



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

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**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

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**APPLICATION NO.:** HM/A-22:40

**APPLICANTS:** Agent A.J. Clarke & Associates - R. Ferrari  
Owner 2842840 Ontario Inc.

**SUBJECT PROPERTY:** Municipal address **392 Upper Horning Rd., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 80-049

**ZONING:** "B" (Suburban Agriculture and Residential etc.) district

**PROPOSAL:** To facilitate the creation of two (2) lots in conjunction with Severance Application No. HM/B-22:12, notwithstanding that:

1. A minimum lot area of 864 square metres shall be provided for the portion of the lands to be retained ("Part 1"), and a minimum lot area of 814 square metres shall be provided for the portion of the lands to be severed ("Part 2"), instead of the minimum required lot area of 1100 square metres.

2. A minimum lot width of 15.0 metres shall be provided for both the portion of the lands to be retained ("Part 1"), and the portion of the lands to be severed ("Part 2") instead of the minimum required lot width of 20 metres.

NOTES:

1. These variances are required to facilitate Severance Application No. HM/B-22:12.

2. Please note that specific details regarding the development of the proposed lots has not been provided to confirm zoning compliance. Additional variances may be required if compliance with Hamilton Zoning By-law No. 6593 cannot be achieved.

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

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**DATE:** Thursday, March 17th, 2022  
**TIME:** 1:30 p.m.  
**PLACE:** Via video link or call in (see attached sheet for details)  
To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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## **PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## **MORE INFORMATION**

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

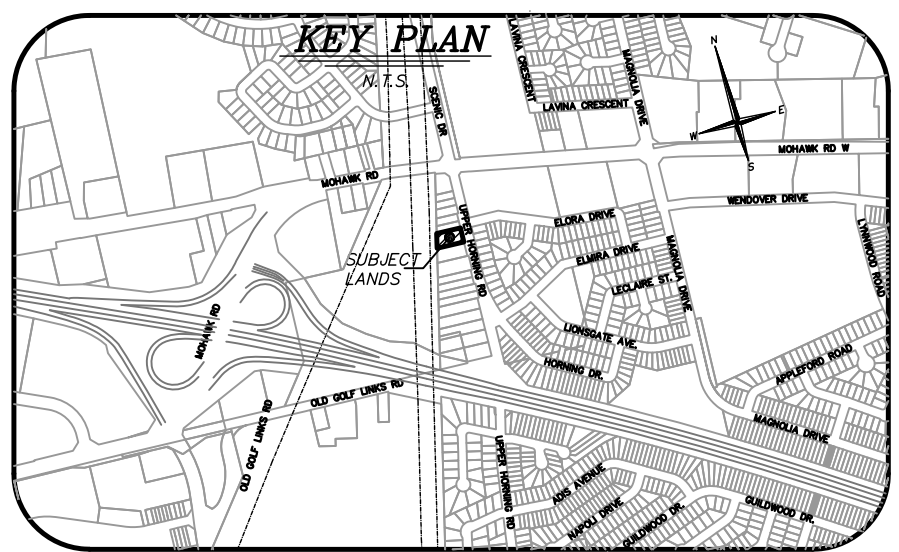
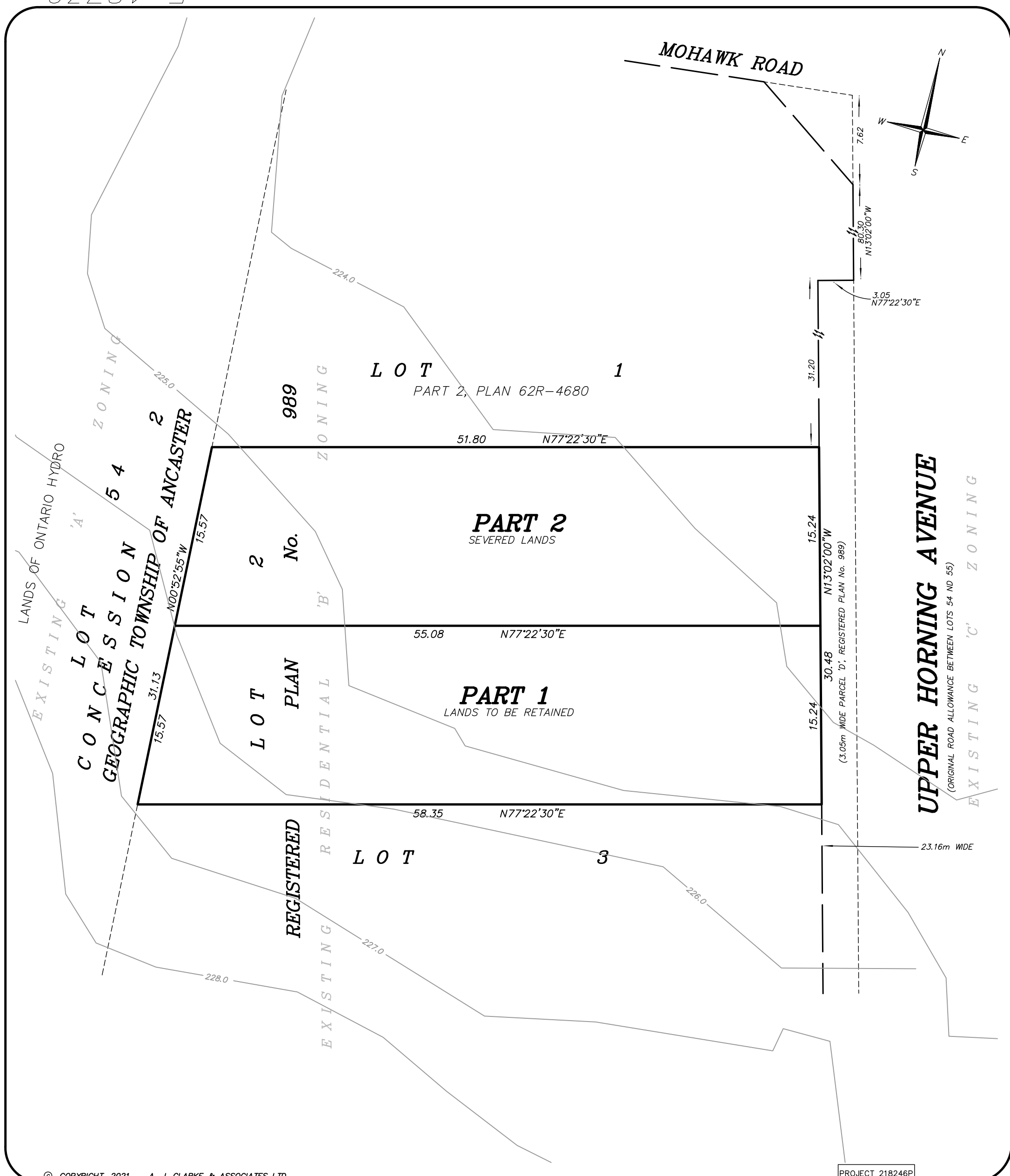
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: March 1st, 2022.

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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



SKETCH FOR CONSENT TO SEVER  
392 UPPER HORNING ROAD  
**CITY OF HAMILTON**

SCALE 1:300

THE ABOVE NOTED LANDS ARE:  
LOT 2  
REGISTERED PLAN No. 989

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

**NOTE:**  
THIS SKETCH IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE 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.

**CONSENT SCHEDULE:**

PART 1 - LANDS TO BE RETAINED	AREA (864.32m <sup>2</sup> ±)
PART 2 - SEVERED LANDS	AREA (814.39m <sup>2</sup> ±)

DECEMBER 10, 2021  
DATE

NICHOLAS P. MUTH  
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@ajclarke.com



Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPLICATION FOR 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.

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

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

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

CIBC  
199 Bay Street,  
Commerce Court Toronto, ON  
M5L 1A2

**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:

Lot Frontage, 15 metres whereas 20m is required.

Lot Size (Part 1) 864m<sup>2</sup> whereas 1,100m<sup>2</sup> is required. (Part 2) 814m<sup>2</sup> whereas 1,100m<sup>2</sup> is required.

Secondary Dwelling Unit       Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?

See attached cover letter.

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**):

Part of Lot 2 on Registered Plan No. 989  
392 Upper Horning

7. PREVIOUS USE OF PROPERTY

Residential       Industrial       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

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

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?

Yes       No       Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes       No       Unknown

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

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes  No  Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

Property owner information.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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

## 9. 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.

SIGN HERE

Jan 31 , 2022  
Date

  
Signature Property Owner(s)

2842840 Ontario Inc.  
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	30.48m
Depth	Irregular (55m)
Area	1678m <sup>2</sup>
Width of street	20m

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: \_

Existing Single Detached Dwelling and Accessory Structure to be demolished.

Proposed

Future Single Detached Dwelling.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Existing Single Detached Dwelling and Accessory Structure to be demolished.

Proposed:

Future Single Detached Dwelling.

13. Date of acquisition of subject lands:  
2020
- 
14. Date of construction of all buildings and structures on subject lands:  
Approximately 1980
- 
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):  
Single Detached Dwellings
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):  
Single Detached Dwellings
17. Length of time the existing uses of the subject property have continued:  
Since construction
18. Municipal services available: (check the appropriate space or spaces)
- |                |                                     |           |                                     |
|----------------|-------------------------------------|-----------|-------------------------------------|
| Water          | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input checked="" type="checkbox"/> |
| Storm Sewers   | <input checked="" type="checkbox"/> |           |                                     |
19. Present Official Plan/Secondary Plan provisions applying to the land:  
Neighbourhoods
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:  
"B" Suburban Residential
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 *Planning Act*?  
Yes  No
23. Additional Information  
  
See attached 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.