



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

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-24:52</b>	<b>SUBJECT PROPERTY:</b>	885 West 5th Street, Hamilton
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**APPLICANTS:** Owner: Palios Antoinietta, Palazzo Vincenzo, Palazzo Anna - Estate  
Agent: A.J. Clarke and Associates Ltd c/o Steve Fraser & James Thomas

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Parcel 1):</b>	15.28 m <sup>±</sup>	33.73 m <sup>±</sup>	506.11 m <sup>2</sup> <sup>±</sup>
<b>SEVERED LANDS (Parcel 2):</b>	15.28 m <sup>±</sup>	32.66 m <sup>±</sup>	489.8 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS:</b>	15.24 m <sup>±</sup>	34.55 m <sup>±</sup>	524.57 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): A-24:197

**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, September 24, 2024</b>
<b>TIME:</b>	<b>1:55 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> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

## **B-24:52**

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)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **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 **September 20, 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 **September 23, 2024**

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:52, 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**

DATED: September 5, 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.



Hamilton

## COMMITTEE OF ADJUSTMENT

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

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## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing 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).

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.

WEST 5th STREET  
 (REGIONAL ROAD N<sup>o</sup> 158)  
 (ROAD ALLOWANCE BETWEEN LOTS 15 & 16, CON. 7)  
 N 16° 53' 40" E (REFERENCE BEARING)

SCHEDULE				
PART	LOT	REG'D PLAN	INST. N <sup>o</sup>	AREA (ft <sup>2</sup> )
1	Part of 10	427	324183A.B.	5645.47
2				5694.47
3				4999.98
4				4999.98
5				849.79
6				849.79

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE: JUNE 27, 1989

*G.V. Consoli*  
 G. V. CONSOLI  
 ONTARIO LAND SURVEYOR

PLAN 62R-10426

RECEIVED AND DEPOSITED

DATE: 1989 07 13

*M. Nicholls, Sr.*  
 LAND REGISTRAR FOR THE REGISTRY DIVISION OF WENTWORTH (N<sup>o</sup> 62).

**CAUTION:**  
 THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF  
 PART OF LOT 10  
 REGISTERED PLAN 427  
 (M. MACKAY'S SURVEY)  
 CITY OF HAMILTON  
 REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE = 1" = 40'

GUIDO CONSOLI, O.L.S., 1989

**BEARING NOTE:**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF WEST 5th STREET AS SHOWN ON REFERENCE PLAN 62R-9269, HAVING A BEARING OF N16° 53' 40" E.

**LEGEND:**

SURVEY MONUMENT FOUND	■
SURVEY MONUMENT PLANTED	□
STANDARD IRON BAR	S.I.B.
IRON BAR	I.B.
ROUND IRON BAR	I.B.Ø
IRON TUBE	I.T.
CUT CROSS	C.C.
CITY OF HAMILTON SURVEYS	City
CONCRETE MONUMENT	C.M.
J.P. NOUWENS, O.L.S.	1497
WITNESS	Wit.
BRICK	Br
FRAME	Fr.
ORIGIN UNKNOWN	OU
CONCRETE BASE	C.B.
REGISTERED PLAN 427	Plan
REFERENCE PLAN 62R-8909	Pl.1
REGISTERED PLAN 943	Pl.2
INSTRUMENT N <sup>o</sup> 324183A.B.	Deed
MACKAY, MACKAY & PETERS, O.L.S.	MMP, 655
A. J. CLARKE, O.L.S.	AJC, 912
A. T. McLAREN, O.L.S.	824

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

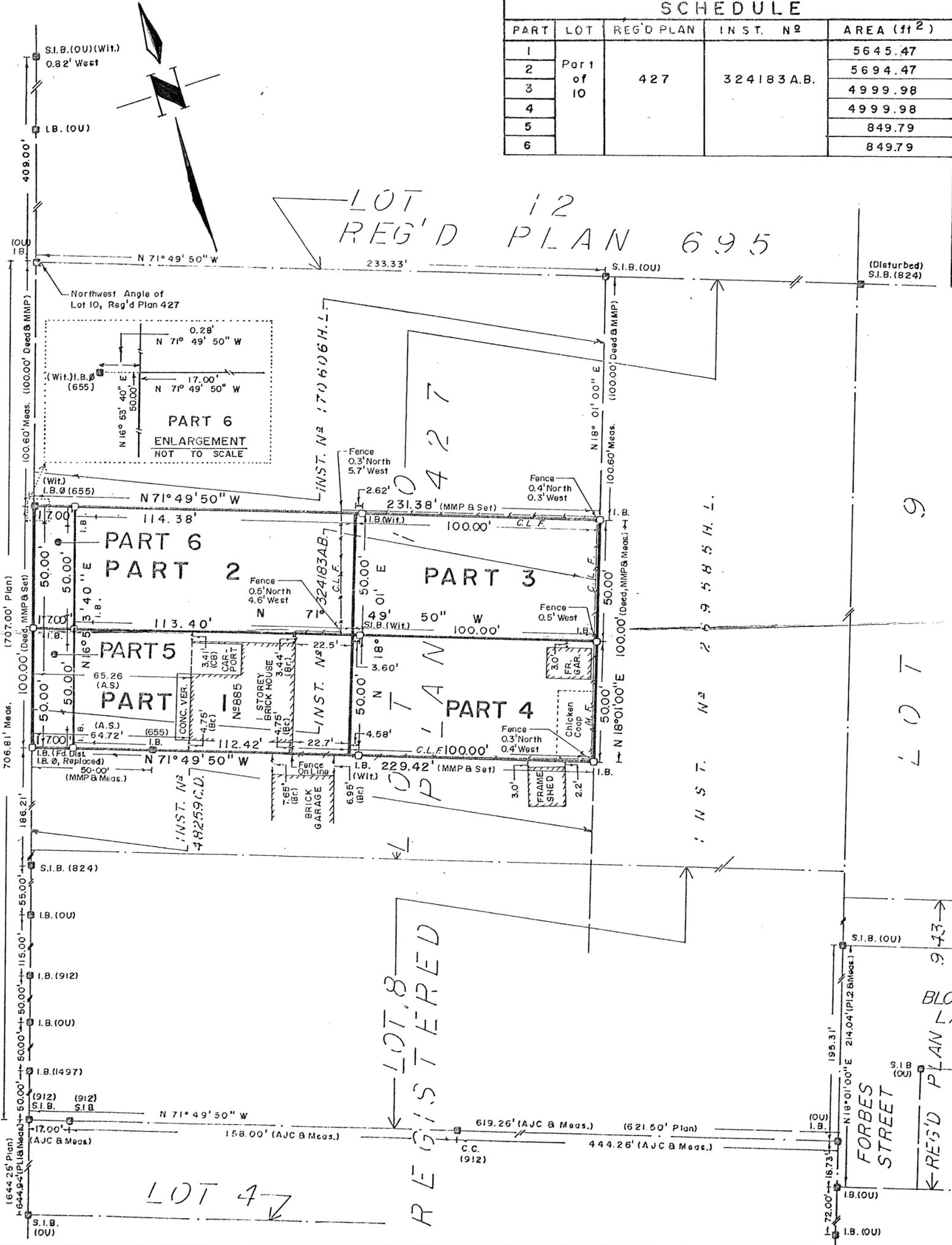
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
- THE SURVEY WAS COMPLETED ON THE 22nd DAY OF JUNE, 1989.

JUNE 27, 1989  
 DATE

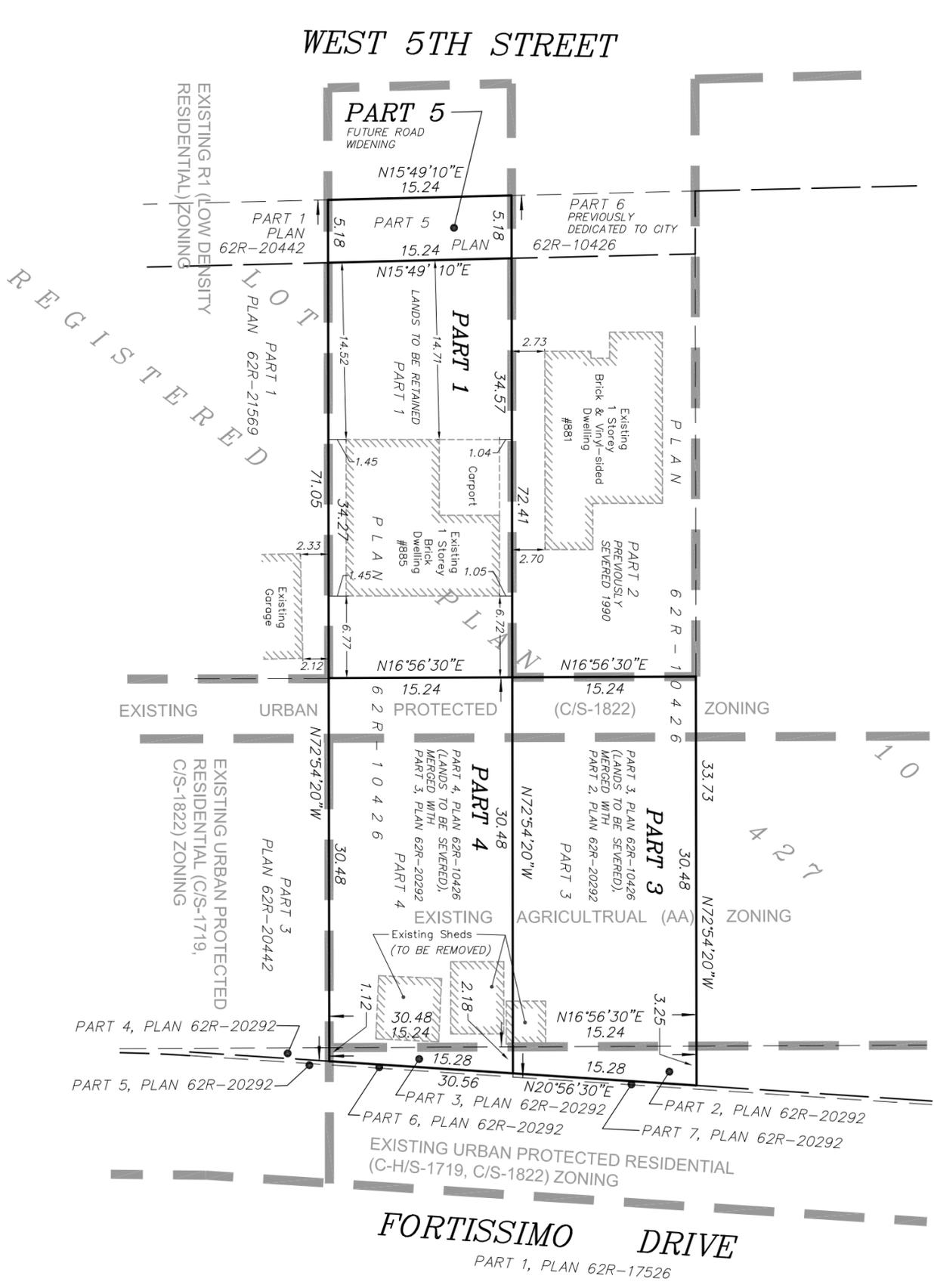
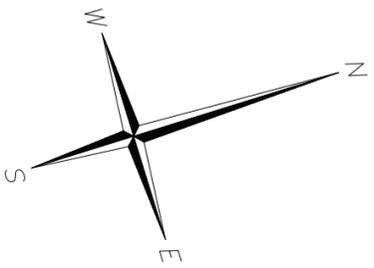
*G.V. Consoli*  
 G. V. CONSOLI  
 ONTARIO LAND SURVEYOR



GUIDO CONSOLI  
 SURVEYING LTD.  
 152 JACKSON STE, HAMILTON - SUITE 102  
 TEL. (416) 521-1535 (L8N1L3)

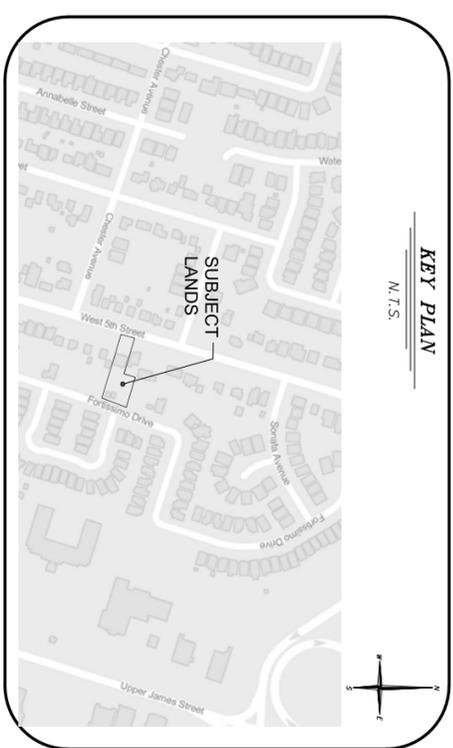






**LEGEND**

————— DENOTES ZONING LIMITS



SKETCH FOR CONSENT TO SEVER  
885 WEST 5TH STREET  
CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE:  
PART OF LOT 10, REGISTERED PLAN 427  
CITY OF HAMILTON

**METRIC:**  
DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTE:**  
THIS SKETCH IS BASED ON PLANS FILED IN OUR OFFICE AND NOT ON AN ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

**CAUTION:**  
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

**CONSENT SCHEDULE:**

Part	Description	Area
PART 1	LANDS TO BE RETAINED	AREA (524.57m <sup>2</sup> )
PART 5	FUTURE ROAD WIDENING	AREA (78.92m <sup>2</sup> )
PART 3	PART 3, PLAN 62R-10426 (LANDS TO BE SEVERED) MERGED WITH PART 2, PLAN 62R-20292.	AREA (506.11m <sup>2</sup> )
PART 4	PART 4, PLAN 62R-10426 (LANDS TO BE SEVERED) MERGED WITH PART 3, PLAN 62R-20292.	AREA (489.80m <sup>2</sup> )

AUGUST 21, 2024  
DATE



*A. J. Clarke and Associates Ltd.*

SURVEYORS • ENGINEERS • PLANNERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: ajc@ajclarke.com

DRAWN BY: LH CHECKED BY: PROJECT No. 228062P INDEX No. E-18914



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

August 21, 2024

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 885 West 5<sup>th</sup> Street, Hamilton: Severance and Minor Variance Applications Submission**

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Dear Ms. Sheffield:

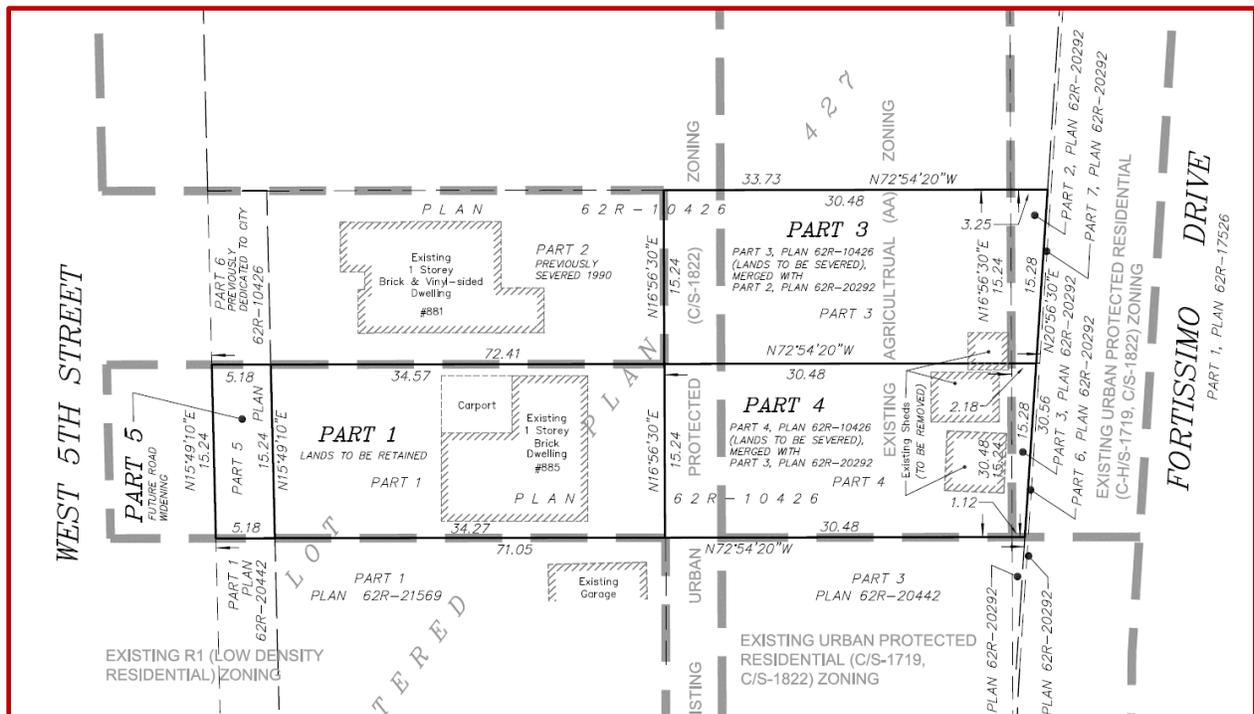
A.J. Clarke and Associates Ltd. has been retained by the owners of the subject lands, municipally known as 885 West 5<sup>th</sup> Street, for the purposes of submitting the enclosed Severance and Minor Variance Applications. Below is a summary of the materials submitted to your attention:

- One (1) digital copy of the required filled and signed Severance Application Form;
  - One (1) digital copy of the required filled and signed Minor Variance Application Form;
  - One (1) digital copy of deposited Reference Plan 62R-20292;
  - One (1) digital copy of deposited Reference Plan 62R-10426;
  - One (1) digital copy of the Sketch for Consent E-18914
  - One (1) digital copy of email correspondence between agent and City Planning Staff;
- \* Application fee payments will be supplied by Credit Card over Phone using the number provided in the applications

This analysis is in support of concurrently submitted Severance and Minor Variance Applications for the subject lands. The development will sever the existing residential lands into three compatible parcels; the existing dwelling will be retained on the proposed parcel fronting West 5<sup>th</sup> Street, while two relatively equal parcels will be severed in the rear and fronting onto Fortissimo Drive. The severed lands will facilitate two single detached dwellings utilizing the same lot dimensions and setback requirements of the Low Density Residential (R1) Zone of Hamilton Zoning By-law 05-200.

The subject lands are located on the eastern side of West 5<sup>th</sup> Street between Rosehill Avenue to the north and Chester Avenue to the south. The lands are a through lot following the consolidation of lands fronting both West 5<sup>th</sup> Street and Fortissimo Drive. The subject lands are currently occupied by a single-detached dwelling fronting on to West 5<sup>th</sup> Street (to remain) and three accessory buildings located in the rear yard (all to be demolished).

The surrounding area is primarily low density residential in the form of single-detached dwellings. The neighbourhood has been incrementally developed in the past 15 years with the subdivisions along Fortissimo Drive and Connell Crescent built out from 2009-2014. Most recently the adjacent lands to the south along Fortissimo Drive were developed accommodating five new single-detached dwellings from 2018-2020. The proposed development would be following a very similar lot pattern along Fortissimo matching the depth of adjacent parcel fabrics with a width slightly larger than those most recently developed.



The subject lands are in proximity to James MacDonald Public Elementary School and adjoining Gourley Park, and 2.1 kilometres from Westmount Secondary School. The lands are also in proximity to parks including William Connell City-Wide Park (850m), Kernighan Neighbourhood Park (120m), and are approximately 480 metres from the Upper James Commercial Corridor. This corridor includes a grocery store located approximately 500 metres from the subject lands.

Mass transit is available with stops located at West 5<sup>th</sup> St and Chester Ave, as well as Blossom Line at Upper James. West 5<sup>th</sup> also provides marked bike paths.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwelling
<b>South</b>	Single-Detached Dwelling
<b>West</b>	Single-Detached Dwelling
<b>East</b>	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

## Planning Policy Overview

### Planning Act

The proposed severance and associated minor variances that would be required will not result in any unreasonable impact to the surrounding neighbourhood and conforms to the Planning Act. The proposed development has sufficient regard for the matters of provincial interest outlined in Section 2 of the Planning Act, particularly subsections (b), (f), (g), (h), (j), (l), (m), (p), (q), and (r).



The proposed development is an example of gentle intensification that will sever the lands into two lots that will facilitate the infill development of two single-detached dwellings on the severed lands, where accessory buildings currently exist. This infill development is an efficient use of land in the built-up urban area and the existing infrastructure, continuing the orderly development of a safe and healthy community, providing additional housing. The development is close to transit services, bike paths and is in a pedestrian-friendly neighbourhood. The proposed development will maintain the character of the streetscape with consistent height, form, lot size and land use. The existing building will be retained, reducing waste associated with redevelopment. Through pre-submission correspondence with City of Hamilton Planning Staff, it was determined that the rear of the lands proposed to be severed, and fronting onto Fortissimo Drive are intended to be rezoned for low-density development, while the lands fronting on to West 5<sup>th</sup> Street would be potentially rezoned for medium-density development; this correspondence illustrates the co-ordination of planning activities and will assist in facilitating the direction of city zoning.

### **Provincial Policy Statement (PPS), 2020**

The proposed consent and development of the lands is consistent with the Provincial Policy Statement (PPS) through numerous applicable policies.

Policy 1.1.1 outlines how healthy, liveable and safe communities are sustained. The proposed development is specifically consistent with subsections a), b), c), d), e), g). The proposed consent and development are an efficient use of land that contributes to the housing stock while satisfying the growth management projections for the area through gentle intensification in proximity to transit service and cycling infrastructure and is economically efficient by utilizing existing infrastructure.

Policy 1.1.3.1 further details that settlement areas shall be the focus of growth and development. As discussed, the proposed development is within the built-up, urban boundary of the City of Hamilton. It is further exemplary in its consistency with policy 1.1.3.2 in that it efficiently uses the existing land, resources, infrastructure, and public service facilities while supporting active transportation and transit.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification where feasible. Nearby Upper James Street is a Major Arterial and has been identified as a Higher Order Transit Corridor as part of Hamilton's BLAST Network transit plans. Providing additional housing within walking distance to this corridor will assist in creating more transit-supportive communities. This maintains the intent of Policy 1.1.3.4 states that *"development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety."*

Section 1.4 regards policy affecting housing and once again reiterates the importance of providing a sufficient supply of housing while promoting intensification, wise use of resources and infrastructure, and transit-supportive development.

Section 1.6 of the PPS relates to infrastructure and public service facilities. Policy 1.6.3 states that prior to developing new infrastructure and public service facilities, the existing ones should be optimized. The proposed development will utilize the public infrastructure and service facilities that surround it including the water and wastewater systems, roads, parks, and schools.



In accordance with the criteria described above, the proposed development is consistent with the policies of the Provincial Policy Statement, 2020.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), 2020**

The P2G Plan continues to direct planning, keeping in line with the PPS. Of significance to the proposed development is Section 2: Where and How to Grow; this section directs planning policy in the same manner as the PPS as to where development shall occur.

Policy 2.2.1.2.a) states that *the “majority of growth will be directed in settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.”* As previously described, the proposed development is fully in line with this policy; the development exists within the built-up, urban boundary with existing infrastructure and will add to the complete community goals and objectives.

Policy 2.2.6.1.a) states that municipalities will support housing choice through achievement of minimum intensification and density targets by identifying a diverse range and mix of housing options and densities to meet projected needs. The proposed development is consistent with this policy as it creates additional housing through gentle intensification that falls within the densities permitted in the Official Plan. Proposed is a density of approximately 20 units per hectare (UPH).

The proposed development conforms to the policies set forth in the Growth Plan for the Greater Golden Horseshoe, 2020.

### **Urban Hamilton Official Plan, 2022**

The subject lands are designated ‘Neighbourhoods’ on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The ‘Neighbourhoods’ designation permits the use proposed by this application.

Policy B.2.4.1.3.c) states that *“30% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure. The City will review and update its Zoning By-law to facilitate the planned housing units to be developed within the Neighbourhoods through intensification.”* Policy E.2.2.6 also states that *“Intensification, redevelopment and compact form will be encouraged generally throughout the built-up area in accordance with appropriate development standards.”*

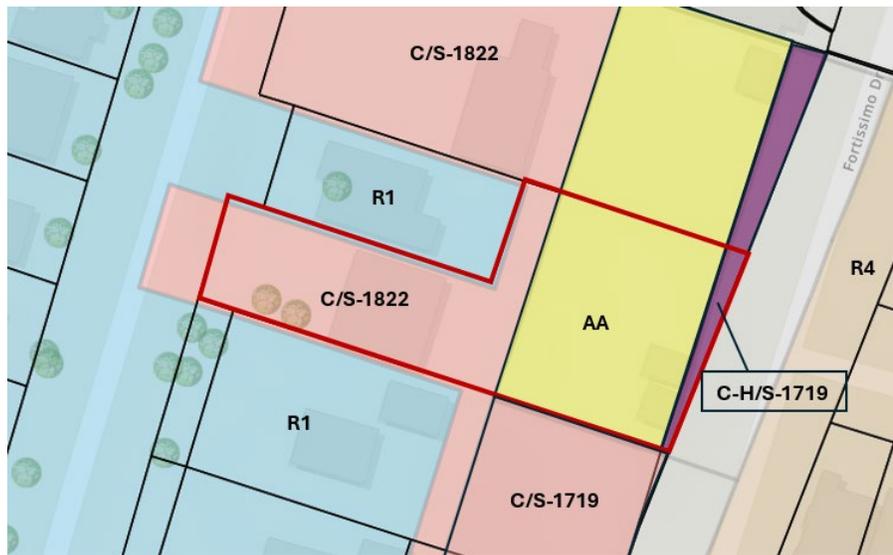
Policies B.2.4.1.4 and B.2.4.2.2 of the Official Plan list numerous criteria with which residential intensification developments within the built-up area shall be evaluated. The proposed severance and minor variances will facilitate two new lots for two additional single-detached dwellings having a density of  $\pm 20$  UPH; this is below the 60 UPH maximum for low-density residential areas. The lot pattern and frontage proposed are consistent within the existing neighbourhood and are above the requirements of low-density residential zoning provisions. Massing will be consistent with the neighbourhood and in keeping with low-density residential zoning provisions. The parcel will be served by municipal water and wastewater, electric, telecommunications and transportation systems. The lands are in proximity to existing mass transit lines, future high-order transit services, and cycling network. As described above, the lands are in proximity to multiple public community facilities and services. No impacts from shadowing,



overlook, noise, lighting, traffic, or other nuisances are expected as the proposed lots and setbacks would comply with the low-density zoning the city is considering for the subject lands. The proposal will retain the existing dwelling located on the proposed retained lot, reducing unnecessary waste. These same qualities described above also show the development to be in conformity with Chapter F, Section 1.14.3.1 regarding lot creation in “Neighbourhoods” designated lands.

Upon review of the applicable policies, the proposed development conforms to and maintains the intent of the Urban Hamilton Official Plan.

**City of Hamilton Zoning By-law 05-200/ 6593**



A per the image above, and shown on E-18914, the subject lands (outlined in red) are affected by multiple zones (C/S-1822, AA, and C-H/S-1719) within the Former City of Hamilton Zoning By-law 6593. Except for most of the rear yard, the subject lands have already been zoned for low-density residential development.

The existing dwelling on the proposed retained lot is zoned “C/S-1822” (Urban Protected Residential, etc) District in the Former City of Hamilton Zoning By-law 6593. This zone permits the existing single-detached dwelling use that will be retained while severing the existing rear yard into two additional lots. A review of the applicable zoning provisions is provided below against the proposed development:

C/S-1822 Regulations for Single Detached Dwellings	Requirement (Single-detached)	Part 1 of 62R-10426 (lands to be retained)
Min Lot Frontage	12 metres	15.24 metres
Min Lot Area	360 m <sup>2</sup>	524.57m <sup>2</sup>
Min Front Yard	6 metres	±14.6 metres following road widening
Min Side Yard	1.2 metres	1.04m and 1.45m (existing conditions)
Min Rear Yard	7.5 metres	6.72m (seeking variance)
Max Building Height	11 metres/ 2.5 storeys	±8 metres

A strip of the subject lands, shown as Parts 2 and 3 of submitted 62R-20292, have been zoned C-H/S-1719. This site-specific zoning was created through a remnant parcel from the subdivision development along



Fortissimo Drive and Connell Crescent. This zoning would require the same provisions of a “C” District but permits residential minimum lot widths of 11 metres and minimum lot areas of 335m<sup>2</sup>. The proposed lot fabric for the severed parcels exceeds these requirements.

Further, this same portion described above and adjacent to Fortissimo Drive, is also subject to a Holding Provision which states:

"That the 'H' symbol shall only be removed conditional upon:

- (i) That the owner/applicant pay any outstanding cost recoveries associated with the road and infrastructure work including private services connections.
- (ii) That the owner/applicant ensure that each lot has a watermain connection, sanitary sewer connection, and storm sewer connection.
- (iii) Until such time as the lands have been merged in title with the abutting lands to the rear and Consent Applications have been conditionally approved to facilitate lot creation in keeping with the Regulations of the "C/S-1719 Zone provisions.

This holding provision was placed to ensure that development could only proceed once cost recoveries were covered, the lands were assembled appropriately, and planned for appropriate servicing. This strip of land was acquired by the owner and applicant in August of 2022 and is held in identical ownership.

Within the rear yard of the existing lot, the zoning has maintained an outdated “AA’ (Agricultural) District zoning, despite numerous changes to the zoning by-law, surrounding neighbourhood development, existing dimensions, and use. This area (±780.5m<sup>2</sup> on the subject lands) is surrounded by low-density residential zones and the intent and use as an agricultural operation has been non-existent for decades. As shown in the table below, the existing conditions are already far below the requirements for “AA” zones. The existing total lot area (±1,532m<sup>2</sup>) is less than 13% of the required 12,000m<sup>2</sup> lot area, and the lot width along West 5<sup>th</sup> is ±25% of the required 60 metres. Lastly, the use of single-detached dwellings is already permitted on lands zoned “AA”. A review of the applicable “AA” zone provisions is provided below against the proposed development:

AA Regulations	Requirement	Part 3 of 62R-10426 with Part 2 of 62R-20292	Part 4 of 62R-10426 with Part 3 of 62R-20292
Min Lot Width	60 metres	<b>15.24 metres</b>	<b>15.24 metres</b>
Min Lot Area	12,000 m <sup>2</sup>	<b>506.11m<sup>2</sup></b>	<b>489.8m<sup>2</sup></b>
Min Front Yard	12 metres	<b>6 metres</b>	<b>6 metres</b>
Min Side Yard	4.5 metres	<b>1.2 metres</b>	<b>1.2 metres</b>
Min Rear Yard	10.5 metres	<b>7.5 metres</b>	<b>7.5 metres</b>
Max Building Height	11 metres/ 2.5 storeys	TBD	TBD

Zoning provisions for Low Density Residential (R1) Zone (to be implemented on proposed severed lots):

R1 Regulations	Requirement
Min Lot Width	12 metres
Min Lot Area	360 m <sup>2</sup>
Min Front Yard	6 metres
Min Side Yard	1.2 metres
Min Rear Yard	7.5 metres
Max Building Height	10.5 metres



**Former Hamilton Zoning By-law 6593 Section 3(9) “Lots Situated in Two or More Zones”:**

*“Notwithstanding any provision of this By-Law, a building or structure may be erected, altered, extended or enlarged within one or more districts applicable to a lot or tract of land where, (83-193) (92-170)*

- (a) the use is permitted in each of the districts;*
- (b) and the lot or tract of land complies with the least stringent width and area requirements of the district containing the requirements; and*
- (c) except as provided in clause (b), the building or structure complies with all other requirements of each of the districts applicable to the lot or tract of land.”*

The proposed lots located along Fortissimo Drive will cross three zones: “C/S-1822”, “AA” and “C-H/S-1719” of Hamilton Zoning By-law 6593.

- (a) The proposed use of a single-detached dwelling is permitted in all zones.
- (b) The proposed lot size and width complies with the least stringent width and area requirements of the “C-H/S-1719” Zone being 11 metre widths and 335m<sup>2</sup> lot areas; proposed are lot widths of 15.24 metres and lot areas exceeding 480m<sup>2</sup>.
- (c) Single-detached dwellings would be permitted on the lot sizes proposed. The minor variances described below pertaining to building setbacks are being requested to meet By-law Section 3(9)(c) to fit an appropriate building envelope on the created lots in keeping with the anticipated R1 city-initiated rezoning.

**Minor Variances**

Variances are required for each lot to facilitate the proposed development. The variances are as follows:

Part 1 of 62R-10426 (Retained)

- 1. To permit a Minimum Rear Yard Depth of 6.7 metres, whereas 7.5 metres is required.

Part 3 of 62R-10426 with Part 2 of 62R-20292 (severed)

- 1. Notwithstanding anything to the contrary within the Former City of Hamilton Zoning By-law 6593, the following provisions shall be applied:
  - a. A minimum lot width of 15 metres
  - b. A minimum lot area of 500 square metres
  - c. A front yard setback of 6 metres
  - d. A side yard setback of 1.2 metres
  - e. A rear yard setback of 7.5 metres

Part 4 of 62R-10426 with Part 3 of 62R-20292 (severed)

- 1. Notwithstanding anything to the contrary within the Former City of Hamilton Zoning By-law 6593, the following provisions shall be applied:
  - a. A minimum lot width of 15 metres
  - b. A minimum lot area of 485 square metres
  - c. A front yard setback of 6 metres
  - d. A side yard setback of 1.2 metres
  - e. A rear yard setback of 7.5 metres



This Minor Variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a Minor Variance must meet the requisite four tests as described in Section 45 (1) of the Planning Act. An analysis of these tests, and our professional planning opinion is provided below:

**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?**

As discussed in greater detail above, the proposed lot severance and residential land use maintains the intent and purpose of the Urban Hamilton Official Plan. The application is an excellent example of infill development within the built-up urban area of Hamilton in a built form compatible with the existing neighbourhood.

It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?**

The required variances to City of Hamilton Zoning Bylaw are intended to facilitate a desirable built form which is compatible with the existing neighbourhood. The proposed development will require variances to address lot width and area, along with building envelope setbacks. Through correspondence with City Zoning and Planning Staff, it was determined that the lands proposed to be severed have been identified by the zoning team to be rezoned in the near future for low density residential, while the proposed lot to be retained would be part of the proposed medium density rezoning along West 5<sup>th</sup> Street.

The applications submitted will facilitate the lot dimensions and setbacks in keeping with the City of Hamilton Zoning By-law 05-200 Low Density Residential (R1) Zones for the lands to be severed. The lands to be retained, with the approval of the rear yard setback variance would currently be permitted as of right. The rear lot line would be contiguous to the adjacent parcels and would create an orderly development of lot fabric for future medium density development along West 5<sup>th</sup> Street. The existing lot fabric of the subject lands along West 5<sup>th</sup> does not currently meet the proposed provisions for medium density zoning, and as such, would require the consolidation of adjacent parcels along West 5<sup>th</sup> to be redeveloped. If rezoned medium density, the current use on the retained parcel would remain as legal, non-complying until adjacent lots were purchased for redevelopment. The applications facilitate the intention and direction of the City of Hamilton Zoning and will provide all the necessary dimensions for simple and efficient rezoning once the city addresses the matter through a housekeeping amendment.

As discussed above, the intent of the “AA” zoning provisions for agricultural use and incredibly large lot dimensions have been superseded through continuous development of the surrounding low-density residential neighbourhood. The proposed variances are consistent with the established character of the neighbourhood, and it is my professional opinion that the requested variances maintain the intent and purpose of the City of Hamilton Zoning By-laws.

**3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services. Proposed is a built form and use that is consistent with the Planning Act, Provincial Policy Statement, and conforms to the Growth Plan and the UHOP and general intent of the zoning by-law. It facilitates gentle intensification in a residential neighbourhood in an attractive form. As noted above, the proposed variances are consistent with the established character



and meet the provisions of the intended future zoning. Correspondence with the City's Zoning Staff have determined that the lands to be severed have been identified to be rezoned low-density residential, while the half fronting on West 5<sup>th</sup> have been identified as potential medium density residential. This severance would help to facilitate the future implementation of these city-proposed zones. As such, the development is highly appropriate and desirable for the neighbourhood.

**4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances for the severed lots regarding lot width, lot area, and the setbacks proposed as they are in compliance with the City's low-density residential zones. The rear yard setback proposed for the retained lot will allow for an appropriate rear yard space while maintaining the existing dwelling and facilitating orderly lot fabric with adjacent parcels for future development. Accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit a reduced lot width, lot area, and setbacks will be required to facilitate the creation of the lots and the desired and compatible built form. The proposed minor variances will provide relief from these existing zoning deficiencies and requirements, which are minor in nature, especially considering the city's intention to rezone the lands. As such, the subject land is appropriate for the redevelopment and has sufficient regard for the matters listed under Section 2 of the *Planning Act*, represents good planning, and should be approved.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Prepared by:

James Thomas, CPT, HBA  
Planner

**A. J. Clarke and Associates Ltd.**

Reviewed by:

Stephen Fraser, MCIP, RPP  
Principal, Planner

**A.J. Clarke and Associates Ltd.**

**From:** [Catarino, Jennifer](#)  
**To:** [James Thomas](#)  
**Cc:** [Fulford, Alana](#); [Stephen Fraser](#); [Smith, Mallory](#); [Bonaventura, David](#)  
**Subject:** RE: West 5th "AA" Zoned Lands  
**Date:** June 28, 2024 4:55:29 PM  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[image006.png](#)

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Hi Everyone,

Thank you for the collaboration on this inquiry. Staff have noted that the proposed lots along Fortissimo would extend the Low Density Residential zoning along the street and the City would continue to proceed with the mid rise residential zoning on the portion fronting West 5<sup>th</sup> as the lots along that portion are considered to be deep enough to meet the anticipated criteria for the mid rise zoning.

Have a great long weekend.

Jen

Jennifer Catarino (she/her), MCIP, RPP  
Area Planning Manager, West Team  
Planning and Economic Development  
Planning Division



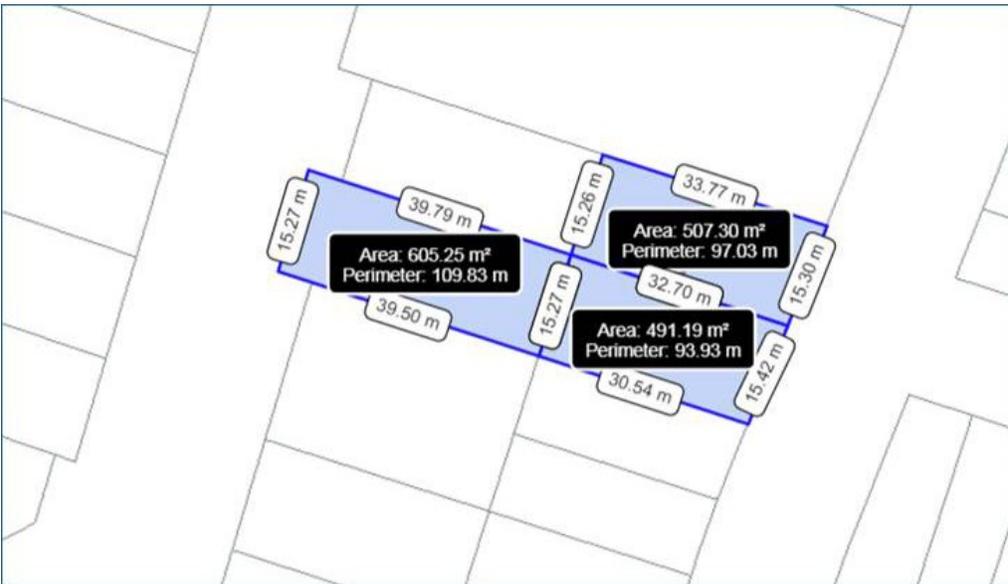
---

**From:** James Thomas <james.thomas@ajclarke.com>  
**Sent:** Thursday, June 27, 2024 12:51 PM  
**To:** Smith, Mallory <Mallory.Smith@hamilton.ca>  
**Cc:** Fulford, Alana <alana.fulford@hamilton.ca>; Catarino, Jennifer <Jennifer.Catarino@hamilton.ca>; Stephen Fraser <steve.fraser@ajclarke.com>  
**Subject:** RE: West 5th "AA" Zoned Lands

**External Email:** Use caution with links and attachments

Hi Mallory,

Thank you for providing the teams intentions for the lands. I am glad all parties are here to discuss this. With that in mind, I believe the proposed severance we are hoping to submit would maintain the direction of city zoning, as well as the intent for the specific lands. See below for discussion purposes:



The parcel known as 885 West 5<sup>th</sup> is currently occupied by a single detached dwelling with a frontage of 15.27m along West 5th. The lands to the north and south are also occupied by single detached dwellings. We intend to sever this dwelling at the rear in a straight line from the existing adjacent rear lot lines creating a clean consistent rear lot line. This would provide a perfectly lined up parcel fabric for the future intention of medium density development, while providing two lots in the rear that would comply with the R1 provisions and maintain your intent to zone low-density along Fortissimo.

Currently, the conditions of the lot do not comply with the intended medium density zoning provisions and would already require the purchase of adjacent lots along West 5th for future intensification development in keeping with medium density zoning. This severance application would allow the existing dwelling to remain, in keeping with the current “C” District Zoning. The future rezoning would allow the dwelling to exist until it was purchased for redevelopment in conjunction with adjacent parcels. This application would assist the city in its intended future built forms.

I look forward to hearing your response to the matter and thank you for your time.

Best,

**James Thomas**. CPT, HBA

Planner



**A. J. Clarke and Associates Ltd.**  
 25 Main Street West, Suite 300, Hamilton, ON L8P 1H1  
[james.thomas@ajclarke.com](mailto:james.thomas@ajclarke.com) | [www.ajclarke.com](http://www.ajclarke.com)  
 Phone: (905) 528-8761



**Proud of our Treasured Past - Building a Sustainable Future**

**Sent:** Thursday, June 27, 2024 11:47 AM

**To:** James Thomas <[james.thomas@ajclarke.com](mailto:james.thomas@ajclarke.com)>

**Cc:** Fulford, Alana <[alana.fulford@hamilton.ca](mailto:alana.fulford@hamilton.ca)>; Catarino, Jennifer <[Jennifer.Catarino@hamilton.ca](mailto:Jennifer.Catarino@hamilton.ca)>

**Subject:** West 5th "AA" Zoned Lands

Hi James,

I am connecting about your inquiry on the West 5<sup>th</sup> lands. Currently, we are working on the Mid Rise Residential zones and assignment, which we are aiming to bring forward this Fall. Generally, we are applying MRR along arterials with sufficient lot depths. That stretch of West 5<sup>th</sup> is currently identified for the R3a zone in the draft mapping, and the lots fronting Fortissimo are identified for low density residential. The R3a draft zones presented to Planning Committee last June can be found on our website linked below- we are currently working on revising these zones with comments we've received through consultation so some changes can be expected for the next draft however generally the permitted residential uses remain the same, and some commercial permissions may be introduced. For the R3a zone multiple dwellings with a maximum height of 22.0 metres or 6 storeys is being proposed. We are hoping to have the finalized draft zone regulations online towards the end of summer prior to Planning Committee in the fall so something to consider for this lot. Happy to chat more if you have any questions.

Project page - <https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project>

Draft zones - <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=9e4efbbb-d6ab-4445-9c77-64b58781a06b&Agenda=Agenda&lang=English&Item=26&Tab=attachments>

Regards,

**Mallory Smith, MCIP, RPP**

Planner I – Zoning By-law Reform

Planning and Economic Development

Planning, City of Hamilton



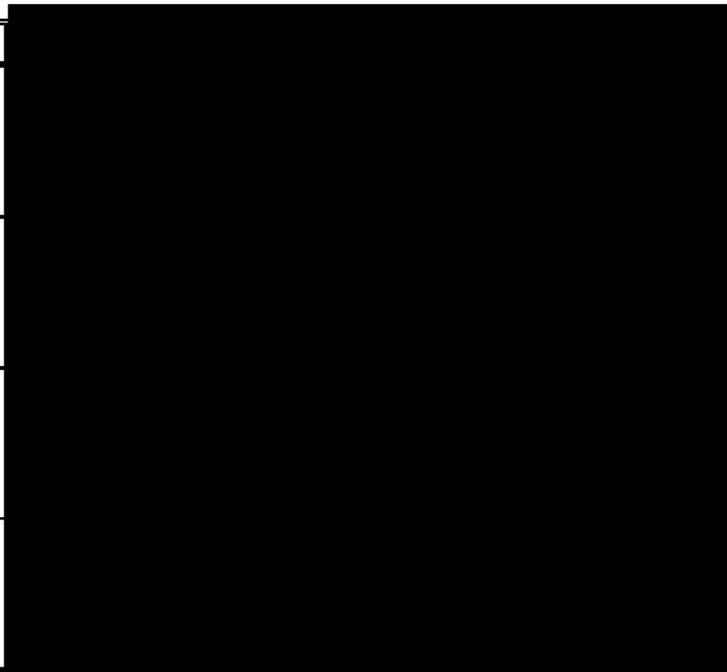
**Hamilton** The City of Hamilton encourages physical distancing, wearing a mask in an enclosed public space, and increased handwashing. Learn more about the City's response to COVID-19 [www.hamilton.ca/coronavirus](http://www.hamilton.ca/coronavirus).

**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>Purchaser*</b>	TBD
<b>Registered Owners(s)</b>	PALIOS, ANTONIETTA PALAZZO, VINCENZO PALAZZO, ANNA - ESTATE
<b>Applicant(s)**</b>	Same as owner above
<b>Agent or Solicitor</b>	A.J. Clarke and Associates Ltd. c/o Steve Fraser & James Thomas



\*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  
 Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	885 West 5th Street		
Assessment Roll Number	251808094101620		
Former Municipality	Hamilton		
Lot	15	Concession	7
Registered Plan Number	427	Lot(s)	Pt Lt 10
Reference Plan Number (s)	62R-10426/ 62R-20292	Part(s)	1,3,4,5/ 2, 3

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)

- |   |   |
|---|---|
| <input type="checkbox"/> creation of a new lot(s)   | <input checked="" type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease                          |
| <input type="checkbox"/> an easement  | <input type="checkbox"/> a correction of title            |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge                         |
| <input type="checkbox"/> cancellation (must also complete section 9)  |   |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |   |

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

unknown

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:	Part 1 of 62R-10426	Part 3 of 62R-10426 with Part 2 of 62R-20292	Part 4 of 62R-10426 with Part 3 of 62R-20292		
Type of Transfer	N/A				
Frontage	15.24m	15.28 frontage 15.24 width	15.28 frontage 15.24 width		
Depth	max 34.55m	max 33.73m	max 32.66m		
Area	524.57m <sup>2</sup>	506.11m <sup>2</sup>	489.8m <sup>2</sup>		
Existing Use	residential	residential	residential		
Proposed Use	residential	residential	residential		
Existing Buildings/ Structures	Single detached dwelling	accessory bldgs	accessory bldgs		
Proposed Buildings/ Structures	no change	Single detached dwelling	Single detached dwelling		
Buildings/ Structures to be Removed	none	accessory buildings	accessory bldgs		

\* 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

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

Will provide compatible infill development of lands surrounded by existing low density residential and facilitate creation of orderly development.

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? Multiple: C-H/S-1822; AA; C/S-1719

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"/>	located ±120m from Upper James Corridor properties - multi commercial
<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.

Anna Palazzo severed Part 2 of 62R-10426 in 1989 to create lot for single-detached dwelling at 881 West 5th St.

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6.4 How long has the applicant owned the subject land?

Anna Palazzo owned since 1972. Their estate inherited the property in August, 2022.

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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.

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## 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)

Consistent with policy statements and provincial plans.

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

Yes  No (Provide explanation)

Wise use of available resources and infrastructure to facilitate additional housing stock through gentle intensification and infill development within an established neighbourhood.

---

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

Yes  No (Provide explanation)

Gentle intensification within built-up area of the Hamilton Urban Boundary; better utilization of infrastructure.

---

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

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