



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>HM/B-22:102</b>	<b>SUBJECT PROPERTY:</b>	536 Ferguson Ave N, Hamilton
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**APPLICANTS:** Owner: Van Tran  
Agent: Nick DeFilippis

**PURPOSE & EFFECT:** 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.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	6.095 m <sup>±</sup>	27.48 m <sup>±</sup>	167 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	6.095 m <sup>±</sup>	27.48 m <sup>±</sup>	167 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): HM/A-22:318

**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:

<b>DATE:</b>	<b>Thursday, November 17, 2022</b>
<b>TIME:</b>	<b>1:30 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

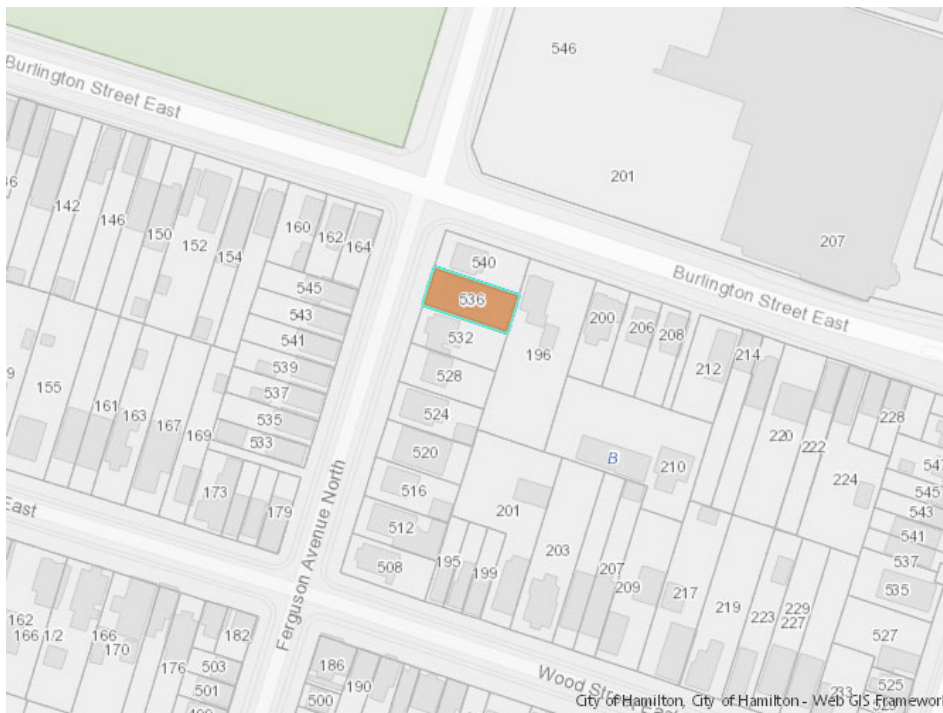
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> 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: November 1, 2022

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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..

## **HM/B-22:102**

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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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## COMMITTEE OF ADJUSTMENT

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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](mailto: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](http://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](mailto: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.

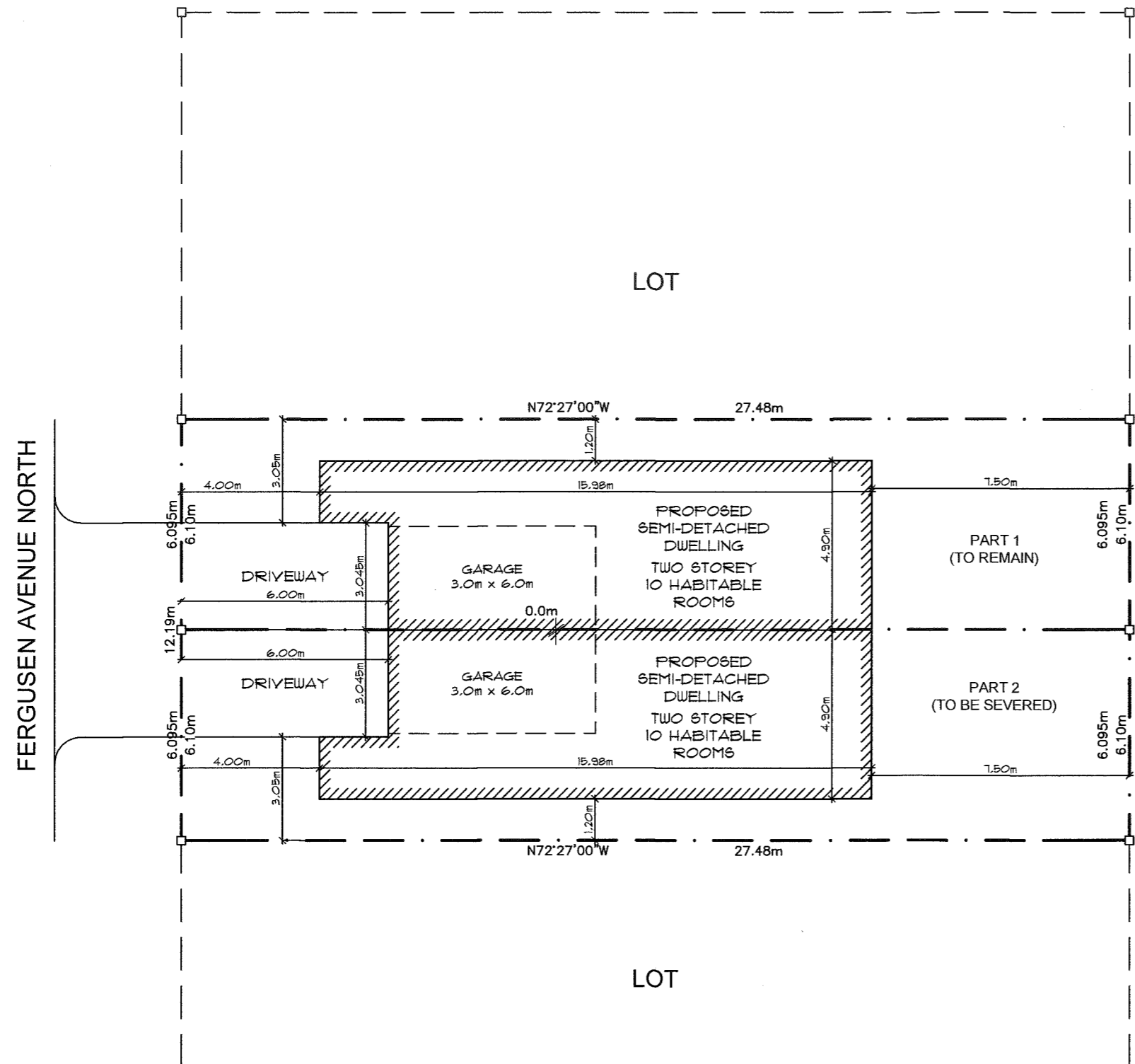
#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> 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](mailto: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.

BURLINGTON STREET EAST



**SITE STATISTICS**

TOTAL EXISTING LOT AREA 334.98 m<sup>2</sup>

PART 1 (REMNANT LAND) LOT AREA 167.49 m<sup>2</sup>

FRONT YARD 24.38 m<sup>2</sup>

FRONT YARD LANDSCAPING 12.2 m<sup>2</sup> (50.04%)

HEIGHT 11 m

LOT FRONTAGE 6.095 m

10 HABITABLE ROOMS

PARKING SPACES 2

PART 2 (SEVERED LAND) LOT AREA 167.49 m<sup>2</sup>

FRONT YARD 24.38 m<sup>2</sup>

FRONT YARD LANDSCAPING 12.2 m<sup>2</sup> (50.04%)

HEIGHT 11 m

LOT FRONTAGE 6.095 m


10 HABITABLE ROOMS

PARKING SPACES 2

NOTES:

1. OWNER/CONTRACTOR TO VERIFY AND CHECK ALL DIMENSIONS AND SPECS PRIOR TO AND DURING CONSTRUCTION.

2. ANY DEVIATIONS, DEREGIENCIES OR DISCREPANCIES FROM THESE DRAWINGS AND SPECS REQUIRES WRITTEN CLARIFICATION AND/OR APPROVAL FROM THE DESIGNER PRIOR TO CONSTRUCTION.

3		 <b>DeFILIPPIS DESIGN</b> 687 BARTON ST. E., SUITE 201 STONEY CREEK, ONTARIO L8E 5L6 (905) 643-2250 FAX (905) 643-1095
2		
1		
REV.		
JOB NO.		SEVERANCE SKETCH FOR:
CHKD. BY		<b>NYGUYEN</b>
DRN. BY		536 FERGUSON AVENUE NORTH
DATE: AUGUST, 2022		HAMILTON, ON
SCALE: 1:75		<b>SEVERANCE</b>
DWG NO. SP-1		



BURLINGTON STREET EAST

**SURVEYOR'S REAL PROPERTY REPORT  
PART 1 - PLAN OF SURVEY OF  
PART OF LOTS 51 AND 52  
REGISTERED PLAN 327  
CITY OF HAMILTON**

SCALE 1:100  
2m 0 2 4 6 8 10 METRES

KAD LANKA SURVEYING INC. O.L.S. ©

**METRIC**

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

MUNICIPAL NO. 536, FERGUSON AVENUE NORTH, HAMILTON

**PART 2 (SURVEY REPORT)**

1. REGISTERED BY-LAWS, EASEMENTS AND/OR RIGHT OF WAYS: NONE
2. ADDITIONAL COMMENTS: NOTE THE LOCATION OF FENCES ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LIMITS OF THE SUBJECT PROPERTY.
3. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

THIS REPORT WAS PREPARED FOR **TRAN, VAN** AND THE UNDERSIGNED ACCEPTS  
NO RESPONSIBILITY FOR ITS USE BY OTHER PARTIES.

**LEGEND**

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- IP DENOTES IRON PIPE
- SM DENOTES STONE MONUMENT
- PKN DENOTES PK NAIL WITH WASHER
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- PL DENOTES REGISTERED PLAN 327
- PL1 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY CONSOLI & JACOBS, O.L.S., DATED FEBRUARY 27, 1997 (JOB No. 97-040)
- PL2 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY CONSOLI & JACOBS, O.L.S., DATED FEBRUARY 27, 1997 (JOB No. 97-041)
- PL3 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY GUIDO CONSOLI O.L.S., DATED FEBRUARY 20, 1987.
- PL4 DENOTES BUILDING LOCATION SURVEY BY EDWARD BARICH O.L.S. DATED JUNE 13, 1989.
- (MS) DENOTES MUNICIPAL SURVEY
- CALC'D DENOTES CALCULATED FROM PL3 AND D1
- (ORP) DENOTES OBSERVED REFERENCE POINT
- D1 DENOTES INSTRUMENT No. VM58695
- D2 DENOTES INSTRUMENT No. VM115719
- (FDN) DENOTES FOUNDATION
- (FACE) DENOTES FACE OF THE BUILDING
- (NTS) DENOTES NOT TO SCALE
- (OU) DENOTES ORIGIN UNKNOWN
- (IS) DENOTES CORNER SET BY INTERSECTION METHOD
- NAD DENOTES NORTH AMERICAN DATUM
- CSRS DENOTES CANADIAN SPATIAL REFERENCE SYSTEM
- UTM DENOTES UNIVERSAL TRANSVERSE MERCATOR
- FF DENOTES FINISHED SILL ELEVATION AT ENTRY
- BSF DENOTES BASEMENT SILL ELEVATION
- CLBF DENOTES CENTRELINE OF BOARD FENCE
- CRW DENOTES CONCRETE RETAINING WALL
- OHV DENOTES OVERHEAD WIRE
- AC DENOTES AIR CONDITIONER
- DS DENOTES DOOR SILL ELEVATION
- CST DENOTES CONCRETE STEP
- GM DENOTES GAS METER
- TP DENOTES TELEPHONE POLE
- HP DENOTES HYDRO POLE
- DT DENOTES DECIDUOUS TREE
- CT DENOTES CONIFEROUS TREE
- WV DENOTES WATER VALVE
- OW DENOTES OVERHEAD WIRE
- T DENOTES TELEPHONE WIRE
- X DENOTES FENCE

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SURRENDER FORM  
V-20249

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

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

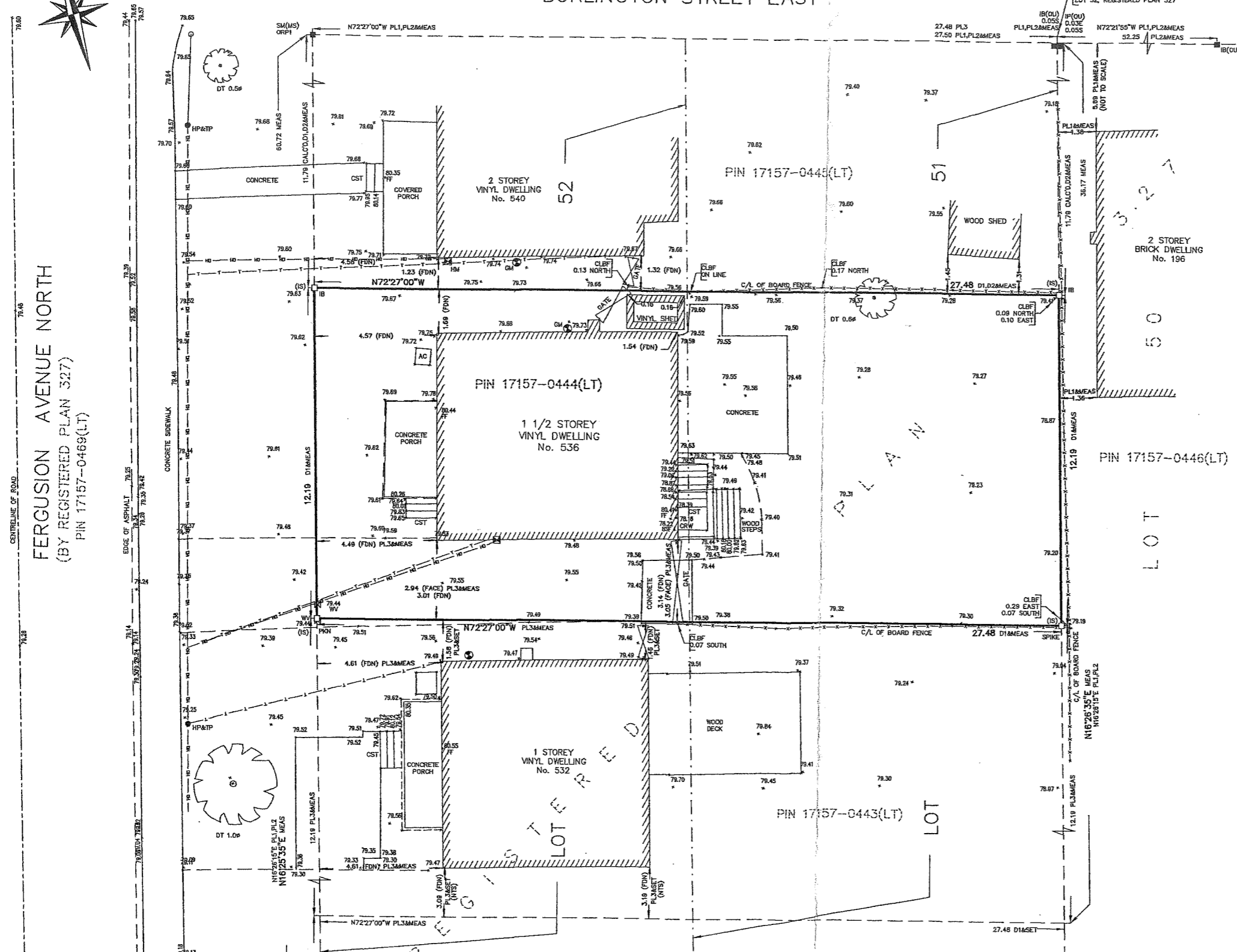
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM. MAY
2. THE SURVEY WAS COMPLETED ON THE 10th DAY OF MAY, 2022

DATE: 10, MAY, 2022

VINEETHA RATHNAYAKE  
ONTARIO LAND SURVEYOR

**KAD LANKA SURVEYING INC.**  
34, EZRA CRESCENT  
BRAMPTON, ON, L7A 5A6  
PHONE: 905-493-4523 Email:  
info@kadlankasurveying.ca

DRAWN BY: V.R. CHECKED BY: V.R. CAD NUMBER: 2022-042-SRPR JOB NUMBER: 2022-042



**BEARING NOTE**

BEARINGS SHOWN HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (ORP's) 1 AND 2 BY RTK OBSERVATIONS UTM ZONE 17 NORTH, FOR BEARING COMPARISONS, NAD83(CSRS)  
A ROTATION BEARING OF 00°55'10" COUNTER-CLOCKWISE APPLIED FOR BEARINGS ON PL1, PL2 AND PL4 TO CONVERT TO UTM GRID BEARINGS.

**BENCHMARK NOTE**

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE (CITY OF HAMILTON) ONTARIO MINISTRY OF NATURAL RESOURCES AND FORESTRY BENCHMARK No. 0011965U666, HAVING AN ELEVATION OF 85.483 METRES.  
TOWNSHIP: HAMILTON-WENTWORTH CITY OF HAMILTON BENCHMARK, HOUSE No. 529, JAMES STREET NORTH, AT NORTHWEST CORNER OF INTERSECTION OF MACAULEY STREET, PLATE IN SOUTH BRICK WALL, 1.82M FROM SOUTHWEST CORNER.

FERGUSON AVENUE NORTH  
(BY REGISTERED PLAN 327)  
PIN 17157-0469(LT)

1/24/23

102



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

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

Date Application Received:	Date Application Deemed Complete:	Submission No.:	Office Use Only File No.:
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**1 APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*	N/A		Phone: E-mail:
Registered Owners(s)	VAN TRAN		
Applicant(s)**	Same		E-mail:
Agent or Solicitor	DEFILOPPIS DESIGN		Phone: E-mail:

\*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  Applicant  Owner  Agent/Solicitor

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality	Lot	Concession	Former Township
Hamilton			Hamilton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address	536 FERGUSON AVE, HAMILTON		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:

[Empty box for describing easements]

**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:

PENDING

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

N/A

**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 <sup>2</sup> or ha)
<u>6.095m</u>	<u>27.48m</u>	<u>167 sqm</u>

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: RESIDENTIAL DWELLING TO BE DEMOLISHED

Proposed: TWO STOREY SEMI DETACHED DWELLING

Existing structures to be removed: RESIDENTIAL DWLG

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): PLOT 1

Frontage (m) <u>6.095m</u>	Depth (m) <u>27.8m</u>	Area (m <sup>2</sup> or ha) <u>167 sqm</u>
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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: RES. DWELLING TO BE DEMOLISHED

Proposed: TWO STOREY SEMI-DETACHED DWG

Existing structures to be removed:

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): W

Urban Hamilton Official Plan designation (if applicable): URBAN SETTLEMENT

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

EXPANSION OF RESIDENTIAL USE WITHIN A DEVELOPED RESIDENTIAL AREA

5.2 What is the existing zoning of the subject land? "D" RESIDENTIAL  
 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.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

\*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 N/A
- 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