COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935 E-mail: <u>cofa@hamilton.ca</u>

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	SC/B-22:105	SUBJECT	192 Fruitland Rd, Stoney Creek
NO.:		PROPERTY:	

APPLICANTS: Owner: Fruitland Property Group Inc Agent: A.J. Clarke & Associates Ltd – Franz Kloibhofer Applicant: Warm Homes – Nik Miskovic

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 669 Highway No.8. The existing two frame sheds will be demolished to facilitate this application.

	Frontage	Depth	Area
SEVERED LANDS:	N/A m [±]	83.76 m [±]	5,744.64 m ^{2 ±}
RETAINED LANDS:	19.85 m [±]	42.75 m [±]	839.34 m ^{2 ±}

Associated Planning Act File(s): SC/B-22:104

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 17, 2022
TIME:	3:20 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2 nd 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-22:105

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, <u>including deadlines</u> 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.



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.. 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 <u>cofa@hamilton.ca</u> or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935 E-mail: <u>cofa@hamilton.ca</u>

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email <u>cofa@hamilton.ca</u>. 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.

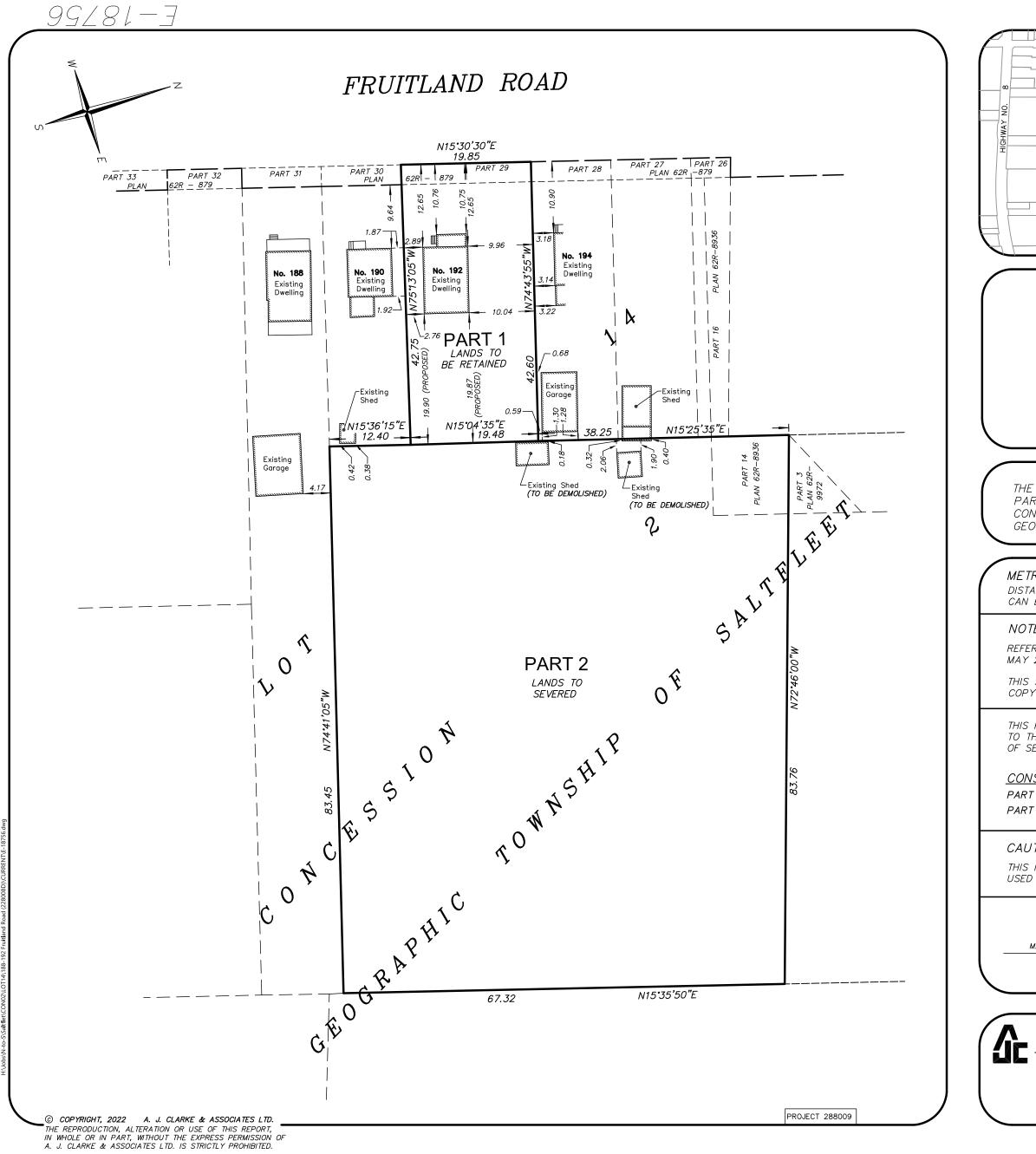
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person <u>must sign in at City Hall room 222 (2nd floor)</u> 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.



PART OF LOT 14 CONCESSION 2 GEOGRAPHIC TOWNSHIP OF SALTFLEET ETRIC: STANCES SHOWN ON THIS PLAN ARE IN METRES AND AN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. POTES: EFER TO SURVEY BY A.J. CLARKE & ASSOCIATES LTD. DATED AY 20, 2022 (FILE T-3386) HIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL OPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR HIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION O THE LAND DIVISION COMMITTEE REQUESTING A GRANT F SEVERANCE AND IS NOT INTENDED FOR REGISTRATION. ONSENT SCHEDULE: ART 1 (LANDS TO BE RETAINED) AREA= 839.34m ²	
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ART 1 (LANDS TO BE RETAINED) AREA= 839.34m²	HIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION O THE LAND DIVISION COMMITTEE REQUESTING A GRANT F SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.
	CONSENT SCHEDULE: ART 1 (LANDS TO BE RETAINED) AREA= 839.34m² ART 2 (PROPOSED SEVERANCE) AREA= 5,744.64m²

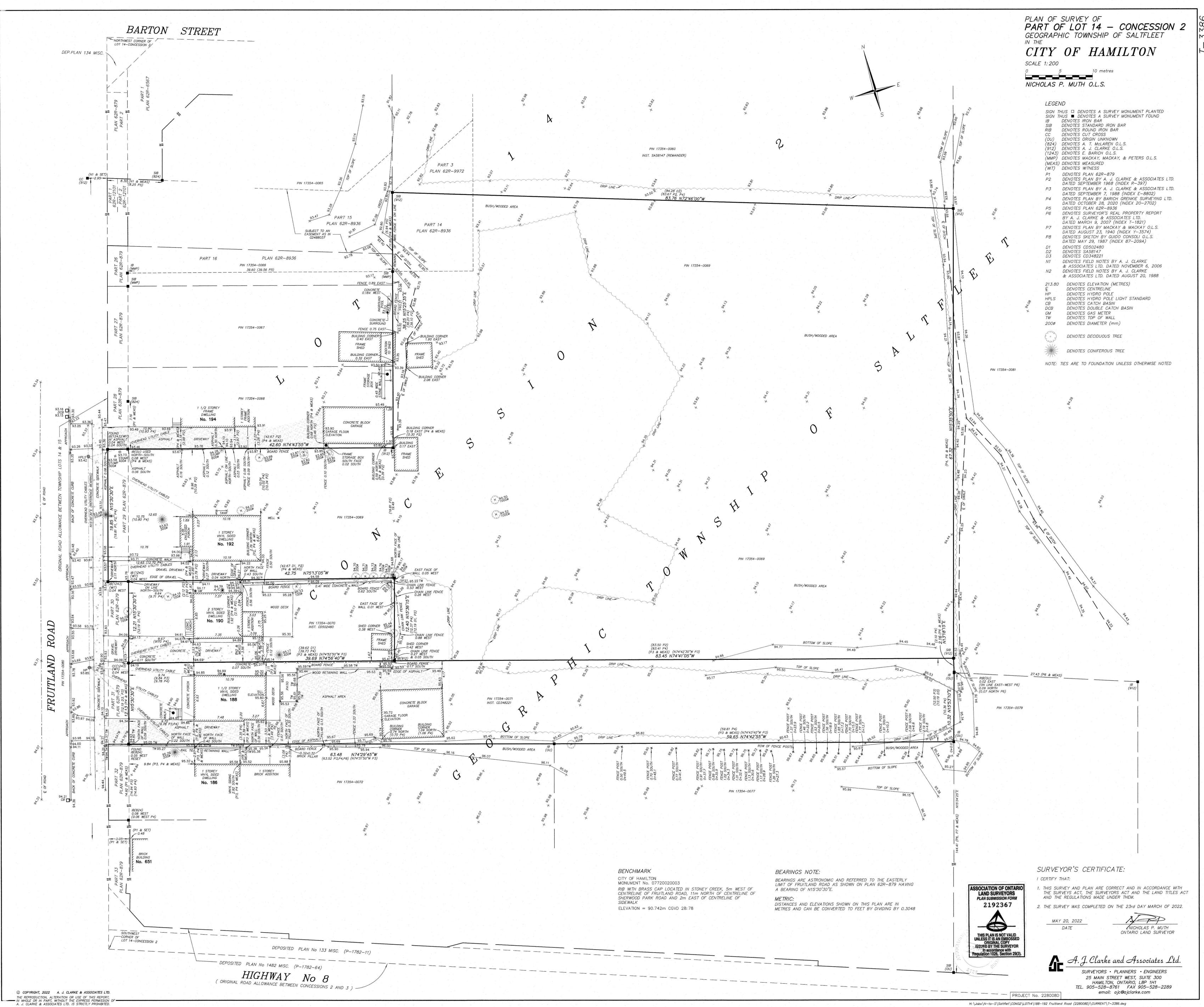
CAUTION:

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

MAY 26, 2022 DATE

NICHOLAS P. MUTH ONTARIO LAND SURVEYOR

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 '56





A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton Planning and Development City Hall 5th Floor 71 Main St W, Hamilton, ON L8P 4Y5 October 12, 2022

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

Re: 188 and 192 Fruitland Road, Stoney Creek – Severance Application Submission

Dear Madam:

A.J Clarke and Associates Ltd. has been retained by the Warm Homes, care of Nik Miskovic, for the purposes of submitting the enclosed Severance Application Submission. 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 for 188 Fruitland Road;
- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 192 Fruitland Road;
- One (1) cheque in the amount of \$5,970.00 representing the required application fees for both severance applications;
- One (1) cheque in the amount of \$845 to the Hamilton Conservation Authority representing the required Minor Review Fees;
- One (1) electronic copy of the Topographic Survey, dated May 20, 2022, depicting the subject lands.
- One (1) electronic copy of the Severance Sketch for 188 Fruitland Road (E-18757)
- One (1) electronic copy of the Severance Sketch for 192 Fruitland Road (E-18756)

The subject lands are designated "Neighbourhoods" on Schedule E-1 of the Urban Hamilton Official Plan and are further designated as "Low Density Residential 2" and "Low Density Residential 3" as per Map B.7.4-1 of the Fruitland-Winona Secondary Plan. The subject lands are zoned "RR – Rural Residential" Zone and the proposed lands to be severed from 192 Fruitland Road are zoned "AS – Agriculture Specialty" in the City of Stoney Creek Zoning By-law 3692-92. The lands are currently occupied by one single-detached dwelling each and several accessory buildings. The detached garage belonging to 188 Fruitland Road is set to be demolished as are the frame sheds in the proposed severed lands at 192 Fruitland Road.

The owners of 669 Highway No. 8, the adjacent property, have purchased the subject lands. The purpose and intent of the proposal is to merge the severed parts proposed with the lands at 669 Highway No. 8 for the purpose of future residential land development while retaining the existing single detached dwellings fronting onto Fruitland Road.



The resultant lots will be as follows:

192 Fruitland Road

	Area	Frontage
Part 1	839 m ²	19.8m
Part 2 (to be merged)	5744.64 m ²	N/A

188 Fruitland Road

	Area	Frontage
Part 1	1,044m ²	12.1m
Part 2 (to be merged)	5744.64 m ²	N/A

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 Development Review Team date. If you have any questions or require additional information, please do not hesitate to contact this office.

Yours truly,

un terrari

Ryan Ferrari MCIP, RPP Planner A.J Clarke and Associates Ltd.

Copy: Nik Miskovic nik@warmhomes.ca



Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

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

			Office Use Only
Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:

1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Fruitland Property Group Inc.		
Applicant(s)**	Warm Homes c/o Nik Miskovic		
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer		

*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
Stoney Creek	Pt Lot 14	2	Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address			Assessment Roll N°.
192 Fruitland Road			

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)

	a) Linham Area Transfer (de				
	a) <u>Urban Area Transfer (do not complete Section 10):</u>				
	creation of a new lot		0	ther: 🗌 a charge	
	addition to a lot			a lease	
	an easement			a correction	of title
	b) <u>Rural Area / Rural Settle</u>	ement Area Tra	nsfer (Section 1	0 must also be cor	npleted):
	creation of a new lot		0	ther: 🗌 a charge	
	creation of a new no			a lease	
	(i.e. a lot containing a	surplus farm dv	velling	a correction	of title
	resulting from a farm co	nsolidation)		an easemer	nt
	addition to a lot				
3.2	Name of person(s), if know or charged:	n, to whom land	d or interest in la	ind is to be transferre	ed, leased
	Fruitland Property Group I				
3.3	If a lot addition, identify the	lands to which	the parcel will b	e added:	
	669 Highway No. 8				
4	DESCRIPTION OF SUBJE				
	Description of land intende		d (lease, easen		
	ontage (m)	Depth (m)		Area (m ² or ha)	
n/a		83.76		5,744.64 sq m	
Fvis	ting Use of Property to be s	evered.			
	Existing Use of Property to be severed:				
	Poeldontial				morcial
	Residential Agriculture (includes a farm (dwellina)	Industrial		mercial nt
<u> </u>	Residential Agriculture (includes a farm) Other (specify)		Industrial Agricultural-		
	Agriculture (includes a farm Dther (specify)				
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Prop	Agriculture (includes a farm Other (specify) posed Use of Property to be Residential	severed:	Agricultural-	Related 🗍 Vaca	mercial
Prop	Agriculture (includes a farm Other (specify) posed Use of Property to be	e severed: dwelling)	Agricultural-	Related 🗍 Vaca	mercial
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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):

Frontage (m)	Depth (m)	Area (m² or ha)
19.85 m	42.75 m	839.34 sq m

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	Industrial	Commercial
Agriculture (includes a farm dwelling) Other (specify)	Agricultural-Related	Vacant
Proposed Use of Property to be retained:	🗖 la duratical	
 Residential Agriculture (includes a farm dwelling) Other (specify) 	☐ Industrial ☐ Agricultural-Related	Commercial
Building(s) or Structure(s):		
Existing: single detached dwelling		
Proposed:existing single detached dwelling - no change		
Existing structures to be removed: <u>none</u>		
Type of access: (check appropriate box)		
provincial highway	right of w	ay
municipal road, seasonally maintained	other pub	lic road
municipal road, maintained all year		
Type of water supply proposed: (check approp	oriate box)	
publicly owned and operated piped water s	-	her water body
privately owned and operated individual we		ans (specify)
Type of sewage disposal proposed: (check ap	propriate box)	
publicly owned and operated sanitary sewa		
 privately owned and operated individual se other means (specify) 	ptic system	
4.3 Other Services: (check if the service is av	ailable)	
electricity lelephone so	chool bussing 📃 ga	rbage collection
5 CURRENT LAND USE	an af the authing the set of a set of the se	
5.1 What is the existing official plan designati	-	
Rural Hamilton Official Plan designation (
Urban Hamilton Official Plan designation	(if applicable) UHOP: "Neighbourhoods"	. 2ndary Plan: "Low Density Res. 2 & 3"
Please provide an explanation of how the Official Plan.	application conforms with a	City of Hamilton
Fruitland-Winona Secondary Plan states		
estimated population of approximately 15 per hectare. New residential developmen		
Neighbourhoods, while creating a safe, fu		

densities without impeding views of the escarpment

community with a mix of housing types in a more compact form allowing for higher

- 5.2 What is the existing zoning of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? "RR - Rural Residential" and "AS - Agriculture Specialty" as per City of Stoney Creek Zoning By-law 3692-92
- 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*		0 metres (abutting lands)
A land fill		
A sewage treatment plant or waste stabilization plant		
A provincially significant wetland		
A provincially significant wetland within 120 metres		
A flood plain		
An industrial or commercial use, and specify the use(s)		95-125 m: "GC" - HVAC sales, hair salon, post office
An active railway line		
A municipal or federal airport		
*Complete MDS Data Sheet if applicable		

*Complete MDS Data Sheet if applicable

6	PREVIOUS USE OF PROPERTY Residential Industrial Agriculture 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?
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?
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?
6.7	Have the lands or adjacent lands ever been used as a weapons firing range?
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?
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