



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: HM/B-20:79

SUBJECT PROPERTY: 199½ Stonechurch Rd. W., Hamilton

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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): Mario Cino, owner

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to adjoining property known as 199 Stone Church Rd. W. and further the establishment of an easement for access and maintenance purposes.

**Severed lands:**

0.76m<sup>±</sup> x 43.09m<sup>±</sup> and an area of 32.75m<sup>2±</sup>

**Retained lands:**

13.2m<sup>±</sup> x 43.09m<sup>±</sup> and an area of 568.79m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

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DATE: Thursday, December 3rd , 2020

TIME: 1:25 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 4144
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: November 17th, 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.***

PLAN OF SURVEY OF  
PART OF LOT 16 - CONCESSION 8  
AND PART OF THE ROAD ALLOWANCE  
BETWEEN TOWNSHIP LOTS 16 & 17 (CLOSED BY BY-LAW No. 1010)

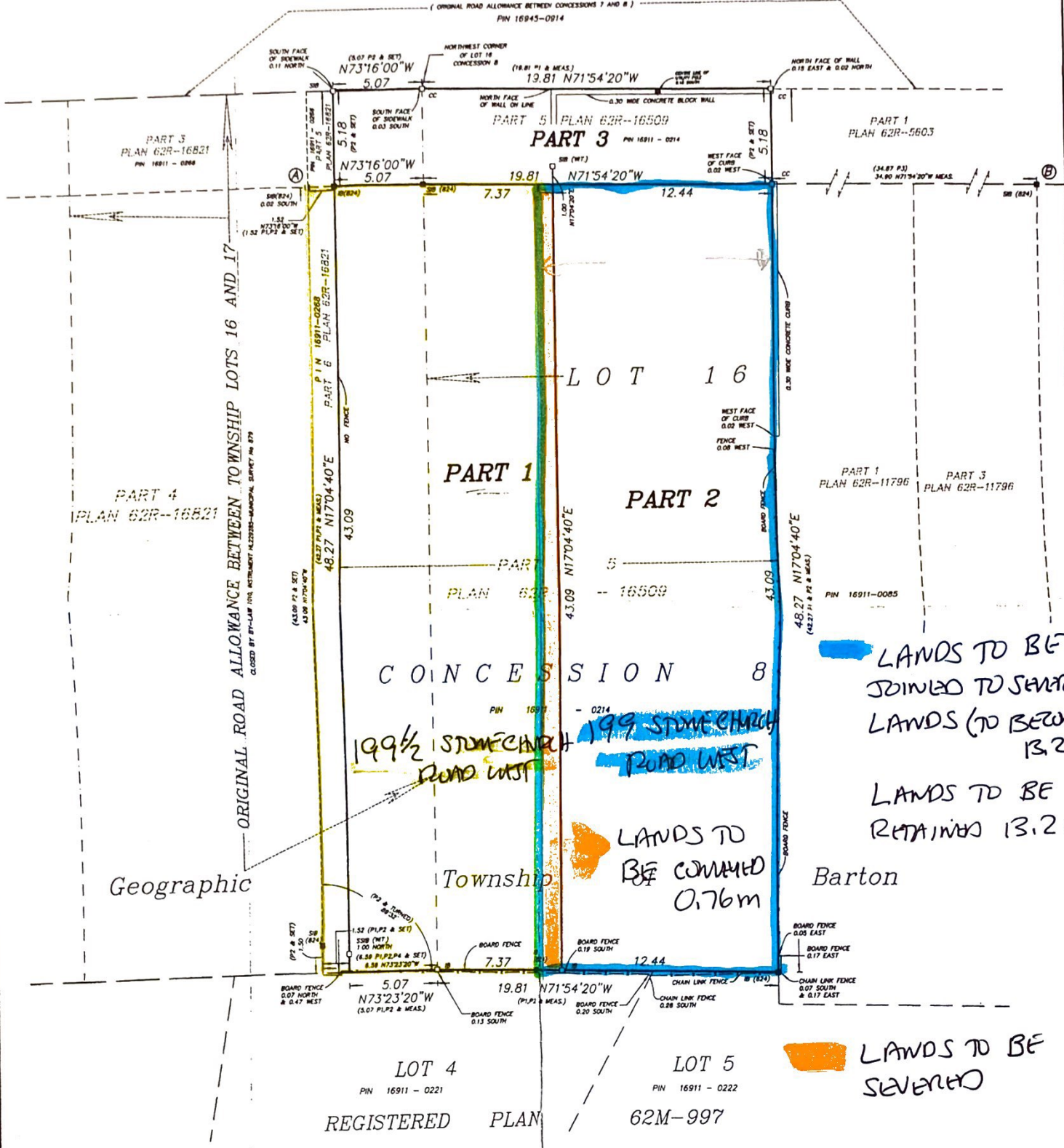
GEOGRAPHIC TOWNSHIP OF BARTON  
CITY OF HAMILTON

SCALE 1:150  
G. G. ALDORTH O.L.S.

SCHEDULE			
PART	LOT/STREET	CON	AREA
1	PART OF LOT 16 AND PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16 & 17	8	536.01 m <sup>2</sup>
2	PART OF LOT 16	8	535.96 m <sup>2</sup>
3	PART OF LOT 16 AND PART OF THE ROAD ALLOWANCE BETWEEN LOTS 16 & 17	8	128.86 m <sup>2</sup>

PLAN 62R-20835  
RECEIVED AND DEPOSITED:  
April 6, 2018 "Kystal Power"  
DATE REPRESENTATIVE FOR  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF WENTWORTH (No. 62)  
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT.  
MARCH 28, 2018  
DATE MAURIZIO TARLI

STONE CHURCH ROAD WEST



LANDS TO BE  
JOINED TO SEVERED  
LANDS (TO BECOME  
13.2m)  
LANDS TO BE  
RETAINED 13.2m

LANDS TO  
BE COMBED  
0.76m

LANDS TO BE  
SEVERED

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE  
POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS,  
UTM ZONE 17, NAD83 (CSRS) (2010.0)  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY  
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999669

OBSERVED REFERENCE POINTS: UTM ZONE 17, NAD83 (CSRS)(2010.0)  
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
(A)	4785098.620	589453.602
(B)	4785079.772	589511.888

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARINGS COMPARISON A ROTATION OF 0°48'00" COUNTERCLOCKWISE  
WAS APPLIED TO P2, P3 & P4 TO CONVERT TO GRID BEARINGS  
FOR BEARINGS COMPARISON A ROTATION OF 0°48'10" COUNTERCLOCKWISE  
WAS APPLIED TO P1 & P6 TO CONVERT TO GRID BEARINGS

- LEGEND:
- DENOTES A SURVEY MONUMENT PLANTED
  - DENOTES A SURVEY MONUMENT FOUND
  - #— DENOTES IRON BAR
  - S— DENOTES STANDARD IRON BAR
  - SSB— DENOTES SHORT STANDARD IRON BAR
  - CC— DENOTES CUT CROSS
  - (B24) DENOTES A. T. McLEACH O.L.S.
  - (MEAS.) DENOTES MEASURED
  - P1 DENOTES PLAN 62R-16509
  - P2 DENOTES PLAN 62R-15238
  - P3 DENOTES PLAN 62R-11796
  - P4 DENOTES PLAN 62R-16821
  - P5 DENOTES PLAN 62R-997
  - (WT.) DENOTES WITNESS

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

SURVEYOR'S CERTIFICATE:  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES  
ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF MARCH, 2018

MARCH 28, 2018  
DATE  
G. G. ALDORTH  
ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com

PROJECT No. 178001



**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:	Date Application Deemed Complete:	Submission No.:	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Mario Cino	[REDACTED]	Business [REDACTED] Fax: [REDACTED] E-mail: [REDACTED]
Applicant(s)*	Mario Cino	[REDACTED]	Business ( ) Fax: ( ) E-mail:
Agent or Solicitor	Mario Cino	[REDACTED]	Business ( ) Fax: ( ) E-mail:

\* 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 16 & 17	Concession 8	Former Township Barton
Registered Plan N°. 62R-20835	Lot(s)	Reference Plan N°.	Part(s) 1 and 6
Municipal Address 199 1/2 Stone Church road west Hamilton			Assessment Roll N°. 251808096106900

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:

Blanket grading easement over the 2 lots that were recently severed 9 HM/B 17:47

**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:

Anthony Chiaravalle

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

part lot 16 concession 8 62R-20835 subject to easement in gross as we 1294320 city of Hamilton

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

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

Frontage (m) <i>76</i>	Depth (m) 43.09	Area (m <sup>2</sup> or ha) <i>32.748</i>
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*ME*

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: none

Proposed: create two (2) single family lot(s) each with equal frontage of 13.2 metres

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) 13.2	Depth (m) 43.09	Area (m <sup>2</sup> or ha) 568.79
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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: fully serviced vacant lot for a single family dwelling to be built

Proposed: create two (2) single family lot(s) each with equal frontage of 13.2 metres) side by side

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) low density C zoning

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

Lot severed with in the last 12-24 months file HM/B-17:47 These 2 lot(s) have gone through severance,

consent agreement and was approved but the lot(s) ended up having different frontages and we want to

just re-align the 2 lot(s) to have equal frontages. We strongly feel making the lot(s) uniform will allow

better street/curb appeal with wider homes, which would fit better with the street.

5.2 What is the existing zoning of the subject land?

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

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 type="checkbox"/>	

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

**6 PREVIOUS USE OF PROPERTY**

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 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?  
Lot severed with in the last 12-24 months file HM/B-17:47
- 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
-

Lot severed with in the last 12-24 months file HM/B-17:47

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

Lot severed with in the last 12-24 months file HM/B-17:47

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- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)  
Lot severed with in the last 12-24 months file HM/B-17:47

The 2 lot(s) are just creating 2 equal frontage lot(s) of 13.2 m by depth of 43.09 m

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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

- 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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- 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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Lot severed within the last 12-24 months file HM/B-17:47  
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.

We would like to create 2 lots having a uniform frontage of 13.2 m. It's 76 of a metre conveyed from one lot to the other. We spoke with John Paul Fede, Carlo Ammendolia and Mark Inrig. All agreed that this was a good course of action. Mark noted that a consent agreement was approved and no changes should be needed. It seems like to us just completing a new survey for each of the 2 lot(s) with 13.2 metre frontages. See further information attached.

## 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