



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-21:28

**SUBJECT PROPERTY:** 35 Windemere Rd., 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):**

Agent Urban Solutions  
Owners Susan & Victor Fontana

**PURPOSE OF APPLICATION:**

To establish an access easement on a parcel of rural residential land for the purpose of future maintenance of a shoreline protection wall.

To be heard in conjunction with SC/B-21:26.

**Access Easement lands:**

2.0 m<sup>±</sup> x 63.20 m<sup>±</sup> and an area of 126.40m<sup>2</sup> <sup>±</sup>

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, May 27th, 2021

**TIME:** 2:50 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:

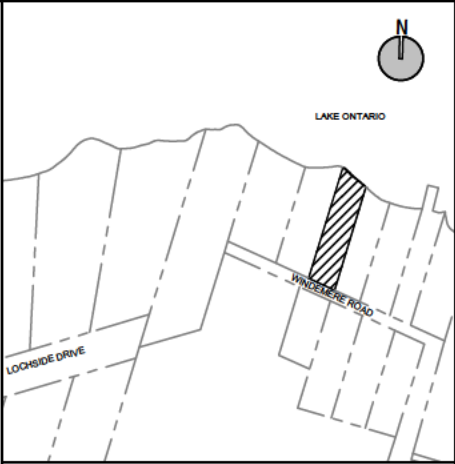
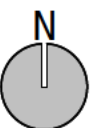
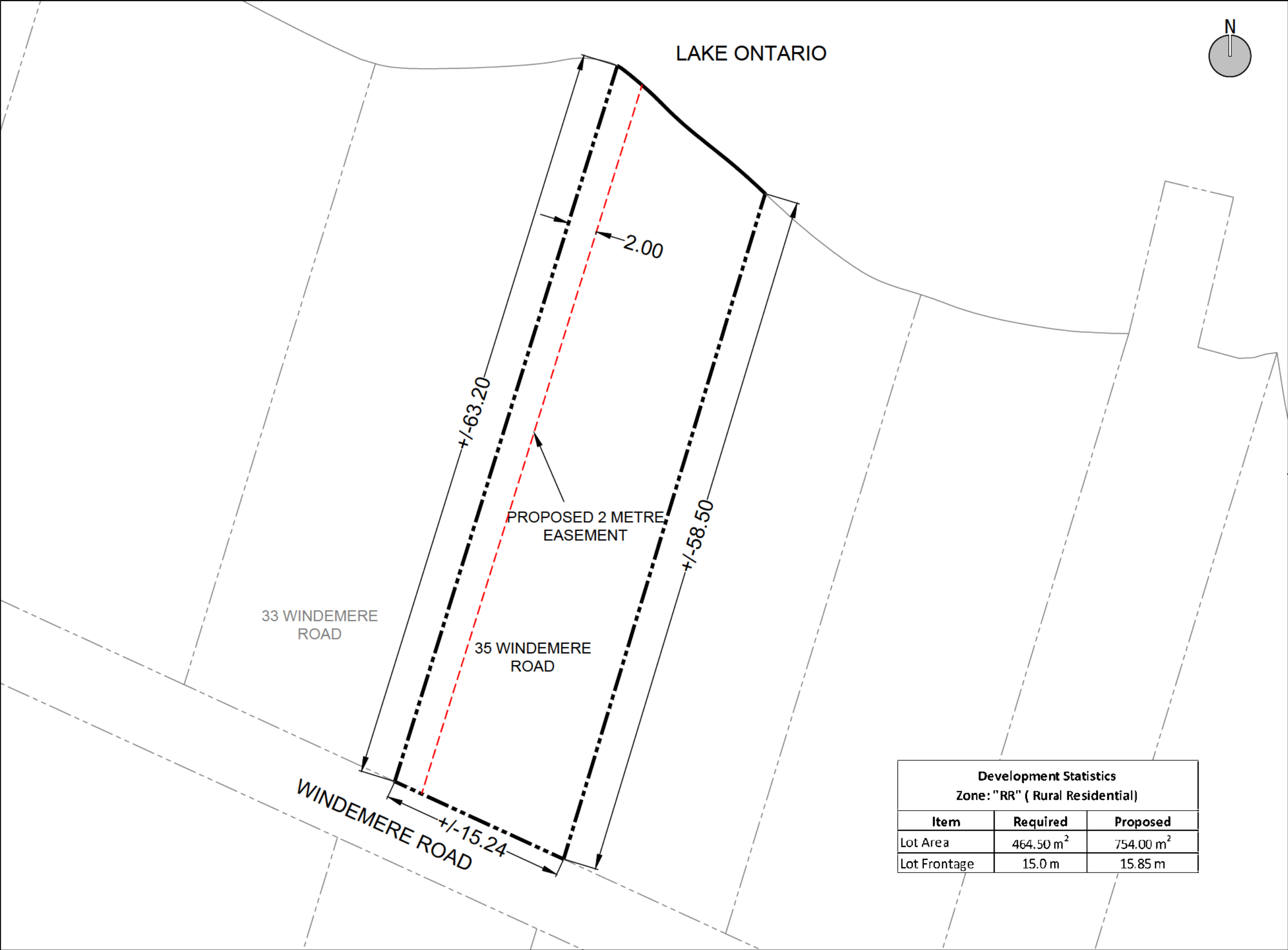
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: May 11th, 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.***



KEY MAP - N.T.S.

SCALE: 1:250  
METRES

0 5 10 m

LEGEND:

- SUBJECT LANDS
- - - - - PROPERTY BOUNDARIES
- x-x- EX. FENCE
- - - - - PROP. EASEMENT LINE

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: L. DRENNAN	CHECKED BY: M. JOHNSTON
DRAWN BY: L. DRENNAN	DATE: MARCH 11, 2021

**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

PROJECT:

**35 WINDEMERE ROAD**  
CITY OF HAMILTON

CLIENT:

**LILINANA RIZOPULOS-PINEDA &  
GEORGE RIZOPULOS**

TITLE:

**COMMITTEE OF ADJUSTMENT  
SKETCH**

U/S FILE NUMBER:	SHEET NUMBER: <b>1</b>
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Development Statistics Zone: "RR" ( Rural Residential)		
Item	Required	Proposed
Lot Area	464.50 m <sup>2</sup>	754.00 m <sup>2</sup>
Lot Frontage	15.0 m	15.85 m



March 30, 2021

**Via Email and Delivered**

Ms. 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: 35 Windemere Road, Hamilton  
Consent to Sever Application**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Liliana Rizopulos-Pineda & George Rizopulos, owner for the lands municipally known as 35 Windemere Road, in the City of Hamilton. Please accept the enclosed Application for Consent to Sever to facilitate the registration of an easement on the subject property on their behalf.

The subject property is located in Stoney Creek north of Windemere Drive and south of Lake Ontario. The site is currently vacant where a single detached dwelling is proposed. The subject lands is approximately 15.24 metres in lot frontage and approximately 53.24 metres in depth. The subject lands is designated as "Neighbourhoods" in the Urban Hamilton Official Plan and is zoned "RR" (Rural Residential) in the City of Stoney Creek Zoning By-law No. 3692-92.

**Purpose of the Application**

The purpose of this Consent Application is to register a 2 metre easement between the western lot line of 35 Windemere Road for the purposes of future maintenance of a shoreline protection wall. This easement will be created in conjunction with an additional 2 metre easement along the eastern lot line at 33 Windemere Road to create a total of 4 metre easement. This application will help facilitate a Permit for Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses with the Hamilton Conservation Authority. This application is to be reviewed concurrently with a separate application for the lands municipally known as 33 Windemere Road.

To assist in the evaluation of the application, please refer to the enclosed Committee of Adjustment Sketch.

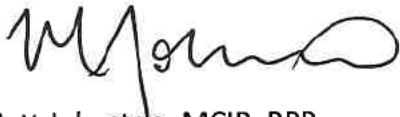
The Consent Application is in keeping with Section 53(1) of the *Planning Act*, R.S.O. 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. Based on the above analysis, UrbanSolutions believes that the applications represent good land use planning and satisfy Sections 45(1) and 53(1) of the *Planning Act*.

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

- One (1) PDF of the completed Consent to Sever Application form;
- One (1) PDF of the Committee of Adjustment Sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$820.00** made payable to the Hamilton Conservation Authority; and,
- One (1) cheque in the amount of **\$2,860.00** made payable to the City of Hamilton.

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

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Laura Drennan, BA  
*Planning Technician*

cc: Liliana Rizopulos-Pineda & George Rizopulos, Owner of 35 Windemere Road (via email)  
Victor and Susan Fontana, Owner of 33 Windemere Road (via email)  
Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (via email)



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**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>	Liliana Rizopulos-Pineda George Rizopulos	<div></div>
<b>Applicant(s)*</b>	Same as applicant	
<b>Agent or Solicitor</b>	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	
		E-mail:

\* Owner's authorized representative

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	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 35 Windemere 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: N/A

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**: N/A - Proposed easement

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
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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: \_\_\_\_\_

Proposed: \_\_\_\_\_

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

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

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): N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

Secondary Plan: Urban Lakeshore Area

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

This application is to create an easement to construct a retaining wall as part of shoreline protection. Please refer to cover letter for additional information.

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? "RR" Rural Residential in the Stoney Creek By-law No. 3692-92.

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"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A



<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	N/A
<b>A flood plain</b>	<input type="checkbox"/>	N/A
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	N/A
<b>An active railway line</b>	<input type="checkbox"/>	N/A
<b>A municipal or federal airport</b>	<input type="checkbox"/>	N/A

## 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 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. [N/A](#)  
 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.](#)

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

Please refer to cover letter.

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

Please refer to cover letter.

- 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

N/A

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

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 N/A

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 N/A

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