COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-18:143

SUBJECT PROPERTY: 197 Brucedale Ave. E., Hamilton

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

APPLICANT(S): Agent Urban Solutions

Owner Frank Leonardis

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to

retain a parcel of land for residential purposes.

Severed lands:

7.47m[±] x 31.3m[±] and an area of 233.91m^{2±}

Retained lands:

7.76m[±] x 31.3m[±] and an area of 233.60m^{2±}

This application will be heard on conjunction with

Minor Variance Application HM/A-18:385

The Committee of Adjustment will hear this application on:

DATE: Thursday, June 3rd, 2021

TIME: 3:15 p.m.

PLACE: Via video link or call in (see attached sheet for

details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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.

MORE INFORMATION

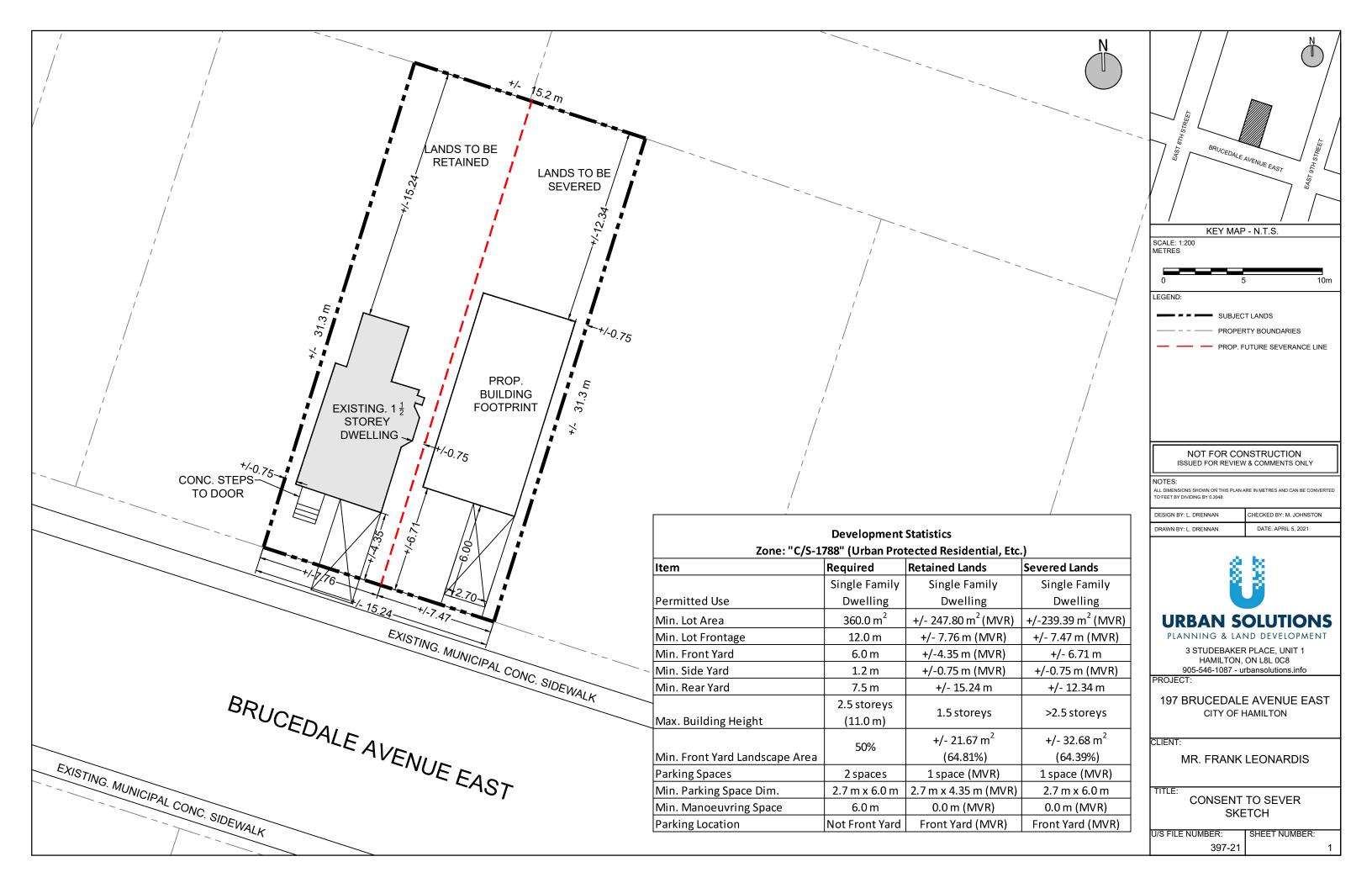
For more information on this matter, including access to drawings illustrating this request:

- Visit <u>www.hamilton.ca/committeeofadjustment</u>
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 18th, 2021

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.





April 15, 2021

Via Email & Delivered

Jamila Sheffield Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

RE:

197 Brucedale Avenue East, City of Hamilton Consent to Sever and Minor Variance Applications HM/B-18:143 & HM/A-18:385

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of Mr. Frank Leonardis, the registered owner of the lands municipally known as 197 Brucedale Avenue East, in the City of Hamilton (subject lands). The purpose of the Consent to Sever application is to separate the subject lands in to two (2) separate parcels. The lands to be severed are proposed for a new single detached dwelling with a total lot area of +/-241.29m². The existing dwelling on the retained lands will remain while having a lot area of +/-245.90 m².

These applications (HM/B-18:143 & HM/A-18:385) were heard at the January 24, 2019 Committee of Adjustment hearing where the decision was tabled to allow the owner and City to have ongoing discussions to further review the application and requested variances. The purpose of the Minor Variance application is to facilitate the development of a single detached dwelling on the lot that is to be severed. The requested minor variances for the lands to be retained reflect the existing legal non-conformities at 197 Brucedale Avenue East. The complete list of required Minor Variances include:

Lands to be Retained

Variance No. 1: A minimum lot area of 240 squared metres whereas a minimum lot area of 360 square metres is required.

Variance No. 2: A minimum lot frontage of 7.5 metres whereas a minimum lot frontage of 12.0 metres is required.

Variance No. 3: A minimum front yard of 4.3 metres whereas a minimum front yard of 6.0 metres is required.

397-21

Variance No. 4: A minimum easterly and westerly side yard of 0.70 metres whereas a minimum side yard of 1.2 metres is required.

Variance No. 5: A minimum 1 residential parking space is provided whereas a minimum of 2 residential parking spaces is required.

Variance No. 6: No manoeuvring area is provided whereas a minimum of 6.0 metres manoeuvring area is required.

Variance No. 7: To permit front yard parking whereas front yard parking is not permitted.

Variance No. 8: To permit a parking space 4.3 metres long.

Lands to be Severed

Variance No. 9: A minimum lot area of 230 squared metres whereas a minimum lot area of 360 square metres is required.

Variance No. 10: A minimum lot frontage of 7.25 metres whereas a minimum lot frontage of 12.0 metres is required.

Variance No. 11: A minimum easterly and westerly side yard of 0.70 metres whereas a minimum side yard of 1.2 metres is required.

Variance No. 12: A minimum 1 residential parking space is provided whereas a minimum of 2 residential parking spaces is required.

Variance No. 13: No manoeuvring area is provided whereas a minimum of 6.0 metres manoeuvring area is required.

Variance No. 14: To permit front yard parking whereas front yard parking is not permitted.

Since the January 24, 2019 Committee of Adjustment Hearing, further review of the proposed development concluded four (4) additional variances are required from the initial application regarding manoeuvring area and front yard parking for both the retained and severed lands (Variance Nos. 6,7,13 & 14). In addition, we have been working with the City of Hamilton to initiate a Residential Boulevard Parking Agreement which will allow a parking space which meets the Zoning By-law requirement of 2.70 metres in width by 6.0 metres in length within the municipal right of way for the lands to be retained. Together, the Boulevard Parking Agreement, the additional variances outlined above and within the enclosed Minor Variance Sketch satisfy the 4 tests in Section 45 of the Planning Act and allow for the appropriate severance of the lands as per Section 53 of the Planning Act.

The Consent to Sever application is in keeping with 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 this parcel. The subject lands are within an established area having full access to municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

At this time, we request to be put on the next available Committee of Adjustment agenda. We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions. In support of this application, please find enclosed the following:

- One (1) PDF of the Minor Variance Sketch prepared by UrbanSolutions;
- One (1) PDF of the Consent to Sever Sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of \$275.00 made payable to the City of Hamilton for the Minor Variance recirculation fee; and,
- One (1) cheque in the amount of \$190.00 made payable to the City of Hamilton for the Consent to Sever recirculation fee.

Regards,

UrbanSolutions

Matt Johnston, MCIP, RPP

Principal

Laura Drennan Planning Technician

Mr. Frank Leonardis (via email) cc:

Mr. Sergio Manchia, UrbanSolutions Planning & Lands Development Consultants Inc. (via email)

18-144993



Planning and Economic Development Department Planning Division

Committee of Adjustment

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

Phone (905) 546-2424, ext. 4221 Fax (905) 546-4202

a correction of title

APPLICATION FOR CONSENT TO SEVER LAND UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received: Date Application Deemed Complet				
NOV 23/18	HM	1B-18:143		
APPLICANT INF		T		
1.1, 1.2	NAME			
Registered	Frank			
Owners(s)	humards			
Applicant(s)*	Frank honords			
Agent or				
Solicitor				
			⊏-man.	
	* Owner's author	orisation required if the	applicant is not the owner	
LOCATION OF S 2.1 Area Municipalit		plete the applicable line	es Former Township	
Hamilton Went	worth 72	Concession	Former Township	
Registered Plan N°.	. Lot(s)	Reference Plan N°.	Part(s)	
495				
Municipal Address			Assessment Roll N°.	
197 Rr. del	1 Au Fret		0309030508 5 0000	
☐ Yes ☐ No	sements or restrictive co	-	,	
	THE APPLICATION se of proposed transaction	on: (check appropriate	box)	
a) <u>Urban Area Tr</u>	ansfer (do not complet	te Section 10):		
	of a new lot	Other: [a charge	
addition to	o a lot	ſ	a lease	

an easement

creation of a new lot creation of a new non-farm parcel (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation) addition to a lot Creation 10 must be completed): Other: a charge a lease a correction of title an easement				
3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:				
3.3 If a lot addition, identify the lands to which the parcel will be added:				
4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION 4.1 Description of land intended to be Severed: Frontage (m) 7.48m Depth (m) Area (m² or ha) 233.91.09 15.24m 5.96m 31.272m 476.585 m²				
Existing Use of Property to be severed: Residential Industrial Commercial Agriculture (includes a farm dwelling) Agricultural-Related Vacant Other (specify)				
Proposed Use of Property to be severed: Residential Industrial Commercial Agriculture (includes a farm dwelling) Agricultural-Related Vacant Other (specify)				
Building(s) or Structure(s): Existing: Alistry house on property to be retained vacant Proposed: Single detached 145; dental				
Type of access: (check appropriate box) provincial highway municipal road, seasonally maintained municipal road, maintained all year				
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)				
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)				
4.2 Description of land intended to be Retained : Frontage (m) Depth (m) Area (m² or ha) 7.41m 31.272m 233.60m2				
Existing Use of Property to be retained: Residential				

S &	f the subject land is covered by a Minister's lumber? Are any of the following uses or features or subject land, unless otherwise specified. Fapply. Use or Feature gricultural operation, including livestoo	s zoning orde	r, what is the and or withi	e Ontario Regulation
S	I the subject land is covered by a Minister's lumber? Are any of the following uses or features or subject land, unless otherwise specified. F	s zoning orde n the subject I	r, what is the and or withi	e Ontario Regulation
- O 1	the subject land is covered by a Minister's	s zoning orde	r, what is the	หรังปะหวัด ไ , Distric e Ontario Regulation
11	What is the existing zoning of the subject la	and?()_\.	- 1 1 17	
(area which achieves efficiency of land, resources and	-public	zlopm z invostm z	at that optime
				Russely durles
((see attached)			<u> </u>
	Landsize of proposed lot	is incha	uracter	with neighborh
F	Please provide an explanation of how the a Official Plan.			a City of Hamilton
	Rural Hamilton Official Plan designation (if Jrban Hamilton Official Plan designation (i			·
5.1 \	What is the existing official plan designation			
	ectricity	nool bussing	4 9	garbage collection
	Other Services: (check if the service is ava	ailable)		
∐ pr	ublicly owned and operated sanitary sewag rivately owned and operated individual sep ther means (specify)	ge system otic system		
	of sewage disposal proposed: (check app			
 □ pı	of water supply proposed: (check appropublicly owned and operated piped water syrivately owned and operated individual well	/stem		other water body eans (specify)
☐ pı	e of access: (check appropriate box) rovincial highway nunicipal road, seasonally maintained nunicipal road, maintained all year		☐ right of ☐ other pu	way ublic road
Exist	ling(s) or Structure(s): ing: 1/2 story single duta. osed: 10 change	chid hom	ie to be	e retained
□A	esidential griculture (includes a farm dwelling) ther (specify)	Industrial Agricultur	al-Related	☐ Commercial ☐ Vacant

AUT	A lar	nd fill		
AVA	A sewage treatment plant or waste stabilization plant			
N/A	A provincially significant wetland A provincially significant wetland within 120 metres A flood plain			
NA				
NA				
41/11				
MA				
MA	A municipal or federal airport			
	6 PREVIOUS USE OF PROPERTY Residential Industrial Commercial Agriculture Vacant Other (specify)			
	6.1	If Industrial or Commercial, specify use		
	6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred? Yes No Unknown			
١	6.3	Has a gas station been located on the subject land or a ☐ Yes ☐ No ☐ Unknown	adjacent la	inds at any time?
I	6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands? \[\sum \text{Yes} \sum \text{No} \sum \text{Unknown} \]			d or adjacent lands?
(Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands? Yes No Unknown			
(Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands? ☐ Yes ☐ No ☐ Unknown			
(6.7 Have the lands or adjacent lands ever been used as a weapons firing range? ☐ Yes ☐ No ☐ Unknown			
(Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump? Yes No Unknown			
(6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)? Yes No Unknown			
(6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? Yes No Unknown			
(6.11 What information did you use to determine the answers to 6.1 to 6.10 above?			
(6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. Is the previous use inventory attached? Yes No			
7	7 P I 7.1 a)	of the <i>Planning Act</i> ? (Provide explanation)	nts issued	under subsection
		Yes No	······································	

	- cost affective development that minimizes land
	consumption and surveing cost
	-poposed land use tocuses on growth+development within orban settlement area.
b)	Is this application consistent with the Provincial Policy Statement (PPS)? Yes No (Provide explanation) 1.1.3.4-1.1.3.5 Appropriate development standards shall be promultant facilitate intensification redevelopment and compact form.
c)	Planning athorities shall istablish and implement minimum targets to tunsification can be reduced point within built is areas; Does this application conform to the Growth Plan for the Greater Golden Horseshoe? Yes \[\sum \text{No} \text{(Provide explanation)};
	This will prioritize intensitivation and higher densities to make afficient use of land and intrastructure and support transit wish liter
d)	Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.) Yes No
e)	Are the subject lands subject to the Niagara Escarpment Plan? Yes No If yes, is the proposal in conformity with the Niagara Escarpment Plan?
	Yes (Provide Explanation)
f)	Are the subject lands subject to the Parkway Belt West Plan? Yes No
	If yes, is the proposal in conformity with the Parkway Belt West Plan? Yes (Provide Explanation)
g)	Are the subject lands subject to the Greenbelt Plan? Yes No
	If yes, does this application conform with the Greenbelt Plan? Yes

8 8.1	HISTORY OF THE SUBJECT LAND 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 <i>Planning Act</i> ? Yes No Unknown				
	If YES, and known, indicate the appropriate application file number and the decision made on the application.				
8.2	If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.				
	W/A				
8.3	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.				
8.4	How long has the applicant owned the subject land?				
8.5	5 Does the applicant own any other land in the City? Yes No If YES, describe the lands in "11 - Other Information" or attach a separate page.				
9 9.1	OTHER APPLICATIONS s the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?				
	If YES, and if known, specify file number and status of the application.				
9.2	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 if known, specify file number and status of the application(s).				
	File number Status				
10 10.1	RURAL APPLICATIONS Rural Hamilton Official Plan Designation(s)				
	☐ Agricultural ☐ Rural ☐ Specialty Crop				
	☐ Mineral Aggregate Resource Extraction☐ Open Space☐ Utilities☐ Rural Settlement Area (specify)				
	Settlement Area Designation				
	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 operation.				
10.2	Type of Application (select type and complete appropriate sections)				
	 ☐ Agricultural Severance or Lot Addition ☐ Agricultural Related Severance or Lot Addition ☐ Rural Resource-based Commercial Severance or Lot Addition ☐ Rural Institutional Severance or Lot Addition 				

a (Complete states and Complete states area (m² or ha): (from in Section oposed Land Use: rea (m² or ha): (from Section oposed Land Use: resolidation)	4.2)
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,	
ea (m2 or ha):	
posed Land Use(s):	****
ng lands intended to be seve	red for the
posed Land Use:	
posed to be severed:	
ea (m2 or ha): (from Section	4.1)
n:	
After December 16, 2004	
, , , , , , , , , , , , , , , , , , , ,	
Non-Habitable	
	severed
s dwelling is intended to be s	4.2)
es dwelling is intended to be see (m2 or ha): (from Section	
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	a (m2 or ha): (from Section

ķ	Description of non-abutting farm	
	Frontage (m):	Area (m2 or ha):
I	Existing Land Use(s):	Proposed Land Use(s):
<u>(</u>	Description of surplus dwelling lan	ds intended to be severed:
	Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
F	ront yard set back:	
c	d) Surplus farm dwelling date of cons	struction:
	Prior to December 16, 2004	After December 16, 2004
E	e) Condition of surplus farm dwelling:	
	☐ Habitable	☐ Non-Habitable
f	 Description of farm from which the (retained parcel): 	surplus dwelling is intended to be severed
	Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
E	existing Land Use:	Proposed Land Use:
1 OT	HER INFORMATION	
	attach on a separate page.	ou think may be useful to the Committee of iewing this application? If so, explain below or
	Proposed lot is aroun	d corner of East 8th Streets the are ppproximated 25 Fro
	be in character wi	
2 SKI 2.1The	ETCH (Use the attached Sketch She application shall be accompanied by	eet as a guide) a sketch showing the following in metric units:
(a)	the boundaries and dimensions of a the owner of the subject land;	ny land abutting the subject land that is owned b
(b)	the approximate distance between the or landmark such as a bridge or rails	ne subject land and the nearest township lot line way crossing;
(c)	the boundaries and dimensions of the severed and the part that is intended	e subject land, the part that is intended to be d to be retained;
(d)	the location of all land previously sev current owner of the subject land;	vered from the parcel originally acquired by the
(e)	the approximate location of all natural barns, railways, roads, watercourses wetlands, wooded areas, wells and s	al and artificial features (for example, buildings, s, drainage ditches, banks of rivers or streams, septic tanks) that,
	i) are located on the subject land aii) in the applicant's opinion, may a	an on land that is adjacent to it, and ffect the application;
(f)	the current uses of land that is adjact agricultural or commercial);	ent to the subject land (for example, residential,
(g)	the location, width and name of any indicating whether it is an unopened	roads within or abutting the subject land, road allowance, a public travelled road, a private