## 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:

$7.47 \mathrm{~m}^{ \pm} \times 31.3 \mathrm{~m}^{ \pm}$and an area of $233.91 \mathrm{~m}^{2 \pm}$
Retained lands:
$7.76 \mathrm{~m}^{ \pm} \times 31.3 \mathrm{~m}^{ \pm}$and an area of $233.60 \mathrm{~m}^{2 \pm}$
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 <br> details) |
|  | To be streamed at <br> www.hamilton.ca/committeeofadjustment |
|  |  |
|  |  |

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## MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- 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.


## URBAN SOLUTIONS <br> PLANNING \& LAND DEVELOPMENT

April 15, 2021

## Via Email \& Delivered

Jamila Sheffield<br>Secretary Treasurer, Committee of Adjustment

City of Hamilton
71 Main Street West, $5^{\text {th }}$ 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 $+/-241.29 \mathrm{~m}^{2}$. The existing dwelling on the retained lands will remain while having a lot area of $+/-245.90 \mathrm{~m}^{2}$.

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.

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 $\mathbf{\$ 2 7 5 . 0 0}$ made payable to the City of Hamilton for the Minor Variance recirculation fee; and,
- One (1) cheque in the amount of $\$ \mathbf{1 9 0 . 0 0}$ made payable to the City of Hamilton for the Consent to Sever recirculation fee.

Regards,
UrbanSolutions

cc: Mr. Frank Leonardis (via email)
Mr. Sergio Manchia, UrbanSolutions Planning \& Lands Development Consultants Inc. (via email)

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

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

Office Use Only

| Date Application | Date Application <br> Received: <br> Deemed Complete: <br> NOV 2318 | Submission No.: | File No.: |
| :--- | ---: | :--- | :--- |

1 APPLICANT INFORMATION


* Owner's authorisation required if the applicant is not the owner.
1.3 All correspondence should be sent toOwnerApplicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

| 2.1 Area Municipality <br> Hamilton Wenthworth | Lot | Concession | Former Township |
| :--- | :--- | :--- | :--- |
| Registered Plan $\mathrm{N}^{\circ}$. <br> 495 | Lot(s) | Reference Plan $\mathrm{N}^{\circ}$. | Part(s) |
| Municipal Address <br> 197 Brucudalu Ave Fast |  |  |  |

2.2 Are there any easements or restrictive covenants affecting the subject land? $\square$ Yes $\square$
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)
a) Urban Area Transfer (do not complete Section 10):
$\square$ creation of a new lot
$\square$ addition to a lot
$\square$ an easement
Other:a chargea leasea correction of title
b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):creation of a new lotcreation of a new non-farm parcel (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)

Other: $\qquad$ a chargea leasea correction of titlean easement $\square$ addition to a lot
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 $(\mathrm{m})$ | 7.48 m | Depth $(\mathrm{m})$ |
| :---: | :--- | :--- |
| +5.24 m | 5.98 m | 31.272 m |

Existing Use of Property to be severed:

| $\square$ Residential | $\square$ Industrial | $\square$ Commercial |
| :--- | :--- | :--- |
| $\square$ Agriculture (includes a farm dwelling) | $\square$ Agricultural-Related | $\square$ Vacant |
| $\square$ Other (specify) |  |  |

Proposed Use of Property to be severed:

| $\square$ Residential | $\square$ Industrial | $\square$ Commercial |
| :--- | :--- | :--- |
| $\square$ Agriculture (includes a farm dwelling) | $\square$ Agricultural-Related | $\square$ Vacant |
| $\square$ |  |  |

Existing:


Type of access: (check appropriate box)
$\square$ provincial highway
$\square$ municipal road, seasonally maintained
$\square$ right of way
municipal road, maintained all year
Type of water supply proposed: (check appropriate box)
$\square$ publicly owned and operated piped water system
$\square$ privately owned and operated individual well
$\square$ lake or other water body other means (specify)

Type of sewage disposal proposed: (check appropriate box)


### 4.2 Description of land intended to be Retained:

| Frontage (m) | Depth (m) | Area $\left(\mathrm{m}^{2}\right.$ or ha) |
| :---: | :---: | :---: |
| 7.47 m | 31.272 m | $233.60 \mathrm{~m}^{2}$ |

Existing Use of Property to be retained:Residential

Agriculture (includes a farm dwelling)
Other (specify) $\qquad$

Proposed Use of Property to be retained:

| $\square$ Residential | $\square$ Industrial | $\square$ Commercial |
| :--- | :--- | :--- |
| $\square$ Agriculture (includes a farm dwelling) | $\square$ Agricultural-Related | $\square$ Vacant |
| $\square$ Other (specify) |  |  |

Building(s) or Structure (s):
Existing: $11 / 2$ storey single detached home to be retained
Proposed: $\qquad$
Type of access: (check appropriate box)
$\square$ provincial highway
$\square$ right of way
municipal road, seasonally maintained $\square$ other public road municipal road, maintained all year

Type of water supply proposed: (check appropriate box)
$\square$ publicly owned and operated piped water system privately owned and operated individual welllake or other water body other means (specify)

Type of sewage disposal proposed: (check appropriate box)

$\square$
$\square$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)
$\square$ electricity
$\square$ telephone
$\square$ school bussing

## 5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): $\qquad$
Urban Hamilton Official Plan designation (if applicable) $\qquad$
Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

5.2 What is the existing zoning of the subject land? Urbier Protected Residential Districifco If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
5.3 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 <br> Subject <br> Land | Within 500 Metres <br> of Subject Land, <br> unless otherwise <br> specified (indicate <br> approximate <br> distance) |
| :--- | :---: | :---: |
| An agricultural operation, including livestock facility or <br> stockyard | $\square$ |  |


| A land fill | $\square$ |  |
| :--- | :---: | :---: |
| A sewage treatment plant or waste stabilization plant | $\square$ |  |
| A provincially significant wetland | $\square$ |  |
| A provincially significant wetland within 120 metres | $\square$ |  |
| A flood plain | $\square$ |  |
| An industrial or commercial use, and specify the use(s) | $\square$ |  |
| An active railway line | $\square$ |  |
| A municipal or federal airport | $\square$ |  |

6 PREVIOUS USE OF PROPERTY

| PREVIOUS USE OF PROPERTY |  |  |
| :--- | :--- | :--- |
| $\square$ Residential | $\square$ Industrial | $\square$ Commercial |
| $\square$ Agriculture | $\square$ Vacant | $\square$ Other (specify) |

6.1 If Industrial or Commercial, specify use $\qquad$
6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
$\square$ YesUnknown
6.3 Has a gas station been located on the subject land or adjacent lands at any time?Yes
 No Unknown
6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands? $\square$ Yes
$\square \mathrm{N}$ No Unknown
6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
$\square$ Yes
$\square$Unknown
6.6 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?
$\square$ Yes
$\square$
NoUnknown
6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
$\square$ Yes
$\square$
$\square$ Unknown
6.8 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?
$\square$ Yes
$\square$
No $\square$
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)?

Unknown
6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
$\square$ Yes
$\square$ No
Unknown
6.11 What information did you use to determine the answers to 6.1 to 6.10 above? Purchase Agreumunt diseuss on w. th nuighbors
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?
$\square$ YesNo

## 7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the Planning Act? (Provide explanation)
DYesNo
-cost effective development that minimizes land

b) Is this application consistent with the Provincial Policy Statement (PPS)? $\square \mathrm{Yes}$
1.1.3.4-1.1.3.5 Appropriate durulopmunt standards shat be promoted whehtacilitate intensification neduvelopmentaudecompactio Planning athonties shall establish and implement minimum targets to
intensificatroncend redeuglopment within buitup areas.
c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe? This will prioritize intensification and higher $\quad$ (Provide explanation) densities to make ittieixatus, ot land and intrastiveture and support transit viability
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.)
$\square$ Yes
$\square$ No
e) Are the subject lands subject to the Niagara Escarpment Plan?
$\square$ Yes
$\square$ No
If yes, is the proposal in conformity with the Niagara Escarpment Plan?
$\square$ Yes Explanation)
(Provide Explanation)
$\qquad$
$\qquad$
$\qquad$
f) Are the subject lands subject to the Parkway Belt West Plan?
$\square$ Yes
If yes, is the proposal in conformity with the Parkway Belt West Plan?
$\square$ Yes
No
(Provide Explanation)
$\qquad$
$\qquad$
g) Are the subject lands subject to the Greenbelt Plan?
$\square$ Yes


If yes, does this application conform with the Greenbelt Plan?Yes No
(Provide Explanation)
$\qquad$
$\qquad$

## 8 HISTORY OF THE SUBJECT LAND

8.1 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
$\square$ 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.

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?Yes $\square$ 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?

Mow long has the applicant 2018
8.5 Does the applicant own any other land in the City?

YesNo
If YES, describe the lands in "11-Other Information" or attach a separate page.

9 OTHER APPLICATIONS
9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? $\qquad$
$\square$Unknown

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?


If YES, and if known, specify file number and status of the application(s).
File number $\qquad$ Status $\qquad$

10 RURAL APPLICATIONS
10.1 Rural Hamilton Official Plan Designation(s)

| $\square$ Agricultural | $\square$ Rural | $\square$ Specialty Crop |
| :--- | :--- | :--- |
| $\square$ Mineral Aggregate Resource Extraction | $\square$ Open Space | $\square$ Utilities |
| $\square$ 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 AdditionRural Institutional Severance or Lot Addition
$\square$ Surplus Farm Dwelling Severance from an
$\square$ Surplus Farm Dwelling Severance from a
(Complete Section 10.5) Non-Abutting Farm Consolidation

### 10.3 Description of Lands

a) Lands to be Severed:

| Frontage (m): (from Section 4.1) | Area (m${ }^{2}$ or ha): (from in Section 4.1) |
| :--- | :--- |

Existing Land Use: $\qquad$ Proposed Land Use: $\qquad$
b) Lands to be Retained:

| Frontage (m): (from Section 4.2) | Area (m2 or ha): (from Section 4.2) |
| :--- | :--- |

10.4 Description of Lands (Abutting Farm Consolidation)
a) Location of abutting farm:
(Street) (Municipality) (Postal Code)
b) Description abutting farm:

| Frontage (m): | Area (m2 or ha): |
| :--- | :--- |

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

| Frontage (m): | Area (m2 or ha): |
| :--- | :--- |

Existing Land Use: $\qquad$ Proposed Land Use: $\qquad$
d) Description of surplus dwelling lands proposed to be severed:

| Frontage (m): (from Section 4.1) | Area (m2 or ha): (from Section 4.1) |
| :--- | :--- |

Front yard set back: $\qquad$
e) Surplus farm dwelling date of construction:
$\square$ Prior to December 16, $2004 \quad \square$ After December 16, 2004
f) Condition of surplus farm dwelling:
$\square$ Habitable
$\square \quad$ Non-Habitable
g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| Frontage (m): (from Section 4.2) | Area (m2 or ha): (from Section 4.2) |
| :--- | :--- |

### 10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm
(Street) (Municipality) (Postal Code)
b) Description of non-abutting farm

| Frontage (m): | Area (m2 or ha): |
| :--- | :--- |
| Existing Land Use (s): $\quad$ Proposed Land Use (s): |  |

c) Description of surplus dwelling lands intended to be severed:

| Frontage (m): (from Section 4.1) | Area (m2 or ha): (from Section 4.1) |
| :--- | :--- |

Front yard set back: $\qquad$
d) Surplus farm dwelling date of construction:
$\square$ Prior to December 16, 2004
After December 16, 2004
e) Condition of surplus farm dwelling:
$\square$ Habitable
$\square$ Non-Habitable
f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

| Frontage (m): (from Section 4.2) | Area (m2 or ha): (from Section 4.2) |
| :--- | :--- |

Existing Land Use: $\qquad$ Proposed Land Use: $\qquad$

## 11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.


## 12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:
(a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
(b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
(c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
(d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
(e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
i) are located on the subject land an on land that is adjacent to it, and
ii) in the applicant's opinion, may affect the application;
(f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
(g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private


[^0]:    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.

