



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-24:62	SUBJECT PROPERTY:	854 West 5th Street, Hamilton
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APPLICANTS: Owner: Angros Enterprises Limited c/o Victor Fontana
Agent: Urban Solutions Planning & Land Development Inc. c/o Matt Johnson

PURPOSE & EFFECT: To add lands to be merged with the lands known as 50 & 52 Spring Valley Crescent ultimately to create two new residential lots in conjunction with B-24:63 and to retain a parcel of land containing the existing dwelling which is intended to remain.

	Frontage	Depth	Area
SEVERED LANDS:	N/A	35.06 m [±]	333.72 m ² ±
RETAINED LANDS:	20.11 m [±]	50.18 m [±]	1,060.68 m ² ±

Associated Planning Act File(s): A-24:229 & B-24:63

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, November 12, 2024
TIME:	3:05 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:

B-24:62

- 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 **November 8, 2024**

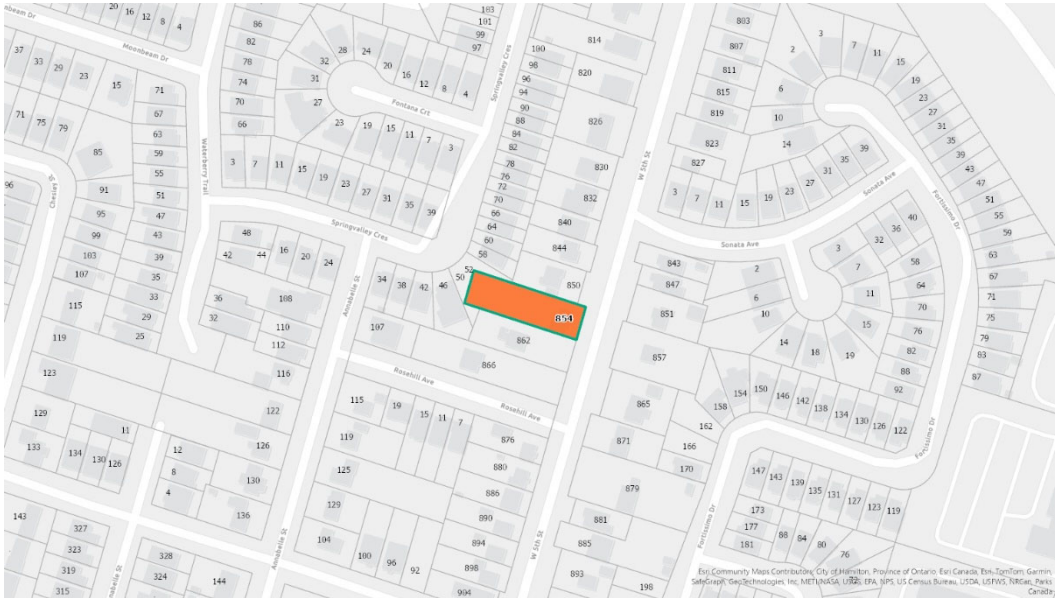
Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **November 11, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:62, 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.

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.



Subject Lands

DATED: October 24, 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.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca 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.

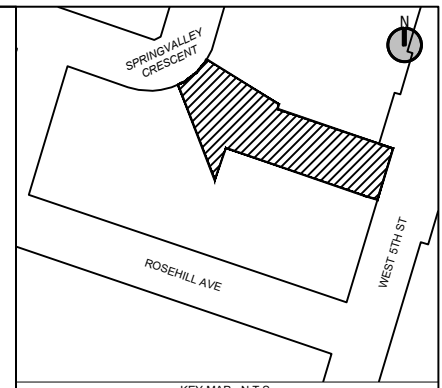
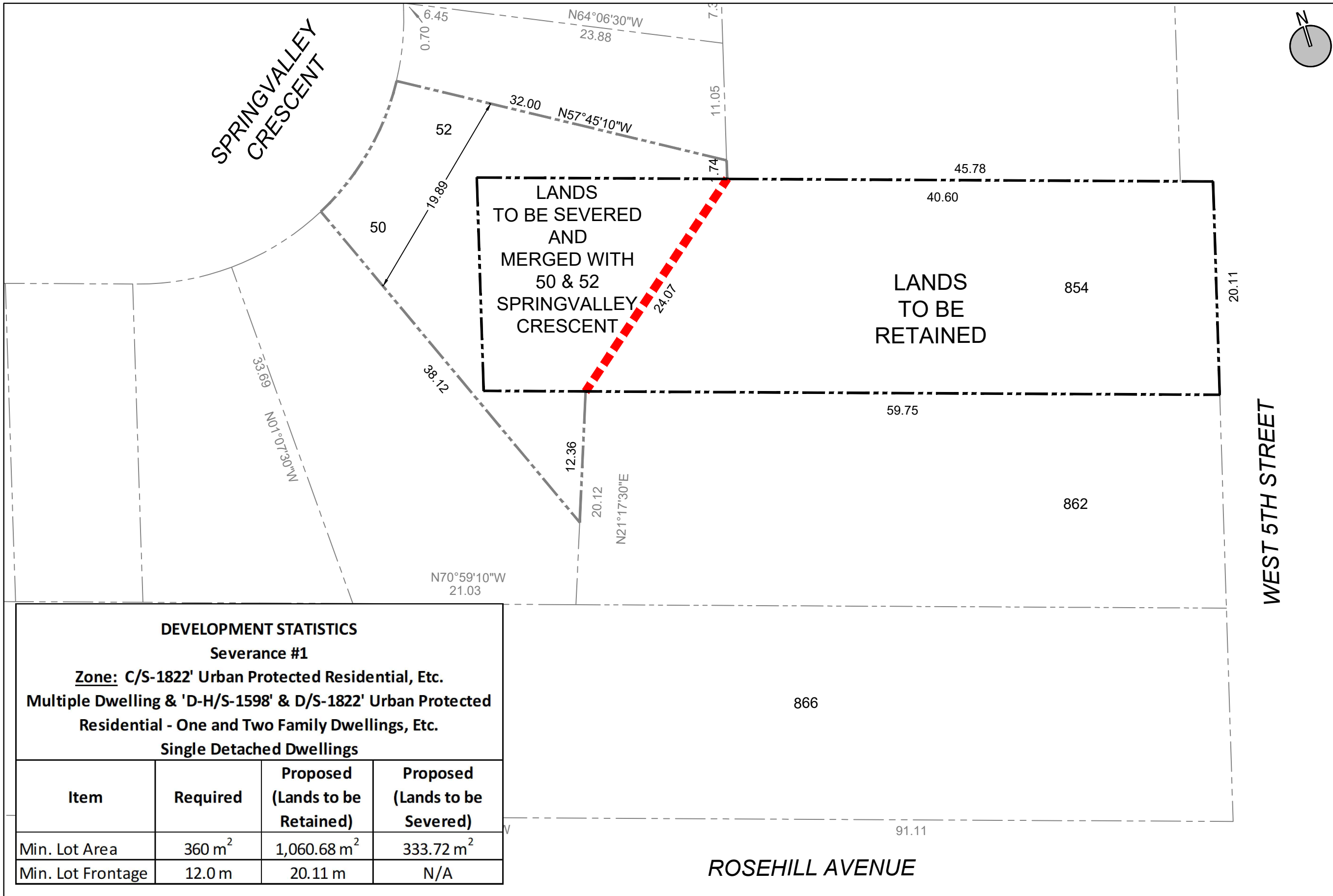
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.



KEY MAP - N.T.S.
 SCALE 1:350
 METRES
 0 5 10 15m

LEGEND:
 - - - - - SUBJECT LANDS
 - - - - - EXISTING PROPERTY LINES
 - - - - - PROPOSED SEVERANCE LINE

DESIGN BY: L. DRENNAN CHECKED BY: M. JOHNSTON
 DRAWN BY: L. DRENNAN DATE: OCTOBER 4, 2024

NOT FOR CONSTRUCTION

PREPARED BY:

URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 3 STUDEBAKER PLACE, UNIT 1
 Hamilton, ON L8L 0C8
 905-546-1087 - UrbanSolutions.info

PROJECT:
 SEVERANCE SKETCH

PROJECT:
 854 WEST 5TH STREET AND 50 & 52
 SPRINGVALLEY CRESCENT
 City of Hamilton

CLIENT:
 ANGROS ENTERPRISES LIMITED

U/S FILE NUMBER: 354-20 SHEET NUMBER: 1

DEVELOPMENT STATISTICS			
Severance #1			
Zone: C/S-1822' Urban Protected Residential, Etc.			
Multiple Dwelling & 'D-H/S-1598' & D/S-1822' Urban Protected Residential - One and Two Family Dwellings, Etc.			
Single Detached Dwellings			
Item	Required	Proposed (Lands to be Retained)	Proposed (Lands to be Severed)
Min. Lot Area	360 m ²	1,060.68 m ²	333.72 m ²
Min. Lot Frontage	12.0 m	20.11 m	N/A



October 8, 2024

354-20

Via Email

Ms. Jamila Sheffield
Secretary Treasurer

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

Dear Ms. Sheffield,

**RE: Consent to Sever Application
854 West 5th Street, Hamilton, Ontario**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Angros Enterprises Limited c/o Mr. Victor Fontana, the registered owner of the lands municipally known as 854 West 5th Street in the City of Hamilton. On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever application and supporting materials.

Subject Lands

As outlined on the enclosed Severance Sketch, the subject lands have an approximate total area of 1,394.40 m² and approximately 20.11 metres of frontage on West 5th Street. The lands are currently occupied by a single detached dwelling which is proposed to be retained as a part of this application. The lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designation of the Urban Hamilton Official Plan (UHOP) and are currently zoned 'C/S-1822' Urban Protected Residential, Etc. and 'D-H/S-1598' & 'D/S-1822' Urban Protected Residential – One and Two Family Dwellings, Etc. in the Former City of Hamilton Zoning By-law No. 6593.

Purpose of Application

This application seeks to sever approximately 333.72 m² from the rear portion of the subject lands so that such can be merged with the adjacent parcel located at 50 & 52 Springvalley Crescent (currently owned by Angros Enterprises Limited). Please note that a concurrent Consent to Sever application is being submitted under separate cover to establish two individual lots at 50 & 52 Springvalley Crescent; for the purpose of constructing a single-detached dwelling on each. Collectively, this application along with the above-noted Consent application for 50 & 52 Springvalley Crescent allow for the proper implementation of the land assembly necessary to facilitate the completion of the Fontana Gardens subdivision.

Policy Considerations

This Consent to Sever application is in keeping with Section 53(1) of the *Planning Act, R.S.O., 1990, as amended*, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. Further, the resulting development of 50 & 52 Springvalley Crescent noted above is:

- consistent with the Provincial Policy Statement (2020), as such will assist with the objective of focusing growth and development within settlement areas (Policy 1.1.3);
- conforms to the Growth Plan (2020), as such will aid the municipality in achieving the at least 50% of growth within the delineated built-up area, and;
- conforms to the UHOP, as such will aid the City in achieving its objective of accommodating approximately 30% of its intensification target within the Neighbourhoods designation while maintaining the existing built-form and character of the surrounding area.

In support of this application, please find enclosed the following materials:

- One (1) copy of the completed Consent to Sever Application Form and Signature Page;
- One (1) copy of the Severance Sketch prepared by UrbanSolutions, and;
- One (1) cheque in the amount of **\$3,360.00** made payable to the City of Hamilton for the Consent to Sever Application Fee.

We trust that the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Matthew LeBlanc, MCIP, RPP
Planner

cc: Angros Enterprises Ltd. c/o Mr. Victor Fontana

**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)	Angros Enterprises Limited c/o Mr. Victor Fontana
Applicant(s)**	Same as owner.
Agent or Solicitor	UrbanSolutions Planning & Land Developmetn Inc. c/o Matt Johnson

*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	854 West 5th Street, Hamilton, ON L9C 5R5		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concessions	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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

Yes No

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

N/A

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:

N/A

3.3 If a lot addition, identify the lands to which the parcel will be added:

Please refer to the enclosed Severance Sketch

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:	Lands to be retained	Lands to be severed + merged with 50 & 52 Springvalley Crescent			
Type of Transfer	N/A	TBD			
Frontage	+/- 20.11 m	+/- 19.89 m			
Depth	Avg = +/- 50.18 m	Avg = +/- 35.06 m			
Area	1,060.68 m ²	333.72 m ²			
Existing Use	Residential	Vacant			
Proposed Use	TBD	Residential			
Existing Buildings/ Structures	One Single-Detached Dwelling	Vacant			
Proposed Buildings/ Structures	TBD	Two Single-Detached Dwellings			
Buildings/ Structures to be Removed	TBD	N/A			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

b) Type of water supply proposed: (check appropriate box)

- | | |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |
| | _____ |

c) Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

4.3 Other Services: (check if the service is available)

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

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

[Please refer to the enclosed Cover Letter](#)

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.

N/A

5.3 What is the existing zoning of the subject land? _____

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.

N/A

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 lane	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

N/A

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

N/A

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.

N/A

6.4 How long has the applicant owned the subject land?

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)

Please refer to the enclosed Cover Letter

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

Yes No (Provide explanation)

Please refer to the enclosed Cover Letter

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

Yes No (Provide explanation)

Please refer to the enclosed Cover Letter

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

Yes No (Provide explanation)

N/A

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):
---------------	------------------------------

10.6 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
- N/A 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.
- N/A 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
