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: SC/B-21:112

SUBJECT PROPERTY: 11 Kilbourn Ave., Stoney Creek

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 W. & V. Casciani Agent A.J. Clarke c/o M. Weekes
PURPOSE OF APPLICATION:	To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes. Existing structures to be removed. **Severed lands:** 13.72m± x 38.41m± and an area of 526.76m²±
	Retained lands: 13.71m± x 38.41m± and an area of 526.76m²±

The Committee of Adjustment will hear this application on:

DATE:	**Thursday, January 20th , 2022**
TIME:	**2:55 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:

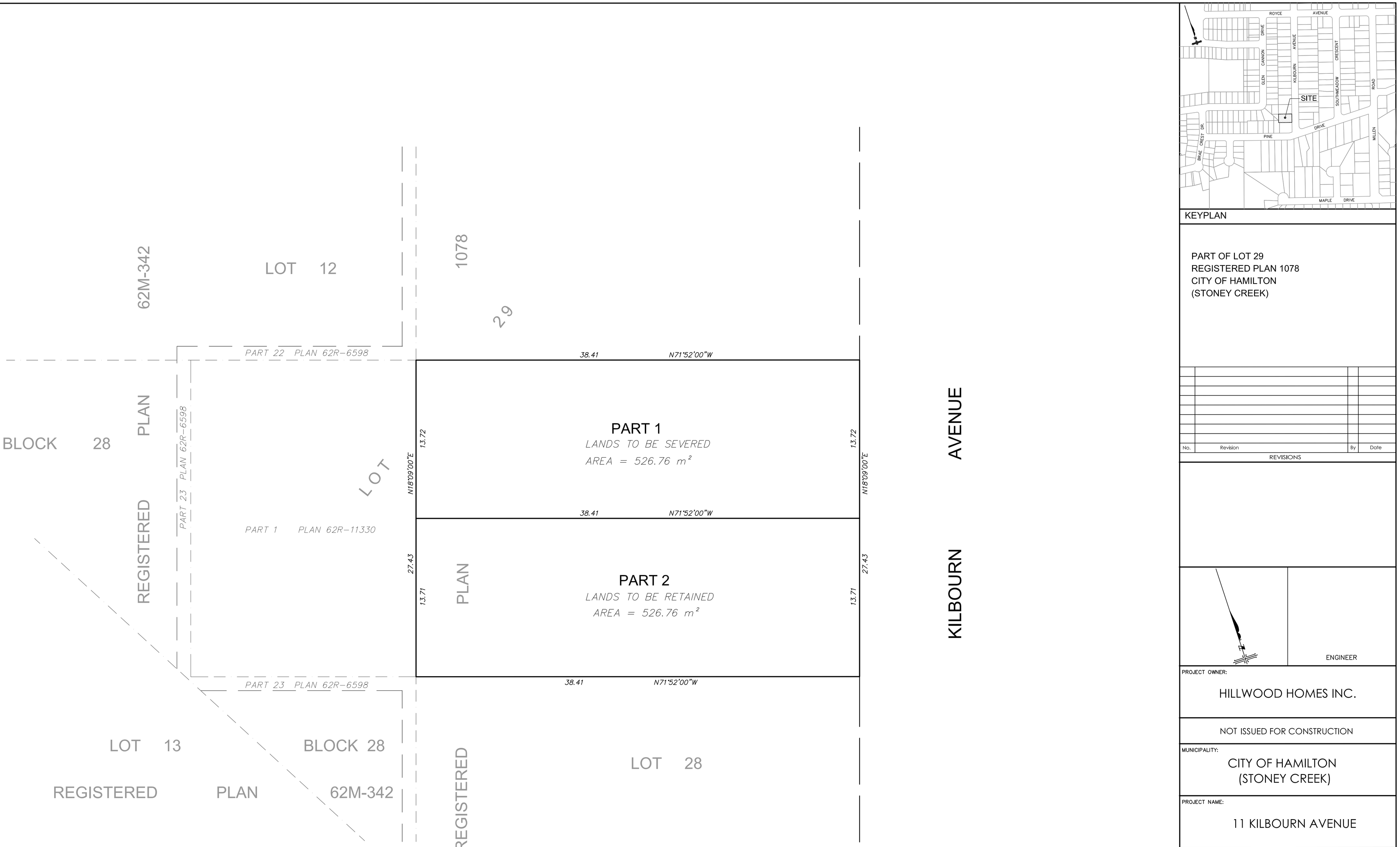
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: January 4th, 2022

_____
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.

11 KILBOURNE AVENUE



KEYPLAN

PART OF LOT 29
REGISTERED PLAN 1078
CITY OF HAMILTON
(STONEY CREEK)

No.	Revision	By	Date

REVISIONS

ENGINEER

PROJECT OWNER:

HILLWOOD HOMES INC.

NOT ISSUED FOR CONSTRUCTION

MUNICIPALITY:

CITY OF HAMILTON
(STONEY CREEK)

PROJECT NAME:

11 KILBOURN AVENUE

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

TITLE:

SEVERANCE SKETCH

SCALE: 1:150	DATE: NOV. 2021
DESIGN:	DRAWN: L.H.
DWG: 218232	SHT:

11 KILBOURN AVENUE

H:\Jobs\2021 Projects\218232 (11 Kilbourn Ave)\Planning\Concepts\SEVERANCE SKETCH.dwg, Adobe PDF

SKETCH PREPARED FOR BUILDING PERMIT APPLICATION

FOR: HILLWOOD HOMES
11 KILBOURNE AVE.
CITY OF STONEY CREEK

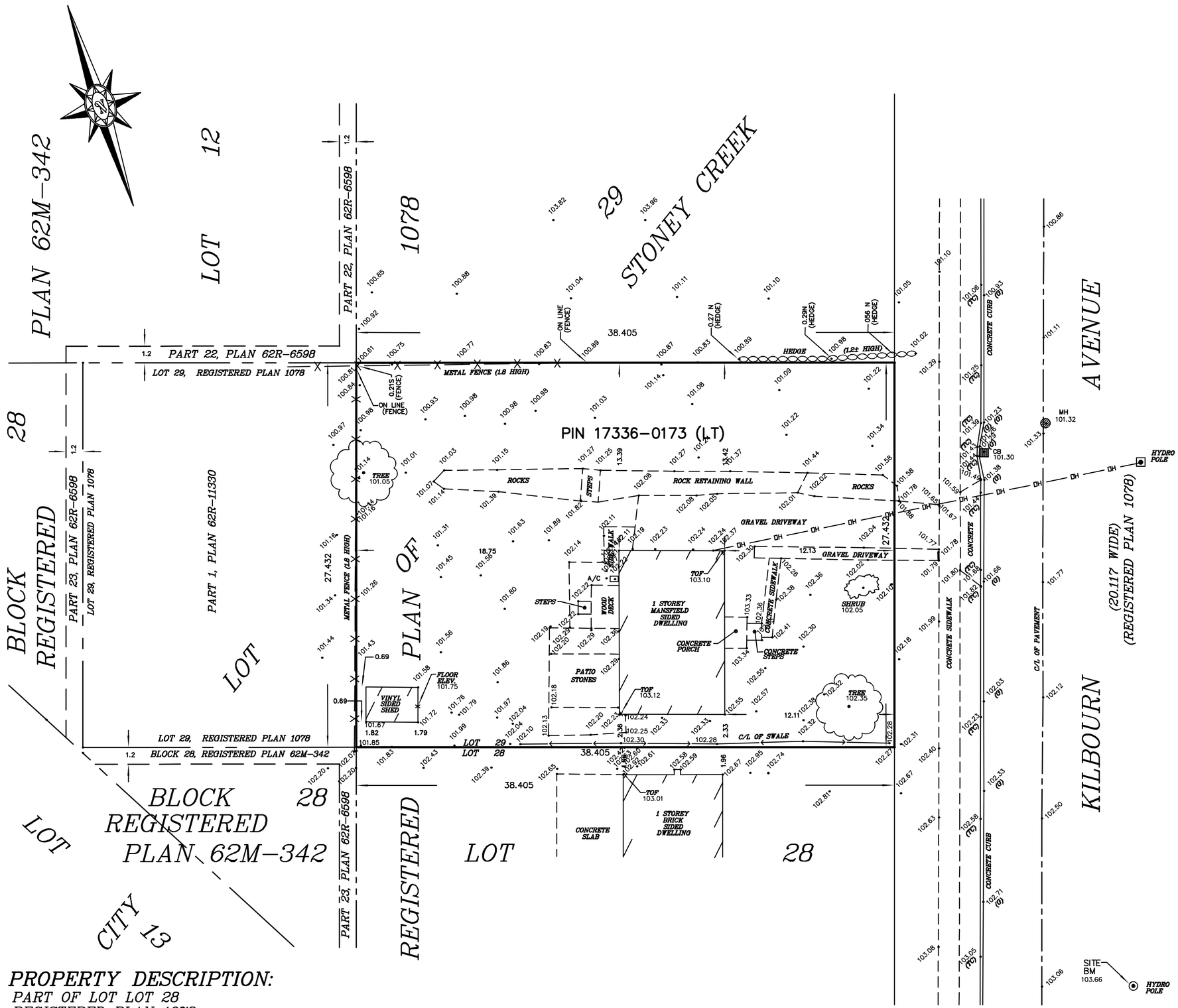
PIN 17226-0173 (LT)

SCALE: 1 : 200

2 0 8 METRES

JEWITT AND DIXON LTD.

SITE B.M.#1
SPIKE IN WEST FACE OF WOOD HYDRO POLE
ELEV = 103.66 (GEODETIC)



LEGEND

BELL BOX	SHOWN	BBX
BENCH MARK	SHOWN	BM
CATCH BASIN	SHOWN	CB
TOP OF FOUNDATION	SHOWN	TOF
OVERHEAD HYDRO LINE	SHOWN	O/H
WATER VALVE	SHOWN	WV
HYDRO POLE	SHOWN	HP
GAS METER	SHOWN	GM
MANHOLE	SHOWN	MH
GUTTER	SHOWN	G
TOP OF CURB	SHOWN	TC

NOTES

(1) - A SURVEY OF THE SUBJECT PROPERTY HAS NOT BEEN MADE AVAILABLE

(2) - PROPOSED BUILDING POSITIONED BY CALCULATIONS, NOT BY ACTUAL SURVEY

(3) - PROPOSED FINAL GRADES ARE SHOWN (176.50) AND ARE IN METERS

(4) - T.F.W. DENOTES TOP OF FOUNDATION WALL

(5) - U.S.F. DENOTES UNDERSIDE OF FOOTING

(6) - F.F. DENOTES FINISHED FLOOR

(7) - SITE BENCHMARK HAVING A GEODETIC ELEVATION OF 1 meters

(8) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ELEVATION OF THE UPPER LIMIT OF THE GROUND WATER TABLE, SOIL BEARING CAPACITY AND THE ELEVATION OF THE UNDER SIDE OF FOOTING PRIOR TO EXCAVATION.

(9) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE SITE BENCH MARK PRIOR TO EXCAVATION

(10) - ELEVATIONS ARE REFERRED TO CANADIAN GEODETIC DATUM, CGVD 1928 VERTICAL DATUM

(11) - THIS SKETCH WAS COMPLETED FROM FIELD WORK COMPLETED ON THE

PROPERTY DESCRIPTION:

PART OF LOT LOT 28
REGISTERED PLAN 1078
CITY OF STONEY CREEK
REGIGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

CAUTION

THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES

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JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS
R.R.1, SIMCOE, ONTARIO, N3Y 4J9
(51 PARK ROAD)
PHONE: (519) 426-0842
E-mail: surveyors@amtelecom.net

F.W. – J.H.
BOOK – LL
CALC. – J.L.M.
PLAN – J.L.M.
CHECK – K.H.
CLIENT– HILLWOOD HOMES
PROJECT No. –21–3201

21–3201–GP

DocuSign Envelope ID: D3C5E863 20A3 4930 A68E BC6BDD629E72

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.:

1 APPLICANT INFORMATION

1.1, 1.2

Registered Owners(s)	[redacted]
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	Lot	Concession	Former Township
Hamilton-Wentworth			Stoney Creek
Registered Plan N°.	**Lot(s)**	**Reference Plan N°.**	**Part(s)**
62R11330	Pt Lt 29	Pl 1078	Except Pt 1
Municipal Address			**Assessment Roll N°.**
11 Kilbourn Avenue			

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:

N/A

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer **(do not complete Section 10)**:

■ creation of a new lot Other: ☐ a charge

☐ addition to a lot
☐ an easement
☐ a lease
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer **(Section 10 must be completed):**

☐ creation of a new lot
☐ creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
☐ addition to a lot

Other: ☐ a charge
☐ a lease
☐ a correction of title
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:
Unknown.

3.3 If a lot addition, identify the lands to which the parcel will be added:
N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m² or ha)
13.72 $m^{+/-}$	38.41 $m^{+/-}$	526.76 sq $m^{+/-}$

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: One single detached 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 (m² or ha)
13.71 $m^{+/-}$	38.41 $m^{+/-}$	526.76 sq $m^{+/-}$

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:

- [x] Residential
- [ ] Industrial
- [ ] Commercial
- [ ] Agriculture (includes a farm dwelling)
- [ ] Agricultural-Related
- [ ] Vacant
- [ ] Other (specify)

Building(s) or Structure(s):

Existing: One single detached dwelling

Proposed: One single detached dwelling

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- [x] 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)

- [x] publicly owned and operated sanitary sewage system
- [ ] privately owned and operated individual septic system
- [ ] other means (specify)

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

- [ ] electricity
- [ ] telephone
- [ ] school bussing
- [ ] garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): N/A

Urban Hamilton Official Plan designation (if applicable) "Neighbourhoods"

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

Please see attached Cover Letter.

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? "R2 - Single Residential - Two" Zoning By-law 3692-92

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard	☐	
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)	☐	
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 N/A

6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
☐ Yes ☐ No ☒ Unknown

6.3 Has a gas station been located on the subject land or adjacent lands at any time?
☐ Yes ☒ No ☐ Unknown

6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown

6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
☐ Yes ☒ No ☐ Unknown

6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
☐ Yes ☒ No ☐ Unknown

6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
☐ Yes ☒ No ☐ Unknown

6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
☐ Yes ☒ No ☐ Unknown

6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
☐ Yes ☒ No ☐ Unknown

6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
☐ Yes ☒ No ☐ Unknown

6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Online mapping. Property Owner information.

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

Please see attached Cover Letter.

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

Please see attached Cover Letter.

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

Please see attached Cover Letter.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
☐ Yes ☒ No

N/A

e) Are the subject lands subject to the Niagara Escarpment Plan?
☒ Yes ☐ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
☒ Yes ☐ No
(Provide Explanation)

Please see attached Cover Letter.

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)

N/A

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)

The site is designated "Niagara Escarpment Plan Area" as Per Map 109.

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.

Current Severance 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.
N/A

8.4 How long has the applicant owned the subject land?
Unknown.

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.

N/A

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.
N/A

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^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:

DocuSign Envelope ID: D3C5E863 20A3 4930 A68E BC6BDD629E72

☐ 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 attached Cover Letter.

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 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.

11/11/2021

Date

DocuSigned by:
Wendy Casciani
...329C5BBF81114...

Signature of Owner

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

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

November 22, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

Re: 11 Kilbourn Avenue – Severance Application Submission

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owner of 11 Kilbourn Avenue for the purposes of submitting the enclosed Severance Application Submission. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance Application Form;
- One (1) cheque in the amount of $2,860.00 representing the required application fee;
- One (1) electronic copy of the Authorization Letter;
- One (1) electronic copy of the Survey;
- One (1) electronic copy of the Severance Sketch;

The subject land is designated "Neighbourhoods" on Schedule E-1 of the Urban Hamilton Official Plan, "Low Density Residential 2b" on Map B.7.1-1 of the Western Development Secondary Plan, and is zoned "R2 – Single Residential – Two" Zone in the City of Stoney Creek Zoning By-law 3692-92. The subject lands are currently occupied by a single detached dwelling.

The intent of the application is to understand the requirements for permitting the proposed development on the subject lands. The proposed development will be to sever the parcel of land (assuming a 50/50 split), and to construct one (1) single detached dwelling on each lot.

A Minor Variance will be required as a condition of severance approval (if granted) in order to permit a reduction to the minimum frontage requirement as per the R2 Zone in Zoning By-law 3692-92.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment Hearing Date. If you have any questions or require additional information, please do not hesitate to contact this office.

25 Main Street West, Suite 300, Hamilton, Ontario, L8P 1H1
Tel: 905 528-8761 Fax: 905 528-2289
e-mail: ajc@ajclarke.com

Yours truly,



Miles Weekes MCIP, RPP
Planner
A. J. Clarke and Associates Ltd.

Copy: Hillwood Homes
c/o Peter Elia
416-418-0531