

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.: SC/A-22:74

APPLICANTS: Agent A.J. Clarke & Associates - S. Fraser
Owners C. & K. Horrill

SUBJECT PROPERTY: Municipal address **1367 & 1371 Hwy 8, Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: "RR" (Rural Residential) district

PROPOSAL: To permit the severance of the lands in order to create two (2) lots as per Consent application SC/B-21:41 as well as maintain the existing single detached dwellings, notwithstanding that;

Lands known municipally as 1367 Highway No. 8:

1. A minimum lot area of 2913.0m² shall be permitted instead of the minimum 4050.0m² lot area required.
2. A minimum lot frontage of 27.6m shall be permitted instead of the minimum 30.0m lot frontage required.
3. A minimum front yard of 9.1m shall be permitted instead of the minimum 10.0m front yard required.
4. A minimum maximum height of 9.0m shall be permitted for the existing accessory building instead of the maximum 4.5m height permitted.

Lands known municipally as 1371 Highway No. 8:

5. A minimum lot area of 2920.0m² shall be permitted instead of the minimum 4050.0m² lot area required.
6. A minimum lot frontage of 28.9m shall be permitted instead of the minimum 30.0m lot frontage required.
7. A minimum front yard of 9.5m shall be permitted instead of the minimum 10.0m front yard required.

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

DATE: Thursday, April 7th, 2022
TIME: 2:15 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 22nd, 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 LOT 3 - CONCESSION 2
GEOGRAPHIC TOWNSHIP OF SALT FLEET
IN THE
CITY OF HAMILTON

SCALE 1:400

0 5 10 15 metres

NICHOLAS P. MUTH, O.L.S.

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2184933

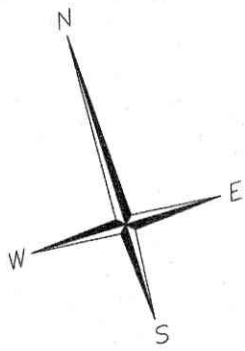


THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3).

THIS REPORT WAS PREPARED FOR
CHRISTOPHER & KELLEY HORRILL

NOTE:

TIES ARE TAKEN TO FOUNDATION
UNLESS OTHERWISE NOTED



PART 2
62R-18914

P.I.N. 17367 - 0080

LOT

CONCESSION

3

2

IB(1922)

N78°50'30"W
26.66

IB(OU)

N88°09'55"W
26.91
(26.88 P3)

IP(OU)

22.25 (P3 & MEAS)

IB(824)

16.01
(16.06 P3)

PART 1
62R-4848

PART 1
62R-745

PART 2
62R-745

GEOGRAPHIC

FENCE 0.79 WEST
CHAIN LINK FENCE

P.I.N. 17367 - 0094
INST. SA47296 (REMAINDER)

FENCE 0.74 WEST

BOARD FENCE

1 STOREY BRICK DWELLING
No. 1363

2 STOREY BRICK DWELLING
No. 1359

1.53 (P4 & SET)

(P4 & MEAS)

(P4 & MEAS)

(P4 & MEAS)

(P4 & MEAS)

(P4 & MEAS)

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(P4 & MEAS)

SURVEYOR'S REAL PROPERTY REPORT

PART 1 - PLAN R-4620

PART 2

PARCEL IS NOT SUBJECT TO ANY
EASEMENTS OR RIGHT-OF-WAYS.

PLEASE REFER TO FACE OF PLAN FOR
SPECIFIC LOCATION OF FENCES AND
CONCRETE CURB.

LEGEND:

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- IB DENOTES IRON BAR
- SIB DENOTES STANDARD IRON BAR
- IP DENOTES IRON PIPE
- CM DENOTES CONCRETE MONUMENT
- (OU) DENOTES ORIGIN UNKNOWN
- (639) DENOTES J. M. LEITCH, O.L.S.
- (655) DENOTES J. T. PETERS, O.L.S.
- (824) DENOTES A. T. McLAREN, O.L.S.
- (1922) DENOTES H. KALANTZAKOS, O.L.S.
- (DHO) DENOTES DEPARTMENT OF HIGHWAYS OF ONTARIO
- P1 DENOTES PLAN 62R-12323
- P2 DENOTES PLAN 62R-1394
- P3 DENOTES PLAN 62R-18914
- P4 DENOTES PLAN BY A.T. McLAREN O.L.S.
DATED APRIL 16, 1980 (FILE 15217)
- P5 DENOTES PLAN 62R-745
- D. DENOTES INSTRUMENT CD425143
- MEAS. DENOTES MEASURED
- CONC. DENOTES CONCRETE
- FR. DENOTES TIES TO FRAME

METRIC:

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

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND REFERRED TO THE
NORTHERLY LIMIT OF THE KING'S HIGHWAY 8 AS SHOWN ON
DEPOSITED PLAN No. 133 HAVING A BEARING OF N83°13'30"E

NOTE:

A. J. CLARKE & ASSOCIATES LTD. is not liable for use of this
REPORT by any party or parties for FUTURE TRANSACTIONS
or for any unrelated purposes.

This REPORT reflects conditions at time of survey. UPDATING
may be required to issue ADDITIONAL COPIES subsequent to
DATE OF THE SURVEYOR'S CERTIFICATE.



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

PROJECT No. 218075D

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 5th DAY OF NOVEMBER, 2021

DECEMBER 22, 2021
DATE

NICHOLAS P. MUTH, O.L.S.
ONTARIO LAND SURVEYOR

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A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton – Committee of Adjustment
City Hall 5th Floor
71 Main St W, Hamilton, ON L8P 4Y5

March 7, 2022

Attn: Jamila Sheffield, Secretary-Treasurer
Delivered via e-mail: Jamila.Sheffield@hamilton.ca

Re: 1367 & 1371 Highway No. 8, Stoney Creek
Minor Variance Submission for Conditions 2, 5, and 6 of Severance Application SC/B-21:41

Dear Madam:

A. J. Clarke and Associates Ltd. has been retained by the owners of 1367 and 1371 Highway No. 8 in Stoney Creek for the purposes of submitting the enclosed Minor Variance Submission. Subject lands inadvertently merged on title and the minor variances are required to identify zoning deficiencies that have resulted by way of the shared lot line being re-established. The minor variances are required to clear conditions 2, 5, and 6 of severance approval under File: SC/B-21:41. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Minor Variance Application form;
- One (1) cheque in the amount of \$3,465 representing the required application fee;
- One (1) electronic PDF copy of the “Surveyor’s Real Property Report, Part 1”, prepared by A.J. Clarke and Associates Ltd. (Please Note: a 6.25m wide road widening is going to be conveyed to the City as part of the severance approval, but that widening is not shown on the survey. A reference plan is being prepared to show that road widening).)

The subject site is Zoned “RR – Rural Residential” as per Stoney Creek Zoning By-law 3692-92. The lands are currently occupied by two existing single-detached dwellings with an accessory building located on 1367 Highway 8.

By recreating the former boundary line that existed prior to the inadvertent merging of the two properties, each property will require minor variances as follows:

Zoning Bylaw for RR	Requirement	Existing on Proposed 1367 Lot	Existing on Proposed 1371 Lot
Lot Area	4,050 sq m	±2913.31 sq m (±2743.65 sq m with road widening)	±2920.88 sq m (±2739.86 sq m with road widening)
Lot Frontage	30 metres	27.68 metres	28.96 metres
Front Yard Setback	10 metres	9.12 metres (±2.87 metres with road widening)	9.58 metres (±3.33 metres with road widening)
Accessory Building Height	4.5 metres	± 9 metres	None



Both lots have access to municipal water but use a septic system rather than sanitary sewer. As such, these lots would require a Lot Area of 4,050 square metres. This application requires a Minor Variance from 4,050 to $\pm 2,913.31$ sq m for 1367 Highway 8, and to $\pm 2,920.88$ sq m for 1371 Highway 8. Once the road widening is conveyed to the City, as Condition 8 of SC/8-21:41 describes, a variance will be required to reduce the lot area requirements. 1367 Highway 8 would require a lot area reduction to $\pm 2,743.65$ square metres 1371 Highway 8 would require a reduction to $\pm 2,739.86$ square metres.

Minor Variances will be required to address lot frontage from the required 30 metres. 1367 Highway 8 will require a reduction to 27.60 metres; 1371 Highway 8 would require a reduction to 28.90 metres. Both of these lot frontages existed prior to the lots merging on title.

Minor Variances will be required to address the front yard setback requirement of 10 metres. 1367 Highway 8 requires a reduction to 9.10 metres; 1371 Highway 8 requires a reduction to 9.50 metres. Once the road widening is conveyed to the City, as Condition 8 of SC/8-21 :41 describes, a variance will be required to reduce the front yard setbacks. 1367 Highway 8 would require a front yard reduction to 2.80 metres and 1371 Highway 8 would require a reduction to 3.30 metres.

1367 Highway 8 will also require a variance to the height of the detached garage structure located in the rear yard. The existing garage structure is 2 storeys (± 9 metres) and would require an increase from the bylaw's 4.5 metre maximum height. This structure has existed as legal non-conforming for previous decades.

these variances are minor in nature and will have no effect on the existing built environment as these structures have been in place for decades and generally are in keeping with the general intent of the Zoning By-law.

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

Yours truly,

Stephen Fraser MCIP, RPP
Principal, Planner
A. J. Clarke and Associates Ltd.



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 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

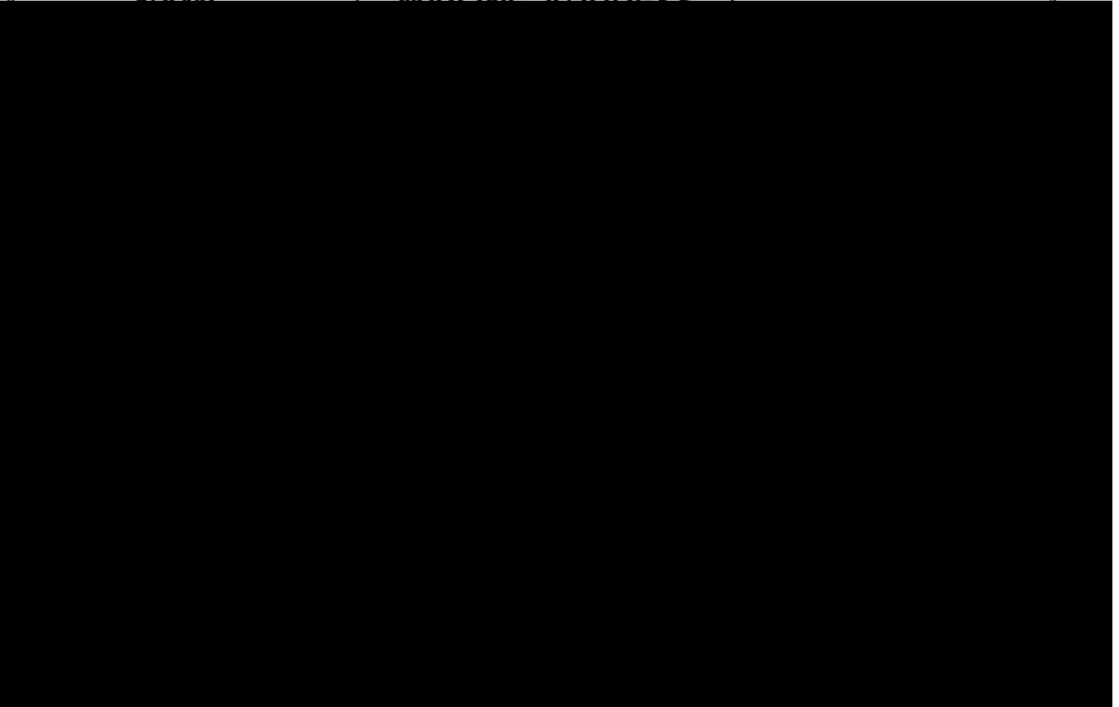
The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2

**Registered
Owners(s)**

Applicant(s)*

**Agent or
Solicitor**

NAME	MAILING ADDRESS
	

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:

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 refer to the corresponding cover letter.

☐ Second Dwelling Unit ☐ Reconstruction of Existing Dwelling
5. Why it is not possible to comply with the provisions of the By-law?

Subject lands inadvertently merged on title and the minor variances are required to identify zoning deficiencies that have resulted by way of the shared lot line being re-established. The minor variances are required to clear conditions of severance approval under File: SC/B-21:41
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**):

1367 & 1371 Highway 8, Stoney Creek
7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐
Other _____
- 8.1 If Industrial or Commercial, specify use _____
- 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?

Previous approvals, property owner's knowledge.

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.

January 21, 2022

Date

Christopher B. Horrill
Kelley Horrill

Signature Property Owner(s)

Kelley Elizabeth Horrilland Christo

Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage +/-56.64m

Depth +/-105.81 to 118.89m (irregular)

Area +/-5,925.5sq.m

Width of street

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:

Please refer to the attached survey R-4620

Proposed

No change

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

Existing:

Please refer to the attached survey R-4620

Proposed:

No change

13. Date of acquisition of subject lands:
2017
14. Date of construction of all buildings and structures on subject lands:
unknown (no construction proposed)
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single detached dwelling(s)
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single detached dwelling(s)
17. Length of time the existing uses of the subject property have continued:
over 20 years
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
"Rural Areas" on Schedule "E" – Urban Structure and designated "Specialty Crop"
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Rural Residential "RR" Zone
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
☐ Yes ☒ No
If yes, please provide the file number:

- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
☐ Yes ☒ No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 (please include separate sheet if needed)
File: SC/B-21:41
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.