



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-21:89

SUBJECT PROPERTY: 171-183 Glow 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 A.J. Clarke & Associates c/o Stephen Fraser
Owner Joseph Farah

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing and existing dwelling and to retain a parcel of land containing an existing commercial establishment and parking.

Severed lands:

7.6m[±] x 30.48m[±] and an area of 232.5m^{2±}

Retained lands:

30.48m[±] x 47.24m[±] and an area of 1,439.9m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-21:355**

The Committee of Adjustment will hear this application on:

DATE: Thursday, October 21st , 2021

TIME: 2:20 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

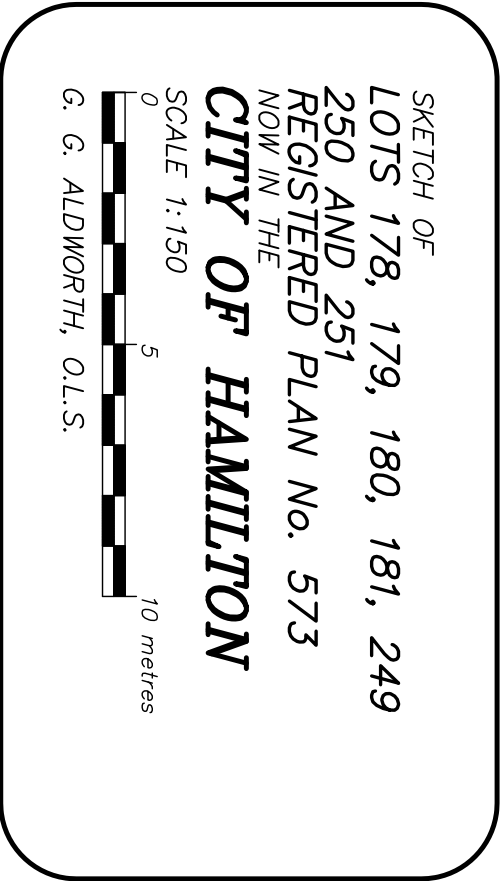
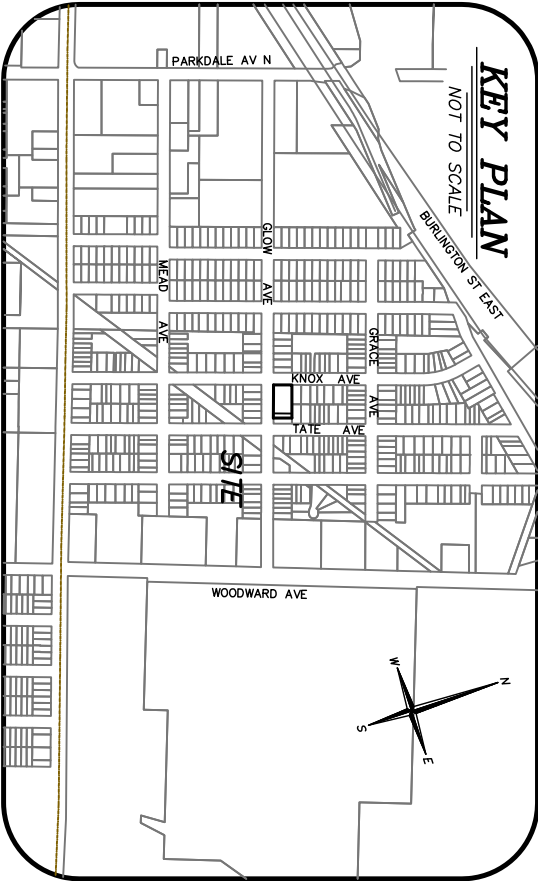
For more information on this matter, including access to drawings illustrating this request:

- 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: October 5th, 2021

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

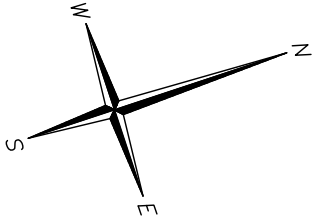
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.	
NOTE: SURVEY INFORMATION ON THIS SKETCH IS DERIVED FROM A PLAN OF SURVEY BY OUR OFFICE DATED JULY 19, 2021, FILE No. R-4564.dwg	
THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.	
CAUTION: THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.	
LAND SEVERANCE SCHEDULE: PART 1 – LANDS TO BE RETAINED PART 2 – LANDS TO BE SEVERED	
SEPT 7, 2021 DATE	G. G. ALDWORTH ONTARIO LAND SURVEYOR

A. J. Clarke and Associates Ltd.
SURVEYORS • ENGINEERS • PLANNERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajc Clarke.com

PROJECT No 218103R



REGISTERED LOT 177 PLAN 573 LOT 252

'C' DISTRICT ZONING

1 STOREY VINYL SIDED DWELLING
No 713

FRAME GARAGE

REGISTERED LOT 178 LOT 179 PLAN 573

LOT 180 LOT 181 LOT 251 LOT 250

LOT 249 LOT 248

'C' DISTRICT ZONING

PART 1
REMAINING LANDS
OF APPLICANT
PARKING

PART 2
PROPOSED
SEVERANCE
AREA=232.26m²

1 STOREY STUCCO
SIDED DWELLING
No 185

2 STOREY BRICK
DWELLING
No 183

1 STOREY BRICK AND VINYL SIDED BUILDING
GFA = 550.16 m² (5,952.43 ft²)

Existing
Loading
Area
3,70x9,00m

AREA=1,439.88m²

ASPHALT

Existing

Parking

Spaces

6

(typ.)

2.85

6.00

BACK OF CURB

30.48

EDGE OF PAVEMENT

0.11

3.74

CHAIN LINK FENCE

CONCRETE SIDEWALK

EDGE OF PAVEMENT

3.23

LANDSCAPE AREA

HP

CHAIN LINK FENCE

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EDGE OF PAVEMENT

3.23

LANDSCAPE AREA

HP

CHAIN LINK FENCE

KNOX AVENUE
(ESTABLISHED BY REGISTERED PLAN No. 573)
P. I. N. 17293-0307

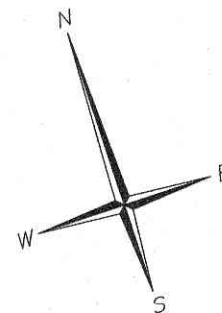
LOT 118 LOT 119

- LEGEND:
- DENOTES FOUND BAR
 - DENOTES PLANTED BAR
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - RIB DENOTES ROUND IRON BAR
 - CC DENOTES CUT CROSS
 - (OU) DENOTES ORIGIN UNKNOWN
 - (912) DENOTES A. J. CLARKE & ASSOCIATES LTD.
 - (P1) DENOTES PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED JULY 18, 1978 (FILE No. E-3233C)
 - (P2) DENOTES PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED FEBRUARY 19, 1974 (FILE No. E-3233)
 - (P3) DENOTES PLAN OF SURVEY BY A. J. CLARKE & ASSOCIATES LTD. DATED AUGUST 20, 1987 (FILE No. E-8000)
 - (P4) DENOTES REGISTERED PLAN No. 573
 - (P5) DENOTES BUILDING LOCATION SURVEY BY ASHENHURST NOUWENS LTD. DATED JULY 22, 1985
 - CLF DENOTES CHAIN LINK FENCE
 - 200# DENOTES TREE DIAMETER
 - HP DENOTES HYDRO POLE

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2171921

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

PLAN OF SURVEY OF
LOTS 178, 179, 180, 181, 249
250 AND 251
REGISTERED PLAN No. 573
NOW IN THE
CITY OF HAMILTON
SCALE 1:150
G. G. ALDWORTH, O.L.S.



REGISTERED PLAN No. 177

REGISTERED PLAN No. 252

REGISTERED LOT 178

REGISTERED LOT 179

REGISTERED LOT 180

REGISTERED LOT 181

REGISTERED LOT 251

REGISTERED LOT 250

REGISTERED LOT 249

REGISTERED LOT 248

TATE AVENUE
(ESTABLISHED BY REGISTERED PLAN No. 573)

PART 1 - PLAN R-4564

PART 2

-THE PARCEL IS NOT SUBJECT TO ANY
EASEMENTS OR RIGHT-OF-WAYS
-THE EXTENT OF THE PLAN IS MADE UP OF
OF 2 PARCELS (PIN 17293-0183 &
PIN 17293-0186)
-PLEASE NOTE THE LOCATION OF FENCES
AS SHOWN ON THE PLAN

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF JUNE, 2021

JULY 19, 2021
DATE

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

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

GLOW AVENUE

(ESTABLISHED BY REGISTERED PLAN No. 573)
P. I. N. 17293-0315

LOT 182 LOT 244

BEARINGS ARE ASTROMONIC AND ARE REFERRED TO THE
NORTHERLY LIMIT OF GLOW AVENUE AS SHOWN ON
REGISTERED PLAN No. 573, HAVING A BEARING OF N71°39'00"W.

PROJECT No 218103R



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**

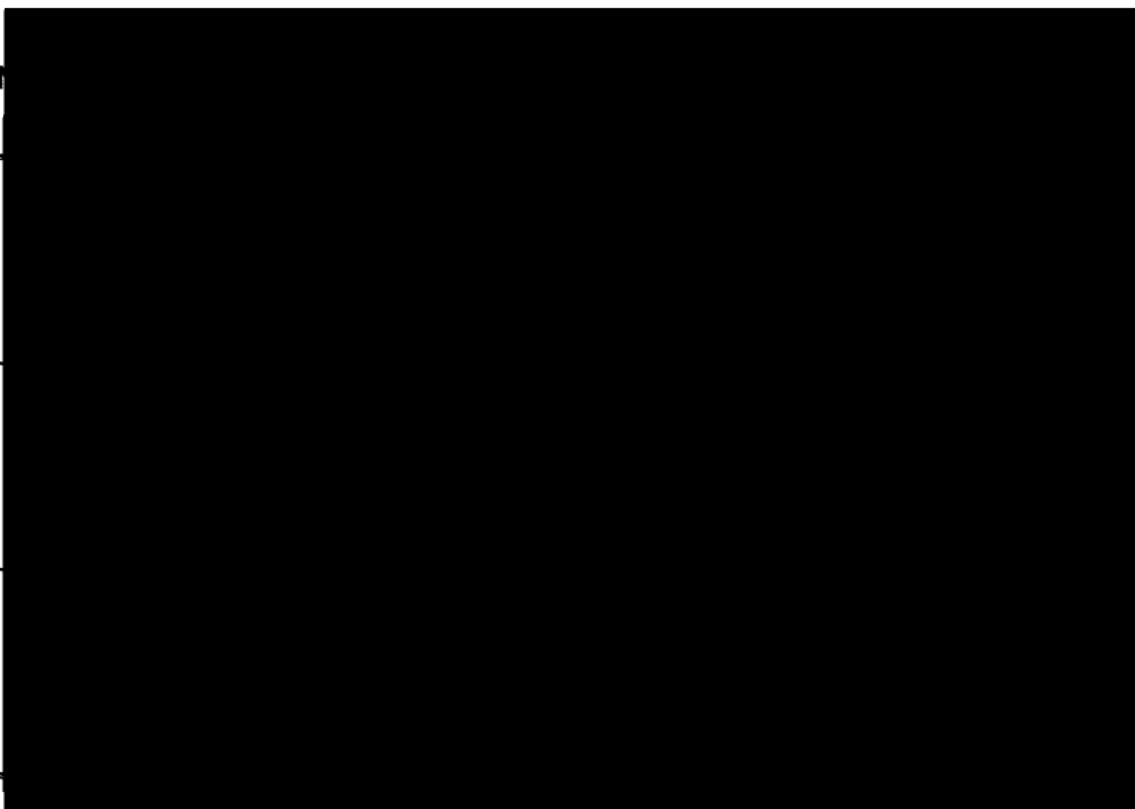
Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2

Registered Owners(s)
Applicant(s)*
Agent or Solicitor



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°. 573	Lot(s) 178-181 and 249-251	Reference Plan N°.	Part(s)
Municipal Address 183 Glow Avenue, Hamilton			Assessment Roll N°. 251805040202810

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:

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) +-7.6m	Depth (m) +- 30.48	Area (m ² or ha) +- 232.5sq.m
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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: one single detached dwelling

Proposed: no change

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) +-30.48 (Knox Ave)	Depth (m) +- 47.24	Area (m ² or ha) +-1,439.9sq m
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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

☐ Agriculture (includes a farm dwelling)

☐ Other (specify) _____

☐ Industrial

☐ Agricultural-Related

☒ Commercial

☐ Vacant

Building(s) or Structure(s):

Existing: One commercial establishment and associated parking

Proposed: no change

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) _____

4.3 Other Services: (check if the service is available)

☒ electricity

☒ telephone

☒ school bussing

☒ garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

The intent is to sever the existing detached dwelling from the commercial establishment such that each can be sold independently. The current dwelling and commercial plaza have merged on title. The retain lands will be used for solely commercial uses, rather than both commercial uses and a residential dwelling. The subject application will continue to enable the complementary commercial service of the plaza within the community as well as keep the existing dwelling which conforms to the function of the Neighbourhood designation

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? G - Neighbourhood Shopping Centre, Etc. and C - Urban Protected Residential District, Etc

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

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

6 PREVIOUS USE OF PROPERTY

- ☒ Residential
 ☐ Industrial
 ☒ Commercial
☐ Agriculture
 ☐ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use Grocery/deli and parking
- 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?
Online Mapping and property owner's knowledge
- 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

The proposed severance will not result in any new development, and will simplify the existing use of the subject site by allowing the existing residential to be subdivided from the commercial use and sold independently. As such, the application has regard for Section 2 of the Planning Act.

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

The subject application requests approval of a severance to establish a property line subdividing the existing commercial plaza from the existing single-detached home at 183 Glow Avenue and as such is consistent with the PPS.

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

While the application does not contemplate any development, the creation of the new lot line subdividing the existing commercial and residential uses conforms to 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

Only the Growth Plan as described above.

- 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?

Since February 2021

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 Not yet known Status Submitted concurrently

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

<input type="checkbox"/> Agricultural	<input type="checkbox"/> Rural	<input type="checkbox"/> Specialty Crop
<input type="checkbox"/> Mineral Aggregate Resource Extraction	<input type="checkbox"/> Open Space	<input type="checkbox"/> Utilities
<input type="checkbox"/> 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)

<input type="checkbox"/> Agricultural Severance or Lot Addition	} (Complete Section 10.3)
<input type="checkbox"/> Agricultural Related Severance or Lot Addition	
<input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition	
<input type="checkbox"/> Rural Institutional Severance or Lot Addition	
<input type="checkbox"/> Rural Settlement Area Severance or Lot Addition	
<input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation	(Complete Section 10.4)
<input type="checkbox"/> 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)
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Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
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Existing Land Use: _____ Proposed Land Use: _____

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m ² or ha):
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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 (m ² or ha): (from Section 4.1)
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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 (m ² or ha): (from Section 4.2)
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Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

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.

August 27, 2021

Date



Signature of Owner



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

September 10, 2021

The City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Via e-mail

Attn: Ms. Jamila Sheffield
Secretary-Treasurer, Committee of Adjustment

**Re: Severance and Minor Variance Applications
183 Glow Avenue, City of Hamilton**

Dear Madam,

On behalf of our clients, we are pleased to provide you with the enclosed submission in support of applications for consent to sever and minor variance for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$2,860.00 made payable to the City of Hamilton, in payment of the requisite Consent application fee;
2. A cheque in the amount of \$3,320.00 made payable to the City of Hamilton, in payment of the requisite Minor Variance application fee;
3. One (1) Electronic copy of a signed and executed Consent to Sever application form.
4. One (1) Electronic copy of a signed and executed Minor Variance application form.
5. One (1) Electronic copy of a Severance Sketch, Drawing R-4564A, Prepared by A.J. Clarke and Associates Ltd., dated September 7, 2021.
6. One (1) Electronic copy of a Plan of Survey, Drawing R-4564, Prepared by A.J. Clarke and Associates Ltd., dated July 19, 2021.

Proposal

The subject lands consist of two separate land uses which have since merged on title. Part 1 on the submitted sketch depicts an existing retail convenience store containing 19 parking spaces. Part 2 on the submitted plan depicts an existing single detached dwelling having zero existing parking spaces.

The purpose and intent of these applications are to sever the existing single detached dwelling from the commercial retail store and to recognize a number of existing conditions affecting the subject property. No new construction is proposed.

The subject lands are designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Accordingly, both local commercial uses and single detached dwellings are permitted within the Neighbourhoods Designation.



Part 1, containing the retail commercial use, is zoned “G” (Neighbourhood Shopping Centre) Zone. Commercial Uses are permitted in the “G” District. Part 2, containing the single detached dwelling, is zoned “C” (Urban Protected Residential) Zone, which permits a single detached dwellings as of right.

Severance Application

The severance application proposes the following lot fabric:

	Area	Frontage
Part 1 – Lands to be Retained	1,439 m ²	47.24 m
Part 2 – Lands to be Severed	232 m ²	7.6 m

The proposed lots have frontage onto a public road, are connected to municipal services and will conform to the Zoning By-law upon approval of the variances listed below. The severance application has merit as it proposes to correct the boundary of the two parcels of land which have since merged on title.

Minor Variance Application

A number of variances are required to facilitate the severance application and the resultant non-complying situations stemming from the severance. The following variances are necessary to facilitate the severance application.

Part 1 – Retained Commercial Retail Building

1. To permit a minimum front yard setback of 0.6m whereas the By-law requires a minimum front yard of 6.0m.
2. To permit a minimum side yard setback of 1.0m whereas the By-law requires a minimum 1.2m side yard where the subject lands abut a residential district.
3. To permit a rear yard setback of 0.4m, whereas a minimum rear yard of 4.5m is required.
4. No planting strip be required whereas the By-law requires a minimum 1.5m planting strip adjacent to all side lot lines and rear lot line adjoining a residential district.
5. No landscaped area be provided for the parking area adjacent to a street line whereas an average of 2.0m wide but no less than 1.0m landscaped area is required.
6. That an air conditioner be permitted to be located 0.2m from the side yard, whereas a minimum side yard setback of 0.6m is required.
7. A minimum parking space size of 2.5m x 5.5m be provided, whereas a minimum parking space size of 2.7m x 6.0m is required to be provided.



8. That a parking area be permitted to be located 0.0m from the street line, whereas a parking area containing 5 or more spaces shall be 6.0m from the street line.
9. That no landscape strip be provided along the boundary of a residential district, whereas a landscape strip shall be provided where a parking area is located along the boundary of a residential district.
10. That no visual barrier be provided between the parking area along the boundary of a residential district whereas a visual barrier is required to be provided between a parking area and the boundary of a residential district.
11. That no bumpers or wheel barriers be provided for the parking area, whereas a parking area is required to provide wheel barriers for a parking area where there are more than 5 parking spaces on a lot.

Part 2 – Severed Residential Dwelling

1. To permit a minimum side yard of 0.9m whereas a minimum side yard of 1.2m is required.
2. To permit a minimum lot frontage of 7.6m whereas a minimum lot frontage of 12m is required.
3. To permit a minimum lot area of 232m², whereas the minimum lot area of 360m² is required.
4. To permit a terrace, uncovered porch, platform to encroach 0.1m from the side lot line, whereas a terrace, uncovered porch, platform shall be distant at least 0.5m from the side lot line.
5. To permit 0% front yard landscaping whereas a minimum of 50% of the front yard is required to be landscaped.
6. To permit zero parking spaces whereas a minimum of 2 parking spaces is required for a singled detached dwelling.

The above noted variances recognize a number of existing conditions affecting the property. The application has merit as it will facilitate the conveyance of the residential use from the existing commercial use on site. The proposed variances meet the four tests as listed under Section 45 (1) of the *Planning Act* as they represent existing conditions that have continued on the subject lands since their original construction.

The severance application facilitates the conveyance of a single detached dwelling from a commercial piece of land. Accordingly, the proposal satisfies the matters listed under Section 51 (24) of the *Planning Act* and the proposal conforms to the Urban Hamilton Official Plan.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.



We look forward to being scheduled to the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, MCIP, RPP
A. J. Clarke and Associates Ltd.

Encl.

Copy: Mr. Joseph Farah joefarah905@gmail.com
Mr. Mahassen Farah mfarah@hastymarketcorp.com