



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	SC/B-22:99	SUBJECT PROPERTY:	153-155 Regional Road 20, Stoney Creek
-------------------------	-------------------	--------------------------	--

APPLICANTS: Owner: 1749560 ONTARIO LTD – Marco Pacifici
Agent: AJ Clarke & Associates – Steve Fraser

PURPOSE & EFFECT: Properties inadvertently merged on title. There are currently two previously existing, single detached dwellings on site - whereas only one would be permitted. This application brings the subject lands into compliance with Zoning By-law. This application seeks to generally recreate the previous lot (ensuring proposed dimensions meet the minimum lot requirements as per Stoney Creek Zoning By-Law No. 3692-92).

	Frontage	Depth	Area
SEVERED LANDS:	37.75 m [±]	124.27 m [±]	4,691.12 m ² [±]
RETAINED LANDS:	53.69 m [±]	124.27 m [±]	6,672.68 m ² [±]

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:

DATE:	Thursday, January 19, 2023
TIME:	2:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

SC/B-22:99

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-22:99, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



 **Subject Lands**

DATED: January 3, 2023

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.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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

Oral Submissions

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

1. Virtual Oral Submissions

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

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

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

2. In person Oral Submissions

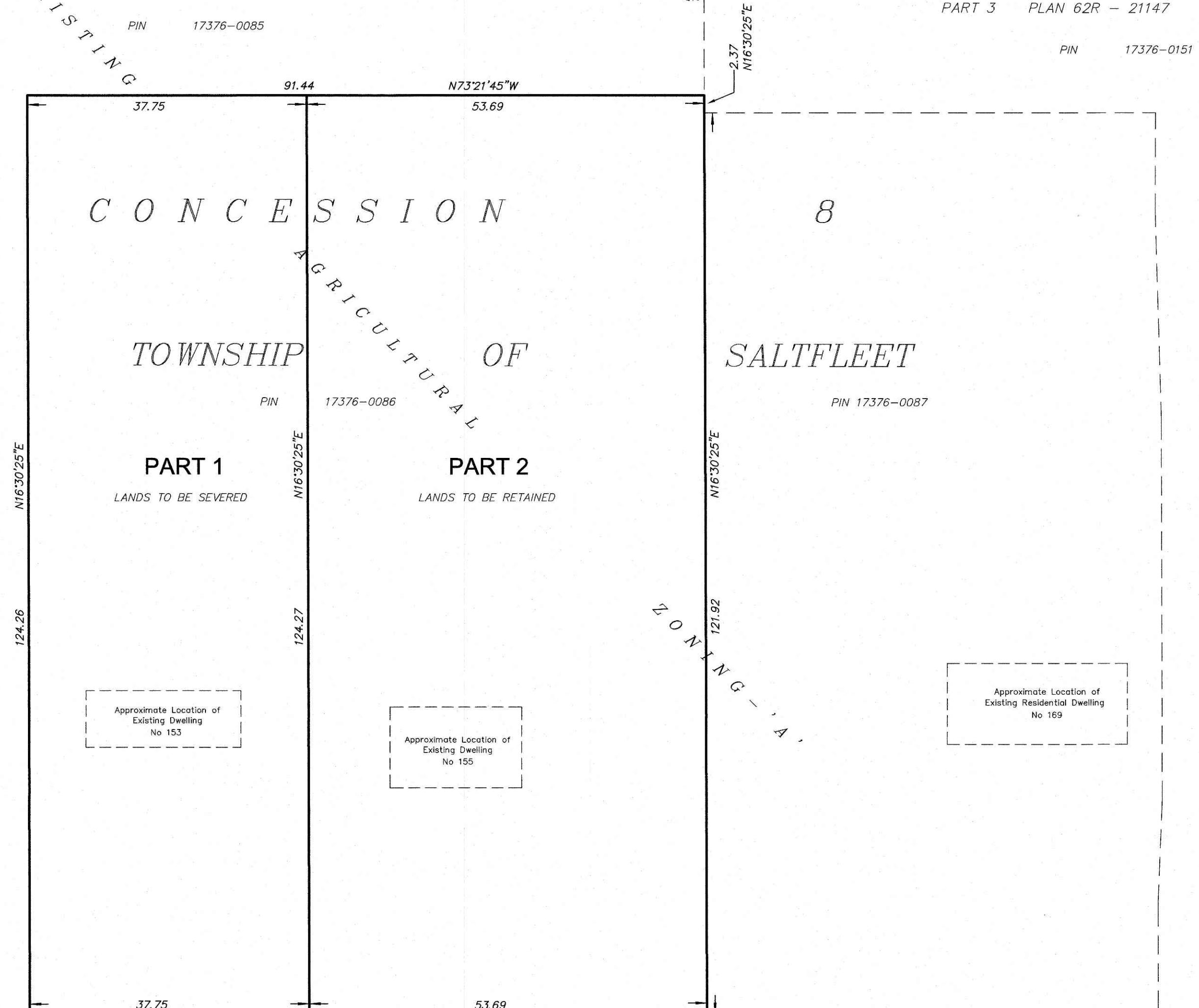
Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

LOT 22 VACANT LAND

LOT 21 VACANT LAND



GEOGRAPHIC TOWNSHIP OF SALTFLEET

CONCESSION 8

PART 1 LANDS TO BE SEVERED, PART 2 LANDS TO BE RETAINED

Approximate Location of Existing Dwelling No 153

Approximate Location of Existing Dwelling No 155

Approximate Location of Existing Residential Dwelling No 169

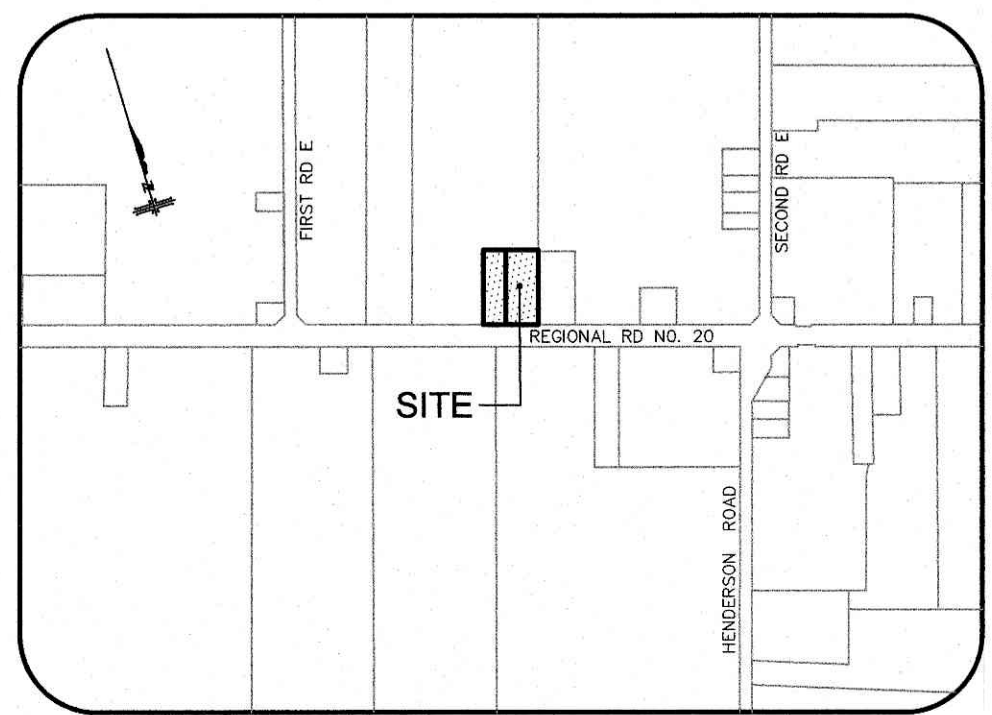
REGIONAL ROAD 20

FORMERLY THE KING'S HIGHWAY No 20 (NAME CHANGED TO REGIONAL ROAD 20 BY REGIONAL BY-LAW R99-056 REG'D. AS INST. No LT586230 DESIGNATED AS KING'S HIGHWAY BY O.C. 739/64 AND SHOWN ON PLAN 1431 MISC. (P-1941-17) TRANSFERRED TO REGIONAL MUNICIPALITY OF HAMILTON-HENTWORTH BY OC 2260/97 AMENDED BY O.C. 2165/98 AND SHOWN AS PART 1 ON PLAN P-1790-076A REG'D. AS LT526214.)

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIPS OF BINBROOK AND SALTFLEET

DEP. PLAN 338 MISC. (P-1941-4)

DEP. PLAN 639 MISC. (P-1941-9)



SKETCH FOR CONSENT TO SEVER 153 & 155 REGIONAL ROAD No. 20 CITY OF HAMILTON. SCALE 1:500. Includes a scale bar from 0 to 20 metres.

THE ABOVE NOTED LANDS ARE PART OF LOT 22 CONCESSION 8 GEOGRAPHIC TOWNSHIP OF SALTFLEET

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048. NOTE: THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

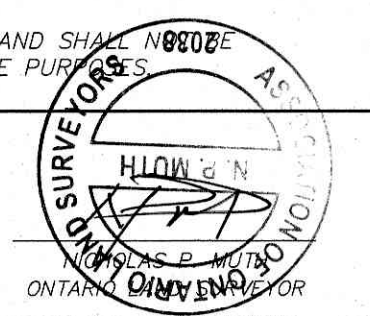
THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

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

CONSENT SCHEDULE: PART 1 (LANDS TO BE SEVERED) AREA= 4,691.12m²; PART 2 (LANDS TO BE RETAINED) AREA= 6,672.68m²

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

SEPT. 16, 2022 DATE



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



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

September 20, 2022

Attn: Ms. Jamila Sheffield
Secretary-Treasurer – Committee of Adjustment
Via email: Jamila.Shaffield@hamilton.ca and Committee of Adjustment CofA@hamilton.ca

Re: 153-155 Regional Road 20, Stoney Creek – Severance Application Submission

A.J. Clarke and Associates Ltd. has been retained by the owner, Marco Pacifici, of 153-155 Regional Road 20, Stoney Creek for the purposes of coordinating and submitting the enclosed Severance Application. 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) cheque in the amount of \$3,390.00 representing the required application fee.
- One (1) cheque in the amount of \$570.00 representing the required NPCA Consent fees.
- One (1) electronic copy of the Severance Sketch.

The subject lands are designated “Agriculture” on Schedule D of the Rural Hamilton Official Plan and are zoned “Agriculture – A” in the City of Stoney Creek Zoning By-law 3692-92. The lands are currently occupied by two existing single-detached dwellings with an accessory building located on 155 Regional Road 20. The subject lands are also under the authority of the Niagara Peninsula Conservation Authority as they contain a stream waterway, wetlands, and wooded lot surrounding the dwellings at the sides and rear of the lands.

The intent of the application is to simply facilitate a severance to effectively recreate the two (2) separate lots for the two existing dwellings on the subject lands that inadvertently merged on title. Part 1, to be severed, will have a proposed frontage of ±37.75 metres, a depth of ±124.27 metres, and area of ±4,691.12 square metres. The lot to be retained, Part 2, will have a proposed frontage of ±53.69 metres, a depth of ±124.29 metres, and an area of approximately ±6,672.68 square metres. This severance will recreate lots that comply with the Zoning By-laws regarding lot sizes for “Agriculture -A” zoned lots with a single detached dwelling on each lot as they currently exist.

Below is a review of the proposal’s conformity and compliance with applicable planning documents:

Planning Act

The proposed severance will not provide any adverse effects to the surrounding neighbourhood and conforms to the *Planning Act*. The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the *Planning Act*. This application is simply re-establishing these two properties that have merged on title and now contain two single-detached dwellings on one parcel, which contravenes the zoning bylaw.



Provincial Policy Statement

The proposed consent application will facilitate the re-establishment of previous properties that inadvertently merged on title and currently contain two single-detached dwellings and an accessory shed building at 155 Regional Road 20.

- The application is consistent with Policy 1.1.4.1d) that encourages the conservation and redevelopment of existing rural housing stock on rural lands;
- Policy 1.1.5.2c) that permits residential development, including lot creation, that is locally appropriate;
- Policies 1.1.5.4, 1.1.5.5 and 1.1.5.7 that ensure compatible development with the rural landscape, utilizes appropriate existing infrastructure, and protects agricultural and other resource-related uses.

Growth Plan for the Greater Golden Horseshoe

The proposed severance is keeping within the character of the existing neighbourhood by separating one lot that inadvertently merged on title into two lots as previously existed. In accordance with Policy 2.2.9.3c) of the Growth Plan, other rural land uses that are permitted outside of rural settlement areas provided they:

- are compatible with the rural landscape and surrounding local land uses;
- will be sustained by rural service levels;
- and will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

As previously noted, this consent is to effectively re-establish the two lots that merged on title and now contain two single-detached dwellings on one lot– which contravenes the applicable zoning by-law.

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 Committee of Adjustment hearing date.

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

Yours truly,

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

Copy via email: Marco Pacifici (mark@pacific-plumbing.com)



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**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)	1749560 ONTARIO LIMITED c/o Marco Pacifici		
Applicant(s)**			
Agent or Solicitor	AJ Clarke & Associates Ltd. c/o Stephen Fraser		

***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 Owner
 Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot Pt Lt 22	Concession 8	Former Township Saltfleet
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 153 and 155 Regional Road 20			Assessment Roll N°. 251800381070800

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) 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:

Marco Pacifici

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m) +/- 37.75	Depth (m) +/- 124.27	Area (m ² or ha) +/- 4,691.12 m ²
---------------------------	-------------------------	--

Existing Use of Property to be severed:

- Residential
- Industrial
- Commercial
- Agriculture (includes a farm dwelling)
- Agricultural-Related
- Vacant
- Other (specify) _____

Proposed Use of Property to be severed:

- Residential
- Industrial
- Commercial
- Agriculture (includes a farm dwelling)
- Agricultural-Related
- Vacant
- Other (specify) _____

Building(s) or Structure(s):

Existing: Single-detached dwelling with attached garage

Proposed: Single-detached dwelling with attached garage (no change)

Existing structures to be removed: none - no changes to lands or buildings

Type of access: (check appropriate box)

- provincial highway
- right of way
- municipal road, seasonally maintained
- other public road
- municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- lake or other water body
- privately owned and operated individual well
- 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)**:

Frontage (m) +/- 53.69	Depth (m) +/- 124.27	Area (m ² or ha) +/- 6,672.68 m ²
---------------------------	-------------------------	--

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: single-detached house with attached garage, shed

Proposed: single-detached house with attached garage, shed (no change)

Existing structures to be removed: none - no change to lands or buildings

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): Agriculture, as per Schedule D

Urban Hamilton Official Plan designation (if applicable): _____

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

Properties inadvertently merged on title. There are currently two previously existing, single detached dwellings on site - whereas only one would be permitted. This application brings the subject lands into compliance with Zoning By-law. This application seeks to generally recreate the previous lot (ensuring proposed dimensions meet the minimum lot requirements as per Stoney Creek Zoning By-Law No. 3692-92).

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? Zoned Agriculture "A" in Stoney Creek By-Law No. 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*	<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 checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Mechanic, +/- 125 m/ car parts store, +/- 490 m
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 _____
- 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