



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>B-24:13</b>	<b>SUBJECT PROPERTY:</b>	50 East St. N., Dundas
-------------------------	----------------	--------------------------	------------------------

**APPLICANTS:** Owner: S. Du, X. Jiao, G. Du  
Agent: S. Du and G. Gu

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land for a new residential building lot, the existing dwelling to be partially removed to facilitate the severance.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	20.35 m <sup>±</sup>	12.24 m <sup>±</sup>	248 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	20.36 m <sup>±</sup>	12.24 m <sup>±</sup>	248 m <sup>2±</sup>

Associated Planning Act File(s): N/A

**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:

<b>DATE:</b>	<b>Tuesday, April 23, 2024</b>
<b>TIME:</b>	<b>1:40 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so

## B-24:13

via email or hardcopy. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. Written comments must be received no later than noon, **April 19, 2024**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

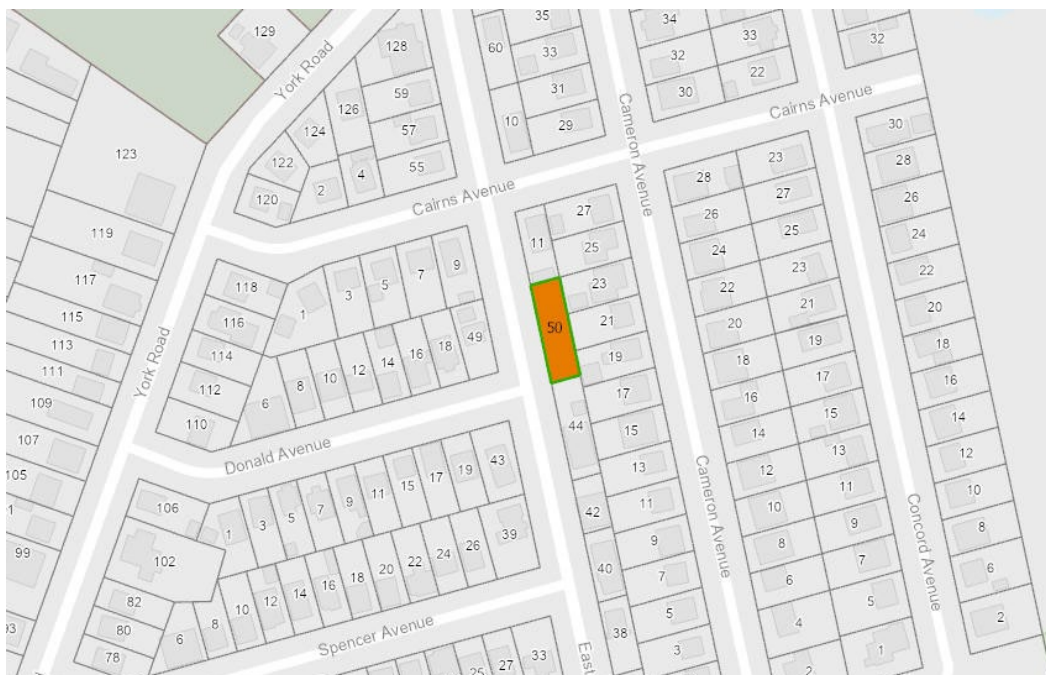
**Orally:** If you would like to speak to this item at the hearing you may do so by attending in person. Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing, as noted above.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:13, you must submit a written request to [cofa@hamilton.ca](mailto: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 the Notice of Decision of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



 **Subject Lands**

**B-24:13**

DATED: April 4, 2024

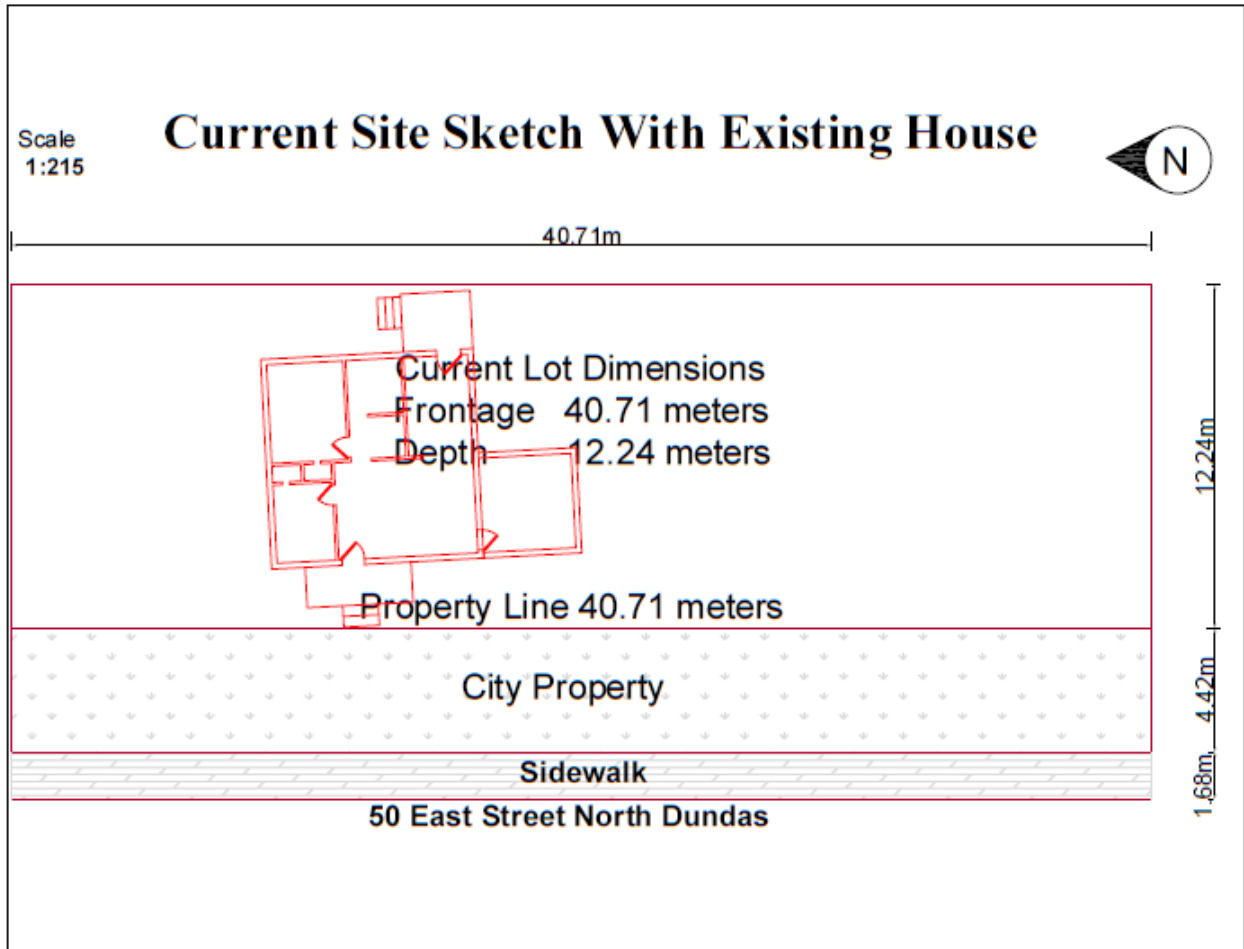
---

Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

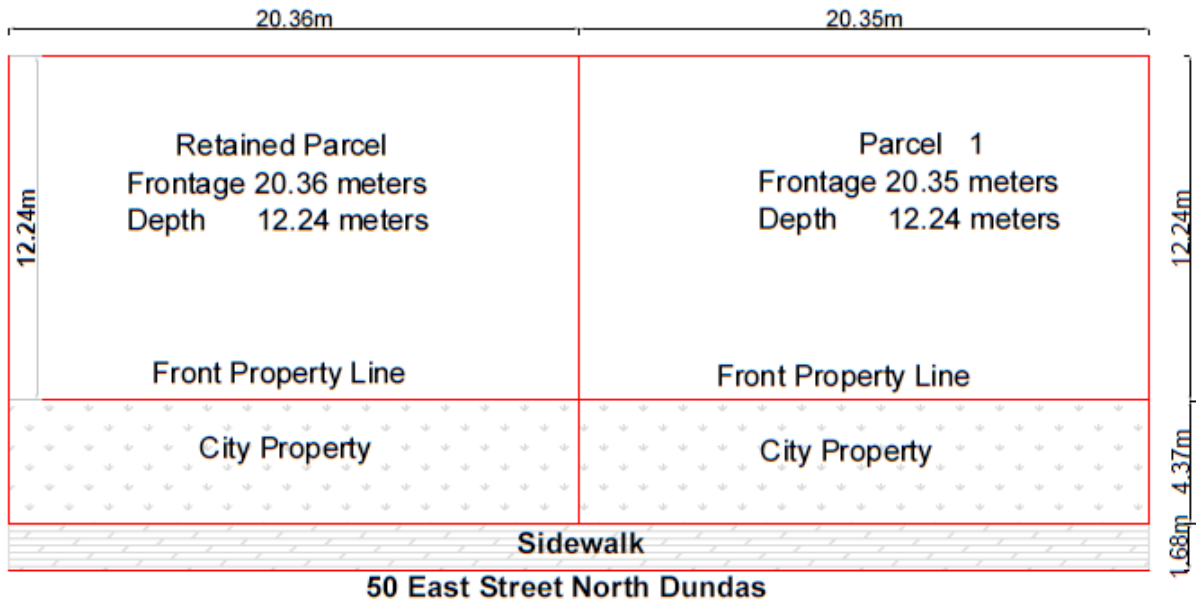
If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land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

Attached Sketch as following:



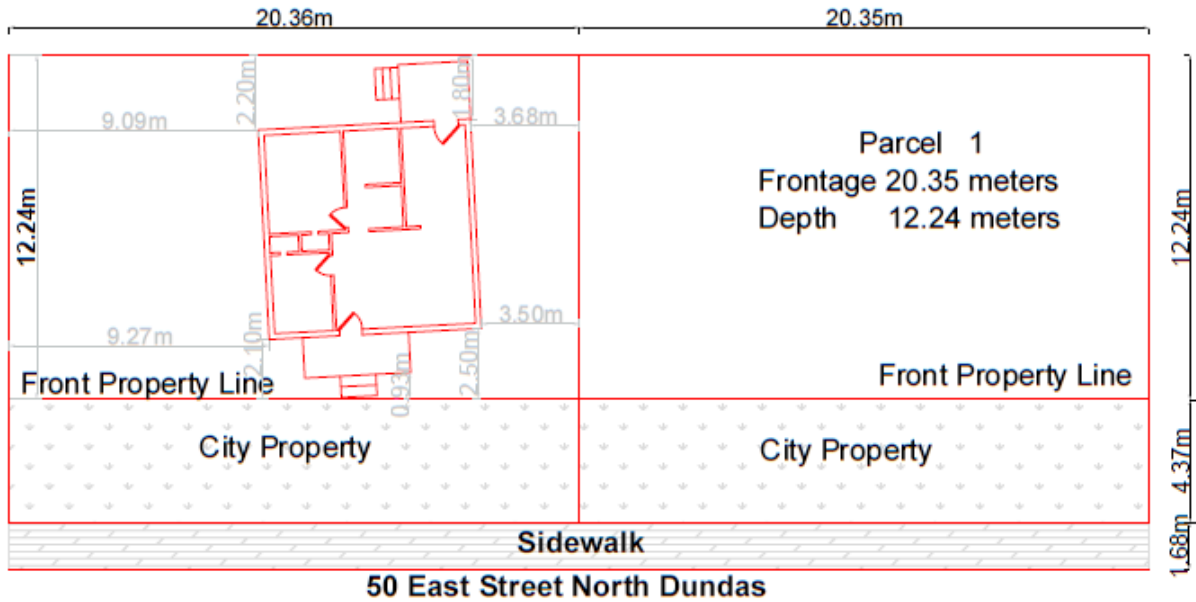
# Proposed Sever Plan

Scale  
1:215



# Proposed Sever Plan With Existing House

Scale  
1:215



Property Owner:

Shujin Du

*shujin du*

Xiujun Jiao

*Xiujun Jiao*

Guangyu Du

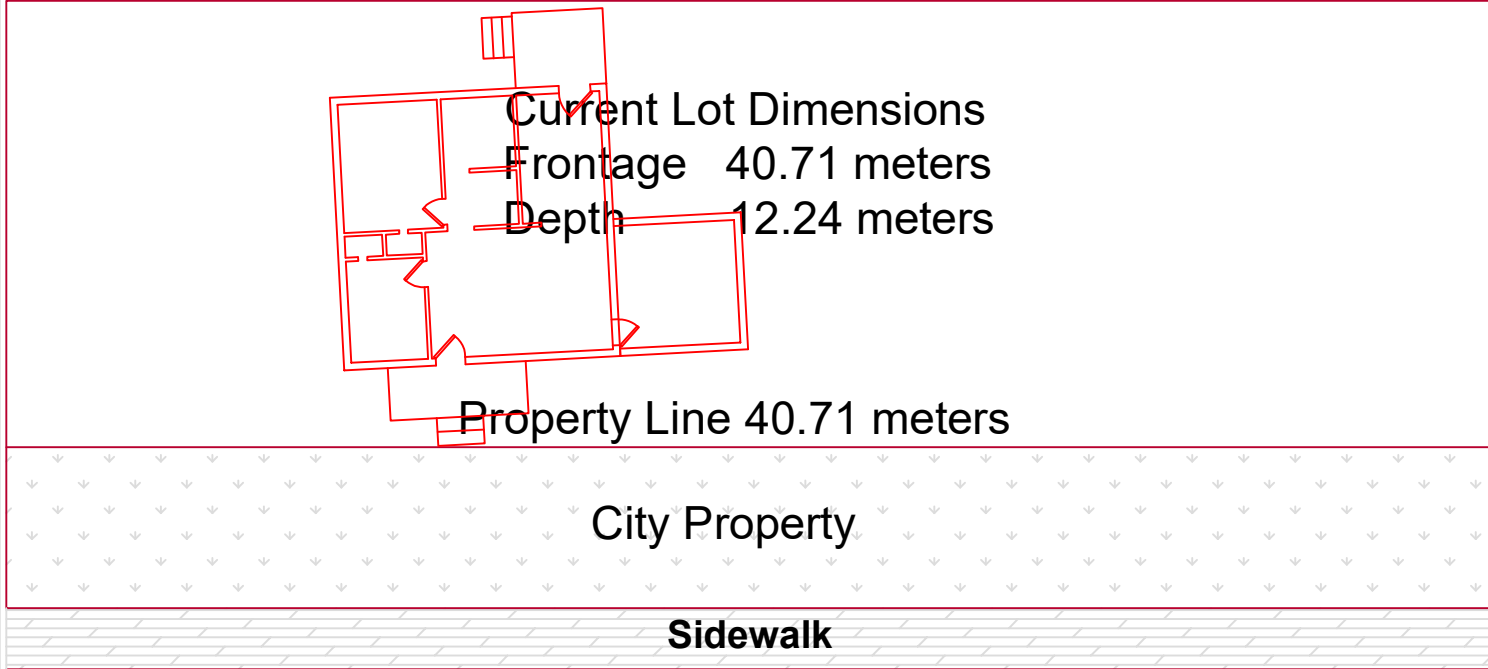
*Guangyu Du*

Scale  
1:215

# Current Site Sketch With Existing House



40.71m



Current Lot Dimensions  
Frontage 40.71 meters  
Depth 12.24 meters

Property Line 40.71 meters

City Property

Sidewalk

50 East Street North Dundas

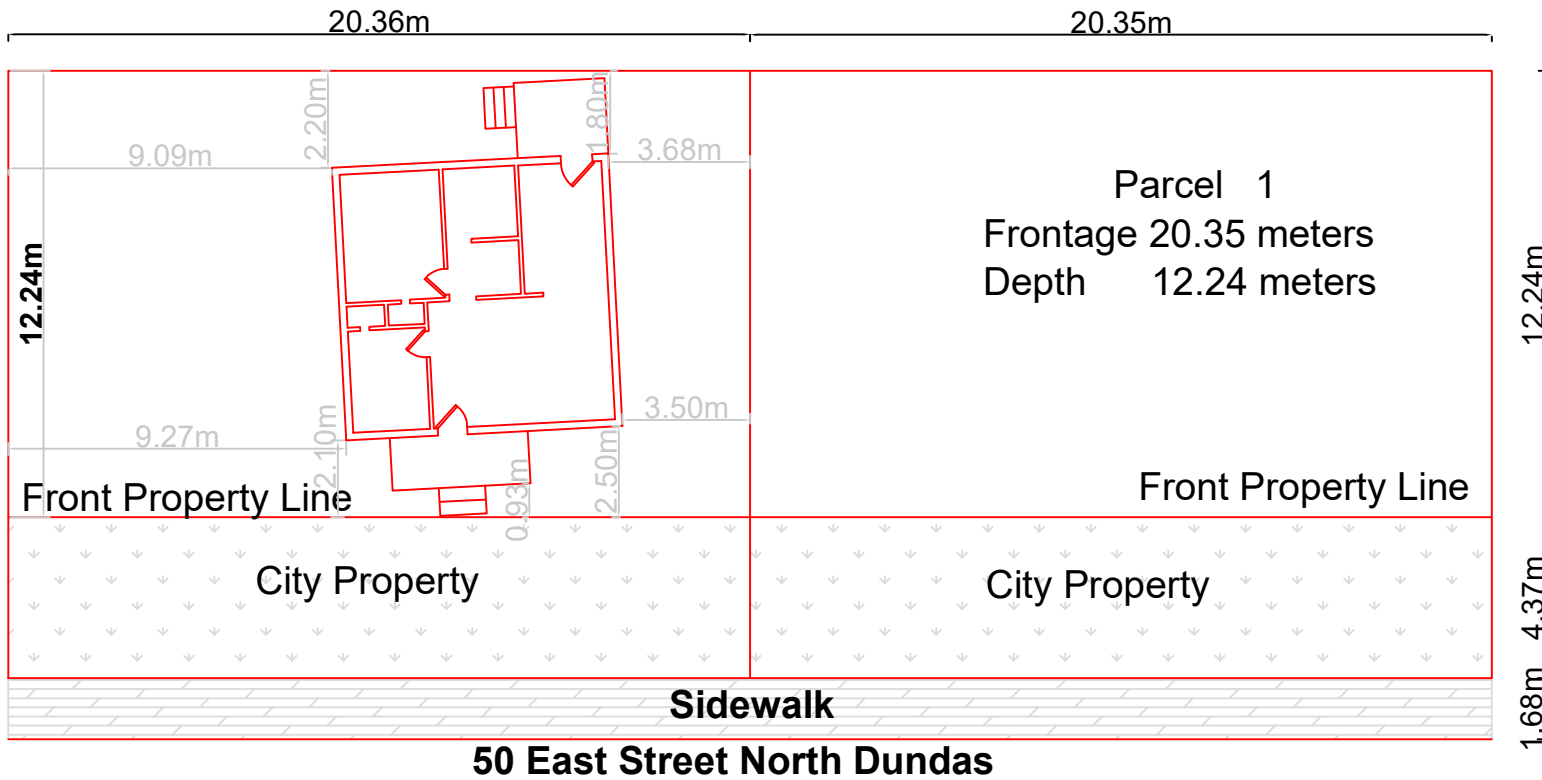
12.24m  
4.42m  
1.68m





# Proposed Sever Plan With Existing House

Scale  
1:215



February 26, 2024

To whom it may concern,

I am applying to sever my lot at 50 East Street North in Hamilton into two equal width residential building lots, to build a home for my son next to my own.

Our Lot measurement showing 40.71 metres frontage, and 12.24 metres depth. There is a 4.42 meters strip of city property between our lot and the 1.68 metres wide city sidewalk. See attached "Exitsing\_Site\_Sketch.pdf".

Accounting city by-law, to have two R2 residential building lots, I would have to have a minimum of 450 square metres and minimum 15 metres of frontage per lot. Once severed into two equal width lots, the two new lot frontage will be 20.35 metres, exceeding the minimum requirement of 15 metres. Regrettably, the two new lots won't be able to reach 450 metres in area. If this existing lot were not a century old and old-fashionedly shallow, each new lot would easily surpass the 450 square metre minimum requirement. And as the two severed lots would comfortably surpass the minimum width, the charming and uncrowded aesthetics of the street would be unaffected, if not elevated, by the construction of a new and well-built home. See attached "Proposed\_Sever\_Sketch.pdf" .

In the many years since the dimensions of 50 East Street North and its neighbours were originally drawn, changes in by-law requirements have made a lot such as mine a thing of the past. By today's standards, even the current, unsevered lot has insufficient front yard setback and backyard depth, which are issues it shares with a number of its neighbours on the street. The proposed, severed lots would also not be the first houses in the neighbourhood to have an area of less than 450 square meters. To name a few examples in the immediate vicinity and their lot sizes:

40 East St N: 348 square meters;

42 East St N: 272 square meters;

31 Hunter St: 346 square meters;

49 East St N: 400 square meters;

11 Cairns Ave: 373 square meters.

Please allow me to apply for variance approval for a building lot of less than 450 square meters, with front yard less than 6 metres deep, and a backyard less than 7.5 metres deep.

**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**

	<b>NAME</b>	<b>MAILING ADDRESS</b>
<b>Purchaser*</b>		
<b>Registered Owners(s)</b>	Shujin Du Xiujun Jiao Guangyu Du	
<b>Applicant(s)**</b>	Shujin Du Guangyu Du	
<b>Agent or Solicitor</b>		

\*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 Primary contact  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.

1.6 Payment type

In person

Credit over phone\*

Cheque 519-702-6400

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	50 East St. N Dundas, ON L9H 1N8		
Assessment Roll Number	251826023019200		
Former Municipality	Dundas		
Lot	48	Concession	
Registered Plan Number	Plan 750	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)

creation of a new lot(s)

addition to a lot

an easement

validation of title (must also complete section 8)

cancellation (must also complete section 9)

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)

concurrent new lot(s)

a lease

a correction of title

a charge

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Guangyu Du, Xiujun Jiao

3.3 If a lot addition, identify the lands to which the parcel will be added:

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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Current	Sever 1			
Type of Transfer	N/A				
Frontage	20.36 m	20.35 m			
Depth	12.24 m	12.24 m			
Area	248.5 m <sup>2</sup>	248.5 m <sup>2</sup>			
Existing Use	Residence	Residence			
Proposed Use	Residence	Residence			
Existing Buildings/ Structures	Bungalow no garage				
Proposed Buildings/ Structures	Future 2 storey 2 car garage	2 storey house 2 car garage			
Buildings/ Structures to be Removed	Partial Remove addiction				

\* Additional fees apply.

##### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year

- right of way  
 other public road

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

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify) \_\_\_\_\_

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify) \_\_\_\_\_

##### 4.3 Other Services: (check if the service is available)

- electricity     
  telephone     
  school bussing     
  garbage collection

#### 5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods (Cootes Paradise)

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

Severance to create another residential lot, conforms with Neighbourhoods Designation and also R2 Zoning.

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? R2

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.

\_\_\_\_\_

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

## 6 HISTORY OF THE SUBJECT LAND

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes  No  Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

---

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

---

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes  No

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

---

6.4 How long has the applicant owned the subject land?

10 months

---

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)

---

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

Yes  No (Provide explanation)

---

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

Yes  No (Provide explanation)

---

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 <sup>2</sup> or ha):
---------------	------------------------------

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 <sup>2</sup> or ha):
---------------	------------------------------

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 <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

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

---

---