



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-21:02

**SUBJECT PROPERTY:** 264 Rymal 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
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**APPLICANT(S):** Agent Urban Solutions c/o M. Johnston  
Owner Kevin Pomeroy

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to be added to be added to lands know as Block 38 of draft Plan of Subdivision 25T-200721, and to retain a parcel of land for future development.

**Severed lands:**  
30.46m<sup>±</sup> x 16.12m<sup>±</sup> and an area of 491m<sup>2</sup> ±

**Retained lands:**  
30.46m<sup>±</sup> x 47.28m<sup>±</sup> and an area of 1,440m<sup>2</sup> ±

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, February 18<sup>th</sup> , 2021  
**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 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: February 2<sup>nd</sup>, 2021

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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.***





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)	Kevin Pomeroy		Business Fax: ( ) E-mail:
Applicant(s)*	Spallacci & Sons Limited		Business ( ) Fax: ( ) E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc.		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 Geographic Township of Barton	Lot Part of Lot 17	Concession 8	Former Township Hamilton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s) Part 1
Municipal Address 264 Rymal Road West			Assessment Roll N°.

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

☐ Yes ☒ No

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

3 PURPOSE OF THE APPLICATION

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

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

☐ creation of a new lot

☒ addition to a lot

☐ an easement

Other: ☐ a charge

☐ a lease

☐ a correction of title



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

- ☐ creation of a new lot  
☐ creation of a new non-farm parcel  
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)  
☐ addition to a lot
- Other: ☐ a charge  
☐ a lease  
☐ a correction of title  
☐ 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:

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

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

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
30.46 m	16.12 m	491.18 m Sq.

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Vacant

Proposed: To be determined.

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) \_\_\_\_\_

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

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
30.46 m	47.28 m	1,440.13 m Sq.

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: Single Detached Dwelling

Proposed: To remain the same.

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

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

- ☒ electricity ☒ telephone ☐ school bussing ☒ garbage collection

## 5 CURRENT LAND USE

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

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

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The Neighbourhoods designation permits residential uses such as what is being proposed for the new lots.

Hence, the application conforms with the City of Hamilton's Official Plan as it is keeping with the residential uses permitted within the Neighbourhoods designation of the City's Official Plan.

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? Agricultural District, "AA" of the Former City of Hamilton Zoning By-law 6593

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. N/A

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?  
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?  
☐ 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)

[Please refer to cover letter.](#)

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

[Please refer to cover letter.](#)

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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

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- e) Are the subject lands subject to the Niagara Escarpment Plan?  
☐ Yes      ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☐ Yes      ☒ No

(Provide Explanation)

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- f) Are the subject lands subject to the Parkway Belt West Plan?  
☐ Yes      ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes      ☒ No      (Provide Explanation)

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- g) Are the subject lands subject to the Greenbelt Plan?  
☐ Yes      ☒ No

If yes, does this application conform with the Greenbelt Plan?

☐ Yes      ☐ No      (Provide Explanation)

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**8 HISTORY OF THE SUBJECT LAND**

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

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

\_\_\_\_\_

- 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.

\_\_\_\_\_

- 8.4 How long has the applicant owned the subject land?

N/A

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

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

**9 OTHER APPLICATIONS**

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

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

\_\_\_\_\_

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

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

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

**10 RURAL APPLICATIONS**

**10.1 Rural Hamilton Official Plan Designation(s)**

- |                                                                |                                     |                                         |
|----------------------------------------------------------------|-------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Agricultural                          | <input type="checkbox"/> Rural      | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities      |
| <input type="checkbox"/> 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.

\_\_\_\_\_

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

- |                                                                                    |                           |
|------------------------------------------------------------------------------------|---------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition                    | } (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition            |                           |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition |                           |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition             |                           |



December 23, 2020

373-20

**Via Email & Delivered**

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: Part of Lot 17, Concession 8  
264 Rymal Road West  
Consent to Sever & Minor Variance Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Spallacci & Sons Limited, who have an Agreement of Purchase and Sale (APS) with Kevin Pomeroy the registered owner of the lands municipally known as 264 Rymal Road West. On behalf of the owners, UrbanSolutions has prepared the enclosed Consent to Sever and Minor Variance Application to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Agricultural) "AA" District of the former City of Hamilton Zoning By-law No. 6593. The subject lands contain a single detached dwelling in addition to an accessory building.

**Purpose of Severance**

As shown on the enclosed Committee of Adjustment Sketch, the purpose of this application is to sever the subject lands in to two (2) separate parcels for the purpose of a lot addition. The lands to be severed have a total area of 491.07 m<sup>2</sup>, and the lands to be retained have a total area of 1,440.13 m<sup>2</sup>. The lands to be severed will be added to Block 38 of the approved draft Plan of Subdivision 25T-200721 as illustrated on the enclosed draft Plan Subdivision 25T-200721.

**Chronology**

The approved draft Plan of Subdivision 25-T200721 had always envisioned that the lands severed would be added to Block 38. Now that the APS has been completed, the lot addition can be completed to allow for the orderly development of the approved draft Plan of Subdivision 25T-200721. This will be done through a future Part Lot Control and Redline Revision application to reflect the lot addition accordingly. A Minor Variance application has been submitted in conjunction with the Consent to Sever application to reflect the existing legal non-conformities of the (Agricultural) "AA" zone of the existing dwelling at 264 Rymal Road West. Moreover, to allow for the future Part Lot Control to proceed in keeping with the (Small Lot Single Family Dwelling) "R4/S-1301a" district of Block 38.



The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as the lands are being added to an existing approved draft Plan of Subdivision. The subject lands will have full access to municipal services and is consistent with the Provincial Policy Statement. It also conforms to the Places to Grow Growth Plan, and UHOP. Based on the above analysis, we hold the opinion that the Consent to Sever application represents good land use planning and satisfies Section 53(1) of the *Planning Act*.

### **Purpose of the Minor Variance**

This Minor Variance application is required to achieve relief on the subject lands within the (Agricultural) "AA" District for both the "Retained" and "Severed" lands. The requested minor variances for the Retained lands reflect the existing legal non-conformities of the (Agricultural) "AA" District of the existing dwelling at 264 Rymal Road West. While the minor variances for the Severed lot allow for the future Part Lot Control to proceed in keeping with the (Small Lot Single Family Dwelling) "R4/S-1301a" District of Block 38. The division of lands and minor variances are outlined on the enclosed Severance and Minor Variance Sketches in addition to below.

#### **Lands to be Retained (Severance Sketch)**

1. To permit a minimum lot frontage of 30.0 metres where 60.0 metres is required.
2. To permit a minimum lot area of 1,400.00 squared metres whereas 12,000 squared metres is required.
3. To permit a minimum side yard depth of 3.0 m where 4.5 m is required.

#### **Lands to be Severed (Minor Variance Sketch)**

4. To permit a maximum building height of 12.5 metres where 11.0 metres is required.
5. To permit a minimum front yard depth of 4.5 metres to the front of the unit and not less than 6.0 metres to the front of the garage where a front yard depth of 12.0 metres is required.
6. To permit a minimum side yard depth of 1.0 metre where 4.5 metre is required.
7. To permit a rear yard depth of 7.0 metres where 10.5 metres is required.
8. To permit a minimum lot frontage of 9.7 metres where 60.0 metres is required.
9. To permit a lot area of 291 square metres where 12,000 square metres is required.
10. To permit a maximum porch encroachment into the front yard of 2.0 metres.
11. To permit a minimum of 35% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers or other similar materials.

To assist in the evaluation of the application, please refer to the enclosed Severance and Minor Variance Sketch.



Section 45(1) of the Planning Act, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. In consideration of the above, the single detached dwelling is a permitted use in the Neighbourhoods designation of the Urban Hamilton Official Plan, the (Agricultural) "AA" District and (Small Lot Single Family Dwelling) "R4/S-1301a" District of the Former City of Hamilton Zoning By-law No. 6593. The variances for the retained lands satisfy the four tests as they recognize existing deficiencies, while the tests are also satisfied for the severed lands as they are implementing the neighbouring "R4/S-1301a" from the abutting subdivision to which they will be merged.


Based on this, it is our opinion that the application of the above minor variance satisfies the four tests outlined in Section 45(1) of the Planning Act as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

In support of this application, please find the enclosed the following:

- Two (2) copies of a completed Consent to Sever application form;
- Two (2) copies of the Committee of Adjustment Sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$2,845.00** made payable to the City of Hamilton
- Two (2) copies of the completed Minor Variance Application form;
- One (1) copy of the draft R-Plan(s), Prepared by Ashenhurst Nouwens & Associates Inc.;
- Two (2) copies of the approved Draft Plan of Subdivision 25T-200721 prepared by UrbanSolutions;
- One (1) copy of the cover letter; and
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**



Sergio Manchia, MCIP, RPP  
*Principal*



Matt Johnston, MCIP, RPP  
*Principal*

Cc: Councillor John-Paul Danko, Ward 8, City of Hamilton (cover letter and Committee of Adjustment Sketch only)  
Spallacci & Sons Limited