

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-23:54	SUBJECT PROPERTY:	41 EARL STREET, HAMILTON
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APPLICANTS: **Owner:** MICHELE & CARMIE-LYNN PASQUALI
 Agent: URBANSOLUTIONS PLANNING C/O MATT JOHNSTON

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the retained lands will be a vacant residential building lot and the severed lands will contain the existing dwelling which is intended to remain.

	Frontage	Depth	Area
SEVERED LANDS:	8.25 m [±]	48.01 m [±]	396.24 m ² [±]
RETAINED LANDS:	8.51 m [±]	48.01 m [±]	408.53 m ² [±]

Associated Planning Act File(s): HM/A-23:222

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, September 7, 2023
TIME:	10:35 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 www.hamilton.ca/committeeofadjustment

HM/B-23:54

- 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.

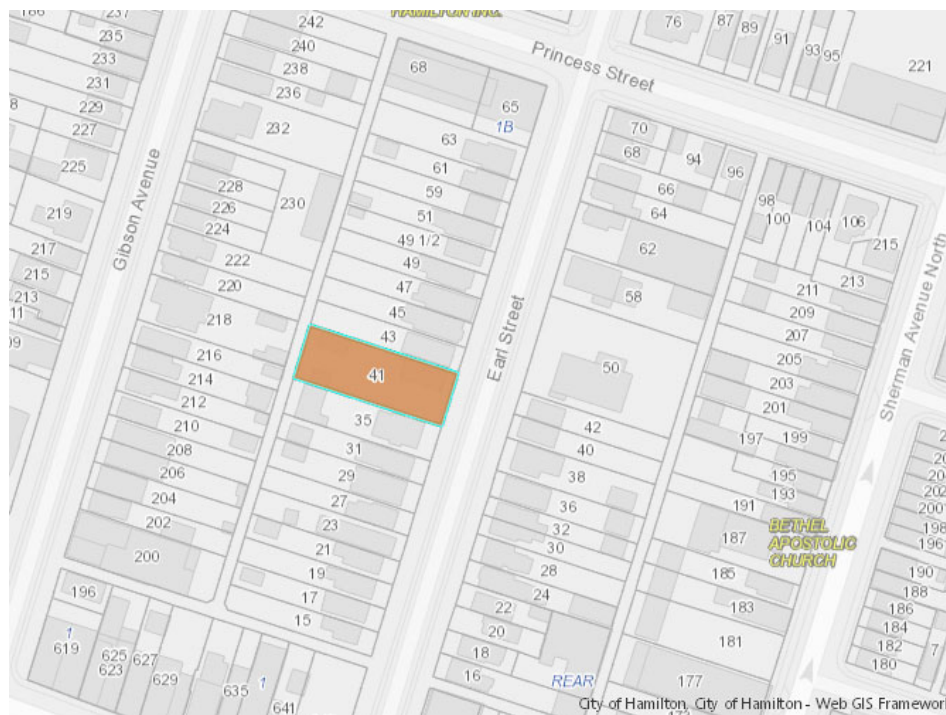
Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding HM/B-23:54, 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: August 22, 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.

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/committeeofadjustment

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.

**EXISTING
1 STOREY
ACCESSORY BUILDING
(TO BE DEMOLISHED)**
GROUND FA = ±26.71 m²
GROSS FA = ±26.71 m²
HEIGHT = ±3.0 m

LANDS TO BE
RETAINED
LOT AREA
 $\pm 408.53\text{m}^2$

**EXISTING
1 STOREY
GARAGE
(TO REMAIN)**
ROUND FA = ± 48.77 m
GROSS FA = ± 48.77 m²
HEIGHT = ± 2.0 m

VARIANCE NO. 2

EXISTING
RESIDENTIAL

EXISTING
RESIDENTIAL

VARIANCE NO. 3

**PROPOSED
3 STOREY
3 UNIT
DWELLING**
ROUND FA = ± 144.62
GROSS FA = ± 433.86 m²
HEIGHT = ± 10.25 m

LANDS TO BE
SEVERED
LOT AREA
 $\pm 396.24\text{m}^2$

VARIANCE NO. 4

**EXISTING
1.5 STOREY
SINGLE
DETACHED
DWELLING
(TO REMAIN)**
GROUND FA = $\pm 71.51 \text{ m}^2$
GROSS FA = $\pm 143.02 \text{ m}^2$
HEIGHT = $\pm 8.0 \text{ m}$

VARIANCE NO. 1

VARIANCES TO CITY OF HAMILTON ZONING BY-LAW NO. 05-200,
LOW DENSITY RESIDENTIAL - SMALL LOT (R1a) ZONE

VARIANCE NO. 1: TO PERMIT A REDUCED SIDE YARD SETBACK FROM 1.2 METRES TO 0.5 METRES FOR PRINCIPAL STRUCTURES.

VARIANCE NO. 2: TO PERMIT A REDUCED SIDE YARD SETBACK FROM 1.2 METRES TO 0.5 METRES FOR ACCESSORY STRUCTURES.

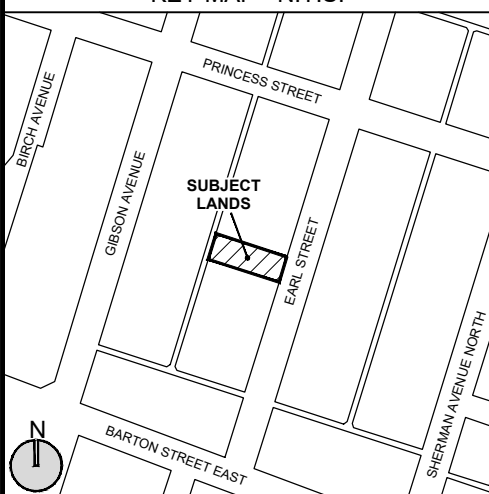
VARIANCE NO. 3: TO PERMIT '3 UNIT DWELLING' AS A PERMITTED USE.

VARIANCE NO. 4: TO PERMIT REQUIRED PARKING FOR 3 UNIT DWELLING BETWEEN THE FACADE AND THE FRONT LOT LINE.








DEVELOPMENT STATISTICS		
Item	Retained Lands	Severed Lands
Lot Frontage	±8.51 m	±8.25 m
Lot Depth	±48.01 m	±48.01 m
Lot Area	±408.53 m ²	±396.24 m ²
Use	Residential	Residential

EARL STREET

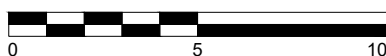
KEY MAP - N.T.S.



LEGEND:

- LEGEND**
- | | |
|---|---------------------------------|
|  | SUBJECT LANDS |
|  | PROPOSED SEVERANCE LINE |
|  | LANDS TO BE RETAINED |
|  | LANDS TO BE SEVERED |
|  | PROPOSED BUILDING |
|  | EXISTING BUILDINGS TO REMAIN |
|  | EXISTING BUILDING TO BE REMOVED |

SCALE 1:200
METRES



PREPARED BY:



3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON L8L 0C8
905-546-1087 - urbansolutions.info

NOT FOR CONSTRUCTION
SUBMITTED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048.

TITLE:

**COMMITTEE OF
ADJUSTMENT SKETCH**

PROJECT:

41 EARL STREET
CITY OF HAMILTON

CLIENT:

CKD4 HOLDINGS INC.

DESIGN BY: UNIQUE DESIGNS INC.

CHECKED BY: S. MCKAY

DRAWN BY: S. ERICKSON

DATE: AUGUST 10, 2023

U/S FILE NUMBER:

487-23

SHEET NUMBER:

1

August 9, 2023

487-23

Via Email & Delivered

Ms. Jamila Sheffield
Secretary Treasurer

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Dear Ms. Sheffield,

Re: 41 Earl Street, Hamilton
Consent to Sever & Minor Variance Application

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mr. Michele (Mike) Pasquali, the owner of the lands municipally known as 41 Earl Street in Hamilton. On their behalf, please accept the enclosed Consent to Sever and Minor Variance applications to facilitate the future development of the subject property.

The subject property is a rectangularly-shaped, +/- 804.77 m² parcel with +/- 16.764 m of frontage onto Earl Street and +/- 16.764 m of rear frontage along an access alleyway. The parcel is designated as 'Neighbourhoods' in the Urban Hamilton Official Plan and is zoned 'Low Density Residential – Small Lot (R1a) Zone' in the City of Hamilton Zoning By-law No. 05-200.

Purpose of the Applications

The purpose of the Consent Application is to sever the existing single detached dwelling from the southern vacant portion of the property. As depicted within the enclosed Committee of Adjustment sketch, the lands to be retained will have +/- 408.53 m² of area and +/- 8.510 m of frontage onto Earl Street. The lands to be severed will have +/- 396.24 m² of area and +/- 8.254 m of frontage onto Earl Street and are intended to accommodate a 3-unit dwelling.

The following minor variances from the Zoning By-law are being requested to facilitate the development:

Variance No. 1: To permit a reduced side yard setback from 1.2 metres to 0.5 metres for principal structures;

Variance No. 2: To permit a reduced side yard setback from 1.2 metres to 0.5 metres for accessory structures;

Variance No. 3: To permit a 3-unit dwelling as a permitted use; and,

Variance No. 4: To permit required parking for 3-unit dwellings between the façade and front lot line.

These variances are required to facilitate the development of a 3-unit dwelling with a 1:1 parking ratio, as well as to recognize existing site conditions pertaining to setbacks for the single-detached dwelling and the accessory detached garage structure. The R1a Zone permits a range of residential uses such as single and semi-detached dwellings, duplexes, street townhouses, and converted dwellings. It is the intent of the R1a Zoning and the *Neighbourhoods* designation on site to permit up to 4 units outright on the parcel through the provisions contained for converted dwellings in Section 4.34 (d) of Zoning By-law No. 05-200. As such, the proposed 3-unit dwelling demonstrates an appropriate development concept for the lands from a land use policy perspective.

As per Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, applications to the Committee to vary from the Zoning By-law must meet 4 tests as outlined below:

- The variance is minor in nature;
- The proposal meets the general intent and purpose of the Official Plan;
- The proposal meets the general intent and purpose of the Zoning By-Law; and,
- The proposal is desirable for the appropriate development or use of the land.

The proposed 3-unit dwelling conforms to all existing R1a Zone regulations pertaining to building setbacks and height. The reduction of the side yard from 1.2 metres to 0.5 metres is required to reflect the existing conditions of the detached garage and single-detached dwelling along the eastern side yard. Further, retaining parking in the front yard will maintain the existing character of Earl Street. As the proposed size of the 3-unit dwelling is permitted outright by the Zoning By-law, and the requested variances intend to have regard for existing conditions and the intent of the Converted Dwelling policies within the R1a Zone regulations, the variance is deemed to be minor in nature.

The *Neighbourhoods* Designation encourages compatible intensification, of which the proposed development directly represents. The proposal appropriately implements the Official Plan's policies surrounding intensification by introducing compatible and compact urban forms of a similar scale to the surrounding urban fabric. Additionally, the proposed structure conforms to all size restrictions imposed by the Zoning By-law and seeks to create 3 residential units, whereas 4 units are permitted within Converted Dwellings as a permitted use within the R1a Zone. Additionally, the reduction from a 1.2-metre to 0.5-metre side yard is required to acknowledge existing conditions with the detached garage and single-detached dwelling. As such, the proposal meets the intent and purpose of the Official Plan and Zoning By-law.

Lastly, the proposal intends to develop a vacant portion of lands within the City's urban area in a location nearby to 3 Minor Arterial Roads, thereby making efficient use of Hamilton's available land base and creating appropriately-scaled infill development. The variances are also required to recognize existing conditions on site and to ensure the character of Earl Street is enhanced with a consistent streetwall. As such, the proposal is desirable for the appropriate development or use of the land.

Based on the above analysis, UrbanSolutions believes that the application represents good land use planning and satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is consistent with the Ontario PPS and conforms to the Growth Plan as it facilitates intensification within delineated urban areas. The proposed severances conform to and implement the '*Neighbourhoods*' policies of the Urban Hamilton Official Plan. Furthermore, the requested variances from the R1a Zone are minor in nature, meet the purpose and intent of the Official Plan and Zoning By-law, and are desirable for the development of the lands. Based on the above analysis, the proposed severances represent good land use planning.

In support of this application, please find enclosed the following:

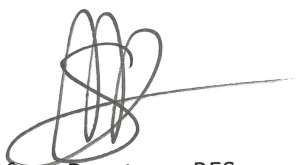
- One (1) copy of the completed Consent to Sever Application form;
- One (1) copy of the completed Minor Variance Application form;
- One (1) copy of the Committee of Adjustment Sketch, prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,220.00** made payable to the City of Hamilton for the Consent to Sever Application fee; and,
- One (1) cheque in the amount of **\$3,735.00** made payable to the City of Hamilton for the Minor Variance Application fee.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Stefano Rosatone, BES
Planner

cc: Mr. Mike Pasquali



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*		
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 _____

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	41 Earl Street, Hamilton, ON, L8L 6L1		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
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 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:

N/A

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

N/A

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: Please also refer to enclosed Committee of Adjustment Sketch

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:	Retained Lands	Severed Lands			
Type of Transfer	N/A	Lot Creation			
Frontage	+/- 8.51 m	+/- 8.25 m			
Depth	+/- 48.01 m	+/- 48.01 m			
Area	+/- 408.53 sq.m.	+/- 396.24 sq.m.			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Accessory Building	Detached Dwelling Detached Garage			
Proposed Buildings/ Structures	3-Sty., 3-unit dwelling	no new buildings proposed			
Buildings/ Structures to be Removed	Accessory Building	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: _____

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan. [Please refer to enclosed Cover Letter.](#)

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.

N/A

5.3 What is the existing zoning of the subject land? Low Density Residential - Small Lot (R1a) 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.

Please refer to enclosed Cover Letter.

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
A <u>industrial</u> or commercial use, and specify the use(s)	<input type="checkbox"/>	+/-200.00 metres
An active railway line	<input type="checkbox"/>	+/-179.00 metres
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.

N/A

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.

N/A

6.4 How long has the applicant owned the subject land?

Unknown

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.

Unknown

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)

Please refer to enclosed Cover Letter.

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

☒ Yes ☐ No (Provide explanation)

Please refer to enclosed Cover Letter.

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

☒ Yes ☐ No (Provide explanation)

Please refer to enclosed Cover Letter.

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

☐ Yes ☒ No (Provide explanation)
