



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.:	HM/B-23:21	SUBJECT PROPERTY:	46-48 BROCK STREET, HAMILTON
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APPLICANTS: **Owner:** TROY AND MICHELLE SMITH
Agent: LEONY DEGRAFF

PURPOSE & EFFECT: To permit the conveyance of a parcel of land for residential purposes and the retained lands to contain the existing two storey single family dwelling which is intended to remain.

	Frontage	Depth	Area
SEVERED LANDS (46 Brock Street):	6.1 m [±]	28.1 m [±]	171.41 m ² [±]
RETAINED LANDS (48 Brock Street):	6.1 m [±]	28.1 m [±]	171.41 m ² [±]

Associated Planning Act File(s): HM/A-23:83

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, May 18, 2023
TIME:	9:20 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

HM/B-23:21

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- 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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:21, 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.

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.



 **Subject Lands**

DATED: May 2, 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.



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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 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.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadjustment

Oral Submissions During the Virtual Meeting

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via 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.

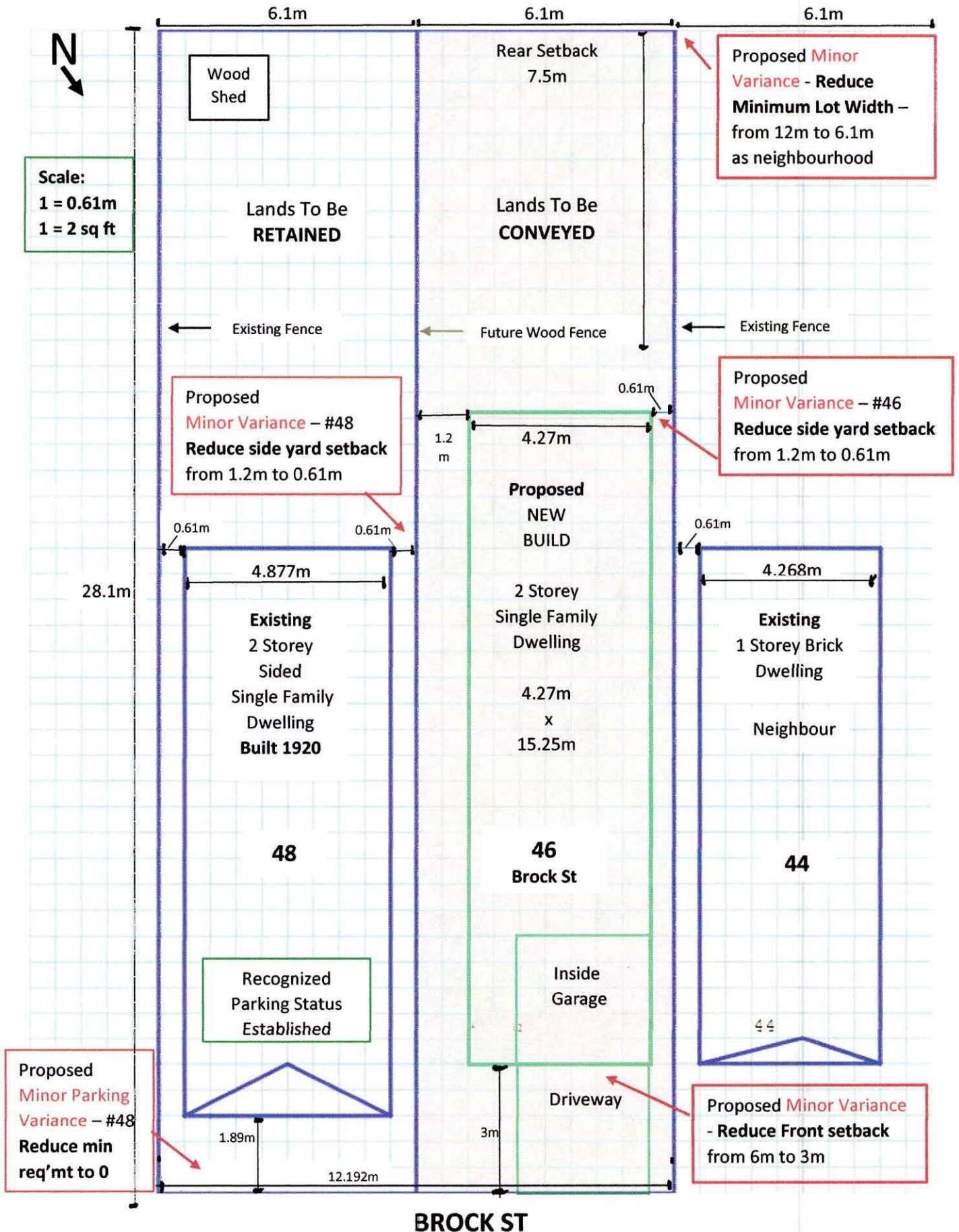
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.

Application for Consent to Sever + Application for Minor Variances – Site Plan Sketch
 46 – 48 Brock St, Hamilton

A



3 April 2023

Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Planning Dept, Committee of Adjustment

Re: Consent for Severance and Minor Variances at 46-48 Brock St, Hamilton

Dear Sir/Madam:

Thank you for considering our Application for Consent to Sever Land for the above noted property, with some minor variances requested. This cover letter is to provide you with summarized information about this property's history and our intentions.

Our 29 year old son grew up in Burlington and his spouse in Stoney Creek. While renting in Toronto, these young professionals realized they would need to move to Hamilton and commute, in order to have a chance at home ownership before starting a family. With a maximum pre-approval limit of \$450k, there aren't many single-family homes in their price range. As a Financial Planner myself and my husband a Red Seal Contractor, we were looking for creative ways to help our kids get into the real estate market in today's economy. When we found 46-48 Brock St listed for sale, on a double lot, we thought this could be the way for them. Keeping within their budget, we have invested the remainder and taken on the task and risk of severing this lot for them. If the costs and time frame are not too restrictive, we intend to see this project through from severance to building a home on the new lot, to turn over to the kids. We would then improve and sell the home on #48 to get our investment back. We are not wealthy developers, we are using our resources temporarily, to help out our next generation.

During our due diligence, we learned these **titles merged inadvertently** when the Lupton family owned them both, either in 1976 or upon the death of a joint owner in January 2002, or when the property was converted to LT system in December 2009. Attached you will find a *Parcel Register* for 17155-0263 (LT) labeled 'B' as well as an *Abstract Index* for 17155-0514 (R) labeled 'C', showing the history of the property ownership.

Around the time the house at 48 Brock St was built (1920) a house was also built at 46 Brock St. At some point that I have not been able to determine, the house burned down which left an empty lot at #46. Our request is to revert this property back to its original intention in the neighbourhood, as a standard size lot for the community and allow a new family to live at 46 Brock St. With the 'unmerging' of titles, we are requesting the established recognized parking status remains with the 1920's home at 48 Brock St. This property still receives two separate property tax bills and has two ARN numbers.

You will see in the attached visuals of the neighbourhood, labeled 'E' - all lots appear to be approximately 6.1m wide, not the 12m that Zone D District by-laws state as the minimum. Many side and front yard setbacks in the Brock St neighbourhood also do not meet the Zone D District requirements, which means the minor variances proposed are not out of place. The proposed new home would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood and meet all standards of the OBC. The revitalized lot may even encourage other nearby neighbours to improve their own exteriors. We will communicate with our neighbours before applying for a building permit to ensure they are aware of our plans and that we will always keep their comfort top of mind during this project. We will provide them with a 24 hour contact number and post all information required.

Although there are several, we feel the Variances requested are minor in the context of the existing neighbourhood's lot sizes and setbacks, as well as desirable for the appropriate development of the land and neighbourhood. The proposal conforms to the general intent of the Zoning By-law in keeping the community organized and uniform. It also conforms

to the general intent of the City of Hamilton's Official Plan by concentrating new development within existing built-up areas and within the urban boundary through intensification and adaptive re-use of existing vacant land.

In closing, we simply want to revert the property back to its original intent, blend into the Brock St neighbourhood and help our kids thrive there. It's a wonderful neighbourhood for young families to grow in, with the bay and the Pier 7 & 8 development only a block away. With your assistance, we can help two young families call the Hamilton waterfront area their home.

Kindest regards,



Leony deGraaf Hastings
Appointed Agent for 46-48 Brock St
905-220-2146

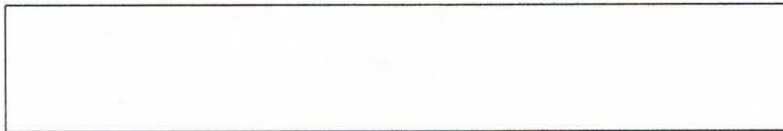
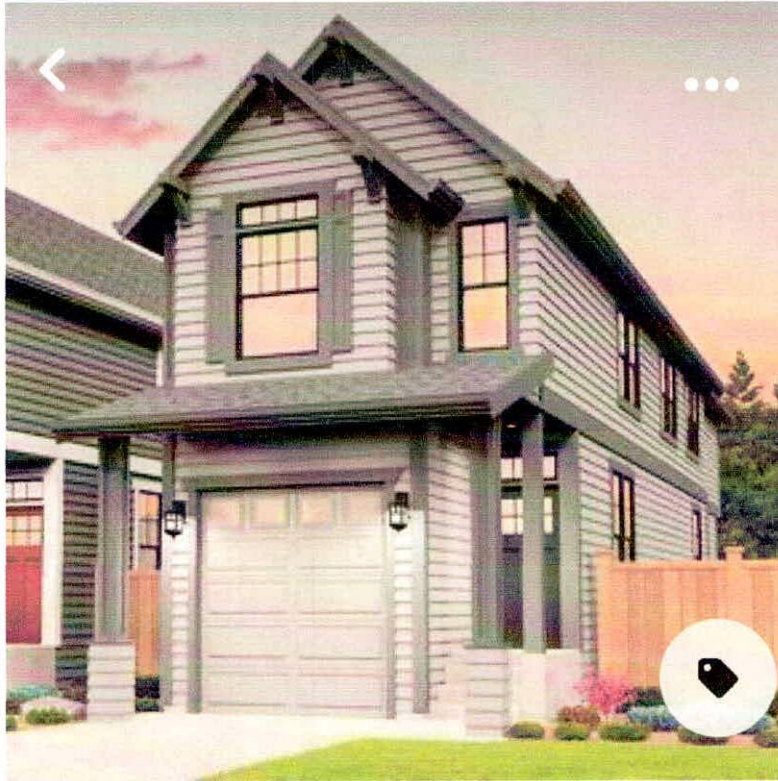
769 Old York Rd
Burlington, ON L7P 4X8

Schedule of Attachments:

- A – Site Plan Sketch
- B – Parcel Register 17155-0263 (LT)
- C – Abstract Index for Property Identification 17155-0514 (R)
- D – Potential House Design on #46 – 15ft (4.572m) wide
- E – Visual of actual Neighbourhood setbacks in Zone D District
- F – Purchase and Sale Agreement – Troy & Michelle Smith to Mackenzie Thomas & Monique Varwig
- + - Minor Variance Application

Potential house design for **46 Brock St**
with Consent to Sever granted and Minor Variances approved

D

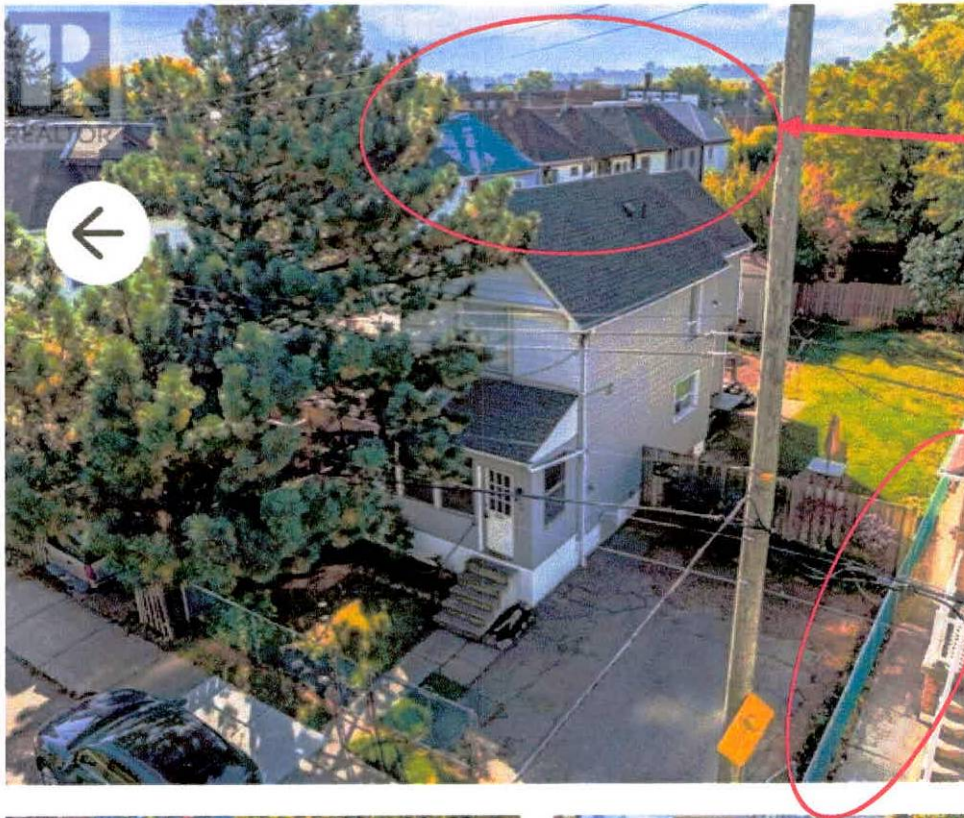


Plan 85244MS: Narrow Lot 3 Bed Craftsman Ho...

At only 15-wide, this 3-bed
Craftsman house plan is... **More**

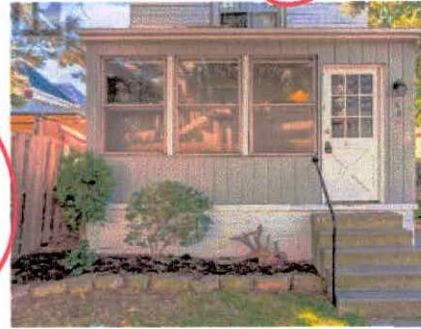
46 - 48 Brock St – Visual of Neighbourhood

E₁



Neighbourhood – existing lots at approx. 6.1m wide with less than District D Zoning required side setbacks in place

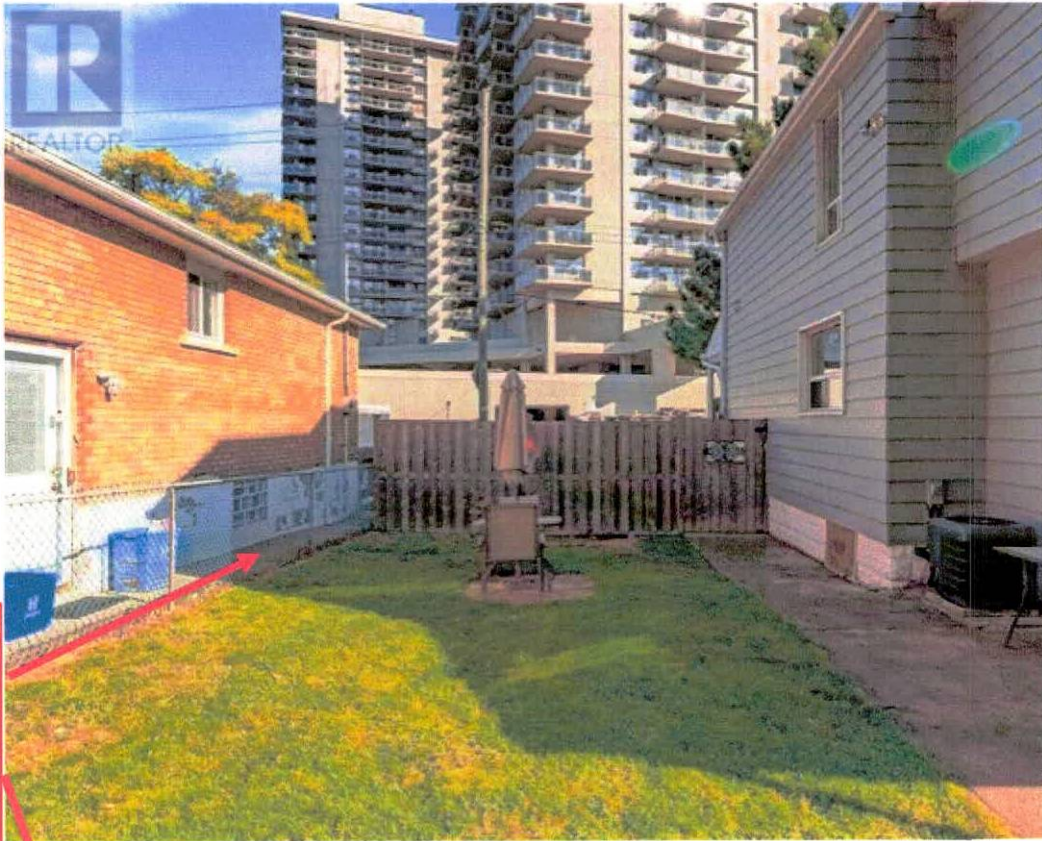
Existing direct neighbour has minimal side setbacks with a laneway on their west side



48 Brock St circa 1920



Area of lot severance requested at 46 Brock St with Minor Variances



Neighbourhood – existing lots at approx. 6.1m wide with less than District D Zoning required side setbacks in place



40 Images



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
 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
Purchaser*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

*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 [REDACTED]

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	46 - 48 Brock St, Hamilton, ON		
Assessment Roll Number	46 Brock St ARN #251802016405700		
Former Municipality	48 Brock St ARN #251802016405730		
Lot		Concession	
Registered Plan Number	171550263 (LT)	Lot(s)	+ 171550514 (R)
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:

Unknown, possible Utilities easement, Residential Zone D

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)
(i.e. a lot containing a surplus farm dwelling
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:

Mackenzie Thomas

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, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	48 Brock St	46 Brock St			
Type of Transfer	N/A	effect a severan	/inter-spousal		
Frontage	6.1 m	6.1 m			
Depth	28.1 m	28.1 m			
Area	171.41 m2	171.41 m2			
Existing Use	Single Fam Res	Vacant Res Lan			
Proposed Use	Same	Single Fam Res			
Existing Buildings/ Structures	2 storey dwelling	Fence & driveway			
Proposed Buildings/ Structures	Fence on west side yard	2 storey single family dwelling			
Buildings/ Structures to be Removed	N/A	N/A			

* 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): N/A

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.

Concentrate new development and infrastructure within existing built-up areas and within the urban boundary through intensification and adaptive re-use. Maximize the use of existing buildings, infrastructure, and vacant or abandoned land.

- 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? Urban Protected Residential, Zone D District

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
N/A

- 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.

Concurrent Minor Variances Application submitted

- 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"/>	

6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes No Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

Lots 46-48 previously merged on title - requesting to unmerge - house burned down on lot 46

6.4 How long has the applicant owned the subject land?

Purchaser - possession June 1, 2023

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

This request has merit and can be supported, as it is consistent with Section 3 of the Planning Act which supports the efficient use and management of land and infrastructure. No additional parking strain on City due to new driveway and garage planned for new lot - create affordable housing - infill close to Go Stn attracts more commuters - public input - requesting minor variances in accordance with established 'norms' in the neighbourhood. The proposed new dwelling would have architectural features and colouration that would allow it to be integrated into the existing neighbourhood.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

To promote economic growth, increase housing supply, create jobs and build communities that make life easier, healthier and more affordable for people of all ages. Urban centres will be vibrant and characterized by more compact development patterns. Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. Goal of 200 residents and jobs combined per hectare for Downtown Hamilton and the transit corridor.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
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Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
