



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-24:55</b>	<b>SUBJECT PROPERTY:</b>	9662 Twenty Road West, Glanbrook
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**APPLICANTS:** Owner: Karamat Ullah Bajwa Inc. c/o Rowena Parayno  
Agent: A.J. Clarke & Associates Ltd. c/o M. Liam Doherty

**PURPOSE & EFFECT:** To sever the existing residential lot into six residential lots, the severed lands will be a vacant residential building lot 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 (Part 1):</b>	10.36 m <sup>±</sup>	42.67 m <sup>±</sup>	453.59 m <sup>2</sup>
<b>SEVERED LANDS (Part 2):</b>	10.36 m <sup>±</sup>	42.67 m <sup>±</sup>	442.03 m <sup>2</sup>
<b>SEVERED LANDS (Part 3):</b>	10.36 m <sup>±</sup>	42.67 m <sup>±</sup>	442.03 m <sup>2</sup>
<b>SEVERED LANDS (Part 4):</b>	10.36 m <sup>±</sup>	42.67 m <sup>±</sup>	442.03 m <sup>2</sup>
<b>SEVERED LANDS (Part 5):</b>	10.36 m <sup>±</sup>	42.67 m <sup>±</sup>	442.03 m <sup>2</sup>
<b>SEVERED LANDS (Part 6):</b>	10.4 m <sup>±</sup>	42.67 m <sup>±</sup>	443.74 m <sup>2</sup>
<b>RETAINED LANDS (Part 7):</b>	16.50 m <sup>±</sup>	42.67 m <sup>±</sup>	869.2 m <sup>2</sup>
<b>SEVERED LANDS (ROW):</b>	12.19 m <sup>±</sup>	42.67 m <sup>±</sup>	171.80 m <sup>2</sup>

Associated Planning Act File(s): A-24:203 & GL/B-22:135

**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.**

## B-24:55

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Tuesday, October 8, 2024</b>
<b>TIME:</b>	<b>1:25 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>

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**

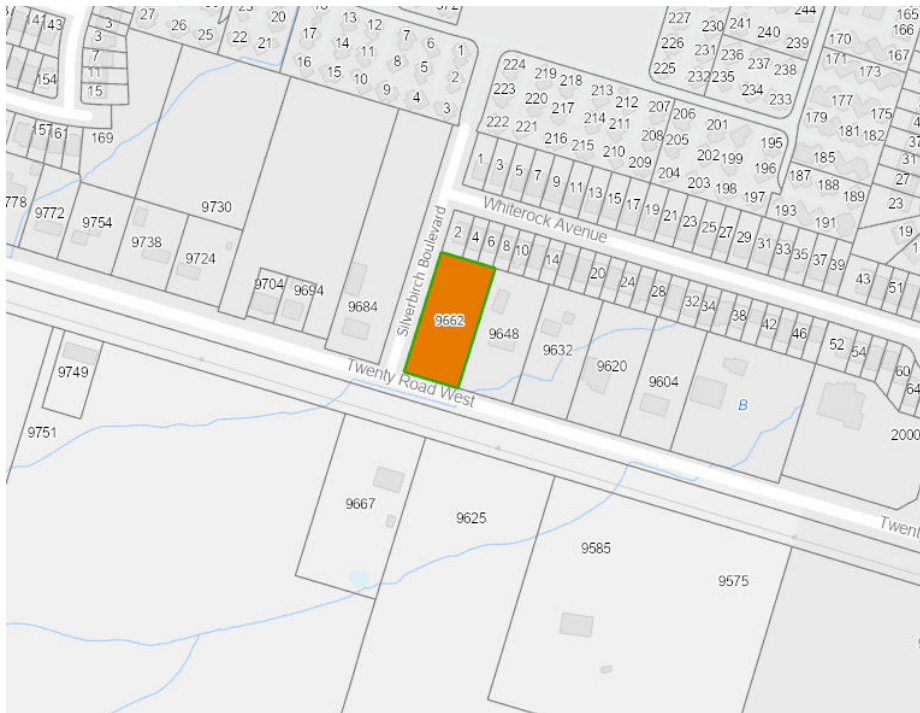
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **October 4, 2024**

**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 **October 7, 2024**

### **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:55, 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 19, 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

Telephone (905) 546-2424, ext. 4221

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

## 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.

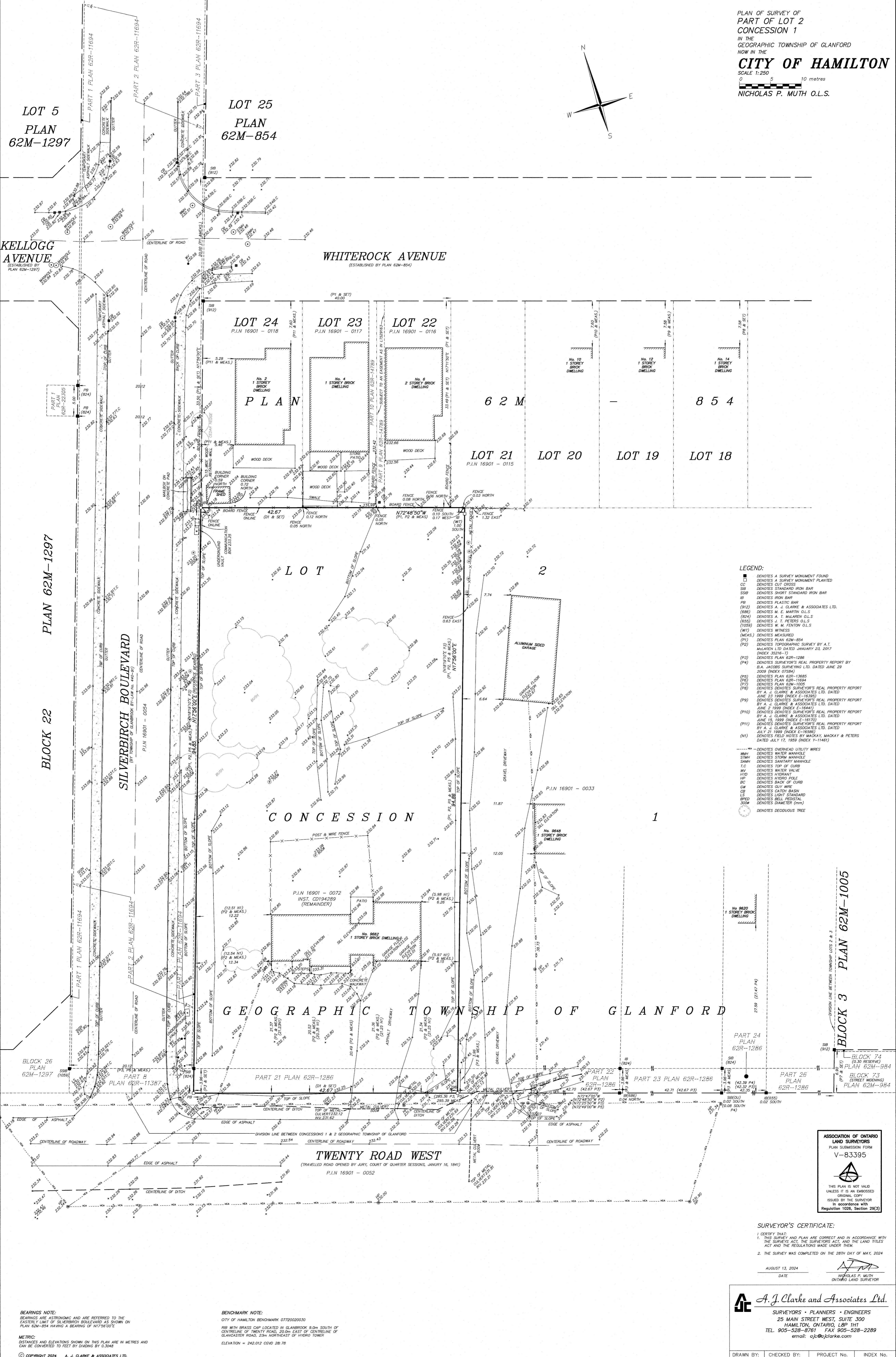
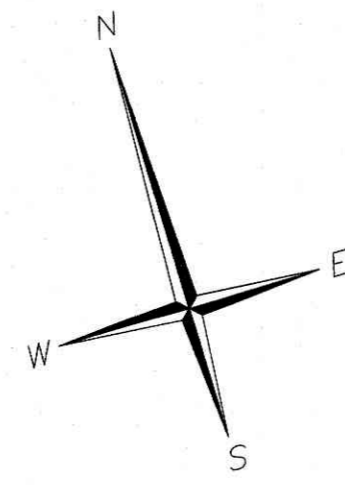
#### 2. In person Oral Submissions

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.

PLAN OF SURVEY OF  
PART OF LOT 2  
CONCESSION 1  
IN THE  
GEOGRAPHIC TOWNSHIP OF GLANFORD  
NOW IN THE  
**CITY OF HAMILTON**  
SCALE 1:250  
0 5 10 metres  
NICHOLAS P. MUTH O.L.S.



- LEGEND:**
- DENOTES A SURVEY MONUMENT FOUND
  - DENOTES A SURVEY MONUMENT PLANTED
  - CC DENOTES CUT CROSS
  - SB DENOTES STANDARD IRON BAR
  - SSB DENOTES SHORT STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - PB DENOTES PLASTIC BAR
  - (912) DENOTES A. J. CLARKE & ASSOCIATES LTD.
  - (1088) DENOTES M. E. MARTIN O.L.S.
  - (824) DENOTES A. T. MALAREN O.L.S.
  - (655) DENOTES J. T. PETERS O.L.S.
  - (1059) DENOTES W. M. TAYLOR O.L.S.
  - (W1) DENOTES WITNESS
  - (MEAS.) DENOTES MEASURED
  - (P1) DENOTES PLAN 62M-854
  - (P2) DENOTES TOPOGRAPHIC SURVEY BY A.T. MALAREN LTD. DATED JANUARY 23, 2017 (INDEX 35216-1)
  - (P3) DENOTES PLAN 62M-1286
  - (P4) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY S.A. JACOBS SURVEYING LTD. DATED JUNE 29, 2008 (INDEX 07534)
  - (P5) DENOTES PLAN 62M-1388S
  - (P6) DENOTES PLAN 62M-11694
  - (P7) DENOTES PLAN 62M-1005
  - (P8) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED JUNE 21, 1999 (INDEX E-16395)
  - (P9) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED JUNE 2, 1999 (INDEX E-16441)
  - (P10) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED JUNE 15, 1999 (INDEX E-16707)
  - (P11) DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES LTD. DATED JULY 21, 1999 (INDEX E-16588)
  - (W1) DENOTES FIELD NOTES BY MACKAY, MACKAY & PETERS DATED JULY 17, 1959 (INDEX Y-11461)
  - DENOTES OVERHEAD UTILITY WIRES
  - WMH DENOTES WATER MANHOLE
  - STMH DENOTES STORM MANHOLE
  - TC DENOTES SANITARY MANHOLE
  - TOP DENOTES TOP OF CURB
  - WV DENOTES WATER VALVE
  - HYD DENOTES HYDRANT
  - HP DENOTES HYDRO POLE
  - BC DENOTES BACK OF CURB
  - GW DENOTES GUY WIRE
  - CB DENOTES CATCH BASIN
  - LS DENOTES LIGHT STANDARD
  - BRSD DENOTES BELL PEDestal
  - SDENOTES SAMETER (iron)
  - DENOTES DEODOROUS TREE

**ASSOCIATION OF ONTARIO  
LAND SURVEYORS**  
PLAN SUBMISSION FORM  
V-83395

THIS PLAN IS NOT VALID UNLESS IT IS AN EXHIBITED ORIGINAL COPY ISSUED BY THE SURVEYOR IN accordance with Regulation 1026, Section 29(3)

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 28TH DAY OF MAY, 2024

AUGUST 13, 2024  
DATE

NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

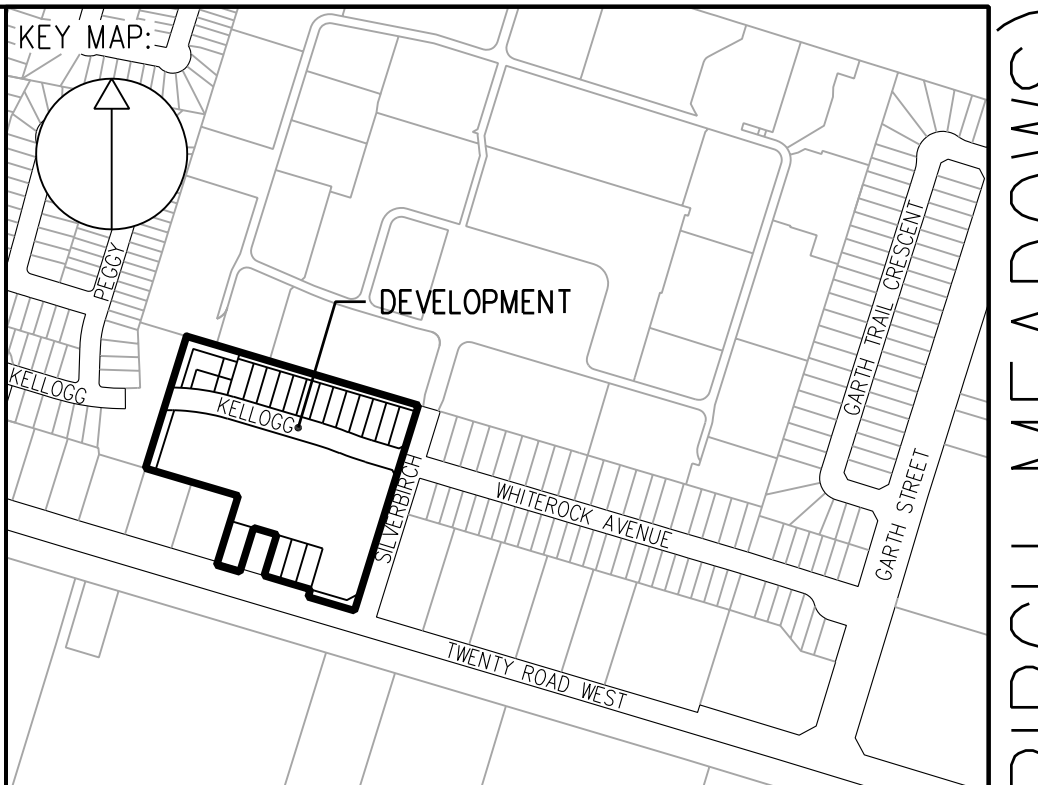
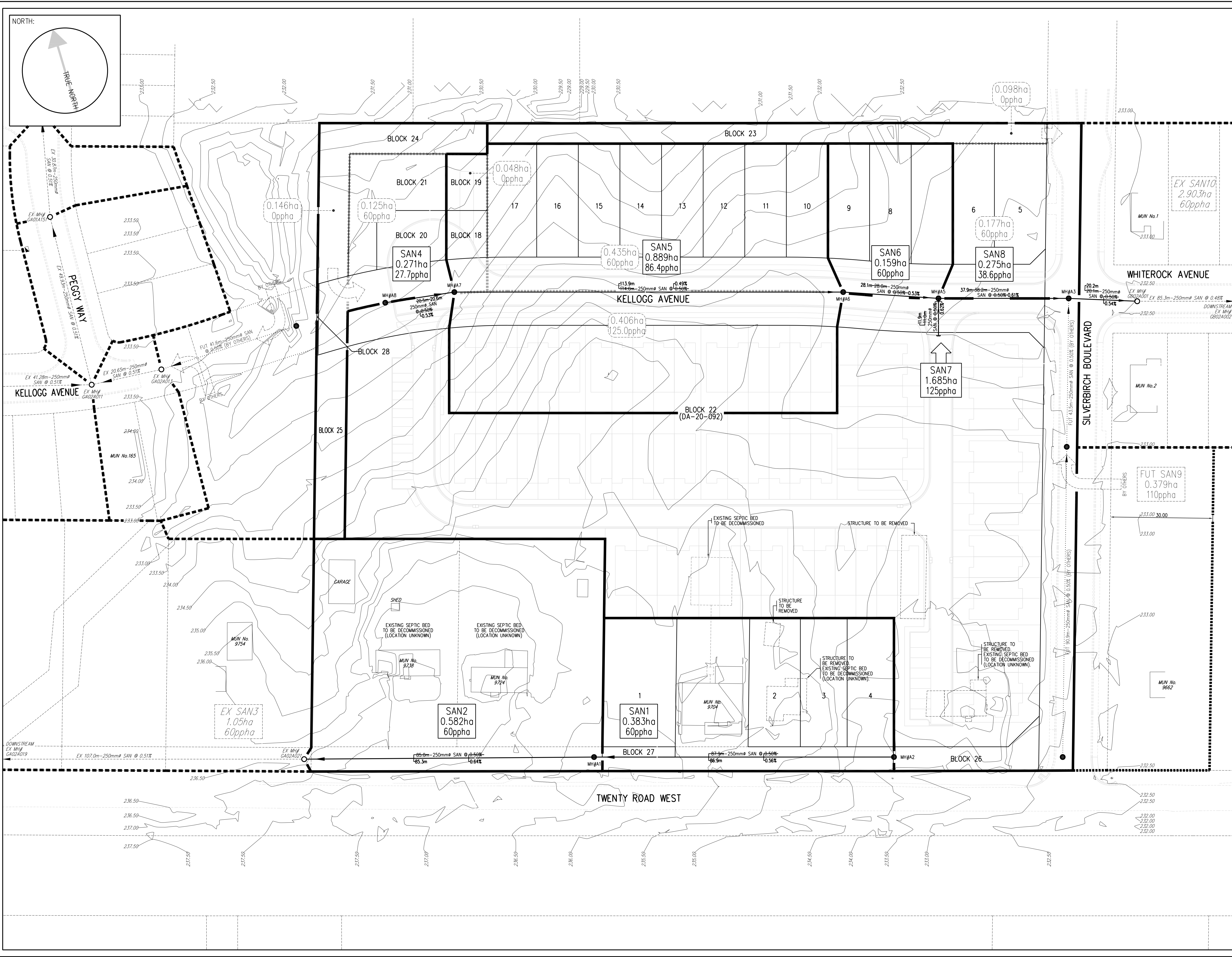
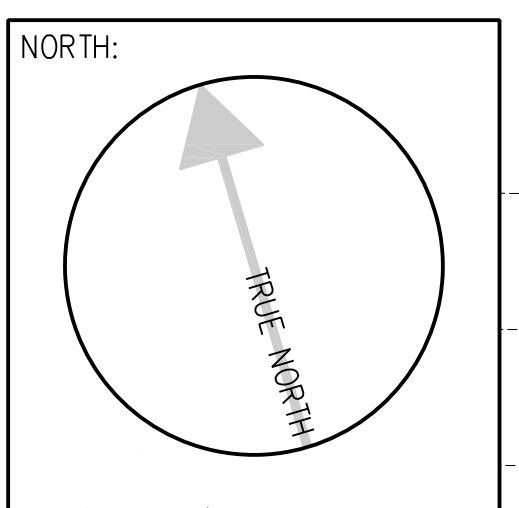
**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL 905-528-8761 FAX 905-528-2288  
email: oj@ajclarke.com

**BEARINGS NOTE:**  
BEARINGS ARE ASTROMERIC AND ARE REFERRED TO THE EASTERLY LIMIT OF SILVERBIRCH BOULEVARD AS SHOWN ON PLAN 62M-854 HAVING A BEARING OF N17°50'00"E

**BENCHMARK NOTE:**  
CITY OF HAMILTON BENCHMARK 0720202030  
RIB WITH BRASS CAP LOCATED IN GLANBROOK 9.0m SOUTH OF CENTRELINE OF TWENTY ROAD, 20.0m EAST OF CENTRELINE OF GLANCASTER ROAD, 23m NORTHEAST OF HYDRO TOWER  
ELEVATION = 242.012 CGVD 28.78

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

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THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION OF A. J. CLARKE & ASSOCIATES LTD. IS STRICTLY PROHIBITED.



NOT TO SCALE

LEGEND:

- TRIBUTARY ID ——— SANXX
- TRIBUTARY AREA — ha
- POPULATION (PERSONS) BASED ON PERSONS PER HECTARE — ppha
- SUB-TRIBUTARY AREA — ha
- POPULATION (PERSONS) BASED ON PERSONS PER HECTARE — ppha
- DENOTES LIMIT OF SANITARY TRIBUTARY AREA ———
- DENOTES LIMIT OF EXISTING SANITARY TRIBUTARY AREA - - - - -
- DENOTES LIMIT OF SANITARY SUB-TRIBUTARY AREA - · - · - ·
- SANITARY FLOW OF EXTERNAL AREAS → → →

**AS BUILT DRAWINGS**

No.	DATE	BY	REVISION
8	FEB 20, 2024	CC	AS-BUILTS (1st SUBMISSION)
--	DEC 01, 2023	CC	COMPOSITE UTILITY PLAN COMPLETED
7	JUNE 13, 2023	CC	REVISED STOCKPILE LOCATION
6	MAY 29, 2023	CC	REVISED TWENTY ROAD SERVICES

BENCHMARK:  
STATION: 00119643460  
TOWNSHIP: HAMILTON-WENTWORTH  
1 FOOT CONCRETE CYLINDER ON WEST SIDE OF HIGHWAY No.6, 0.7km SOUTH OF HIGHWAY No.53, OPPOSITE THE NORTH EDGE OF ALDERLEA AVENUE, 21.3m SOUTH OF POWER POLE No.343, ON FENCE LINE, 60cm SOUTH OF END POST. TABLET IN TOP OF CYLINDER. ORTHOMETRIC ELEV: 225.344m

STAMP:  
LICENSED PROFESSIONAL ENGINEER  
C. J. RIDD  
100850142  
PROVINCE OF ONTARIO

CONSULTANT:  
**URBEX** ENGINEERING LIMITED  
161 REBECCA STREET  
HAMILTON ON, L8R 1B9  
TEL 905-522-3328  
FAX 905-522-0452  
EMAIL info@urbex.biz

MUNICIPALITY:  
THE CITY OF HAMILTON

**SILVERBIRCH MEADOWS**  
(9684, 9694, 9704, 9714, & 9730 TWENTY ROAD WEST)  
GLANBROOK, ONTARIO  
25T-201505

**SANITARY DRAINAGE AREA PLAN**

FILE NAME:  
12-SILVERBIRCH-SAN(ab-1st sub).dwg

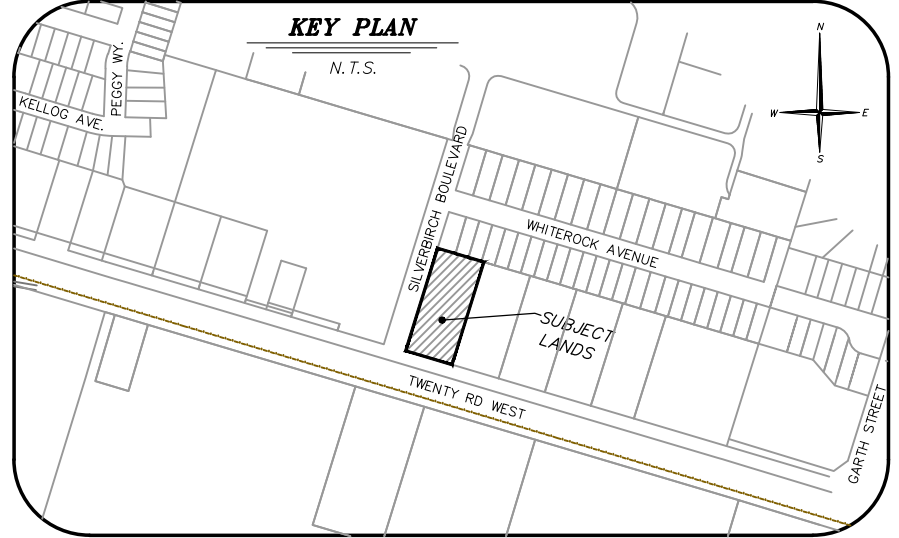
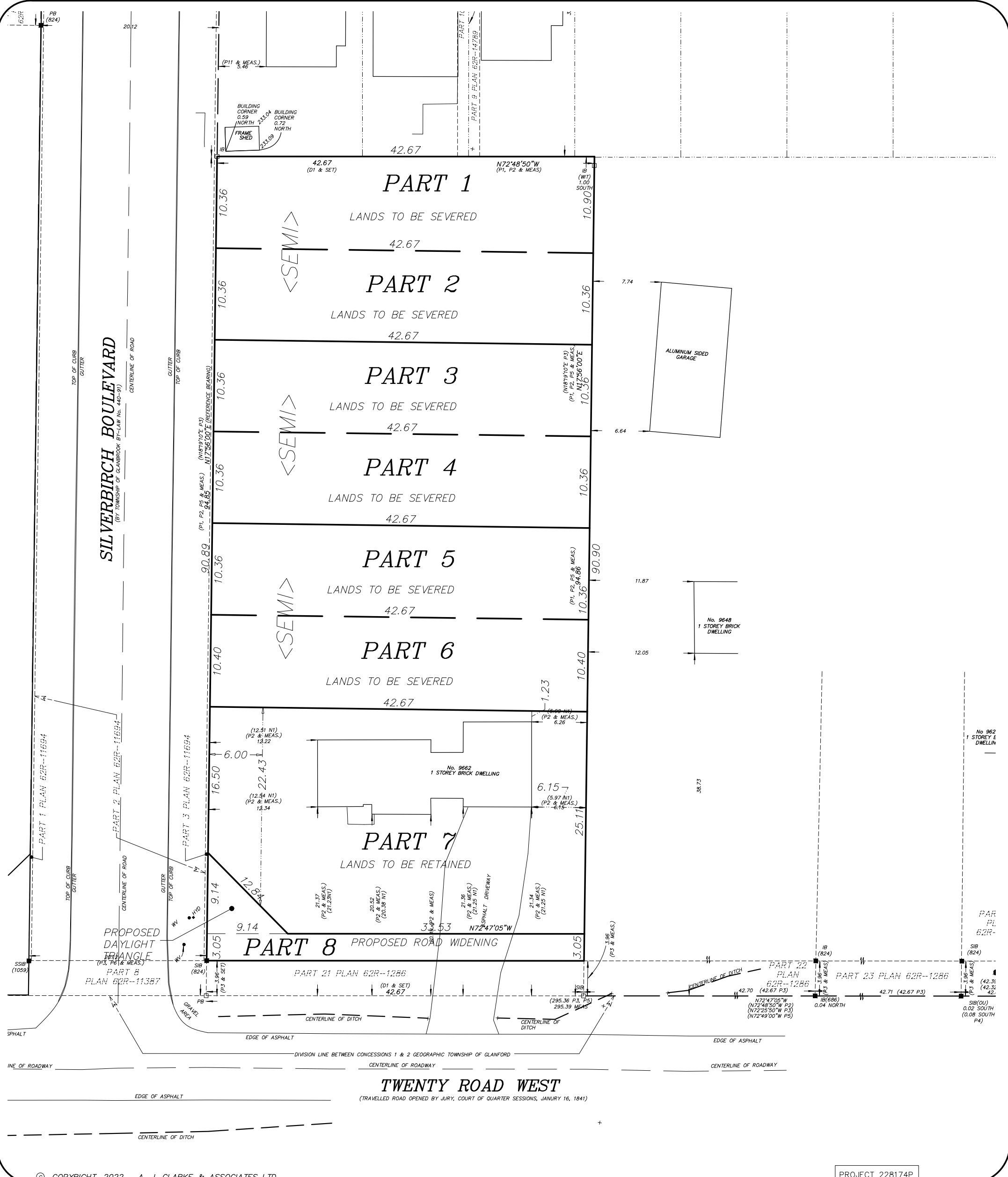
SCALE :  
1 : 500

LAST SAVED BY:  
CHRIS CORSINI

SHEET No.:  
12

E-18770

9664 Twenty Road West



SKETCH FOR CONSENT TO SEVER  
9662 TWENTY ROAD WEST  
CITY OF HAMILTON



THE ABOVE NOTED LANDS ARE:  
PART OF LOT 2, CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF GLANFORD

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

**NOTE:**

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 1 - LANDS TO BE SEVERED AREA	453.59m <sup>2</sup>
PART 2 - LANDS TO BE SEVERED AREA	442.03m <sup>2</sup>
PART 3 - LANDS TO BE SEVERED AREA	442.03m <sup>2</sup>
PART 4 - LANDS TO BE SEVERED AREA	442.03m <sup>2</sup>
PART 5 - LANDS TO BE SEVERED AREA	442.03m <sup>2</sup>
PART 6 - LANDS TO BE SEVERED AREA	443.74m <sup>2</sup>
PART 7 - LANDS TO BE RETAINED AREA	1041.00m <sup>2</sup>
PART 8 - PROPOSED ROAD WIDENING AREA AND VISIBILITY TRIANGLE	171.80m <sup>2</sup>

DATE: JULY 19, 2024

**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

E-18770



*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 16, 2024

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

**Re: 9662 Twenty Road West, Hamilton  
Minor Variance and Severance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Karamat Ullah Bajwa Inc. for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 9662 Twenty Road West, in the City of Hamilton. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and executed Application for Minor Variance Application Form;
- One (1) electronic copy of the required filled and executed Application for Consent (Severance) Application Form;
- One (1) electronic copy of the Severance Sketch;
- One (1) electronic copy of the Topographic Survey T-3607;

The fees will be paid by the owner/applicant, Karamat Ullah Bajwa Inc. Please contact Rowena Parayno, accounts manager, at (289) 887-8885 or at rowenaparayno77@yahoo.com.

The subject lands are located on the north side of Twenty Road West, between Silverbirch Boulevard to the west, and Garth Street to the east. The subject lands have a frontage of ±42.67 metres along Twenty Road West, with an approximate area of ±4,047.2 square metres, and are currently occupied by one (1) single-detached dwelling with an attached garage. The lands' wastewater is currently serviced through a private septic system.

### **Previous Planning Applications**

A conditional severance for the lands, GL/B-22:135, was approved on February 16, 2023, and has not lapsed. The conditional approval permits the division of the lands into 5 parcels for single detached dwellings. The associated minor variance application was denied, and a zoning by-law amendment was added as a condition of approval.

Prior to submitting an application for such, it was announced that the City would be re-zoning the lands. On April 10, 2024, City of Hamilton Council passed City-Wide Zoning By-Law Amendment, By-law 24-051,





which includes the subject parcel. This by-law is not yet in force due to unrelated appeals. The subject lands will be designated Low Density Residential – Large Lot (R2) zone, per Schedule A105 of By-law 24-051.

The owner/applicant has chosen to modify the development proposal with a design that follows the provisions of the approved by-law. The new Consent to Sever application is required to implement the new design.

### Development Proposal

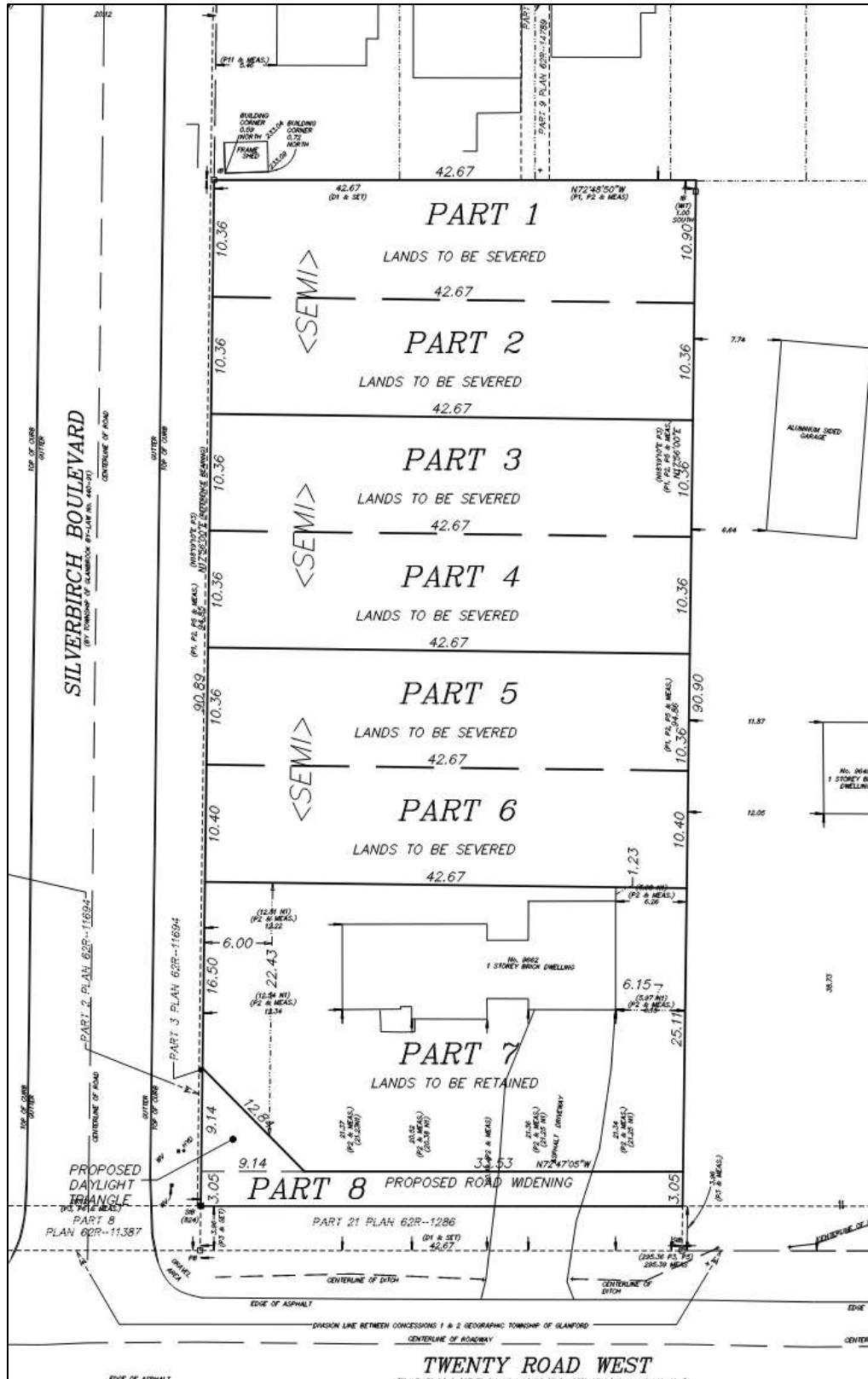
The proposed development is to, via concurrent severances, to create six (6) additional residential lots within the existing parcel boundary. This will result in seven lots in total, all fronting onto Silverbirch Boulevard. Semi-attached dwellings are the intended development form for the new parcels. Each newly created lot will have a minimum lot width of 10.36 metres and a minimum lot area of 663.46 square metres. The retained parcel will have a front lot line of 16.50 m on Silverbirch Boulevard and an area of 1,041 square metres. The existing dwelling is proposed to remain in place.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	<b>Part 1 (severed)</b>	<b>Part 2 (severed)</b>	<b>Part 3 (severed)</b>	<b>Part 4 (severed)</b>	<b>Part 5 (severed)</b>	<b>Part 6 (severed)</b>	<b>Part 7 (retained)</b>	<b>Part 8 (ROW)</b>
<b>Lot Width</b>	10.36m	10.36m	10.36m	10.36m	10.36m	10.40m	22.43m	3.05 m
<b>Lot Depth</b>	42.67m	42.67m	42.67m	42.67m	42.67m	42.67m	42.67m	42.67m
<b>Lot Area</b>	453.59 <sup>2</sup>	442.03 <sup>2</sup>	442.03m <sup>2</sup>	442.03m <sup>2</sup>	442.03m <sup>2</sup>	443.74m <sup>2</sup>	1041.00m <sup>2</sup>	171.80m <sup>2</sup>

Part 8 of the proposed development is a Road Widening along the Twenty Road frontage of approximately 3.05 metres with a daylight triangle at the intersection of Twenty Road and Silverbirch Boulevard of 9.14 metres.

The lands have municipal water service. The project will require a new sanitary sewer line up to the existing sanitary sewers along Whiterock Avenue. Extensive engineering work has been completed for the larger development directly west, Silverbirch Meadows. The number of units proposed is within the allotted design capacity for the subject lands in the Silverbirch Meadows Sanitary Drainage Area Plan, dated February 20, 2024.



Proposed land division of the subject lands:

9662 Twenty Road West.



## Required Variances

The Former Township of Glanbrook Zoning By-law 464 is still in force and effect on the subject lands as the City Initiated zoning By-law Amendment is currently under appeal. As per Schedule E of the Township of Glanbrook Zoning By-law 464, the site is zoned “ER – Existing Residential.” The zone provisions within Section 9 shall apply to the proposed development and a review of the applicable zone provisions are included in the table below:

**The variances from Former Township of Glanbrook Zoning By-law 464 (in force as of this writing) are as follows:**

### Parts 1-6, Sketch E-18770

1. To permit the development of semi-detached dwelling units, whereas single detached dwelling units are permitted.
2. To permit a minimum lot frontage of 9.0 metres, whereas a minimum lot frontage of 22.5 metres is required.
3. To permit a minimum lot area of 315 square metres, whereas a minimum lot area of 1,390 square metres is required.
4. To permit a minimum front yard of 4.0 metres, whereas a minimum 9.0 metres is required.
5. To permit a minimum rear yard setback of 7.5 metres whereas a minimum rear yard setback of 10.7 metres is required.
6. To permit a minimum interior side lot line of 2.0m, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a 0.0 metre side yard is permitted.
7. To permit a maximum lot coverage of 35%, whereas a maximum lot coverage of 25% is required.

### Part 7, Sketch E-18770

1. To permit a minimum lot frontage of 16.50 metres, whereas a minimum lot frontage of 22.5 metres is required.
2. To permit a minimum lot area of 630 square metres, whereas a minimum lot area of 1,390 square metres is required.
3. To permit a minimum front yard of 4.0 metres, whereas a minimum 9.0 metres is required.
4. To permit a maximum lot coverage of 35% whereas, the maximum lot coverage of 25% is required.
5. To permit a minimum side yard of 1.2 metres, whereas a minimum side yard of 1.8 metres is required.
6. To permit a minimum setback from a flankage lot line of 3.0 metres whereas 6.0 metres is required.
7. To permit a minimum rear yard of 7.5 metres, whereas a minimum rear yard of 10.7 metres is required.
8. To permit an interior side yard of 1.2 metres for any structure built on or before May 24<sup>th</sup>, 2024.

**The variances from City of Hamilton Zoning By-law 05-200 (once By-law 24-051 is in force) are as follows:**

### Parts 1-6, Sketch E-18770

**None**



### Part 7, Sketch E-18770

1. To permit a minimum rear yard of 6.1 metres for any structure built on or before May 24<sup>th</sup>, 2024.
2. To permit a minimum interior side yard of 1.2 metres for any structure built on or before May 24<sup>th</sup>, 2024.

### Development Context

The surrounding area consists largely of residential uses north of Twenty Road West. South of Twenty Road West is primarily rural and agricultural land uses; these lands have now been included into the Urban Boundary. A former golf course to the southwest is being redeveloped into residential use. The lands directly across Silverbirch Boulevard are set to develop a 71-townhouse subdivision that will see the development of full municipal services along Silverbirch Boulevard. Directly north of the subject lands is the “Silverbirch” registered subdivision already constructed. Further north is the Villages of Glancaster Condominium. St Therese of Lisieux Catholic School is located approximately 1.5 kilometres north.

The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings
<b>South</b>	Agriculture
<b>East</b>	Single-Detached Rural Lots
<b>West</b>	Single-Detached Dwellings – future site of 71 townhouse units



Figure 1: Approved Silverbirch Meadows Site Plan Overlaid Area Aerial Photo



## Planning Policy Overview

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 Act. The tests and professional opinion are outlined below:

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

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 land uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses. The proposed development is a permitted land use.

The proposed dwellings will assist in the addition of available housing stock within the neighbourhood, while also capitalizing on the underutilized land as an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 18.88 units per hectare, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) *The lots comply with existing Neighbourhood Plans;*
- c) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) *The lots are fully serviced by municipal water and wastewater systems; and,*
- f) *The lots have frontage on a public road.*

Presently, the only requirement it does not meet is in the absence of municipally provided wastewater systems. As stated above, it is accepted that development will require the construction of sanitary and stormwater sewer connections. As such, any development fully permitted will meet the requirements of servicing.

The severed and retained lots will require several minor variances to outgoing zoning designation. The severed lots are fully compliant with the incoming R2 zone designation. The retained lot will require minor variances to address yard setbacks to preserve the existing dwelling. The proposed lot fabric will generally reflect the lot pattern of the developing neighbourhood. The proposed severance will facilitate development of low-density residential dwellings permitted in the Urban Hamilton Official Plan and



North-West Glanbrook Secondary Plan. The proposed dwellings will have access from Silverbirch Boulevard.

The ‘Neighbourhoods’ designation contains specific policies in relation to ‘Low Density Residential’. As such, ‘Low Density Residential’ uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposed lots to be severed will contain sufficient space to facilitate the development of these permitted built forms. Additionally, the proposal will have an overall density of 18.88 units per hectare (7 units total, 0.370645 hectares), conforming to the maximum permitted density of under the UHOP.

### **North-West Glanbrook Secondary Plan**

The subject lands are designated ‘Low Density Residential 2’ as per Map B.5.3-1: Land Use Plan in the North-West Glanbrook Secondary Plan. As per Policy 5.3.2.2, much of the secondary plan area shall be developed for residential purposes that include a mix of dwelling types including single-detached, semi-detached, duplexes, triplexes, and street townhouses.

Policy 5.3.2.3 states that the maximum net residential density for lands designated ‘Low Density Residential 2’ shall be 25 units per hectare (UPH). Further 5.3.2.3.f) states the “the rear portion of existing large lot residential development fronting Glancaster Road and Twenty Road West shall be encouraged to be redeveloped.” 5.3.2.3.g) goes further to state new residential development proposed to be contiguous to existing large lot residential shall be restricted to low density residential development.

The severed parcels proposed conform to the North-West Glanbrook Secondary Plan in their proposed use and density (18.88 UPH). The proposed development is exemplary of the desired redevelopment along Twenty Road West in its utilization of the rear portion of an existing large residential lot.

The proposed variance maintains the intent and purpose of the Official Plan.

## **2. Do the proposed variances maintain the intent and purpose of the Zoning By-law?**

The zoning by-law represents the intentions of council for the orderly development neighbourhoods across the municipality. The proposed variances requested reflect the most recent changes initiated by the City of Hamilton. This is the rezoning of these lands to the Low Density R2 Zone under Zoning By-law 05-200, which was approved by council. This represents the most recent changes to the planned function and the orderly development of low-density neighbourhoods across the City.

### **Township of Glanbrook Zoning By-law 464**

As per Schedule E of the Township of Glanbrook Zoning By-law 464, the site is zoned “ER – Existing Residential.” The zone provisions within Section 9 shall apply to the proposed development and a review of the applicable zone provisions are included in the table below:

Regulation	Requirement
------------	-------------



Minimum Lot Frontage	22.5 metres
Minimum Lot Depth	30.0 metres
Minimum Lot Area	1,390.0 square metres
Maximum Lot Coverage	25.0 %
Minimum Front Yard	9.0 metres
Minimum Side Yard	1.8 metres
Minimum Flank Yard Depth	6.0 metres
Minimum Rear Yard	10.7 metres

The Glanbrook By-law has two similar zones for large-lot residential parcels, Existing Residential "ER" zone and Residential Estate "RE" Zone, as well as a slightly larger Residential Hamlet "RH" Zone and the rural General Agricultural "A1" and Restricted Agricultural "A2" zones. The RE and the RH zones are intended to protect the development form of a very-low-density character area. The Existing Residential "ER" zone is intended to protect existing rural residential lots (being homes on well water and septic) within the urban area from urban development. The proposed developments is within the urbanized area, and will have full municipal services. The purpose of the current "ER" zone will no longer exist with the installation of full municipal services to the new parcels. The proposed variances, for conditional severances that will required full municipal services, are appropriate to maintain the intent of the zoning by-law and planned function of the neighbourhood.

**City of Hamilton Zoning By-law 05-200, as amended by By-law 24-051**

The City of Hamilton recently incorporated new "Low Density Residential" Zones within the City of Hamilton Zoning By-law 05-200, reflecting the City's intended requirements for Low Density Residential neighbourhoods.

The subject lands were included in the most recent city initiated re-zoning which introduced the new **Low Density Residential – Large Lot (R2) Zone**. The subject lands are to rezoned to the **Low Density Residential – Large Lot (R2) Zone**, as seen in Schedule A105 of By-law 24-051 which was approved by council, however, is currently under appeal. Therefore, this by-law is not yet in force and effect.

Within the R2 Zone, the proposed built forms are permitted which include semi-detached dwelling units, and single detached dwelling units. The following analysis has been prepared which compares the proposed development and lot fabric to the Low Density Residential – Large Lot (R2) Zone

The proposed Parts 1-6 which will each include one semi detached dwelling unit. Each of the proposed parcels meet the minimum required lot area for a semi detached dwelling unit of 315 square metres, and the minimum lot width of 9.0 metres for each dwelling unit in accordance with the R2 Zone requirements. The proposed lot fabric will result in lots with a minimum lot area of 442 square metres, with a minimum lot width of 10.36 metres.

Additional Zoning provisions as per the R2 Zone have been included below for the development of Semi-Detached Dwelling Units which includes:

Zoning Provision	Requirements
------------------	--------------



Minimum Setback from the Front Lot Line	4.0 metres
Minimum Setback from a Side Lot Line	2.0 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted
Minimum Setback from the Rear Lot Line	7.0 metres
Maximum Building Height	10.5 metres
Minimum Landscaped Area	35%;

The semi-detached dwelling parcels do not require any variances from the R2 zone provisions.

The detached dwelling parcel will require two variances, both for setbacks to the existing attached garage. The wording of the variances states that they will only apply “for any structure built on or before May 24<sup>th</sup>, 2024.” This is the date that a field survey was conducted by A. J. Clarke and Associates Ltd., labelled T-3607, and signed by Nicholas P. Muth, O.L.S. Use of this date will refute any claim as to what or wasn’t present on the lands.

The proposed variances maintain the intent and purpose of the current and incoming 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 adjacent to a Minor Arterial Road. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands. Further the proposed variances are consistent with the council approved new Low Density Residential – Large Lot (R2) Zone within the 05-200 Zoning By-law.

The variances are appropriate for the development of the subject lands.

### **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 to the lot frontage or lot area, lot coverage, and yard setbacks for the existing dwelling as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit the proposed development will facilitate the creation of the lots for future residential development while preserving the existing dwelling. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the current Glanbrook Zoning By-law, the proposed minor variances will provide relief from these zoning deficiencies, which are minor in nature.





## Conclusion

As such, the subject land is appropriate for the redevelopment of as proposed with new servicing connections and has sufficient regard for the matters listed under Section 51 (24) 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.

Sincerely,

M. Liam Doherty, MCIP, RPP  
Senior Planner  
**A. J. Clarke and Associates Ltd.**



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)	
Applicant(s)**	
Agent or Solicitor	

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

\*\* Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 Primary contact  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No

If YES, provide email address where sign is to be sent \_\_\_\_\_

1.5 All correspondence may be sent by email  Yes\*  No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

In person  
 Cheque

Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	9662 Twenty Road West		
Assessment Roll Number	251890211009000		
Former Municipality	Glanbrook		
Lot	Pt Lt 2	Concession	1
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-13685	Part(s)	Except Pt 1

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:

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: Please see Attached Excel Sheet for all parcels

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:					
Type of Transfer	N/A				
Frontage					
Depth					
Area					
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

\* 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.

The application provides for new housing in a location, form, and density that conforms to the Official Plan.

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? ER Existing Residential (R2 pending)

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.

Zoning By-law No. 24-051, Approved by Council and Appealed.

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 checked="" type="checkbox"/>	Office ( C3) +/- 260 m
<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.

GL/B-22:135, approved with conditions.

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

Previous: 5 detached dwelling lots. New: 6 semi-detached and 1 detached dwelling lots.

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?

Since June 2013.

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)

It provides needed housing within the urban area and within the municipal servicing network.

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

Yes       No      (Provide explanation)

It provides needed housing within the urban area, in a designated location and within the municipal servicing network.

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

Yes       No      (Provide explanation)

The application provides for the intensification of urban residential land.

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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