



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-23:70	SUBJECT PROPERTY:	329 HIGHLAND ROAD W, STONEY CREEK
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APPLICANTS: **Owner:** ROBERTO VITUCCI
Agent: WEBB PLANNING CONSULTANTS C/O JAMES WEBB

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

	Frontage	Depth	Area
SEVERED LANDS:	9.8 m [±]	80.0 m [±]	3990 m ² [±]
RETAINED LANDS:	23.4 m [±]	48.5 m [±]	1151.2 m ² [±]

Associated Planning Act File(s): SC/B-23:71

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:	10:35 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

SC/B-23:70

- 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 SC/B-23:70, 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: 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.



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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.

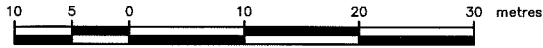
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.

**SKETCH FOR LAND DIVISION - APPLICATION 1
329 HIGHLAND ROAD WEST**

SCALE 1:500 METRIC

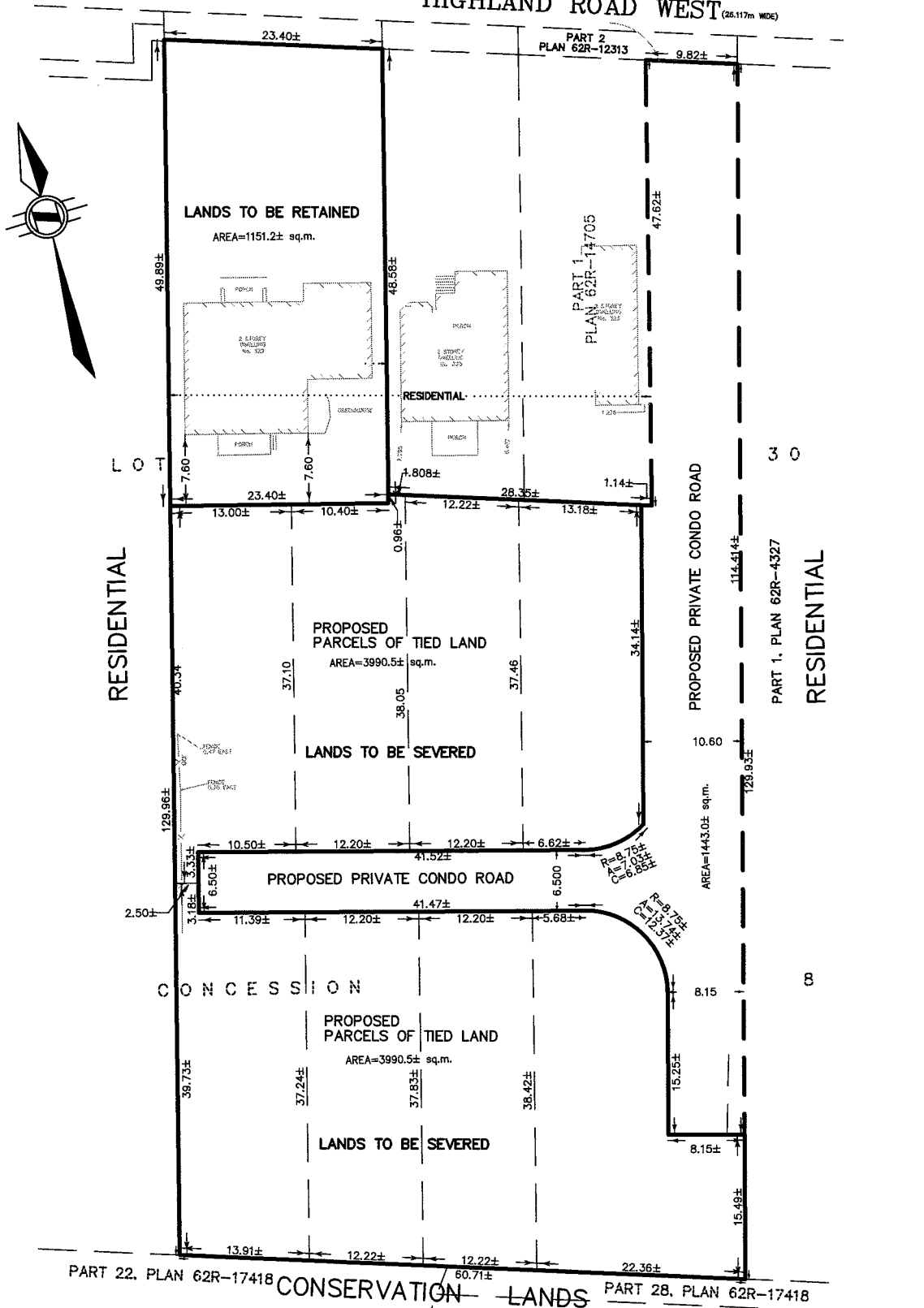


CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

R.A. McLAREN, O.L.S. - 2023

HIGHLAND ROAD WEST (26.117m WDG)



METRIC NOTE

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



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn MM	Checked DG	Scale 1:500	Dwg.No. 35399-SK1
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October 12, 2023

City of Hamilton
Committee of Adjustment
Economic Development & Planning Department
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield,
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent
329 Highland Road West, Stoney Creek, City of Hamilton

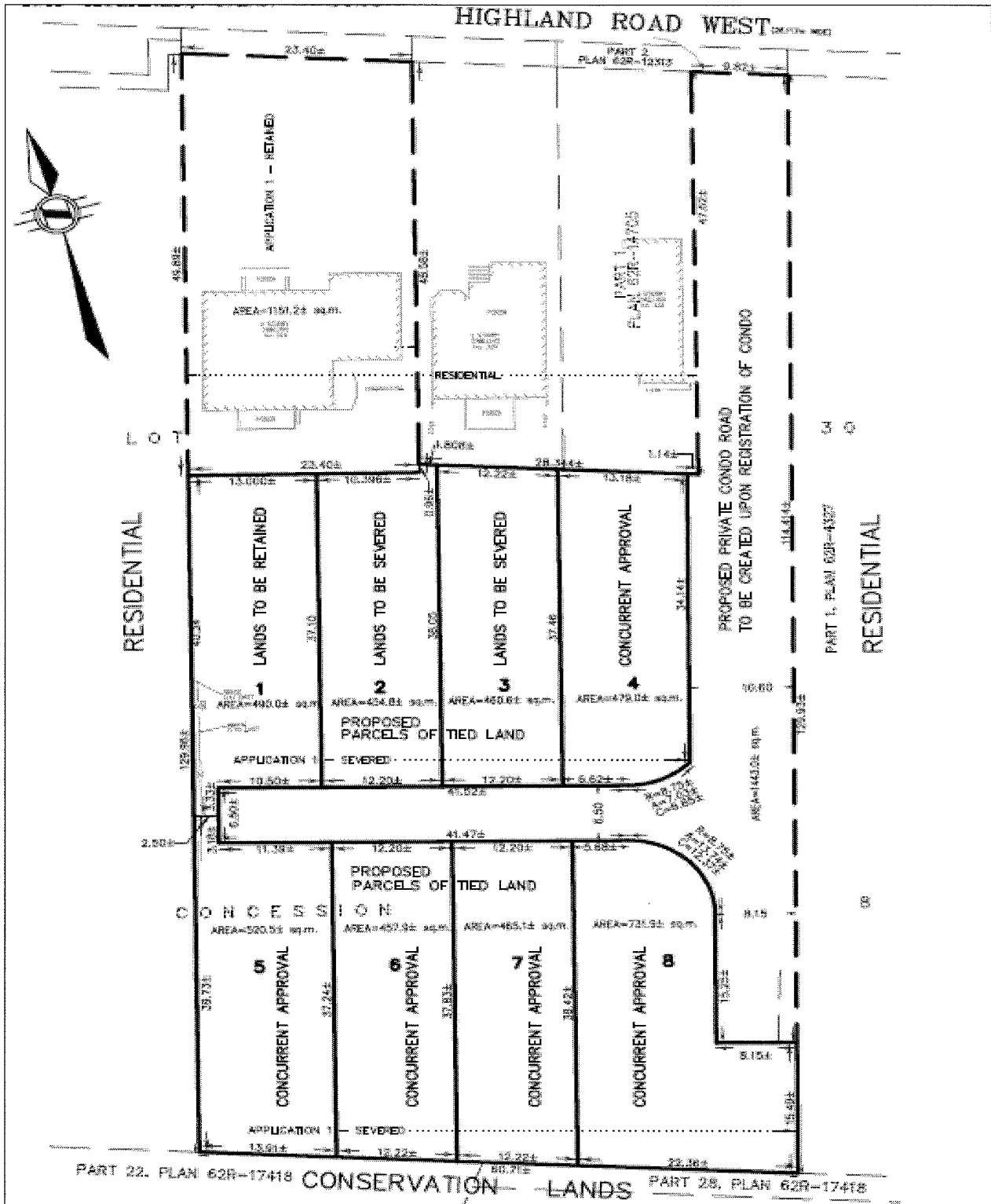
WEBB Planning Consultants are retained by the owners of the property located at 329 Highland Road West to provide land use planning services in connection with the proposed development of the lands for residential dwellings.

The lands subject to this application are within the West Mountain neighbourhood of the former City of Stoney Creek and located on the south side of Highland Road West, adjacent to the Eramosa Karst Conversation Area.

The development proposal for the lands is an 8 unit infill project comprising single detached dwellings in keeping with the intent of the Low Density Residential 2b designation of the West Mountain Area Secondary Plan. The development is proposed to be established as a Common Element Condominium with the private street held as a common element and the 8 development lots as freehold tenure. The internal private street will function as a shared access, owned and maintained by the Condominium Corporation.

The individual building lots are proposed to be created by Applications to the Committee of Adjustment for Consent. As confirmed with the Secretary Treasurer, two Applications are required: the initial application will sever the development parcel from the existing dwelling to be retained at 329 Highland Road, the second Application will create the 8 building lots by a combination of severed parcels and concurrent approvals. The 8 building lots will have frontage onto the private street created by the Common Element Condominium which will be Registered concurrently with finalization of the severance Applications.

An illustration of the proposed development and lot fabric is provided on the following page.



PROPOSED LOT CREATION

Analysis of Proposed Lot Creation

The proposal will facilitate the infilling of an underutilized property with lot sizes and a housing form that is similar to the established residential character and streetscaping of the surrounding area.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for proper and orderly development as the lands abut an existing municipal street and appropriate municipal services are existing. As documented below, the proposal conforms to the Official Plan, full municipal services are available, there are no conflicts with natural or cultural heritage resources, or natural hazards. It is our opinion that the proposal is consistent with the relevant sections of the Planning Act.

Policies for the Division of Land are outlined in Section F.1.14 of the Urban Hamilton Official Plan (UHOP). Specific to Lot Creation within the Neighbourhoods Designation, Consents for new lot creation shall be permitted provided the following conditions are met:

- a) The lots comply with the Policies of the Plan, including Secondary Plans where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.

We have considered the above criteria in the context of both the lands to be severed and retained and in our opinion the proposal conforms in all regards.

The property is within the Urban Area and designated as Neighbourhoods by the UHOP and more particularly Low Density Residential 2b by the West Mountain Area Secondary Plan. The proposed lots will be developed on the basis of full municipal services at a form and scale that conform with the Policies intended to guide intensification within the Neighbourhoods Designation. The lots to be developed with detached dwellings comply with the applicable Policies of the Secondary Plan with regard to the permitted uses and proposed scale of development.

The subject lands have recently been the subject of an Application for Zone Change to implement the proposed development. Approved by City Council in July 2023, the Application for Rezoning has resulted in a change in Zoning from the prior "R1" Zone of the Stoney Creek Zoning By-law to the "R1" Zone of Comprehensive Zoning By-law 05-200. The retained and severed lots comply in all regards with the Zoning Bylaw Regulations.

The prevailing character of the surrounding area is predominantly single detached dwellings fronting onto public streets with full municipal services available. The proposed dwellings are of a scale and intensity that is generally in keeping with the prevailing character of the area. The development is unique in that the lots will front onto a private street that connects to Highland Road West, this arrangement does not detract from the character of the streetscape and instead provides an appropriate condition to allow compatible development on the underutilized portion of the property.

Highland Road is constructed with full municipal services, laterals will be extended to service the proposed lots with sanitary sewer and water and storm sewers. A Functional Servicing Report has been reviewed and approved by the City, confirming the proposed services are adequate for the intended scale of development.

On the basis of the above discussion, it is our opinion that the proposed Consent Applications conform to the applicable Lot Creation Policies of the UHOP.

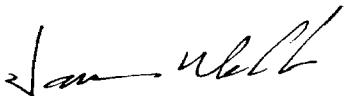
In keeping with the City's requirements for the submission of an Application for Consent we are submitting the following materials in addition to this cover letter:

- Application for Consent – 329 Highland Road – Severance of Development Parcel;
- Application for Consent – Development Parcel – Lot Creation
- Combined Application Fee of \$16,390.00 payable to the City of Hamilton;
- Sketch Plans illustrating proposed Severances.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing these Applications. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

cc: Roberto Vitucci



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*	TBD		Phone:
Registered Owners(s)	Roberto Vitucci	[Redacted]	
Applicant(s)**	Roberto Vitucci		
Agent or Solicitor	WEBB Planning Consultan		E-mail:
		[Redacted]	

*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	329 Highland Road West		
Assessment Roll Number			
Former Municipality	City of Stoney Creek, Former Twp of Saltfleet		
Lot	Part Lot 30	Concession	8
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:

TBD

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:	Retained Land	Severed Land			
Type of Transfer	N/A				
Frontage	23.4 m	Nil			
Depth	48.5 m	80.0 m			
Area	1151.2 sq. m	3990 sq. m			
Existing Use	Single Family	vacant			
Proposed Use	no change	single family (8)			
Existing Buildings/ Structures	detached dwelling	accessory buildings			
Proposed Buildings/ Structures	None	detached dwellings			
Buildings/ Structures to be Removed	None	accessory buildings			

* 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: _____

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods Low Density Res 2b

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

Lands within West Mountain (Heritage Green) Secondary Plan Area and designated Low Density Residential 2b, proposed use and scale complies with applicable policies, proposal will implement appropriate intensification of underutilized property on basis of full municipal services

- 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? R1, Exception 850 (By-law No. 23-129)

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.

was the subject of Zone Change Apln., file No. ZAC-20-004, Approved July 2023

- 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.

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.

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

In excess of 30 years

- 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)

See discussion below with regard to the PPS

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

Yes No (Provide explanation)

Property within designated settlement area and will develop on basis for full municipal services, no conflicts with natural or cultural heritage resources. Appropriate form of intensifications

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

Yes No (Provide explanation)

Property within designated settlement area and within built-up area, will developed on basis of full municipal services. Proposal will implement appropriate intensification and add to range of housing options. No conflicts with natural or cultural heritage resources.

- 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
