



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: HM/B-21:38

SUBJECT PROPERTY: 164 Newlands Ave., Hamilton

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
Owner SASC Corp.

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

Severed lands:

7.06m[±] x 30.40m[±] and an area of 231.04m^{2±}

Retained lands:

7.06m[±] x 30.40m[±] and an area of 231.04m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-21:184**

The Committee of Adjustment will hear this application on:

DATE: Thursday, June 17th , 2021

TIME: 2:45 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

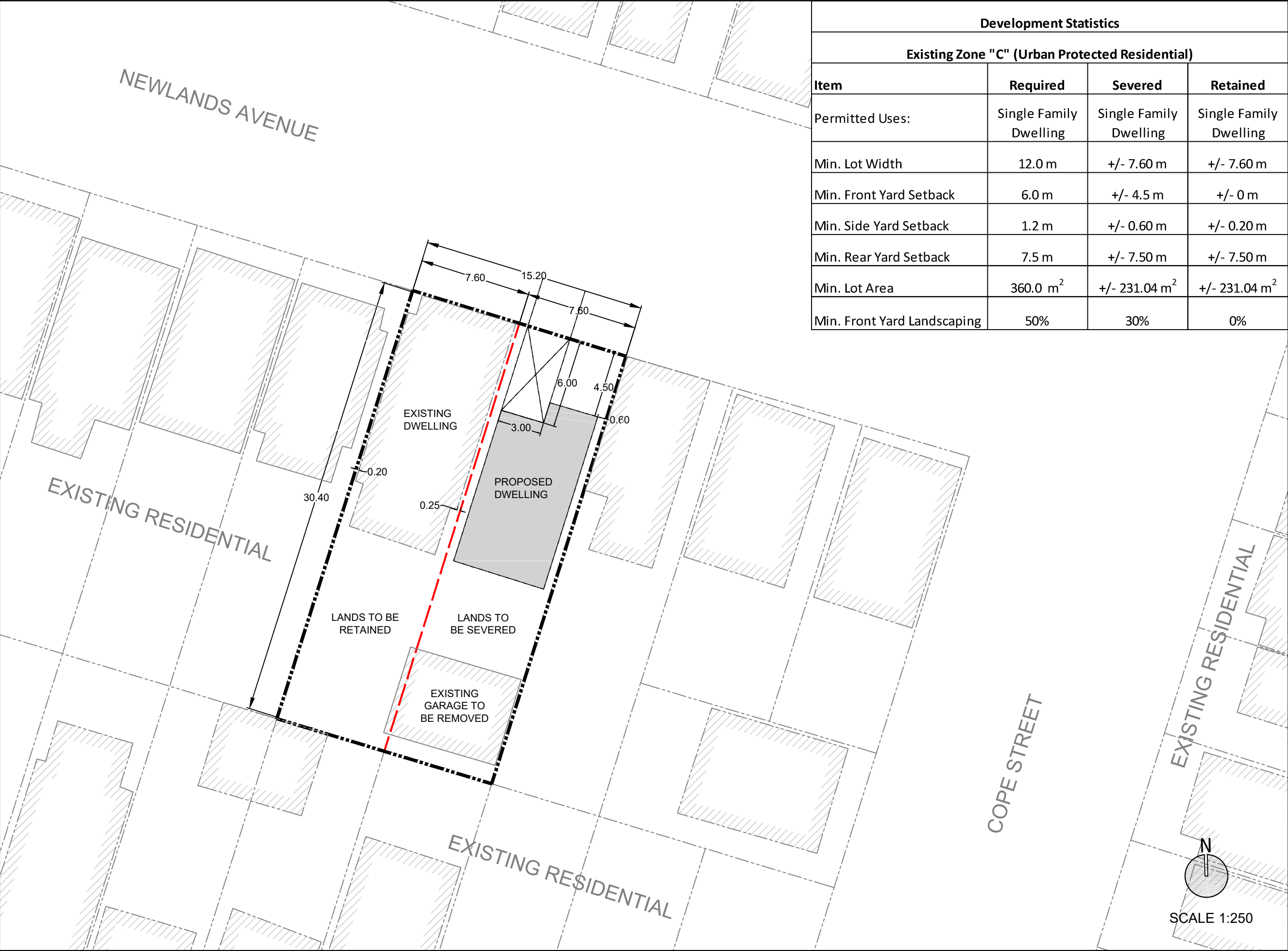
For more information on this matter, including access to drawings illustrating this request:

- 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

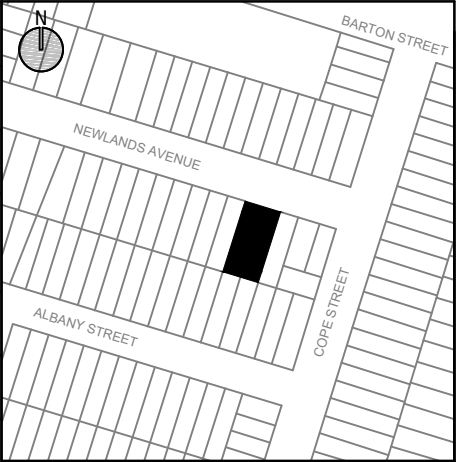
DATED: June 1st, 2021

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.



Development Statistics			
Existing Zone "C" (Urban Protected Residential)			
Item	Required	Severed	Retained
Permitted Uses:	Single Family Dwelling	Single Family Dwelling	Single Family Dwelling
Min. Lot Width	12.0 m	+/- 7.60 m	+/- 7.60 m
Min. Front Yard Setback	6.0 m	+/- 4.5 m	+/- 0 m
Min. Side Yard Setback	1.2 m	+/- 0.60 m	+/- 0.20 m
Min. Rear Yard Setback	7.5 m	+/- 7.50 m	+/- 7.50 m
Min. Lot Area	360.0 m ²	+/- 231.04 m ²	+/- 231.04 m ²
Min. Front Yard Landscaping	50%	30%	0%



KEY MAP - N.T.S.

SCALE: 1:250

0 5 10m

LEGEND:

- SUBJECT LANDS
- - - PROPOSED SEVERANCES
- - - PROPERTY LINES

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: S. FURLONG	CHECKED BY: M. JOHNSTON
DRAWN BY: S. FURLONG	DATE: APRIL 19, 2021

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

PROJECT:
164 NEWLANDS AVE.
CITY OF HAMILTON

CLIENT:
SASC CORPORATION

TITLE:
SEVERANCE SKETCH

U/S FILE NUMBER: 401-21	SHEET NUMBER: 1
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April 23, 2021

401-21

Via Email and Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 164 Newlands Avenue, City of Hamilton
Minor Variance & Consent to Sever Applications**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of SASC Corporation, the registered owner of the lands municipally known as 164 Newlands Avenue, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Minor Variance and Consent to Sever Applications to the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan (UHOP) and are located in the (Urban Protected Residential) "C" District of the former City of Hamilton Zoning By-law No. 6593. The subject lands currently have a lot area of 462.08 m² and a frontage of more than 15 metres, considerably larger and wider than the balance of the surrounding residential neighbourhood. The lot contains a single detached dwelling in addition to a detached garage which is to be removed.

The purpose of the Consent to Sever application is to sever the subject lands in to two (2) separate parcels. The existing dwelling on the retained lands will remain while having a lot area of 231.04 m² and frontage of 7.60 m while the severed lands will have a lot area of 231.04 m² and 7.60 m of frontage.

The Consent to Sever 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. The subject lands have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

The purpose of the Minor Variance application is to facilitate the development of a single detached dwelling on the lot that is to be severed. The requested minor variances for the lands to be retained reflect the existing site conditions at 164 Newlands Avenue. The division of lands and minor variances are outlined on the enclosed Committee of Adjustment Sketch in addition to below:

Lands to be Severed

1. To permit a minimum front yard of +/- 4.5 metres, whereas 6.0 metres is required.
2. To permit a minimum side yard of +/- 0.6 metres whereas 1.2 metres is required.
3. To permit a minimum lot width of +/- 7.60 metres whereas 12.0 metres is required.
4. To permit a minimum lot area of +/- 231 metres whereas 360.0 metres is required.
5. To permit a minimum of 30% the gross area of the front yard instead of the minimum 50% required front yard landscaped area.
6. To permit front yard parking.
7. No onsite manoeuvring shall be provided for the two (2) required parking spaces for the portion of the lands to be severed, instead of the requirement that manoeuvring space abutting and accessory to each required parking space shall be provided and maintained on the lot.

Lands to be Retained

8. To permit a minimum front yard of +/- 0 metres, whereas 6.0 metres is required.
9. To permit a minimum side yard of +/- 0.2 metres whereas 1.2 metres is required.
10. To permit a minimum lot width of +/- 7.60 metres whereas 12.0 metres is required.
11. To permit a minimum lot area of +/- 231 metres whereas 360 metres is required.

Section 45(1) of the *Planning Act*, R.S.O., 1990, as amended, requires a Minor Variance to satisfy four tests. As noted earlier, the subject property has considerably more frontage than the other lots on this street. With the position of the existing dwelling on the west half of the lot, the proposed severance accommodates a new dwelling, filling in the gap along the streetscape. With the variances proposed, the severance makes the lots and dwellings to be more in keeping and compatible with the surrounding neighbourhood. As such, the proposed variances satisfy the four test contained Section 45(1) of the Planning Act and represent good land use planning.

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

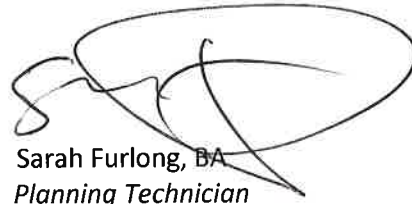
- One (1) copy of a completed Consent to Sever application form;
- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Committee of Adjustment Sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$2,860.00** made payable to the City of Hamilton for the Consent to Sever application; and,
- One (1) cheque in the amount of **\$3,320.00** payable to the City of Hamilton for the Minor Variance application.

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

Regards,
UrbanSolutions

A handwritten signature in black ink, appearing to read 'Matt Johnston', with a stylized, flowing script.

Matt Johnston, MCIP, RPP
Principal

A handwritten signature in black ink, appearing to read 'Sarah Furlong', with a large, circular loop and a sharp diagonal stroke.

Sarah Furlong, BA
Planning Technician

cc: SASC Corporation



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)	SASC Corporation	261 Graham Avenue South Hamilton, ON L8K 2M7	Phone:
			E-mail:
Applicant(s)*	Same as owner		Phone:
			E-mail:
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	3 Studebaker Place, Unit 1 Hamilton, ON L8L 0C8	Phone: (905)546-1087
			E-mail: mjohnston@urbansolutions.info

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 164 Newlands Avenue			Assessment Roll N°.

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

☐ Yes ☐ No ☐ Unknown

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**:

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 7.06 m	+/- 30.40 m	+/- 231.04 m ²

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: Refer to enclosed Severance Sketch

Proposed: Refer to enclosed Severance Sketch

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 ² or ha)
+/- 7.06 m	+/- 30.40 m	+/- 231.04 m ²

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: Residential dwelling

Proposed: Residential dwelling to remain

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) Unkown

☐ 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

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

The Neighbourhoods designation permits residential uses which is proposed on the subject lands.

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "C" (Urban Protected Residential, Etc.) in City of Hamilton Zoning By-law No. 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.

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

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

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.