



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-24:58	SUBJECT PROPERTY:	381 & 383 MacNab Street North, Hamilton
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APPLICANTS: Owner: David Fredenburgh & Amber Lindsay

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing an existing dwelling and part of a garage (383) and to retain a parcel of land containing an existing dwelling and part of a garage (381). All structures are proposed to remain.

	Frontage	Depth	Area
SEVERED LANDS:	10.4 m [±]	36.94 m [±]	333.88 m ² [±]
RETAINED LANDS:	7.87 m [±]	36.7 m [±]	275.08 m ² [±]

Associated Planning Act File(s): HM/A-03:288 & HM/B-03:205

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:	2:00 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

B-24:58

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-24:58, 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.



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

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.

SURVEYOR'S REAL PROPERTY REPORT
PART 1, PLAN OF PART OF
LOT 4, BLOCK 16
PLAN 127
IN THE
CITY OF HAMILTON

SCALE 1:75 METRIC
1.5 0.75 0 1.5 3 4.5 metres

R.A. McLAREN, O.L.S. - 2024

BEARING COMPARISON

FOR BEARING COMPARISONS, A ROTATION OF 01'28"30" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON P1 TO CONVERT TO GRID BEARINGS
FOR BEARING COMPARISONS, A ROTATION OF 01'23"00" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON P2 TO CONVERT TO GRID BEARINGS

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:

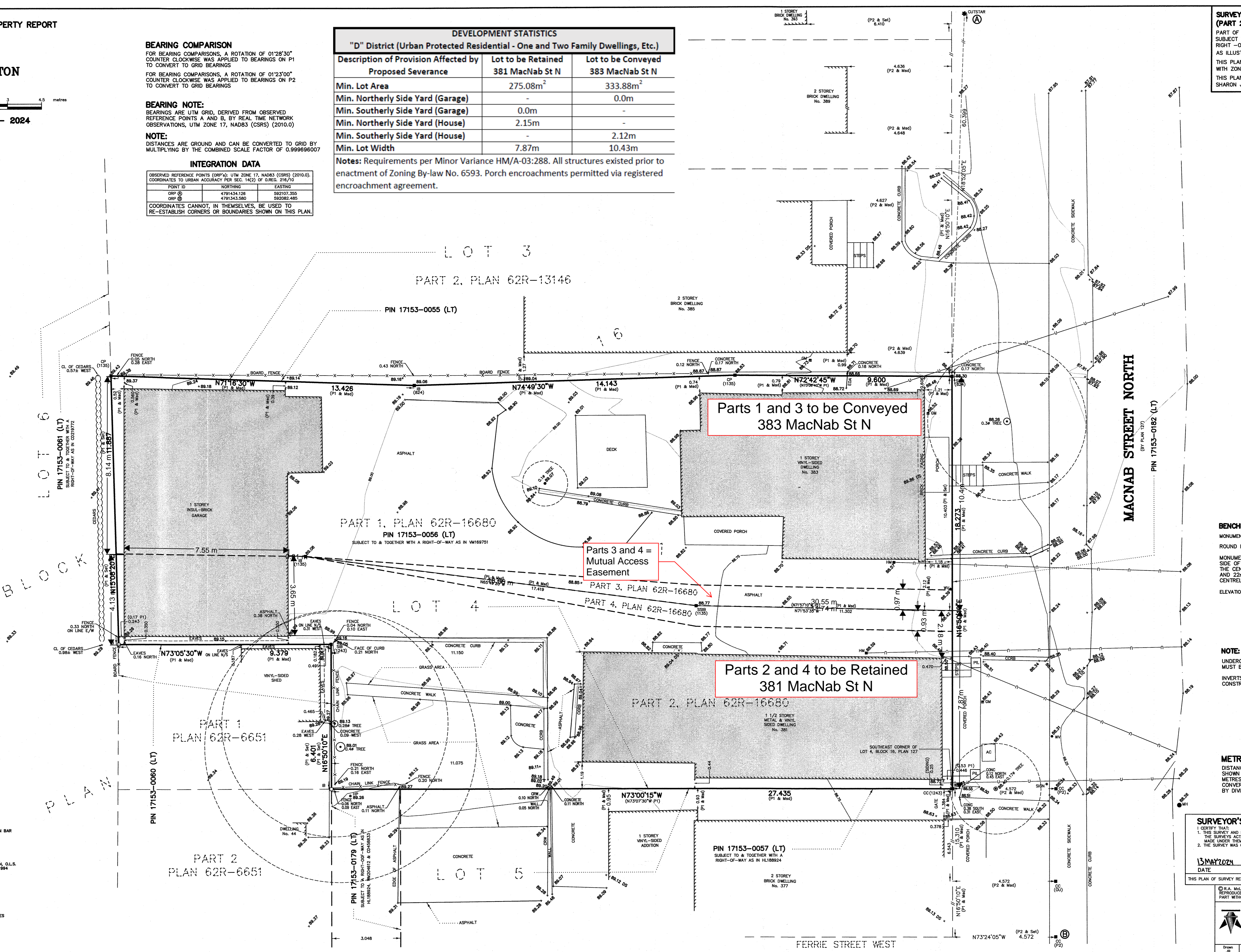
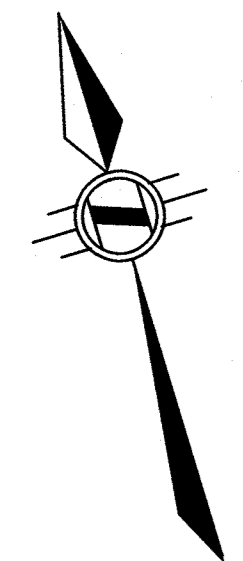
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999696007

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF REG. 216/70		
POINT ID	NORTHING	EASTING
ORP @	4791434.128	592107.355
ORP @	4791343.580	592082.485
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

DEVELOPMENT STATISTICS		
"D" District (Urban Protected Residential - One and Two Family Dwellings, Etc.)		
Description of Provision Affected by Proposed Severance	Lot to be Retained 381 MacNab St N	Lot to be Conveyed 383 MacNab St N
Min. Lot Area	275.08m ²	333.88m ²
Min. Northerly Side Yard (Garage)	-	0.0m
Min. Southerly Side Yard (Garage)	0.0m	-
Min. Northerly Side Yard (House)	2.15m	-
Min. Southerly Side Yard (House)	-	2.12m
Min. Lot Width	7.87m	10.43m

Notes: Requirements per Minor Variance HM/A-03:288. All structures existed prior to enactment of Zoning By-law No. 6593. Porch encroachments permitted via registered encroachment agreement.



SURVEYOR'S REAL PROPERTY REPORT (PART 2)
SUBJECT TO & TOGETHER WITH A RIGHT-OF-WAY AS IN VM169751 AS ILLUSTRATED ON THE PLAN.
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR SHARON JUNE STRAY & BARRY GORDON MORROW

BENCHMARK:
MONUMENT 07720100049
ROUND IRON BAR WITH BRASS CAP
MONUMENT IS LOCATED AT THE EAST SIDE OF BAY FRONT PARK, 85m WEST OF THE CENTRELINE OF BAY STREET NORTH AND 22m SOUTH WEST OF THE CENTRELINE OF HARBOUR FRONT DRIVE
ELEVATION: 85.227 metres CGVD-1928:1978

NOTE:
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 10th DAY OF MAY, 2024
DATE: 13 MAY 2024
ROB A. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, CANADA L8N 3Z9
PHONE (905) 527-8559 FAX (905) 527-0032

- LEGEND:**
- DENOTES MONUMENT SET
 - DENOTES MONUMENT FOUND
 - CC CUT CROSS
 - IB IRON BAR
 - PB PLASTIC BAR
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - 824 A.T. McLAREN, O.L.S.
 - 1135 L.S. WOODS, O.L.S.
 - 1243 E. BARICH, O.L.S.
 - ORIGIN UNKNOWN
 - MEASURED
 - P1 PLAN 62R-1680
 - P2 PLAN BY A.T. McLAREN, O.L.S. DATED NOVEMBER 2, 1994
 - CONC CONCRETE CURB
 - CONC CONCRETE
 - DOOR DOOR SILL
 - EOA EDGE OF ASPHALT
 - GF GARAGE FLOOR
 - GM GAS METER
 - HM HYDRO METER
 - MH MANHOLE
 - PL PILLAR
 - UL OVERHEAD UTILITY LINES
 - UV WATER VALVE
 - DIAMETER
 - NOT TO SCALE

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LOT 4, BLOCK 16
PLAN 127
IN THE
CITY OF HAMILTON

SCALE 1:75 METRIC
1.5 0.75 0 0.75 1.5 3 4.5 metres

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INTEGRATION DATA

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COORDINATES TO UTM ACCURACY PER SEC. 14(2) OF REG. 216/70

POINT ID NORTHING EASTING

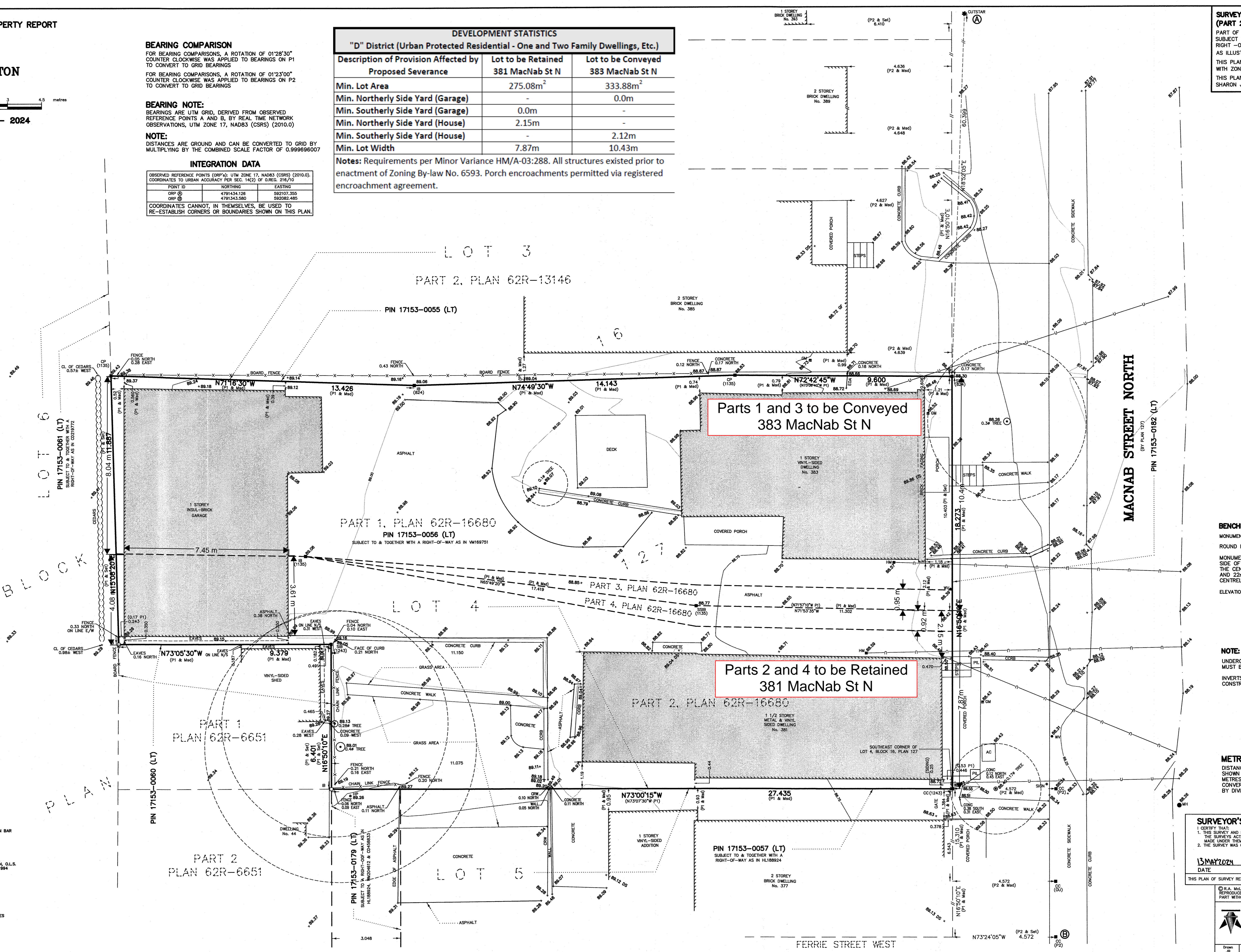
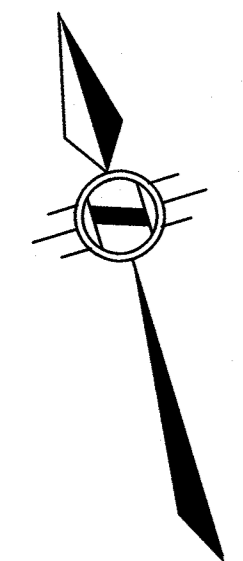
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DEVELOPMENT STATISTICS		
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Description of Provision Affected by Proposed Severance	Lot to be Retained 381 MacNab St N	Lot to be Conveyed 383 MacNab St N
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Notes: Requirements per Minor Variance HM/A-03:288. All structures existed prior to enactment of Zoning By-law No. 6593. Porch encroachments permitted via registered encroachment agreement.



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PART OF LOT 4, BLOCK 16, PLAN 127
SUBJECT TO & TOGETHER WITH A RIGHT-OF-WAY AS IN VM169751 AS ILLUSTRATED ON THE PLAN.
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR SHARON JUNE STRAY & BARRY GORDON MORROW

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MONUMENT 07720100049
ROUND IRON BAR WITH BRASS CAP
MONUMENT IS LOCATED AT THE EAST SIDE OF BAY FRONT PARK, 85m WEST OF THE CENTRELINE OF BAY STREET NORTH AND 22m SOUTH WEST OF THE CENTRELINE OF HARBOUR FRONT DRIVE
ELEVATION: 85.227 metres CGVD-1928:1978

NOTE:
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INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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DATE: 13 MAY 2024
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69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 3Z6
PHONE (905) 527-8559 FAX (905) 527-0032

- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - CUT CROSS
 - IRON BAR
 - PLASTIC BAR
 - STANDARD IRON BAR
 - SHORT STANDARD IRON BAR
 - 824 A.T. McLAREN, O.L.S.
 - 1135 L.S. WOODS, O.L.S.
 - 1243 E. BARCH, O.L.S.
 - ORIGIN UNKNOWN
 - MEASURED
 - P1 PLAN 62R-16680
 - P2 PLAN BY A.T. McLAREN, O.L.S. DATED NOVEMBER 2, 1994
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 - CONC CONCRETE
 - DOOR SILL
 - EOA EDGE OF ASPHALT
 - GF GARAGE FLOOR
 - GM GAS METER
 - HM HYDRO METER
 - MH MANHOLE
 - PL PILLAR
 - UL OVERHEAD UTILITY LINES
 - UV WATER VALVE
 - WV WATER VALVE
 - DIAMETER
 - NOT TO SCALE

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: NOVEMBER 7, 2003

L.G. Woods
L.G. WOODS O.L.S.

PLAN 62R-16680

RECEIVED AND DEPOSITED

DATE: Jan. 6, 2004

C. Adsett
C. ADSETT O.P.R.

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

SCHEDULE

PART	LOCATION	P.I.N.	AREA
1			315.7 sq. m.
2	PARTS OF LOT 4 BLOCK 16	ALL OF REGISTERED PLAN No. 127	256.8 sq. m.
3	HAMILTON	17153 - 0056 (LT)	18.2 sq. m.
4			18.3 sq. m.

PLAN OF SURVEY

OF
PART OF LOT 4, BLOCK 16
REGISTERED PLAN No. 127
(SIR ALLAN N. McNAB SURVEY)
IN THE
CITY OF HAMILTON

SCALE 1:125 (METRIC)



L.G. WOODS SURVEYING INC.
2003

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- DENOTES IRON BAR
- DENOTES STANDARD IRON BAR
- DENOTES IRON BAR
- DENOTES ORIGINAL SURVEY
- DENOTES PLAN 62R-6651
- DENOTES PLAN 62R-1314E
- DENOTES AT McLAREN, O.L.S.
- DENOTES E. BAYCH, O.L.S.
- DENOTES CITY OF HAMILTON

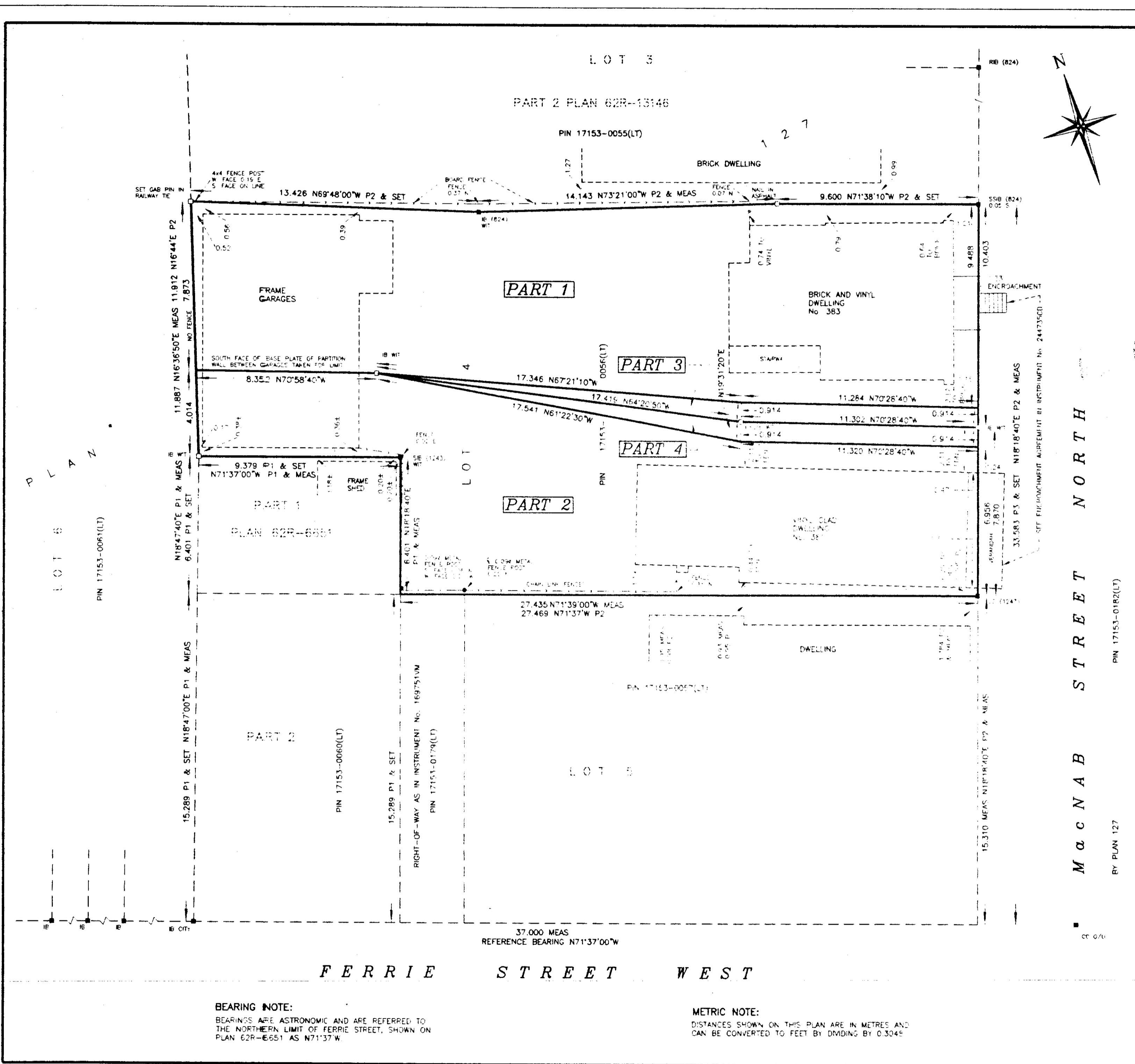
SURVEYOR'S CERTIFICATE

I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED: NOVEMBER 4, 2003

NOVEMBER 7, 2003
DATE

L.G. Woods
L.G. WOODS O.L.S.

L.G. WOODS SURVEYING INC.
PROFESSIONAL LAND SURVEYORS
334 HATT STREET - DUNDAS DISTRICT
CITY OF HAMILTON, L9H 2H9
TEL (905) 627-0978 - FAX (905) 627-2818



BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERN LIMIT OF FERRIE STREET, SHOWN ON PLAN 62R-6651 AS N71°37'W

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

September 9, 2024

Jamila Sheffield
Secretary Treasurer

Committee of Adjustment
City of Hamilton – Planning & Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**RE: Consent to Sever Application
381-383 MacNab Street North, Hamilton**

We, Amber Lindsay and David Fredenburgh, the registered owners of the property municipally known as 381 and 383 MacNab Street North, are pleased to submit this Consent application to sever the property into two lots and create a right-of-way for mutual drive access purposes. The property is currently occupied by two (2) existing single-family dwellings and a shared detached garage structure. The existing use is considered legal non-conforming per the attached correspondence from the City of Hamilton dated November 16, 2023.

This application proposes to facilitate the creation of two lots, with 383 MacNab St N being severed (described as Parts 1 and 3 of Plan 62R-16680) and 381 MacNab St N being retained (described as Parts 2 and 4 of Plan 62R-16680). Moreover, to establish a 0.9m wide right-of-way for mutual access purposes on each parcel (Parts 3 and 4 of Plan 62R-16680) as shown on the enclosed Site Sketch. The single-family homes and detached garage were erected prior to the enactment of Zoning By-law 6593 in 1950, and each has their own dedicated hydro, gas and municipal water and wastewater services.

This proposed severance was previously approved by the Committee of Adjustment with conditions in 2004 (Application No. HM-B-03:205). Conditions were subsequently fulfilled via finalization of Minor Variance Application No. HM/A-03:288 and depositing of Ontario Land Survey's Reference Plan 62R-26680. However, the consent approval lapsed as a transaction on the severed parcel did not occur prior to the expiration of the consent and the severed and retained parcels inadvertently merged back to a single parcel of land. The terms of the proposed severance are exactly as proposed in the original application, and therefore the present application is intended to renew the previous approval.

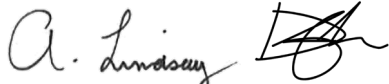
Please find the following materials enclosed in support of this application:

- Cheque in the amount of \$3,360.00 made payable to the City of Hamilton for the prescribed application fee;
- Site Sketch;
- Application Form;
- Reference Plan 62R-16680;

- Zoning Compliance Review dated November 16th, 2023;
- Notice of Decision and Final and Binding Notice for Application for Consent HM/B-03:205; and,
- Notice of Decision and Final and Binding Notice for Minor Variance Application HM/B-03:205.

We trust the enclosed is in order; however, please do not hesitate to contact the undersigned with any questions or comments.

Kind Regards,

Handwritten signatures of Amber Lindsay and David Fredenburgh. The signature for Amber Lindsay is on the left, and the signature for David Fredenburgh is on the right.

Amber Lindsay & David Fredenburgh

Registered Property Owners of 381-383 MacNab St N



Hamilton

NOVEMBER 16, 2023

FILE: ALR
FOLDER: 23-309901-00 ALR
ATTENTION OF: Matthew Stavroff
TELEPHONE NO: (905) 546-2424
EXTENSION: 5716

LUKE O'REILLY
53 HOMEWOOD AVENUE
HAMILTON, ON L8P 2M3

**Re: ZONING COMPLIANCE REVIEW – DETERMINATION OF A LEGALLY ESTABLISHED
NON-CONFORMING USE**

Present Zoning: 'D' District (Hamilton Zoning By-law 6593)

Address: 381 – 383 MacNab Street North, Hamilton

This Division has received and reviewed the submitted request for Determination of a Legally Established Non-Conforming Status Review for the property known as 381 – 383 MacNab Street North, Hamilton.

Accompanied by this application, tax assessment records between the years 1949 and 2021, as well as the historical real estate listings of the subject lands have been submitted showing that these lands have remained as one (1) lot since prior to the enactment of Hamilton Zoning By-law 6593 on July 25, 1950.

Furthermore, our records show a land severance application (HM/B-03:205) was applied for and approved on December 17, 2003 which proposed to separate these lands into two separate properties, each containing one (1) of the two (2) existing single family dwellings. However, there is no evidence in our records to show that this severance was ever finalized.

Based on the above, we deem the use of two (2) single family dwellings on one parcel of land to be legally established non-conforming, as it has continuously existed as such since prior to July 25, 1950.

For further information, please contact Matthew Stavroff at 905-546-2424 extension 5716.

Yours truly

for the Manager of Zoning and Committee of Adjustment



Hamilton

Committee of Adjustment, City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-03:288
SUBMISSION NO. A-288/03

IN THE MATTER OF The Planning Act, 1990 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 10.

AND IN THE MATTER OF the Premises known as Municipal numbers 381 and 383 MacNab Street North, in the City of Hamilton and in a "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district;

AND IN THE MATTER OF AN APPLICATION by the owner Sharon Stray, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the creation of two separate parcels of land, each containing an existing single family dwelling notwithstanding that the following variances are required:

381 MacNab Street North:

- 1) A minimum lot width of 7.87m (25.82') shall be provided instead of the minimum required 12.0m (39.37');
- 2) A minimum lot area of 275.08 sq. m. (2,961 sq. ft.) shall be provided instead of the minimum required 360 sq. m. (3,875.13 sq. ft.);
- 3) The one required parking space shall not be provided; and,
- 4) The existing detached garage in the rear yard shall provided a 0.0m southerly side yard instead of the minimum required 0.45m (1.48') side yard.

383 MacNab Street North:

- 1) A minimum lot width of 10.4m (34.13') shall be provided instead of the minimum required 12.0m (39.37');
- 2) A minimum lot area of 333.88 sq. m. (3,594 sq. ft.) shall be provided instead of the minimum required 360 sq. m. (3,875.13 sq. ft.);
- 3) The one required parking space shall not be provided; and,
- 4) The existing detached garage in the rear yard shall provide a 0.0m northerly side yard instead of the minimum required 0.45m (1.48') side yard.

THE DECISION OF THE COMMITTEE IS:

That the said application IS GRANTED for the following reasons:

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

DATED AT HAMILTON this 17th day of December, 2003

CERTIFIED A TRUE COPY

Christine Allport
SECRETARY - TREASURER .../2



Hamilton

Committee of Adjustment, City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COPY CIRCULATED
DATE: FEB 18 2004

COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-03:288
SUBMISSION NO. A-286/03

IN THE MATTER OF The Planning Act, 1990 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 10.

AND IN THE MATTER OF the Premises known as Municipal numbers 381 and 383 MacNab Street North, in the City of Hamilton and in a "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) district;

AND IN THE MATTER OF AN APPLICATION by the owner Sharon Stray, for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the creation of two separate parcels of land, each containing an existing single family dwelling notwithstanding that the following variances are required:

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- 2) A minimum lot area of 275.08 sq. m. (2,961 sq. ft.) shall be provided instead of the minimum required 360 sq. m. (3,875.13 sq. ft.);
- 3) The one required parking space shall not be provided; and,
- 4) The existing detached garage in the rear yard shall provide a 0.0m southerly side yard instead of the minimum required 0.45m (1.48') side yard.

383 MacNab Street North:

- 1) A minimum lot width of 10.4m (34.13') shall be provided instead of the minimum required 12.0m (39.37');
- 2) A minimum lot area of 333.88 sq. m. (3,594 sq. ft.) shall be provided instead of the minimum required 360 sq. m. (3,875.13 sq. ft.);
- 3) The one required parking space shall not be provided; and,
- 4) The existing detached garage in the rear yard shall provide a 0.0m northerly side yard instead of the minimum required 0.45m (1.48') side yard.

THE DECISION OF THE COMMITTEE IS:

That the said application **IS GRANTED** for the following reasons:

- 1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.
- 2. The relief granted is desirable for the applicant's development and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.
- 3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.

DATED AT HAMILTON this 17th day of December, 2003

The period of appeal has expired and no appeal of this By-law filed. The Official Plan is now final and binding.

THIS DECISION IS NOW FINAL AND BINDING

Section 45 of The Planning Act, 1990

TRUSTED A TRUE COPY. JWS/10/3

Christina Spada
Secretary-Treasurer



Hamilton

Committee of Adjustment, City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION**

APPLICATION FOR CONSENTLAND SEVERANCE

**APPLICATION NO. HMB-03:205
SUBMISSION NO. B-205/03**

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal numbers 381 and 383 MacNab Street North, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the owner Sharon Stray, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular shaped parcel of land (381 MacNab Street North) having a frontage of 7.86m (25.82'), and an area of 275.4 sq. m. (2,961 sq. ft.) containing an existing single family dwelling and garage for residential purposes, and to establish a 0.9m wide right-of-way for mutual access purposes, and to retain an irregular shaped parcel of land (383 MacNab Street North) having a frontage of 10.4m (34.13'), and an area of 333.9 sq. m. (3,594 sq. ft.) containing an existing single family dwelling and garage for residential purposes and to establish a 0.9m wide right-of-way for mutual access purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS **APPROVED** for the following reason:

- 1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

- 1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
- 2. Finalization of Minor Variance Application HMA-03:288 to the satisfaction of the Manager, Development Planning, Planning and Development Department.

DATED AT HAMILTON this 17th day of December, 2003.

M. Dodzic, Chairman

C. Lewis

D. Madden

D. DeLuio

D. Serwatuk

D. Drury

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 24th, 2003.
HEREIN NOTED CONDITIONS **MUST** BE MET WITHIN **ONE (1)** YEAR OF THE DATE OF THIS NOTICE OF DECISION (December 24th, 2004) OR THE APPLICATION SHALL BE DEEMED TO BE **REFUSED** (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **January 13th, 2004**.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



Hamilton

Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

January 14th, 2004

Ms. Sharon Stray
381 MacNab Street North
Hamilton, ON L8L 1K9

Dear Ms. Stray:

Re: Application No. HM/B-03:205
Address: 381-383 MacNab Street North (Hamilton)

Pursuant to Subsection 21 of Section 53 of The Planning Act, R.S.O., 1990, Chapter 13 notice is herewith given that the period of appeal provided for in Subsection 19 of Section 53 of the said Act has expired and no such appeal has been filed.

Therefore in accordance with Subsection 21 of Section 53 the decision of the Committee, together with any conditions is now final.


Upon fulfillment of noted conditions, three (3) copies of the deed, mortgage or other document of transaction, must be submitted for endorsement of the Certificate of Consent, one copy of which will be retained in this office for record purposes.

Please note: THERE IS A FEE IN THE AMOUNT OF \$115.00 FOR THIS SERVICE, AND IS PAYABLE AT THE TIME THE DOCUMENTS ARE SUBMITTED.

ALLOW AT LEAST 48 HOURS FOR OUR EXAMINATION AND ENDORSEMENT OF THESE DOCUMENTS.

Notice is also given that, pursuant to Subsection 41 of Section 53 of The Planning Act, where the applicant has not complied with the conditions of consent within **ONE** year from the date of giving of the Notice of Decision, the application for consent shall there upon be deemed to be **REFUSED**.

Yours very truly,


Carol Connor
Secretary-Treasurer

CC



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)	David Fredenburgh & Amber Lindsay		
Applicant(s)**			E-mail:
Agent or Solicitor			Phone:
			E-mail:

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

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

1.2 Primary contact Purchaser 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	381 & 383 MacNab Street North		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-16680	Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes No

If YES, describe the easement or covenant and its effect:

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input 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:

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 (easement)	Parcel 3*	Parcel 4*
Identified on Sketch as:	To be Retained	To be Conveyed	Mutual Access Easement		
Type of Transfer	N/A	Creation of New	Easement for ROW		
Frontage	7.87m	10.4m	1.8m		
Depth	36.7m	36.94m	30.5m		
Area	275.08m ²	333.88m ²	40.1m ²		
Existing Use	Single-family	Single-family	Driveway		
Proposed Use	Single-family	Single-family	Driveway		
Existing Buildings/ Structures	2 (house and shared garage)	2 (house and shared garage)	N/A		
Proposed Buildings/ Structures	0	0	0		
Buildings/ Structures to be Removed	0	0	0		

* 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 proposed lot for creation complies with the policies of the UHOP and Setting Sail Secondary Plan and conforms with Zoning By-law No. 6593 and minor variance approval HM/A-03:288. The existing houses each are fully serviced by municipal water and wastewater systems. The proposed lot configuration of the retained and severed lots reflects the general scale and character of the neighbourhood.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? "D" Urban Protected Residential

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

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

HM/A-03:288 and HM/B-03:205 (Approved/Final & Binding)

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 type="checkbox"/>	
An active railway line	<input type="checkbox"/>	290m
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.

HM/A-04:288 (Approved and Lapsed)

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

No change from 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?

6 months

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

Yes. The application is consistent with policy statements and provincial plans.

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

Yes No (Provide explanation)

Yes. Application is consistent with the PPS.

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

Yes No (Provide explanation)

Yes. Application conforms to the Growth Plan.

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
