



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: HM/B-22:21

SUBJECT PROPERTY: 15 Bartlett Avenue, Hamilton

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 Wellings Planning Consultings Inc. – G. Wellings

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

Severed lands:
21.46m[±] x 53.13m[±] and an area of 1008.7m² ±

Retained lands:
20.9m[±] x 53.16m[±] and an area of 1020.8m² ±

The Committee of Adjustment will hear this application on:

DATE: Thursday, April 28th, 2022
TIME: 2:05 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: April 12th, 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.

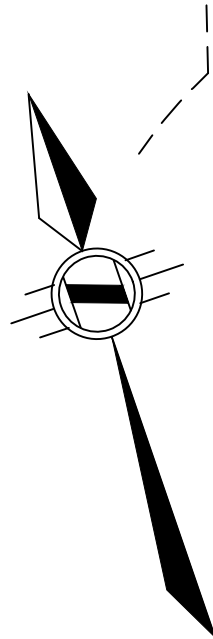
SKETCH FOR MINOR VARIANCE
OF
LOT 31
REGISTERED PLAN No. 1013

IN THE
CITY OF HAMILTON

SCALE 1:250 METRIC



S.D. McLAREN, O.L.S. - 2022

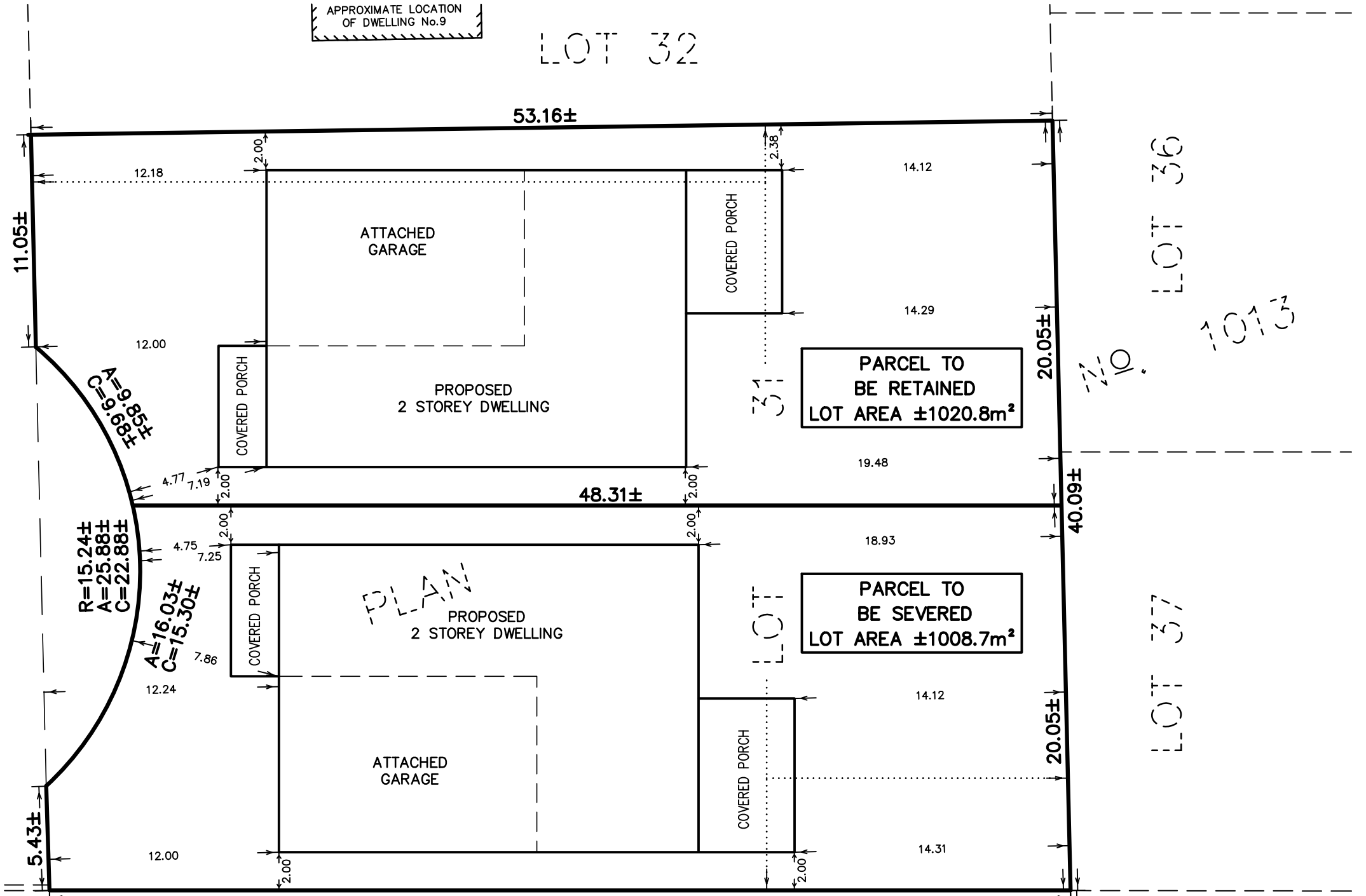


BARTLETT AVENUE
(DEDICATED BY REGISTERED PLAN No. 1013)

REGISTERED

APPROXIMATE LOCATION
OF DWELLING No.9

LOT 32



PARCEL TO BE RETAINED
LOT AREA ±1020.8m²

PARCEL TO BE SEVERED
LOT AREA ±1008.7m²

PART 3,
PLAN 62R-15256

PART 4, PLAN 62R-15256

PARCEL 'B'
0.305m RESERVE

PART 6, PLAN 62R-15256

PART 9,
PLAN 62R-15256

PARCEL 'C'
0.305m RESERVE

PART 7,
PLAN 62R-15256

MCLARY AVENUE
(DEDICATED BY REGISTERED PLAN No. 1013)

CAUTION:

A) THIS IS NOT A PLAN OF SURVEY AND SHALL ONLY BE USED FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

B) THIS SKETCH IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES WERE DERIVED FROM PLAN OF SURVEY DONE BY MTE ONTARIO LAND SURVEYORS LTD. DATED JANUARY 25, 2022.

METRIC NOTE:

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

DATE: FEBRUARY 23, 2022.



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KB	Checked SDM	Crew Chief --	Scale 1:250	Dwg.No. 36786-SK1
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March 18, 2022

Digitally Submitted

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

Dear Ms. Sheffield:

**Re: Applications for Minor Variance and Consent
Michael Chiaravalle (Sonoma Homes Inc.)
15 Bartlett Avenue
Lot 31, Registered Plan No. 1013
City of Hamilton
Our File No.: 2022/02**

We are the Planning Consultants for Michael Chiaravalle/Sonoma Homes Inc. ("Sonoma"), the owner of the subject lands located at 15 Bartlett Avenue. Sonoma is proposing to sever the subject property into two (2) equal parts to construct one (1) new single-detached home on each parcel. The existing dwelling will be demolished. The purpose of this letter is to provide a planning analysis and justification for the requested consent and related minor variances to City of Hamilton Zoning By-law 6593 ("ZBL").

Context

The subject lands comprise a 2,029.5 square metre property located on the east side of Bartlett Avenue, towards the end of the cul-de-sac. The lands are surrounded by a mix of one (1) and two (2) storey single-detached dwellings to the north, east and west on large lots, and vacant treed lands to the south.

Proposal

Sonoma is proposing to sever the property into two (2) equal sized parcels. Each parcel is proposed to contain a two (2) storey single-detached dwelling. The proposal will require minor variances to the ZBL to permit a reduced lot size and reduced front and side yard setbacks for the proposed dwellings.

Consent to Sever

The Consent to Sever application proposes to sever a 1,008.7 square metre parcel from the existing 2029.5 square metre property. The retained portion will be 1,020.8 square metres in size.

VariANCES Requested

The requested variances are as follows:

- To permit a front yard depth of 7.0 metres. Section 8.3(i) of the ZBL currently permits a front yard depth of at least 12.0 metres.
- To permit a side yard width along each side lot line of 2.0 metres. Section 8.3(11) of the ZBL currently permits a side yard width of at least 3.0 metres.
- To permit a lot area of 1,000.0 square metres. Section 8.4 of the ZBL currently permits an area of at least 1,100.0 square metres.

Official Plan

The Urban Hamilton Official Plan (“OP”) designates the property “Neighbourhoods” according to Schedules E (Urban Structure) and E-1 (Urban Land Use Designations). The “Neighbourhoods” designation is addressed under Chapter E – Urban Systems and Designations. Section E.1.0 provides the Goals for all designations that fall under “Urban Systems and Designations”, including “Neighbourhoods”. The following goals are applicable to these applications:

The following goals shall apply to the urban systems and land use designations of this plan.

- c) Develop compact, mixed use urban environments that support transit and active transportation.**
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.**
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.**
- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.**
- h) Recognize that Hamilton’s neighbourhoods are stable, not static.**

The proposal will represent a more compact use of the land in a neighbourhood that is walkable and close to transit. The proposal will contribute to the stock of single-detached dwellings in the area, which are the preferred housing type for many. The design of the homes will reflect the existing character of the neighbourhood, which is

comprised of single-detached dwellings. The proposal represents mild and appropriate intensification of the property which is compatible with the surrounding area in terms of lot size and built form.

Section 2.6 pertains to “Neighbourhoods” within the Urban Systems and Designations category. Section 2.6, states that:

Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding area.

The residential intensification in this instance is compatible in scale, use and density to the surrounding area.

Policies pertaining to the Function of Neighbourhoods are found under Section 2.6.2, which establishes that “Neighbourhoods shall primarily consist of residential uses.” Residential uses are proposed for both the severed and retained parcels. Section 2.6.4 states that:

The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with support.

As previously noted, the proposal will contribute to the stock of single-detached homes in the neighbourhood. Policies pertaining to Scale of Neighbourhood uses are found under Section 2.6.7, which states that:

Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Section B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

The proposed severance and minor variances will result in development that is compatible with the surrounding low-density, single-detached neighbourhood. The proposal conforms to applicable policies under other relevant sections of the OP.

Neighbourhoods Designation

Chapter E - Section E.3.0 provides policies specific to Neighbourhoods. Section 3.1 states the goals for this designation as follows:

The following goals apply to the Neighbourhoods land use designation:

- 3.1.1 Develop compact, mixed use, transit supportive, and active transportation friendly neighbourhoods.
- 3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- 3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

The proposal will result in a more compact form of development, in a neighbourhood that is walkable and close to transit and other amenities. The development of single-detached dwellings is consistent with surrounding housing types. The proposed lots and dwellings respect the character of the existing neighbourhood in scale, form and density, and will represent residential intensification of the property that is appropriate given the surrounding context.

Policies pertaining to Scale and Design in the Neighbourhoods Designation state, under Section 3.2.4, that:

The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhoods in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

The proposed development will maintain the existing character of the surrounding neighbourhood, which contains single-detached dwellings of a similar scale.

It is our opinion that the proposal will enhance the neighbourhood with new homes that are compatible with the scale and character of the neighbourhood.

Residential Intensification

Chapter B of the OP contains policies for Residential Intensification under Section 2.4. The proposal represents small-scale intensification of the property. Policies for General Residential Intensification are contained under Section 2.4.1, which states that:

2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

- c) the developments contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- f) infrastructure and transportation capacity.

The proposal will maintain the established neighbourhood pattern of development and built form by providing appropriately sized lots for single-detached dwellings fronting a public street. The proposed lots are similar in size to surrounding uses, which also contain single-detached dwellings. The proposed dwellings will result in a compatible integration of development in terms of use, scale, form and character with the surrounding neighbourhood.

Policies specific to Residential Intensification in Neighbourhoods are contained under Section 2.4.2, which states the following:

2.4.2.2 When considering application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhoods;
- j) infrastructure and transportation capacity and impacts.

The proposed residential intensification is small-scale in nature, representing a net increase of one (1) residential unit. No adverse impacts are expected. The proposed dwellings will be two (2) storeys in height, which is compatible with surrounding residential uses and complies with the current zoning. The severed and retained lots will be a comparable size to surrounding lots, with private rear yards being maintained. Setbacks and building separations will be slightly reduced, but without adverse impact. The proposal will maintain the existing function of the residential neighbourhood and can be adequately serviced by existing transportation and infrastructure.

Lot Creation

The proposed severance requires review of Lot Creation policies within the OP. Chapter F – Implementation contains policies pertaining to Lot Creation – Urban Area. Those policies specific to Neighbourhoods are contained under Section 1.14.3, which states that:

1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designations, shall be permitted provided the following conditions are met:

- a) **The lots comply with the policies of this Plan, including secondary plans, where one exists;**
- c) **The lots are in conformity with the Zoning By-law or a minor variance is approved;**
- d) **The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;**
- e) **The lots are fully serviced by municipal water and wastewater systems; and,**
- f) **The lots have frontage on a public road.**

The proposed lots conform with relevant policies of the OP, and minor variances are being requested to the Zoning By-law. The proposed lots reflect the general scale of the surrounding area which consists of larger lot sizes. The building height, coverage and massing will comply with the current zoning and be compatible with surrounding uses. The properties will be fully serviced by existing municipal infrastructure and will have frontage on a public road (Bartlett Avenue).

Zoning By-law

The subject properties are zoned “B” Districts - Suburban Agriculture and Residential, etc. in the ZBL. Under Section 8 of the ZBL, single family dwellings are permitted uses in the “B” Districts Zone. The ZBL provides provisions for height, area requirements, and intensity of use. Under Section 8.2, the height requirements are as follows:

In a “B” District, no building shall exceed two and a half storeys and no structure shall exceed 11.0 metres in height.

The proposed dwellings will be two (2) storeys in height, and will not exceed 11.0 metres. Area requirements under Section 8.3 require that:

The following yards shall be provided within the district, and maintained, as appurtenant to every building or structure in a “B” District:

- (i) a front yard depth of at least 12.0 metres;
- (ii) a side yard depth along each lot line of a width of at least 3.0 metres;
- and,
- (iii) a rear yard depth of at least 9.0 metres.

The proposed dwellings will require relief from the front and side yard provisions above through minor variance. The minor variances requested include a reduced minimum front yard depth of 7.0 metres and reduced minimum side yard depth of 2.0 metres. A minimum rear yard depth of at least 9.0 metres will be provided. Provisions dealing with the intensity of use are contained under Section 4, which requires that:

Every lot or tract of land in a “B” District shall have a width of at least 20.0 metres and an area of at least 1,100.0 square metres within the district.

The severed and retained parcels will each maintain minimum widths of 20.0 metres. However, the proposed lot sizes will be 1,020.8 square metres for the retained parcel, and 1,008.7 square metres for the severed parcel. A minor variance to permit the proposed lots at a size less than 1,100.0 square metres is required.

Planning Opinion

We have assessed the consent application based on conformity to the OP and the requested variances having regard for the four (4) tests set out in the *Planning Act*. Our planning opinion is outlined below.

Official Plan Conformity

The goals and policies of the Neighbourhoods designation support that neighbourhoods shall remain primarily residential where change can occur at an appropriate scale so long as the character of the neighbourhood is maintained. The proposed severance will result in two (2) parcels with new two (2) storey single-detached houses that are an appropriate size and built form. The severed and retained parcels are large and provide adequate back yards and appropriate setbacks from the side and front lot lines to fit the character of the surrounding neighbourhood. The proposed development will be an appropriate scale of residential intensification, which is supported in the OP.

Minor Variances – Four (4) Tests

Do the variances meet the general intent and purpose of the Official Plan?

Yes. The proposed minor variances conform to the OP. The general intent and purpose of the OP is to ensure that Neighbourhoods remain primarily residential, that the existing character of neighbourhoods be preserved, and that any development in neighbourhoods be considered compatible. Compatibility is defined as:

Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an

area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

The proposal is for an additional single-detached residence in an established neighbourhood where single-detached dwellings are the dominant built form. The proposal will also contribute to small-scale residential intensification. The proposed lot size and setbacks will be compatible with surrounding properties.

It is my opinion that the minor variances meet the general intent and purpose of the OP, by representing an appropriate scale of residential intensification that is in keeping with the existing character of the neighbourhood.

Do the variances meet the general intent and purpose of the Zoning By-law?

Yes. The general intent and purpose of the ZBL is to ensure that development occurs at an appropriate scale and intensity consistent with the existing character of the neighbourhood. The variances requested to reduce the minimum front and side yard setbacks and to reduce the minimum lot area meet the general intent and purpose of the ZBL by proposing minor deviations to the existing zone provisions. Provisions for rear yard setback and height will be met.

In terms of lot area, the proposed reduction is marginally less than the required 1,100.0 square metres (i.e., 1,000.0 square metres) and will not be noticeable within the neighbourhood or by passersby. The existing 3.0 metre side yard zone standard is inconsistent with current by-law standards for side yard setbacks. To achieve a reasonable side yard and maintain consistency with the neighbourhood, it is our opinion that a 2.0 metre setback is reasonable and appropriate. Finally, regarding the reduced front yard setback, the reduced setback only relates to the distance separation from the cul-de-sac bulb; however, a 12.0 metre setback will be achieved from the main road allowance (Bartlett Avenue) similar to the front yard setbacks for other homes on Bartlett Avenue.

It is my opinion that the proposed minor variances to the ZBL to reduce front and side yard setbacks and minimum lot area meet the general intent and purpose of the ZBL. The variances will not compromise the existing character or development pattern of the neighbourhood.

Are the variances desirable for the appropriate development or use of the land?

Yes. The parcels to be severed and retained will support the construction of new high-quality homes that will benefit the neighbourhood. The existing home on the property is vacant and unoccupied. The reduced setbacks and lot sizes are appropriate in scale, massing and orientation given the surrounding character and conditions of the area, and adequate servicing is available to support the development. The proposal will provide appropriate and desirable residential intensification for the area.

It is my opinion that the requested minor variances are desirable for the appropriate development or use of the subject property.

Are the variances minor in nature?

Yes. The proposed variances each represent minimal reductions from the current provisions of the ZBL. The minimum required front yard depth as per the ZBL is 12.0 metres, and the proposal is requesting a reduction to 7.0 metres. The 7.0 metres is measured from the cul-de-sac bulb; however, the proposed house will achieve the 12.0 metre setback from the main road allowance similar to other homes in the immediate area and on Bartlett Avenue. The minimum required side yard requirement is presently 3.0 metres. The proposal is requesting a reduction to 2.0 metres, which is more in keeping with today's by-law standards. Finally, the required minimum lot area is 1,100.0 square metres. The proposal is requesting a reduction to 1,000.0 square metres. A reduction of approximately 100 square metres for such a large lot is negligible. In my opinion, all of the proposed variances represent minor reductions to the provisions of the ZBL.

The impact from the proposed variances will be minimal. The proposed dwellings will be two (2) storeys in height, consistent with the current ZBL and surrounding homes that are a combination of one (1) and two (2) storey dwellings. No adverse impacts from shadow, overlook, noise, traffic, or other nuisances are expected. The proposed setback reductions are minor in nature and will not result in adverse impacts on the adjacent properties.

It is my opinion that there will be no adverse impacts arising from the requested minor variances, and that the minor variances are minor in nature.

Conclusion

It is my opinion that the consent application conforms to the OP and the minor variances requested satisfy the four (4) tests as set out in the *Planning Act*. The proposed consent and minor variances are reasonable and appropriate in the surrounding context and represent an appropriate form of intensification.

Supporting Materials

In support of the applications, we submit in digital format the following material:

1. The completed and signed Consent Application dated March 10, 2022.
2. The completed and signed Minor Variance Application dated March 10, 2022.
3. Consent and Minor Variance Sketch prepared by A.T. McLaren Limited dated February 23, 2022.
4. Copy of cheque payable to the City of Hamilton in the amount of \$6,450.00 (\$3,465.00 for the Minor Variance Application, and \$2,985.00 for the Consent Application). The original cheque will be forwarded by courier by Sonoma.

If you require anything further, please contact us.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.



Glenn J. Wellings, MCIP, RPP



c. Michael Chiaravalle - Sonoma Homes Inc.

CONSENT APPLICATION SUBMISSION REQUIREMENTS AND INFORMATION

1.0 GENERAL NOTES

- 1.1 Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please contact the Planning office for further information (pd.generalinquiry@hamilton.ca).
- 1.2 The application fee is non-refundable whether the application is approved or denied.
- 1.3 Submission of this application constitutes tacit consent for authorized municipal staff and Committee members to inspect the subject lands or premises.
- 1.4 All information submitted in support of this application will be considered public information, including any reports, studies, drawings or other documentation. The City of Hamilton is permitted to make the application and any associated supporting information available to the general public, including posting electronic versions of the application form and associated studies and reports online. The City of Hamilton is also permitted to provide copies of the application and any supporting information to any member of the public or other third party that requests the information.
- 1.5 This application form is to be used by persons or public bodies wishing to apply for the severance of land within the City of Hamilton. In this form, the term "subject land" means the land to be severed and the land to be retained.
- 1.6 The application form is formatted to be printed on paper sized 8.5" by 14" (legal).

2.0 FEES

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied.

2.1 PAYMENT TYPES

- 1) Cheque and Credit (via phone call)

Please make cheques payable to **"The City of Hamilton."**

2.2 APPLICATION FEE:

1)	Property serviced with sanitary sewers and public watermains	\$2,985.00
2)	Property serviced with sanitary sewers and a well or cistern	\$3,000.00
3)	Property serviced with public watermains and a septic system	\$3,375.00
4)	Property serviced by a well or cistern and a septic system	\$3,390.00

Recirculation Fee - \$200.00

2.3 CONSERVATION AUTHORITY PLAN REVIEW FEES

Conservation Authority	Minor	Intermediate	Major
Hamilton Conservation Authority	\$845 ¹	n/a	\$1,820 ²
Conservation Halton	\$2,374 ¹	\$3,239 ⁵	\$4,492 ²
Niagara Peninsula Conservation Authority	\$570 ¹	n/a	TBD*
Grand River Conservation Authority	\$445 ³	n/a	\$1,140 ⁴

During the current closure of offices to the public, please contact the Conservation Authorities directly to arrange payment of Conservation Authority Plan Review Fees.

Contacts are:

Hamilton Conservation Authority: 905.525.2181

Halton Conservation Authority: 289-230-0104

Grand River Conservation Authority: (519) 621-2763 x2324

Niagara Peninsula Conservation Authority: 905 788 3135

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

- 1 In the area of interest to the Conservation Authority (Scoped EIS).
- 2 Technical studies (i.e. Storm Water Management or Geotechnical) beyond a scoped EIS are required.
- 3 Low risk of impact on natural hazard or natural features, no technical reports required.
- 4 A hazard risk and/or potential impact to natural hazards or natural features and requires the review of one or more technical reports/studies.
- 5 One Technical study is required for review from the Conservation Authority.
- * Addition fee for the review of a technical report, if required.

3.0 SITE SKETCH

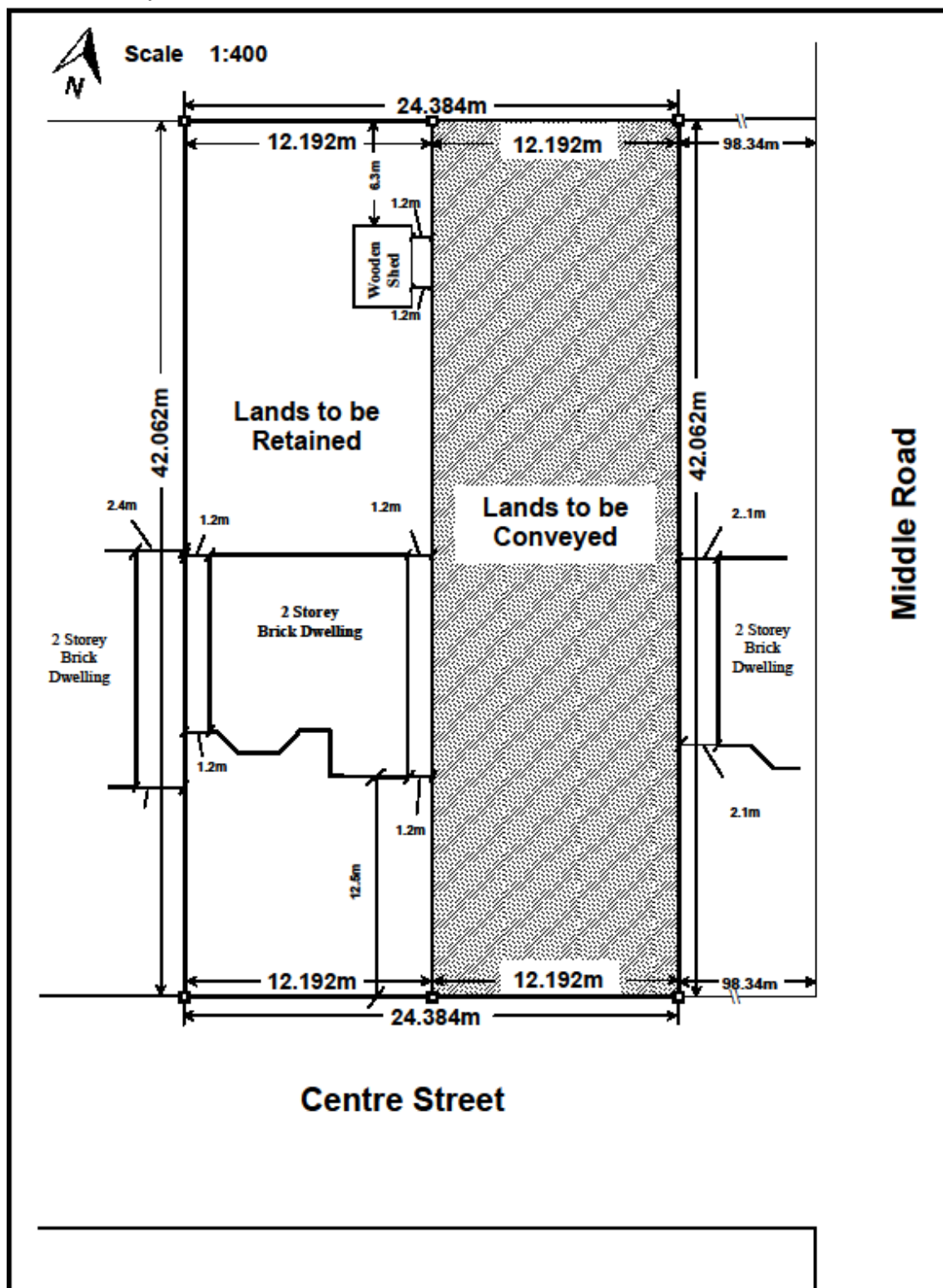
3.1 REQUIRED INFORMATION

The application must be accompanied by a sketch or survey plan (in metric) containing the following information (you may submit additional sketches if all information is not able to be provided on one plan):

- 1) the true dimensions and boundaries of the property for which the application is being made (note: a sidewalk is not usually a lot line);
- 2) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- 3) the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge;
- 4) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- 5) the approximate location of all natural and artificial features on the subject land, and adjacent land, that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic systems;
- 6) the current uses of land that is adjacent to the subject land;
- 7) the location, width and name of any roads within, or abutting, the subject land, indicating whether it is a Provincial highway, City Road, an unopened road allowance, a public traveled road, a private road or a right-of-way;

- 8) if access to the subject land is by water only, the approximate distance of the parking and docking facilities from the subject land and the nearest public road;
- 9) the location and nature of any easement affecting the subject land;
- 10) the location, size and type (e.g. deck, single family dwelling etc.) of all existing buildings, structures or uses on the subject property, including setbacks measured from the front, rear and side lot lines; and
- 11) clearly labeled “Severed” (or leased, easement etc.) and “Retained” (or remainder) portions, along with proposed dimensions.
- 12) the information provided must be legible and drawn with good drafting techniques;
- 13) sketch paper size is a minimum of Letter (A4, 8.5x11.5) and at least one copy a maximum of Ledger (A3, 11.5x17).

3.2 Example Sketch



4.0 COMPLETENESS OF THE APPLICATION

4.1 REQUIRED ITEMS (see Section 5 for complete details)

- 1) Application Form – Fully completed, with all sections filled out, signed by the owner (and agent if applicable). See Application form attached.
- 2) Sworn Affidavit – Must be signed by the applicant before a Commissioner of Oaths. Part 24 of the application form.
- 3) Prescribed Fee – See Section 2
- 4) Site Sketch – See Section 3

4.2 The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

4.3 In the case of an approved application, conditions may be imposed as requested by circled agencies (i.e. - a 5 per cent park land dedication or cash-in-lieu thereof to the local municipality, a road widening dedication to the appropriate authority, and any other condition the Committee deems necessary).

4.4 The application form also sets out additional information (i.e. technical information or reports) that will assist the City in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted along with the mandatory information. In the absence of this additional information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the proposed severance application may be refused.

5.0 SUBMISSION OF THE APPLICATION

A separate application form is required for each parcel severed, along with the applicable fee as indicated above. Please note the nature of the information/reports varies with the type of land uses proposed, the existing land use and topographic features.

Applications may be submitted via Electronic Submission or Hardcopy submission. Electronic submissions must be sent to cofa@hamilton.ca. Hardcopy Submissions must be mailed to Committee of Adjustment, 5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5 or submitted on the 1st Floor of City Hall, 71 Main Street West. Hardcopy submissions (including envelopes containing cheques) must be clearly addressed to Committee of Adjustment.

5.1 ELECTRONIC SUBMISSION

- 1) Acceptable file formats are .pdf, .jpeg, or .doc. All other formats will be returned as we are unable to process them.
- 2) Naming convention for files is: LD_Address_Document Type (eg. LD_71 Main St. W._Application Form)
- 3) Electronic Submission:
 - a) One (1) copy of the completed application form (all applicable sections filled out and commissioned); and
 - b) One (1) copy of the Survey or Site Sketch, including all required information per Section 3;
 - c) One (1) of any additional information, including studies; and

d) Payment information, either credit card payment (name and phone number of the person paying, they will be contacted by staff) or scan/picture of cheque(s). All physical cheques must be mailed or dropped off at City all as per instructions above.

5.2 HARDCOPY SUBMISSION ONLY

- 1) All information noted below is required for a Hardcopy Only Submission.
- 2) Hardcopy Submission:
 - a) Two (2) copies of the completed application form;
 - b) Two (2) copies of the Survey or Site Sketch, including all required information per Section 5 (one (1) full scale size and one (1) no larger than ledger size paper 11" x 17");
 - c) Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form; and
 - d) Payment, either credit card payment form or cheque(s).



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.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone:
			E-mail:
Registered Owners(s)	Michael Chiaravalle	P.O. Box 100 8533 Airport Road West Mount Hope, ON L0R 1W0	Phone: 905-538-2617
			E-mail: michael@sonomahomes.ca
Applicant(s)**	Wellings Planning Consultants Inc.	513 Locust Street, Unit B Burlington, Ontario L7S 1V3	Phone: 905-681-1769 ext. 201
			E-mail: glenn@wellingsplanning.ca
Agent or Solicitor	Wellings Planning Consultants Inc.	513 Locust Street, Unit B Burlington, Ontario L7S 1V3	Phone: 905-681-1769 ext. 201
			E-mail: glenn@wellingsplanning.ca

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

1.3 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot 31	Concession	Former Township Hamilton
Registered Plan N°. 1013	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 15 Bartlett Avenue			Assessment Roll N°. 071131052200000

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:

[Empty text box for describing easements or covenants]

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
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also 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:

Unknown

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

[Empty text box for identifying lands for lot addition]

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
21.46 m ±	53.13 m ±	1008.7 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: 1 single detached dwelling to be demolished

Proposed: Two-storey single detached dwelling on each parcel

Existing structures to be removed: Yes

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 (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
20.9 m ±	53.16 m ±	1020.8 m ²

Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

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

Building(s) or Structure(s):

Existing: 1 single detached dwelling to be demolished.

Proposed: 1 single detached two storey dwelling on each parcel.

Existing structures to be removed: Yes

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)

4.3 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.

See cover letter.

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? "B" Districts - Suburban Agriculture and Residential, ETC.

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 checked="" type="checkbox"/>	commercial uses
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

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?

Property has been used for residential purposes for several years and there is no visual evidence of contamination.
- 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
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
- 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?

Land was acquired on June 18, 2021.

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.

Several properties.

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)

- Agricultural Severance or Lot Addition
 - Agricultural Related Severance or Lot Addition
 - Rural Resource-based Commercial Severance or Lot Addition
 - Rural Institutional Severance or Lot Addition
 - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
 - 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)
----------------------------------	--

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

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.

See cover letter.

12 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.

March 10, 2022

Date



Signature of Owner

13 AFFIDAVIT OR SWORN DECLARATION

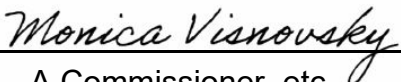
13.1 Declaration For the Prescribed Information

I, Glenn Wellings of the City
of Burlington make oath and
say (or solemnly declare) that the information contained in this application is true and that the
information contained in the documents that accompany this application in respect of the
application is true.

Sworn (or declared) before me at the

City of Hamilton this)
)
)
10th day of March, 2022)
)
)


Applicant's Signature


A Commissioner, etc.

Monica Lise Visnovsky,
a commissioner, etc., Province of Ontario,
for Wellings Planning Consultants Inc.
Expires May 26, 2022


14 AUTHORIZATIONS

*14.1 If the applicant is not the owner of the land that is the subject of this application,
the authorization set out below must be completed.*

Authorization of Owner for Agent to Provide Personal Information

I, Michael Chiaravalle, am the owner of the land that is the subject of this application for
consent to sever land and for the purpose of the *Municipal Freedom of Information and
Protection of Privacy Act*, R.S.O. 1990, c. M.56. I authorize Glenn Wellings, as my agent
for this application, to provide any of my personal information that will be included in this
application or collected during the processing of the application.

March 10, 2022
Date


Signature of Owner

15 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.


Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Michael Chiaravalle, the Owner,
(Print name) (purchaser, owner, etc.)

hereby agree and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

March 10, 2022
Date


Signature

16 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.



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

CITY OF HAMILTON

COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 10th day of March, 2022.

BETWEEN:

Michael Chiaravalle
Applicant's name(s)

hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Ontario Land Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Ontario Land Tribunal by a party other than the developer; and (c) the City appears before the Ontario Land Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Ontario Land Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole

discretion, of taking no further steps in supporting the Developer's application before the Ontario Land Tribunal.

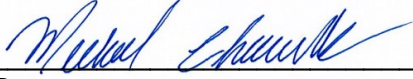
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.
5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Ontario Land Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or

transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at City of Burlington this 10th day of March, 20 22.

WITNESS



Per:
I have authority to bind the corporation.

WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___ day of _____, 20 ____.

City of Hamilton


Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED


_____ c/s
Owner:
Title:
I have authority to bind the corporation

_____ c/s
Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk



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

DATA SHEET – MDS I - (REPLACES AGRICULTURAL CODE OF PRACTICE)

This is to be completed and attached to the application when applying for a new non-farm use within 1000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each set of farm buildings.

Reference _____ No. _____ Date _____ By _____

Township _____ Lot _____ Concession _____

Closest distance from the livestock facility to the new use. _____ metres

Closest distance from the manure storage to the new use. _____ metres

Tillable Hectares where livestock facility located _____

Type of Livestock	Existing Housing Capacity #	Manure System (Check one box)			
		Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
DAIRY					
BEEF					
SWINE					
POULTRY					
HORSES					
SHEEP					
MINK – Adults					
WHITE VEAL CALVES					
GOATS					
OTHER					

The above information was supplied by:

Signature: _____ Date: _____

Note: Identify particular animal type for each livestock type under DESCRIPTION from Factor Tables, Table 1 attached as Appendix "A"

Table 1 Factor A (Outdoor Potential) and Factor D (Manure or Material Form in Storage Facility)

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg - 27 kg)	20			
	Feeders (27 kg - 105 kg)	6			
Dairy Cattle ¹	Milking-age cows (dry or milking)	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Large-framed 545 kg - 636 kg (e.g. Holsteins)				
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85			
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1		Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	Heifers (5 months to freshening)	2			
	- Large-framed 182 kg - 545 kg (e.g. Holsteins)				
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4		Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9			
	Calves (0 - 5 months)	6			
- Large-framed 45 kg - 182 kg (e.g. Holsteins)		Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside		
- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7				
- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5				
Beef Cattle	Cows, including calves to weaning (all breeds)	1	0.7	N/A	Bedded pack barns with or without outside yard access
	Feeders (7 - 16 months)	3	0.8	Slatted floor systems, or barns with minimal bedding and yard scraped to a liquid storage	
	Backgrounders (7 - 12.5 months)	3	0.8		
	Shortkeepers (12.5 - 17.5 months)	2	0.8		
Veal	Milk-fed	6	1.1		Slatted floors or slatted stall system
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg -680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7	N/A	Bedded floors
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	
	Broilers on an 8 week cycle	350	0.7	N/A	Bedded floors systems
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
Broilers on any other cycle, or if unknown, use 24.8 m ² /NU	24.8 m ²				
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Quail	Use 24.8 m ² /NU	24.8 m ²	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m ² /NU	24.8 m ²			
Pheasants	Use 24.8 m ² /NU	24.8 m ²			
Squab	Use 24.8 m ² /NU	24.8 m ²			
Rheas	Adults (includes replacements and market birds)	13			
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m ² /NU	24.8 m ²			
Geese	Use 24.8 m ² /NU	24.8 m ²	0.8	N/A	Cage or floor systems
Rabbits	Breeding females (including males, replacements & market animals)	40			
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)...cont’d**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage				
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter			
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas			
	Feeders (170 kg - 477 kg)	4						
Llama	Adults (includes unweaned young and replacements)	5						
	Feeders (45 kg - 86 kg)	16						
Alpaca	Adults (includes unweaned young and replacements)	8						
	Feeders (23 kg - 48 kg)	26						
Wild Boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5						
	Finishing boars (27 - 86 kg)	7						
Deer	White tailed deer - Adults > 24 mo (including unweaned offspring)	11				0.7	N/A	Bedded pack barns with outside access or outside confinement areas.
	- Feeders	21						
	Red Deer - Adults > 24 MO (including unweaned offspring)	7						
	- Feeders	14						
	Elk - Adults > 24 MO (including unweaned offspring)	2						
	- Feeders	6						
	Elk/deer hybrids - Adults > 24 MO (including unweaned offspring)	4						
	- Feeders	10						
	Fallow deer - Adults > 24 MO (including unweaned offspring)	13						
	- Feeders	23						
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column.	453.6 kg (1000lbs)	0.8	All storages with liquid manure.	All storages with solid manure.			
Manure imported to a lot not generating manure ²	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	1.2	All storages with liquid manure.	All storages with solid manure.			
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	0.5	All storages with liquid manure.	All storages with solid manure.			

1. On farms with 100 milk-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.