



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>FL/B-22:110</b>	<b>SUBJECT PROPERTY:</b>	138 Overdale Ave, Flamborough
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**APPLICANTS:** Owner: Brock/Ann Dunsby  
Agent: A.J. Clarke & Associates Ltd – Ryan Ferrari

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create a new residential building lot. The existing carport will be removed to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	17 m <sup>±</sup>	30.4 m <sup>±</sup>	516.37 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	30.4 m <sup>±</sup>	43.9 m <sup>±</sup>	1,335.27 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): FL/A-22:329

**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>3:00 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>

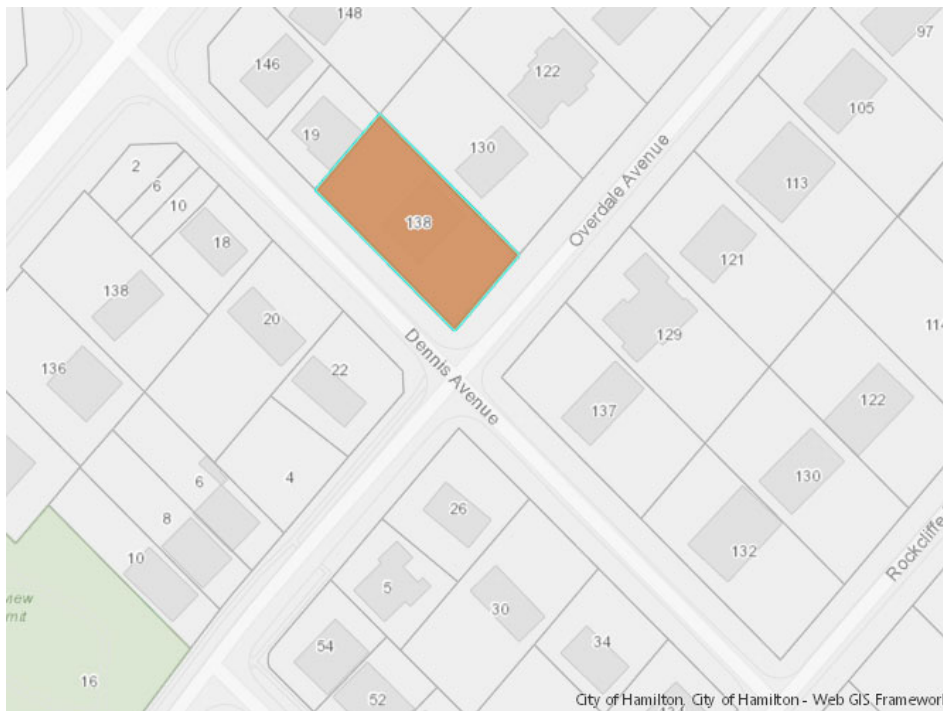
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- 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..

**FL/B-22:110**

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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## 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.

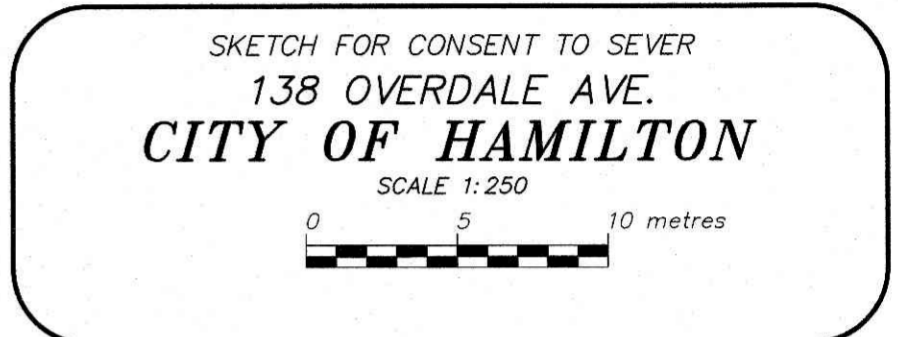
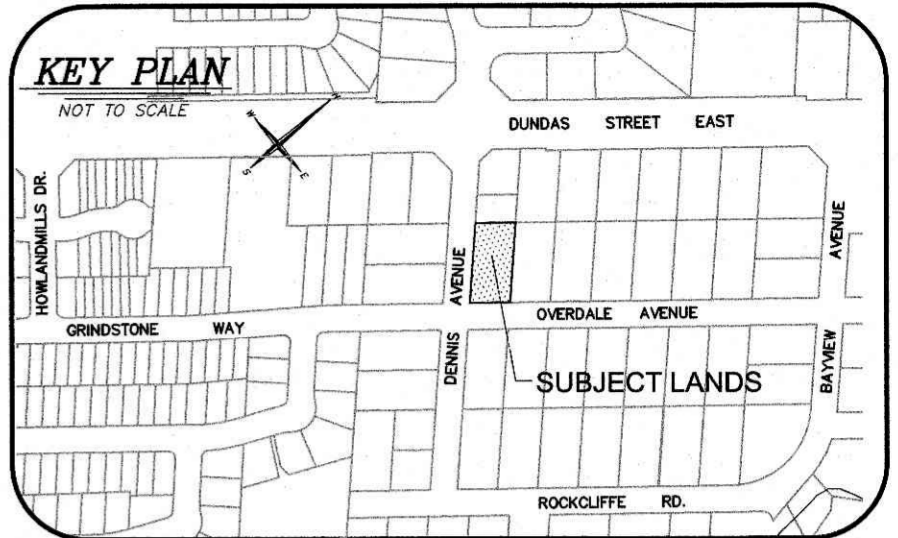
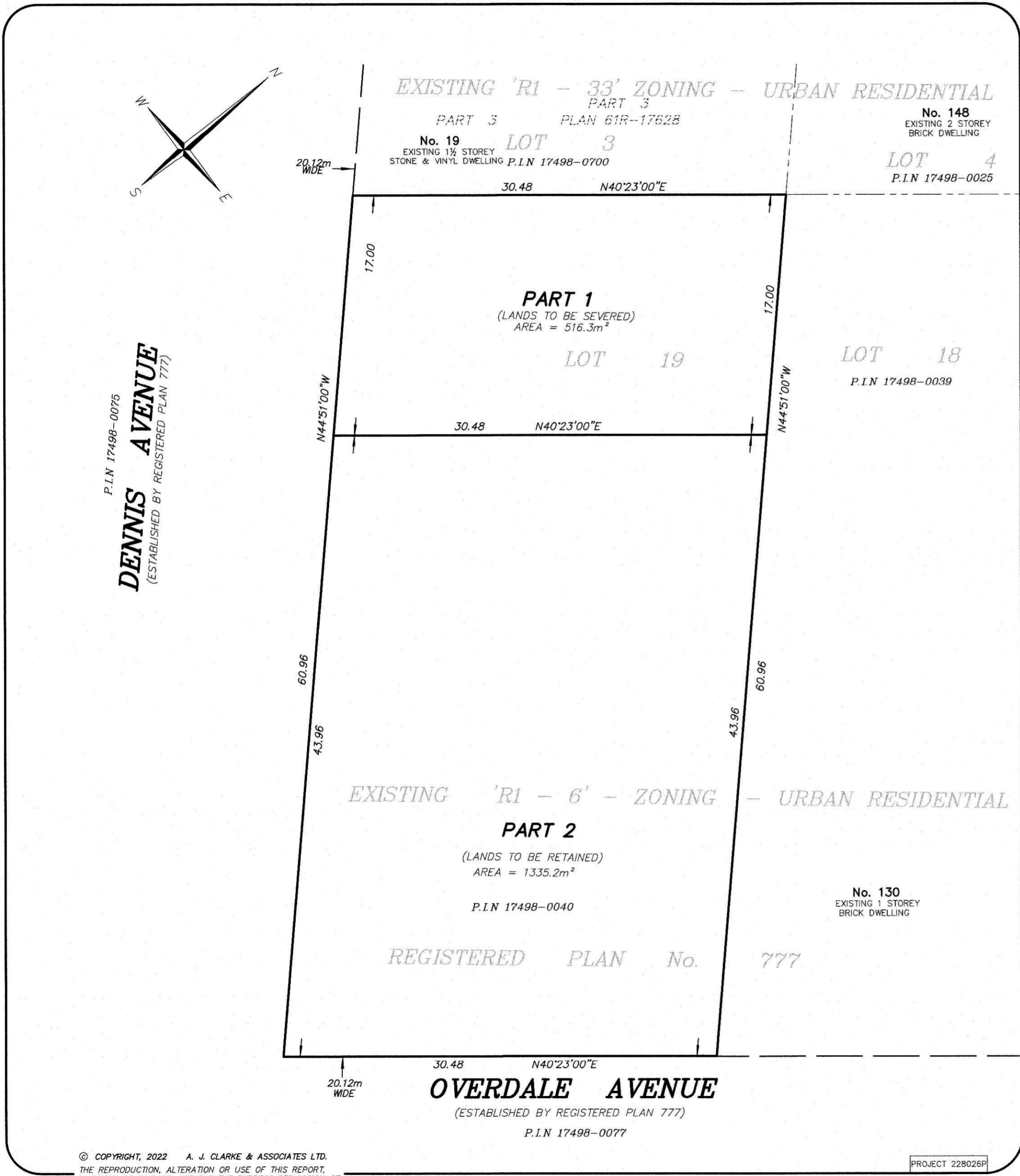
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 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.



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS:  
 LOT 19  
 REGISTERED PLAN No. 777  
 CITY OF HAMILTON

**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

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

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

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

**CONSENT SCHEDULE:**  
 PART 1 (SEVERED LANDS) AREA = 516.3m<sup>2</sup>  
 PART 2 (RETAINED LANDS) AREA = 1335.2m<sup>2</sup>

OCTOBER 17, 2022  
 DATE

**ASSOCIATION OF ONTARIO LAND SURVEYORS**  
 N. P. MUTH  
 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



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

October 18, 2022

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

**Re: 138 Overdale Avenue, Hamilton  
Minor Variance and Severance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Brock and Ann Dunsby for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 138 Overdale Avenue, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form;
- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$6,450 representing the required Severance and Minor Variance Application fees;
- One (1) electronic copy of the Severance Sketch, prepared by A.J Clarke and Associates Ltd., dated October 17, 2022.
- One (1) electronic copy of the Minor Variance Sketch, prepared by A.J Clarke and Associates Ltd., dated October 17, 2022.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create two (2) separate residential lots. Following the proposed severance, one (1) single detached dwelling is proposed to be constructed on the severed lot and the existing dwelling is to remain on the lands being retained.

The subject land is located at the northern corner of the intersection at Overdale Avenue and Dennis Avenue, south of Dundas Street East, in Flamborough (Hamilton). The subject lands are currently occupied by one (1) single detached dwelling, pool and associated deck, hot tub patio and a temporary carport. Both the temporary carport and hot tub patio will be removed to comply with zoning by-law.

The below table details the lot frontages, depth, and areas, following the proposed severance.



	<b>Part 1 (Severed)</b>	<b>Part 2 (Retained)</b>
<b>Lot Frontage</b>	±17m	±30.4m
<b>Lot Depth</b>	±30.4m	±43.9m
<b>Lot Area</b>	±516.37m <sup>2</sup>	±1,335.27 m <sup>2</sup>

There is primarily single-detached residential development surrounding the subject lands, with Rockview Summit Park located southwest of the site, as well as a Municipal Centre and Public Library located to the North. There is a large commercial plaza located southwest of the subject site which includes the Clappison's Power Centre Shopping Mall, Flamborough South Centre Shopping Mall, as well as a Wal-Mart.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings
<b>South</b>	Single-Detached Dwellings
<b>West</b>	Single-Detached Dwellings
<b>East</b>	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

## **Planning Policy Overview**

### **Provincial Policy Statement**

The current Provincial Policy Statement (PPS) came into effect on May 1st, 2020. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use patterns, which encourage strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

The proposed severance is a more efficient use of land within a built-up, urban area. The density is appropriate for the location and available infrastructure. This development will provide a greater range of housing and add to the housing stock for the area.

### **Growth Plan for the Greater Golden Horseshoe**

The 2020 consolidation of the Growth Plan builds upon the previous Growth Plan (2019) in its direction to prioritize intensification, support the achievement of complete communities, support a range, and mix of housing options, protect, and enhance natural heritage systems, support, and enhance the long-term viability of agriculture, conserve and promote cultural heritage resources, and integrate climate-change considerations into planning and managing growth.

The proposed severance is within a settlement area (built-up, urban area). It is an efficient use of land and infrastructure that adds to the housing stock of the surrounding area with gentle intensification that will contribute to meeting the housing needs for the projected growth of the area.



## Niagara Escarpment Plan

The Niagara Escarpment Plan provides a policy framework and objectives to balance development and protection of the Niagara Escarpment and its resources.

The subject lands are designated “Urban Area” as per Map 2 – City of Hamilton in the Niagara Escarpment Plan. The lands to the south of the subject land are identified as “Escarpment Natural Area”.

Policy 1.7.5.5 states that *new lots within Urban Areas shall not be created if such lots encroach into Escarpment Natural, Escarpment Protection, Escarpment Rural or Mineral Resource Extraction Areas adjacent to the Urban Area*. The proposed new lot created via severance does not encroach outside of the Urban Area boundary.

## Urban Hamilton Official Plan

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated ‘Neighbourhoods’ on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The ‘Neighbourhoods’ designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as “Neighbourhoods”. The conditions are as follows;

- 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.*

The proposed severance will create lots that conform to the Official Plan policies. The lots will require a Minor Variance to address minor zone regulation deficiencies, as required. The two (2) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Following the proposed severance, the proposed construction of one (1) single detached dwelling (on the severed lands) is consistent with the surrounding existing uses and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along both Overdale Avenue and Dennis Avenue.

Additionally, the ‘Neighbourhoods’ designation contains specific policies in relation to ‘Low Density Residential’. As such, ‘Low Density Residential’ uses permit single-detached, semi-detached, duplex,





triplex, and street townhouse dwellings. The proposal is to construct one (1) single detached dwelling on the severed land, which is consistent with the permitted uses under the UHOP. The maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposal will see an overall density of 10.8 units per hectare (2 total units, 0.19 hectares), which is consistent with the maximum permitted density.

This particular neighbourhood is in a transition period. Over time, many of the larger lots have been severed to create smaller lots. This proposal is consistent with the prevailing trend found within the neighbourhood, being that larger lots have been split up into smaller lots over time.

**Flamborough Zoning By-law No. 90-145-Z**

The subject lands are zoned “R1-6 – Urban Residential (Single Detached)”, in Town of Flamborough Zoning By-law. The “R1” zone permits uses such as; a single detached dwelling, an urban farm, and a community garden. The regulations of the “R1-6” Zone are as follows:

Regulation	Requirement
Minimum Lot Area	1390 square metres
Minimum Lot Frontage	30 metres
Minimum Front Yard	7.5 metres
Minimum Interior Side Yard	3 metres
Minimum Exterior Side Yard	7.5 metres
Minimum Rear Yard	10 metres
Maximum Lot Coverage	15%
Maximum Height	8.2 metres
Max Floor Space	1-storey (186 sq m), 1-1/2 storey (186 sq m), 2 storey (372 sq m)

**Minor Variance**

A number of variances are required to facilitate the proposed development. The variances are as follows:

Part 1 (Severed)

1. To permit a minimum lot area of ±516 square metres, whereas a minimum lot area of 1,390 square metres is required.
2. To permit a minimum lot frontage/width of ±17 metres, whereas a minimum lot frontage of 30 metres is required.

Part 2 (Retained)

1. To permit a minimum lot area of ±1,335 square metres, whereas a minimum lot area of 1,390 square metres is required.
2. To permit a minimum rear yard depth of ±5 metres, whereas a minimum rear yard depth of 10 metres is required.



This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwelling will assist in the diversification of the available housing stock within the neighbourhood, while also maintaining a consistent streetscape and capitalizing on an opportunity for the gentle intensification of the neighbourhood.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. The proposed lots will reflect the general scale and character of the established development pattern in the surrounding area. The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the Flamborough Zoning By-law No. 90-145-Z?**

The required variances to Flamborough Zoning By-law No. 90-145-Z are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

**Lot Frontage/width**

Part 1 is proposed to have a Lot Frontage of approximately 17 metres. A variance is required to the minimum lot frontage requirement for the proposed development (from 30.0 metres to 17.0 metres on Part 1).

The surrounding neighbourhood contains a range of lot areas, as the surrounding neighbourhood is predominantly zoned R1, with many containing Special Exceptions to allow for differing regulations in lot dimensions. These Special Exceptions were mostly developed to allow for the existing built neighbourhood to maintain their lot dimensions and dwelling sizes. The parent R1 – Urban Residential (Single Detached) Zone sets the provision for lot frontage at 18 metres. The adjacent property to the north has a lot frontage of ±21 metres. Across the right-of-way and within 30 metres of the subject lands parcels for 2, 6, and 10 Dennis Avenue, while zoned R6-45, have frontages of ±13, ±8, and ±7, metres. ±80 metres west along Overdale contain lot frontages of ±15 metres.

The accompanying severance sketch illustrates the width of the proposed severed lot. Despite the reduction in frontage from the R1-6 provision, there remains room for appropriate setbacks to accommodate a future residential development as evidenced with the single-detached dwellings within the neighbourhood on smaller frontages than the ±17 metres proposed in this application.



The two (2) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage/width requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

### **Lot Area**

Part 1 is proposed to have a lot area of approximately  $\pm 516.37$  square metres. Part 2 is proposed to have a lot area of approximately  $\pm 1,335.27$  square metres.

A variance is required to the minimum lot area provision for the proposed development (from 1,390.0 square metres to  $\pm 516.37$  square metres on Part 1, and to  $\pm 1,335.27$  square metres on Part 2). The lot area reduction is consistent with the surrounding neighbourhood. Over time, lots have been severed and permitted to be much smaller than the parent zone requirement of 1,390m<sup>2</sup>. The root R1 Zone Provisions is sets the lot area minimum at 665 square metres.

The proposed lot area for Part 2, is of minimal difference to the provisions set for R1-6, as it will see a difference of 54 sq metres. Across Dennis Avenue, to the southwest of the subject lands, there are parcels of greatly varying sizes, with numerous Zoning Exceptions to the R1 zoning. The abutting property to the north of the subject lands (19 Dennis Avenue), while zoned with an R1 Exception, has a lot area of 653 sq metres.

The purpose of this reduction is to permit one single-detached dwelling on each lot and the size of the lots proposed still enables adequate amenity space for the residents, as shown with similar development within the neighbourhood. Accordingly, the intent of the Zoning By-law is maintained.

### **Rear Yard Depth**

Part 1 is proposed to have a rear yard depth of approximately  $\pm 5$  metres. A variance is required to permit a minimum rear yard depth of  $\pm 5$  metres, whereas a minimum rear yard depth of 10 metres is required. The by-law allows for residents to have sufficient, private, outdoor amenity area. As can be seen in the provided drawings and through aerial photography, the existing dwelling has enough space to provide for a deck, hot tub, and large swimming pool with associated concrete pool deck. The proposed rear yard area would be approximately  $\pm 190$  square metres. Accordingly, the intent of the zoning by-law is maintained.

Further, the accessory uses, and structures will be compliant with the General Provisions by-laws in Section 5 of Zoning By-law No. 90-145-Z. The extension of the deck structure labelled "patio" will be removed, leaving approximately  $\pm 1.8$  metres once the severance is completed.

### **3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood. The proposed variances are consistent with the established character of the neighbourhood and recognize an existing situation for the lands to be retained. As such, the variances are appropriate for the development of the subject lands.



**4. Are the proposed variances minor in nature?**

The proposed variances to lot frontage, lot area and rear yard depth reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances, as they are in keeping with the general built form and existing setbacks found within this neighbourhood. Additionally, and as mentioned previously, the existing dwelling is to remain on the retained lands. As such, the variances to area, and rear yard depths on the retained lands do not change the existing relationship between the existing dwelling and existing property lines. Further, while the reduction in lot area for Part 1 (to be severed) appears substantial, there is sufficient room to develop a single-detached dwelling with sufficient amenity space. This has been shown throughout the neighbourhood in already established developments. Therefore, there are no perceived impacts from these variances. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these minor zoning deficiencies. Accordingly, it is my professional planning opinion that the variances are minor in nature.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

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 hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Ryan Ferrari".

Ryan Ferrari, MCIP, RPP  
Senior Planner

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

Encl.

Cc via email: Ann Dunsby  
[anndunsby@gmail.com](mailto:anndunsby@gmail.com)  
Brock Dunsby  
[bdunsby@live.ca](mailto:bdunsby@live.ca)



Hamilton

**Committee of Adjustment**  
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Hamilton, ON L8P4Y5

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

**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**

	NAME	MAILING ADDRESS	
<b>Purchaser*</b>			<b>Phone:</b>
			<b>E-mail:</b>
<b>Registered Owners(s)</b>	Brock and Ann Dunsby		
<b>Applicant(s)**</b>	same as owner		
<b>Agent or Solicitor</b>	A.J. Clarke & Associates Ltd. c/o Ryan Ferrari		

\*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 ryan.ferrari@ajclarke.com

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	138 Overdale Avenue		
Assessment Roll Number	30333037600		
Former Municipality	Flamborough		
Lot	10	Concession	3
Registered Plan Number	PI 777	Lot(s)	Lt 19
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:

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## 3 PURPOSE OF THE APPLICATION

### 3.1 Type and purpose of proposed transaction: (check appropriate box)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s)  | <input 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

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

N/A

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### 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:	<b>PART 2</b>	<b>PART 1</b>			
Type of Transfer	N/A				
Frontage	+/- 30.4 m	+/- 17 m			
Depth	+/- 43.9 m	+/- 30.4 m			
Area	+/- 1,335.27 sq m	+/- 516.37 sq m			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	one single-detached dwelling	temporary carport			
Proposed Buildings/ Structures	no change	one single-detached dwelling			
Buildings/ Structures to be Removed	none	temporary carport			

\* 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

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

Please 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.

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- 5.3 What is the existing zoning of the subject land? "R1-6" 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.  
Concurrently submitted Minor Variance 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)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	