COMMITTEE OF ADJUSTMENT



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

NOTICE OF PUBLIC HEARING Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION	DN/B-23:50	SUBJECT	105 VICTORIA ST & 98 ALMA ST,
NO.:		PROPERTY:	DUNDAS

APPLICANTS: Owner: DAVID WILSON

PURPOSE & EFFECT: To permit the conveyance of a parcel of land for a future residential building lot and the retained lands will contain the existing dwelling which is intended to remain.

	Frontage	Depth	Area
SEVERED LANDS (Part 3):	16.76 m [±]	40.25 m [±]	2,376.6 m ^{2 ±}
RETAINED LANDS:	14 m [±]	39.86 m [±]	1,597.3 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, August 24, 2023
TIME:	9:55 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:

Visit <u>www.hamilton.ca/committeeofadjustment</u>

- 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, <u>including deadlines</u> for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link 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 DN/B-23:50, you must submit a written request to <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

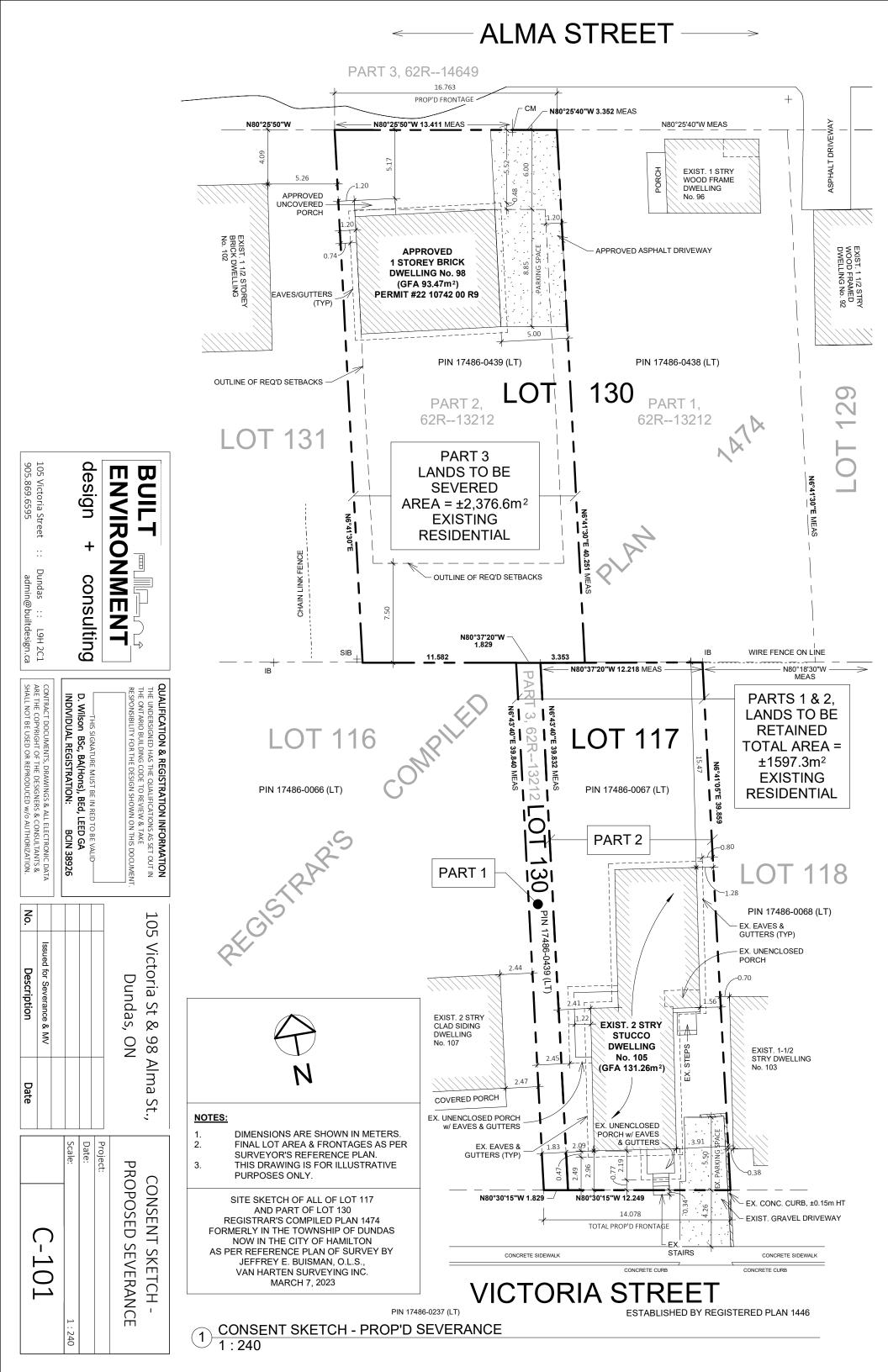
If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing <u>cofa@hamilton.ca</u> or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

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.



DATED: August 8, 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.



July 19, 2023

ATTN: Jamila Sheffield, Secretary-Treasurer City of Hamilton Committee of Adjustment 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5

RE: 105 Victoria Street & 98 Alma Street, Dundas Committee of Adjustment – Consent to Sever Application

Dear Ms. Sheffield,

I am the owner and applicant submitting the following Consent to Sever application on my own behalf.

Overview:

This application for Consent to Sever, and the accompanying application for Minor Variance, are intended to rectify the inadvertent legal merging of the subject properties that occurred under The Planning Act when I purchased 105 Victoria Street in 2011 due to an oversight on the part of my then-lawyer, David Ramsbottom. I learned that the properties had legally merged when I attempted to sell 105 Victoria Street.

There is currently an approved Building Permit in place for a new Single Family Dwelling on 98 Alma Street, complete with approved Grading Plan, that was issued in 2022 (permit #22 10742 00 R9) to replace the previously existing Single Family Dwelling that was removed under permit #22 100719 00 DP; construction has not started.

Proposed Development:

It is proposed that the newly created lots return the merged lands to their original lot lines with the exception that the long, narrow 'pan-handle' of 98 Alma Street (noted as PART 1) be added to the 105 Victoria Street property (noted as PART 2) as shown on the accompanying Sheet C101 'Consent Sketch', thus adding 1.83m of frontage to 105 Victoria Street and correcting the previously existing & non-conforming 'Through Lot' condition of 98 Alma Street.

The application proposes the retention of the existing Single Family Dwelling on 105 Victoria Street with no changes, and moving forward with the construction of a new Single Family Dwelling on 98 Alma Street as per the currently approved Building Permit.

As shown in the attached Sheet C-102 'Zoning Chart Review of Potential Variances', neither of the proposed new lots nor the existing & approved dwellings require variances as:

- For 'The Lands to be Retained', i.e., 105 Victoria, all the non-conformities pre-exist the Dundas Zoning By-law No. 3581-86 and are thus deemed legally conforming as per Section 6.1.2, and,
- For 'The Lands to be Severed', i.e., 98 Alma Street with the new approved dwelling plans, the property & new construction is fully conforming to zoning in all respects.

Consent Agreement & Grading Plans as Conditions of Approval:

105 Victoria Street is an old, mature property & there are no changes to the existing lot conditions created by the severance; 98 Alma Street has already obtained an approved Grading Plan with it's Building Permit. I am essentially seeking only to return the two properties to their pre-merged boundaries, with no changes to the existing & approved lot conditions, and it would be unfair & inappropriate to impose what seems to be an unnecessary financial burden of the Consent Agreement in this case.

Thus, I request that the standard Consent Agreement and related fees, lot grading & Grading Plans not be applied as a condition of approval.

Please find the enclosed:

- Consent to Sever application with signatures (file LD_105 Victoria_ Severance Application_SIGNED&commissioned);
- Sheet C-101 Consent Sketch (file LD_105 Victoria_Consent Sketch); and,
- Sheet C-102 Zoning Chart Review of Potential Variances (file LD_105 Victoria_Zoning Chart Review).

Payment in the amount of \$3,220.00 to satisfy the Consent to Sever application fee will be made by credit card on request.

The application and all required documents have been submitted by email.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

David Wilson 905.869.6595 d.wilson@builtdesign.ca

ZONING CHART - PARTS 1 & 2 (LANDS TO BE RETAINED) SINGLE DETACHED RESIDENTIAL (R2) ZONE - DUNDAS ZONING BY-LAW No. 3581-86

PROVISIONS	REQUIRED (R2 ZONE, SINGLE FAMILY DWELLING)	PROPOSED	COMPLIANCE
MIN. LOT FRONTAGE	15.0m	14.078m	YES (*EXISTING)
MIN. LOT AREA	450.0m ²	1,597.3m ²	YES
MIN. FRONT YARD	6.0m	2.96m	YES (*EXISTING)
MIN. SIDE YARD	1.2m	1.28m	YES
MIN. SIDE YARD PROVIDING ACCESS TO PARKING	3.0m	3.91m	YES
MIN. REAR YARD	7.5m	15.47m	YES
MAX. HEIGHT	10.5m	9.5m	YES
MIN. PARKING SPACES	1	1	YES
MIN. PARKING SPACE SIZE	2.7m x 6.0m	2.7m x 5.5m	YES (*EXISTING)
PARKING LOCATION	NOT IN FRONT YARD	3.12m IN FRONT YARD	YES (*EXISTING)
MIN. MANOEUVRING SPACE	6.0m	0.0m	YES (*EXISTING)
MAX. DWELLING EAVES/GUTTERS ENCROACHMENT INTO: • FRONT YARD • SIDE YARD	3 1.5m 0.6m	0.47m 0.40m	YES (*EXISTING) YES
MIN. DWELLING EAVES/GUTTERS SETBACK FROM FRONT LOT LINE		2.49m	YES
MAX. UNENCLOSED PORCH ENCROACHMENT INTO FRONT YARD (INCL. EAVES & GUTTERS)	3.0m	2.19m	YES (*EXISTING)
MIN. UNENCLOSED PORCH SETBACK FROM FRONT LOT LINE (INCL. EAVES & GUTTERS)	4.0m	0.77m	YES (*EXISTING)

*SUBJECT TO SECTION 6.1.2 - EXCLUDING PERMITTED USES, ANY EXISTING BUILDING OR STRUCTURE THAT WAS LAWFULLY ERECTED PRIOR TO THE DATE OF PASSING OF THIS BY-LAW, AND WHICH DOES NOT SATISFY THE SPECIFIC REGULATIONS OF THE APPLICABLE ZONE, HEREOF SHALL BE DEEMED LEGAL CONFORMING

BUILT ENVIRONMENT	QUALIFICATION & REGISTRATION INFORMATION THE UNDERSIGNED HAS THE QUALIFICATIONS AS SET OUT IN THE ONTARIO BUILDING CODE TO REVIEW & TAKE RESPONSIBILITY FOR THE DESIGN SHOWN ON THIS DOCUMENT.	105 Victoria St & Dundas
design + consulting	THIS SIGNATURE MUST BE IN RED TO BE VALID D. Wilson BSc, BA(Hons), BEd, LEED GA INDIVIDUAL REGISTRATION: BCIN 38926	
105 Victoria Street :: Dundas :: L9H 2C1 905.869.6595 admin@builtdesign.ca	CONTRACT DOCUMENTS, DRAWINGS & ALL ELECTRONIC DATA ARE THE COPYRIGHT OF THE DESIGNERS & CONSULTANTS & SHALL NOT BE USED OR REPRODUCED w/o AUTHORIZATION.	No. Description

ZONING CHART - PART 3 (LAND TO BE SEVERED) SINGLE DETACHED RESIDENTIAL (R2) ZONE - DUNDAS ZONING BY-LAW No. 3581-86

PROVISIONS	REQUIRED (R2 ZONE, SINGLE FAMILY DWELLING)	PROPOSED	COMPLIANCE
MIN. LOT FRONTAGE	15.0m	16.763m	YES
MIN. LOT AREA	450m ²	2,376.6m ²	YES
MIN. FRONT YARD	6.0m	6.0m	YES
MIN. SIDE YARD	1.2m	1.2m	YES
MIN. SIDE YARD PROVIDING ACCESS TO PARKING	3.0m	5.0m	YES
MIN. REAR YARD	7.5m	24.8m	YES
MAX. HEIGHT	10.5m	6.0m	YES
MIN. PARKING SPACES	1	1	YES
MIN. PARKING SPACE SIZE	2.7m x 6.0m	2.7m x 6.0m	YES
PARKING LOCATION	NOT IN FRONT YARD	SIDE YARD	YES
MIN. MANOEUVRING SPACE	6.0m	6.0m	YES
MAX. DWELLING EAVES/GUTTERS ENCROACHMENT INTO:	;		
FRONT YARD SIDE YARD	1.5m 0.6m	0.48m 0.46m	YES YES
MIN. DWELLING EAVES/GUTTERS SETBACK FROM FRONT LOT LINE	1.5m	5.52m	YES
MAX. UNCOVERED PORCH SETBACK FROM LOT LINES: • FRONT LOT LINE • SIDE LOT LINE	4.0m 0.5m	5.17m 1.2m	YES YES

Tia St & 98 Alma St., undas, ON POTENTIAL VARIANCES Project: Date: Scale: 1:1 C-102



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

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

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)			
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	Purchase		Owner Agent/Solicitor
1.3	Sign should be sent to	☐ Purchase ☐ Applican		☑ Owner ☐ Agent/Solicitor
1.4	Request for digital copy of sign If YES, provide email address where sign	✓ Yes* n is to be ser	D No	
1.5 All correspondence may be sent by email				

APPLICATION FOR CONSENT TO SEVER LAND (September 1, 2022)

2. LOCATION OF SUBJECT LAND

Municipal Address	105 Victoria St. / 98 Alma St.				
Assessment Roll Number	25 18 260 180 28400 / 25 18 260 180 31000 0000				
Former Municipality	Dundas				
Lot	LOT 117 / LOT 130	Concession			
Registered Plan Number	Compiled Plan 1474	Lot(s)	117 & 130		
Reference Plan Number (s)	62R13212	Part(s)	2 & 3 (of Lot 130)		

2.1 Complete the applicable sections:

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)
 - ✓ creation of a new lot(s)
 - addition to a lot
 - an easement
 - validation of title (must also complete section 8)
 - □ cancellation (must also complete section 9
 - 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:

both parcels to be retained by current owner

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

 \Box concurrent new lot(s)

a correction of title

a lease

a charge

Identified on Sketch as:	Parts 1 & 2	Part 3			
Type of Transfer	N/A	N/A			
Frontage	12.25m	16.76m			
Depth	39.86m	40.25			
Area	1,597.3m2	2,376.6m2			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single Detached	Single Detached			
Proposed Buildings/ Structures	Existing dwelling to	Single Detached			
Buildings/ Structures to be Removed	N/A	N/A			
* Additional fees apply.					

4.2 Subject Land Servicing

[[provincial highway	easonally maintained	đ		ight of way ther public road				
	Dipublicly owned an	ply proposed: (check nd operated piped wa nd operated individua	ter system		ake 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	5 CURRENT LAND USE								
5.1	What is the existing official plan designation of the subject land?								
	Rural Hamilton Offi	icial Plan designation	(if applicable): <u>n/a</u>						
	Rural Settlement Area: n/a								

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

Lands to be severed will rectify the inadvertent merger under Section 50 of The Planning Act of previously separate residential lots as described; the previously existing residential uses of the lands will continue and thus the intent of the Urban Hamilton Official Plan will be maintained.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

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? Single-Detached Residential (R2) Zone

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.

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		
A land fill		
A sewage treatment plant or waste stabilization plant		
A provincially significant wetland		
A provincially significant wetland within 120 metres		
A flood plain		
An industrial or commercial use, and specify the use(s)	~	Commercial (+250m)
An active railway line	~	+300m
A municipal or federal airport		

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.

96 Alma St, severed from 98 Alma St in 2003 by & for me, continuing residential use; sold in 2020

- 6.4 How long has the applicant owned the subject land? 105 Victoria St.: Dec 2011 1 98 Alma St.: 1998
- No 6.5 Does the applicant own any other land in the City? ☐ Yes If YES, describe the lands below or attach a separate page.

PROVINCIAL POLICY 7

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

✓ Yes	LI No

(Provide explanation)

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)? Yes 1 No (Provide explanation)
- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe? (Provide explanation) Yes □ No

7.4 Are the subject lands subject to the Niagara Escarpment Plan? □ Yes No No (Provide explanation)

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

8 ADDITIONAL INFORMATION - VALIDATION

- 8.1 Did the previous owner retain any interest in the subject land?
 - □ Yes □N o (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 (m² or ha):	
	December of Long (1)	

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:	

10.7 Description of surplus dwelling lands proposed to be severed:

10.6

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
Front yard set back:	
a) Date of construction:	After December 16, 2004
b) Condition:	□ 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