COMMITTEE OF ADJUSTMENT



City Hall, 5th 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

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.:

SC/A-20:145

APPLICANTS:

Urban Solutions c/o M. Johnston on behalf of the owners G. &

M. Defaveri

SUBJECT PROPERTY:

Municipal address 28 Sandbeach Dr., Stoney Creek

ZONING BY-LAW:

Zoning By-law 3692-92, as Amended

ZONING:

"ND" (Neighbourhood Development) Zonedistrict

PROPOSAL:

To permit the creation of two (2) new lots and the construction of a new

single detached dwelling on each lot, notwithstanding,

- 1. The creation of two new lots and the construction of a new single detached dwelling on each lot shall be permitted whereas any building, structure or land in a ND zone is only permitted to be used for the purpose for which it was used on the date of the passing of the By-law (December 8, 1992) until such land has been rezoned by a By-law, which has been approved in accordance with Subsection 34 of The Planning Act, R.S.O., 1990, c.P.13.;
- 2. The construction of a new single detached dwelling shall be permitted to be constructed on both the lands to be conveyed and the lands to be retained whereas Permitted Uses for Each Lot only allows single detached dwellings and uses, buildings or structures accessory thereto which existed on the date of the passing of the By-law (December 8, 1992).; and,
- 3. The regulations of Section 5.4.3 shall apply to a new single detached dwelling whereas the regulations of Section 5.4.3 are only permitted to be applied to any additions or reconstruction of a single detached dwelling existing on the dated of the passing of the bylaw (December 8, 1992).

NOTES:

- 1. These variances are necessary to facilitate Land Severance application SC/B-20:44 to be heard in conjunction with this application.
- 2. Further variances will be required if the proposed lots are not serviced by sanitary sewers and municipal water.

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

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

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.

MORE INFORMATION

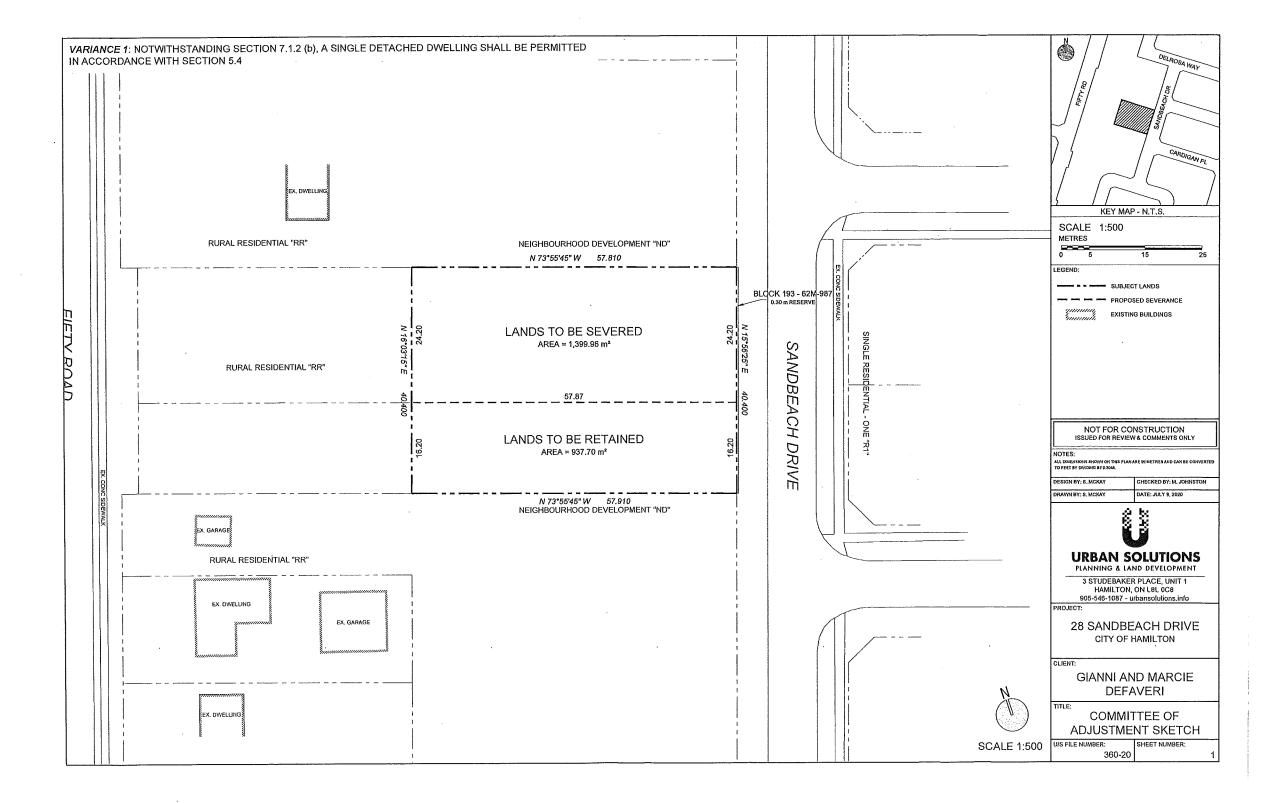
For more information on this matter, including access to drawings illustrating this request:

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

DATED: August 11th, 2020.

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.



20.174644



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.

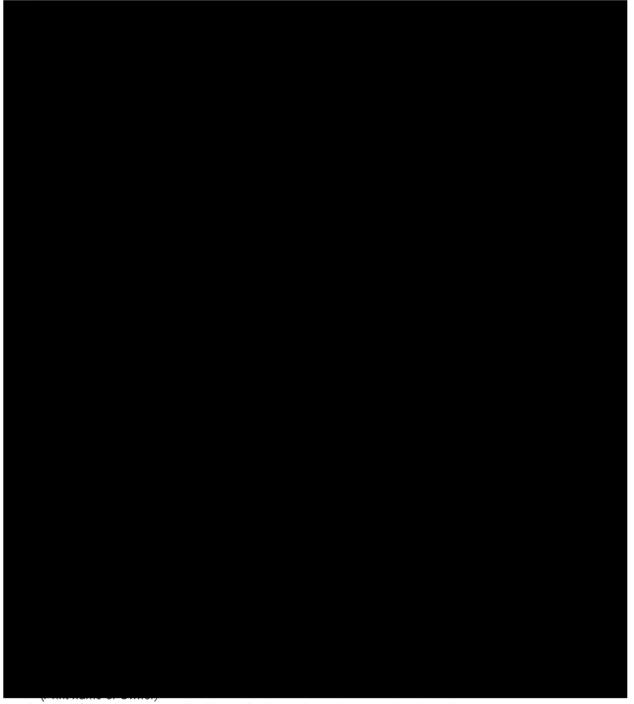
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|---|----------------------|
| FOR OFFICE USE ONLY. | |
| APPLICATION NO. 50/14-20: 145 DATE APPLICATION RECEIVED JULY | 16/20 |
| PAID DATE APPLICATION DEEMED COMPLETE | |
| SECRETARY'S SIGNATURE | - |
| CITY OF HAMILTON COMMITTEE OF ADJUSTMENT HAMILTON, ONTARIO | |
| The Planning Act | |
| Application for Minor Variance or for Permission | |
| The undersigned hereby applies to the Committee of Adjustment for the City of Han under Section 45 of the <i>Planning Act</i> , R.S.O. 1990, Chapter P.13 for relief, as described application, from the Zoning By-law. | nilton ribed in |
| 1. Nan FAX | |
| 2. Add | |
| | |
| 3. Nar | |
| FAX | |
| 4. Add | |
| Note: Unless otherwise requested all communications will be sent to the agent, if any. | ne |
| 5. Names and addresses of any mortgagees, holders of charges or other encumbrances: N/A | |
| Postal Code | |
| Postal Code | |
| | |

| 6. | Nature and extent of relief applied for: | | | | | | |
|-----|--|--|--|--|--|--|--|
| | Please refer to cover letter and enclosed Committee of Adjustment Sketch. | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 7. | Why it is not possible to comply with the provisions of the By-law? Please refer to cover letter and enclosed Committee of Adjustment Sketch. | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 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 Block 193, Plan 62M-987 and Part of lot 2, Broken Front Concession, Geographic Township of Saltfleet, City of Hamilton | | | | | | |
| | Township of Galilicet, Oily of Hallingon | | | | | | |
| | | | | | | | |
| 9. | PREVIOUS USE OF PROPERTY | | | | | | |
| | Residential X Industrial Commercial | | | | | | |
| | | | | | | | |
| | Agricultural Vacant | | | | | | |
| | Other | | | | | | |
| 9.1 | If Industrial or Commercial, specify use | | | | | | |
| 9.2 | 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 <u>x</u> No Unknown | | | | | | |
| 9.3 | Has a gas station been located on the subject land or adjacent lands at any time? | | | | | | |
| | Yes No _x | | | | | | |
| 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 | | | | | | |
| 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 <u>x</u> Unknown | | | | | | |

| | 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? |
| | Consultation with the owner. |
| 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. $_{\rm N/A}$ |
| | Is the previous use inventory attached? Yes No |
| l ackn | NOWLEDGEMENT CLAUSE owledge that the City of Hamilton is not responsible for the identification and diation of contamination on the property which is the subject of this Application – by n of its approval to this Application. |
| 10. | Dimensions of lands affected: |
| , | Frontage |
| | Depth +/- 57.81 m |
| | Area +/- 2,337.66 m ² |
| | Width of street +/- 20 m |
| 11. | Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.) Existing: N/A |
| | Proposed: N/A |
| | |

| *** | | |
|-------------------------------------|---|--|
| | | |
| Date of account of all July 31, 201 | quisition of subject lands 18 | 5: |
| Date of co | nstruction of all buildings | s and structures on subject lands: |
| Existing us | ses of the subject proper | ty: |
| | | |
| Existing us | ses of abutting properties | S:_Residential |
| Length of t | time the existing uses of | the subject property have continued: |
| Municipal s | services available: (che | ck the appropriate space or spaces) |
| Water | X | Connected |
| Sanitary Se | ewerx | Connected |
| Storm Sew | vers <u>x</u> | |
| | fficial Plan/Secondary Pl | an provisions applying to the land: |
| Urban Lake | eshore Area Secondary Plar | n - Low Density Residential 2b |
| | | oning By-law) provisions applying to the lan he Stoney Creek Zoning By-law 3692-92. |
| Has the ow | vner previously applied f | for relief in respect of the subject property? |
| | Yes | No |
| If the answ | ver is yes, describe briefl | у. |
| N/A | | |
| | | |
| | Planning Act? | of a current application for consent under S |
| | Yes | No |
| dimensions size and ty | s of the subject lands an pe of all buildings and st | copy of this application a plan showing the d of all abutting lands and showing the loca tructures on the subject and abutting lands, of Adjustment such plan shall be signed by |

PART 24 AFFIDAVIT OR SWORN DECLARATION



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.

07//0/20 Date

PART 27 PERMISSION TO ENTER

Date: July 14,2020

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

Dear Secretary/Treasurer;

Re:

Application to Committee of Adjustment

Location of Land: 28 Sandbeach Drive

(Municipal address)

I hereby authorize the members of the Committee of Adjustment and members of the staff of the City of Hamilton to enter on to the above-noted property for the limited



Please print name

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

PART 28 COLLECTION OF INFORMATION

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

CITY OF HAMILTON COST ACKNOWLEDGEMENT AGREEMENT

| This Agreement made this | day of | , 20 |
|--------------------------|-------------------|------------|
| BETWEEN | | - |
| | rred to as the "I | 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.
- 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 rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
- 11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
- 12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
- 13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
- 14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
- 15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
- 16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

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

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

| DATED at th | nis | day of | 20 |
|---------------------------------|---------|---|--|
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| | | I have authority to bind the | corporation |
| DATED at Hamilton, Ontario this | dav | v of | 20 |
| | | , | , 20 |
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| | City of | f Hamilton | |
| | City of | f Hamilton | |
| | | f Hamilton | |
| | City or | | and the second s |
| | | f Hamilton Mayor | · |
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July 14, 2020 360-20

Via 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:

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 m² 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 m²

Lot to be Severed:

- Lot Frontage = 24.20 m
- Lot Area = 1,399.96 m²

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

Principal

cc:

Gianni and Marcie Defaveri, Owners

Councillor Maria Pearson, Ward 10, City of Hamilton Steve Robichaud, Chief Planner, City of Hamilton

Sergio Manchia, UrbanSolutions

