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-21:42

SUBJECT PROPERTY: 58 Tom St. & 134 Dundurn St. N., 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 Jeff Buisman
Owners H. Lee & Y. Song

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to adjoining property known as 134 Dundurn St. N.

Severed lands:
4.9m± x 6.7m± and an area of 33m$^{2\pm}$

Retained lands:
5.9m± x 20.6m± and an area of 125m$^{2\pm}$

The Committee of Adjustment will hear this application on:

DATE: **Thursday, July 8th , 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.

…/2

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 22nd, 2021

_____
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

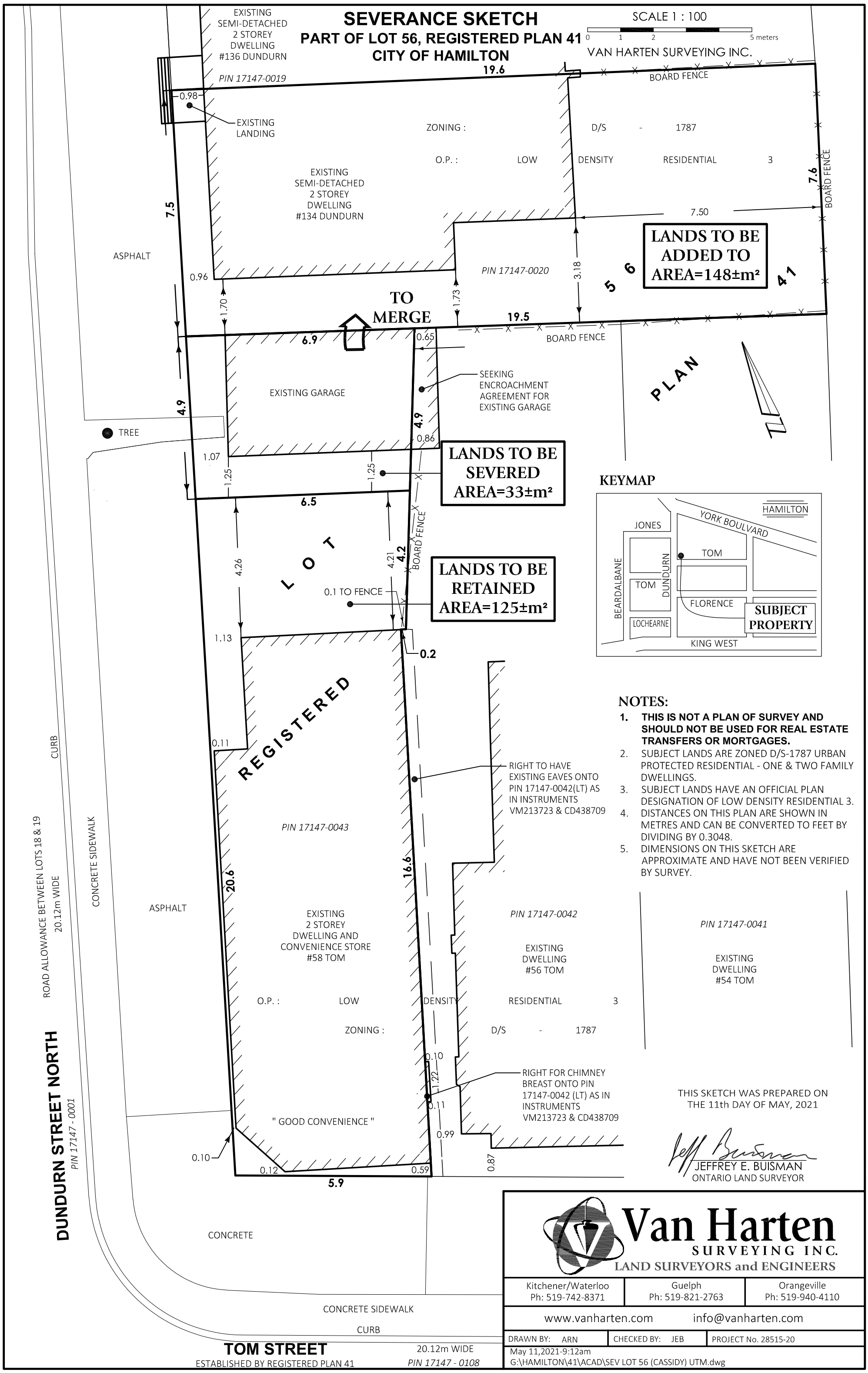
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

SEVERANCE SKETCH
PART OF LOT 56, REGISTERED PLAN 41
CITY OF HAMILTON

SCALE 1 : 100

0 1 2 5 meters

VAN HARTEN SURVEYING INC.



NOTES:

1. **THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.**
2. SUBJECT LANDS ARE ZONED D/S-1787 URBAN PROTECTED RESIDENTIAL - ONE & TWO FAMILY DWELLINGS.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF LOW DENSITY RESIDENTIAL 3.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

THIS SKETCH WAS PREPARED ON THE 11th DAY OF MAY, 2021

JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

Van Harten SURVEYING INC.
LAND SURVEYORS and ENGINEERS

Kitchener/Waterloo	Guelph	Orangeville
Ph: 519-742-8371	Ph: 519-821-2763	Ph: 519-940-4110

www.vanharten.com info@vanharten.com

DRAWN BY: ARN	CHECKED BY: JEB	PROJECT No. 28515-20

May 11,2021-9:12am
G:\HAMILTON\41\ACAD\SEV LOT 56 (CASSIDY) UTM.dwg

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

May 11, 2021
28515-20
Jeff.Buisman@vanharten.com

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

Attention: Morgan Evans, Committee of Adjustment Secretary-Treasurer

Dear Ms. Evans:

Re: Lot Line Adjustment Application and Sketch
58 Tom Street & 134 Dundurn Street North
Part of Lot 56, Plan 41
PIN 17147-0043 & PIN 17147-0020
City of Hamilton

Please find enclosed an application for a Lot Line Adjustment Severance and Sketch on the above-mentioned properties. Included with this submission are copies of the Severance Sketch, completed application form, PIN report and map, and the required deeds. Payment of $2,860.00 for the application fee will be made by credit by the applicant, Mr. Thomas Cassidy.

Previous emails with Hamilton Conservation confirmed that this parcel is not within the regulated area and we do not anticipate needing the Conservation review and therefore, we did not include payment for the Conservation Authority.

Proposal:

The proposal of this lot line adjustment is to reconfigure the above-mentioned properties so that the existing detached garage at #58 Tom Street (PIN 17147-0043) is merged with the adjacent parcel to the north at #134 Dundurn Street North (PIN 17147-0020) for continued residential use.

The Severed Parcel has a frontage of 4.9m along Dundurn Street North, a depth of 6.5m / 6.9m for an area of 33±m^2 where the existing detached garage is located.

The Retained Parcel at #58 Tom is a corner lot with a frontage of 5.9m along Tom Street, frontage of 20.6m along Dundurn Street North for an area of 125±m^2 where the existing 2 storey dwelling and convenience store ("Good Convenience") will remain.

The Lands to be Added at #134 Dundurn Street North (PIN 17147-0020), owned by Mr. Thomas Cassidy, contains an existing 2 storey semi-detached dwelling with a frontage of 7.5m, depth of 19.6m, for an area of 148±m^2. The intention is to have the existing detached garage be part of this parcel and continue to be used for residential purposes.

As shown on the sketch, the rear portion of the existing detached garage is encroaching onto #56 Tom Street (PIN 17147-0042) – which has been the case for many years. After discussions with Planning Staff and the owner, an Encroachment/Maintenance Agreement is being pursued for the rear portion of the garage that is encroaching onto the #56 Tom Street.

The subject properties are zoned D/S-1787 Urban Protected Residential – One & Two Family Dwellings and have an Official Plan designation of Low Density Residential 3. The proposed lot line adjustment follows the guideline set out in Section 1.14.3.6 where it states that "minor lot line adjustments shall be permitted provided there is no increased fragmentation of a core area and the adjustments do not conflict with intent of the policies of this Plan."

This application is minor in nature as the purpose is to slightly reconfigure the lands and to allow the existing detached garage to the with the dwelling at #134 Dundurn for continued residential use.

Please call me if you or the Planning Staff have any questions.

Very truly yours,
Van Harten Surveying Inc.

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

cc Thomas Cassidy
cc Youngsook Song & Hyungha Lee

Province of Ontario

Transfer/Deed of Land

Form 1 — Land Registration Reform Act, 1984

A

FOR OFFICE USE ONLY

438709CD
NUMBER CERTIFICATE OF REGISTRATION

1987 DEC -7 P 3:55

WENTWORTH No. 62 HAMILTON
LAND REGISTRAR

New Property Identifiers

Additional: See Schedule ☐

Executions

Additional: See Schedule ☐

(1) Registry ☒ Land Titles ☐

(2) Page 1 of ~~1~~ 4 pages

(3) Property identifier(s) Block Property

Additional: See Schedule ☐

(4) Consideration

TWO HUNDRED & FOURTEEN THOUSAND Dollars $ 214,000.00

(5) Description This is a: Property Division ☐ Property Consolidation ☐

Part of Lot 56, Plan 41.
A.N. McNab Survey,
City of Hamilton
Regional Municipality of Hamilton-Wentworth

(6) This Document Contains (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☒ Additional Parties ☐ Other ☒

(7) Interest/Estate Transferred Fee Simple

(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that the person consenting below is my spouse.

Name(s)	Signature(s)	Date of Signature Y	M	D
GILL, Asghar J.	A J Gill	1987	12	04

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)	Signature(s)	Date of Signature Y	M	D
GILL, Rosie	R A Gill	1987	12	04

(10) Transferor(s) Address for Service c/o 950 King Street West, Hamilton, Ontario L8S 1K8

(11) Transferee(s)

	Date of Birth Y	M	D
RYU, Sam Hyon	1925	03	03
RYU, Jungok	1939	04	29
as joint tenants			

(12) Transferee(s) Address for Service 128 Dundurn St. N. Hamilton, L8R 3E8

Planning Act — OPTIONAL

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983.

Signature A J Gill Date of Signature 1987 12 04 Signature Date of Signature Y M D

Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1983 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Name and Address of Solicitor NORMAN WATSON 950 KING ST W HAMILTON ONT Signature N Watson Date of Signature 1987 12 04

Affix Statement by Solicitor for Transferee(s) here if necessary

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (ii) of the Planning Act, 1983 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1983. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Name and Address of Solicitor C. David Gould 57 Chatham Street Brantford, Ontario. Signature [signature] Date of Signature 1987 12 07

(15) Assessment Roll Number of Property

Cty.	Mun.	Map	Sub.	Par.
25	18	010	103	03660

(16) Municipal Address of Property
128 Dundurn Street N.
Hamilton, Ontario
L8R 3E8

(17) Document Prepared by:
SIMPSON & WATSON
950 KING ST. W.
HAMILTON, ONTARIO
Box 137

FOR OFFICE USE ONLY

Fees and Tax	
Registration Fee	16.00
Land Transfer Tax	1865.00
R.S. TAX	70.00
Total	

Newcombe and Gilbert, Limited

Province of Ontario

Schedule

Form 5 — Land Registration Reform Act, 1984

Page 2 **S**

Additional Property Identifier(s) and/or Other Information

in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and Province of Ontario and being composed of part of Lot Number 56 on the northeast corner of Dundurn and Tom Streets (sometimes called Guelph Street) in the block bounded by Dundurn, Devonport, York and Tom Streets, in A. N. McNab Survey and which may be more particularly described as follows; that is to say:

COMMENCING at the intersection of the northern limit of Tom Street with the eastern limit of Dundurn Street;

THENCE south sixty-eight degrees and eleven minutes east (S 68° 11' E) and following along the said northern limit of Tom Street nineteen feet and three and one-half inches (19' 3½") to an intersection with the production southerly of the eastern face of the eastern wall of the brick store and dwelling erected on the herein described parcel of land;

THENCE north eighteen degrees and twenty-one minutes east (N 18° 21' E) and following along the said eastern face of the eastern wall of the said mentioned store and dwelling fifty-four feet and four inches (54' 4") to the northeast corner of the said building;

THENCE easterly at right angles six inches (6") to an existing fence line;

THENCE north twenty-three degrees and five minutes east (N 23° 5' E) thirty feet three and one-half inches (30' 3½") to a point in the northern face of the northern wall of building used as a garage;

THENCE north seventy degrees and forty-nine minutes west (N 70° 49' W) and following along the northern face of the northern wall of said building twenty-two feet and three-quarter inches (22' 3/4") more or less to a point in the aforesaid eastern limit of Dundurn Street;

THENCE south eighteen degrees west (S 18° W) and following along the said eastern limit of Dundurn Street eighty-three feet and eight inches (83' 8") to the place of beginning.

ON the above described parcel of land being erected the brick store and dwelling and garage above mentioned. TOGETHER with the right to the owners or occupants of the said brick store and dwelling to have the chimney breast on the eastern face of the eastern wall of said dwelling project into the land immediately adjoining on the east in said lot to the extent of six inches (6") and for a width of four feet and two inches (4' 2").

AND ALSO to have the eave on the eastern side of said store and dwelling project over the land immediately adjoining on the east in said lot to the extent which it now does at present.

ALSO that the owner or occupant of the brick store and dwelling shall have the privilege of going on the land immediately adjoining to the east in said lot for the purpose of repairing said eaves.

ALSO that the owner or occupant of the garage above mentioned shall have the privilege of overhanging the eaves on the northern side of said garage in said lot to the extent to which they do at present and shall have the privilege of going on the adjacent property in said lot for the purpose of repairing said eaves.

FOR OFFICE USE ONLY

Province of Ontario

Schedule

Form 5 — Land Registration Reform Act, 1984

Additional Property Identifier(s) and/or Other Information

THE most recently registered deed carrying the same description as Instrument Number 02427 C.D.

FOR OFFICE USE ONLY

...e and Gilbert, Limited
...1158 (8/86)

Form 1 - Land Transfer Tax Act

Revised August, 1986

Affidavit of Residence and of Value of the Consideration

Refer to all instructions on reverse side.

IN THE MATTER OF THE CONVEYANCE OF *(insert brief description of land)* Part of Lot 56, Plan 41 A.N. McNab Survey, City of Hamilton, in the Regional Municipality of Hamilton-Wentworth;

BY *(print names of all transferors in full)* ASGHAR J. GILL,

TO *(see instruction 1 and print names of all transferees in full)* SAM HYON RYU and JUNGOK RYU, as joint tenants.

I, *(see instruction 2 and print name(s) in full)* SAM HYON RYU,

MAKE OATH AND SAY THAT:

1. I am *(place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s))*: *(see instruction 2)*
   - ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
   - ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
   - ☐ (c) A transferee named in the above-described conveyance;
   - ☐ (d) The authorized agent or solicitor acting in this transaction for *(insert name(s) of principal(s))* _____ described in paragraph(s) (a), (b), (c) above; *(strike out references to inapplicable paragraphs)*
   - ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for *(insert name(s) of corporation(s))* _____ described in paragraph(s) (a), (b), (c) above; *(strike out references to inapplicable paragraphs)*
   - ☒ (f) A transferee described in paragraph(C) *(insert only one of paragraph (a), (b) or (c) above, as applicable)* and am making this affidavit on my own behalf and on behalf of *(insert name of spouse)* JUNGOK RYU, who is my spouse described in paragraph (C) *(insert only one of paragraph (a), (b) or (c) above, as applicable)* and as such, I have personal knowledge of the facts herein deposed to.
2. ***(To be completed where the value of the consideration for the conveyance exceeds $250,000).***
   I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance
   - ☐ contains at least one and not more than two single family residences.
   - ☐ does not contain a single family residence.
   - ☐ contains more than two single family residences. *(see instruction 3)*

   Note: Clause 2(1) (d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of $250,000 where the conveyance contains at least one and not more than two single family residences.
3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. *(see instructions 4 and 5)* NONE.
4. **THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:**

(a) Monies paid or to be paid in cash	$ 99,000.00	
(b) Mortgages (i) Assumed *(show principal and interest to be credited against purchase price)*	$ Nil	
(ii) Given back to vendor	$ 115,000.00	
(c) Property transferred in exchange *(detail below)*	$ Nil	
(d) Securities transferred to the value of *(detail below)*	$ Nil	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	$ Nil	
(f) Other valuable consideration subject to land transfer tax *(detail below)*	$ Nil	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX *(Total of (a) to (f))*	$ 214,000.00	$ 214,000.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property *(Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)*		$ 1,000.00
(i) Other consideration for transaction not included in (g) or (h) above		$ Nil
(j) TOTAL CONSIDERATION		$ 215,000.00

All Blanks Must Be Filled In. Insert "Nil" Where Applicable.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. *(see instruction 6)* Nil
6. If the consideration is nominal, is the land subject to any encumbrance? Nil
7. Other remarks and explanations, if necessary. Nil

Sworn before me at the City of Brantford,
in the County of Brant,
this 4th day of December, 1987.

A Commissioner for taking Affidavits, etc.

Sam Hyon Ryu
SAM HYON RYU *(signature(s))*

Property Information Record

A. Describe nature of instrument: Transfer/Deed of Land

B. (i) Address of property being conveyed *(if available)*: 128 Dundurn Street N., Hamilton, Ontario. L8R 3E8.

(ii) Assessment Roll No. *(if available)*: 25 18 010 103 03660.

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed *(see instruction 7)*: 128 Dundurn Street N., Hamilton, Ontario. L8R 3E8.

D. (i) Registration number for last conveyance of property being conveyed *(if available)*: 02427 C.D.

(ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☒ No ☐ Not known ☐

E. Name(s) and address(es) of each transferee's solicitor
MESSRS. CALDER AND GOOLD,
BARRISTERS & SOLICITORS,
57 CHATHAM STREET,
BRANTFORD, ONTARIO.
N3T 2N8.

For Land Registry Office use only
REGISTRATION NO.
Land Registry Office No.
Registration Date

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT LT 56, PL 41 , A. MACNAB SURVEY , BOUNDED BY YORK, DEVONPORT, TOM & DUNDURN STREETS , AS IN AB312371 ; HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1997/02/17

OWNERS' NAMES
CASSIDY, THOMAS ELLIOT

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN						
WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17						
*** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) ***						
***SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:*						
*** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES **						
*** AND ESCHEATS OR FORFEITURE TO THE CROWN.*						
*** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF*						
*** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY*						
*** CONVENTION.*						
*** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.*						
***DATE OF CONVERSION TO LAND TITLES: 1997/02/17 ***						
WE840509	2012/06/29	TRANSFER	$219,000	CANNELLA, MARIALINA CANNELLA, SALVATORE	CASSIDY, THOMAS ELLIOT	C
WE1246126	2017/10/26	CHARGE	$500,000	CASSIDY, THOMAS ELLIOT	THE TORONTO-DOMINION BANK	C

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT LT 56, PL 41 , A. MACNAB SURVEY , BOUNDED BY YORK, DEVONPORT, TOM & DUNDURN STREETS , AS IN CD438709 EXCEPT FOURTH EASEMENT HEREIN ; T/W CD438709 ; HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1997/02/17

OWNERS' NAMES	CAPACITY	SHARE
LEE, HYUNGHA	JTEN	
SONG, YOUNGSOOK	JTEN	

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1997/02/17 ON THIS PIN						
WAS REPLACED WITH THE "PIN CREATION DATE" OF 1997/02/17						
*** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) ***						
***SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:*						
*** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES **						
*** AND ESCHEATS OR FORFEITURE TO THE CROWN.*						
*** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF*						
*** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY*						
*** CONVENTION.*						
*** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.*						
***DATE OF CONVERSION TO LAND TITLES: 1997/02/17 ***						
WE127680	2002/10/31	TRANSFER	$160,000	CHO, HEEJA CHO, JAEYUL	LEE, HYUNGHA SONG, YOUNGSOOK	C
WE127681	2002/10/31	CHARGE	$80,000	LEE, HYUNGHA SONG, YOUNGSOOK	KOREA EXCHANGE BANK OF CANADA	C

Hamilton

Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department
Planning Division

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.:

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	**Youngsook SONG & Hyungha LEE**	[redacted]	
Applicant(s)*			
Agent or Solicitor	**Jeff Buisman, Van Harten Surveying Inc.**		

***** 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	Lot	Concession	Former Township
Hamilton			
Registered Plan N°. **Plan 41**	Lot(s) **Part of Lot 56**	Reference Plan N°.	Part(s)
Municipal Address **58 Tom Street, Hamilton, ON L8R 1X4**			Assessment Roll N°. **251801010303660**

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:
Easement as in INST CD438709 for Eaves and Chimney onto PIN 17147-0042

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:
Thomas Cassidy (owner of 134 Dundurn Street North)

3.3 If a lot addition, identify the lands to which the parcel will be added:
Parcel will be added to 134 Dundurn Street North (PIN 17147-0020)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m² or ha)
4.9m	**6.7m**	**33m²**

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: **No Change**

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

Building(s) or Structure(s):

Existing: **Detached Garage**

Proposed: **No Change - Detached Garage**

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) **On Lands to be Added to**

☒ 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) **On Lands to be Added to**

☒ 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 (m² or ha)
5.9m / 6.5m	**20.6m**	**125m²**

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: **No Change**

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

Building(s) or Structure(s):

Existing: **2 Storey Apartment & Convenience Store**

Proposed: **No Change**

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) **Low Density Residential 3**

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

This proposal follows the objectives outlined in Section 3.4 of the Official Plan for Low Density Residential Designations. This proposal is for a minor boundary adjustment to allow the detached garage to be on the same parcel as the adjacent dwelling. The application also follows the Consent Policies listed in Section 1.14.3.6 of the OP for lot line adjustments.

5.2 What is the existing zoning of the subject land? **D/S-1787 - Urban Protected Residential**
If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

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	☐	

A land fill	☐	
A sewage treatment plant or waste stabilization plant	☐	
A provincially significant wetland	☐	
A provincially significant wetland within 120 metres	☐	
A flood plain	☐	
An industrial or commercial use, and specify the use(s)	☒	**Convenience Store on site**
An active railway line	☒	
A municipal or federal airport	☐	

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?

Based on residential use and client review

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

Section 1.1.3 of the PPS directs growth to occur within settlement areas. This application is for a minor boundary adjustment and is appropriately zoned. This will create a more logical lot pattern and allow the garage to be officially on the lands to be added to.

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

☒ Yes ☐ No (Provide explanation)

Section 1.1.3 of the PPS directs growth to occur within settlement areas. This application is for a minor boundary adjustment and is appropriately zoned. This will create a more logical lot pattern and allow the garage to be officially on the lands to be added to.

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

☒ Yes ☐ No (Provide explanation)

The Growth Plan for the GGH is coordinating for growth across the region including population and employment forecasts. This application is for a minor boundary adjustment which conforms with the Growth Plan.

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 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?

October 2002

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).

A second lot line adjustment application is being submitted simultaneously

File number _____ Status _____

10 RURAL APPLICATIONS **N/A**

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

(Complete Section 10.3)

☐ Rural Settlement Area Severance or Lot Addition

☐ 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 (m2 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 (m2 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 (m2 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 (m2 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 (m2 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 (m2 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 (m2 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 (m2 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.

Please see our covering letter for more details and justification for this proposal.

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 an 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