



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: SC/B-21:109

SUBJECT PROPERTY: 238 Highland Rd. W., 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): Owners E. & M. Sundin/Losani Homes
Agent MHBC Planning c/o D. Aston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to be added to property described as Part of Lot 28, Concession 7, Saltfleet, shown as Part 3 on the attached sketch. To be heard in conjunction with SC/B-21:110.

Severed lands (Part 2):
33m[±] x 51m[±] and an area of 1726m^{2±}

Retained lands (Part 1):
33m[±] x 70m[±] and an area of 2330m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, January 20th, 2022
TIME: 3:40 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: January 4th, 2022

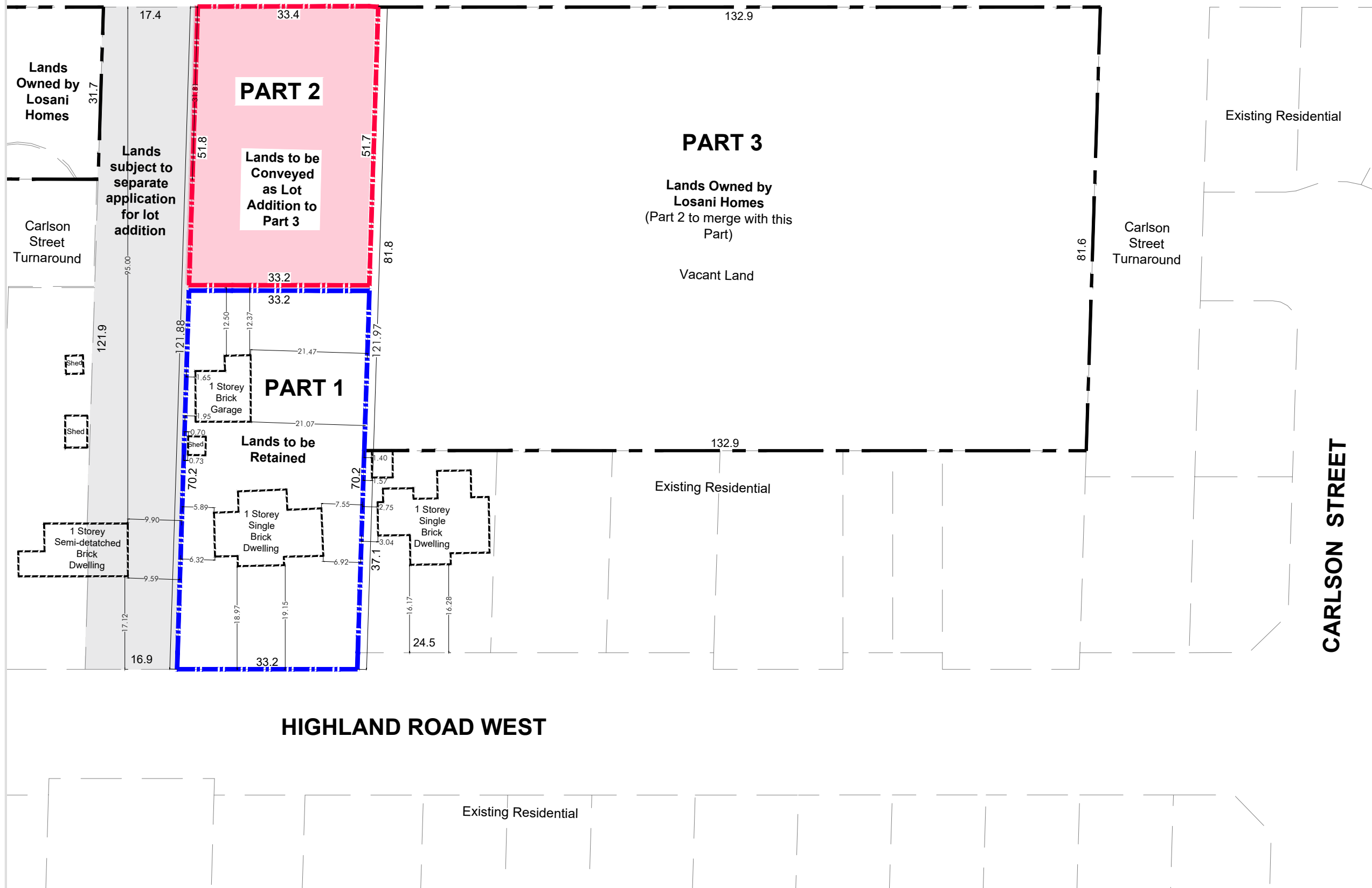
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.





Proposed Consent Plan

PART LOT 28, CONCESSION 7
 STONEY CREEK
 CITY OF HAMILTON

MAPLEWOOD PARK



LEGEND

-  Lands to be Retained
± 2,328.54m² (0.23ha)
-  Lands to be Conveyed
± 1,719.78 m² (0.17ha)
-  Lands Owned by Losani Homes
-  Adjacent Existing Buildings

Notes:

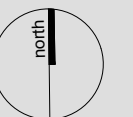
- For conceptual purposes only
- Existing buildings' locations are estimated
- The Carlson Street turnaround shown on the Maplewood Park parcel is owned by the City of Hamilton

DATE: October 26, 2021

FILE: 14196BT

SCALE: 1:750

DRAWN: CF



K:14196BT - CARLSON STREET\RP14196BT_SITESKETCH_21OCT2021.DWG



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

Table with 4 columns: Date Application Received, Date Application Deemed Complete, Submission No., File No.

1 APPLICANT INFORMATION

Table with 3 columns: NAME, ADDRESS, and an empty column. Rows include Registered Owners(s), Applicant(s)*, and Agent or Solicitor.

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

1.3 All correspondence should be sent to [] Owner [] Applicant [x] Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

Table with 4 columns: 2.1 Area Municipality, Lot, Concession, Former Township. Includes details for Stoney Creek, Hamilton, Lot Part 28, Concession 7, and Former Township Saltfleet.

2.2 Are there any easements or restrictive covenants affecting the subject land?
[] Yes [x] 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:

Losani Homes (1998) Ltd.

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

Lot 28, Concession 7, Part 5, Geographic Township of Saltfleet, Plan 62R-17899

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m)	Depth (m)	Area (m ² or ha)
81.6 (via lot addition)	51.7	1726.8 m ²

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: No buildings/structures present on land to be severed.

Proposed: Incorporate severed lands into new plan of subdivision.

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

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

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
33.2	70.2	2330.6 m ²

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

- | | | |
|---|---|-------------------------------------|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: Detached residential dwelling.

Proposed: Existing dwelling to remain.

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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) OP: Neighbourhoods; SP: Low Density Residential 2B

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

The Neighbourhoods Official Plan designation permits single detached dwellings. The Low Density Residential 2B Secondary Plan (West Mountain Area) designation permits single detached dwellings and a maximum 29 units per net residential hectare. Both the severed and retained conform to these Official Plan policies.

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? City of Stoney Creek Zoning By-law 3692-92: Neighbourhood Development (ND) and Residential (R6)

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 type="checkbox"/>	
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 _____
- 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?
Historic knowledge of the lands and site inspections.
- 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 retained and severed lands make efficient use of existing land, infrastructure and services. The severed parcel provides an opportunity for the development of an underutilized parcel which is consistent with Provincial Policy.

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

The retained and severed lands make efficient use of existing land, infrastructure and services. The severed parcel provides an opportunity for the development of an underutilized parcel which is consistent with Provincial Policy.

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

The subject lands are located within the urban boundary and have full municipal services. The development of the severed parcel contributes to the intensification targets and therefore conforms to the policies of 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.
-

- 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

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)
----------------------------------	---

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.

A Formal Consultation Request was submitted to the City of Hamilton on September 23, 2021 for a broader development concept known as the Carlson Street Extension. The lot additions will be conveyed to Losani Homes to form the larger parcel of land that will be subject of future development application (e.g. zoning and plan of subdivision). The retained portion of land will meet the existing zoning requirements as the now retained lots. No new lots will be created with these applications as the lands will be merged with the adjacent Losani lands.

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.

October 28, 2021

Date

Eric Sundin

Signature of Owner

Eric Sundin

November 10, 2021

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development
5th Floor, City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Jamila Sheffield,

**RE: 238 Highland Road West – Consent to Sever Application
OUR FILE 14196BT**

On behalf of our clients, Eric & Margaret Sundin and Losani Homes (1998) Ltd., MHBC Planning is pleased to submit (2) two Consent Application for lot additions for lands located at 238 and 240 Highland Road West, in Stoney Creek. The purpose of the applications is for the lot addition of a portion of lands from existing lots to adjacent parcels owned by Losani Homes. Part 2 (on both sketches) are proposed to be conveyed to Losani Homes, as lot additions to Part 3. Part 1 (on both sketches) are proposed to be retained by the current property owner.

A Formal Consultation Request was submitted to the City of Hamilton on September 23, 2021 for a broader development concept known as the Carlson Street Extension. The lot additions will be conveyed to Losani Homes to form the larger parcel of land that will be the subject of future development applications (e.g. zoning and plan of subdivision). The retained lots will meet the existing zoning requirements, consistent with the current lots. No new lots will be created with these applications as the lands will be merged with the adjacent Losani lands.


In support of our application, please find enclosed:

- One (1) copy of the application form;
- One (1) copy of the Site Sketch; and
- One (1) copy of the cheque in the amount of \$2,860.00, payable to the City of Hamilton, representing the Application fee (to be delivered under separate cover).

We trust that this information is sufficient for the applications to be heard at the next available Committee of Adjustment hearing. If you have any questions or require any additional information, please kindly contact the undersigned.

Yours truly,

MHBC

Handwritten signature of David Aston, consisting of the letters 'DAA' followed by a long horizontal line.

David Aston, M.Sc., MCIP, RPP
Partner

Handwritten signature of Scott Borden, consisting of the letters 'SB' followed by a stylized flourish.

Scott Borden, BCD, MCIP, RPP
Planner

cc. Myles Smith, Losani Homes