



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: HM/B-21:78

SUBJECT PROPERTY: 132 Stone Church Rd. E., Hamilton

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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 Margaret Mulchickyj  
Agent John Stirling

**PURPOSE OF APPLICATION:** To permit the conveyance of two (2) parcel of land shown as Part 2 & Part 3 on the attached sketch for single family residential purposes and to retain a parcel of land shown as Part 1 on the attached sketch for residential purposes. Existing dwelling to remain.

**Severed lands: Part 2**  
12.19m<sup>±</sup> x 33.50m<sup>±</sup> and an area of 408.37m<sup>2±</sup>

**Severed lands: Part 3**  
12.19m<sup>±</sup> x 33.50m<sup>±</sup> and an area of 408.37m<sup>2±</sup>

**Retained lands: Part 1**  
24.38m<sup>±</sup> x 57.16m<sup>±</sup> and an area of 1393.20m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, October 7th , 2021  
**TIME:** 1:55 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)

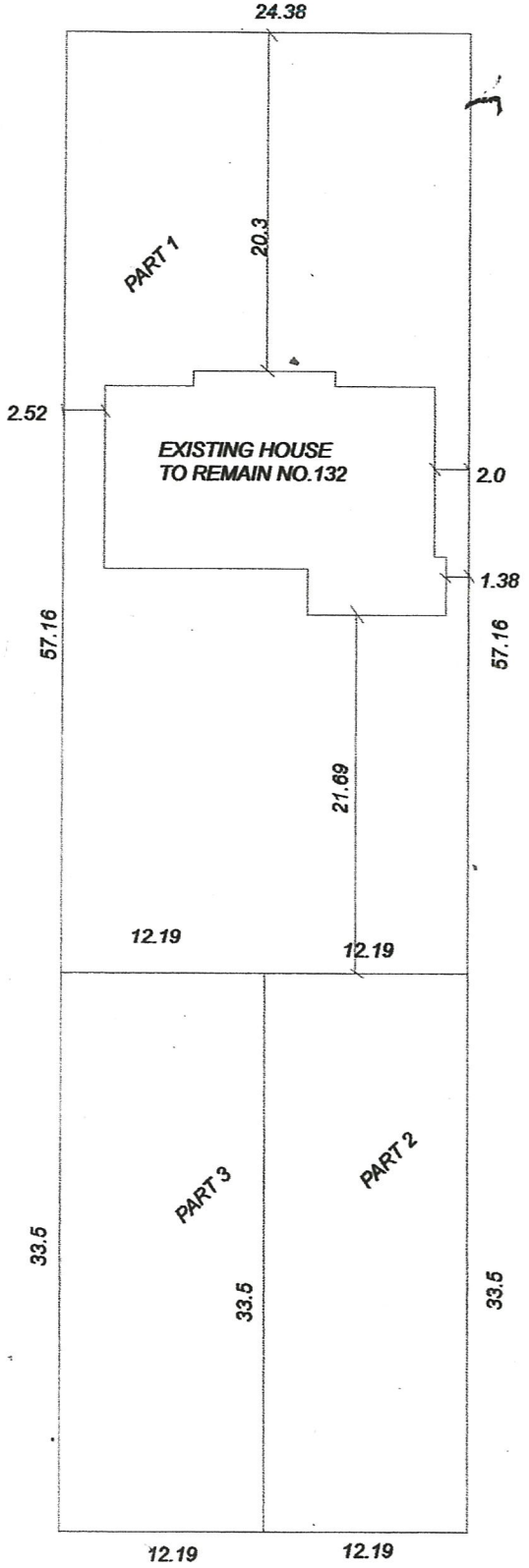
DATED: September 7th, 2021

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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.***

**STONE CHURCH ROAD EAST**



**SITE PLAN  
132 STONE CHURCH ROAD EAST  
HAMILTON, ONTARIO**

**SCOPE:  
TO DIVIDE A SINGLE LOT INTO 3 LOTS**

**LOT 1) WITH THE ORIGINAL HOUSE WOULD BE 1,393.195**

**LOT 3) 408.365 SQ. M**



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.: |
|----------------------------|-----------------------------------|-----------------|-----------|

**1 APPLICANT INFORMATION**

| 1.1, 1.2             | NAME                     | ADDRESS    |
|----------------------|--------------------------|------------|
| Registered Owners(s) | MAR GARET.<br>KOLCHYCKYJ | [REDACTED] |
| Applicant(s)*        |                          | [REDACTED] |
| Agent or Solicitor   | JOHN<br>STIRLING.        | [REDACTED] |

\* Owner's author

1.3 All correspondence should be sent to

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

|   |                     |                    |                               |
|---|---------------------|--------------------|-------------------------------|
| 2.1 Area Municipality<br>HAMILTON             | Lot<br>PART<br>13   | Concession<br>8    | Former Township<br>BURLINGTON |
| Registered Plan N°.                           | Lot(s)<br>6.        | Reference Plan N°. | Part(s)                       |
| Municipal Address<br>132 270 NE CHURCH RD. E. | 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: \_\_\_\_\_

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

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

4.1 Description of land intended to be Severed:

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 12.19        | 33.5      | 408.365                     |

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: 1 SINGLE FAMILY DWELLING

Proposed: NEW LOT FOR SINGLE FAMILY DWELLING

Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year  
 right of way  
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system  
 privately owned and operated individual well  
 lake or other water body  
 other means (specify) \_\_\_\_\_

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

4.2 Description of land intended to be Retained:

| Frontage (m) | Depth (m) | Area (m <sup>2</sup> or ha) |
|--------------|-----------|-----------------------------|
| 24.38        | 57.16     | 1393.185                    |

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: 1 SINGLE FAMILY DWELLING  
 Proposed: 1 NEW SINGLE FAMILY DWELLING

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): R AGRICULTURAL

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

OFFICIAL

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? R

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"/> | <u>NO</u>   |
| A land fill  | <input type="checkbox"/> | <u>NO</u>   |
| A sewage treatment plant or waste stabilization plant                | <input type="checkbox"/> | <u>NO</u>   |
| A provincially significant wetland                                   | <input type="checkbox"/> | <u>NO</u>   |

|   |                                     |            |
|---|-------------------------------------|------------|
| A provincially significant wetland within 120 metres    | <input type="checkbox"/>            | No         |
| A flood plain   | <input type="checkbox"/>            | No         |
| An industrial or commercial use, and specify the use(s) | <input checked="" type="checkbox"/> | Commercial |
| An active railway line                                  | <input type="checkbox"/>            | No         |
| A municipal or federal airport                          | <input type="checkbox"/>            | No         |

**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?  
ARCHIVES
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 Yes       No

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes       No

NO FUL DEVELOPMENT  
HIGHER DENSITY

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

2020 1.4.3 (b) (2) RESIDENTIAL IN TENTATIVE

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

GROWTH WITHIN EXISTING SETTLEMENT AREAS

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes  No

- 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.

- 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?

1970's

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).

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.

10.2 Type of Application (select type and complete appropriate sections)

- Agricultural Severance or Lot Addition
  - Agricultural Related Severance or Lot Addition
  - Rural Resource-based Commercial Severance or Lot Addition
  - Rural Institutional Severance or Lot Addition
  - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
  - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

**10.3 Description of Lands**

a) Lands to be Severed:

|                                  |  |
|----------------------------------|--|
| Frontage (m): (from Section 4.1) | Area (m <sup>2</sup> or ha): (from in Section 4.1) |
|----------------------------------|--|

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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) |
|----------------------------------|---|

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.

## 12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
  - i) are located on the subject land and on land that is adjacent to it, and
  - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

## 13 ACKNOWLEDGEMENT CLAUSE

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

f July 16 / 21  
Date

Margaret Kalchaykyj  
Signature of Owner

**16 CONSENT OF THE OWNER**

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

x I, MARGARET K Kulchyskyj the Owner, hereby agree and acknowledge  
(Print name of Owner)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

y July 16/21  
Date

Margaret Kulchyskyj  
Signature of Owner

**17 COLLECTION OF INFORMATION**

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1<sup>st</sup> floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.