



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
Consent/Land Severance

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/B-10:180	SUBJECT PROPERTY:	106 Byron Avenue, Stoney Creek
-------------------------	--------------------	--------------------------	--------------------------------

APPLICANTS: Owner: ZDRAVKO MARINOVIC
Agent: A.J. Clarke & Associates c/o S. Fraser

PURPOSE & EFFECT: To permit the conveyance of a parcel of land measuring 15.24m x 30.48m for single family residential purposes, and to retain a parcel of land measuring 30.48m x 30.48m containing an existing dwelling and garage for single family residential purposes.

	Frontage	Depth	Area
SEVERED LANDS:	15.24 m [±]	30.48 m [±]	464.4 m ² ±
RETAINED LANDS:	30.48 m [±]	30.48 m [±]	928.8 m ² ±

Associated Planning Act File(s): SC/A-12:117 & SC/B-10:181

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, November 3, 2022
TIME:	1:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/B-10:180

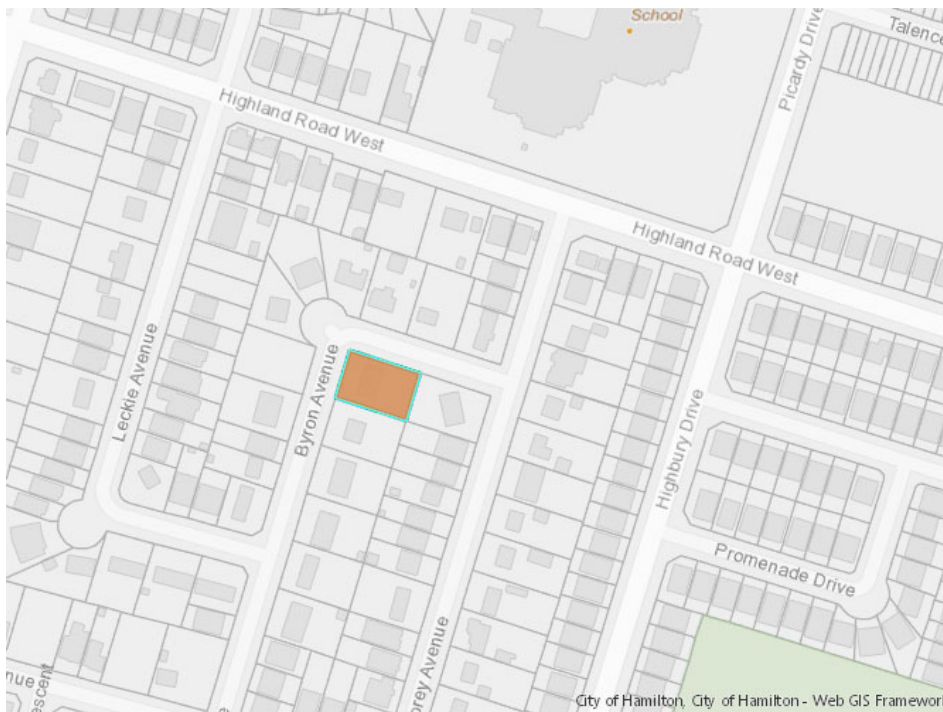
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- 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 and instructions for check in to participate in person.



 Subject Lands

DATED: October 18, 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..

SC/B-10:180

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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

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. Please include your name and address, hearing date, and file number. 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.

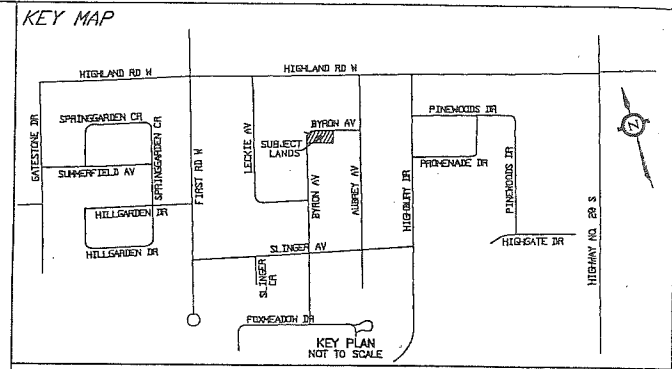
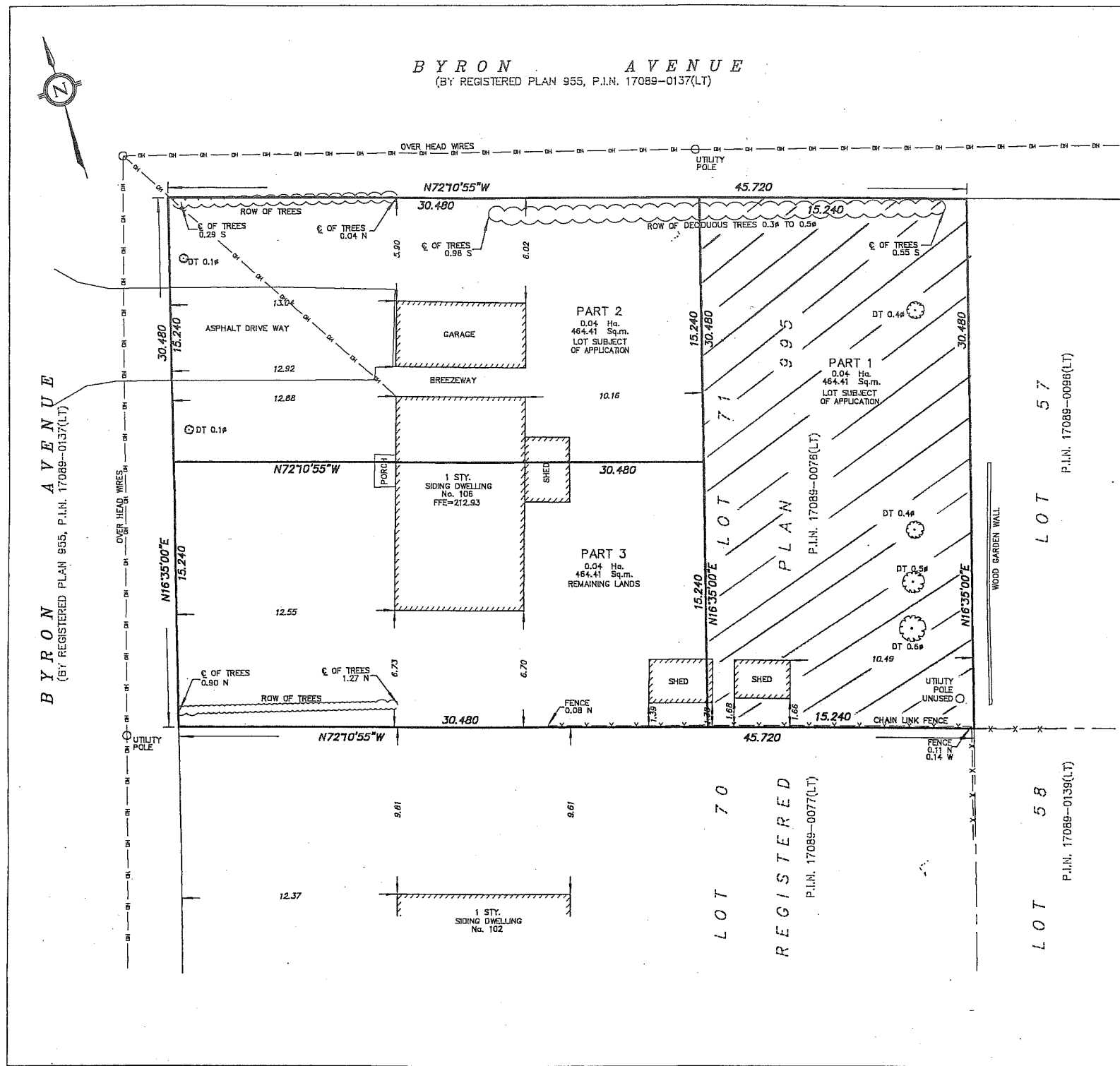
2. In person Oral Submissions

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.

SKETCH
SC/B-10:180



ADDRESS: 106 BYRON AVENUE

SKETCH FOR SEVERANCE APPLICATION OF
ALL OF LOT 71
REGISTERED PLAN 955
IN THE
CITY OF HAMILTON

SCALE & NOTES
SCALE: 1:200
0 1 2 3 4 5 10 20 Metres

EDWARD J. GRENKIE
ONTARIO LAND SURVEYOR
© COPYRIGHT 2010

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

DATE: SEPTEMBER 29, 2010

Edward J. Grenkie
EDWARD J. GRENKIE
ONTARIO LAND SURVEYOR

Barich Grenkie Surveying Ltd. 20 - 428 MILLEN ROAD - STONEY CREEK, ONT (905) 862-6767	DWN BY: W. LA FORME
	CHK BY: EG
	JOB No. 2010791

Zdravko Marinovic
106 Byron Avenue,
Stoney Creek ON, L8J 2T2
Cell: 905-531-6870

City of Hamilton
Planning and Economic Development
Planning

Attention: Ms. Jamila Sheffield, Secretary-Treasurer C of A

As requested, I confirm the following:

I confirm that I am the registered owner of the property on 106 Byron Avenue, Stoney Creek, ON.

I also confirm that I would like to resurrect applications numbers SC/B-10:180 and SC/B-10:181 which include three lots and a minor variance.

Additionally, I confirm that I give the authorization to A.J. Clarke and Associates Ltd. and Stephen Fraser as the Principal, Planner/General Manager to act on my behalf.

Finally, I confirm that the previous agents are not longer working on the applications.

Zdravko Marinovic



Stoney Creek, September 26, 2022.

April 18th, 2013

SC/B-10:180
SC/B-10:181
SC/A-12:117

Zdravko Marinovic
106 Byron Avenue, Stoney Creek

Appearances were:

Sergio Manchia, agent on behalf of the owner. Interested parties were: D. Knap, 102 Byron Ave., Stoney Creek, ON L8J 2T2; D. Lewis 98 Byron Avenue, Stoney Creek, ON L8J 2T2; B. Dodd, 92 Byron Ave., Stoney Creek, ON L8J 2S1; J. Dyer, 119 Byron Ave., Stoney Creek, ON L8J 2T2; S. Marshall, 95 Byron Ave., Stoney Creek, On L8J 2S8; J. Alfano 103 Aubrey Ave., Stoney Creek, ON L8J 2T2;

Those members present for the hearing of this application were: M. Dudzic (Chairman), I. Dunlop, W. Pearce, D. Smith
L. Gaddy, K. Audziss, V. Abraham, D. Serwatak

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: D. Knap, 102 Byron Ave., Stoney Creek, ON L8J 2T2; D. van Veen, 101 Aubrey Ave., Stoney Creek, ON L8J 2T2

S. Manchia

- this matter was tabled a few months ago
- understood that Engineering had issues, but not sure why planning has issues
- they have established that culverts need to be adjusted on Byron up to Aubrey
- the City is undertaking a study
- it is his opinion that an additional 2 lots would not impact any drainage issue
- his client has no objections to only building 2 out of the 3 lots for the time being
- applicant is asking for 50' lots in staff's report they have indicated that there are 40' 50' and 60' lots
- would like to hear what the residents have to say

D. Knap

- this is the third time they have been to Committee
- there is a great concern with flooding
- this area have been identified as a detention pond
- passed pictures to the Committee
- page 5 of the pictures illustrates the retaining wall he had to build to try to eliminate water reaching his front porch
- This is the first he has heard about the applicant wishing to build 2 out of the 3 dwelling now and are opposed to that proposal
- He and many of the other neighbours have been here for 42 years; they know the area

- the applicant will be faced with solid bed rock which will not allow them to dig deep and they will all be faced with water rising higher
 - further feels that the variances are not minor
- D. Lewis
- moved here 11 years ago
 - has tried many things to prevent flooding on his property
 - water flow is coming from 2 streets and the ditches cannot handle the flow
 - it takes days before the water goes down
 - he is so concerned that he even considered getting sand bags in case they need them
 - if these homes are built, they will act like dames
 - if there are changes made the City would have to take up roads from Leckie to Aubrey everything would have to be torn up
 - the City has been out numerous times
 - even building one home will cause problems
 - the one catch basin that has been installed cannot keep up with the water flow
- B. Dodd
- agree with everything his neighbours have said
 - there is new infill housing at the rear of their properties, the rear of these homes slop down
 - during spring thaw and during a normal rain fall causes flooding in his backyard
 - cannot see how the Engineering Department would change their minds as this is a major issue in this neighbourhood
- J. Dyer
- showed some pictures of his property
 - agrees with his neighbours
 - indicated that during a heavy rainfall his sub-pump will run for hours and he has still experienced flooding in his basement
- S. Marshall
- moved here from Mississauga because of the trees and space between homes; everyone was not on top of each other
 - now Leckie St. has become a construction zone
 - trees have been removed
 - now the same will be happening on Byron

- S. Manchia
- have had meetings with staff
 - does agree that flooding is a serious problem
 - without his client addressing these concerns the residents will continue to face flooding issues
 - does not know how long the City will take to complete their study
 - planning matters are secondary to the more pressing issue of the storm sewers
 - severing the property means that the applicant would have to go through a consent agreement which looks at grading and drainage carefully
- D. Stevens
- there have been dealings with staff, everything should be implemented and reviewed before approval is given for the severance of the property
- K. Audziss
- have to fix these types of issues because the application does comply with the zoning by-laws
 - tabling application is a good idea, but the issues in this neighbourhood need to be fixed
- V. Abraham
- in favour of tabling the applications until Engineering concerns have been worked out
- I. Dunlop
- could the severance be approved and place a condition respecting the Engineering study
- D. Stevens
- conditions have to be met within a one year timeframe; cannot say that the study would be completed within that year and then the applications would lapse

Following discussion it was moved by Mr. Abraham and seconded by Mr. Pearce that the application be **TABLED** until further notice.

CARRIED.



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5
Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received: <i>DEC 22/10</i>	Date Application Deemed Complete: <i>DEC 22/10</i>	Submission No.:	File No.: <i>SCP-10-180</i>
--	---	-----------------	--------------------------------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	ZDRAVKO MARINOVIC	[REDACTED]	[REDACTED]
Applicant(s)*			Business () Fax: () E-mail:
Agent or Solicitor			Business () Fax: () E-mail:

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Lot	Concession	Former Township
Registered Plan N°.	Lot(s) 71	Reference Plan N°. 955	Part(s)
Municipal Address 106 BYRON AVE STONEY CREEK			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land? Yes No
If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)
Transfer: creation of a new lot Other: a charge
 addition to a lot a lease
 an easement a correction of title
 other purpose (specify ie. farm consolidation)

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

PART 1

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

Frontage (m)	Depth (m)	Area (m ² or ha)
15.24	30.48	464.4 m ²

Existing Use of Property to be severed:

- Residential Industrial Commercial Farmland Vacant Other (specify)

Proposed Use of Property to be severed:

- Residential Industrial Commercial Farmland Vacant Other (specify)

Building(s) or Structure(s):

Existing:

Proposed:

Type of access: (check appropriate box)

- provincial highway municipal road, maintained all year
 municipal road, seasonally maintained other public road
 right of way if access to the land will be by water only, the parking and docking facilities to be used and the approximate distance for these facilities from the land and the nearest public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
 privately owned and operated communal 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 tank¹
 privately owned and operated communal septic system
 privy
 other means (specify)

4.2 Description of land intended to be **Retained**:

PARTS 2 & 3

Frontage (m)	Depth (m)	Area (m ² or ha)
30.48	30.48	928.8 m ²

Existing Use of Property to be retained:

- Residential Industrial Commercial Farmland Vacant Other (specify)

Proposed Use of Property to be retained:

- Residential Industrial Commercial Farmland Vacant Other (specify)

Building(s) or Structure(s):

Existing:

Proposed

Type of access: (check appropriate box)

- provincial highway municipal road, maintained all year
 municipal road, seasonally maintained other public road
 right of way if access to the land will be by water only, the parking and docking facilities to be used and the approximate distance for these facilities from the land and the nearest public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
 privately owned and operated communal 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 tank
- privately owned and operated communal septic system
- privy
- 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 are the existing official plan designation(s), if any, of the subject land:

Regional Official Plan designation:

Local Official Plan designation:

5.2 What is the zoning, if any, of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

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. *NIL*

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 (Class 1, 2 or 3 wetland)	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential
- Industrial
- Commercial
- Farmland
- 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 sewage sludge 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?

personal knowledge

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 3(1) of the Planning Act?

Yes No

b) Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No

(Provide explanation)

c) Is this application consistent with Places to Grow (P2G)?

Yes No

(Provide explanation)

d) Is the subject lands within an area of land designated under any provincial plan or plans?

Yes No

e) Are the subject lands subject to the Niagara Escarpment Commission Plan?

Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Commission 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 2005?

Yes No

If yes, is the proposal in conformity with the Greenbelt Plan 2005?

Yes No

(Provide Explanation)