



Hamilton

## COMMITTEE OF ADJUSTMENT

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

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: SC/B-21:07

SUBJECT PROPERTY: 560 Barton St., Stoney Creek

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You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICANT(S):** Owner Paul Silvestri  
Agent Webb Planning

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to be merged with lands in Plan 62M-438, and to retain lands front on Barton St. and lands to be merged with lands in Plan 62M-438. This would result in 3 lots for residential uses. Existing structures to be removed.

**Severed lands (Part 2):**  
17m<sup>±</sup> x 21m<sup>±</sup> and an area of 367m<sup>2</sup> ±

**Retained lands (Parts 1 & 3):**  
5m<sup>±</sup> x 21m<sup>±</sup> and an area of 121m<sup>2</sup> ±  
21m<sup>±</sup> x 31m<sup>±</sup> and an area of 683m<sup>2</sup> ±

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, March 18<sup>th</sup>, 2021  
**TIME:** 2:35 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: March 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.***

**SKETCH FOR LAND DIVISION**

OF PART OF  
**LOT 16**  
**CONCESSION 2**  
 GEOGRAPHIC  
**TOWNSHIP OF SALTFLEET**  
 IN THE  
**CITY OF HAMILTON**

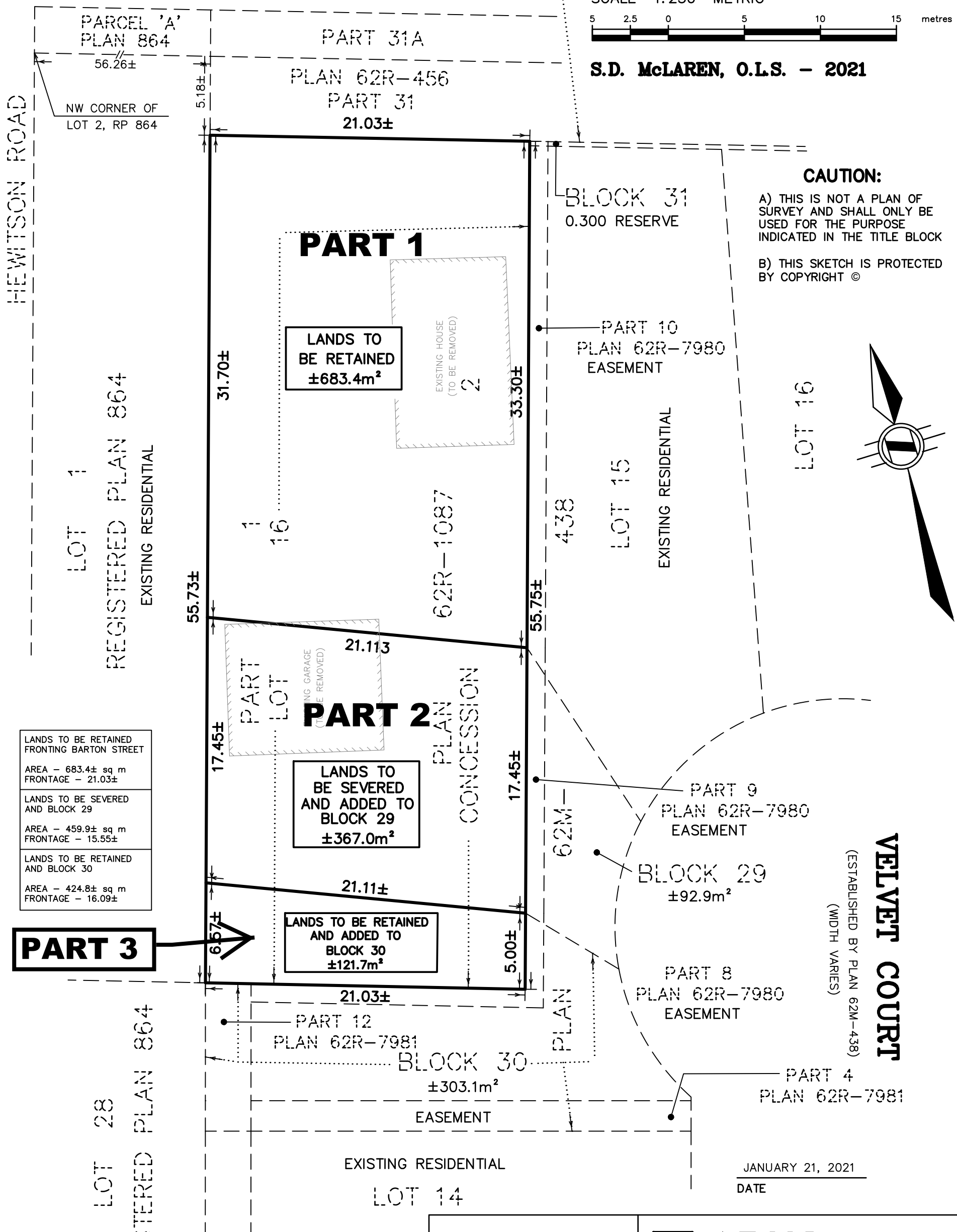
SCALE 1:250 METRIC



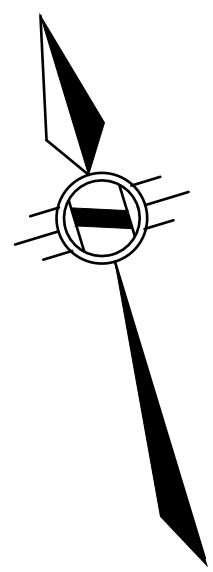
**S.D. McLAREN, O.L.S. - 2021**

**BARTON STREET**

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 & 2)  
 (WIDTH VARIES)



**CAUTION:**  
 A) THIS IS NOT A PLAN OF SURVEY AND SHALL ONLY BE USED FOR THE PURPOSE INDICATED IN THE TITLE BLOCK  
 B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©



LANDS TO BE RETAINED FRONTING BARTON STREET
AREA - 683.4± sq m FRONTAGE - 21.03±
LANDS TO BE SEVERED AND BLOCK 29
AREA - 459.9± sq m FRONTAGE - 15.55±
LANDS TO BE RETAINED AND BLOCK 30
AREA - 424.8± sq m FRONTAGE - 16.09±

**PART 3**

**NOTE:**  
 DISTANCES WERE DERIVED FROM PLAN 62M-438 AND 62R-1087.

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

**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
 69 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L8N 2B9  
 PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KM	Checked RBM	Crew Chief DW	Scale 1:250	Dwg.No. 36549
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JANUARY 21, 2021  
 DATE

**VELVET COURT**  
 (ESTABLISHED BY PLAN 62M-438)  
 (WIDTH VARIES)



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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
<b>Registered Owners(s)</b>	Paul Silvestri 21 King Street West Suite 920 Hamilton ON L8P 4W7	
<b>Applicant(s)*</b>	Paul Silvestri	
<b>Agent or Solicitor</b>	WEBB Planning Consultants 244 James St. South Hamilton ON L8P 3B3	

\* 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 City of Hamilton	Lot Part Lot 16	Concession 2	Former Township Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address <b>560 Barton Street</b>			Assessment Roll N°.

- 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:

Not yet determined

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

Block 29 and Block 30 of Plan 62M-438

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

4.1 Description of land intended to be **Severed: Part 2 on attached sketch**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
nil	21.1	367

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 detached garage 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

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 and detached garage

Proposed: single detached dwellings

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, Low Density Res 2b

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

Proposal seeks to intensify an existing and underutilized residential property by creating two parcels that will be added to two remnants parcels within an abutting Registered Plan of Subdivision in keeping with the intent of the Intensification Policies of the UHOP, the proposed single detached dwellings are a permitted form of residential use at a scale of development that conforms with low density development in the Neighbourhoods designation. Appropriate municipal services are available and no conflicts with natural or

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? City of Stoney Creek Zoning By-law 3692-92 - R3 Zone

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.

		<b>Within 500 Metres of Subject Land,</b>
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<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<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?  
Site inspection, discussion with 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**

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

The lands are within the designated urban boundary and proposed to be developed for a use that is reflective of the adjoining development, will efficiently utilize the existing and planned municipal infrastructure and public service facilities.

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

The lands are within the designated urban boundary and proposed to be developed for a use that is reflective of the adjoining development, will efficiently utilize the existing and planned municipal infrastructure and public service facilities.

- 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)

- 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)

- 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)

## 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



the transferee and the land use.

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8.4 How long has the applicant owned the subject land?

Acquired in September 2020

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- 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.

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- 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)**

- 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.

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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)

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 (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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 <sup>2</sup> 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.

Please refer to cover letter for description of proposal and Policy overview

## 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 or 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



February 5, 2021

City of Hamilton  
Committee of Adjustment  
Economic Development & Planning Department  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield,  
Secretary Treasurer

Dear Ms. Sheffield,

**Re:** Application for Consent, 560 Barton Street, City of Hamilton  
Owner: Paul Silvestri

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WEBB Planning Consultants are retained by Paul Silvestri to co-ordinate the required municipal planning approvals to facilitate the creation of residential building lots from the property located at 560 Barton Street, Stoney Creek, City of Hamilton.

The subject lands are located in the Westmeria Neighbourhood of lower Stoney Creek. The property is located on the south side of Barton Street, just to the east of Dewitt Road. As illustrated by the accompanying sketch, the property has 21 metres of frontage and 55 metres of depth. The property is presently developed with a single detached dwelling and accessory structures which are proposed to be demolished to accommodate redevelopment.

Paul Silvestri previously developed the lands abutting to the west as the Cherry Blossom Plan of Subdivision, Registered as Plan 62M-438. The subdivision included the construction of Velvet Court which terminates in a cul-de-sac with lots backing onto Barton Street and the creation of remnant Blocks 29 and 30 that necessitate further land acquisition to create the required lot dimensions and shapes to accommodate single detached dwellings.

The acquisition of 560 Barton Street and merger with the remnant Blocks of Plan 62M-438 facilitates the necessary land acquisition requirements and will create a total of 3 lots for single detached dwellings; two lots that will front onto the existing cul-de-sac and the third lot which will continue to have it's frontage oriented to Barton Street.

The proposed severance applications and merging of title to create the three lots is summarized as follows:

- Sever Part 2 and merge with Block 29 of Plan 62M-438;
- Retain Part 3 and merge with Block 30 of Plan 62M-438;

- Retain Part 1, parcel does not require assembly as it has adequate area and frontage.

The proposal has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for the proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing and planned. As documented below, the proposal conforms to the Official Plan, the lands are being developed for their intended use and do not contain natural resources or flood hazards. It is our opinion that the proposal is consistent with the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designations, Consents for new lot creation for both the severed and retained lands shall be permitted provided the following conditions are met:

- a) The lots comply with the Policies of the Plan, including Secondary Plans where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.

We have considered the above criteria in the context of the lands to be severed and in our opinion the proposal conforms in all regards.

The proposed housing form and the scale of development complies with the applicable Policies for residential development within the Neighbourhoods designation. The property is within the Western Development Area Secondary Plan and the lands are designated as “Low Density Residential 2b”, the appropriate category for development of single detached dwellings. The proposed housing form and scale of development complies with the applicable policies.

The subject lands are presently zoned as “R3” Zone – Single Residential 3 Zone. According to the applicable Regulations, Single detached dwellings are a permitted use for the proposed lots, and the size and area of the proposed lots complies with the minimum requirements for a lot area of 370 square metres and a minimum lot frontage of 12.0

metres. Additional Regulations such as setbacks, building height and lot coverage will be assessed for compliance once Building Permit plans are prepared and submitted to the City.

The size and configuration of the proposed lots are in general compliance with the prevailing character of the surrounding lands which is predominantly single detached dwellings. The lots widths and areas are of a similar size with the adjoining lands, having similar "R3" Zoning in place to ensure consistent scale of dwellings with regard to the height, massing and setbacks. The proposed lot configuration retains the orientation of the existing dwelling at 560 Barton, rather than a change to a backlotted condition which is not preferred from an urban design standpoint.

The two consolidated lots will have frontage onto Velvet Court and the appropriate servicing laterals where installed with the development of the Cherry Blossom Plan of Subdivision. The Conditions of Consent approval are anticipated to include the requirement to enter into a Consent Agreement with the City which will facilitate the review and approval of the proposed servicing submission and lot grading plans. The retained parcel at 560 Barton will also be subject to a Consent agreement to confirm the suitability of the existing services and any proposed grading adjustments.

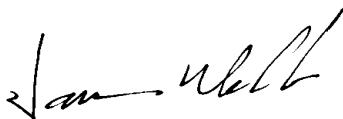
In keeping with the City's requirements for the submission of an Application for Consent, the following materials are enclosed:

- Completed Application Form;
- Application fee of \$2,860.00 payable to the City of Hamilton;
- Draft Sketch Plan illustrating the subject lands.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Consent. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: Paul Silvestri