



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: 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

APPLICATION NO.:	B-24:53	SUBJECT PROPERTY:	167 Locke Street South, Hamilton
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APPLICANTS: Owner: 1219788 Ontario Inc.
Agent: A.J. Clarke & Associates, Liam Doherty RPP

PURPOSE & EFFECT: To sever the existing residential lot into three parcels, the severed lands will contain part of the existing mixed-use townhouse, and the retained lands will contain part of the existing mixed townhouse which are intended to remain. To permit the creation of an easement over a portion of land for access and maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	5.174 m [±]	30.785 m [±]	155.50 m ² [±]
SEVERED LANDS (Part 2):	4.984 m [±]	30.785 m [±]	147.43 m ² [±]
SEVERED LANDS (Access Easement (Part 4)):	3.5 m [±]	4.967 m [±]	17.38 m ² [±]
SEVERED LANDS (Access Easement (Part 5)):	0 m [±]	4.741 m [±]	16.59 m ² [±]
RETAINED LANDS (Part 3):	6.874 m [±]	30.785 m [±]	222.60 m ² [±]

Associated Planning Act File(s): A-24:198

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:

DATE:	Tuesday, October 8, 2024
TIME:	1:30 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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-24:53, you must submit a written request to 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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



 **Subject Lands**

DATED: September 19, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

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



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City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: 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 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

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. 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

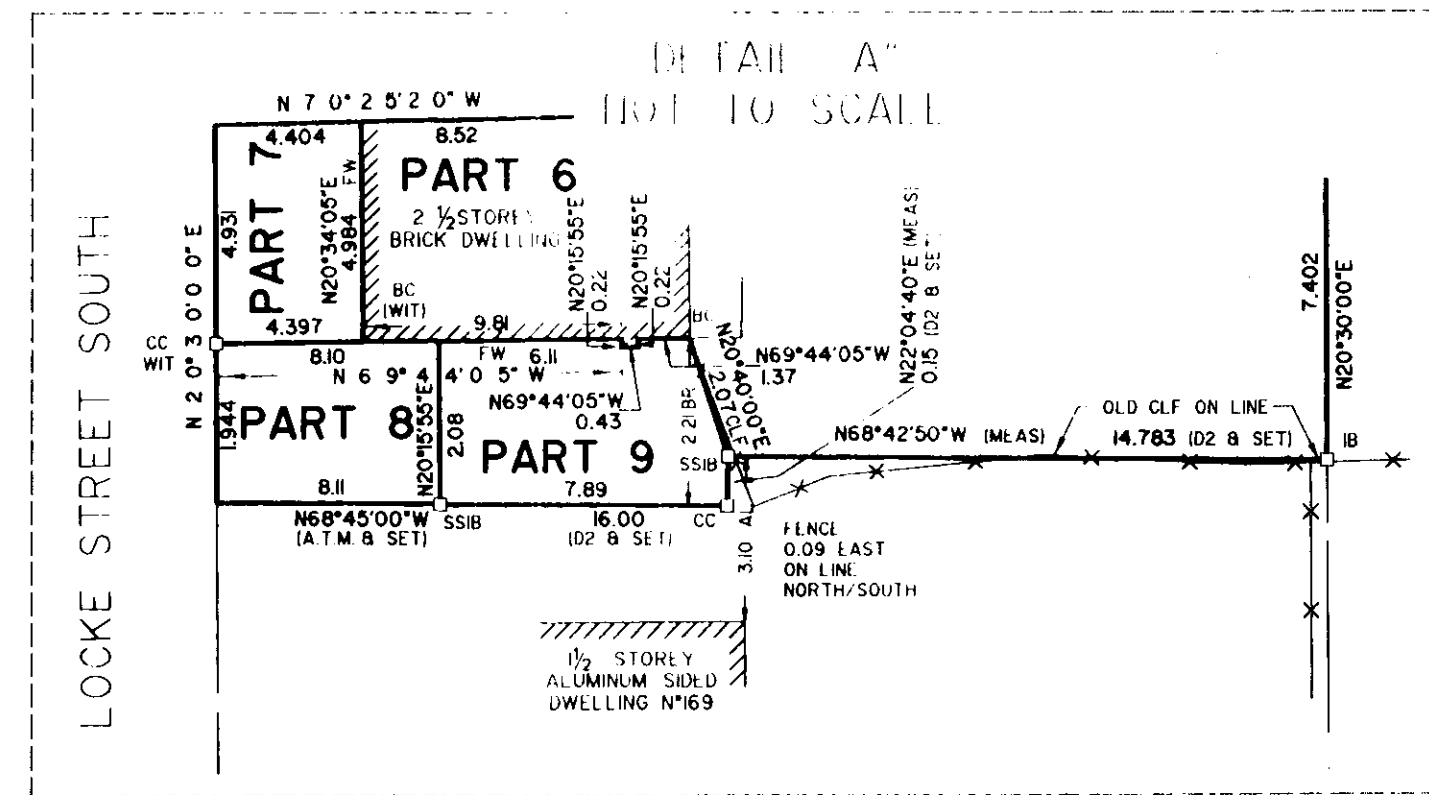
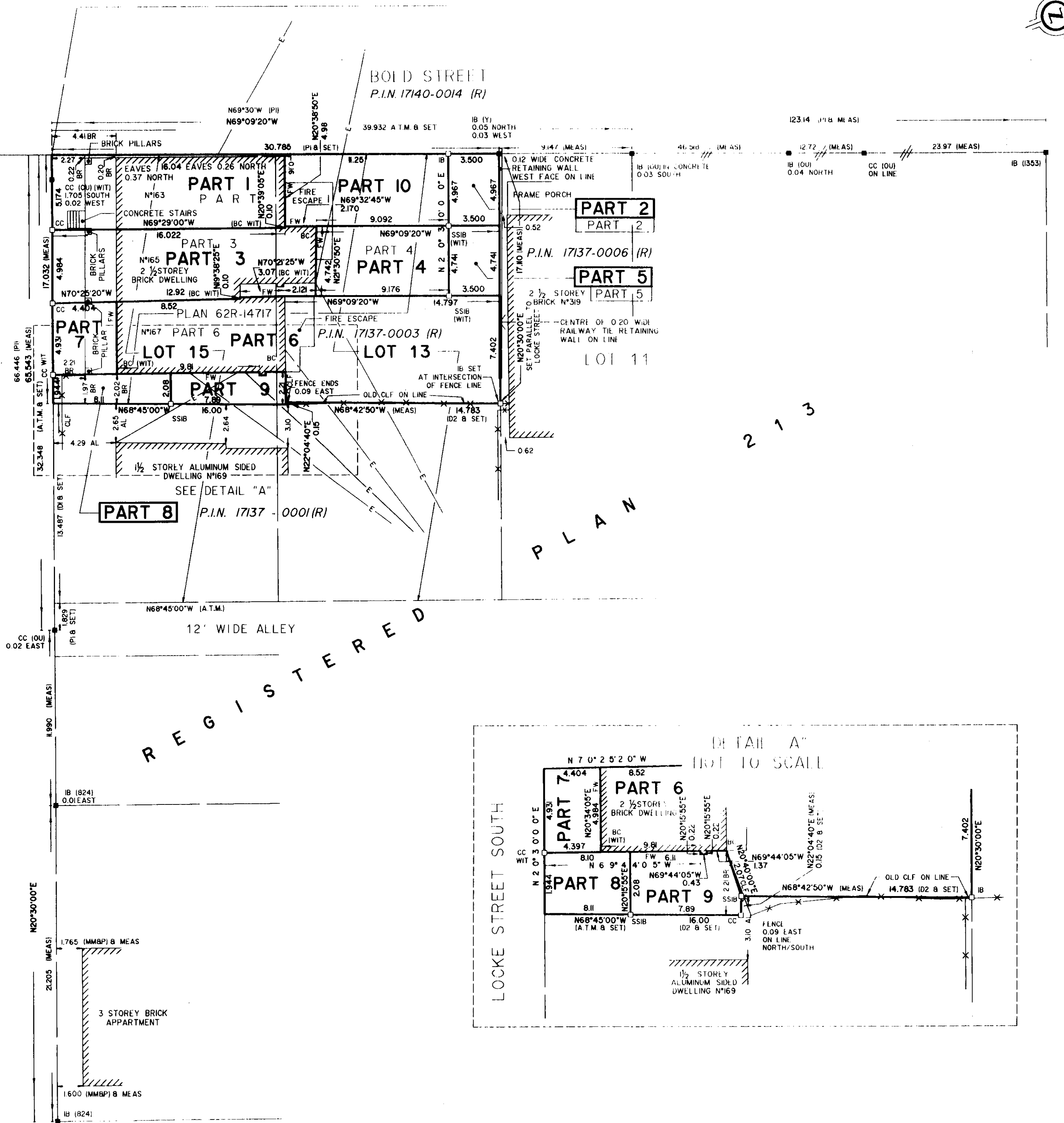
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 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.

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.

LOCKE STREET SOUTH
P.I.N. 17140-0242 (R)

LOCKE STREET SOUTH
P.I.N. 17137-0193 (R)



REGISTERED

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.

PLAN 62R-14799

RECEIVED AND DEPOSITED

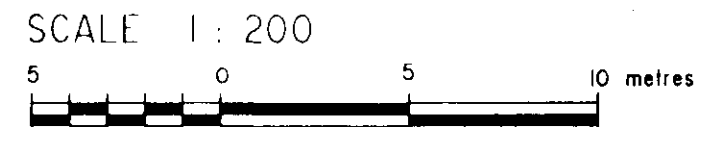
DATE *NOVEMBER 12 1998* DATE *1998 11 12*

S.J. Balaban
S.J. BALABAN
ONTARIO LAND SURVEYOR

E. Cannon ADL
LAND REGISTRAR FOR THE
REGISTRY DIVISION OF
WENTWORTH (No 62)

SCHEDULE			
PART	LOCATION	P.I.N.	AREA m ²
1	PART OF LOTS 13 & 15, REGISTERED PLAN 213	ALL OF 17137-0003 (R)	82.19
2	PART OF LOT 13, REGISTERED PLAN 213		17.38
3	PART OF LOTS 13 & 15, REGISTERED PLAN 213		87.53
4	PART OF LOT 13, REGISTERED PLAN 213		43.31
5	PART OF LOT 13, REGISTERED PLAN 213		16.59
6	PART OF LOTS 13 & 15, REGISTERED PLAN 213		167.60
7	PART OF LOT 15, REGISTERED PLAN 213		21.81
8	PART OF LOT 15, REGISTERED PLAN 213		16.31
9	PART OF LOTS 13 & 15, REGISTERED PLAN 213		16.89
10	PART OF LOT 13, REGISTERED PLAN 213		55.91

PLAN OF SURVEY OF
PART OF LOTS 13 AND 15
IN THE BLOCK BOUNDED BY PINE,
PEARL, BOLD AND LOCKE STREETS
REGISTERED PLAN 213
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH



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

- NOTES**
- BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EAST LIMIT OF LOCKE STREET SOUTH, HAVING OF BEARING OF N20°30'E AS SHOWN ON REGISTERED PLAN 213.
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - OU DENOTES ORIGIN UNKNOWN
 - IB DENOTES IRON BAR
 - WIT DENOTES WITNESS
 - MEAS DENOTES MEASURED
 - MMP DENOTES PLAN BY MACKAY AND MACKAY DATED JULY 27, 1945
 - CC DENOTES CUT CROSS
 - BC DENOTES BUILDING CORNER
 - WIT DENOTES WITNESS
 - P1 DENOTES REGISTERED PLAN 213
 - CLF DENOTES CHAIN LINK FENCE
 - BR DENOTES BRICK
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - 824 DENOTES A.T. McLAREN, O.L.S.
 - ATM DENOTES FIELD NOTES BY A.T. McLAREN, DATED OCTOBER 8, 1985
 - 1353 DENOTES G.E. GIDDY, O.L.S.
 - Y DENOTES YATES AND YATES LTD.
 - E DENOTES OVERHEAD WIRES
 - FW DENOTES FACE OF WALL
 - D1 DENOTES INSTRUMENT N° 171456
 - D2 DENOTES INSTRUMENT N° 32110AB
 - AL DENOTES ALUMINUM SIDED

THIS PLAN IS INTENDED TO SUPERCEDE PLAN 62R-14717.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 2nd DAY OF NOVEMBER, 1998.

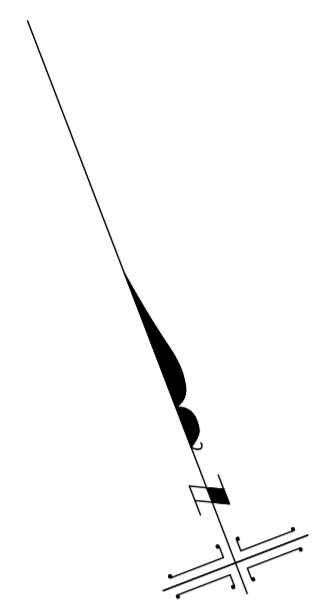
DATE *NOVEMBER 15 1998* *S.J. Balaban*
S.J. BALABAN
ONTARIO LAND SURVEYOR

SURVEYING MAPPING
LAND INFORMATION SERVICES

J.D. BARNES
LIMITED

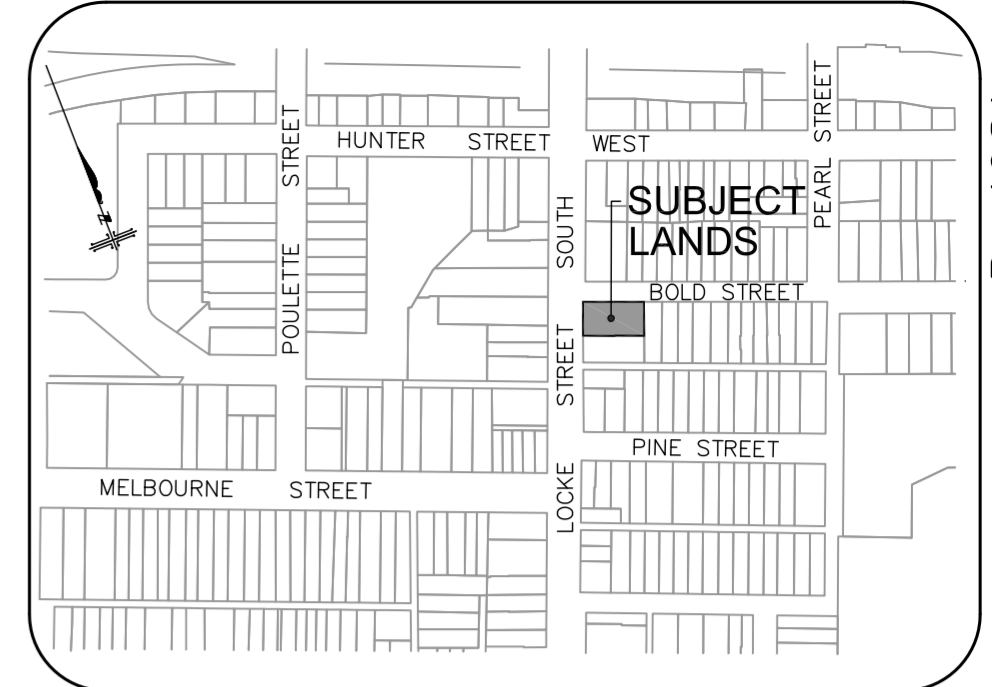
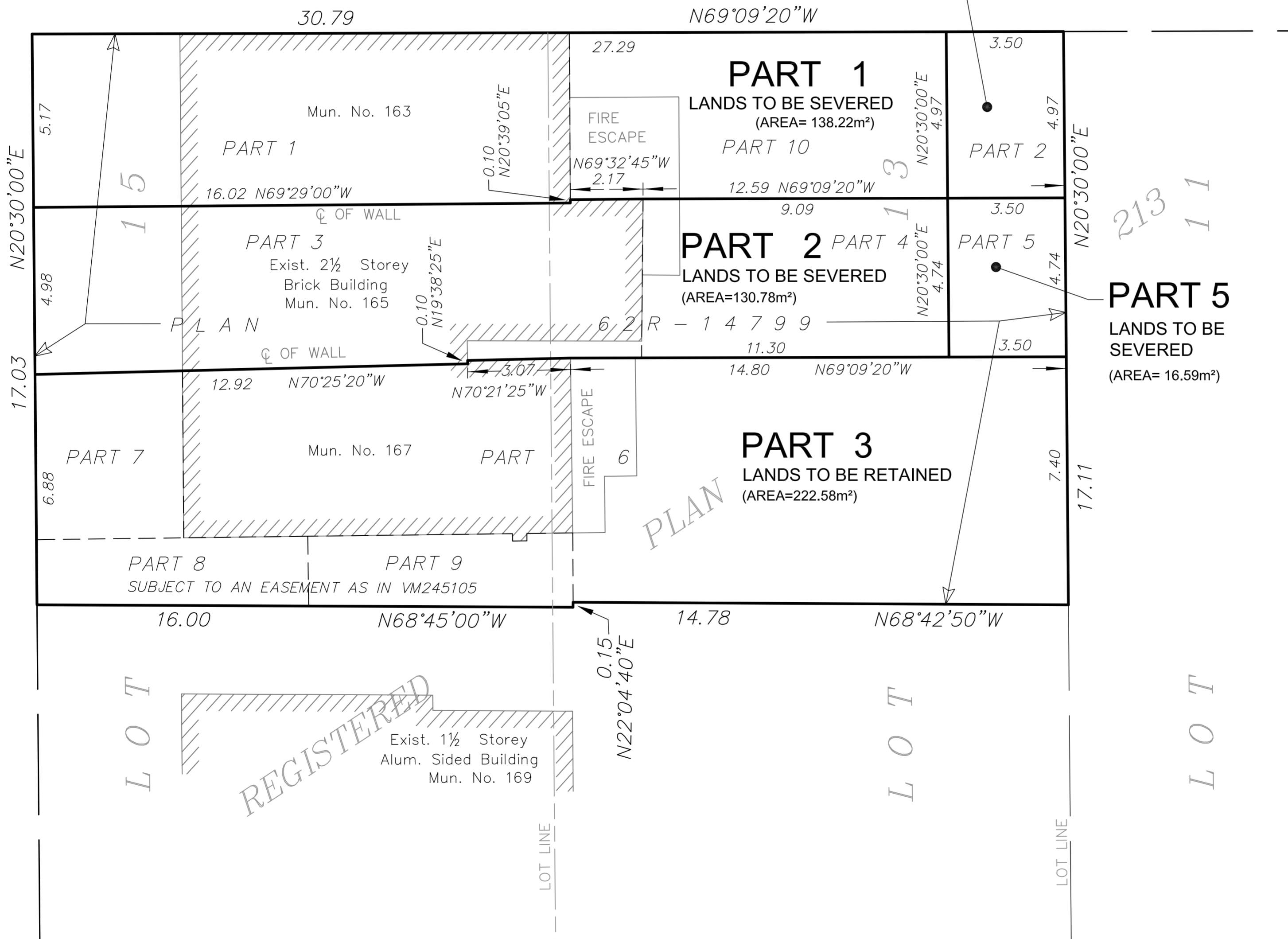
55 FRID STREET, UNIT 2A
HAMILTON, ONTARIO L8P 4M3
TEL. (905) 522-3511
FAX (905) 572-9115

DRAWN BY M. DICOSMO CHECKED BY: SJB REFERENCE NO.: 98-29-601-01



BOLD STREET

PART 4
LANDS TO BE SEVERED
(AREA= 17.39m²)



SKETCH FOR CONSENT TO SEVER
163, 165 & 167 LOCKE ST. SOUTH
HAMILTON

SCALE 1:200

THE ABOVE NOTED LANDS ARE PART OF LOT 13, SOUTH SIDE OF BOLD STREET AND PART OF LOT 15 SOUTH SIDE OF BOLD STREET & EAST SIDE OF LOCKE STREET, REGISTERED PLAN 213 CITY OF HAMILTON

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

NOTE:
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH ARE BASED ON PLANS ON FILE 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.

CONSENT SCHEDULE (PARCEL CREATION):
PARTS 1 & 4 (LANDS TO BE SEVERED) AREA = 155.61m²
PARTS 2 & 5 (LANDS TO BE SEVERED) AREA = 147.37m²
PART 3 (LANDS TO BE RETAINED) AREA = 222.58m²

CONSENT SCHEDULE (EASEMENT CREATION):
PARTS 4 & 5 ACCESS EASEMENT FOR RETAINED LANDS (PART 3)
PART 4 ACCESS EASEMENT FOR SEVERED LANDS (PARTS 2 & 5)

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

AUGUST 15, 2024
DATE

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

PROPERTY DESCRIPTION: PT LT 13 S/S BOLD ST PL 213; PT LT 15 S/S BOLD ST & E/S LOCKE ST PL 213 PT 1-10 62R14799, S/T VM245105; CITY OF HAMILTON

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

RE-ENTRY FROM 17137-0203

PIN CREATION DATE:

2007/12/17

OWNERS' NAMES

1219788 ONTARIO INC.

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
<p>** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **</p> <p>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</p> <p>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.</p> <p>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.</p> <p>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</p> <p>**DATE OF CONVERSION TO LAND TITLES: 2007/12/17 **</p>						
VM242158	1998/05/29	TRANSFER	\$184,200	IVANISKI, GEORGE HENRY	1219788 ONTARIO INC.	C
62R14717	1998/09/11	PLAN REFERENCE				C
62R14799	1998/11/12	PLAN REFERENCE				C
WE1478871	2020/12/21	CHARGE	\$600,000	1219788 ONTARIO INC.	BERTOZZI, JULIAN	C
WE1478872	2020/12/21	NO ASSGN RENT GEN		1219788 ONTARIO INC.	BERTOZZI, JULIAN	C
		REMARKS: WE1478871.				

Transfer/Deed of Land

Form 1 - Land Registration Reform Act

A

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">FOR OFFICE USE ONLY</p> <p style="font-size: 2em; font-weight: bold; text-align: center;">UM 245105</p> <p style="text-align: center;">REGISTRATION OFFICE HAMILTON</p> <p style="font-size: 1.5em; text-align: center;">'99 05 27 ii 32</p> <p style="text-align: center;"><i>[Signature]</i> LAND REGISTRATION REGISTRAR</p> <p>New Property Identifiers</p> <p>Executions</p> <p style="text-align: right;">Additional See Schedule <input type="checkbox"/></p>	<p>(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/></p>	<p>(2) Page 1 of <u>56</u> pages</p>
	<p>(3) Property Identifier(s) Block Property 17137-0003 (R)</p> <p style="text-align: right;">Additional See Schedule <input type="checkbox"/></p>	
	<p>(4) Consideration TWO----- Dollars \$2.00</p>	
	<p>(5) Description This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/></p> <p>In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being Part of Lots 13 and 15, registered Plan 213, designated as Parts 8 and 9 on Plan 62R-14799</p> <p>BEING PART OF THE P.I.N.</p>	
	<p>Additional See Schedule <input type="checkbox"/></p>	

<p>(6) This Document Contains</p>	<p>(a) Redescription New Easement Plan/Sketch <input type="checkbox"/></p>	<p>(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/></p>	<p>(7) Interest/Estate Transferred Fee Simple Easement</p>
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(8) Transferor(s) The transferor hereby transfers the land to the transferee ~~AND TO THE TRANSFEREE~~

The Transferor agrees with the Transferee to the terms and conditions in attached Schedule "A"

Name(s) 1219788 ONTARIO INC.	Signature(s) Per: <i>[Signature]</i> Vincent Jim Scornaienchi President	Date of Signature Y M D 1999 01 26
I have authority to bind the Corporation		

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)	Signature(s)	Date of Signature Y M D
---------	--------------	----------------------------

(10) Transferor(s) Address for Service 13 Mount Royal Ave. Apt. #3, Hamilton, ON, L8P 4H5

(11) Transferee(s) - The Transferee certifies that the Transferee is at least eighteen years old and that the Transferee agrees with the Transferor to the terms and conditions in attached Schedule "A".

CASINO, Pauline <i>Pauline Casino</i>	Date of Signature Y M D 1999 01 26 1999 12 25
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(12) Transferee(s) Address for Service 169 Locke Street South, Hamilton, Ontario, L8P 4B2

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 50 of the Planning Act.

Signature	Date of Signature Y M D	Signature	Date of Signature Y M D
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Solicitor for Transferor(s) I have explained the effect of section 50 of the Planning Act to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Name and Address of Solicitor	Date of Signature Y M D	Signature	Date of Signature Y M D
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(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 50 (22) (c) (ii) of the Planning Act and that to the best of my knowledge and belief this transfer does not contravene section 50 of the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Name and Address of Solicitor	Date of Signature Y M D	Signature	Date of Signature Y M D
-------------------------------	----------------------------	-----------	----------------------------

<p>(15) Assessment Roll Number of Property</p> <p>(16) Municipal Address of Property 167 Locke Street South Hamilton, Ontario L8P 4B2</p>	<p>(17) Document Prepared by: Mr. Nicholas J. Zaffiro AGRO, ZAFFIRO, PARENTE, ORZEL & BAKER 1 James Street South P.O. Box 2069, Stn. LCD 1 Hamilton, Ontario, L8N 3G6 (NJZ:rc)</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">FOR OFFICE USE ONLY</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Registration Fee</td> <td style="width:50%; text-align: center;">50</td> </tr> <tr> <td>Land Transfer Tax</td> <td style="text-align: center;">NOTAY</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">Cash</td> </tr> </table>	Registration Fee	50	Land Transfer Tax	NOTAY	Total	Cash
Registration Fee	50							
Land Transfer Tax	NOTAY							
Total	Cash							

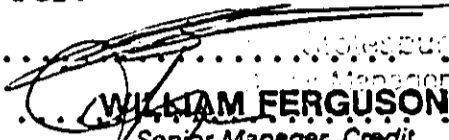
ADDITIONAL PARTIES

The Chargees herein named join herein to Consent to this Transfer.

Name(s)	Signature	Date of Signature		
		Y	M	D

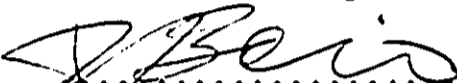
Per:

NATIONAL BANK OF CANADA


.....1999 05 13
WILLIAM FERGUSON
Senior Manager, Credit

I/We have authority
to bind the Corporation

BAIO, Pasquale


.....1939 07 03
~~1999 05 24~~

BAIO, Maria

.....
..Maria..Baio..
~~1999 05 25~~
1942-10-10

SCHEDULE "A"

The Transferor hereby grants to the Transferee the free uninterrupted and unobstructed right and easement upon the following terms and conditions which are hereby mutually agreed upon:

1. The easement is for ingress and egress for persons and vehicles over and upon the land described in Box 5 of the attached Transfer/Deed of Land and hereinafter referred to as the said lands.
2. The Transferor agrees to and the Transferee shall have the right to keep the said lands clear of all obstructions so as to permit the exercise and enjoyment of the rights and easement granted as aforesaid.
3. The servants, agents, contractors and workmen and other persons duly authorized by the Transferee shall have the right at all reasonable times and from time to time to pass and repass with all machinery, vehicles and equipment as may be necessary on the said land for all purposes necessary or incidental to the exercise and enjoyment of the rights and easement granted as aforesaid.
4. The Transferee covenants and agrees, at her expense, to maintain the land described in Box 5 of the attached Transfer/Deed of Land in a good and clean condition and to repair any damage that may be caused by the Transferee, her agents, servants or employees in the exercise of her rights pursuant to this Agreement to any property of the Transferor and any land of the Transferor lying adjacent to the said lands as described in Box 5 of the attached Transfer/Deed of Land.
5. The parties hereto agree that for the purposes of this easement the dominant tenement of the Transferee consists of that realty owned by the Transferee and described in Schedule "B" attached hereto.
6. The Easement granted by the Transfer/Deed of Land attached shall continue until the date the earliest of the following events occurs, namely:
 - (a) The date the Transferee ceases to be the owner of those lands described in Schedule "B";
 - (b) The date of death of the Transferee;
 - (c) The 31st day of December, 2013;
7. The covenants and conditions herein shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors and administrators and this agreement shall be not assignable by the Transferee.

SCHEDULE "B"

Description of the Dominant Tenement

Owned by Pauline Casino

Part of P.I.N. 17137-0001 (R)

All and Singular that certain parcel of land and premises situate lying and being in the City of Hamilton, in the County of Wentworth, in the Province of Ontario, being composed of parts of lots number 13 and 15 according to plan of survey made for J.L. Gage and registered in the Registry Office for the Registry Division of Wentworth as Number 213, and which may be more particularly described as follows, that is to say:

COMMENCING at a point in the eastern limit of Locke Street distant forty-four feet and three inches (44' 3") measured northerly thereon from an iron pipe planted at the southwestern angle of said lot number 15; THENCE southerly along the eastern limit of Locke Street, twenty-six feet and two and one-half inches (26' 2-1/2") more or less to a point in the production westerly of the centre line of the party wall between the brick dwelling erected upon the lands herein described and known as Number 169 Locke Street South and the brick dwelling erected upon the lands immediately adjoining on the south and known as number 169-1/2 Locke Street South; THENCE easterly to and along the centre line of the said party wall, thirty-eight feet (38') more or less to a point in the centre line of a wall dividing the front and rear parts of the aforesaid dwellings, the said point being distant seventeen feet and eleven inches (17' 11") measured northerly parallel with the eastern limit of Locke

Street from the southern limit of said Lot number 15; THENCE northerly along the centre line of the said last mentioned wall, six inches (6") more or less to a point in the centre line of the party wall between the rear parts of the aforesaid dwellings; THENCE easterly along the centre line of the ^{said} last mentioned wall, fourteen feet and four inches (14' 4") more or less to a point in the eastern face of the eastern wall of the aforesaid dwellings, the said point being distant eighteen feet and two and one-half inches (18' 2-1/2") measured northerly parallel with the eastern limit of Locke Street from the southern limit of Lot Number 13 aforesaid; THENCE northerly along the eastern face of the eastern wall of the dwelling erected upon the lands herein described and known as number 169 Locke Street South, three feet and four and one-half inches (3' 4-1/2") to a point; THENCE easterly and parallel with the southern limit of said Lot number 13 and following the line of the former position of an old fence, forty-eight feet and eight inches (48' 8") more or less to a point in the eastern limit of said Lot Number 13; THENCE northerly along the eastern limit of said Lot Number 13, twenty-three feet and eight inches (23' 8") more or less to a point in the line of an existing fence, THENCE westerly along the line of the said existing fence, forty-eight feet and six inches (48' 6") more or less to a jog in the said fence, the said jog being distant forty-four feet and nine inches (44' 9") measured northerly parallel with the eastern limit of Locke Street from the southern limit of said Lot Number 13; THENCE southerly and parallel with the eastern limit of Locke Street, six inches (6") to a point; THENCE westerly and parallel with the southern limit of said Lots Numbers 13 and 15, fifty-two feet and six inches (52' 6") more or less to the place of beginning. On the above described parcel of land is erected the brick dwelling known as number 169 Locke Street South.

SUBJECT to right of owners, tenants and occupants of aforesaid brick dwelling erected on lands immediately adjoining on the South and known as 169 1/2 Locke Street South to use the sidewalk and porch situated on lands hereinbefore described and affording access to said dwelling 169 1/2 Locke Street South.

Also subject to right of the said owners, tenants and occupants of dwelling 169 1/2 Locke Street South to have eave on North front portion of said dwelling overhang the hereinbefore described parcel as the same does at present.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

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

August 16, 2024

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

**Re: 167 Locke Street South, Hamilton
Minor Variance Application and Consent to Sever Application Submissions**

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by 1219788 ONTARIO INC. for the purposes of submitting applications to permit the division of their lands, municipally known as 167 Locke Street South, in the City of Hamilton. Enclosed are a Severance and Easement (Consent) Application and a Minor Variance application for the subject lands.

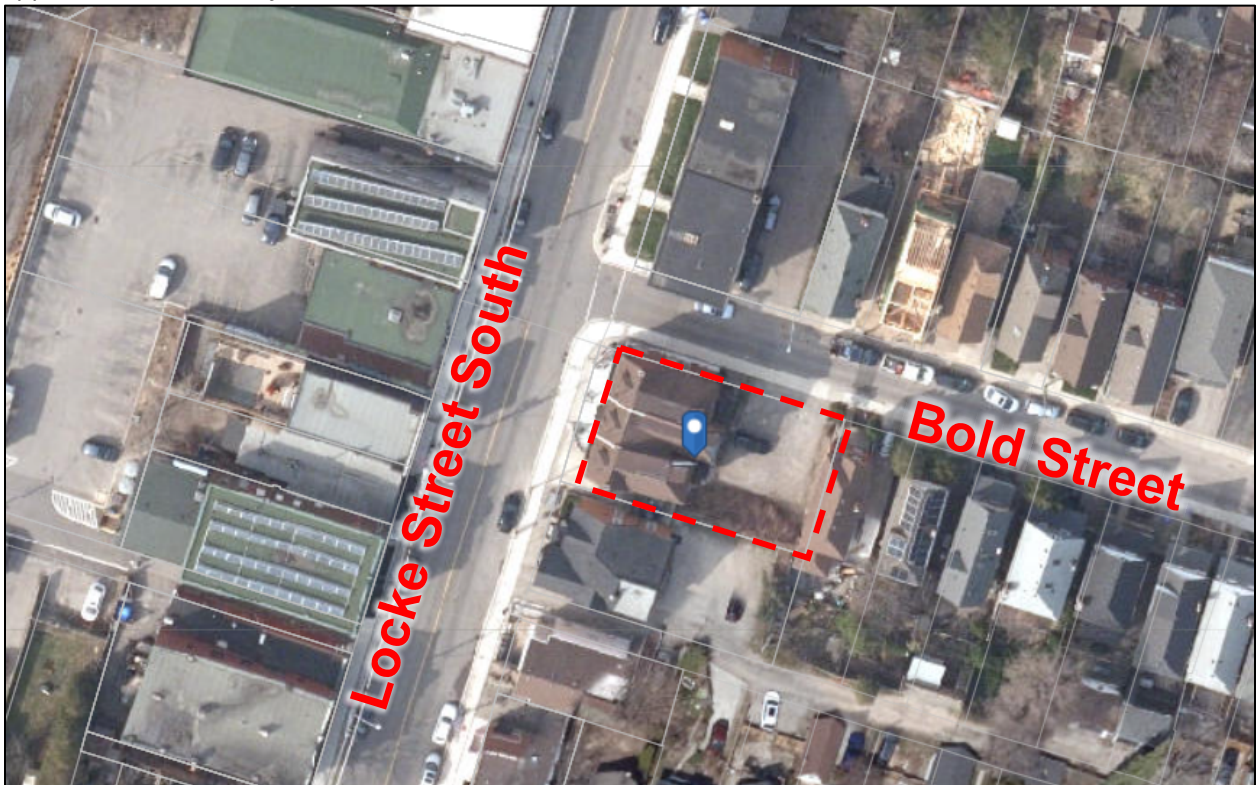


Figure 1: Aerial View of the Subject Lands

Below is a summary of the materials submitted to your attention:

- 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 Reference Plan 62R-14799;
- One (1) electronic copy of Easement documentation for VM245105;
- One (1) electronic copy of Parcel Register 17137-0003; and
- One (1) electronic copy of the required filled and executed Minor Variance Application Form.

The application fees will be paid by the applicant via credit card.

The subject lands are located on the south-east corner of Locke Street South and Bold Street. The lands are occupied by three townhouse units facing Locke Street South with commercial-retail businesses. The units have vehicular parking at the rear, accessed from Bold Street.



Figure 2: Locke Street South Facade.

The owner wishes to divide the parcel into three individual parcels with the existing dividing walls of the townhouse form being the proposed lot lines. The below table details the various lot frontages, depths, and areas, following the proposed severances and easements.

	Lot 1 (severed) Parts 1 & 4	Lot 2 (severed) Parts 2 & 5	Lot 3 (Retained) Part 3	Easement 4 (severed) Part 4	Easement 5 (severed) Part 5
Lot Frontage	5.17m	4.98 m	6.88 m	Width 4.97 m	Width 4.74 m
Depth	30.79 m	30.79 m	30.79 m	3.50 m	3.50 m
Area	155.61 m ²	147.37m ²	222.58 m ²	17.39 m ²	16.59 m ²

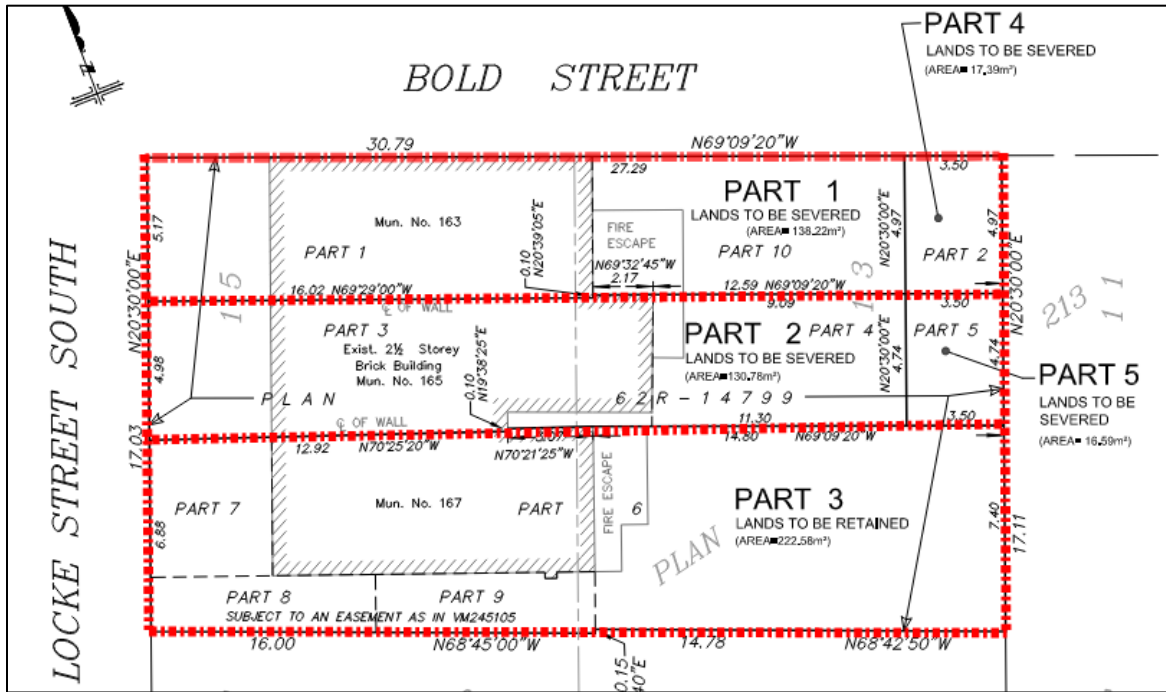


Figure 3: Proposed Parcels

The owner-applicant also wishes to establish access easements over the two severed parcels to maintain the current rear-yard vehicular access layout. A previous easement on the lands, VM245105, has expired per the provisions of the easement.

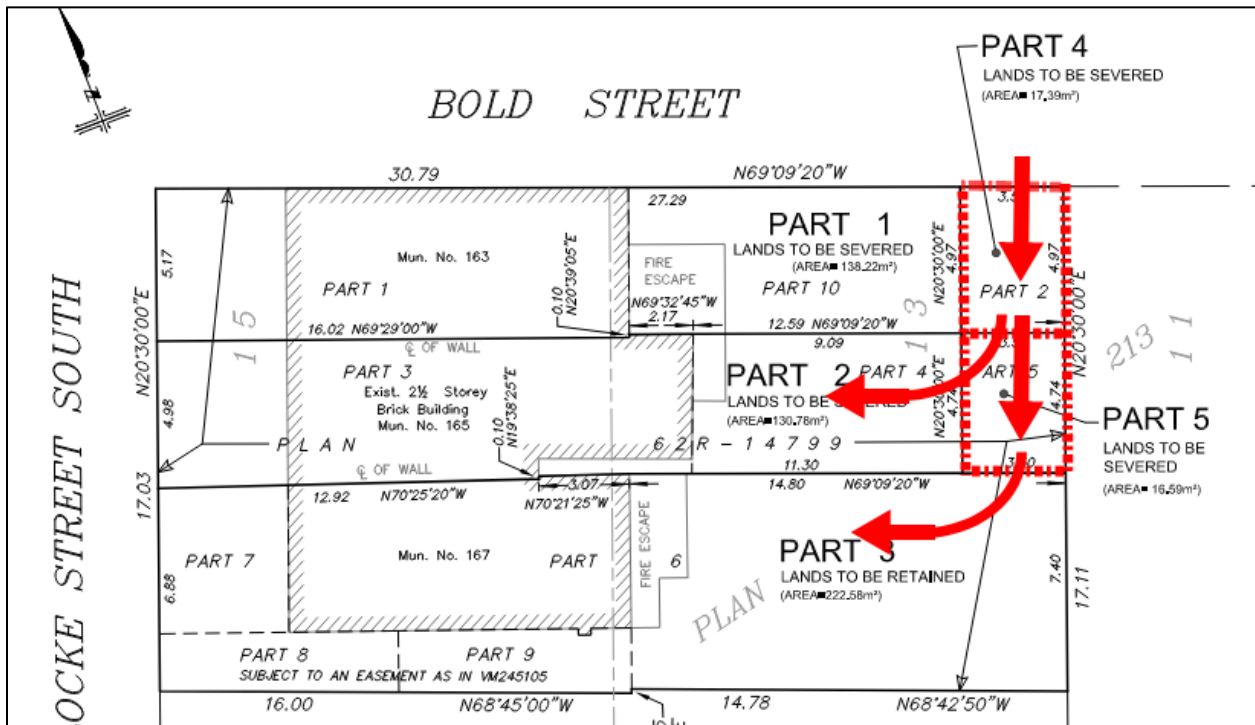


Figure 4: Proposed Access Easements



Minor Variance

The lands are designated Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning Bylaw 02-500, which requires “Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5-metre-wide Planting Strip shall be provided and maintained.”

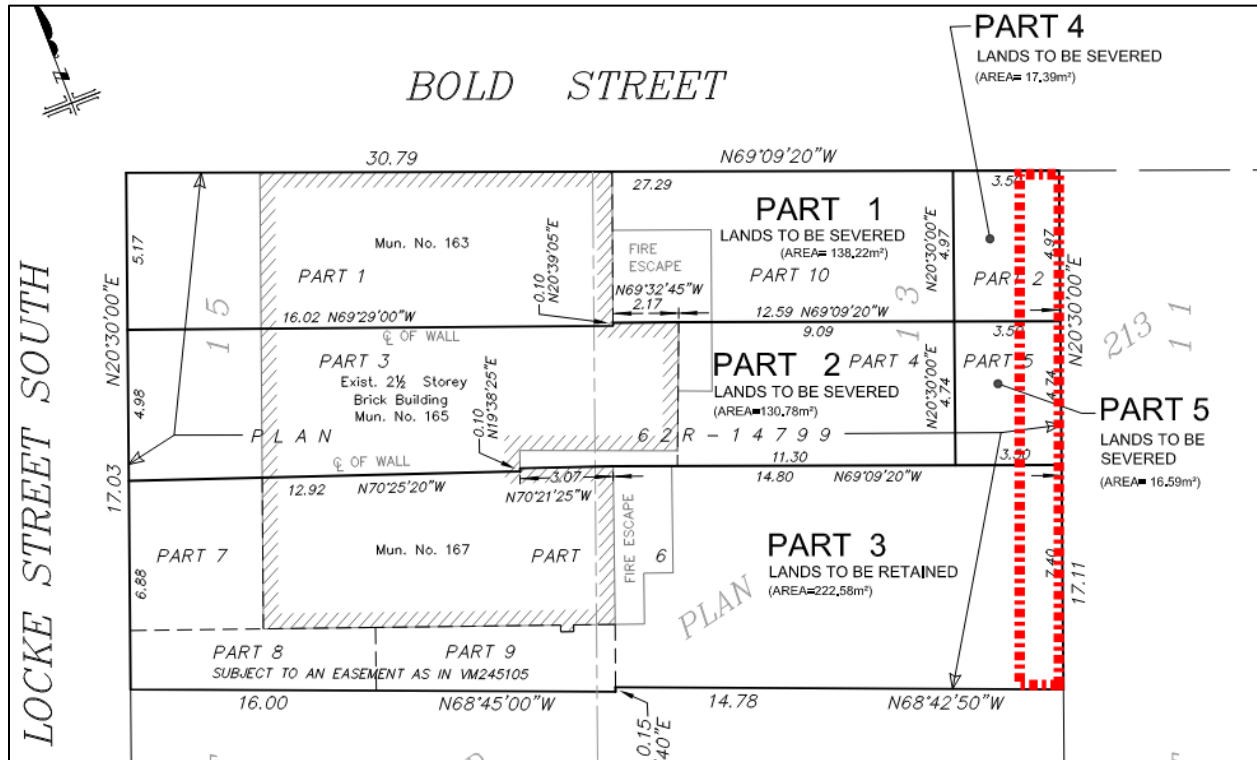


Figure 5: Location of Planting Strip Required by Section 10.5a.3 i) of Zoning By-law 05-200

A parking space is required to be 5.8 metres deep with an aisle width of 6.0 metres. The existing building has a rear yard of 12.6 metres. Dedicating 1.5 metres of the rear yard depth to a Planting Strip would eliminate the existing parking for the existing commercial land use.

Four Tests

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 development proposal seeks to change neither the existing land use nor the existing built form. A review of the tests for this context and professional opinion are outlined below:



1. Does the proposed variance maintain the intent and purpose of the Urban Hamilton Official Plan?

The subject site is designated “Neighbourhoods” on Schedule E Urban Structure and “Mixed-Use Medium Density” on Schedule E-1 Urban Land Use Designations in the Urban Hamilton Official Plan. Locke Street South is designated as a “Pedestrian Focus Street” by Table E.4.3.1.

E.4.3 Pedestrian Focus Streets

4.3.4 In addition to the policies of the specific Commercial and Mixed-Use designations, the following policies shall apply to pedestrian focus streets:

a) A minimum of 75% of the block face located between two roads shall be developed with buildings.

b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).

c) Each building or store front shall face onto the pedestrian focus street with the main entrance of each building or store and substantial fenestration facing on to the street.

e) On-street parking shall be provided where feasible and appropriate.

f) A minimum height of two storeys shall be encouraged.

k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.

The required variances, and the development facilitated by them, maintain the intent and purpose of the Urban Hamilton Official Plan.

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

The subject lands are Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning Bylaw 02-500. “The C5a Zone is typically located along pedestrian-oriented streets where permitted commercial and residential uses create an active and vibrant pedestrian realm. Built form consists of buildings with only commercial uses at-grade and residential, commercial and limited institutional uses on the upper floors to encourage a pedestrian and transit-supportive environment. The range of permitted commercial uses along with their built form, are intended to meet the needs of residents and visitors while creating an inviting pedestrian environment.”

The intent and purpose of the by-law designation C5a is to regulate development as it relates to the Pedestrian Oriented Street, in this case being Locke Street South. The C5a zone permits a building height of 22.0 metres as-of-right. The intent and purpose of the minimum landscape strip provision is to provide some separation between the permitted high-density development form and abutting low-rise low-density housing. In this specific context, we have the rear yard of converted 2.5 storey townhomes



abutting the side yard of a 2.5 storey detached dwelling, both of which were built in the same era and with the same aesthetic. The minor variance application does not seek to remove the requirement for a visual barrier.

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

The single proposed variance will allow the existing land use to continue unchanged. The required variances are appropriate and necessary for the proper development of the subject lands.

4. Are the proposed variances minor in nature?

The single required variance is minor in nature and will have no perceived negative impacts on the character of the neighbourhood. The variance will allow the lands and the land uses upon them to continue in the same manner.

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, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: 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

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	167 Locke Street South		
Assessment Roll Number	171370003		
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	213	Lot(s)	Part of 13 & Part of 15
Reference Plan Number (s)	62R-14799	Part(s)	All

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)
(i.e. a lot containing a surplus farm dwelling
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:

N/A

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Part 3	Part 2	Part 1	Part 5	Part 4
Type of Transfer	N/A	Severance	Severance		
Frontage	6.874	4.984	5.174	0 (3.500)	3.500
Depth	30.785	30.785	30.785	4.741	4.967
Area	222.60 msq	147.43 msq	155.50 msq	16.59 msq	17.38 msq
Existing Use	Mix Com Res	Mix Com Res	Mix Com Res	Vacant	Vacant
Proposed Use	Mix Com Res	Mix Com Res	Mix Com Res	Vacant	Vacant
Existing Buildings/ Structures	2.5 Storey Townhouse	2.5 Storey Townhouse	2.5 Storey Townhouse	None	None
Proposed Buildings/ Structures	Same	Same	Same	None	None
Buildings/ Structures to be Removed	None	None	None	None	None

* 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) Neighbourhood/Mixed Use Med Den

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

The application will not change the development or use of the lands, only the ownership structure.

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? C5a Mixed Use Medium Density - Ped Focus

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

N/A

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

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 May 29, 1998.

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)

The application facilitates economic activity that is a net financial benefit to the province.

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

Yes No (Provide explanation)

The application is consistent with the development pattern and land-use pattern goals set out in Section 1.1.

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

Yes No (Provide explanation)

The application facilitates mixed-use activity within the urban area.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

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 ² 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 ² 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 ² 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
