



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**You are receiving this notice because you are either:**

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

<b>APPLICATION NO.:</b>	<b>SC/B-23:37</b>	<b>SUBJECT PROPERTY:</b>	32-34 LAKESIDE DRIVE, STONE CREEK
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**APPLICANTS:**      **Owner:** TORCON PROPERTIES INC C/O IRA IDZKOWSKI  
**Agent:** MARK ANDRAOUS

**PURPOSE & EFFECT:**      To permit the conveyance of a parcel of land being the land known as 34 Lakeside Drive and to retain a parcel of land known municipally as 32 Lakeside Drive containing an existing dwelling. The existing dwelling will be demolished. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (lot 32):</b>	15.25 m <sup>±</sup>	28.26 m <sup>±</sup>	418.9 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (lot 34):</b>	15.23 m <sup>±</sup>	27.43 m <sup>±</sup>	424 m <sup>2</sup> <sup>±</sup>

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:

<b>DATE:</b>	<b>Thursday, July 13, 2023</b>
<b>TIME:</b>	<b>10:15 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

## SC/B-23:37

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto: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.

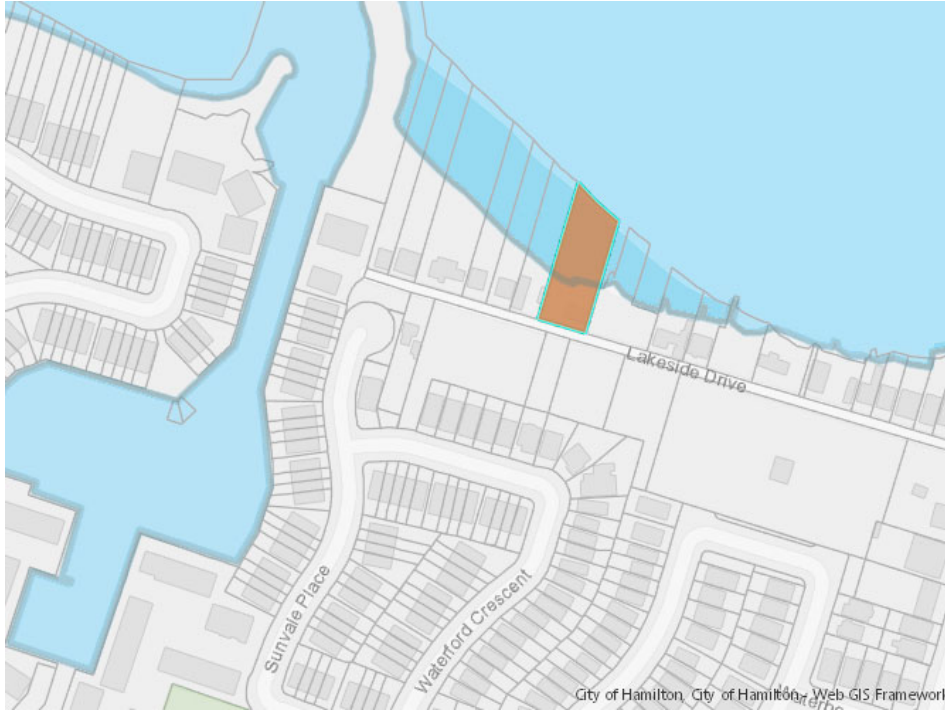
**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/B-23:37, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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](mailto: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: June 27, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



Hamilton

## COMMITTEE OF ADJUSTMENT

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## PARTICIPATION PROCEDURES

### Written Submissions

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

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](http://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](mailto: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](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

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

**LOCATION SURVEY**

**6**  
**REPENTER'S SURVEY**  
**PLAN N° 428**  
**E TOWNSHIP OF SALT FLEET, NOW IN THE**  
**STONEY CREEK**

**MUNICIPALITY OF**  
**WENTWORTH**  
**1:20 FEET**  
**N.O.L.S. - 1986.**



SCHEDULE			
PART	LOT	INST. N°	AREA

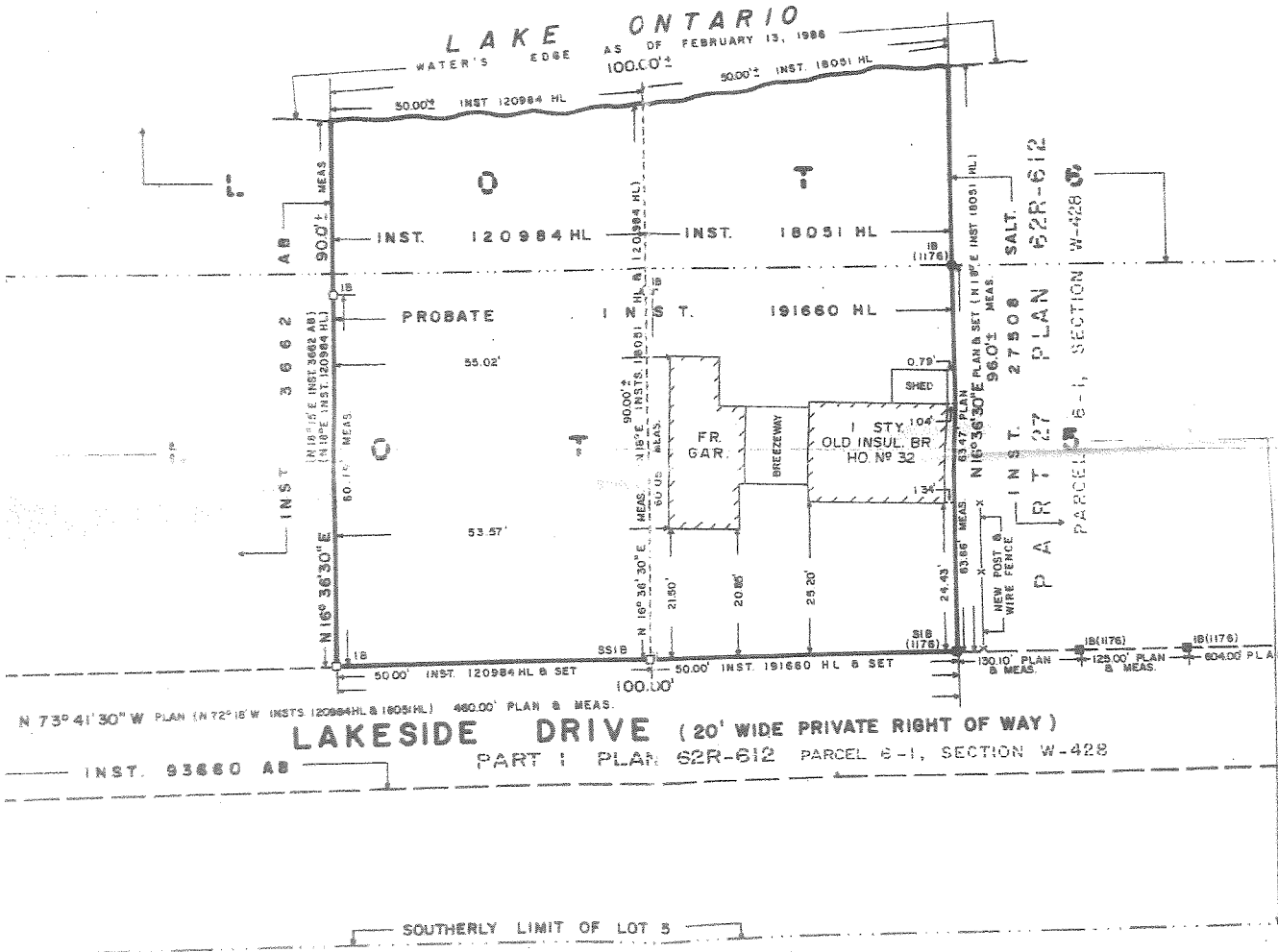
**PLAN**

RECEIVED  
 Date .....

LAND REGISTRY

REQUIRE DEPOSITED  
 REGISTRY  
 Date .....

ATA



PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

ARE ASTRONOMIC AND ARE REFERRED TO THE  
 Y LIMIT OF LAKESIDE DRIVE AS SHOWN ON PLAN  
 AS BEING N 73° 41' 30" W

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT  
 1 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH  
 THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS  
 MADE THEREUNDER  
 2 THE SURVEY WAS COMPLETED ON THE 13th DAY OF FEBRUARY, 1986

FEBRUARY 24, 1986  
 DATE

*A.T. McLaren*  
**A.T. McLAREN, O.L.S.**

© A.T. McLAREN, O.L.S.;  
 NO PERSON MAY COPY, REPRODUCE,  
 THIS PLAN IN WHOLE OR IN PART  
 PERMISSION OF A.T. McLAREN, O.L.S.

**A.T. McLAREN**  
 ONTARIO (LAND)  
 25 HUGHSON ST. S.  
 327-8588

Drawn AL Checked CAC Scale 1"

PLAN DENOTES PLAN 62R-612  
 DT ROBERTS, O.L.S.  
 SHORT STANDARD IRON BAR

LAKE ONTARIO

100'-0"  
[30.48]

WATER'S EDGE

WATER'S EDGE

WATER'S EDGE

WATER'S EDGE

90'-0"  
[27.44]

60'-2"  
[18.35]

55'-0"  
[16.76]

53'-6"  
[16.31]

90'-0"  
[27.43]  
LOT DEPTH

21'-5"  
[6.52]

20'-9"  
[6.32]  
FRONT SETBACK

24'-9"  
[7.55]

40'-9"  
[12.41]  
REAR SETBACK

GARAGE

BREEZEWAY

ONE STOREY BUILDING

SHED

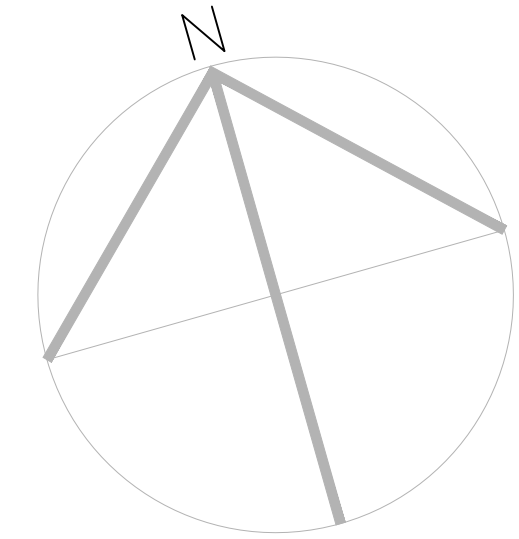
9"  
[0.24]

1'-0"  
[0.32]

1'-4"  
[0.41]

63'-5"  
[19.32]

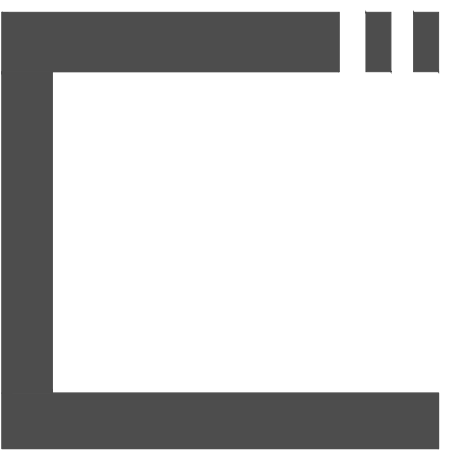
96'-0"  
[29.27]



PRIVATE RIGHT OF WAY  
20'-0"  
[6.10]

100'-0"  
[30.48]  
LOT FRONTAGE

LAKESIDE DRIVE



C-SQUARED INC.  
WWW.C-SQ.CA

DO NOT SCALE DRAWINGS  
IT IS THE CONTRACTOR'S RESPONSIBILITY TO  
VERIFY ALL SPECIFICATIONS AND DIMENSIONS  
AND REPORT ANY DISCREPANCIES TO THE  
DESIGNER PRIOR TO CONSTRUCTION.  
MATERIALS MAY NOT BE SUBSTITUTED  
WITHOUT DESIGNER'S WRITTEN APPROVAL.

01 02/05/2023 ISSUED FOR

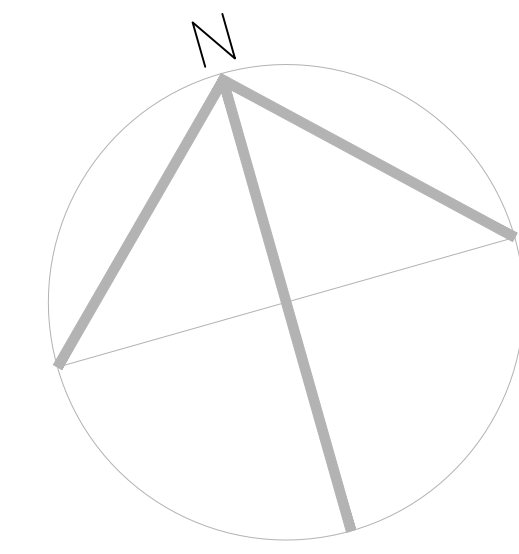
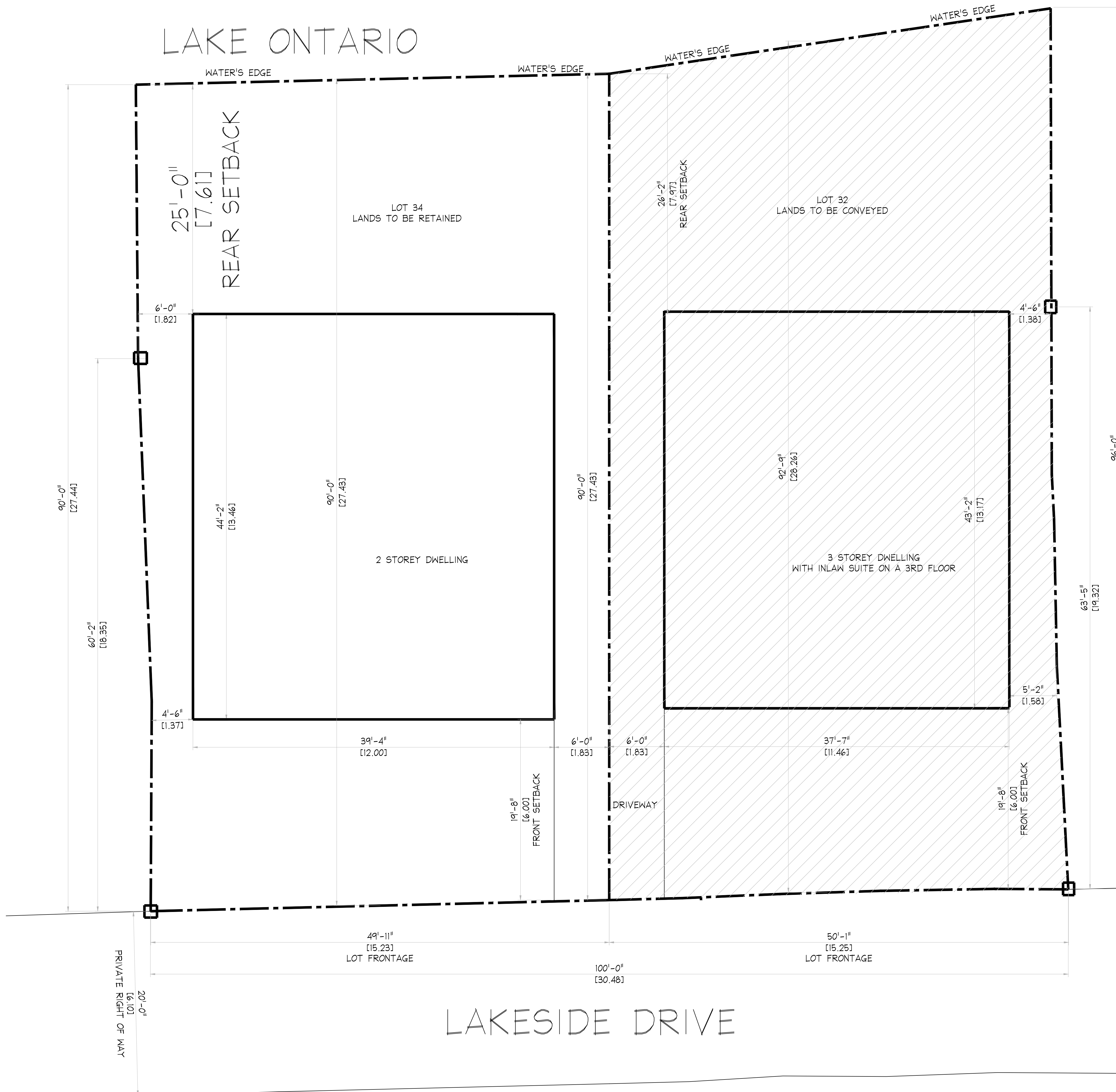
3692-92 STONEY CREEK

32-34 LAKESIDE DRIVE  
STONEY CREEK

EXSITING SITE PLAN

A1.0

# LAKE ONTARIO



	REQUIRED	EXISTING	RETAINED LOT 34	CONVEYED LOT 32
<b>SINGLE RESIDENTIAL R2</b>				
LOT AREA	460sm	842.9sm	424sm	418.9sm
LOT FRONTAGE	15m	30.48m	15.23m	15.25m
LOT DEPTH	n/a	27.43m	27.43m	28.26m
LOT COVERAGE	40%	8.70%	38%	35.60%
BUILDING HEIGHT	11m	n/a	11m	11m
<b>SETBACKS:</b>				
FRONT	6m	6.32m	6m	6m
SIDE EAST	1.25m	0.24m	1.82m	1.38m
SIDE WEST	1.25m	16.31m	1.37m	1.82m
REAR	7.5m	12.41m	7.61m	7.97m



D.O.N.O.T.S.C.A.L.E.D.R.A.W.I.N.G.S  
IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL SPECIFICATIONS AND DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER PRIOR TO CONSTRUCTION. MATERIALS MAY NOT BE SUBSTITUTED WITHOUT DESIGNER'S WRITTEN APPROVAL.

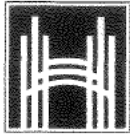
01 0205/2023 ISSUED FOR

3692-92 STONEY CREEK

32-34 LAKESIDE DRIVE STONEY CREEK

**PROPOSED SITE PLAN**

**A2.0**



**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			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 [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	34 Lakeside Drive, Stoney Creek		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	32 - 34	Concession	
Registered Plan Number	62R-612	Lot(s)	
Reference Plan Number (s)		Part(s)	1, 27

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 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 checked="" type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge                         |
| <input type="checkbox"/> cancellation (must also complete section 9)  |   |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |   |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

---

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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------

Identified on Sketch as:		Retained lot 34	Conveyed lot 32		
Type of Transfer	N/A				
Frontage	30.48	15.23	15.25		
Depth	27.43	27.43	28.26		
Area	842.9	424	418.9		
Existing Use	Residential	Residential	Residential		
Proposed Use	Residential	Residential	Residential		
Existing Buildings/ Structures	1 story house				
Proposed Buildings/ Structures		2 story house	2 story house		
Buildings/ Structures to be Removed	1 story house				

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- |  |  |
|--|--|
| <input type="checkbox"/> provincial highway                    | <input type="checkbox"/> right of way      |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input type="checkbox"/> municipal road, maintained all year   | _____                                      |

b) Type of water supply proposed: (check appropriate box)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well              | <input type="checkbox"/> other means (specify)    |
|  | _____   |

c) Type of sewage disposal proposed: (check appropriate box)

- |   |
|---|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system               |
| <input checked="" type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____                                      |

#### 4.3 Other Services: (check if the service is available)

- |   |   |   |  |
|---|---|---|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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) R2

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

*conversion to title - was 2 properties + changed to (private)  
on 1999.*

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? R2

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	NO
<b>A land fill</b>	<input type="checkbox"/>	NO
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	NO
<b>A provincially significant wetland</b>	<input type="checkbox"/>	NO
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	NO
<b>A flood plain</b>	<input type="checkbox"/>	YES
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	NO
<b>An active railway line</b>	<input type="checkbox"/>	NO
<b>A municipal or federal airport</b>	<input type="checkbox"/>	NO

## 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.

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

NO

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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.

IT USED TO BE 2 LOTS MERGED BY CITY 1999

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6.4 How long has the applicant owned the subject land?

3 YEARS

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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.

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## 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)

---

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

Yes       No      (Provide explanation)

---

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

Yes       No      (Provide explanation)

---

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)	

**0.3 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.

**0.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

**0.6 Existing Land Use:** \_\_\_\_\_ **Proposed Land Use:** \_\_\_\_\_

**0.7 Description of surplus dwelling lands proposed to be severed:**

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

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
- 
-