



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.:	HM/B-23:60	SUBJECT PROPERTY:	162 Stone Church E, Hamilton
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APPLICANTS: Owner: Angela Salemi & Ryan Kotar
Agent: UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston

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

	Frontage	Depth	Area
SEVERED LANDS:	11.430 m [±]	34.000 m [±]	388.530 m ² [±]
SEVERED LANDS:	11.430 m [±]	34.000 m [±]	388.530 m ² [±]
RETAINED LANDS:	22.860 m [±]	56.068 m [±]	1,281.230 m ² [±]

Associated Planning Act File(s): HM/A-23:236

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, December 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:

HM/B-23:60

- Visit www.hamilton.ca/committeeofadjustment
- 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-23:60, 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: November 21, 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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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.**

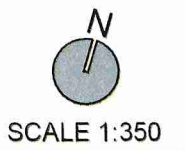
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing 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.

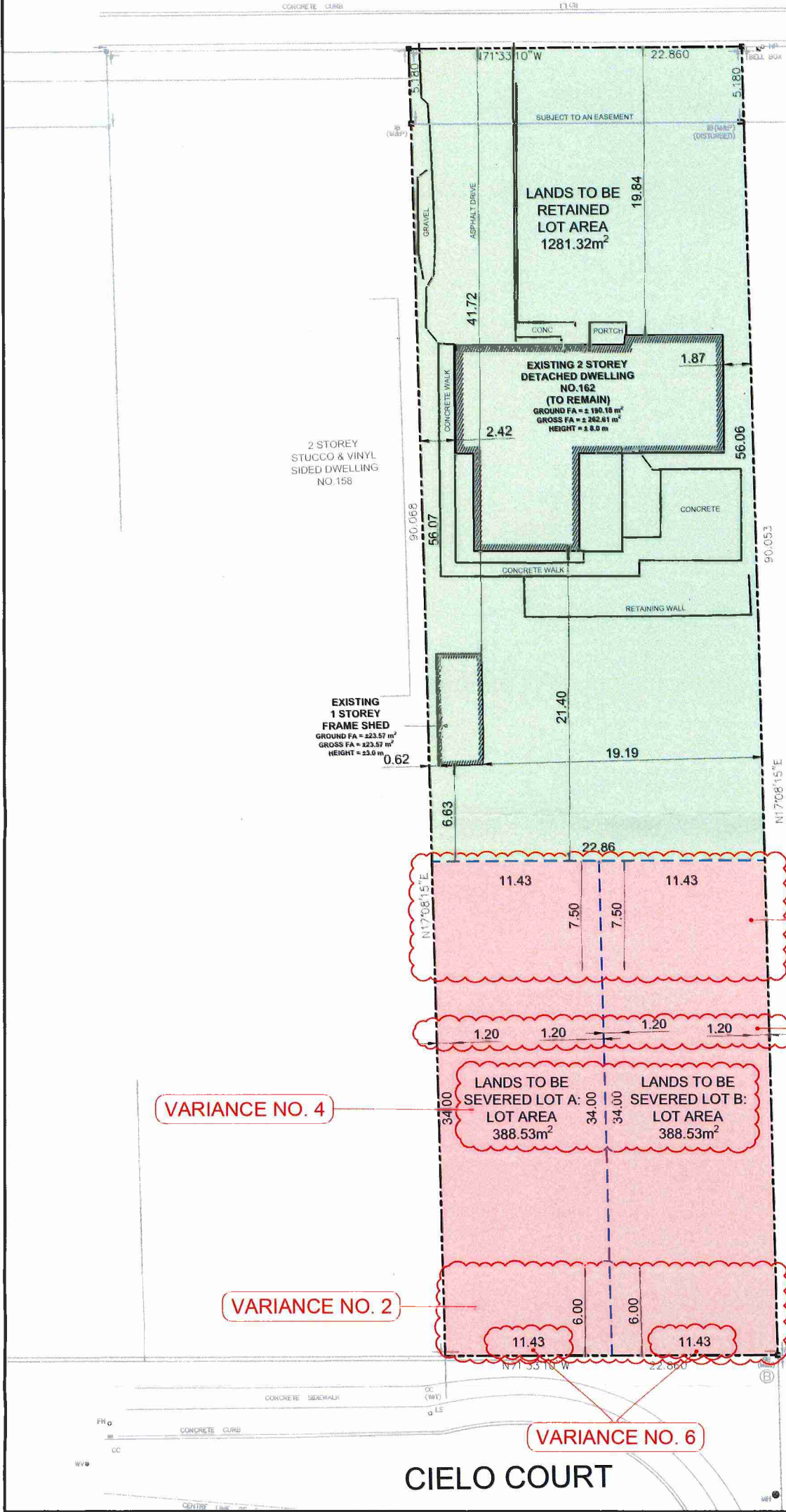
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

DEVELOPMENT STATISTIC CHART			
ITEMS	Retained Land	Severed Land (Lot A)	Severed Land (Lot B)
Lot Frontage	22.86m	11.43m	11.43m
Depth	56.06m	34.00m	34.00m
Lot Area	1,281.32m ²	388.53m ²	388.53m ²
Use	Residential	Residential	Residential



STONE CHURCH ROAD EAST



VARIANCES TO THE FORMER CITY OF HAMILTON ZONING BY-LAW NO. 6593, "B" (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) DISTRICT

VARIANCE NO. 1: TO PERMIT A MINIMUM SIDE YARD SETBACK OF 1.2 METRES WHEREAS 3.0 METRES IS REQUIRED.

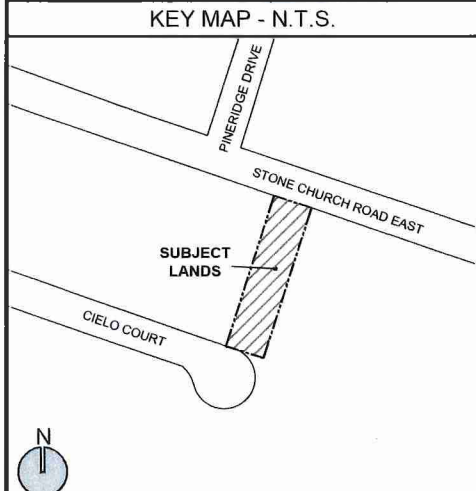
VARIANCE NO. 2: TO PERMIT A MINIMUM FRONT YARD SETBACK OF 6.0 METRES, WHEREAS 12.0 METRES IS REQUIRED.

VARIANCE NO. 3: TO PERMIT MINIMUM REAR YARD SETBACK OF 7.5 METRES WHEREAS 9.0 METRES IS REQUIRED.

VARIANCE NO. 4: TO PERMIT A MINIMUM LOT AREA OF 385.00 SQUARE METRES, WHEREAS 1,100 SQUARE METRES IS REQUIRED.

VARIANCE NO. 5: TO PERMIT A MAXIMUM HEIGHT OF 12.0 METRES, WHEREAS A MAXIMUM HEIGHT OF 11.0 METRES IS REQUIRED.

VARIANCE NO. 6: TO PERMIT A MINIMUM LOT WIDTH OF 11.0 METRES WHEREAS A MINIMUM LOT WIDTH OF 20.0 METRES IS REQUIRED.



LEGEND:

- SUBJECT LANDS
- PROPOSED SEVERANCE LINE
- LANDS TO BE SEVERED
- LANDS TO BE RETAINED
- EXISTING BUILDINGS

SCALE 1:350 METRES

PREPARED BY:

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

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

NOT FOR CONSTRUCTION
ISSUED 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:
162 STONE CHURCH ROAD EAST
CITY OF HAMILTON

CLIENT:
ANGELA SALEMI & RYAN KOTAR

DESIGN BY: J. STANLEY CHECKED BY: S. ERICKSON

DRAWN BY: J. STANLEY DATE: OCTOBER 11, 2023

U/S FILE NUMBER: 489-23 SHEET NUMBER: 1



October 13, 2023

489-23

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: 162 Stone Church Road East, Hamilton
HM/A-23:236 & HM/B-23:60
Revised Severance & Minor Variance Application**

As you know, UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Ms. Angela Salemi and Mr. Ryan Kotar, for the lands municipally known as 162 Stone Church Road East in the City of Hamilton. Please accept the enclosed revised Consent to Sever and Minor Variance application materials for File Nos. HM/A-23:236 and HM/B-23:60 to facilitate the severance of the subject lands on their behalf.

The subject lands are comprised of a rectangularly-shaped, +/- 2,058.38 m² through lot with +/- 22.86 m of primary frontage on Stone Church Road East and +/- 22.86 m of rear frontage onto Cielo Court. Abutting the lands to the east is a vacant grassed lot, with low density residential uses surrounding the property on every other side. The subject lands are designated 'Neighbourhoods' in the Urban Hamilton Official Plan Schedule E-1 – Urban Land Use, and zoned "B" (*Suburban Agriculture and Residential, Etc.*) District in the Former City of Hamilton Zoning By-law No. 6593.

Revisions to Original Application

The original submission proposed a single lot concept for the lands to be severed. The revised severance proposes a two-lot concept for the lands to be severed, with the previous lands to be severed bisected to create two parcels with frontage onto Cielo Court. Each lot has 34.00 metres of depth, 11.43 metres of frontage, and 388.53 square metres of area as shown within the enclosed sketch.

A Minor Variance application is required to bring the proposal into conformity with the applicable "B" District regulations. The requested severance and variances intend to reflect existing conditions on lots to the west along Cielo Court which were obtained through previous Committee of Adjustment approvals. Variance Nos. 1 through 5 remain the same from the original application. However, Variance No. 6 has been added in this revised submission to facilitate the narrower created lots.

The requested variances are as follows:

Variance No. 1 – To permit a minimum side yard setback of 1.2 m, whereas 3.0 m is required.

Variance No. 2 – To permit a minimum front yard setback of 6.0 m, whereas 12.0 m is required.

Variance No. 3 – To permit a minimum rear yard setback of 7.5 m, whereas 9.0 m is required.

Variance No. 4 – To permit a minimum lot area of 375.0 m², whereas 1,100.0 m² is required.

Variance No. 5 – To permit a maximum height of 12.0 m, whereas a maximum height of 11.0 m is required.

Variance No. 6 – To permit a minimum lot width of 11.0 m, whereas a minimum lot width of 20.0 m is required.

The requested variances satisfy the four tests as per Section 45(1) of the *Planning Act*, R.S.O, 1990 and the application 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 Provincial Planning Statement 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. Additionally, the continued residential use of the lands implements the intent of the City of Hamilton Zoning By-law No. 6593. Based on the above analysis, the proposed development represents good land use planning.

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

- One (1) copy of the revised Consent to Sever Application form;
- One (1) copy of the revised Minor Variance Application form;
- One (1) copy of the revised Committee of Adjustment Sketch, prepared by UrbanSolutions; and,
- One (1) cheque in the amount of **\$520.00** made payable to the City of Hamilton to cover the recirculation 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: Ms. Angela Salemi & Mr. Ryan Kotar
Councillor John-Paul Danko, Ward 8



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

Table with 4 columns: Category, Name, Mailing Address, Phone. Rows include Purchaser*, Registered Owners(s), Applicant(s)**, and 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 [checkbox] Purchaser [checkbox] Owner [checkbox] Applicant [checkbox] Agent/Solicitor

1.3 Sign should be sent to [checkbox] Purchaser [checkbox] Owner [checkbox] Applicant [checkbox] Agent/Solicitor

1.4 Request for digital copy of sign [checkbox] Yes* [checkbox] No
If YES, provide email address where sign is to be sent n/a

1.5 All correspondence may be sent by email [checkbox] Yes* [checkbox] 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	162 Stone Church Road East		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot	Part of Lot 13	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:

Part 3, Plan 62R-11485 - Subject to easement as in VM67744

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:	Lands to be Retained	Lands to be Severed	Lands to be Severed		
Type of Transfer	N/A	Lot Creation	Lot Creation		
Frontage	22.860 m	11.430 m	11.430 m		
Depth	56.068	34.000 m	34.000 m		
Area	1,281.320 sq.m.	388.530 sq.m.	388.530 sq.m.		
Existing Use	Residential	Residential	Residential		
Proposed Use	Residential	Residential	Residential		
Existing Buildings/ Structures	Detached Dwelling + Frame Shed	Vacant	Vacant		
Proposed Buildings/ Structures	Detached Dwelling + Frame Shed	n/a	n/a		
Buildings/ Structures to be Removed	n/a	n/a	n/a		

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

b) Type of water supply proposed: (check appropriate box)

- | | |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> 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 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? Suburban Agriculture and Residential, Etc. "B" District in the Former City of Hamilton Zoning By-law No. 6593

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.

HM/A-23:236 & HM/B-23:60 (Tabled to facilitate this 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"/>	Retail ~500m away
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.

HM/B-23:60

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

Please refer to enclosed Cover Letter for list of revisions.

- 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?

since June 6, 2023

- 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.

n/a

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)

n/a

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
