

**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-24:18</b>	<b>SUBJECT PROPERTY:</b>	137 Peter Street, Hamilton
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**APPLICANTS:** Owner: Andrew McAllister, Clair Fleming and Jennifer Michelle Legare  
Agent: Amy Talukder and Jeff Jansen (Jansen Consulting)

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land containing one half of a semi-detached dwelling, and to retain a parcel of land containing one half of a semi-detached dwelling. Semi-detached dwelling under construction.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	7.8 m <sup>±</sup>	15.7 m <sup>±</sup>	139 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	8.2 m <sup>±</sup>	15.7 m <sup>±</sup>	132 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): HM/A-21:51, HM/A-22:213

**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, May 21, 2024</b>
<b>TIME:</b>	<b>1:15 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></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)

## **B-24:18**

- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

## **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, written comments must be received no later than noon **May 17, 2024**

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **May 17, 2024**

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:18, 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.



DATED: May 2, 2024

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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.

## **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 advance of the meeting. 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. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

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

### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### **1. Virtual Oral Submissions**

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by 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 one business day before the Hearing. Only those registered will be called upon to speak.

#### **2. In person Oral Submissions**

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 on the Notice of Public Hearing.

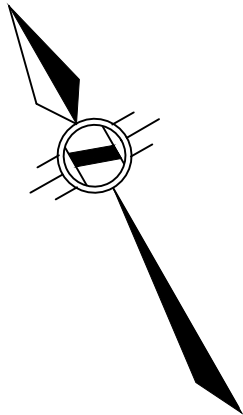
We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-977-1654.

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 SEVERANCE APPLICATION  
OF PART OF  
LOT 12  
REGISTERED PLAN No. 57  
IN THE  
CITY OF HAMILTON



R.A. McLAREN, O.L.S. – 2024



NOTE:

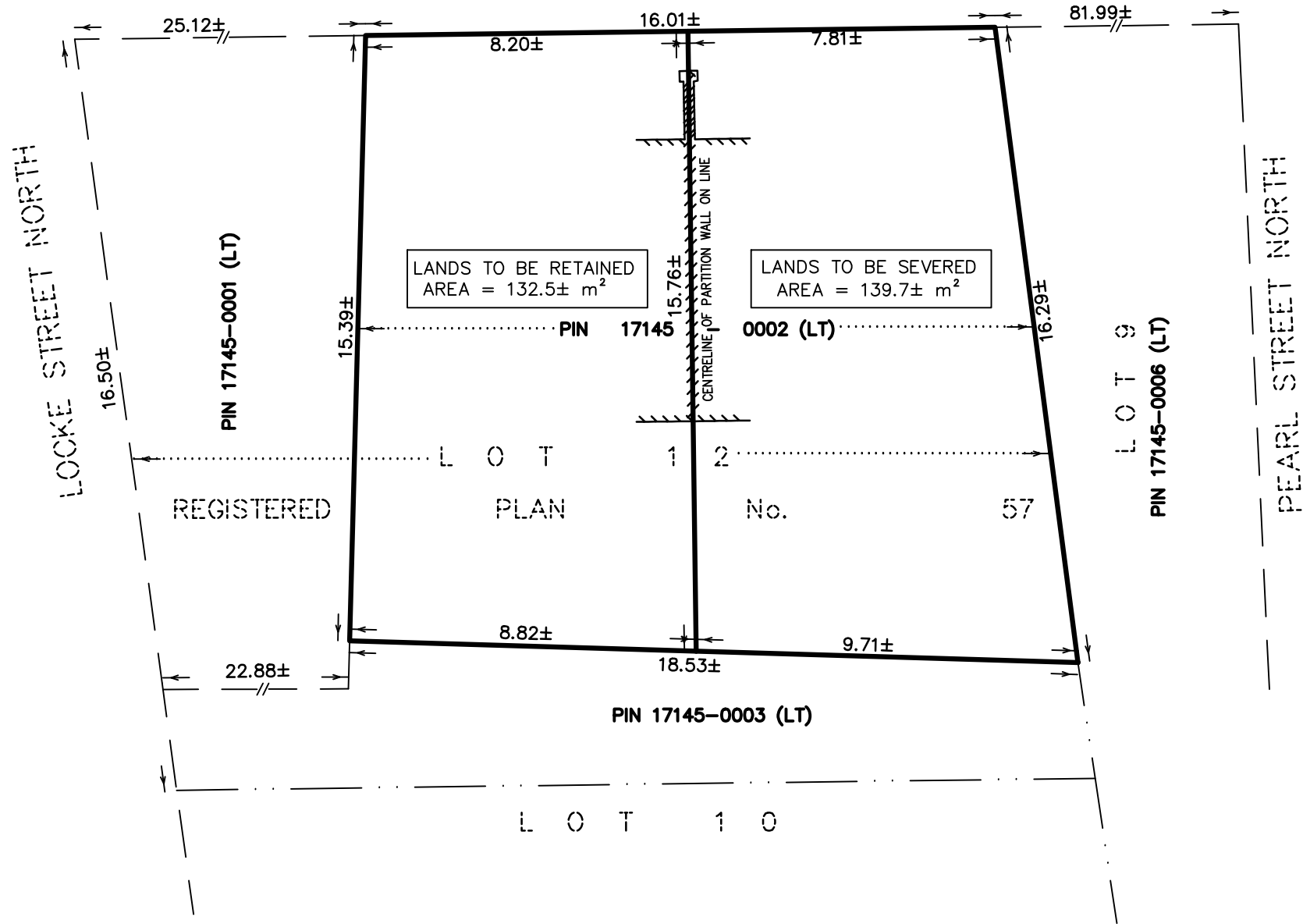
DISTANCES SHOWN ON THIS  
PLAN WERE DERIVED FROM  
PLAN BY A.T. McLAREN LTD.  
DATED JANUARY 10, 2024.

CAUTION:

- A) THIS IS NOT A PLAN OF  
SURVEY AND SHALL NOT BE  
USED EXCEPT FOR THE  
PURPOSE INDICATED IN THE  
TITLE BLOCK.
- B) THIS PLAN IS PROTECTED  
BY COPYRIGHT ©

PETER STREET

(FORMERLY MAIN STREET, BY REGISTERED PLAN 1435)



METRIC NOTE

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



KEY MAP NOT TO SCALE

137 PETER STREET

© R.A. McLAREN, O.L.S. – 2024. NO PERSON MAY COPY  
REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN  
PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

**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 MN	Checked RAM	Crew Chief SM	Scale 1:150	Dwg.No. 35723-SK
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SITE PLAN OF  
LOT 12  
REGISTERED PLAN No. 57  
CITY OF HAMILTON

LEGEND

HT	DENOTES HYDRO TRANSFORMER	R.W.L.	DENOTES RAIN WATER LEADERS DIRECTION & SPLASH PADS ENTRY POINTS INTO BUILDING
MH	DENOTES MANHOLE	→	DIRECTION OF SURFACE FLOW
CB	DENOTES SINGLE CATCHBASIN	F.F.	FINISHED MAIN FLOOR
HP	DENOTES HYDRO POLE	F.F.D.S.	DROPPED OR SUNKEN FLOOR
LS	DENOTES LIGHT STANDARD	T.F.W.	TOP OF FOUNDATION WALL
SGN	DENOTES SIGN	F.B.S.	FINISHED BASEMENT SLAB
TM	DENOTES TELEPHONE CABLE MARKER	U.S.F.	UNDERSIDE OF FOOTING
PD	DENOTES TELEPHONE PEDESTAL	U.S.F.G	UNDERSIDE OF FOOTING GARAGE
WV	DENOTES WATER VALVE MAIN SHUT OFF	U.S.F.T.	UNDERSIDE OF FTD. TRENCHED FOR WALKOUTS, LOOKOUTS
WB	DENOTES WATER BOX/ CURB STOP		
FH	FIRE HYDRANT		
GM	GAS METER	EF	ENGINEERED FILLED LOT
OH	DENOTES OVERHEAD HYDRO WIRE	HP	HIGH POINT OF GRADE
UW	DENOTES UNDERGROUND HYDRO WIRE	R	NUMBER OF RISERS
T	DENOTES OVERHEAD TELEPHONE WIRE	WO	WALKOUT CONDITION
C	DENOTES UNDERGROUND GAS LINE	LO	LOOKOUT CONDITION
OT	DENOTES OVERHEAD OR UNDERGROUND CABLE T.V.	REV	REVERSE PLAN
B	DENOTES BELL UNDERGROUND OR OVERHEAD	W	WINDOWS OR DOORS ON WALL
B	BELL PEDESTAL	OSP	SUMP PUMP
TV	CABLE T.V. PEDESTAL	(00.00)	DENOTES NEW GRADES
MB	MAILBOX	00.00	DENOTES EXISTING GRADES
SAN. INV.	SANITARY CONNECTION / INVERT	⊕	DENOTES BENCHMARK
STM. INV.	STORM CONNECTION / INVERT	⊗	DENOTES DECIDUOUS TREE DIA = DENOTES DIAMETER
W	WATER SERVICE	⊗	DENOTES CONIFEROUS TREE DIA = DENOTES DIAMETER
X	CHAIN LINK FENCE	FY	FRONT YARD AREA
XX	PRIVACY FENCE	LA	PROP. LANDSCAPED OPEN SPACE (MIN. 40%)

GENERAL NOTES :

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT THE LOCAL BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND THAT THE RELATIVE ELEVATIONS AND DESCRIPTIONS AGREE WITH THE INFORMATION SHOWN ON THIS PLAN.

IT SHALL BE RESPONSIBILITY OF THE BUILDERS TO HAVE ALL GRADES VERIFIED AND CHECKED BEFORE CONSTRUCTION BY AN APPROVED GRADING ENGINEER. THESE GRADES AND THE PLACEMENT OF STORMS AND SANITARY SERVICES OFF THE STREET ARE TO MEET THE REQUIREMENT OF THE MUNICIPALITY HAVING JURISDICTION.

JANSEN CONSULTING IS TO BE NOTIFIED PROMPTLY OF ANY DISCREPANCIES AT LEAST ONE WEEK BEFORE EXCAVATION COMMENCES IN ORDER THAT THE BUILDING CAN BE RE-SITED. FAILURE TO OBSERVE THESE CONDITIONS MAY REQUIRE EXPENSIVE REMEDIAL ACTION THAT WILL NOT BE THE RESPONSIBILITY OF JANSEN CONSULTING. FOUNDATIONS WALLS SHALL BE POURED TO A MINIMUM OF 4" ABOVE THE APPROVED GRADES.

FINISH GRADE LINES AS INDICATED ON THE HOUSE PROTOTYPE.

GARAGE FOOTINGS ARE TO BE EXTENDED TO ORIGINAL GROUND OR AS APPROVED BY SOILS ENGINEER.

GRADING NOTES:

- EXISTING DRAINAGE OF ABUTTING LANDS IS NOT TO BE DISTURBED.
- BASEMENT OPENINGS TO BE MINIMUM 300MM ABOVE THE CENTERLINE OF ROAD UNLESS OTHERWISE APPROVED BY THE CITY'S ENGINEER.
- GROUND ELEVATIONS AT BUILDINGS ABUTTING OVERLAND FLOW ROUTES ARE TO BE 225 ABOVE OVERLAND FLOW ROUTE ELEVATIONS.
- SUMP PUMP MUST DISCHARGE DIRECTLY INTO MUNICIPAL STORM SEWER OR TO GRADE.
- A MINIMUM OF 150MM (6") FROM THE TOP OF FOUNDATION TO THE FINISHED GRADE OUTSIDE THE BUILDING MUST BE PROVIDED, TYP.
- THE FINISHED FLOOR ELEVATION, UNDERSIDE OF FOOTING ELEVATION, BASEMENT WINDOW SILL ELEVATION, ETC. ARE TO BE CONFIRMED BY THE CONTRACTOR IN CONSULTATION WITH THE BUILDING DESIGNER, BASED ON THE MIN. TOP OF FOUNDATION ELEVATION PROVIDED.

SBM NOTES

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MINIMUM STANDARDS & SPECIFICATIONS OF THE CITY OF HAMILTON & THE CURRENT EDITION OF THE ONTARIO BUILDING CODE.
- STRIK, BALDINELLI, MONIZ LTD. (SBM) IS NOT RESPONSIBLE FOR THE INFORMATION (EXIST. TOPOGRAPHY, BENCHMARKS, PROPERTY BOUNDARY, ETC.) PROVIDED BY OTHERS.
- SEALED FOR LOT GRADING DESIGN ONLY.
- SBM PROJECT NUMBER SBM-22-1946

ENGINEER'S CERTIFICATE:

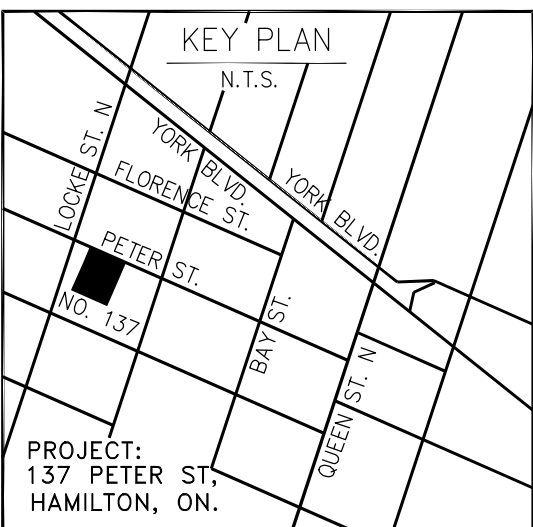
I HEREBY CERTIFY THAT THE PROPOSED GRADING AND APPURTENANT DRAINAGE WORKS COMPLY WITH SOUND ENGINEERING DESIGN AND THAT THE PROPOSED GRADING IS COMPATIBLE WITH EXISTING DRAINAGE PATTERNS ON & ACROSS THESE LANDS & THE ADJOINING LANDS OR APPLICABLE TOWN BY-LAWS.

SBM GRADING NOTES

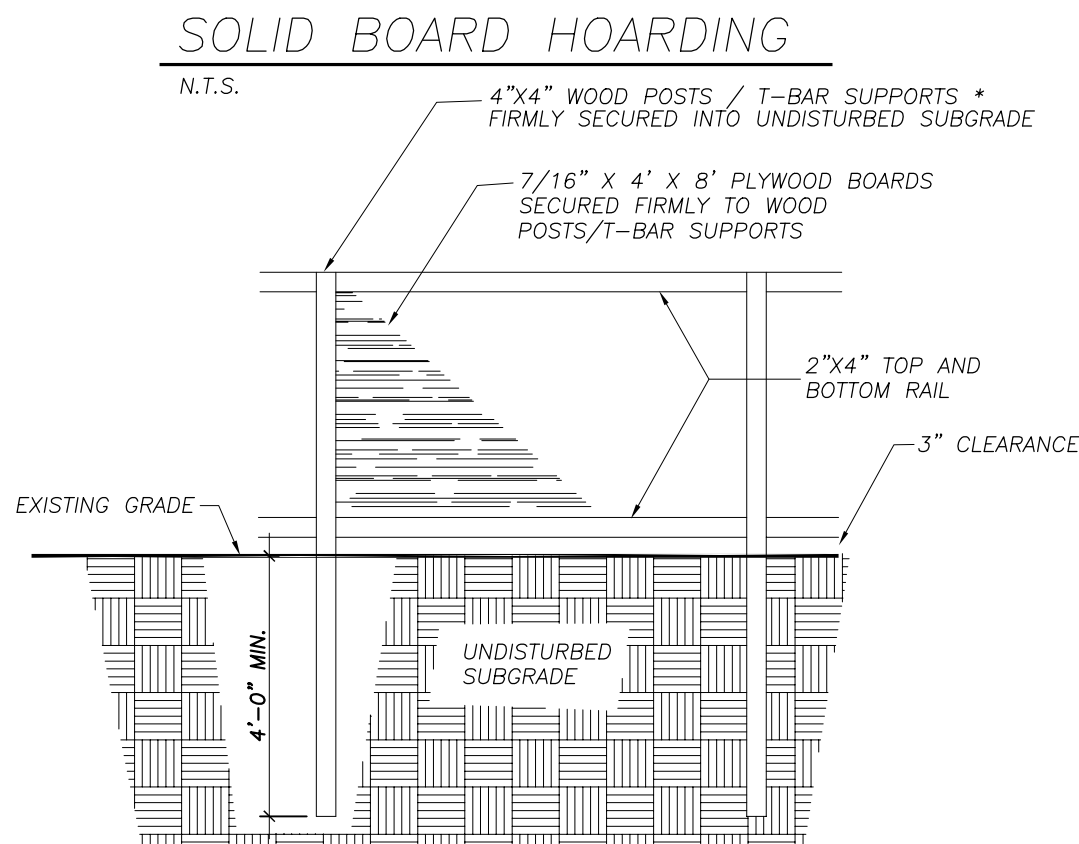
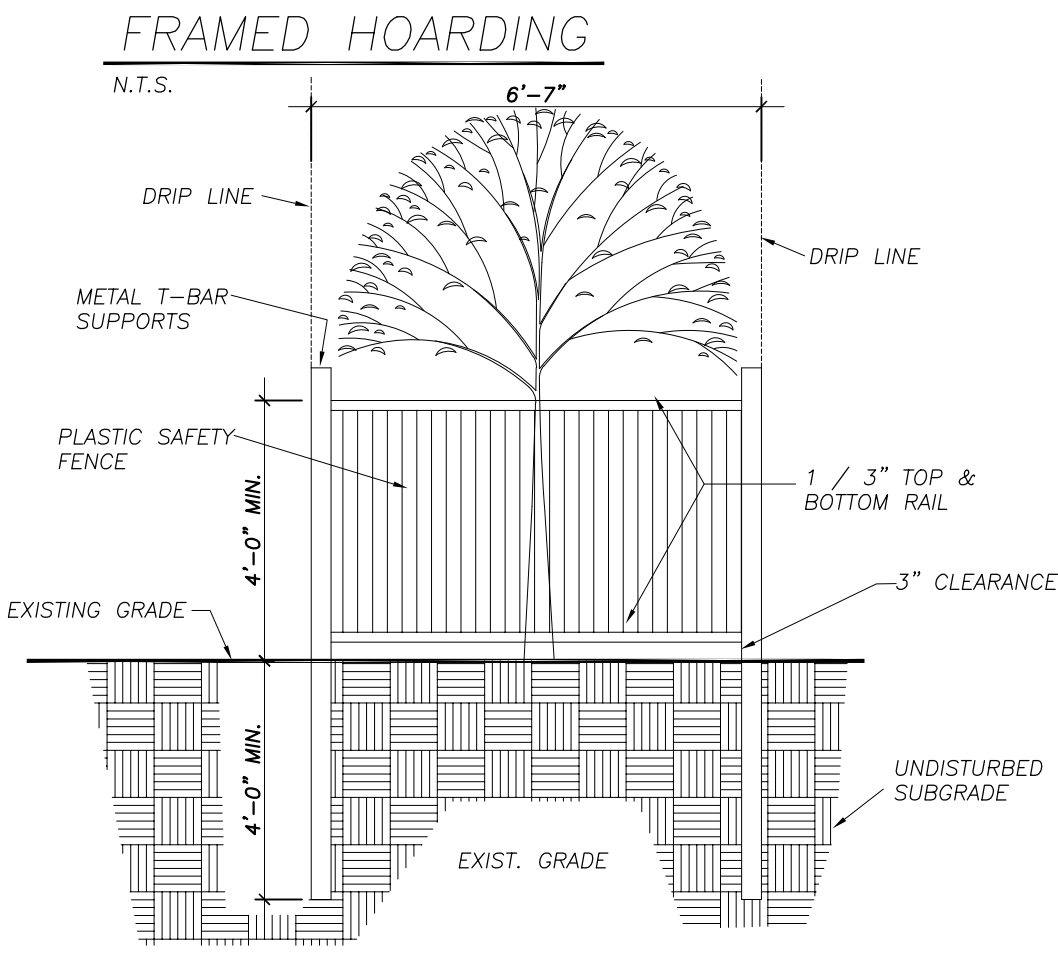
- EXISTING DRAINAGE OF ABUTTING LANDS IS NOT TO BE DISTURBED.
- BASEMENT OPENINGS TO BE MINIMUM 300mm ABOVE CENTRE LINE OF ROAD UNLESS OTHERWISE APPROVED BY THE TOWN OF MILTON.
- GROUND ELEVATIONS AT BUILDINGS ABUTTING OVERLAND FLOW ROUTES ARE TO BE 225mm ABOVE OVERLAND FLOW ROUTE ELEVATIONS.
- SUMP PUMP MUST DISCHARGE TO GRADE & BE DIRECTED TO REAR YARD.
- A MINIMUM 150mm (6") FROM THE TOP OF FOUNDATION TO THE FINISHED GRADE OUTSIDE THE BUILDING MUST BE PROVIDED, TYP.
- THE FINISHED FLOOR ELEVATION, UNDERSIDE OF FOOTING ELEVATION, BASEMENT WINDOW SILL ELEVATION, ETC. ARE TO BE CONFIRMED BY THE CONTRACTOR IN CONSULTATION WITH THE BUILDING DESIGNER, BASED ON THE MIN. TOP OF FOUNDATION ELEVATION PROVIDED. ASSUMES 1.26m (4'-2") FOUNDATION WALL POURED HEIGHT AT FRONT OF BUILDING AND 1.88m (6'-2") FOUNDATION WALL POURED HEIGHT AT REAR OF BUILDING, 0.076m (3") FLOOR SLAB ON GRADE & 0.15m (6") FOOTING DEPTH. CONTACT SBM ENGINEERING FOR CLARIFICATION, IF REQUIRED.
- CONFIRM ELEVATION OF SANITARY PDC TO DETERMINE UNDERSIDE OF FOOTING ELEVATION.

NOTE: ALL FOOTINGS TO HAVE A MINIMUM OF 4' FROST COVER.

SEALED FOR GRADING DESIGN ONLY.



---	SILTATION FENCING
---	TREE HOARDING
OW	OVERHEAD WIRE
---	TOP OF BANK
W	BURIED WATER SERVICE
SAN	BURIED SANITARY SERVICE



OLD GAS LINE TO BE TERMINATED AT MAIN LINE BY UNION GAS	PART - 3 NEW SANITARY PROPOSED 125 MM PVC SDP-28 SAN. LATERAL @ 2% MIN. SLOPE	NO OPEN BURNING PERMITTED
NEW GAS LINE TO BE INSTALLED TO DWELLING	PART - 3 NEW WATER 25 MM WATER TAP "K" TYPE COPPER	
HYDRO TO BE DISCONNECTED AT DEMOLITION STAGE & INSTALL NEW OVERHEAD SERVICE TO NEW DWELLINGS	APPLICANT MUST CONTACT HALTON REGION TO HAVE WATER TURNED OFF AND METER REMOVED PRIOR TO DEMOLITION. ANY NEW CONSTRUCTION REQUIRES SERVICE PERMIT FROM REGION	
NEW WATER LINE FROM WATER BOX INTO HOUSE 3/4" DIA. LINE IF REQUIRED REGION INSPECTIONS RERO'D.		

NOTE: ALL LOCATES WILL BE OBTAINED PRIOR TO THE INSTALLATION OF ANY HOARDING WITHIN MUNICIPAL RIGHT OF WAY

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

I, JEFF JANSEN DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF JANSEN CONSULTING UNDER DIVISION C, SUBSECTION 3.2.5 AND 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED SET OUT BY THE O.B.C.  
QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042  
DATE: JUN 27/22 SIGNATURE:



70 Main Street N., P.O. Box 38  
Campbellville, ON, L0P 1B0  
Ph. 905-854-9696  
Fax 905-854-9559  
Cell 905-815-3438  
EMAIL: jeffjansendesign@gmail.com

TYPE : H-068

PROJECT :  
S1  
LOCATION :  
HAMILTON

OWNERS INFORMATION :  
ANDREW & BLAIR  
137 PETER STREET  
HAMILTON, ON

GRADING PLAN

SCALE	DATE	PROJECT NO.
H200	JUN 27/22	2021-068
DRAWN BY	CHECKED BY	DRAWING NO.
SM	SM	S1
FILE NAME		
NO.	DATE	DESCRIPTION
		REVISIONS



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

## **COMMITTEE OF ADJUSTMENT**

### **DECISION OF THE COMMITTEE**

**APPLICATION NO. HM/A-21:51**  
**SUBMISSION NO. A-51/21**

**APPLICATION NO.:** **HM/A-21:51**

**APPLICANTS:** Agent GSP Group  
Owners B. Fleming & A. McAllister

**SUBJECT PROPERTY:** Municipal address **137 Peter St., Hamilton**

**ZONING BY-LAW:** Zoning By-law 6593, as Amended 19-307

**ZONING:** "D/S-1787" (Urban Protected Residential - 1 & 2 Family  
Dwellings, etc.) district

**PROPOSAL:** To permit the construction of a new two and a half storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.0 metre shall be permitted instead of the minimum 6.0 metre front yard depth required.
2. A minimum rear yard depth of 5.5 metre shall be permitted instead of the minimum 7.5m rear yard depth required.
3. A minimum manoeuvring aisle width of 2.7 metre shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required.
4. The front yard landscaped area shall be a minimum of 46.9% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area.
5. A minimum lot area of 272.0 square metres shall be permitted instead of the minimum 540.0 square metres lot area required for a two-family dwelling.
6. A minimum lot width of 17.4 metres shall be permitted instead of the minimum 18.0 metres lot width required for a two-family dwelling.
7. A canopy may be permitted to be located as close as 0.39 metres from the street line instead of the minimum 1.5 metres setback required.

**NOTE:**

1. The finished level of the garage floor shall be a minimum of 0.3m above grade. Insufficient details were provided from which to confirm compliance; as such, further variances may be required.
2. Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

3. The proposed balcony/deck in the rear yard is indicated as projecting into the current required rear yard (i.e. 7.5 metres) 3.0 metres, and is distanced 4.5 metres from the rear lot line. As per Section 18(3)(cc), a balcony is permitted to project into a required rear yard not more than 1.0 metre. Should Variance No. 2 above, regarding a reduction of the minimum required rear yard to 5.5 metres, the proposed balcony/deck would project 1.0 metre into the reduced rear yard and would therefore comply with Section 18(3)(cc).

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out in paragraph three above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**DATED AT HAMILTON** this 12th day of August, 2021.

\_\_\_\_\_  
D. Smith (Chairman)

\_\_\_\_\_  
D. Serwatuk

\_\_\_\_\_  
L. Gaddy

\_\_\_\_\_  
M. Dudzic

\_\_\_\_\_  
B. Charters

\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
T. Lofchik

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
M. Smith

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **September 1, 2021**.

**NOTE: This decision is not final and binding unless otherwise noted.**



**NOTE:**

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."



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

September 2, 2021

GSP GROUP INC  
BRENDA KHES  
162 LOCKE STREET S Suite 200,  
HAMILTON, Ontario, L8P 4A9

Dear Madam:

**Re: Application No. HM/A-21:51**  
**Address: 137 Peter St.**

Pursuant to Subsection 14 of Section 45 of The Planning Act, 1990 notice is herewith given that the period of appeal provided for in Subsection 12 of Section 45 of the said Act has expired and no such appeal has been filed.

Therefore in accordance with Subsection 14 of Section 45 the decision of the Committee is now final and binding.

Yours very truly,

Jamila Sheffield  
Secretary-Treasurer

**NOTICE OF DECISION**  
**Minor Variance**

<b>APPLICATION NO.:</b>	<b>HM/A-22:213</b>	<b>SUBJECT PROPERTY:</b>	137 PETER STREET, HAMILTON
<b>ZONE:</b>	"D/S-1787" (Urban Protected Residential – 1 & 2 Family Dwellings etc.)	<b>ZONING BY-LAW:</b>	Zoning By-law 6593, as Amended 19-307

**APPLICANTS:** BLAIR FLEMING  
GSP GROUP INC. - JOSEPH LIBERATORE

The following variances are **GRANTED**:

1. A minimum side yard width of 1.2 metres shall be permitted instead of the minimum 2.7 metre side yard width required.

**Notes:**

1. Please note that this application is subsequent to Minor Variance Application No. HM/A-21:51, applicable to the proposed development, which was granted by the Committee on August 12, 2021, and became final and binding on September 2, 2021.
2. Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

**THE DECISION OF THE COMMITTEE IS:**

That the variances, as set out above, are **GRANTED** for the following reasons:

1. The Committee, having regard to the evidence, is of the opinion that the relief granted is of a minor nature.
2. The relief granted is desirable for the appropriate development of the land and building and is consistent with the general intent and purpose of the By-laws and the Official Plans as referred to in Section 45 of The Planning Act, 1990.
3. The Committee, having regard to the evidence, is satisfied that there will be no adverse impact on any of the neighbouring lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

DATED AT HAMILTON, July 28, 2022.

---

D. Smith (Chairman)

---

B. Charters

M. Switzer

---

L. Gaddye

T. Lofchik

---

N. Mleczko

D. Serwatuk

---

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **August 17, 2022**
2. **This decision is not final and binding unless otherwise noted.**





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

Telephone (905) 546-2424, ext. 4221, 3935

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

August 18, 2022

GSP GROUP INC.  
JOSEPH LIBERATORE  
162 LOCKE STREET S  
SUITE 200  
HAMILTON ON L8P 4A9

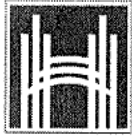
**RE: Application No.** HM/A-22:213  
**Address:** 137 PETER STREET

Pursuant to Section 45(14) of The Planning Act, 1990, notice is herewith given that the period of appeal provided for in Section 45(12) of said Act has expired and no such appeal has been filed.

Therefore, in accordance with Section 45(14), the Decision of the Committee of Adjustment is now final and binding.

Regards,

*As per,*  
Jamila Sheffield  
Secretary-Treasurer  
Committee of Adjustment



Hamilton

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

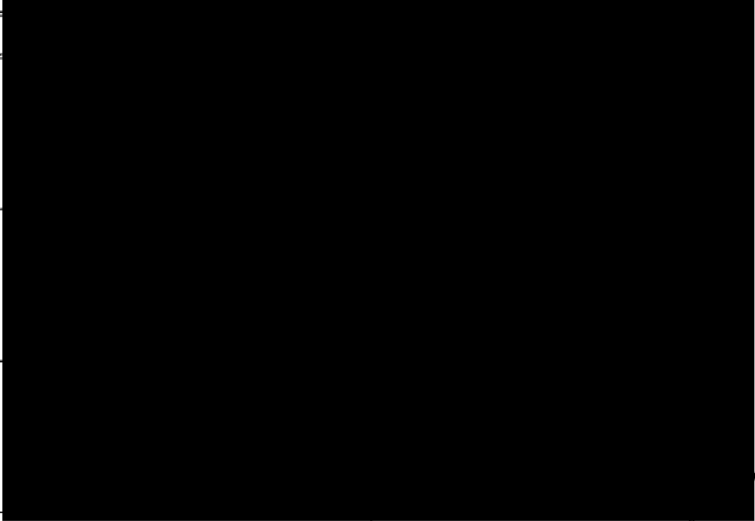
Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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	
Purchaser*		
Registered Owners(s)	retained } Andrew D.G. McAllister severed } Blair Fleming + Jennifer Michelle Legare	
Applicant(s)**	AMY TALUKDER + JEFF JANSEN of JANSEN CONSULTING	
Agent or Solicitor	Agent is applicant	
		Phone:
		E-mail:

\*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  
☒ Applicant

☐ Owner  
☒ Agent/Solicitor

**1.3 Sign should be sent to**

☐ Purchaser  
☒ Applicant

☐ Owner  
☐ 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

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	137 PETER ST.		
Assessment Roll Number	25 18 010 104 51650 0000		
Former Municipality	CITY OF HAMILTON		
Lot	12 PT.	Concession	
Registered Plan Number	57	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:

SEVERED LOT TO REMAIN IN BLAIR FLEMING + JENNIFER LEGARE'S NAME.

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, 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:	LANDS TO BE RETAINED	LANDS TO BE SEVERED			
Type of Transfer	N/A				
Frontage	8.20 M	7.81 M			
Depth	15.76 M	16.29 M			
Area	132.5 M <sup>2</sup>	139.7 M <sup>2</sup>			
Existing Use	RESIDENTIAL SFD	<del>RES</del> →			
Proposed Use	RESIDENTIAL SEMI-DET.	RESIDENTIAL SEMI-DET.			
Existing Buildings/ Structures	1-STORY DWELLING →				
Proposed Buildings/ Structures	3-STORY SEMI-DETACHED DWELLING	3-STORY SEMI-DETACHED DWELLING	→ BOTH APPROVED W/ BUILDING PERMIT # 22-119120-00-R9 + # 23-132351-00-R9 + # 23-132345-00-R9		
Buildings/ Structures to be Removed	1-STORY DWELLING →		APPROVED W/ DEMOLITION PERMIT # 22-119257-00- <del>DP</del> DP		

\* 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) LOW DENSITY RESIDENTIAL 3

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

THIS APPLICATION CONFORMS TO THE OFFICIAL PLAN BECAUSE ONLY 1 DWELLING UNIT IS PROPOSED PER LOT, MAINTAINING LOW DENSITY.

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? "D" DISTRICT - URBAN PROTECTED RESIDENTIAL

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.

HM/A-21:51 - APPROVED + HM/A-22:213 - APPROVED (BOTH MV)

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"/>	N/A
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.

NA

- 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?

2015

- 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)

BUILDING STRONGER COMMUNITIES BY PROVIDING MORE SAFE HOUSING + PROVIDING SIMILAR TYPE OF HOUSING THAT EXISTS ON ST.

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?  
☒ Yes ☐ No (Provide explanation)

YES, INCREASE HOUSING PROVIDED IN ONTARIO.

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
☒ Yes ☐ No (Provide explanation)

YES, PROVIDES MORE AFFORDABLE HOUSING TO FAMILIES IN THE AREA.

- 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 N/A

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 N/A

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**

N/A

**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.

**0.4 Description of farm consolidation property:**

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**0.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

0.6 Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**0.7 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)
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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
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