN ACCORDANCE WITH SECTION 5.4**



**SCALE 1:500**  
METRES

0 5 15 25

**LEGEND:**

- SUBJECT LANDS
- - - PROPOSED SEVERANCE
- ▨ EXISTING BUILDINGS

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENTS ONLY

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

DESIGN BY: S. MCKAY      CHECKED BY: M. JOHNSTON  
DRAWN BY: S. MCKAY      DATE: JULY 9, 2020

**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

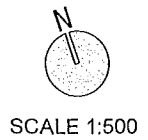
3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

**PROJECT:**  
28 SANDBEACH DRIVE  
CITY OF HAMILTON

**CLIENT:**  
GIANNI AND MARCIE  
DEFAVERI

**TITLE:**  
COMMITTEE OF  
ADJUSTMENT SKETCH

U/S FILE NUMBER: 360-20      SHEET NUMBER: 1





**Hamilton**

Planning and Economic Development Department  
Planning Division

20-174647  
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: July 16/20	Date Application Deemed Complete:	Submission No.: SC/B-20:44	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

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

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

2.1 Area Municipality	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 28 Sandbeach Drive			Assessment Roll N°.

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

Yes  No

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

**3 PURPOSE OF THE APPLICATION**

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

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

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

- Other:  a charge  
 a lease  
 a correction of title

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

- |   |  |
|---|--|
| <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:

N/A

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

N/A

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

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

Frontage (m) 24.20 m	Depth (m) 57.81 m	Area (m <sup>2</sup> or ha) 1,399.96 m <sup>2</sup>
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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: N/A

Proposed: Single Detached Dwelling

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:**

Frontage (m) 16.20 m	Depth (m) 57.87 m	Area (m <sup>2</sup> or ha) 937.70 m <sup>2</sup>
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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) _____                  |   |  |

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: N/A

Proposed: Single Detached Dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- electricity
- telephone
- school bussing
- garbage collection
- Unknown

**5 CURRENT LAND USE**

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

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

Urban Hamilton Official Plan designation (if applicable): Neighbourhoods and Low Density Residential

2b in the Urban Lakeshore Area Secondary Plan

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

The proposed use of the subject lands is a permitted use in the Neighbourhoods designation of the

Urban Hamilton Official Plan and in the Low Density Residential 2b designation in the Urban Lakeshore

Area Secondary Plan.

5.2 What is the existing zoning of the subject land? Neighbourhood Development "ND"

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

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

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

A land fill	<input checked="" type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input checked="" type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	
A flood plain	<input checked="" type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	
An active railway line	<input checked="" type="checkbox"/>	
A municipal or federal airport	<input checked="" 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?  
Consultation with the owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
Is the previous use inventory attached? N/A  
 Yes       No

**7 PROVINCIAL POLICY**

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

Please refer to cover letter.

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

The severance is consistent with the PPS as it promotes infill growth and is an effective use of land.

The severance will facilitate intensification in a compact form.

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

The application conforms with Section 2.2.1 which encourages growth within existing settlement areas.

The subject property has existing municipal services and will support the goal and implementation of complete communities.

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

N/A

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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)

N/A

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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)

N/A

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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)

N/A

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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.

SC/B-18:90 - approved

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

N/A

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

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

SC/B-18:90 and SC/B-18:91 - approved in 2020.

8.4 How long has the applicant owned the subject land?

July 2018

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

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

**9 OTHER APPLICATIONS**

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

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

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

Yes     No     Unknown

Minor Variance application has been submitted concurrently.

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

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

**10 RURAL APPLICATIONS** N/A

10.1 Rural Hamilton Official Plan Designation(s)

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

Settlement Area                      Designation

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

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

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

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**11 OTHER INFORMATION**

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

Please refer to the cover letter and enclosed Minor Variance Sketch.

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

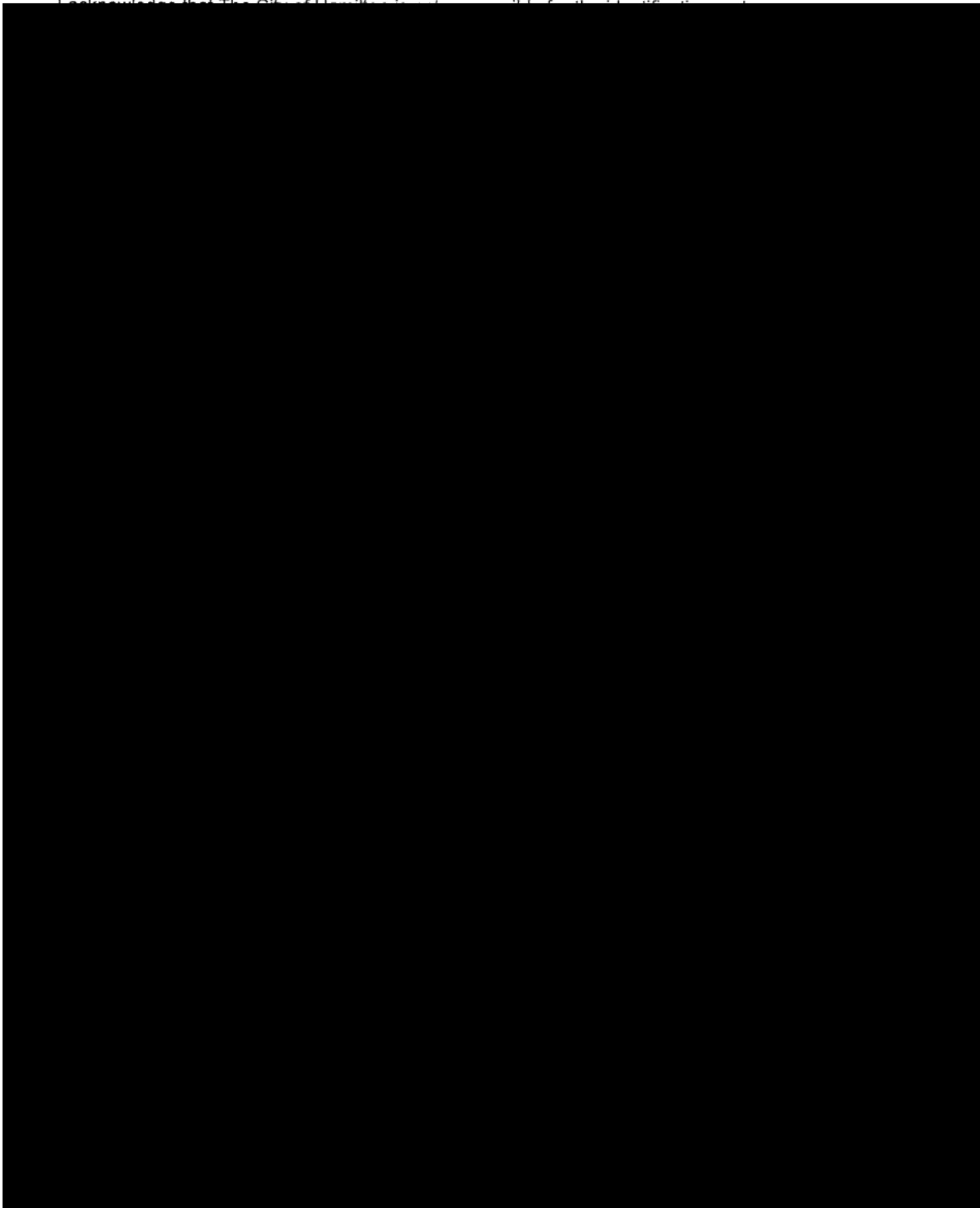
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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**

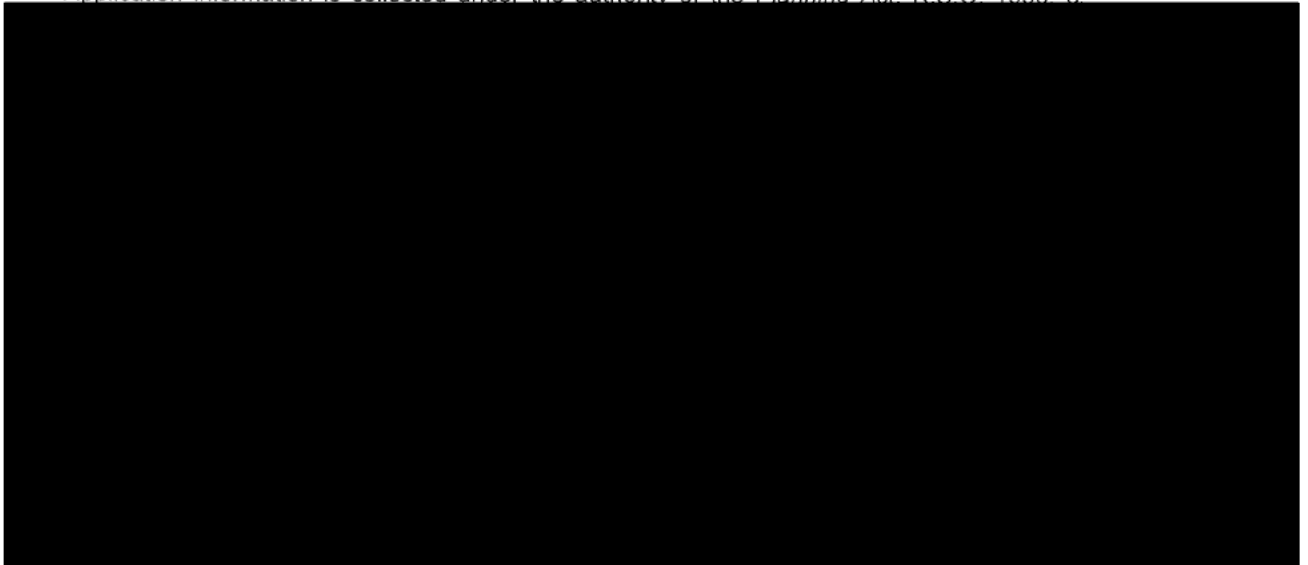


## 16 CONSENT OF THE OWNER

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.



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**)

CITY OF HAMILTON  
COST ACKNOWLEDGEMENT AGREEMENT

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

BETWEEN:



Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

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

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

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

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

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

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

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



I have authority to bind the corporation

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

City of Hamilton

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

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





July 14, 2020

360-20

**Via Delivered**

Ms. Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment

City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: 28 Sandbeach Drive, Hamilton  
Consent to Sever and Minor Variance Applications**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of the owners, Gianni and Marcie Defaveri, for the lands municipally known as 28 Sandbeach Drive. Please accept the enclosed Consent to Sever and Minor Variance applications on their behalf.

The subject property is located on the west side of Sandbeach Drive between Kingspoint Circle and Delrosa Way. The subject lands are designated as Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2b in the Urban Lakeshore Area Secondary Plan. In addition to the land use designation, the property is located in the Neighbourhood Development "ND" Zone in the Stoney Creek Zoning By-law No. 3692-92. The subject lands are currently vacant.

**Purpose of the Applications**

The purpose of the Consent to Sever application is to sever an existing 2,337.66 m<sup>2</sup> parcel with a frontage of 40.40 metres into two (2) lots. In order to facilitate the proposed severance, a Consent to Sever application and Minor Variance application are required. The proposed severance is illustrated on the enclosed Committee of Adjustment sketch and is described as follows:

**Lot to be Retained**

- Lot Frontage = 16.20 m
- Lot Area = 937.70 m<sup>2</sup>

**Lot to be Severed:**

- Lot Frontage = 24.20 m
- Lot Area = 1,399.96 m<sup>2</sup>

The purpose of the Minor Variance application is to facilitate the development of two (2) single detached dwellings on the newly created lots which requires the following minor variance:

- Notwithstanding Section 7.1.2 (b), a Single Detached Dwelling shall be permitted in accordance with the regulations contained in Section 5.4.3.

### Analysis

To assist in the evaluation of the applications, the subject lands were included in previously approved Consent to Sever applications (SC/B-18:90, SC/B-18:91) which created two similar size lots to what is being proposed fronting onto Fifty Road.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

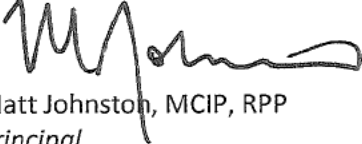
The Minor Variance application is in keeping with Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended as the proposed Single Detached dwelling is a permitted use in both the Neighbourhoods designation in the Urban Hamilton Official Plan and in the Low Density Residential 2b in the Urban Lakeshore Area Secondary Plan. The proposed minor variance will allow for the development of two (2) single detached dwellings that is more in keeping with the character of the surrounding neighbourhood with similar lot frontages and lot areas and also implements the provincial and local planning policy framework


In support of this application, please find enclosed:

- Two (2) copies of the completed Minor Variance application;
- Two (2) copies of the completed Consent to Sever application;
- Two (2) copies of the Committee of Adjustment Sketch;
- One (1) cheque in the amount of \$2,845.00 payable to the City of Hamilton for the Consent to Sever application; and,
- One (1) cheque in the amount of \$3,302.00 payable to the City of Hamilton for the Minor Variance application.

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*

  
Spencer McKay, CPT  
*Project Manager*

cc:

