



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: DN/B-22:14

SUBJECT PROPERTY: 492 Governors Rd., Dundas

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 Daniel Cheatley
Owner Marie Watkins

PURPOSE OF APPLICATION: To permit the conveyance of a vacant parcel of land for residential purposes and to retain a parcel of land containing an existing dwelling and accessory structures for residential purposes.

Severed lands:
119.3m[±] x 121.7m[±] and an area of 1.41 ha[±]

Retained lands:
101.3m[±] x 118m[±] and an area of 1.18 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, March 17th , 2022
TIME: 3:15 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:

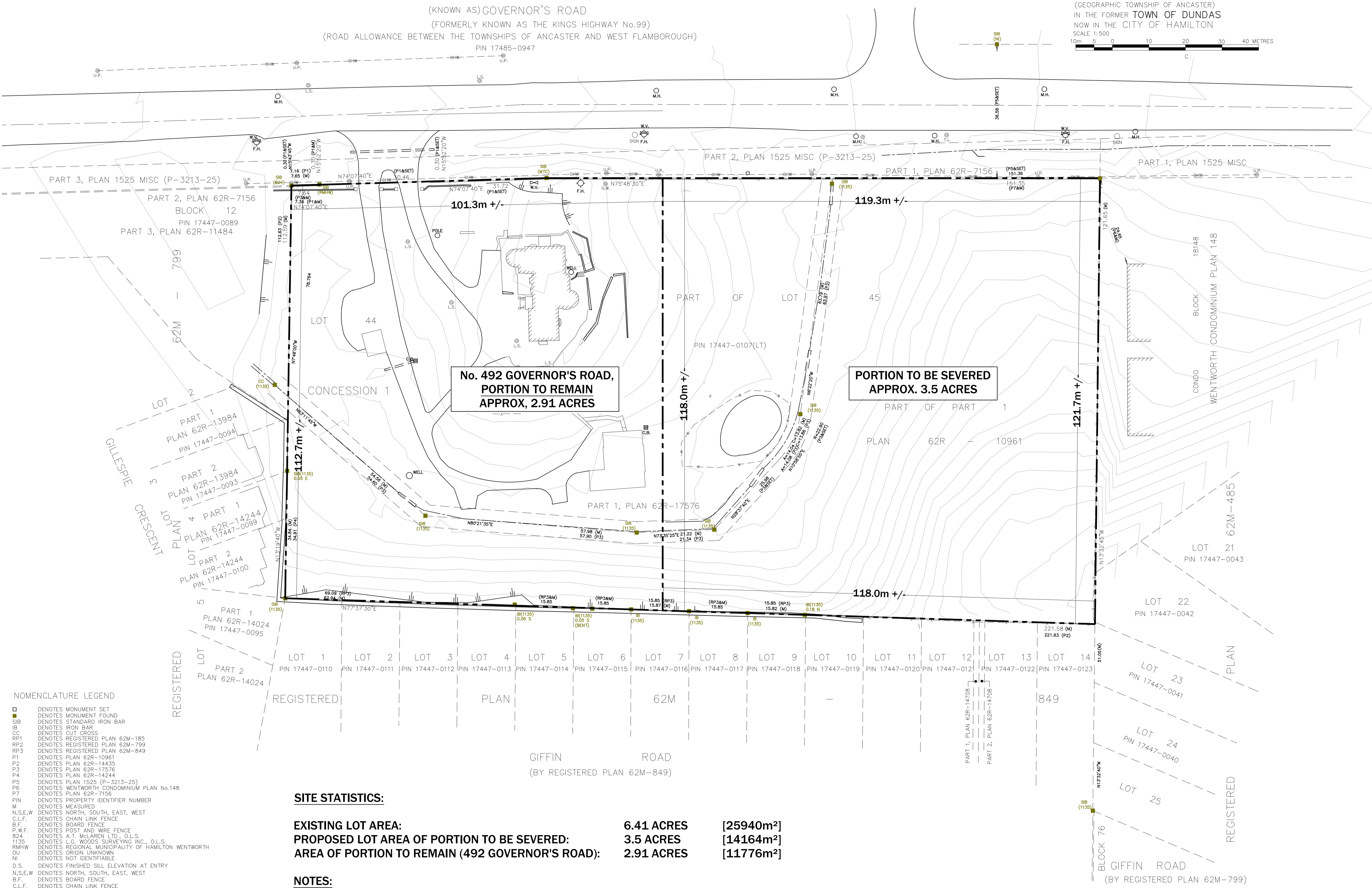
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: March 1st, 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.

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF
PART OF LOTS 44 AND 45, CONCESSION 1
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
IN THE FORMER TOWN OF DUNDAS
NOW IN THE CITY OF HAMILTON
SCALE 1:500
10m 5 0 10 20 30 40 METRES



**No. 492 GOVERNOR'S ROAD,
PORTION TO REMAIN
APPROX, 2.91 ACRES**

**PORTION TO BE SEVERED
APPROX. 3.5 ACRES**

- NOMENCLATURE LEGEND**
- DENOTES MONUMENT SET
 - SIB DENOTES MONUMENT FOUND
 - IB DENOTES STANDARD IRON BAR
 - IB DENOTES IRON BAR
 - CC DENOTES CUT CROSS
 - RP1 DENOTES REGISTERED PLAN 62M-185
 - RP2 DENOTES REGISTERED PLAN 62M-799
 - RP3 DENOTES REGISTERED PLAN 62M-849
 - P1 DENOTES PLAN 62R-10961
 - P2 DENOTES PLAN 62R-14435
 - P3 DENOTES PLAN 62R-17576
 - P4 DENOTES PLAN 62R-14244
 - P5 DENOTES PLAN 1525 (P-3213-25)
 - PE DENOTES WENTWORTH CONDOMINIUM PLAN No.148
 - P7 DENOTES PLAN 62R-7156
 - PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - M DENOTES MEASURED
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - C.L.F. DENOTES CHAIN LINK FENCE
 - B.F. DENOTES BOARD FENCE
 - P.W.F. DENOTES POST AND WIRE FENCE
 - 824 DENOTES A.T. McLAREN LTD., O.L.S.
 - 1135 DENOTES L.G. WOODS SURVEYING INC., O.L.S.
 - RMHW DENOTES REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH
 - CU DENOTES ORIGIN UNKNOWN
 - NI DENOTES NOT IDENTIFIABLE
 - D.S. DENOTES FINISHED SILL ELEVATION AT ENTRY
 - N,S,E,W DENOTES NORTH, SOUTH, EAST, WEST
 - B.F. DENOTES BOARD FENCE
 - C.L.F. DENOTES CHAIN LINK FENCE
 - P.W.F. DENOTES POST AND WIRE FENCE
 - OHW DENOTES OVERHEAD WIRES
 - G.W. DENOTES GUY WIRES
 - CRW DENOTES CONCRETE RETAINING WALL
 - BRW DENOTES BRICK RETAINING WALL
 - SRW DENOTES STONE RETAINING WALL
 - U.U.B. DENOTES UNDERGROUND UTILITY BOX
 - F.H. DENOTES FIRE HYDRANT
 - U.P. DENOTES UTILITY POLE
 - M.V. DENOTES WATER VALVE
 - M.H. DENOTES MAN HOLE
 - T.L. DENOTES TRAFFIC LIGHT
 - O.L.S. DENOTES LIGHT STANDARD
 - CB DENOTES CATCH BASIN

SITE STATISTICS:

EXISTING LOT AREA:	6.41 ACRES	[25940m²]
PROPOSED LOT AREA OF PORTION TO BE SEVERED:	3.5 ACRES	[14164m²]
AREA OF PORTION TO REMAIN (492 GOVERNOR'S ROAD):	2.91 ACRES	[11776m²]

NOTES:

**SEVERANCE PLAN TO BE READ IN CONJUNCTION WITH SURVEYOR'S REAL PROPERTY REPORT
PREPARED BY MANDARIN SURVEYORS LTD. ISSUED OCTOBER 4th 2020.**

Project No. 492-01

Revisions	Date
Issued For Review	01-11-2021

Notes

Project North

Scale 1:500

**Proposed
Severance Plan**

SP1

Sheet No. ©2021



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	

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

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 CITY OF HAMILTON	Lot 44/45	Concession 1	Former Township DUNDAS
Registered Plan N°. <small>62R-10961 62R-17576 (easment)</small>	Lot(s) 44/45	Reference Plan N°.	Part(s) 1
Municipal Address 492 GOVERNOR'S ROAD			Assessment Roll N°.

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:

Subject to easement for storm water drainage ditch as set out in inst. No.WE511430

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:

LAND INTENDED FOR SALE, PURCHASER CURRENTLY UNKNOWN

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

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

Frontage (m) 119.3	Depth (m) 121.7 (Irregular)	Area (m ² or ha) 1.41ha
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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) DEVELOPMENT BY OTHERS
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: NO EXISTING BUILDINGS OR STRUCTURES ON LAND INTENDED TO BE SEVERED

Proposed: BY OTHERS

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) 101.3	Depth (m) 118m (Irregular)	Area (m ² or ha) 1.18ha
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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
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) _____

Building(s) or Structure(s):

Existing: EXISTING SINGLE FAMILY DWELLING, EXISTING ACCESSORY STRUCTURES

Proposed: NO PROPOSED BUILDINGS OR STRUCTURES

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 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.

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? ^{UR} _____

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?
The property owner's knowledge of the property was used to determine the answers to question 6.1 to 6.10.
The property ownership has remained within the current owner's family since 1959.
- 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

Creation of new residential development land will result in increased housing.

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

Compatible land use within an established settlement area. Proposed severed lot is on an existing transit route.

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

This application will aid in prioritizing intensification in a strategic growth area and can support a range of housing options. Proposed development can protect and enhance the natural and cultural heritage of the area.

- 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

the transferee and the land use.

8.4 How long has the applicant owned the subject land?

1 year as the property ownership was transferred from deceased spouse who owned the property from around the 1940's

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.

544 GOVERNORS ROAD

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 _____ Status _____

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

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):
---------------	------------------------------

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

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

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):
---------------	------------------------------

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

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.

lands to be retained will be transferred to other owners

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:

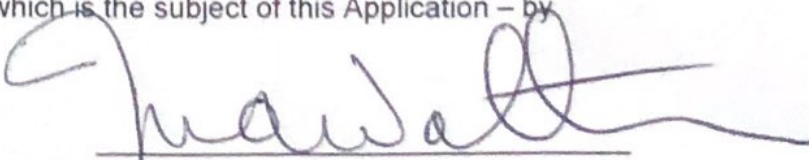
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of 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 or 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.

03-02-2022

Date



Signature of Owner

February 4th, 2022

To the Committee of Adjustment and City of Hamilton,

Our request for a minor variance at 118 Victoria St. Dundas (DN/A – 21:422) was tabled during the meeting on January 20th pending a discussion with the City of Hamilton to address their concerns. I am writing to inform the committee of adjustment that I spoke with the city on February 2nd and they have no further issues with our application pending a small change.

The western setback is now the required 1.2m and a variance is no longer requested for that side yard. No other changes have been made.

The city further requested that the rear 2 story addition be locked at its current height (>8m) to prevent the construction of a 3 story home beyond the existing structure sometime in the future. We have agreed to this stipulation.

Please recirculate this application for the earliest possible CoA meeting.

Thank you,

Ben Muirhead



Tanja Kiperovic

