



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-23:72</b>	<b>SUBJECT PROPERTY:</b>	<b>13 KILBOURN AVENUE, STONE CREEK</b>
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**APPLICANTS:**      **Owner:** HILLWOOD HOMES C/O PETER ELIA  
                                 **Agent:** A.J. CLARKE & ASSOCIATES C/O STEPHEN FRASER

**PURPOSE & EFFECT:**      To permit the conveyance of a parcel of land to create a new residential building lot. The existing dwelling will be demolished to facilitate this application.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	13.72 m <sup>±</sup>	38.57 m <sup>±</sup>	529.2 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	13.71 m <sup>±</sup>	38.57 m <sup>±</sup>	528.7 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): SC/A-23:279

**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, November 16, 2023</b>
<b>TIME:</b>	<b>10:25 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> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

## SC/B-23:72

- 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-23:72, 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.



DATED: October 31, 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.



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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.

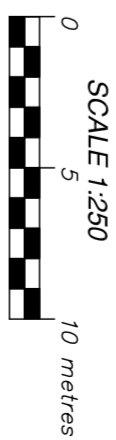
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PROJECT No. 238149P

**KEY PLAN**  
N.T.S.

SKETCH FOR CONSENT TO SEVER  
**13 KILBOURN AVENUE**  
 CITY OF HAMILTON  
 (STONE CREEK)



THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS: PART OF LOT 29,  
 REGISTERED PLAN 1078, CITY OF HAMILTON.

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

**NOTE:**  
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH  
 ARE APPROXIMATE, COMPILED FROM PLANS ON FILE IN OUR  
 OFFICE AND IS NOT BASED ON A FIELD SURVEY.

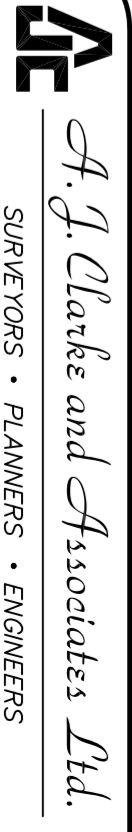
THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL  
 COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
 TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
 OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

**CONSENT SCHEDULE:**  
 PART 1 (LANDS TO BE SEVERED) AREA=529.20m<sup>2</sup>  
 PART 2 (LANDS TO BE RETAINED) AREA=528.74m<sup>2</sup>

**CAUTION:**  
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE  
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

DATE: SEPT. 29, 2023  
 NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR





*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

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

October 17, 2023

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 13 Kilbourn Avenue, Stoney Creek – Severance Application Submission**

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Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by the owner of 13 Kilbourn Avenue for the purposes of submitting the enclosed Severance Application. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance Application Form;
- One (1) cheque in the amount of \$3,220.00 representing the required application fee;
- One (1) electronic copy of the Severance Sketch.

The subject land is designated “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, “Low Density Residential 2b” on Map B.7.1-1 of the Western Development Secondary Plan and is zoned “R2 – Single Residential – Two” Zone in the former City of Stoney Creek Zoning By-law 3692-92. The subject lands are currently occupied by a single detached dwelling intended to be demolished. The proposed development will be to sever the parcel of land in accordance with the concurrently submitted sketch and to construct a new dwelling on each lot.

With respect to the relevant questions within section 7 of the application form, the following is provided:

*“Is this application consistent with the Policy Statements issued under subsection “2” of the Planning Act?”*

The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the Planning Act.

*“Is this application consistent with the Provincial Policy Statement (PPS)?”*

This property is appropriate for future development as it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate compatible residential intensification through infill development on full municipal water and wastewater services, and with frontage on a municipal road. As such, this application is consistent with the PPS (2020).



*“Does this application conform to the Growth Plan for the Greater Golden Horseshoe?”*

The Growth Plan (2019) stresses the importance of optimizing the existing supply of land already within the built-up area for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal conforms to the Growth Plan as it will encourage residential intensification through infill development and will optimize the use of existing infrastructure to support growth in a compact, compatible, and efficient form.

A Minor Variance will be required as a condition of severance approval (if granted) to permit a reduction to the minimum frontage requirement as per the R2 Zone in Zoning By-law 3692-92. To facilitate that application process, the Minor Variance has been submitted concurrently.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available Committee of Adjustment Hearing Date. If you have any questions or require additional information, please do not hesitate to contact this office.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Stephen Fraser'.

Stephen Fraser, MCIP, RPP  
Principal/Planner  
**A. J. Clarke and Associates Ltd.**

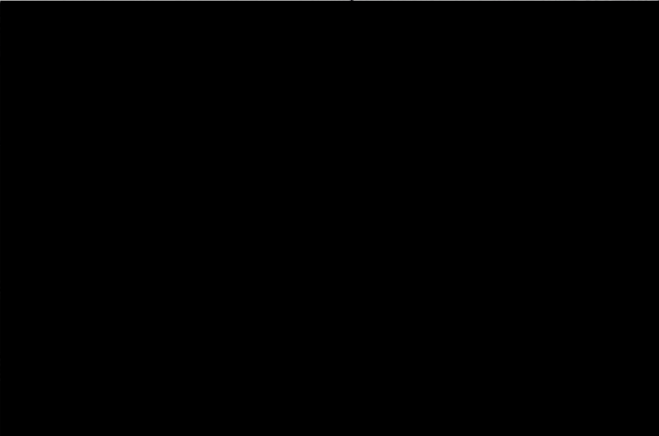
Copy via email: Hillwood Homes Inc.  
c/o Mr. Peter Elia and Ms. Lucy Santoro



**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)	Hillwood Homes Inc. (c/o Pe		
Applicant(s)**	Same as owner		
Agent or Solicitor	A. J. Clarke and Associates		

\*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	13 Kilbourn Avenue, Stoney Creek		
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number	1078	Lot(s)	pt of lot 29
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:

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## 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)<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:

Unknown at this time.

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

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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:	Part 2	Part 1			
Type of Transfer	N/A				
Frontage	+/-13.71	+/-13.72m			
Depth	38.57m	38.57m			
Area	+/-528.7sq.m	+/-529.2sq.m			
Existing Use	residential	residential			
Proposed Use	residential	residential			
Existing Buildings/ Structures	single detached dwelling	single detached dwelling <input checked="" type="checkbox"/>			
Proposed Buildings/ Structures	single detached dwelling	single detached dwelling <input checked="" type="checkbox"/>			
Buildings/ Structures to be Removed	existing single detached dwelling	existing single detached dwelling <input checked="" type="checkbox"/>			

\* 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) Neighbourhoods - Schedule E-1

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

Please refer to the concurrently submitted 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.

5.3 What is the existing zoning of the subject land? Single Residential "R2" Zone

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.

Minor variance application submitted concurrently.

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"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

## 6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
 Yes       No       Unknown

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

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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.
- 

- 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.

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- 6.4 How long has the applicant owned the subject land?

Since September 29, 2023

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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.

Applicant owns the abutting lands at 9 & 11 Kilbourn Ave., and is currently constructing homes for sale.

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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)

Please refer to the concurrently submitted cover letter.

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

Yes       No      (Provide explanation)

Please refer to the concurrently submitted cover letter.

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

Yes       No      (Provide explanation)

Please refer to the concurrently submitted cover letter.

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

Yes       No      (Provide explanation)

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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)

Please refer to the concurrently submitted cover letter.

## 8 ADDITIONAL INFORMATION - VALIDATION

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

Yes       No      (Provide explanation)

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

Yes       No      (Provide explanation and details on plan)

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

## 9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes       No      (Provide explanation)

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

Yes       No      (Provide explanation and details on plan)

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

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**

**10.1 Purpose of the Application (Farm Consolidation)**

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

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

**10.2 Location of farm consolidation property:**

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

**10.3 Rural Hamilton Official Plan Designation(s)**  
 If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

**10.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

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

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

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

a) Date of construction:  
 Prior to December 16, 2004       After December 16, 2004

b) Condition:  
 Habitable       Non-Habitable



## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

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

### 11.2 Validation of Title

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

### 11.3 Cancellation

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

### 11.4 Other Information Deemed Necessary

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

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