



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-23:25	SUBJECT PROPERTY:	70 HOLMES AVENUE, HAMILTON
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APPLICANTS: **Owner:** PAUL & SUSAN SEGURO
Agent: MIKO URBAN CONSULTING INC. C/O PETER CHEE

PURPOSE & EFFECT: To permit the creation of an easement on the westerly portion of Lot 74. This relates to existing openings on the easterly façade of the dwelling and a Reciprocal Easement under the Building Code.

	Frontage	Depth	Area
SEVERED LANDS (Part 2):	0.84 m [±]	24.257 m [±]	50.282 m ² [±]
RETAINED LANDS (Part 1):	6.73 m [±]	30.48 m [±]	181.203 m ² [±]

Associated Planning Act File(s): HM/A-23:111 & HM/A-23:112

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, June 1, 2023
TIME:	9:15 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-23:25

- 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

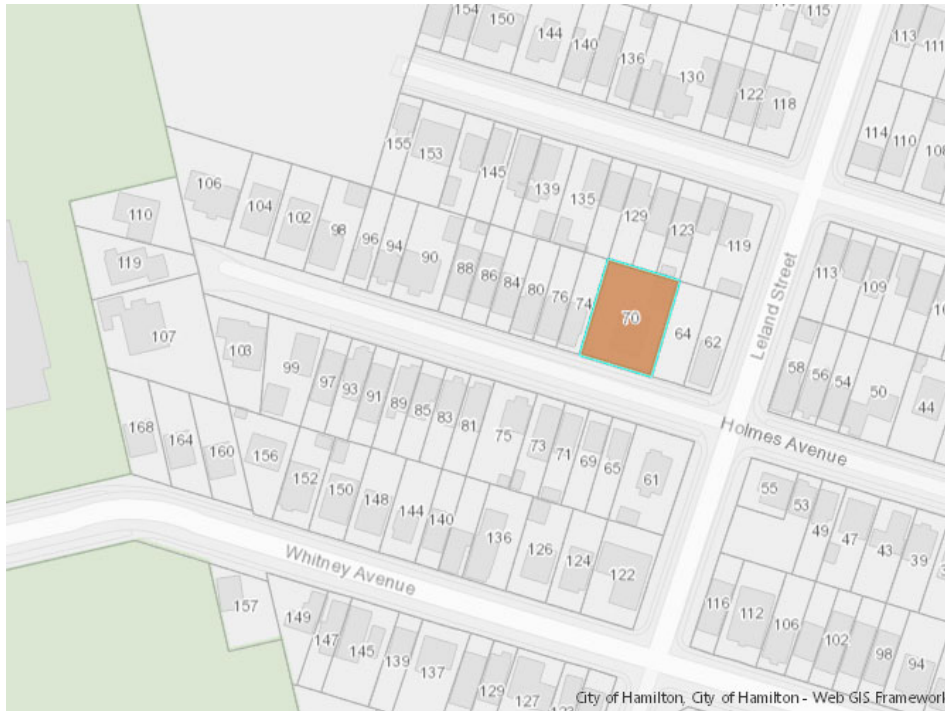
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:25, 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: May 16, 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.

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.



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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

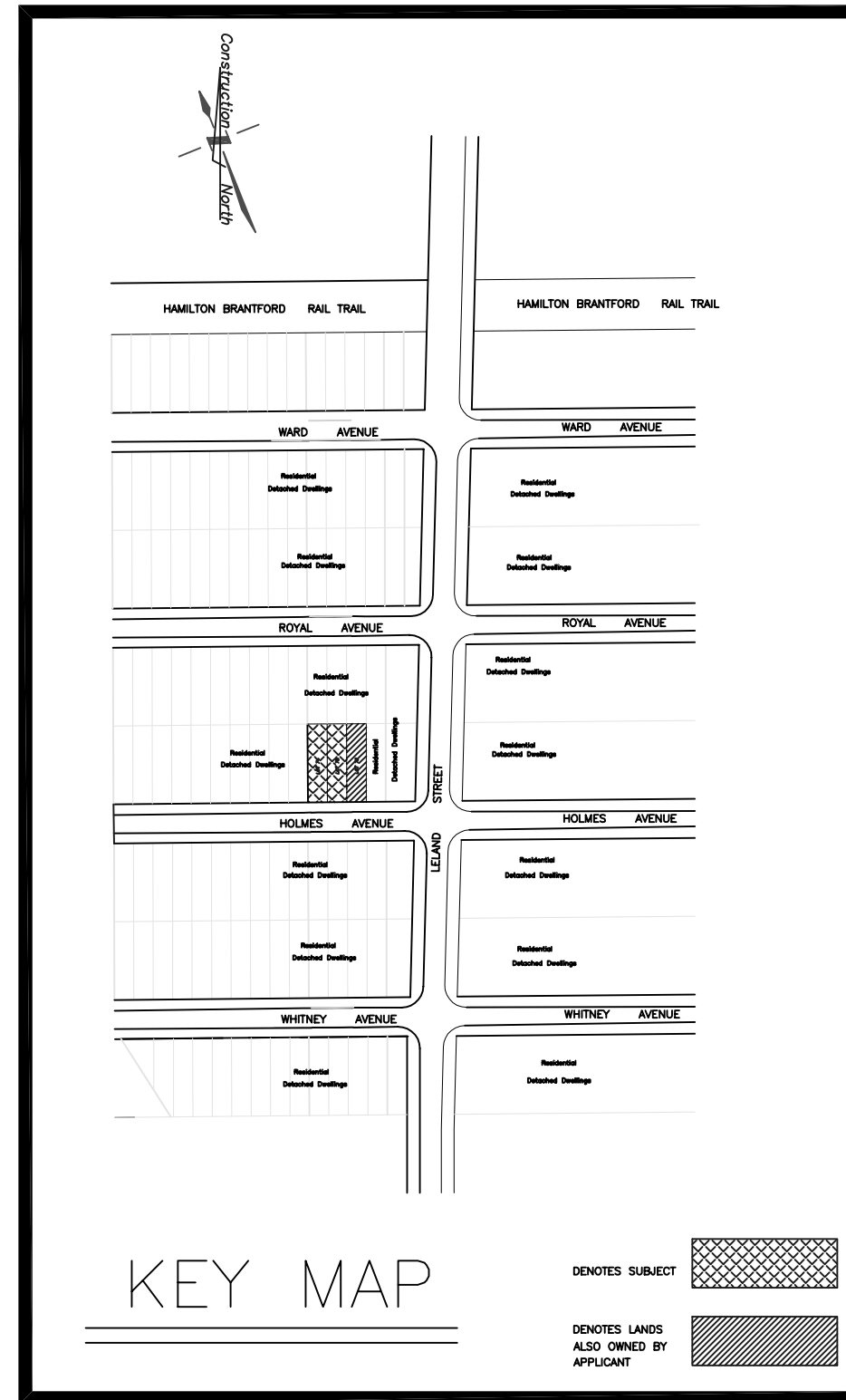
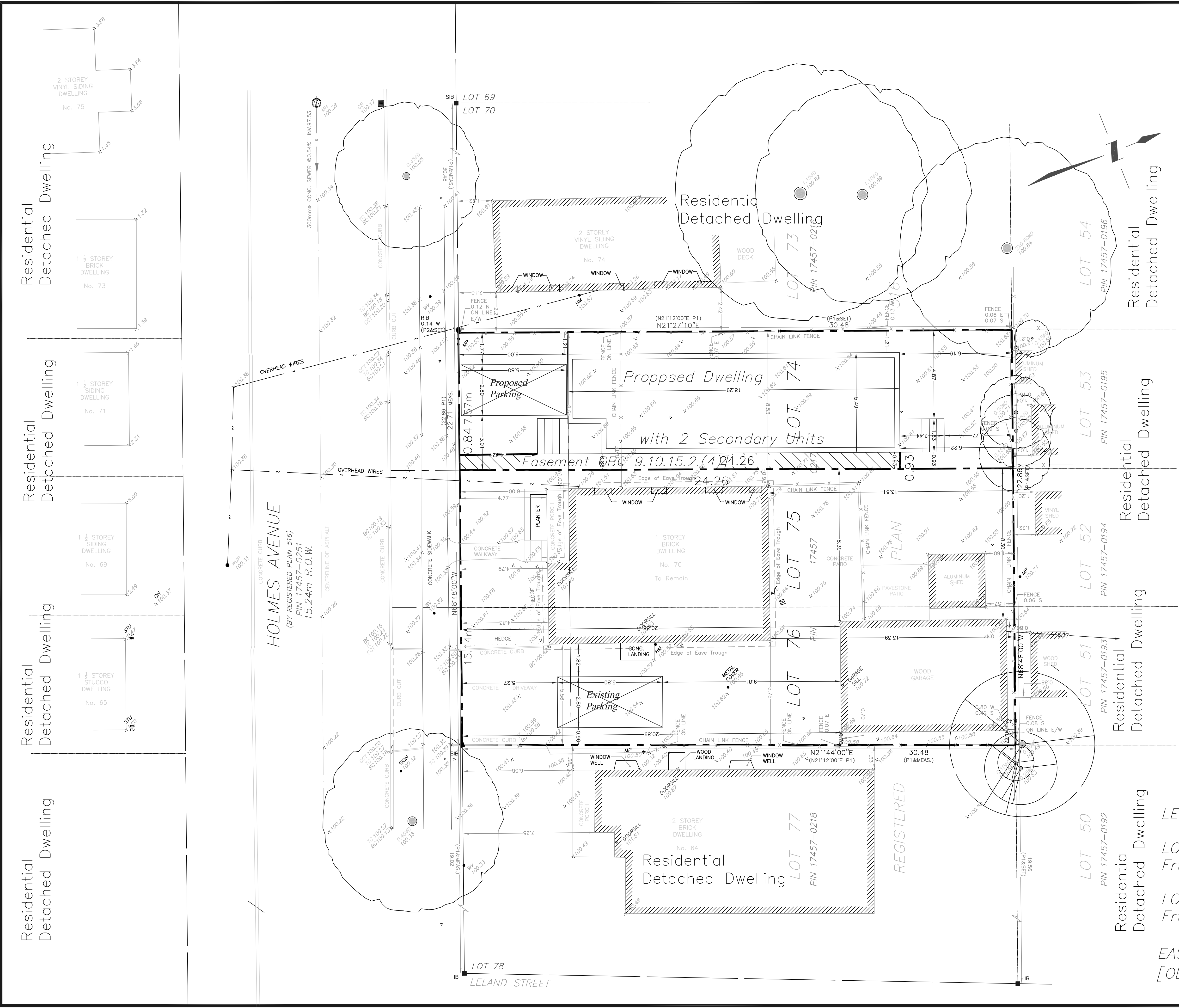
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before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



PROJECT :
 70 Holmes Avenue,
 Hamilton, Ontario
 Lots 74, 75 & 76
 Registered Plan 516

**Committee of Adjustments
 Applications**

NEW CONSTRUCTION
 ADDITION
 INTERIOR ALTERATION

1- ALL DRAWINGS AND RELATED DOCUMENTS ARE COPYRIGHT PROPERTY OF MI-KO URBAN CONSULTING INC. AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR WHOLE IS FORBIDDEN WITHOUT THE DESIGNER'S CONSENT IN WRITING.

2- THE DRAWINGS AND SPECIFICATIONS APPLY ONLY TO THIS PROJECT AND SHALL NOT BE USED ON OTHER PROJECTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.

3- ALL WORK SHALL MEET THE REQUIREMENTS OF THE LATEST GOVERNING BUILDING CODE, MUNICIPAL ORDINANCES AND ALL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT.

4- THIS DRAWING IS NOT TRANSFERABLE AND SHALL NOT FORM A PART OF ANY AGREEMENTS WITHOUT THE DESIGNER'S CONSENT IN WRITING.

5- CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE SITE AND WITH ALL SUPPLIERS AND REPORT ANY DISCREPANCIES OR ERROR TO THE ARCHITECT BEFORE COMMENCING ANY WORK.

6- DO NOT SCALE DRAWINGS.

7- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONTACT DESIGNER FOR SITE REVIEW SCHEDULE.

8- CONSTRUCTION SHALL BE EXECUTED AS PER DRAWINGS, NO ADDITIONS OR REVISIONS WITHOUT WRITTEN PERMISSION FROM THE DESIGNER.

9- THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION WITHOUT "CONSTRUCTION SET" STAMPED, & INITIALED BY THE DESIGNER.

No.	DATE	DESCRIPTION	BY
1.	Apr. 23	C. of A. Appl.	pc1.

REVISIONS

OWNER:
 Paul & Susan Seguro
 2470 Sharon Crescent,
 Mississauga, Ontario
 L5C 1Y8

LEGEND:

LOT 74:
 Frt - 7.57m Area: 231.485

LOT 75 & 76:
 Frt - 15.14m Area: 462.97

EASEMENT
 [OBC 9.10.15.2.(4)]

DRAWING TITLE:
SITE PLAN
[Over View]

Mi-Ko Urban Consulting
 Professional Planning Consultants Inc.

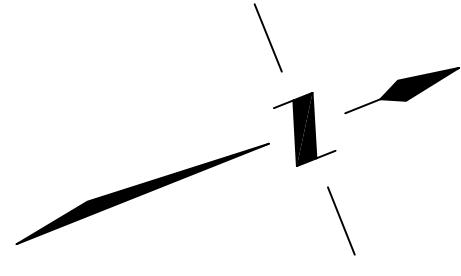
16 HIGH STREET
 TORONTO, ONTARIO
 M5Y 3N8
 PH: 416-230-8935 EMAIL: mikourbaninc@gmail.com

DRAWN PKC	CHECKED pc	SCALE 1:100m	SHEET No. SP-1
DATE Apr. 2023	PROJECT No. Holmes-23		

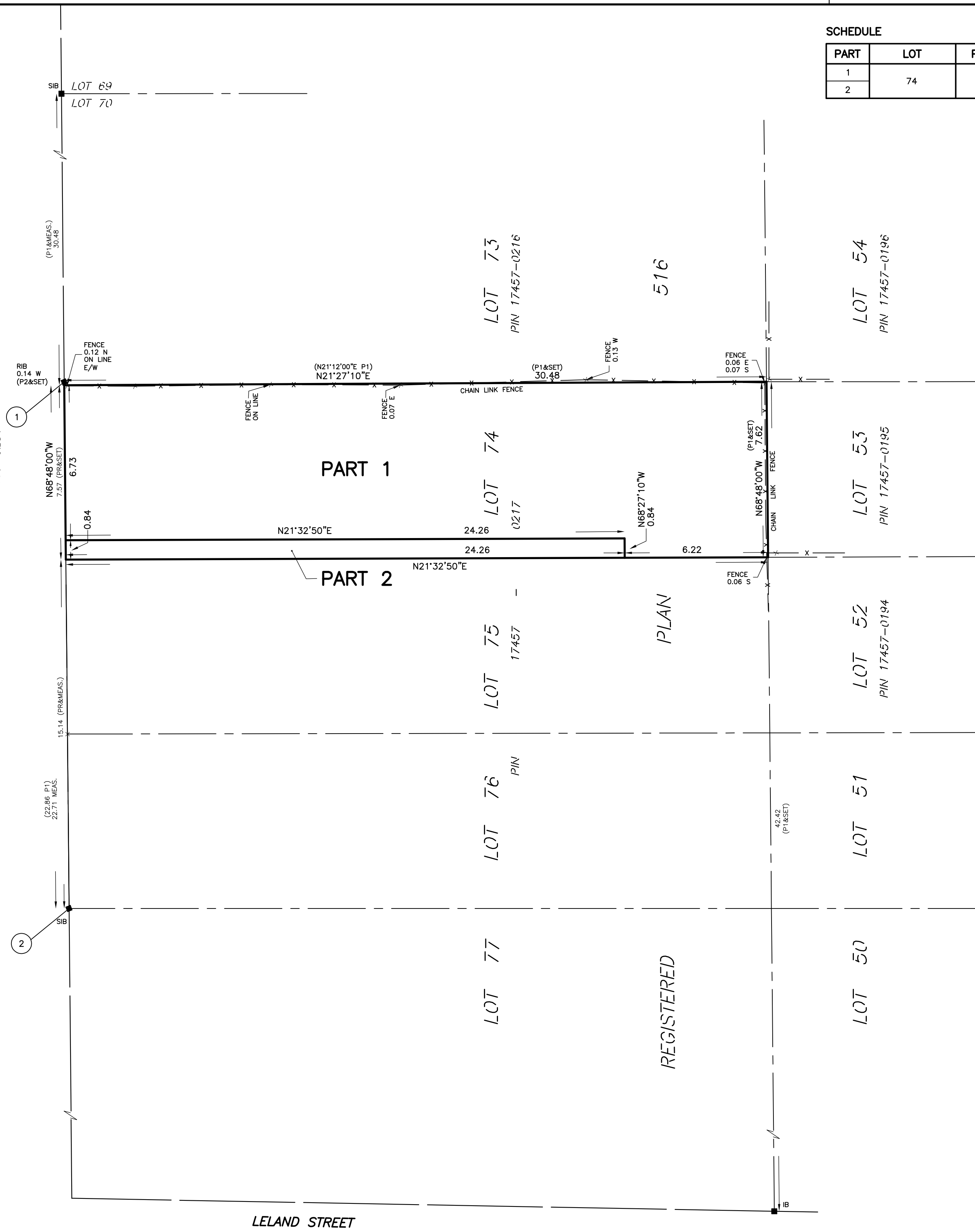
METRIC
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN
 ARE IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048

SCHEDULE

PART	LOT	PLAN	PIN
1	74	516	PART OF 17457-0217
2			



HOLMES AVENUE
 (BY REGISTERED PLAN 516)
 PIN 17457-0251



PLAN OF SURVEY OF
LOT 74
REGISTERED PLAN 516
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 125

THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 457mm IN HEIGHT
 WHEN PLOTTED AT A SCALE OF 1:125

COORDINATE REFERENCE
 COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED FROM DIRECT
 GNSS REAL TIME NETWORK (RTN) OBSERVATIONS AND ARE REFERRED TO THE
 CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17, UTM PROJECTION,
 NAD83 (CSRS, 2010.0) DATUM.

COORDINATES SHOWN ON THIS PLAN HAVE BEEN DETERMINED TO URBAN
 ACCURACY OF ±0.05m AT 95% CONFIDENCE LEVEL ACCORDING TO O.REG.
 216/10.

BEARINGS ARE GRID BEARINGS.
 FOR BEARING COMPARISONS, A ROTATION OF XX'XX'XX" COUNTER-CLOCKWISE
 WAS APPLIED TO PLAN XX TO CONVERT TO GRID BEARINGS.

DISTANCES ARE GROUND LEVEL DISTANCES AND CAN BE CONVERTED TO GRID
 DISTANCES BY MULTIPLYING BY COMBINED SCALE FACTOR OF
 0.999

POINT	NORTHING	EASTING
1	4000000.00	600000.00
2	4000000.00	600000.00

COORDINATES ALONE CANNOT
 BE USED TO RE-ESTABLISH
 POINTS OR BOUNDARIES
 SHOWN ON THIS PLAN

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
RIB	DENOTES	ROUND IRON BAR
SIB	DENOTES	STANDARD IRON BAR
P1	DENOTES	REGISTERED PLAN 516
P2	DENOTES	TARASICK McMILLAN KUBICKI LTD., O.L.S., FEBRUARY 6, 2023
PR	DENOTES	PROPORTIONED

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT :
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
 WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES
 ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON

APRIL 21, 2023
 DATE
 SIMEON MITREV
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO THE AOLS PLAN SUBMISSION NUMBER

TARASICK McMILLAN KUBICKI LIMITED
 ONTARIO LAND SURVEYORS
 4181 SLADEVIEW CRESCENT, UNIT 42, MISSISSAUGA, ONTARIO L5L 5R2
 TEL: (905) 569-8849 FAX: (905) 569-3160
 E-MAIL: office@tmksurveyors.com

DRAWN BY: K.M. FILE No. 9695-R

Lot 74, Pl. 516

Lots 75 & 76, Pl. 516

Proposed Dwelling

Existing Dwelling





Planning Brief

**70 Holmes Avenue, City of Hamilton
Lots 74, 75 and 76, Registered Plan 516
Minor Variance/Consent Application**

The applications before the Committee of Adjustments are for relief of certain provisions of the City of Hamilton's Zoning Bylaw 6593, as amended, to facilitate the development of a detached residential dwelling in accordance to the City's Official Plan and applicable Provincial interests.

There will be 3 applications:

1. Minor Variance Application #1- Lot 74: To seek relief from certain Sections of the Zoning Bylaw to allow the construction of a new detached dwelling
2. Minor Variance Application #2 – Lots 75 & 76: To seek relief from certain Sections of the Zoning Bylaw to regularized the existing buildings.
3. Consent Application: To create the easement on the westerly portion Lot 74 to address Section 9.10.14.2(4) OBC [Limiting Distance], as it relates to the existing openings on the easterly façade of the dwelling.

Subject Property & Background:

The subject lands {Lands} is located in the City of Hamilton {City}, in the Ainslie Wood East Neighbourhood. It is in the westerly portion of City. This is predominately a residential area with a mix of single storeys and 2 storey detached dwelling.

The Lands has a total frontage of 22.71m with a depth of 30.48m, and a total area of approximately 692.20m². The Lands consists of 3 registered lots, namely Lots 74, 75 & 76 of Registered Plan 516. Each of the lots has a frontage of 7.57m and an area of 230.73m². . Correspondence with the City's Clerks Department has indicated that the City of Hamilton has never passed a 'deeming bylaw' pursuant to Section 50(4) of the Planning Act, 1990, RSO, as amended and/or its predecessors.

On the Lands is a small, older one storey detached dwelling with an area of 99.121m² (1066.929 sq.ft.). It was built, circa 1945s. In consideration of the surrounding area, the Lands are quite large. It has full municipal services.

Official Plan – Urban Hamilton Official Plan (UHOP):

The Lands are designated as Neighbourhood in the City’s Official Plan. This designation calls for “full range of housing forms, types and tenure” [2.7.4]. It is further designated as Low Density Residential which “include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings”; [3.4.3]

The OP talks to maintaining “the existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood “. [3.2.4]

Zoning Bylaw:

The Lands are zoned ‘C’ (Urban Protected Residential, etc.) under Bylaw 80-274 subject to C/S-1335; C/S-1335A; and C/S-720.

Application #1 [New Dwelling] Lot 74

The bylaw(s) requires:

Minimum Lot Frontage: 12m [Byl: 9. (4)]
Minimum Lot Area: 360m2 [Byl: 9.(4)]
Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]
Maximum Height: 2 Storey and 9.0m in height [Byl 95-02, 1(a)]
Maximum FSI: 0.45x [Byl 95-02, 1(b)], including basement [Byl 95-02, 1(c)]

Proposed:

Minimum Lot Frontage: 7.50m *V-1
Minimum Lot Area: 230m2 *V-2
Minimum Front Yard: 6.0m
Minimum Side Yards: 1.20 & 0.90m *V-3
Minimum Rear Yard: 6.0m *V-4
Maximum Height: 2 Storey and 9.0m in height
Maximum FSI: 1.25x *V-5 including basement

Application #2 [Existing Dwelling] Lot 75/76

The bylaw(s) requires:

Minimum Lot Frontage: 12m [Byl: 9. (4)]
Minimum Lot Area: 360m2 [Byl: 9.(4)]
Minimum Front Yard: 6.0m [Byl: 9.(3)(i)]
Minimum Side Yard: 1.2m [Byl: 9.(3)(ii)]
Minimum Rear Yard: 7.5m [Byl: 9.(3)(iii)]

Proposed:

Minimum Lot Frontage: 15.14m
Minimum Lot Area: 462.97m
Minimum Front Yard: 4.7m *V-1
Minimum Side Yards: 5.56 & 0.90m *V-2
Minimum Rear Yard: 13.3m

Maximum Height: 2 Storey and
9.0m in height [Byl 95-02, 1(a)]
Maximum FSI: 0.45x [Byl 95-02, 1(b)],
including basement [Byl 95-02, 1(c)]

Maximum Height: 1 Storey and
6.2m in height
Maximum FSI: 0.43x
including basement

Bill 23: Restrictions for residential units:

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

 - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

 - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

- (3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size:

- (3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect:

- (3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

Restrictions for residential units, Zoning Bylaw:

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of,

(a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking:

(1.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (1) of this section.

Same, minimum area:

(1.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that regulates the minimum floor area of a residential unit referred to in subsection (1) of this section.

Provisions of no effect:

(1.3) A provision of a by-law passed under section 34 or an order made under subsection 34.1 (9) or clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1), (1.1) or (1.2) of this section.

PPS 2020:

The Provincial Policy Statements provides for policy direction on matters of provincial interest

related to land use planning and development.

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, ad

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

In addition to the above, the recently enacted Bill 23 cites that housing is a Provincial Interest.

Statement:

The proposed application is to facilitate a residential intensification initiative which, as of the enable of Bill 23, is a Provincial Interest. The lots of subject plan of subdivision, Plan 516, are existing. There has not been a passing of a deeming bylaw by the City. This is confirmed by the email from the City Clerk's department (attached). Further, the owner's Solicitor confirms that a separate Property Identification Number (PIN) is available for Lot 74, Plan 516 (attached)

S.50 Planning Act: Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).

The applications before the Committee of Adjustments are as follows:

1. A minor variance application #1 to regularize the existing Lot, namely Lot 74, Registered Plan 516, and to allow the construction of the new dwelling by seeking relief from the City's Zoning Bylaw 6593, as amended, as follows:

a. Variance 1: Minimum Lot Frontage: 7.50m

- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

2. A minor variance application #1 to regularize the existing dwelling on Lots 75 & 76, Registered Plan 516, by seeking relief from the City's Zoning Bylaw 6593, as amended, and to allow the construction of a new dwelling as follows:

- a. Variance 1: Minimum Lot Frontage: 7.50m
- b. Variance 2: Minimum Lot Area: 230m²
- c. Variance 3: Minimum Side Yards: 1.20 & 0.90m
- d. Variance 4: Minimum Rear Yard: 6.0m
- e. Variance 5: Maximum FSI including basement: 1.25x

3. A consent application for a Reciprocal Easement on the east setback of Lot 74 and the west setback of Lot 75, pursuant to Section 9.10.15.2(4) Limiting Distance, of the Ontario Building Code, as amended.

Section 45 of the Planning Act, R.S.O. 1990, as amended [Act]:

The application to the Committee of Adjustments was made in pursuant to Section 45(1) of the Act. The Act authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

Four Test of a Minor Variance:

Test 1: Is the application minor in nature

Response: The Zoning Bylaw and Bill 23 allows for a residential dwelling with 2 secondary units and prohibits Zoning Bylaws which only allows for single detached dwellings. This application facilitates the residential development of the same.

Test 2: Is it desirable for the development or use of the land, building or structure

Response: Bill 23 encourages infill development of additional units on residential lots. This development assists in that endeavour. The variances being seek is to provide for a dwelling units which are family sized.

Test 3: Is it in keeping with the general intent and purpose of the zoning bylaw

Response: Bill 23 allows for the detached dwellings to have two secondary units. These units will be of a size to accommodate families.

Test 4: Is it in keeping with the general intent and purpose of the Official Plan

Response: Bill 23 allows for detached dwellings to have two secondary units. This is what is being requested. As such, it is my opinion that the application meets the four test of a minor variance.

Consent Application:

The existing dwelling west wall is located 0.93m from the easterly lot line of Lot 74. Within this wall are several unprotected openings. Pursuant to Section 9.10.152.(4) of the Ontario Building Code, the Limiting Distance can be projected beyond the property provided there is an easement. Section 50(3) of the Planning Act, also allows for such easement to be created.

The application to the Committee of Adjustments will be for the creation of an Easement which will to the benefit of the Owners of 75/76, and to be maintained by both parties.



Peter K. Chee, R.P.P., M.C.I.P.

- Attachment 1. Email from City Clerk
- Attachment 2. Email from Client's Solicitor

Attachment 1

Peter Chee

From: Walker, Catherine <Catherine.Walker@hamilton.ca>
Sent: January-23-23 3:23 PM
To: mikourban@rogers.com
Subject: RE: Deeming Bylaws

Good afternoon,
I don't have a record of a by-law for this plan

Best regards,

Catherine Walker

Records and Information Management Clerk
Office of the City Clerk, Corporate Services
City of Hamilton
905-546-2424 x2615

Catherine.Walker@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: clerk@hamilton.ca <clerk@hamilton.ca>
Sent: Monday, January 23, 2023 11:12 AM
To: Walker, Catherine <Catherine.Walker@hamilton.ca>; Pepper, Allison <Allison.Pepper@hamilton.ca>; Gargano, Debbie <Debbie.Gargano@hamilton.ca>
Subject: FW: Deeming Bylaws

Please see inquiry below.

Thank you,

Magda Green

Administrative Assistant II to the City Clerk
City Clerk's Office, Corporate Services

City of Hamilton

905 546-2424 ext. 5485

magda.green@hamilton.ca

City Hall is located on the ancestral territory of the Haudenosaunee Confederacy, the Anishinaabe and many other Indigenous peoples. It is also covered by the Dish with One Spoon Wampum agreement, which asks that all sharing this territory do so respectfully and sustainably in community.

From: mikourban <mikourban@rogers.com>
Sent: January 23, 2023 10:59 AM
To: clerk@hamilton.ca
Cc: 'Paul Seguro' <segurohomes@gmail.com>
Subject: Deeming Bylaws

Good morning,

My name is Peter Chee. I am a land use planner working on a project out in Hamilton, in particular, Registered Plan 516. This is an old plan.

The question is, was there a 'deeming' bylaw passed by the City deeming this plan not to be a registered plan of subdivision pursuant to Section 50(4), or its predecessor?

Thanks.

Pchee

Section 50 – Subdivision of Land

Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3). R.S.O. 1990, c. P.13, s. 50 (4).



Virus-free www.avast.com

Attachment 2

Peter Chee

From: Paul Seguro <segurohomes@gmail.com>
Sent: March-21-23 1:49 PM
To: Planner - Peter Chee
Subject: Fwd: New PIN for lot 74 Plan 516; Hamilton

--- Forwarded message ---

From: Bryan Carvalho Bc@fpclaw.com
Date: March 21, 2023 11:07:41 a.m.
Subject: New PIN for lot 74 Plan 516; Hamilton
To: Paul Seguro segurohomes@gmail.com

Hello Paul,

As discussed, I have reviewed the parcel register, registered plan 516, and materials that you provided and I am of the opinion that lot 74 is eligible for a new PIN apart from the remaining lots.

We will proceed to prepare the documentation required to obtain such pin from the Land Registry Office without delay. After you have signed required documentation, we will register and await the LRO's assignment of the new PIN.

Should you have any questions, don't hesitate to contact me.

Yours very truly,
Bryan M. Carvalho
Lawyer

Ferreira & Bettencourt LLP
905 College Street
Toronto, ON, M6H 1A1
Tel: 416-538-0777
Fax: 416-538-3445

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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
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*			Phone:
			E-mail:
Registered Owners(s)	Paul & Susan Seguro		Phone:
Applicant(s)**	Peter Chee/MiKo Urban Consulting Inc.		
Agent or Solicitor			Phone:
			E-mail:

*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 Applicant Owner Agent/Solicitor

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

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent segurohomes@gmail.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	70 Holmes Avenue		
Assessment Roll Number	01004301480000		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	516	Lot(s)	74
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" 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:

Paul and Susan Seguro

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*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	6.73	0.84			
Depth	30.48	24.257			
Area	181.203	50.282			
Existing Use	Residential	Residential			
Proposed Use	same	same			
Existing Buildings/ Structures	None Vacant Lands	None Vacant Lands			
Proposed Buildings/ Structures	Proposed Detached dwelling with 2 Secondary Units	None Remain Vacant Lands			
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): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhood

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

(See brief attached)

- 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? C (Urban Protected Residential, etc) BL 80-274; C/S-1335; C/S-1335A; C/S-720

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

- 5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?
 Yes No Unknown

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

- 5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	N/A
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

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.

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.

6.4 How long has the applicant owned the subject land?

Dec. 29, 2022

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)

(See Planning Brief, attached)

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

Yes No (Provide explanation)

(See Planning Brief, attached)

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

Yes No (Provide explanation)

(See Planning Brief, attached)

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)
(Bill 23 - See Planning Brief, attached)

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)
Lots 75 & 76

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)
(See Planning Brief, attached)

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)
Lots 75 & 76

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

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):
---------------	------------------------------

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):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.6 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

10.7 Surplus farm dwelling

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
- _____
- _____