



Hamilton

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

Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:05

SUBJECT PROPERTY: 1313 Baseline Rd., Stoney Creek

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): A.J. Clarke & Associates c/o M. Weekes on behalf of the owner Malatesta Brothers Construction

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain 2 parcels of land for residential purposes.

Severed lands: Part 2 on sketch
13.72m[±] x 38.10m[±] and an area of 522.47m^{2±}

Retained lands: Part 1 on sketch
13.72m[±] x 38.10m[±] and an area of 522.47m^{2±}

Retained lands: Parts 3-5 on sketch
38.10m[±] x 30.47m[±] and an area of 1,136.23m^{2±}

**This application will be heard in conjunction with
Severance Application SC/B-21:06**

The Committee of Adjustment will hear this application on:

DATE: Thursday, March 4th , 2021
TIME: 3:15 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 www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

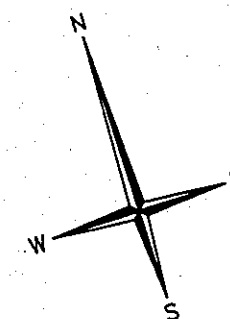
DATED: February 16th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

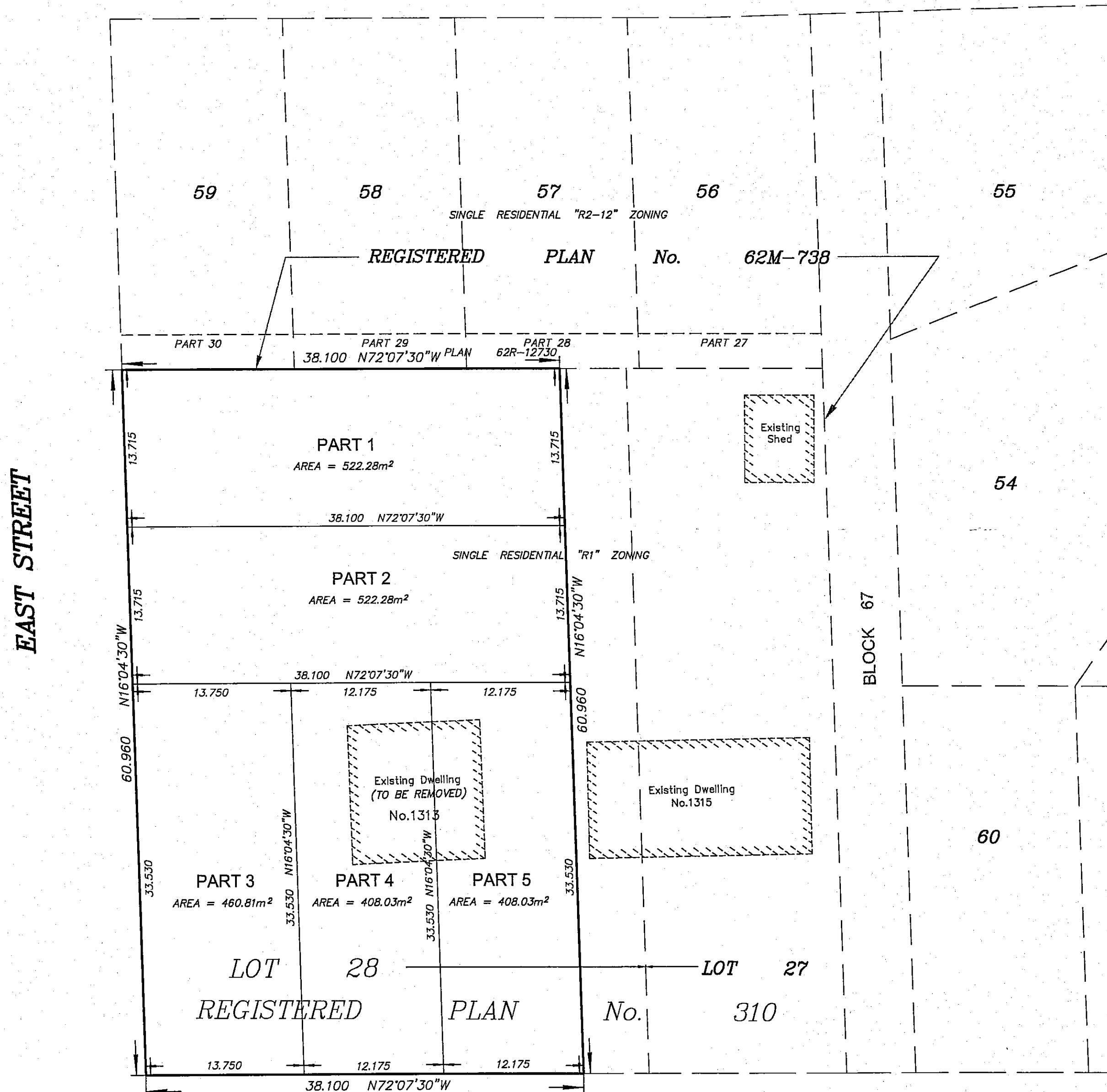
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

SCALE 1:300
0 5 10metres
G.G. ALDWORTH O.L.S.

NOTE
PROPERTY DIMENSIONS COMPILED FROM PREVIOUS SURVEYS
ON FILE IN THIS OFFICE AND ARE NOT BASED ON A CURRENT SURVEY.




RICHMOND CRESCENT



BASE LINE ROAD

(ORIGINAL ROAD ALLOWANCE BETWEEN BROKEN FRONT CONCESSION AND CONCESSION 1)

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


G.G. ALDWORTH, O.L.S.

NOV. 25, 2014
DATE



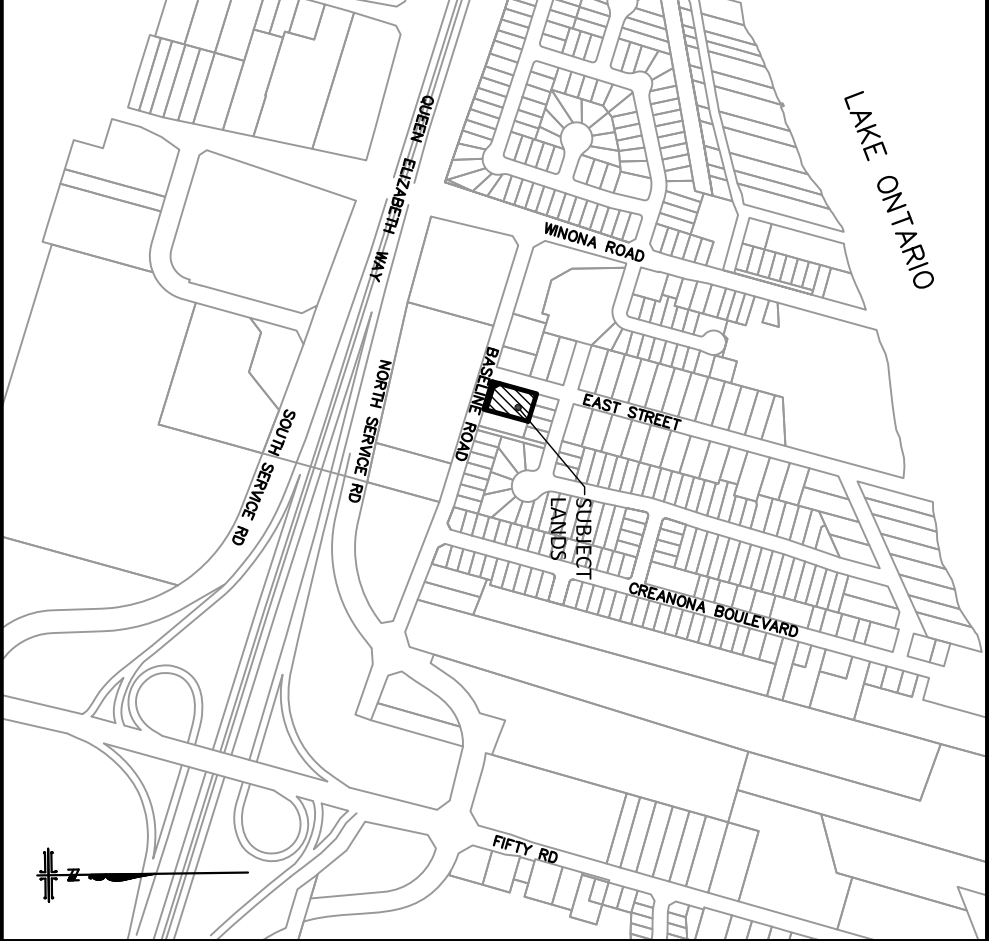
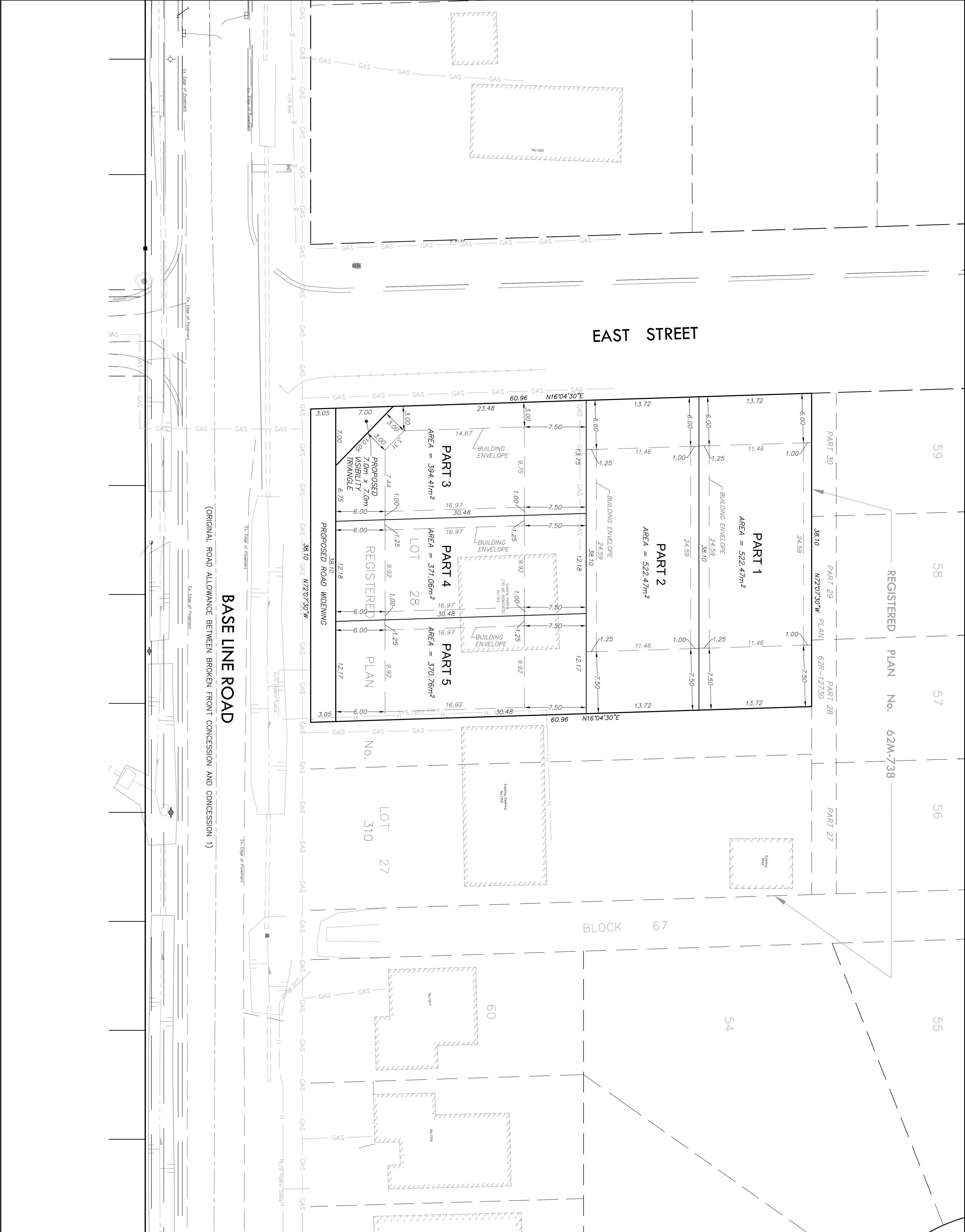
A. J. Clarke and Associates Ltd.

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

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THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT,
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A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.

H:\Jobs\A-to-F\1313 Baseline Road - Malatesta\Survey\Legal\SEVERANCE SKETCH.dwg, 25/11/2014 1:26:52 PM

F-18206



KEY PLAN N.T.S.

GENERAL NOTES			
1. TENDERS SHALL SATISFY THEMSELVES AS TO THE NATURE OF THE GROUND AND BID ACCORDINGLY.			
2. ALL ROCK LINE INDICATIONS SHOWN ON THE PLAN MUST BE VERIFIED BY THE CONTRACTOR.			
3. CONTRACTOR SHALL VERIFY LOCATIONS AND INVERTS OF ALL EXISTING SANITARY AND STORM SEWERS AND WATERMANS, PRIVATE SEWER DRAINS AND WATER SERVICES, GASMANS, CABLE TV, HYDRO AND TELEPHONE DUCIS, ETC., AT START OF CONSTRUCTION.			
REVISIONS			
No.	Revision	By	Date

PROJECT OWNER:

MALATESTA BROTHERS
CONSTRUCTION COMPANY LTD.

ENGINEER

MUNICIPALITY:

CITY OF HAMILTON

NOT ISSUED FOR CONSTRUCTION

PROJECT NAME:

1313 BASE LINE ROAD

AC *A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

25 MAIN STREET WEST SUITE 300
HAMILTON, ONTARIO L8P 1H1
Tel: 705 325-9761 Fax: 705 325-2289
email: ajc@ajclarke.com

TITLE:			
CONCEPT LOTTING PLAN			
SCALE:	1:200	DATE:	NOVEMBER 2015
DESIGN:	J.C.	DRAWN:	L.H.
DWG:	K-14-029	SHT:	



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**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	
Registered Owners(s)	Malatesta Brothers Construction c/o Gino Malatesta		E-mail:
Applicant(s)*			Phone:
			E-mail:
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Miles Weekes		

* 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 Stoney Creek	Lot	Concession	Former Township
Registered Plan N°. 310	Lot(s) 28	Reference Plan N°.	Part(s)
Municipal Address 1313 Baseline Road			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

Other: ☐ a charge

- ☐ addition to a lot
- ☐ an easement
- ☐ 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:

Unknown

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: Part 2 on Severance Sketch

Frontage (m) +-13.72 m	Depth (m) +-38.10 m	Area (m² or ha) +-522.47 sq. m
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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: Existing single-detached dwelling (to be demolished)

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)

4.2 Description of land intended to be Retained: Parts 1, 3, 4, & 5 on Severance Sketch

Frontage (m) Part 1 = +-13.72 m Parts 3-5 = +-38.10 m	Depth (m) Part 1 = +-38.10 m Parts 3-5 = +-30.47 m	Area (m² or ha) Part 1 = +-522.47 sq. m Parts 3-5 = +-1,136.23 sq. m
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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

☐ Agriculture (includes a farm dwelling)

☐ Other (specify)

☐ Industrial

☐ Agricultural-Related

☐ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: Existing single-detached dwelling (to be demolished)

Proposed: Single-detached dwelling(s)

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): N/A

Urban Hamilton Official Plan designation (if applicable) Low Density Residential 2b (Urban Lakeshore Area Secondary Plan)

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

The proposed development application(s) will facilitate the development of an under utilized property within the urban boundary. More compact development will allow for more efficient use of available land and infrastructure resources. The proposed development is within the maximum permitted density per net hectare under the Secondary 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? Single Residential "R3-44" Zone, Modified (By-law 20-235)

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 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?
 Owner knowledge and historical context.
- 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

The subject application is consistent with Sections 53 & 54 of the Planning Act.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?

☒ Yes ☐ No (Provide explanation)

The proposed development application(s) will facilitate the development of an under utilized property within the urban boundary. More compact development will allow for more efficient use of available land and infrastructure resources.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

☒ Yes ☐ No (Provide explanation)

The subject application is located within the Built-up Area of the Growth Plan. Residential intensification is supported within these areas.

- 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

See above - Growth Plan.

- 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

- 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

- 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

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.

N/A

- 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.
N/A

8.4 How long has the applicant owned the subject land?
Since 2009

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.
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

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

File number ZAC-16-016 Status Approved (final and binding per By-law 20-235)

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

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

Settlement Area Designation

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

10.2 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
☐ Rural Settlement Area Severance or Lot Addition

} (Complete Section 10.3)
- ☐ 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 ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: Proposed Land Use:

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

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 ² or ha):
---------------	------------------------------

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 ² or ha):
---------------	------------------------------

Existing Land Use:

Proposed Land Use:

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

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 ² or ha): (from Section 4.2)
----------------------------------	---

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 (m ² or ha):
---------------	------------------------------

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 (m ² or ha): (from Section 4.1)
----------------------------------	---

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 (m ² 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.

This application is together with a second severance application which (if approved) will facilitate the subject application described herein. The first severance application would have the effect of severing Part 2 from the retained lands (Parts 1, 3, 4, & 5).

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

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Jan 30th / 2021
Date


Signature of Owner



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

February 1, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

**Re: 1313 Baseline Road
Consent Application #1 of 2**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Malatesta Brothers Construction for the purposes of submitting the enclosed application for Consent to sever the subject lands, municipally known as 1313 Baseline Road. Please note that the enclosed submission consists of the first of two severance applications for the same lands. The subject application is intended to sever Part 2 (as per the concurrently submitted Lotting Plan). Parts 1 & 3-5 make up the retained lands.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Consent Application Form;
- 2) One (1) cheque in the amount of \$2,860 made payable to the City of Hamilton in payment of the requisite application fee;
- 3) One (1) digital copy of the Plan of Survey E-18206, prepared by A.J. Clarke & Associates Ltd., dated Nov 25, 2014;
- 4) One (1) digital copy of the Conceptual Lotting Plan, prepared by A.J. Clarke & Associates Ltd., dated November, 2015;

I trust that you will find the enclosed satisfactory for your purposes. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Miles Weekes, MCIP, RPP

A. J. Clarke and Associates Ltd.

Encl.

Cc: Malatesta Brothers Construction (via e-mail)