



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>SC/B-22:108</b>	<b>SUBJECT PROPERTY:</b>	128 Slinger Ave, Stoney Creek
-------------------------	--------------------	--------------------------	-------------------------------

**APPLICANTS:** Owner: Izabela & Ivana Stanic  
Agent: AJ Clarke & Associates – Stephen Fraser

**PURPOSE & EFFECT:** To convey two new parcels of land: Parcel A with existing dwelling and accessory structure to remain, and Parcel B for future residential development. To retain a parcel of land for future residential development.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS: (Parcel A)</b>	15.24 m <sup>±</sup>	30.48 m <sup>±</sup>	464.52 m <sup>2</sup> <sup>±</sup>
<b>SEVERED LANDS: (Parcel B)</b>	22.74 m <sup>±</sup>	30.48 m <sup>±</sup>	692.58 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS: (Parcel C)</b>	15.24 m <sup>±</sup>	37.99 m <sup>±</sup>	578.55 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): N/A

**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>2:30 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>

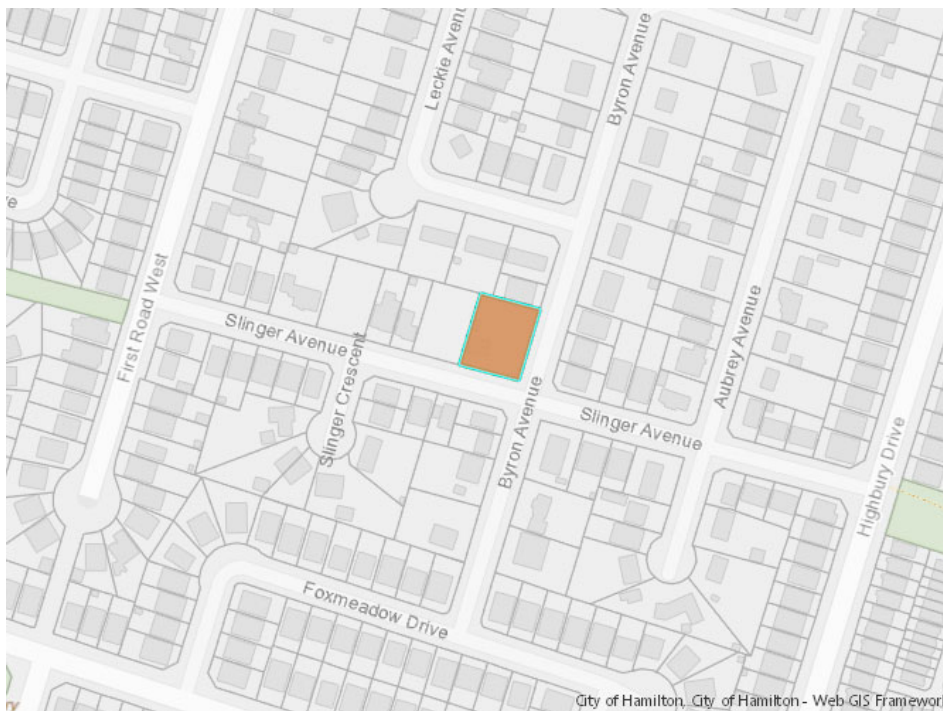
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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

---

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-22:108**

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.



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)

## 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.

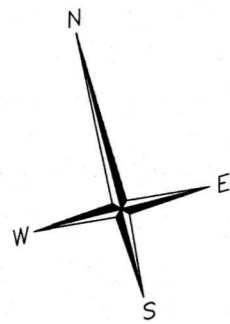
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



**LOT 73**

EX. RESIDENTIAL  
DWELLING  
No. 7

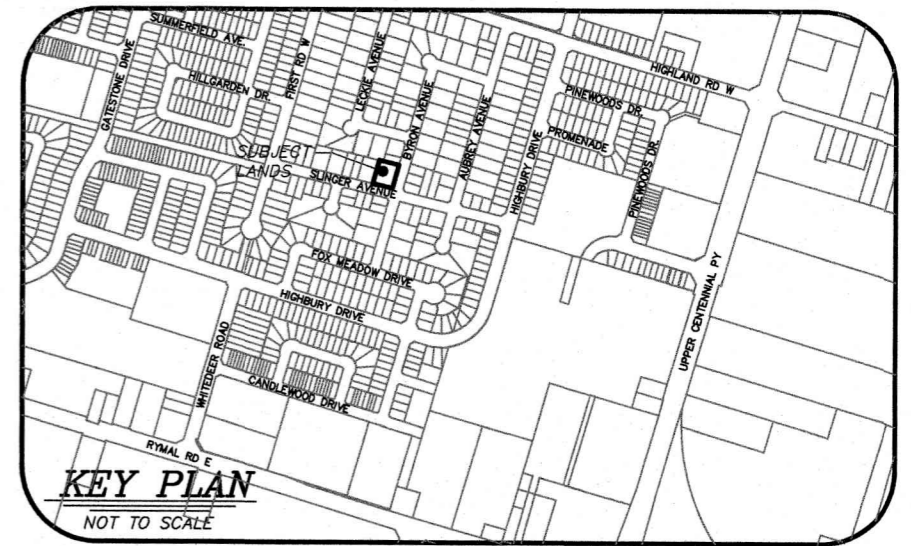
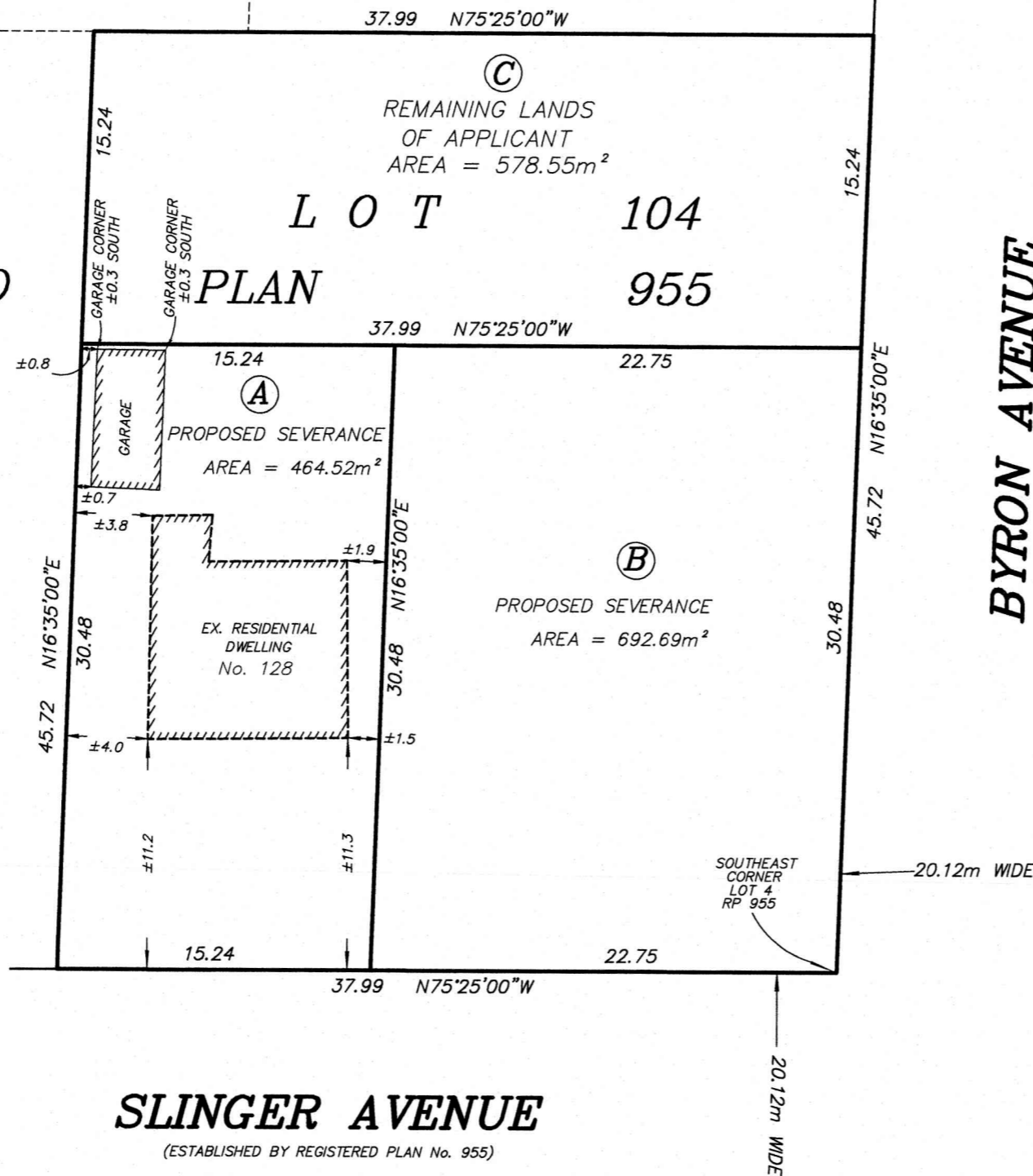
**LOT 72**

EX. RESIDENTIAL  
DWELLING  
No. 81

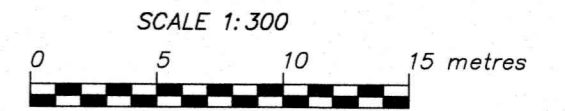
PART 1, PLAN 62R-5574

**LOT 103  
REGISTERED**

EX. RESIDENTIAL  
DWELLING  
No. 132



SKETCH OF  
**128 SLINGER AVENUE  
CITY OF HAMILTON**



NICHOLAS P. MUTH

THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:  
LOT 104  
REGISTERED PLAN No. 955

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

**NOTE:**  
THIS SKETCH IS COMPILED FROM PLANS AND RECORDS  
ON FILE IN THIS OFFICE AND IS NOT BASED ON AN  
ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT  
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

**CAUTION:**  
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE  
USED FOR TRANSACTION OR MORTGAGE PURPOSES.



SEPTEMBER 15, 2022  
DATE

NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR  
2038



**A. J. Clarke and Associates Ltd.**

SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com



October 12, 2022

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

***Delivered via e-mail***

Attn: Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

**Re: Severance Application Submission  
128 Slinger Avenue, Stoney Creek**

---

Dear Madam,

On behalf of our client, we are pleased to provide you with the enclosed submission in support of an application for consent to sever for the subject lands. Please find the following enclosed materials:

1. A cheque in the amount of \$4,975.00 made payable to the City of Hamilton, in payment of the requisite application fees.
2. One (1) Electronic copy of the filled and signed Severance (Consent) Application Form.
3. One (1) Electronic copy of a Severance Sketch, prepared by A.J. Clarke and Associates Ltd., dated September 15, 2022.

The proposed development consists of a severance application to sever one parcel of land into three (3) separate lots at 128 Slinger Avenue, in Stoney Creek. The proposed retained and severed parcels are identified as Parcels A, B and C, respectively on the enclosed severance sketch. Currently, there exists a single-detached dwelling and accessory building on the subject lands which are intended to remain. The resultant lots are as follows:

Proposed Lot	Frontage	Area
Parcel A	± 15. 24m	± 464. 5m <sup>2</sup>
Parcel B	± 22. 75m	± 692. 7m <sup>2</sup>
Parcel C	± 15. 24m	± 578. 5m <sup>2</sup>



### **Provincial Policy**

Further to questions 7.1, 7.2 and 7.3 of the attached application form, the following is submitted:

*“Is this application consistent with the Policy Statements issued under subsection “3” of the Planning Act?”*

The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 3 of the *Planning Act*.

*“Is this application consistent with the Provincial Policy Statement (PPS)?”*

This property is appropriate for future development as it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate compatible residential intensification through infill development on municipal water and wastewater services, and with frontage on a municipal road. As such, this application is consistent with the PPS (2020).

*“Does this application conform to the Growth Plan for the Greater Golden Horseshoe?”*

The Growth Plan (2019, as amended) stresses the importance of optimizing the existing supply of land already within the built-up area for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal is consistent with the Growth Plan as it will encourage residential intensification through infill development and will optimize the use of existing infrastructure to support growth in a compact, compatible, and efficient form. As such, the proposal conforms to the Growth Plan.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. The “Neighbourhoods” designation permits single-detached dwellings. Further, the “Neighbourhoods” designation encourages intensification that is compatible with the lot fabric found in the existing neighbourhood.

Chapter F of the UHOP outlines the applicable policies for residential intensification within the Neighbourhoods designation, specifically relating to lot creation.

*F.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 Designation, 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;*
- b) The lots comply with existing Neighbourhood Plans;*
- 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.*

Accordingly, the proposed lots have frontage onto a public road, are municipally serviced and comply with the intent of the policies within the UHOP, including managing appropriate intensification within the “Neighbourhoods” designation.

The proposed lots are consistent with the general lot fabric of the neighbourhood and can facilitate the construction of single-detached dwellings which are compatible with the neighbourhood. Upon approval of the subject applications, the existing dwelling and accessory structure will remain, and single-detached dwellings will be erected upon each new lot created.

**West Mountain (Heritage Green) Secondary Plan**

The subject lands are located within the West Mountain (Heritage Green) Secondary Plan Area and further designated “Low Density Residential 2b” on Land Use Plan Map B.7.6 -1.

The “Low Density Residential 2b” designation permits single detached dwellings having a maximum density of 29 units per net residential hectare. Accordingly, the proposal would achieve a density of approximately 17.27 units per hectare (3 total units, 0.1737 ha), as such the proposal would conform to the West Mountain (Heritage Green) Secondary Plan.

Based on the foregoing, the severance conforms to the Urban Hamilton Official Plan and West Mountain (Heritage Green) Secondary Plan, including the policies which speak to facilitating a compatible form of intensification within the neighbourhoods.

**City of Stoney Creek Zoning By-law 3692-92**

The property is zoned “R2 – Single Residential – Two” in the City of Stoney Creek Zoning By-law 3692-92. The current zone permits single-detached dwellings.

The regulations of the “R2” Zone are as follows:

Regulation	Requirement
Minimum Lot Area	460sq.m (interior lot) and 505sq.m (corner lot)
Minimum Lot Frontage	15.0m (interior lot) and 16.5m (corner lot)

The proposed severance and resulting lots conform to the lot area provisions of the “R2” Zone in the City of Stoney Creek Zoning By-law 3692-92. The location of the existing structures relative to the new property lines will need to be confirmed for zoning compliance or a minor variance application will need to be approved to enable their retention on parcel A.





I trust this is satisfactory for your purposes and thank you for your co-operation in this matter.

We look forward to being scheduled for the next available Committee date. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

A handwritten signature in blue ink, appearing to be 'S. Fraser'.

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

Encl.

Copy via email: Ivica Stanic

**APPLICATION FOR CONSENT TO SEVER LAND  
 and VALIDATION OF TITLE  
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	<b>NAME</b>	<b>MAILING ADDRESS</b>	
<b>Purchaser*</b>			<b>Phone:</b>
			<b>E-mail:</b>
<b>Registered Owners(s)</b>	Izabela Stanic and/or Ivana Stanic		
<b>Applicant(s)**</b>	Same as owners		
<b>Agent or Solicitor</b>	A. J. Clarke and Associates Ltd.		

\*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.

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

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

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
 If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email  Yes\*  No  
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	128 Slinger Avenue		
Assessment Roll Number			
Former Municipality	Stoney Creek		
Lot		Concession	
Registered Plan Number	955	Lot(s)	104
Reference Plan Number (s)		Part(s)	

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)

- |   |   |
|---|---|
| <input type="checkbox"/> creation of a new lot(s)   | <input checked="" type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease                          |
| <input type="checkbox"/> an easement  | <input type="checkbox"/> a correction of title            |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge                         |
| <input type="checkbox"/> cancellation (must also complete section 9)  |   |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |   |

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

Unknown at this time

---

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

---

3.4 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)

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	parcel C	parcel A	parcel B		
Type of Transfer	N/A	future conveyan	future conveyan		
Frontage	+/-15.24m	+/-15.24m	+/-22.74m		
Depth	+/-37.99m	+/-30.48m	+/-30.48m		
Area	+/-578.55sq.m	+/-464.52sq.m	+/-692.58sq.m		
Existing Use	residential/vacant	residential	residential/vacant		
Proposed Use	residential	residential	residential		
Existing Buildings/ Structures	none	single detached and accessory structure	none		
Proposed Buildings/ Structures	single detached dwelling	single detached dwelling and accessory structure to remain	single detached dwelling		
Buildings/ Structures to be Removed	none	none	none		

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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) \_\_\_\_\_

c) 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): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Sch E-1)

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

See cover letter.

5.2 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 known, provide the appropriate file number and status of the application.

---

5.3 What is the existing zoning of the subject land? Single Residential R2 Zone

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

5.4 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 known, provide the appropriate file number and status of the application.

---

5.5 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	