



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/A-22:59	SUBJECT PROPERTY:	11 KILBOURN AVENUE, STONEY CREEK
ZONE:	"R2" (Single Residential - Two)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner - Hillwood Homes
Agent - A.J. Clarke – S. Fraser

The following variances are requested:

1. A minimum lot frontage of 13.65 metres shall be provided for both the portion of the lands to be severed (Part 1) and the portion of the lands to be retained (Part 2), instead of the minimum required lot frontage of 15 metres.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Severance Application SC/B-21:112:

Notes:

1. Specific details regarding the proposed development of the portion of the lands to be conveyed (Part 1) and the portion of the lands to be retained (Part 2) were not included as part of this application; therefore, this Division cannot confirm zoning compliance.
2. Please note that the submitted survey indicates a minimum lot frontage of 13.72 metres for the portion of the lands to be severed (Part 1) and a minimum lot frontage of 13.71 metres for the portion of the lands to be retained (Part 2). The variance requested to permit a minimum lot frontage of 13.65 metres for both the portion of the lands to be severed (Part 1) and for the portion of the lands to be retained (Part 2) has been written as requested by the applicant.
3. This application is required to facilitate Consent Application No. SC/B-21:112.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

DATE:	Thursday, July 28, 2022
TIME:	1:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

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

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 **Subject Lands**

DATED: July 12, 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, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

Severance Application Authorization – 11 Kilbourn Avenue, Hamilton

We, Valerio Casciani and Wendy Casciani, are the owners of the lands municipally known as 11 Kilbourn Avenue, in the City of Hamilton.

We hereby authorize **A.J. Clarke & Associates Ltd. and Hillwood Homes Inc.** to submit a Severance Application to the City of Hamilton for the lands municipally known as 11 Kilbourn Avenue.

November 9, 2021

Date

November 9, 2021

Date

Val Casciani

Signature of Owner

Wendy Casciani

Signature of Owner



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

February 14, 2022

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

Re: 11 Kilbourn Avenue – Minor Variance Application Submission

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owner of 11 Kilbourn Avenue for the purposes of submitting the enclosed Minor Variance Application Submission. 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 \$3,465.00 representing the required application fee;
- One (1) electronic copy of the Authorization Letter;
- One (1) electronic copy of the Survey;
- One (1) electronic copy of the Severance Sketch;

The subject land is designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, “Low Density Residential 2b” on Map B.7.1-1 of the Western Development Secondary Plan and is zoned “R2 – Single Residential – Two” Zone in the City of Stoney Creek Zoning By-law 3692-92. The subject lands are currently occupied by a single detached dwelling.

A Minor Variance has been required as a condition of severance approval (SC/B-21:112) in order to permit the proposed development. A Minor Variance is required to facilitate a reduction to the minimum frontage requirement as per the “R2” Zone in Zoning By-law 3692-92 from 15 meters to 13.65 meters. In total, a reduction of -1.35 metres is required.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment Hearing Date. If you have any questions or require additional information, please do not hesitate to contact this office.



City of Hamilton Attn: Jamila Sheffield
Re: 11 Kilbourn Avenue, City of Stoney Creek
Minor Variance Application Submission

February 14, 2022

Page 2 of 2

Yours truly,

Stephen Fraser B.A. (Hons), MCIP, RPP
Principal Planner
A.J. Clarke and Associates Ltd.

Copy: Hillwood Homes
c/o Peter Elia
416-418-0531



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

The City of Hamilton
Planning and Economic Development Department
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

June 9, 2022

Sent via email to: cofa@hamilton.ca

Attn: Jamila Sheffield, Secretary-Treasurer

**Re: Minor Variance Application (File: SC/A-22:59)
11 Kilbourn Avenue, Hamilton, Ontario**

Dear Jamila:

Further to our recent email correspondence and as required, please consider this letter as our request to bring the above-noted application back to the Committee of Adjustment. Please be advised that our client and our office has shared the preliminary engineering design required for the consent agreement on the corresponding severance approval (File: SC/B-21:112) with Ms. Lyon and her lawyer, Mr. Brian Duxbury. While the engineering design and the consent agreement still requires finalization and approval by city staff, Ms. Lyon and Mr. Duxbury have agreed to our client bringing the minor variance back to the Committee of Adjustment for consideration and approval. The reason being, is the boundary matter has been resolved by the surveyors retained by Ms. Lyon and our client. There are no changes to the application as tabled and please note the approval of this minor variance is a condition of consent approval.

I trust this is satisfactory for your purposes and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

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

Copy: Peter Elia (email)
info@hillwoodhomes.ca

Brian Duxbury and Anita Lyon (email)
brian@duxburylaw.ca and saltfleet1973@gmail.com

SKETCH PREPARED FOR BUILDING PERMIT APPLICATION

FOR: HILLWOOD HOMES
11 KILBOURNE AVE.
CITY OF STONEY CREEK

PIN 17226-0173 (LT)
SCALE: 1 : 200

2 0 8 METRES
JEWITT AND DIXON LTD.

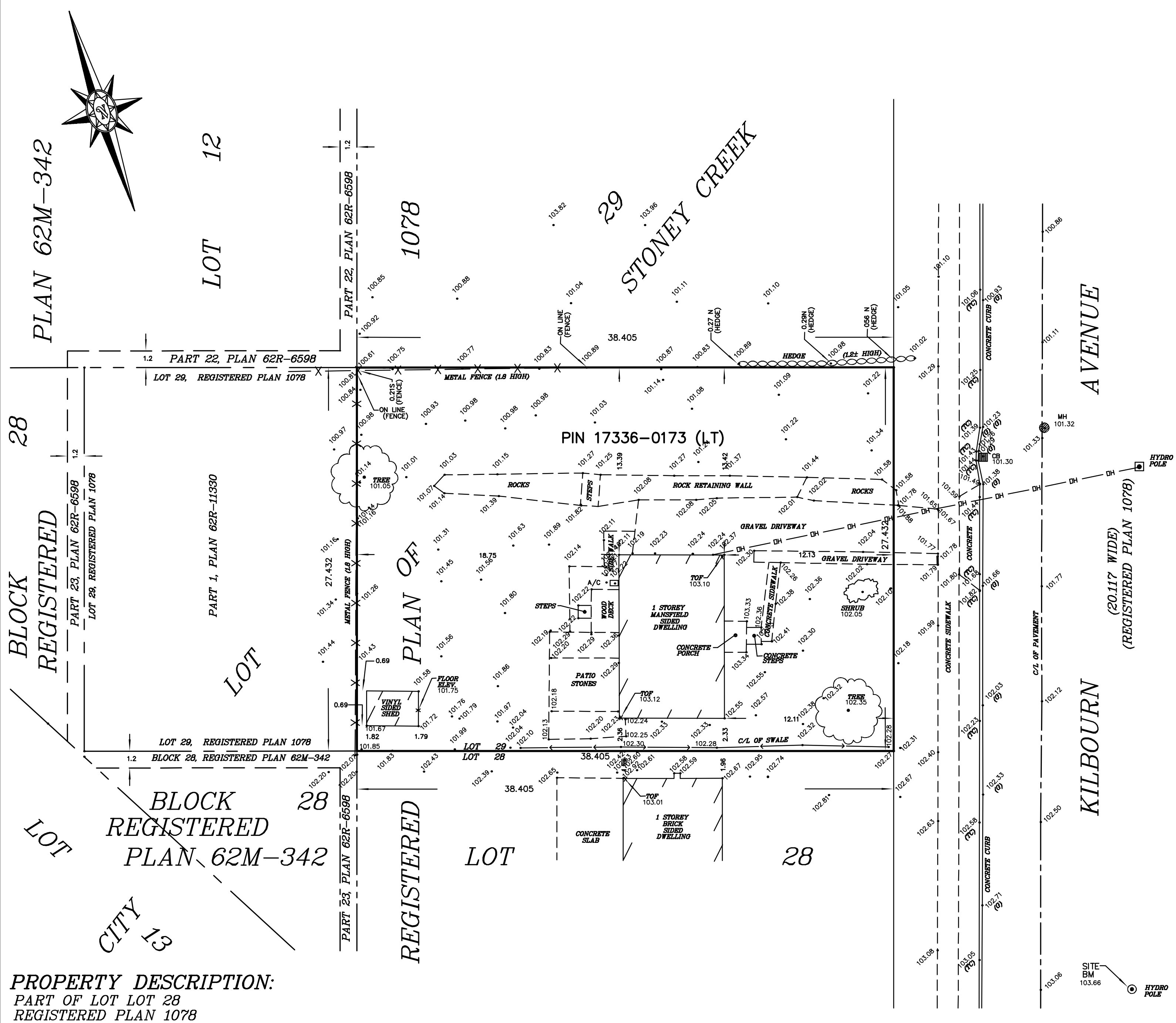
SITE B.M.#1
SPIKE IN WEST FACE
OF WOOD HYDRO POLE
ELEV = 103.66
(GEODETIC)

LEGEND

BELL BOX	SHOWN	BBX	□
BENCH MARK	SHOWN	BM	⊙
CATCH BASIN	SHOWN	CB	■
TOP OF FOUNDATION	SHOWN	TOF	—
OVERHEAD HYDRO LINE	SHOWN	O/H	—
WATER VALVE	SHOWN	WV	⊕
HYDRO POLE	SHOWN	HP	⊕
GAS METER	SHOWN	GM	⊕
MANHOLE	SHOWN	MH	⊕
GUTTER	SHOWN	G	—
TOP OF CURB	SHOWN	TC	—

NOTES

- (1) - A SURVEY OF THE SUBJECT PROPERTY HAS NOT BEEN MADE AVAILABLE
- (2) - PROPOSED BUILDING POSITIONED BY CALCULATIONS, NOT BY ACTUAL SURVEY
- (3) - PROPOSED FINAL GRADES ARE SHOWN AND ARE IN METERS
- (4) - T.F.W. DENOTES TOP OF FOUNDATION WALL
- (5) - U.S.F. DENOTES UNDERSIDE OF FOOTING
- (6) - F.F. DENOTES FINISHED FLOOR
- (7) - SITE BENCHMARK HAVING A GEODETIC ELEVATION OF 1 meters
- (8) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ELEVATION OF THE UPPER LIMIT OF THE GROUND WATER TABLE, SOIL BEARING CAPACITY AND THE ELEVATION OF THE UNDER SIDE OF FOOTING PRIOR TO EXCAVATION.
- (9) - IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE SITE BENCH MARK PRIOR TO EXCAVATION
- (10) - ELEVATIONS ARE REFERRED TO CANADIAN GEODETIC DATUM, CGVD 1928 VERTICAL DATUM
- (11) - THIS SKETCH WAS COMPLETED FROM FIELD WORK COMPLETED ON THE



PROPERTY DESCRIPTION:

PART OF LOT 28
REGISTERED PLAN 1078
CITY OF STONEY CREEK
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
CAUTION

THIS IS NOT A PLAN OF SURVEY OR SURVEYOR'S REPORT AND SHALL NOT BE USED FOR TRANSACTION OR FINANCING PURPOSES

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JEWITT AND DIXON LTD.
ONTARIO LAND SURVEYORS
R.R.1, SIMCOE, ONTARIO, N3Y 4J9
(51 PARK ROAD)
PHONE: (519) 426-0842
E-mail: surveyors@amtelecom.net

F.W.	-	J.H.
BOOK	-	LL
CALC.	-	J.L.M.
PLAN	-	J.L.M.
CHECK	-	K.H.

CLIENT-HILLWOOD HOMES
PROJECT No. -21-3201
21-3201-GP



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

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

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

N/A

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

4. Nature and extent of relief applied for:

Please see Cover Letter.

- Second Dwelling Unit
- Reconstruction of Existing Dwelling

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

Please see Cover Letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part Lot 29, PI 1078, Except Pt 1, Reg Plan 62R11330
11 Kilbourn Avenue, Stoney Creek, City of Hamilton

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other N/A

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

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

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

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

Yes No Unknown

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

Online mapping and property owner information.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

February 14, 2022
Date

DocuSigned by:
Wendy Casciani
Signature Property Owner(s)

Wendy Casciani & Valerio Casciani
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage Part 1 (13.72m), Part 2 (13.71m)
Depth Part 1 (38.41m), Part 2 (38.41m)
Area Part 1 (526.76 sq m), Part 2 (526.76 sq 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:

One single detached dwelling.

Proposed

One single detached dwelling per lot.

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

Existing:

One single detached dwelling.

Proposed:

One single detached dwelling per lot.

- 13. Date of acquisition of subject lands:
Unknown.

- 14. Date of construction of all buildings and structures on subject lands:
Unknown.

- 15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Single family.

- 16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Single family.

- 17. Length of time the existing uses of the subject property have continued:
Unknown.

- 18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes

19. Present Official Plan/Secondary Plan provisions applying to the land:
"Neighbourhoods" UHOP, "Low Density Residential 2b" Western Dev. SP

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
"R2 - Single Residential - Two" City of Stoney Creek Zoning By-law 3692-92.

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:
N/A

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)
SC/B-21:112

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.