



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION NO.:	SC/B-23:68	SUBJECT PROPERTY:	276 MILLEN ROAD, STONEY CREEK
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APPLICANTS: **Owner:** DEREK EWELUKWA & YVONNE OGOLLA-EWELUKWA

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

	Frontage	Depth	Area
SEVERED LANDS:	15.5 m [±]	28.05 m [±]	424 m ² [±]
RETAINED LANDS:	15 m [±]	32.5 m [±]	483.5 m ² [±]

Associated Planning Act File(s): SC/A-23:269

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, November 16, 2023
TIME:	10:30 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
- Email Committee of Adjustment staff at cofa@hamilton.ca

SC/B-23:68

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

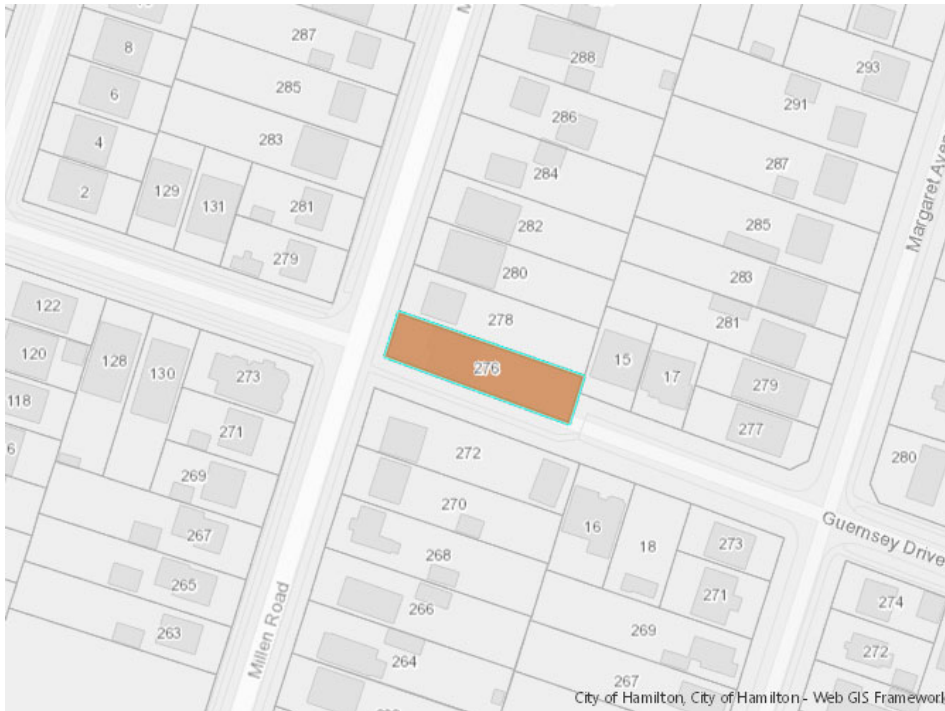
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

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-23:68, 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.



DATED: October 31, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.



Hamilton

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City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeefadjustment

Oral Submissions During the Virtual Meeting

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

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

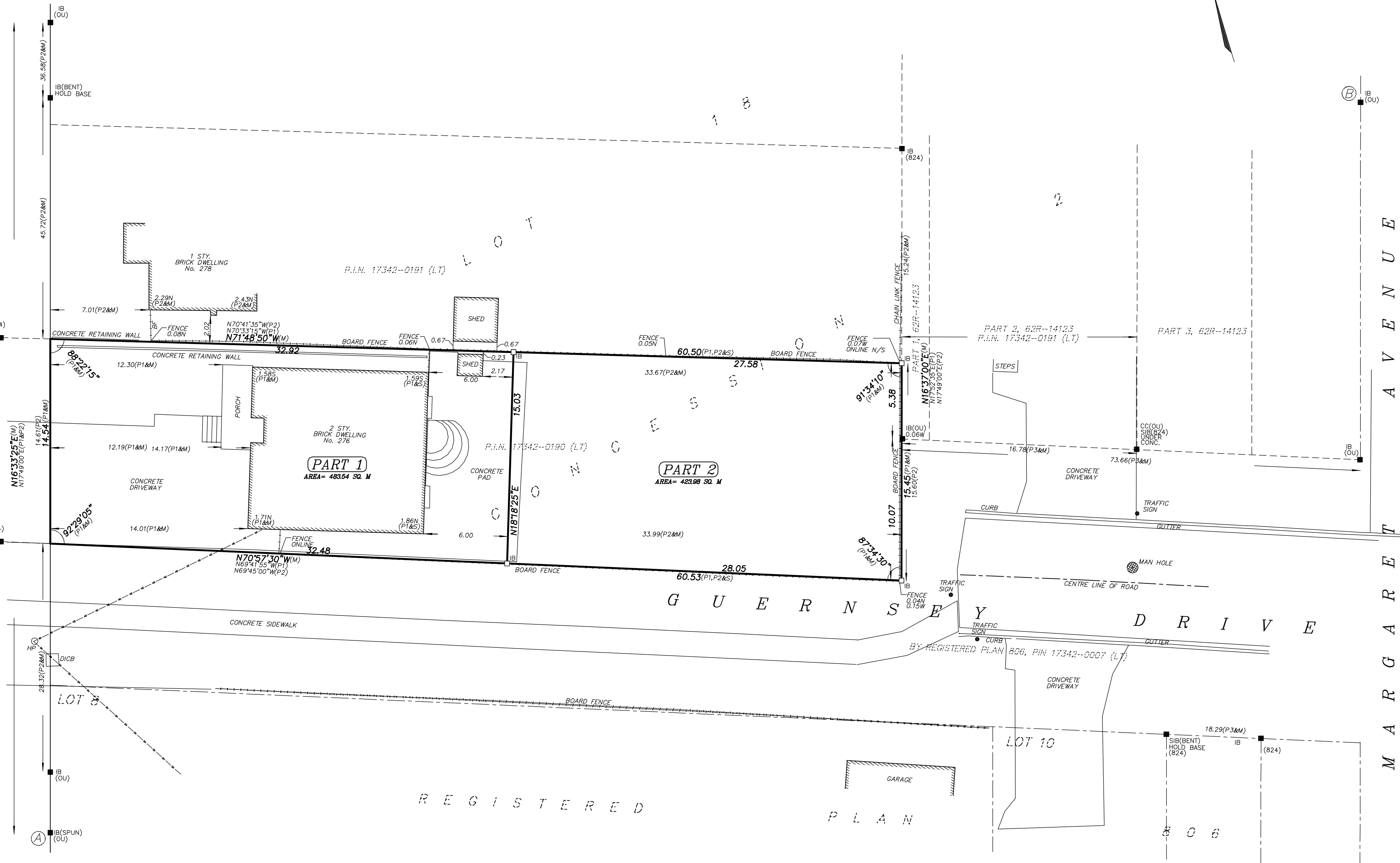
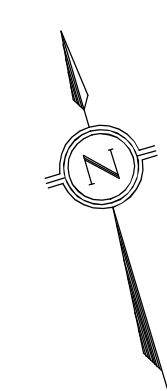
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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

M I L L E N R O A D

M A R G A R E T A V E N U E

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 18 & 19, PIN 17342-0000 (LT)



REGISTERED PLAN

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: _____

THOMAS GONDO

PLAN 62R-
RECEIVED AND DEPOSITED

DATE: _____

REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF WENTWORTH (No. 62)

SCHEDULE				
PART	LOT	PLAN/CONCESSION	PIN No.	AREA
1	PART OF LOT 18	CONCESSION 2, SALT FLEET	P.I.N. 17342-0190 (LT)	483.54 sqm
2	PART OF LOT 18	CONCESSION 2, SALT FLEET	P.I.N. 17342-0190 (LT)	423.98 sqm

PART 1 & 2 COMPRISE ALL OF P.I.N. 17342-0190 (LT).

**PLAN OF SURVEY OF
PART OF LOT 18
CONCESSION 2 SALT FLEET
IN THE
TOWN OF STONEY CREEK
(REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH)**

SCALE & NOTES

SCALE: 1:200

THOMAS GONDO
ONTARIO LAND SURVEYOR

LEGEND

- DENOTES SUBJECT LANDS BOUNDARY
- DENOTES DEED LINE
- DENOTES LOT LINE
- DENOTES LIMIT OF STREET
- x-x-x- DENOTES FENCE LINE
- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- SIB STANDARD IRON BAR
- IB IRON BAR
- CC CUT CROSS
- (OU) DENOTES ORIGIN UNKNOWN
- (824) DENOTES A.T. McLAREN LIMITED
- N-E-W-S DENOTES NORTH - EAST - WEST - SOUTH
- S DENOTES SET
- M DENOTES MEASURED
- P1 DENOTES PLAN BY S. DAN McLAREN, O.L.S. DATED: DECEMBER 17, 2015
- P2 DENOTES PLAN BY G.V. CONSOLI, O.L.S. DATED: OCTOBER 14, 1988
- P3 DENOTES PLAN 62R-14123
- BF DENOTES BOARD FENCE
- WIT DENOTES WITNESS
- HP DENOTES HYDRO POLE
- DICB DENOTES DITCH INLET CATCH BASIN

METRIC

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

TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99971255.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON JULY 12, 2023.

DATE: _____ JULY 14, 2023 _____

THOMAS GONDO
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXX

BEARING NOTE

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE POWERNET (RTN) SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD 83 (CSRS) (1997).

COORDINATE VALUES ARE TO A URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	4786510.654	603895.902
B	4786642.268	604074.924

COORDINATES CAN NOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Lejan land Surveying Inc.

572 Barton Street
Stoney Creek, ON L8E 5N3
Phone: 905-662.8969
Email: info@lejansurveying.ca

DWN BY: KC	
CHK BY: TG	
JOB No. 23-054	

October 2, 2023

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

Dear Ms. Sheffield,

Re: 276 Millen Road Stoney Creek - Consent to Sever and Minor Variance Applications

We, Derek Ewelukwa and Yvonne Ogolla-Ewelukwa, the owners of the municipal property located at 276 Millen Road in Stoney Creek (subject property), is pleased to submit this consent to sever and minor variance applications for the subject property.

The purpose of the proposed severance is to create a new single family residential lot by dividing the subject property into two (2) parts. A new detached single family residential dwelling is proposed to be built on the severed lot. The existing detached single family residential dwelling will remain on the retained lot.

The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 - Urban Land Use, and zoned Single Residential (R2) within Stoney Creek By-law No. 3692-92. The subject site is in the established Guernsey Neighbourhood of Stoney Creek, which is characterized by single detached dwellings.

The subject site (see Figure 1) is south of Barton Street, with a frontage of approximately 15 metres along the south-east side of Millen Road and a depth of approximately 60.5m, with the rear of the lot (east end) abutting Guernsey Drive. The subject site is considered an interior lot with an area of approximately 907.5 square metres (0.22 acres or 0.09 hectare). The subject site currently contains an existing two storey single family residential dwelling which is proposed to remain on the retained lot.

The subject site is proposed to be divided approximately along the north-south direction, with the retained lot fronting Millen Road, while the severed lot is proposed to be fronting Guernsey Drive.

Figure 1



As mentioned earlier, the subject site is located in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. Please see Table 1 below that highlights the zoning compliance (or lack of thereof) of the proposed severance.

Table 1 – Severance Compliance Matrix

Single Residential (R2) Zone – Stoney Creek By-law No. 3692-92					
Bylaw Regulation (Section 6.3)		Retained Lot	Severed Lot	Compliance (Yes or No)	Comments
Permitted Use	Single detached dwelling	Single detached dwelling	Single detached dwelling		
Min. Lot Area (Int. Lot)	460m ²	483.54m ²	423.98m ²	No	Minor variance requested
Minimum Lot Frontage (Int. Lot)	15m	15m	15m	Yes	
Min. Front Yard	6m	12m	6m min	Yes	
Min Side Yard (Garage Side)	1m	1.7m	1m min	Yes	
Min. Side Yard (Non-Garage Side)	1.25m	1.5m	1.25m min	Yes	
Min. Rear Yard	7.5m	6.0m	7.5m min	No	Minor variance requested
Max. Building Height	11m	11m	11m max	Yes	
Parking	2	6	2	Yes	

It is our belief that the proposed severance will foster an efficient use of land and resources as well as utilize existing infrastructure and public service facilities, both in line with the current Provincial Policy Statement (PPS) and in keeping with the facilitation of residential intensification within Hamilton’s Built-Up Area.

In order for the proposed severance application to be in conformity with the applicable “Single Residential R2” zoning regulations, a Minor Variance application is required. Specifically, a reduction in the minimum rear yard setback is required regarding the existing detached residential dwelling, which is to remain on the retained lot. Additional variance pertaining to minimum lot area will be required to bring the severed portion of the land into conformity with the Zoning By-law.

The requested variances are as follows:

- Variance No. 1 - To permit a reduction in minimum rear yard setback of 6.0 metres (for the retained lot), whereas 7.5 metres is required.
- Variance No. 2 -To permit a reduction in minimum lot area of 423.98m², whereas 460m² is required.

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

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

The variance is minor in nature.

Variance No. 1 is required to allow the existing residential dwelling, which is to remain on the retained lot, legally to conform with the zoning bylaw and in our information gathering exercise, similar rear lot setback relief had been supported by the City in the past.

Variance No. 2 is requested to bring the severed lot into conformity with the zoning bylaw, by slightly under-sizing the lot while at the same time being able to support a building envelope in accordance with the zoning provisions for the R2 zone and maintaining desirability for the immediate neighbourhood. As such, the variances are minor in nature.

The proposal meets the general intent and purpose of the Official Plan.

The Neighbourhoods Designation encourages compatible intensification, of which the proposed development directly represents. The Neighbourhoods designation on the lands supports residential intensification and permits lot creation. Further, the proposal implements the Official Plan's policies surrounding intensification by appropriately increasing the City's developable land base in a location that has seen recent growth and Planning Act applications.

The requested minor variance will facilitate the division of the subject site and the development of an additional single detached dwelling on the severed lot. This memo purports to demonstrate that the proposed severance would be in conformity with the UHOP Neighbourhoods designation, neighbourhoods urban structure element, and the residential intensification policies. In addition, the subject site is located in the Western Development Area Secondary Plan and designated "Low Density Residential 2b" on Land Use Plan Map B.7.1-1. The applicable policies for this designation as contained in Vol. 2, B.7.1.1.2 are as follows:

- a) the permitted uses shall be single, semi detached and duplex dwellings.
- b) the density shall range from 1 to 29 units per net residential hectare.

In line with the above policies and being that the proposed use of the subject site is for single detached dwellings at a density of 22.2 units per hectare (2 dwellings divided by 0.09 hectares), which is less than the permitted maximum density.

Based on the foregoing analysis, the proposal meets the intent and purpose of the Urban Hamilton Official Plan.

The proposal meets the general intent and purpose of the Zoning By-Law

The subject site is in the Single Residential (R2) Zone within Stoney Creek By-law No. 3692-92. The zoning compliance of the proposed severance is shown in Table 1. Apart from the minimum lot area and minimum rear lot setback requirements, the proposed severance meets all other requirements of the Zoning By-law. The variances for the lands to be severed will provide an adequate building envelope for a future single detached dwelling on the severed land. The general intent and purpose of the Single Residential (R2) Zone is to permit single detached dwellings in a suburban setting. With the approval of the requested variances, the severed land will maintain this intent and purpose and ensure the land can be developed for a single detached dwelling in the future. As such, the proposal meets the intent and purpose of the Zoning By-law.

The proposal is desirable for the appropriate development or use of the land.

The requested variances are desirable and appropriate for the lands because they would facilitate creation of a new lot and enable residential intensification in a form and density that is consistent with the current form of the surrounding neighbourhood. As aforementioned, the variances are required for the Zoning By-law to have regard for existing conditions on the lands to be retained and to facilitate the development of a future single detached dwelling on the lands to be severed. It is our belief 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 also in line with the Ontario Provincial Planning Statement (PPS) and conforms to the Growth Plan as it will facilitate intensification within delineated urban areas. The proposed severances will conform to and implement the 'Neighbourhoods' policies of the Urban Hamilton Official Plan. Based on the above analysis, the proposed severances and variances from the Zoning By-law represent good land use planning.

In support of our application, we have enclosed the following,

- One (1) copy of the completed Minor Variance Application form.
- One (1) copy of the completed Consent to Sever Application form.
- One (1) copy of the Survey Plan, prepared by Lejan Land Surveying Inc. (OLS).
- Appendix A – Copies of email correspondence with City staff per feasibility of our Consent and Minor Variance application.
- Please process Credit Card payment - charge to Derek Ewelukwa, 289-489-6327 - to cover the payments for the Minor Variance Application fee; and the Consent to Sever Application fee.

We look forward to the favourable review of our applications. Please do not hesitate to contact the undersigned, should you have any questions and/or concerns.

Yours sincerely,


Derek Ewelukwa, M.Sc., P.Eng.

derek.ewelukwa@gmail.com ; 289 489-6327

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1 of 3

Mail

From: Transportation Planning <Transportation.Planning@hamilton.ca>
Sent: Wednesday, May 3, 2023 2:15 PM
To: Morton, Devon <Devon.Morton@hamilton.ca>
Cc: Hansra, Aman <Aman.Hansra@hamilton.ca>
Subject: FW: Feasibility of lot severance

Chat

Spaces

Meet

Hi Devon,

Transportation Planning would only allow access off Guernsey Drive for this severance application. The Applicant/Owner would have to reconstruct the sidewalk alignment away from the proposed new driveway. All costs would be at the Applicant/Owners expense. See below



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1 of 3

the proposed new driveway. All costs would be at the Applicant/Owners expense. See below



Thanks

Bart Brosseau
 Transportation Planning Technologist
 Planning and Economic Development Department
 Transportation Planning and Parking Division
 100 King Street West, 9th Floor, L8P1A2



devon



Active



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1 of 3

Mail



Derek Ewelukwa <derek1805@gmail.com>

May 3, 2023, 5:14 PM

to Devon

Chat

Hello Devon,

Spaces

This makes sense. Thanks a lot for your inputs on this matter. I guess the next steps will be to proceed with the severance process and applications?

Kind regards,

Meet

Derek Ewelukwa, MSc., P.Eng.
Consulting Engineer
289-489 632

3 Attachments • Scanned by Gmail



Morton, Devon <Devon.Morton@hamilton.ca>

May 4, 2023, 9:44 AM

to Aman, me

Hi Derek,



devon



Active ? ⚙️ ☰

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1 of 3

Mail



Morton, Devon <Devon.Morton@hamilton.ca>
to Aman, me

May 4, 2023, 9:44 AM

Chat

Hi Derek,

Spaces

You may proceed with the understanding there are never any guarantees made by staff that the application will be successful. The final decision is made by the Committee of Adjustment.

Meet

Should you decide to proceed, more information regarding the process and submission requirements can be found [here](#).

Thank you,

Devon M. Morton, MCIP, RPP (he/him/his)
Planner I – Site Plan
Heritage and Urban Design
Planning & Economic Development Department
City of Hamilton, 71 Main St. W., 4th Floor, L8P 4Y5
Ph: (905) 546 2424 ext. 1384
Email: Devon.Morton@hamilton.ca





devon



Active ? ⚙️ ☰

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1 of 3

Mail

Chat

Spaces

Meet



Derek Ewelukwa <derek1805@gmail.com>

to Devon, Aman

Jun 12, 2023, 2:45 PM

Hello Devon,

Circling back to our previous conversations on the possibility of severing 276 Millen Rd, Stoney Creek, It is my understanding that 276 Millen is currently zoned residential R2. The proposed severed lot will be a little bit shy of the required minimum lot area. In this case does it mean an application for minor variance will also have to be made to accompany the application for land severance? Just thinking out loud here. Thanks.

Kind regards,

Derek Ewelukwa, MSc., P.Eng.

Consulting Engineer

289-489 632



Morton, Devon <Devon.Morton@hamilton.ca>

to me, Aman

Jun 12, 2023, 4:03 PM

Hi Derek,

Aman will need to confirm if the City supports variances to the minimum lot size.

Thank you,

Devon M. Morton, MCIP, RPP (he/him/his)

Planner I – Site Plan

Heritage and Urban Design

Planning & Economic Development Department



devon



Active



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1 of 3

Mail

Chat

Spaces

Meet



Hansra, Aman <Aman.Hansra@hamilton.ca>

Jun 16, 2023, 2:13 PM

to me, Devon

Good afternoon Derek ,

It is hard to determine all the variances that would be required for the severed and the retained lot. I will not be able to give you a firm answer until a formal submission has been made.

The lot currently is about 890.30 square metres (0.22 acres listed on our MPAC mapping). The required lot area for both new lots should be 460 sq. m.. That being said, I don't see an issue with having one of the lots be undersized as long as it meets the intent of the Zoning By-law – can support a building envelope keeping in mind zoning provisions for the R2 zone and is minor in nature and desirable for the neighbourhood.

The rear yard setback will require a variance for the retained lot , it seems to be less than the required 7.5 metres. Typically in the past, staff have supported a rear yard setback of 6.0 metre within low residential zones. Anything less than 6.0 m may cause drainage concerns for Development Engineering staff.

City of Stoney Creek Zoning By-law 3692-92 can be found here: <https://www.hamilton.ca/sites/default/files/2023-06/stoney-creek-zoning-by-law-3692-92-consolidation-nov22-v3.pdf>

I hope that helps. Please let me know if you have any further questions.

Thank you,

Aman Hansra

Planning Technician I – Suburban Team

Development Planning

Office Location: 71 Main Street West, 5th Floor, Hamilton, ON L8P 4Y5



Derek Ewelukwa <derek1805@gmail.com>

Jun 16, 2023, 2:46 PM

to Aman, Devon

Thanks a lot Aman for your inputs.



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*	N/A		Phone: E-mail:
Registered Owners(s)	Derek Ewelukwa & Yvonne ([REDACTED]	
Applicant(s)**	Same as owners		
Agent or Solicitor	N/A		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 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	276 Millen Road, Stoney Creek, L8E2G9		
Assessment Roll Number	003.250.28700.0000		
Former Municipality	Hamilton-Wentworth		
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:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

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

Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	15m	15.5m			
Depth	32.5m	28.05m			
Area	483.5 sq m	424 sq m			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single family detached	None			
Proposed Buildings/ Structures	No Change	Single family detached			
Buildings/ Structures to be Removed	None	None			

* 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

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

Please see 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)

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

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

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

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

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

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

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
 Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 6.4 How long has the applicant owned the subject land?
since June 2021
-

- 6.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands below or attach a separate page.
-

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
 Yes No (Provide explanation)

Please see cover letter

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please see cover letter

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please see cover letter

- 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)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
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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 ² or ha):
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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 ² 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
- _____
- _____