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 Minor Variance

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

APPLICATION NO.: HM/A-22:16

APPLICANTS: Agent A.J. Clarke & Associates (S. Fraser)

Owner M. Kulchyckyj

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

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "B" (Suburban Agriculture and Residential) district

PROPOSAL: To create three (3) lots in accordance with land severance

applications HM/B-21:56 and HM/B-21:78 and to permit the construction of two (2) new Single Family Dwellings on the lands

being severed (Part 2 & 3) notwithstanding that:

Severed Lands (Part 2 & Part 3):

- 1. A minimum lot width of 12.0m shall be provided instead of the minimum required lot width of 20.0m;
- 2. A minimum lot area of 408.0m² shall be provided instead of the minimum required lot area of 1,100.0m²;
- 3. A minimum front yard depth of 6.0m shall be provided instead of the minimum required front yard depth of 12.0m;
- 4. A minimum side yard width of 1.2m shall be provided instead of the minimum required side yard width of 3.0m; and
- 5. A minimum rear yard depth of 7.5m shall be provided instead of the minimum required rear yard depth of 9.0m.

NOTES:

- i. Each variance is intended to apply to both severed lots (Part 2 and 3).
- ii. Variance #1 & 2 are necessary to facilitate land severance application(s) HM/B-21:56 and HM/B-21:78.
- iii. Each severed lot is intended for the construction of a new single family dwelling with frontage along Cielo Court. The retains lands (Part 1) contains an existing single family dwelling with frontage along Stone Church Road which is intended to remain.

HM/A-22: 16 Page 2

- The retained lands (Part 1) complies with the applicable zoning regulations of the current 'B' district.
- The current zoning designation permits a maximum building height of 2.5 storeys ٧. and 11.0m. The applicant shall ensure each new dwelling conforms.
- Parking for each dwelling shall be provided in accordance with Section 18A of Hamilton Zoning By-law 6593. Insufficient information has been provided at this time to determine zoning compliance.

This application will be heard by the Committee as shown below:

DATE: Thursday, March 3rd, 2022

TIME: 1:20 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:

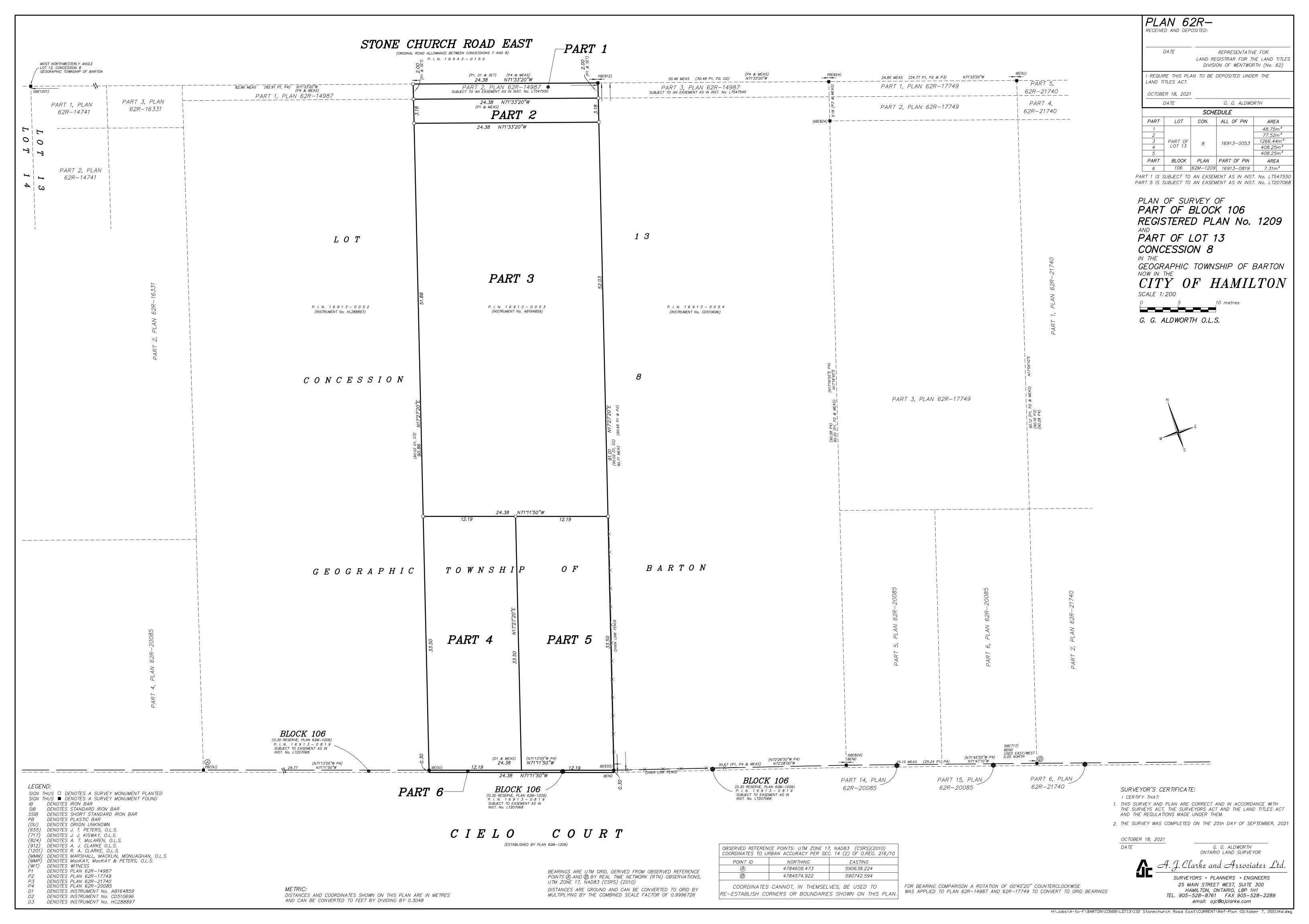
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: February 15th, 2022.

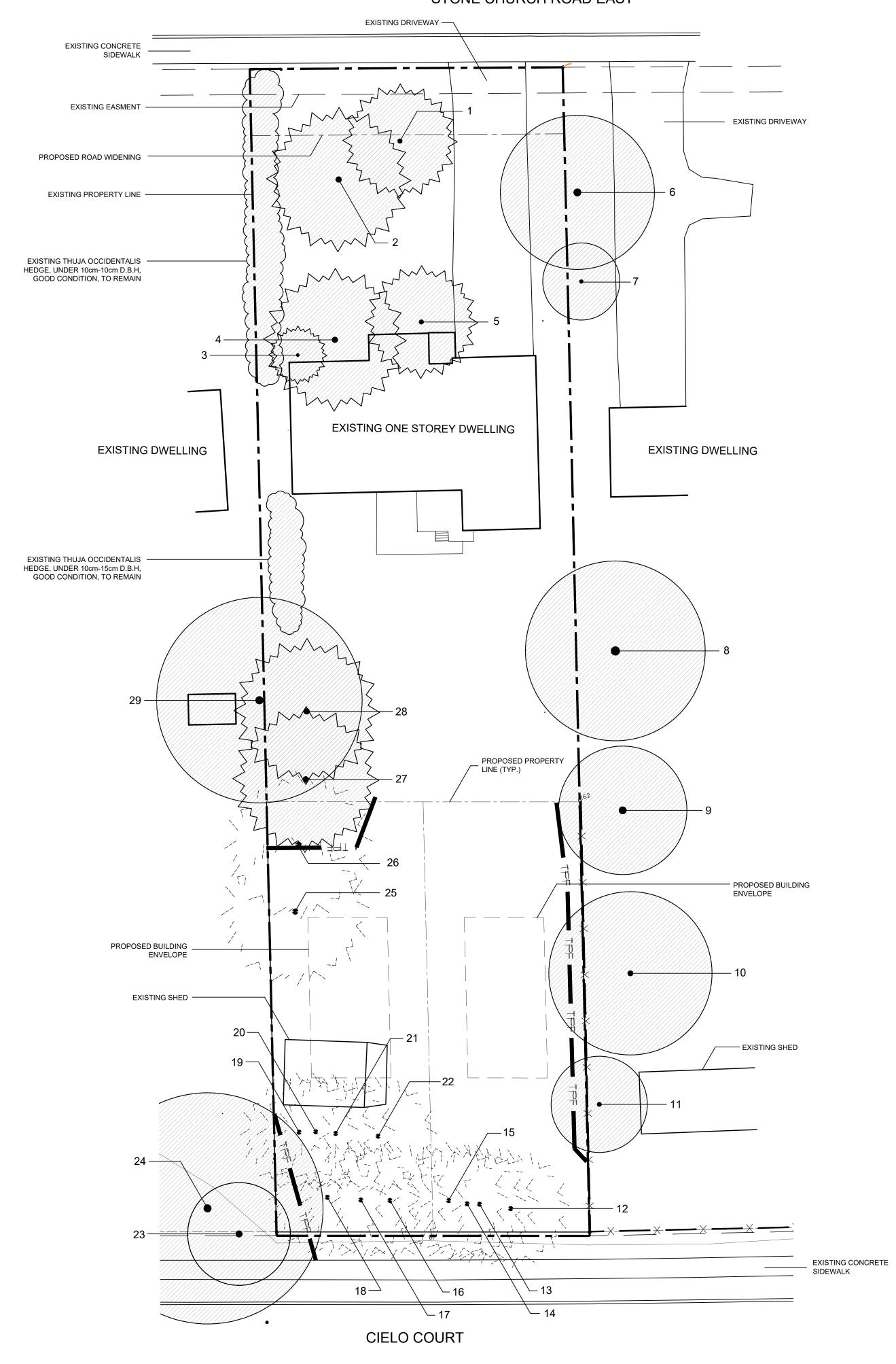
Jamila Sheffield, Secretary-Treasurer

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.



STONE CHURCH ROAD EAST

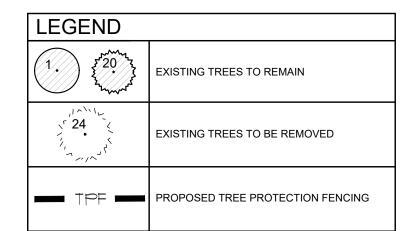


SITE VISIT DATE: NOVEMBER 26, 2021

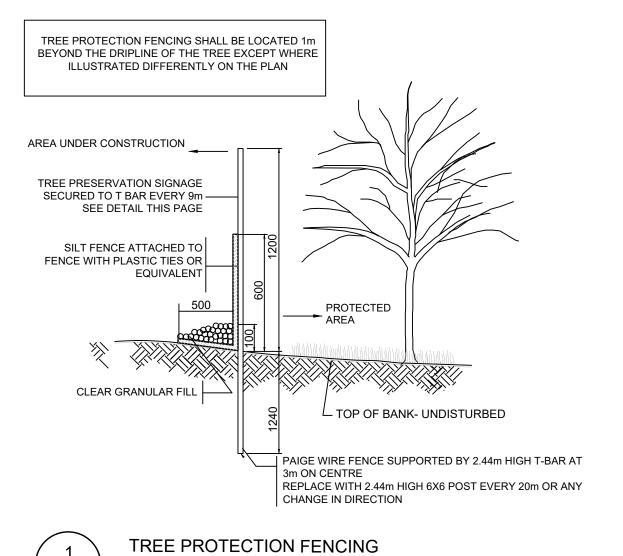
TREE INVENTORY COMPLETED BY ISA CERTIFIED ARBORIST CATHERINE HODGINS #ON-2258A

TREE LOCATIONS AND DRIPLINES BASED ON EXISTING CONDITIONS PLAN PROVIDED BY A.J. CLARKE AND ASSOCIATES LTD. AND HILL DESIGN STUDIO FIELD SURVEY ON NOVEMBER 26, 2021.

<u>ID #</u>	Tree Species (Latin)	Tree Species (Common)	D.B.H (cm)	Condition	Status	Ownership	Additional Notes
1	Picea pungens	Blue Spruce	50	Good	To be preserved	Subject Site	
2	Picea pungens	Blue Spruce	50	Good	To be preserved	Subject Site	
3	Tsuga canadensis	Hemlock	23	Good	To be preserved	Subject Site	
4	Pinus mugo	Mugo Pine	10/10/15/16/22	Good	To be preserved	Subject Site	Several limbs growing horizontally
5	Taxus baccata	English Yew	10-Dec	Good	To be preserved	Subject Site	
6	Catalpa speciosa	Catalpa	+50	Good	To be preserved	On Adjacent Property	
7	Paulownia tomentosa	Emperess Tree	20/8/8/10	Good	To be preserved	On Adjacent Property	
8	Acer saccharinum	Silver Maple	+50	Good	To be preserved	On Adjacent Property	
9	Acer saccharinum	Silver Maple	25	Good	To be preserved	On Adjacent Property	
10	Acer saccharinum	Silver Maple	+50	Good	To be preserved	On Adjacent Property	
11	Quercus macrocarpa	Bur Oak	25	Good	To be preserved	On Adjacent Property	
12	Picea glauca	White Spruce	30	Good	To be removed (in proposed driveway/building envelope)	Subject Site	
13	Picea glauca	White Spruce	10	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
14	Picea glauca	White Spruce	12	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
15	Picea glauca	White Spruce	26	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
16	Picea glauca	White Spruce	24	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
17	Picea glauca	White Spruce	24	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
18	Picea glauca	White Spruce	20	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
19	Picea glauca	White Spruce	18	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
20	Picea glauca	White Spruce	12/16	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
21	Picea glauca	White Spruce	22	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
22	Picea glauca	White Spruce	26	Fair	To be removed (in proposed driveway/building envelope)	Subject Site	Supressed
23	Acer negundo	Manitoba Maple	12/12/15	Fair	To be preserved	In 0.3m Reserve	Leaning towards Cielo Court
24	Quercus macrocarpa	Bur Oak	+50	Good	To be preserved	On Adjacent Property	
25	Picea pungens	Blue Spruce	40	Good	To be removed (construction within rootzone)	Subject Site	
26	Picea pungens	Blue Spruce	40	Good	To be removed (construction within rootzone)	Subject Site	
27	Picea pungens	Blue Spruce	40	Good	To be preserved	Subject Site	
28	Picea pungens	Blue Spruce	30	Fair	To be preserved	Subject Site	
29	Prunus serotina	Black Cherry	+50	Fair	To be preserved	On Adjacent Property	



THE OWNER IS TO BE AWARE OF THE MIGRATORY BIRDS CONVENTION ACT, 1994 THAT PROTECTS BIRDS AND THEIR NESTS. THE MIGRATORY BIRDS CONVENTION ACT IS IMPLEMENTED BY ENVIRONMENT CANADA. IT IS ADVISED THAT VEGETATION REMOVAL BE AVOIDED BETWEEN THE PERIOD OF MARCH 31 AND AUGUST 31.



TREE PROTECTION NOTES

1. PRIOR TO THE COMMENCEMENT OF ANY GRADING ACTIVITIES ON SITE, A VERIFICATION OF TREE PROTECTION LETTER IS TO BE COMPLETED BY THE TREE MANAGEMENT PROFESSIONAL (CERTIFIED ARBORIST, REGISTERED PROFESSIONAL FORESTER OR LANDSCAPE ARCHITECT) CONFIRMING ALL TREE PROTECTION MEASURES HAVE BEEN INSTALLED AS PER THE APPROVED TREE MANAGEMENT PLAN. THIS LETTER IS TO BE PROVIDED TO THE DIRECTOR OF PLANNING AT THE CITY OF HAMILTON AND NATURAL HERITAGE PLANNING STAFF PRIOR TO THE START OF

2. AS PART OF ANY TREE REMOVAL OPERATION ALL STEMS, LIMBS AND STUMPS SHOULD BE REMOVED FROM THE SITE.

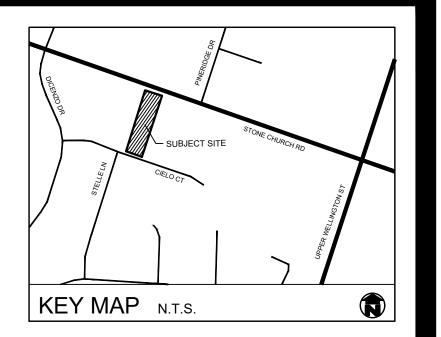
3. UPON COMPLETION OF ANY TREE REMOVAL OPERATIONS, TREE PROTECTION FENCING SHOULD BE INSTALLED AS ILLUSTRATED ON THIS PAGE. THIS PROTECTION FENCING SHOULD BE MAINTAINED UNTIL ALL EXCAVATION AND B1UILDING CONSTRUCTION WORK IS COMPLETED. 4. ANY ROOTS DISTURBED DURING CONSTRUCTION SHOULD BE CUT CLEANLY AND BURIED

5. NO HEAVY EQUIPMENT OR STOCKING OF MATERIAL SHALL OCCUR WITHIN THE DRIPLINES OF ANY TREES THAT ARE TO BE PRESERVED.

6. TREE PROTECTION MEASURES TO BE INSPECTED BY LANDSCAPE ARCHITECT AND CITY FORESTRY STAFF PRIOR TO START OF CONSTRUCTION.

7. IF CONSTRUCTION OR ANY WORK OCCURS WITHIN THE TREE PRESERVATION ZONE, INSIDE THE LIMITS OF THE TREE PROTECTION FENCE, IT IS NECESSARY TO ONLY USE HAND TOOLS. NO MACHINERY WILL BE PERMITTED IN THIS ZONE.

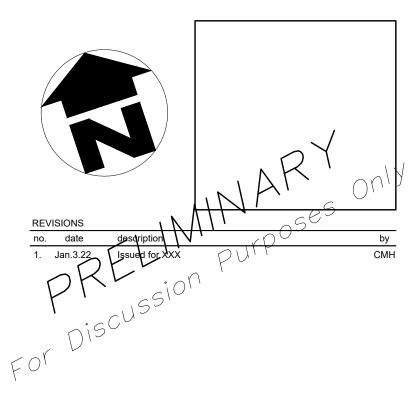
8. ANY EXISTING VEGETATION THAT IS IMPACTED DURING SITE DEVELOPMENT WILL BE REINSTATED TO THE SATISFACTION OF THE CITY.



GENERAL NOTES

1. ALL WORKMANSHIP WILL BE TO THE STANDARDS OF LANDSCAPE ONTARIO.

- 2. CONTRACTOR TO LOCATE ALL UNDERGROUND UTILITIES.
- 3. EXISTING CONDITIONS PLAN PROVIDED BY AJ CLARKE & ASSOCIATES LTD.
- 4. THIS PLAN PREPARED IN THE ABSENCE OF DETAILED ENGINEERING.



PROPOSED LOT SEVERANCE 132 Stone Church Road City of Hamilton

Tree Management Plan



PROJECT NO.: 2021-79	DRAWN BY: CMH		
SCALE: 1:200	DESIGNED BY: CMH		
SHEET:	APPROVED BY: AWH		
L1	PLOT DATE: JAN. 3, 2022		



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 January 12, 2022

Attn: Ms. Jamila Sheffield

Secretary Treasurer, Committee of Adjustment Via email: Jamila.Sheffield@hamilton.ca

Re: 132 Stone Church Road East

Minor Variance Application Submission

Dear Ms. Sheffield:

A. J. Clarke and Associates Ltd. has been retained for the purposes of submitting the enclosed Minor Variance Application for the subject lands, municipally known as 132 Stone Church Road East.

The subject site is located on the southern portion of Stone Church Road East, in the City of Hamilton. A few variances are required to facilitate the desired built form for the development conditionally approved through severance Files: HM/B-21: 56 & 78.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) cheque in the amount of \$3,465 representing the Minor Variance required fee;
- 3) One (1) digital copy of the Draft Reference Plan;
- 4) One (1) digital copy of the Tree Protection Plan.

Application fees will be paid via cheque, made out to the City of Hamilton. The Minor Variance Application requires a cheque for \$3,465. The cheque shall be concurrently submitted along with the application.

The subject lands are designated "Neighbourhoods" on Schedule E-1 in the Urban Hamilton Official Plan. The Neighbourhoods designation permits a range of residential uses.

The land municipally known as 132 Stone Church Road East is zoned "B – Suburban Agriculture and Residential, Etc." in City of Hamilton Zoning By-law No. 6593. This zone permits various residential uses, various institutional uses, various public uses, various commercial uses, various farming uses, and various miscellaneous and incidental uses.

A few variances are required to facilitate the proposed residential development and more importantly to satisfy conditions associated with the severances under Files: HM/B-21: 56 & 78. The variances required to Parts 4 and 5 on the attached draft reference plan are as follows:



- 1. To permit a minimum front yard setback of 6.0 metres; whereas 12.0 metres is required.
- 2. To permit a minimum side yard setback of 1.2 metres; whereas 3.0 metres is required.
- 3. To permit a minimum rear yard setback of 7.5 metres; whereas 9.0 metres is required.

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 hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Stephen Fraser, MCIP, RPP Principal, Planner

A. J. Clarke and Associates Ltd.

Encl.

Cc: Paul Tompkins

132 Stone Church Road East

Hamilton, ON L9B 1A9 (416)-500-5202

Via email: paul@tompkinshome.com



Committee of Adjustment

City Hall, 5th Floor, 71 Main St. W., Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

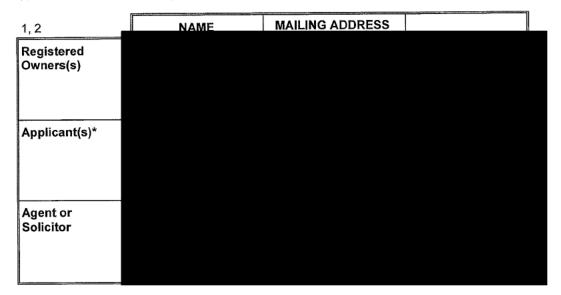
APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY	,
APPLICATION NO.	DATE APPLICATION RECEIVED
PAID	DATE APPLICATION DEEMED COMPLETE
SECRETARY'S SIGNATURE	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.



Note:

Unless otherwise requested all communications will be sent to the agent, if any.

Names and addresses of any mortgagees, holders of charges or other encumbrances:
 N/A

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4.	Nature and extent of relief applied for:				
	Please see Cover Letter.				
	Secondary Dwelling Unit Reconstruction of Existing Dwelling				
5.	Why it is not possible to comply with the provisions of the By-law? The variances are required to clear conditions of approval relating to the corresponding severance applications under Files: HM/B-21:56 & 78.				
6.	Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number): 132 Stone Church Road East, Hamilton (Barton) Part Block 106 Registered Plan No.: 1209 Part Lot 13, Concession 8				
7.	PREVIOUS USE OF PROPERTY				
	Residential Industrial Commercial Commercial				
	Agricultural Vacant Other				
	Other				
8.1	If Industrial or Commercial, specify use N/A				
8.2	Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred? Yes No Unknown				
8.3	Has a gas station been located on the subject land or adjacent lands at any time? Yes No Unknown Unknown				
8.4	Has there been petroleum or other fuel stored on the subject land or adjacent lands? Yes No Unknown				
8.5	Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands? Yes No Unknown Unknown				
8.6	Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?				
0.7	Yes O Unknown O				
8.7	Have the lands or adjacent lands ever been used as a weapon firing range? Yes No Unknown O				
8.8	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				
8.9	If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?				
	Yes No Unknown O				

	uses on the site or a	djacent sites?	Unknov	vn 🔘				
				<u></u>				
8.11	What information did you use to determine the answers to 8.1 to 8.10 above?							
	Online Mapping, information from Owner and previous approvals.							
8.12	If previous use of proprevious use inventor land adjacent to the	ory showing al	l former	uses of the s				
	Is the previous use i	nventory attac	ched?	Yes		No	✓	
9.	ACKNOWLEDGEM	ENT CLAUSI	E					
	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.							
	January 5, 2022			Xmaran	rot l	الدارا	u schuis	
	Date			X Margaret Kulchychyy, Signature Property Owner(s)				
				Margaret Kulchyckyj				
			,	Print Name o	of Owne	er(s)		
10.	Dimensions of lands affected:							
	Frontage	+- 24.38 me	tres					
	Depth	+- 52.03 me	tres					
	Area +- 1,268.49 square			e metres				
	Width of street	20 metres						
11.	Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.) Existing:_							
	One (1) single detached dwelling with associated paved parking for part 3 on attached draft reference plan.							
	Proposed							
	Proposed No change to curre single-detached dw applications.							
12.	Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines) Existing:							
	Front lot line = +/-19.7m, +/-54.7m rear (to be +/-21.2m after severances along Cielo Court), +/-3m side yards. No change to front and/or side yards.							
	Proposed:							
	Please see Cover Letter.							

8.10 Is there any reason to believe the subject land may have been contaminated by former

13.	Date of acquisition of subject lands: Unknown.						
14.	Date of construction of all buildings and structures on subject lands: 2022						
15.	Existing uses of the subject property (single family, duplex, retail, factory etc.):						
	Single family.						
16.	Existing uses of abutting properties (single family, duplex, retail, factory etc.):						
	Single family.						
17.	Length of time the existing uses of the subject property have continued: Unknown.						
18.	Municipal services available: (check the appropriate space or spaces) Water Connected Sanitary Sewer Connected Storm Sewers						
19.	Present Official Plan/Secondary Plan provisions applying to the land:						
	"Neighbourhoods" - Schedule E-1 UHOP.						
20.	Present Restricted Area By-law (Zoning By-law) provisions applying to the land:						
	"B - Suburban Agriculture And Residential, Etc." Zone (By-law 6593).						
21.	Has the owner previously applied for relief in respect of the subject property? Yes No ✓ If the answer is yes, describe briefly.						
	N/A						
22.	Is the subject property the subject of a current application for consent under Section 53 of the <i>Planning Act</i> ?						
	Yes No						
23.	Additional Information						
	Please see Cover Letter.						
24.	The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.						