



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
Minor Variance

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.:	SC/A-24:08	SUBJECT PROPERTY:	1091 Highway 8, Stoney Creek
ZONE:	RC-2(T) & AS-10(T) (Rural Commercial & Agricultural Specialty)	ZONING BY-LAW:	Zoning By-law former City of Stoney Creek 3692-92, as Amended

APPLICANTS: Owner: Milan & Jovanka Petko
 Applicant: NGE Land Holdings Inc
 Agent: A.J. Clarke & Associates Ltd. c/o Frank Kloibhofer

The following variances are requested:

1. To permit a minimum lot area of 0.39 hectares, whereas 1.0 hectare is required.
2. To permit a side yard setback of 1.11 metres, whereas 3.0 metres is required.

PURPOSE & EFFECT: To facilitate the creation of two separate lots for future development.

Notes:

This minor variance application is to facilitate the severance application SC/B-24:05.

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, January 21, 2025
TIME:	1:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at

www.hamilton.ca/committeeofadjustment
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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 January 17, 2025

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 January 20, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding SC/A-24:08, 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 a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



 **Subject Lands**

DATED: January 2, 2025

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

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

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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.

BARTON STREET

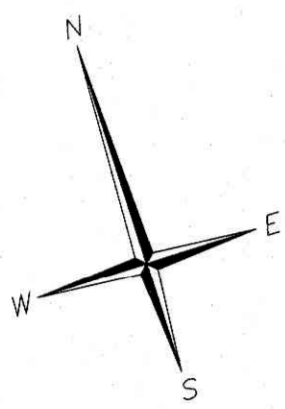
ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2

PART 33
PLAN 62R-565

NORTHEAST CORNER OF
LOT 8-CONCESSION 2

LOT 7

PART 1 PLAN 62R-2180
P.L.N 17364-0084



SCHEDULE			
PART	LOT	CONCESSION	PIN
1			
2	PART OF LOT 7	2	ALL OF OF 17364 - 0046
3			

PARTS 1 & 2 COMPRISE ALL OF PIN 17364-0046
**PLAN OF SURVEY OF
PART OF LOT 7
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF SALTFLEET
IN THE
CITY OF HAMILTON**

SCALE 1:500
0 10 20 metres

THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 914mm IN HEIGHT WHEN PLOTTED AT A SCALE 1:500
NICHOLAS P. MUTH O.L.S.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (O) AND (Q) BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999735

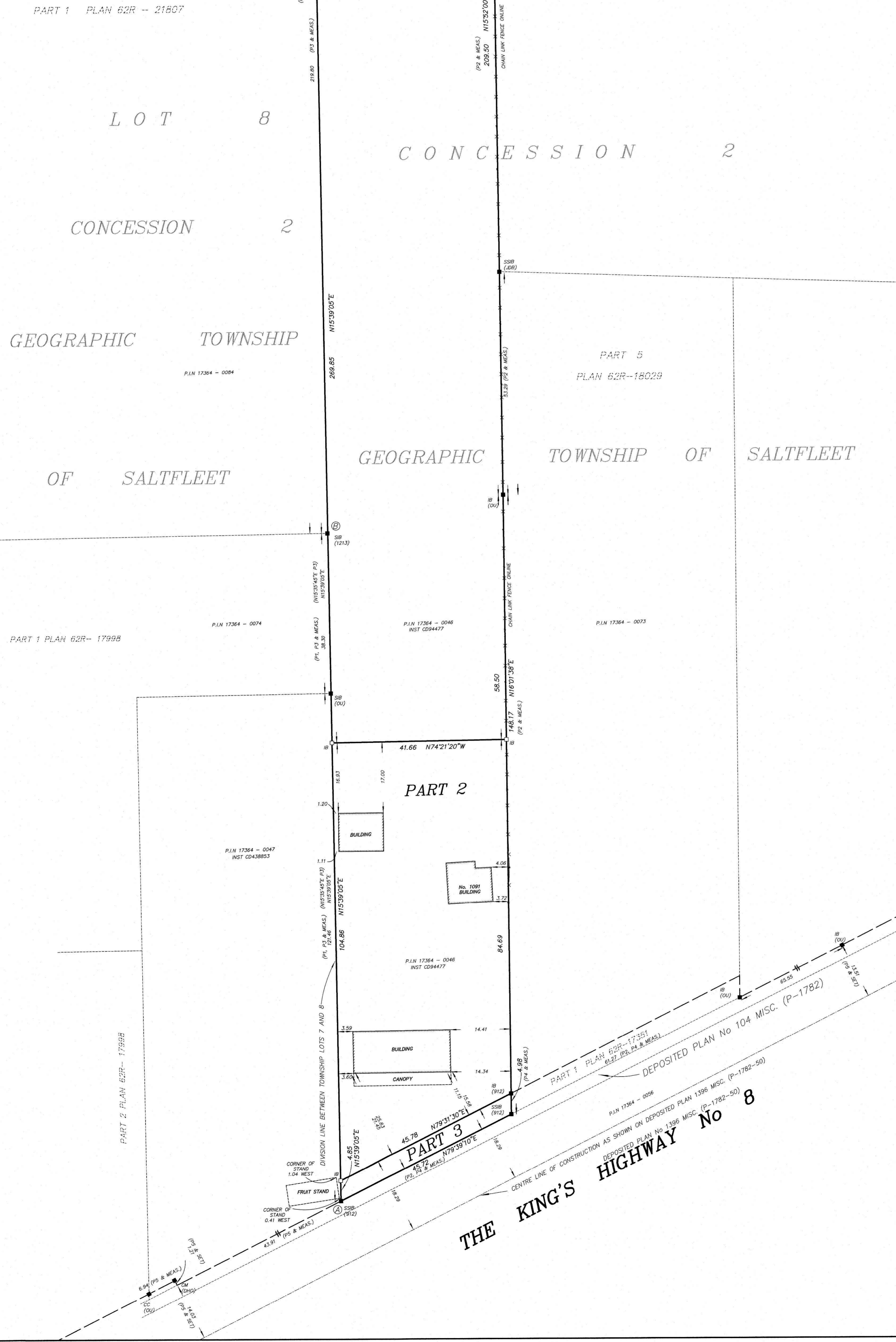
OBSERVED REFERENCE POINTS, UTM ZONE 17, NAD83 (CSRS)(2010) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
(O)	4784893.503	608303.035
(Q)	4785047.304	608346.126

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

FOR BEARING COMPARISON A ROTATION OF 0°54'10" COUNTERCLOCKWISE WAS APPLIED TO PLANS P1 AND A ROTATION OF 0°53'30" COUNTERCLOCKWISE WAS APPLIED TO P2 TO CONVERT TO GRID BEARINGS.

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

- LEGEND:
- SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
 - SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - CM DENOTES CONCRETE MONUMENT
 - (912) DENOTES A. J. CLARKE & ASSOCIATES O.L.S.
 - (924) DENOTES A. T. McLAREN O.L.S.
 - (JDB) DENOTES J. D. BARNES LTD
 - (1213) DENOTES J. D. PETERS O.L.S.
 - (DHO) DENOTES DEPARTMENT OF HIGHWAY ONTARIO
 - (OU) DENOTES ORIGIN UNKNOWN
 - P1 DENOTES PLAN 62R-17998
 - P2 DENOTES PLAN 62R-18029
 - P3 DENOTES PLAN 62R-21807
 - P4 DENOTES PLAN 62R-17351
 - P5 DENOTES MISC. HIGHWAY PLAN No. 1396 (P-1782-50)
 - N1 DENOTES FIELD NOTES BY A.J. CLARKE & ASSOCIATES LTD. DATED AUGUST 14, 2007



SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE DAY OF , 2024

JULY 31, 2024
DATE

Nicholas P. Muth
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-----

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

DRAWN BY: MW CHECKED BY: NPM PROJECT No. 188158



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 x1355
www.hamilton.ca

November 26, 2024

FILE: ZCR-24-054
ATTENTION OF: Ross McIntosh
EXT: 2077

A.J. Clarke and Associates Ltd. c/o James Thomas
25 Main St W, Suite 300
HAMILTON, ON. L8P 1H1

Re: ZONING COMPLIANCE REVIEW- In support of a Minor Variance Application
Zoning: "RC-2(T)" RURAL COMMERCIAL & "AS" AGRICULTURAL SPECIALTY
(Stoney Creek Zoning By-law 3692-92)
Address: 1091 HIGHWAY 8, STONEY CREEK

A Zoning Compliance Review has been completed and the following comments are provided.

COMMENTS:

1. The applicant detailed their proposal as;

"The proposed severance will sever the rear $\pm 65\%$ of the total lands. These lands will be subsequently merged on title with the lands of 1121 Highway 8 for future land use development in conformity with the Fruitland-Winona Secondary Plan. The attached Draft Reference Plan illustrates the lands to be severed as Part 1 (to be merged with 1121 Hwy 8), Part 2 as the lands to be retained, and Part 3 as the future road widening dedication required as a condition. A Minor Variance application (SC/A-24:08) was submitted with the original Consent Application, but tabled to ensure all potential variances were addressed with a recirculation. In advance of finalizing the Minor Variance recirculation, we have submitted the Draft Reference Plan showing the proposed lot fabric, and the surveyed existing conditions for the lot to be retained for Zoning Compliance Review to ensure we capture all variances required. As no changes are proposed, the only variance we anticipate is to address the Lot Area of the lands to be retained; requesting a Variance to 0.39 hectares."

2. RC – 2(T) 1091 Highway No. 8, Schedule "A", Map No. 8:

Notwithstanding the uses permitted in Section 8.11.2 of the Rural Commercial "RC" Zone, those lands zoned "RC-2(T)" by this By-law may only be used for a food store, farm implement sales and service, farm supply store, fruit and vegetable outlet, nursery garden centre, private club, a standard restaurant not exceeding a capacity of 150 seats, veterinary establishment, an accessory dwelling unit and uses, buildings or structures accessory to a permitted use. In addition to the aforesaid permanent permitted uses, a pitch and putt golf course and buildings or structures accessory thereto may be permitted as a temporary use pursuant to Section 3.9 of this By-law. This Temporary Use may be permitted until March 1, 2002.

Notwithstanding the provisions of paragraphs (b), (e) and (h) of Section 8.11.3 of the Rural Commercial "RC" Zone, on those lands zoned "RC-2(T)" by this By-law, the following provisions shall apply: The minimum lot frontage shall be 45 metres. The minimum side yard shall be 3 metres for any existing building. A landscaped strip having a minimum width of 3 metres shall be provided adjacent to Highway No. 8 except for points of ingress and egress. Paragraph (j)3 of Section 8.11.3 does not apply to these lands.

3. All new fences proposed for this development must comply with the regulations contained within the Fence By-law 10-142.

Zoning Compliance Review
1091 HIGHWAY 8, STONEY CREEK

4. All new signs proposed for this development must comply with the regulations contained within the Sign By-law 10-197.
5. The designer shall ensure that the fire access route conforms to The Ontario Building Code.
6. The proposed severance has been reviewed to the RC(2)T & AS Zones as indicated in the following chart:

	By-Law Requirement	Provided	Conforming/ Non-Conforming
SECTION 8.11- "RC" RURAL COMMERCIAL REQUIREMENTS			
Minimum Lot Area	1 hectare	0.39ha	Non-Conforming
Minimum Lot Frontage	60 metres; <u>RC – 2(T):</u> <i>The minimum lot frontage shall be 45 metres.</i>	45.78m	Conforms
Maximum Lot Coverage	20 percent	Approx. <20.0%	Conforms
Minimum Front Yard	10 metres	11.5m	Conforms
Minimum Side Yard	10 metres <u>RC – 2(T):</u> <i>The minimum side yard shall be 3 metres for any existing building.</i>	1.11m	Non-Conforming
Minimum Rear Yard	7.5 metres	> 7.5m	Conforms
Minimum Landscape Strip Width	<u>RC – 2(T):</u> <i>A landscaped strip having a minimum width of 3 metres shall be provided adjacent to Highway No. 8 except for points of ingress and egress</i>	Provided	Conforms
SECTION 5.3- "AS" AGRICULTURAL SPECIALTY REQUIREMENTS			
Minimum Lot Area	10 hectares	Exact details not provided	Unable to determine compliance
Minimum Lot Frontage	150 metres	Lot frontage is not being exacerbated as Part 1 is being conveyed.	Conforms
Maximum Lot Coverage	20%	Approx. <20.0%	Conforms
Minimum Front Yard	10 metres	No buildings on lot	Conforms
Minimum Side Yard	3 metres, except 4.5 metres for a flankage yard	No buildings on lot	Conforms
Minimum Rear Yard	10 metres	No buildings on lot	Conforms

Zoning Compliance Review
1091 HIGHWAY 8, STONEY CREEK

Minimum Parking Requirements	No minimum		N/A
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Best Regards,

A handwritten signature in black ink, appearing to read "D. Matthews", with a long horizontal stroke extending to the right.



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

November 28, 2024

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

**Re: 1091 Highway 8, Stoney Creek
Minor Variance Application Recirculation (SC/A-24:08)**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by NGE Land Holdings Inc., for the purposes of recirculating the enclosed Minor Variance Application for the subject lands, municipally known as 1091 Highway 8, Stoney Creek, in the City of Hamilton. This application is in coordination with Conditionally Approved Severance SC/B-24:05 and was originally tabled on April 9, 2024, to confirm further zoning details. This Minor Variance will assist in clearance of conditions of severance. The purpose of this analysis is in support of the submitted Minor Variance Application for the subject lands.

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

- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$320.00 representing the required fees for the Minor Variance Recirculation
- One (1) electronic copy of the Notice of Decision for file SC/B-24:05
- One (1) electronic copy of the Draft Reference Plan, prepared by AJ Clarke & Associates Ltd.
- One (1) electronic copy of the Zoning Compliance Review, in support of a Minor Variance Application, prepared by the City of Hamilton

The consent application will sever Part 1 of the enclosed Draft Reference Plan; this Part will be consolidated with the existing adjacent lot municipally known as 1121 Highway 8, Stoney Creek. The severed lot will facilitate the amalgamation of lands for future development in keeping with the vision of the Fruitland-Winona Secondary Plan Area. The remaining lands of 1091 Highway 8 (Part 2) will be retained to maintain the existing built forms and uses which include a residential use of a single detached dwelling, and the commercial use of the existing restaurant.

The subject lands are located within the urban area of the City of Hamilton and are designated 'Neighbourhoods' per Schedule E-1 of the UHOP. The lands are further designated as 'Local Commercial' and 'Low Density Residential 2 and 3' within the Fruitland-Winona Secondary Plan. The subject lands are generally located along Highway 8 within the former City of Stoney Creek to the west of Lewis Rd, and east of McNeilly Road.

The subject lands are currently being utilized for multiple uses including residential, commercial, and agricultural. This application will have no impact to the current uses permitted and is only to facilitate the



merging of lands for future development as directed by the Urban Hamilton Official Plan (UHOP) and the Fruitland-Winona Secondary Plan.

The table below details the lot dimensions following the proposed severance:

	Part 1 (Severed)	Part 2 (Retained)
Lot Frontage	N/A: to be merged with 1121 Highway 8	45.78m
Lot Depth	± 269.8m	109.7
Lot Area	1.14 hectares	0.39 hectares

The immediate surrounding land uses include:

- North** Agriculture
- South** Agriculture, Single Detached Dwellings
- West** Agriculture, Single Detached Dwellings (consolidated development lands)
- East** Agriculture, Single Detached Dwellings (consolidated development lands)

Planning Policy Overview

Urban Hamilton Official Plan

The subject lands are within the urban boundary area and are designated ‘Neighbourhoods’ within Schedule E-1 of the Urban Hamilton Official Plan (UHOP). The proposed severance will not create any additional lots and will amalgamate lands for future development.

The retained parcel which fronts Highway 8 will not hinder the existing uses, as the current owners will retain their ability to utilize the lands for residential and commercial purposes. The severance to the existing property will only be reducing the depth of the parcel and will therefore still leave adequate space and access for the require agricultural, residential, and commercial purposes that currently exist. Following the proposed severance, the severed lands will be amalgamated with the adjacent property municipally known as 1121 Highway 8 for future development.

Fruitland-Winona Secondary Plan

The severed lands and the lands retained fall within the Fruitland-Winona Secondary Plan. Within this secondary plan the subject lands of 1091 Highway 8 contain three (3) designations which include the ‘Local Commercial’ designation abutting Highway 8, ‘Low Density Residential 3’, and a small portion at the northern extent of the property ‘low density residential 2’.

City of Stoney Creek Zoning By-law No. 3692-92

The subject property is zoned as Rural Commercial RC-2(T) and Agricultural Specialty AS-10(T), each of these zones carry special provisions with the former City of Stoney Creek Zoning By-law 3693-92.

The Agricultural Specialty zone permits agricultural uses, single detached dwellings, and accessory structures for permitted uses.



The Rural Commercial Zone permits the restaurant use, and accessory dwelling unit. This zone is located at the southern extent of the subject property adjacent to Highway 8.

The special exemption present on each of the current zones relates to an additional temporary use that permitted a pitch and putt golf course and required accessory structures. This temporary use was permitted until March 1, 2002, and is no longer present on the subject lands.

The proposed severance to add the severed lands to the adjacent property of 1121 Highway 8 conforms to the regulatory permitted uses in the Zoning By-Law, as the lands are vacant for future development.

The applicable zoning regulations of the Agriculture Specialty “AS” Zone are as follows:

Regulation	Requirement	Proposed (1121 Highway 8)
Minimum Lot Area	10 hectares	±5.57 hectares (existing)
Minimum Lot Frontage	150 metres	22.4 metres (existing)
Max Lot Coverage	20%	N/A
Minimum Front Yard	10 metres	N/A
Minimum Side Yard	3 metres	N/A

The applicable zoning regulations of the Rural Commercial “RC-2(T)” Zone are as follows:

Regulation	Requirement	Proposed at 1019 Highway 8 (Part 2)
Minimum Lot Area	1 hectare	0.39 ha following road widening
Minimum Lot Frontage	45 metres	45.8m
Max Lot Coverage	20%	12%
Minimum Front Yard	10 metres	11.15m following road widening
Minimum Side Yard	3 metres for any existing building	3.72 (house), 1.11m (cooling shed), 3.59m (restaurant) – existing conditions
Minimum Rear Yard	7.5 metres	16.93m
Max Building Height	10.5 metres	2-storey max (dwelling). No new buildings or structures proposed
Min Landscaped Open Space	10%	±30%
Landscape Strip	3 metres	3m planting strip provided (existing condition)

This application will have no built development or physical effect on the lands, and most of the deficiencies on the subject lands are existing conditions – not exacerbated by this application. This is simply a division of land for the purpose of consolidating lands for future development. As such, the following minor variances are required.

The following variances are required for Part 2 (retained lands) to facilitate the proposed severance:

- To permit a minimum lot area of 0.39 hectares, whereas 1 hectare is required.
- To permit a side yard setback of 1.11 metres, whereas 3 metres is required.

This minor variance application is made under the authority of Section 45(1) of the *Planning Act*. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:



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

The subject lands are designated “Neighbourhoods” as per Schedule E-1 of the Urban Hamilton Official Plan. As previously described the lands are further designated within the Fruitland-Winona Secondary Plan. A small northern portion of the subject lands are designated “Low Density Residential 2”, the southern portion containing the existing restaurant and dwelling are designated “Local Commercial”, and the remainder of the lands are designated “Low Density Residential 3.”

This application has no physical or built effect on the lands as it is merely a land acquisition merger for future development. This severance will still allow for the existing restaurant and dwelling to exist, as permitted, except for lot area size. No new development is proposed. In the future, the lands north of the local commercial designation will be developed in keeping with the Residential designations of the Fruitland-Winona Secondary Plan.

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the application will facilitate the future direction of development set out by the City of Hamilton.

2. Do the proposed variances maintain the intent and purpose of the City of Stoney Creek Zoning By-law 3692-92?

The required variances are to address the lot area of the proposed retained lands at 1091 Highway 8 and the side yard setback of an existing building. The Rural Commercial RC Zone applies to previously designated rural areas in Stoney Creek. These areas were typically serviced privately for water and wastewater and as such required much larger parcels to ensure safe use of septic systems. The subject lands have since been provided full municipal services and therefore should no longer need to meet the large rural zoning parcel requirements. These lands have been designated within the Urban Boundary and for future development of commercial and residential land uses. The side yard setback still provides enough space for stormwater management and no buildings are located on adjacent lands.

This application will allow for the current permitted uses on the lands to continue with no impact to the surrounding area. As such, the proposed variance maintains the intent and purpose of the City of Stoney Creek Zoning By-law 3692-92.

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

As noted, there is no physical development or change proposed on the lands. This application is for the intended purposes of land consolidation to facilitate the future development of the lands in line with the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan. As the lands are fully serviced municipally, the zoning requirement of a rural lot should no longer need to be met. The variance is appropriate for the existing use, and future development. Maintaining the existing setback will ensure the current conditions are maintained.



4. Are the proposed variances minor in nature?

The variances are minor in nature. One variance recognizes an existing structure. The reduction in the current lot area requirement will still allow for appropriate continued use with landscaping and lot coverage requirements still being met. As the site is now fully serviced – the reduction in required area should be seen as a minor in nature.

Conclusion

The proposed minor variances have been reviewed in the context of the four tests set out under Section 45 (1) of the *Planning Act*. It is my professional opinion that the minor variances meet the general intent of the Urban Hamilton Official Plan, Fruitland-Winona Secondary Plan, and the City of Stoney Creek Zoning By-law 3692-92, are minor in nature, and will help facilitate future development in keeping with the subject secondary plan while maintaining existing uses.

As such, I am of the professional opinion that the proposed severance is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*.

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,

James Thomas, CPT, HBA
Planner
A.J. Clarke & Associates Ltd.

Encl.

Cc: carl@belgal.ca



Hamilton

COMMITTEE OF ADJUSTMENT

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

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	SC/B-24:05	SUBJECT PROPERTY:	1091 HWY 8, Stoney Creek
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APPLICANTS: Owner: MILAN AND JOVANKA PETKO
 Applicant: NGE LAND HOLDINGS INC
 Agent: A.J. CLARKE & ASSOCIATES (FRANZ KLOIBHOFER)

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 1121 Highway 8, Stoney Creek for future development. Existing structures to remain on retained lands.

	Frontage	Depth	Area
SEVERED LANDS:	N/A m [±]	269.8 m [±]	1.14 ha [±]
RETAINED LANDS:	45.72 m [±]	109.7 m [±]	0.41 ha [±]

Associated Planning Act File(s): SC/A-24:08

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

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 condition(s):

1. The owner/applicant shall receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

SC/B-24:05

2. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.
3. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division –Building Engineering).
4. Highway 8 is to be 36.576 metres from Donn Avenue to East City Limits, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.
 - a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right of-way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
5. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
7. That the owner/applicant provide proof that the severed lands have been added to the property to the east known municipally as 1121 Highway 8, Stoney Creek, to the satisfaction of the Director of Development Planning.
8. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (MCM).

DATED AT HAMILTON, April 9, 2024.

M. Switzer (Acting Chairman)

R. Reid

D. Lord

S. Rybarczyk

The date of the giving of this Notice of Decision is **April 12, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (April 12, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **May 2, 2024**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

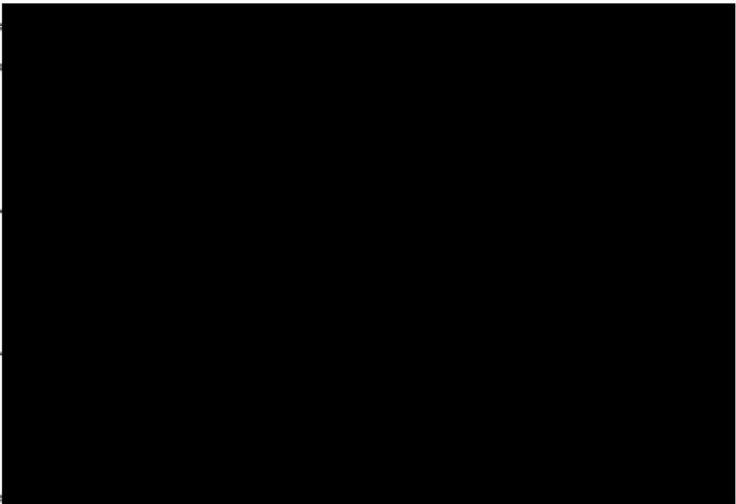
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT***

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Milan & Jovanka Petko
Applicant(s)	NGE Land Holdings Inc
Agent or Solicitor	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer



1.2 All correspondence should be sent to 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.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1091 Highway 8, Stoney Creek		
Assessment Roll Number	251800322039400		
Former Municipality	Stoney Creek		
Lot	7	Concession	2
Registered Plan Number	CD94477	Lot(s)	Pt Lt 7
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:

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

To permit a minimum lot area of 0.40 ha, whereas 1 hectare is required.

Second Dwelling Unit Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

Severed lands will become part of future development in line with Secondary Plan. See cover letter for greater detail

3.3 Is this an application 45(2) of the Planning Act.

Yes No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
45.72m	109.7m	0.41 ha	±29.2m

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Restaurant	±15.58m	±69m	3.59(W)/14.34(E)	1970s
single-detached dwelling	over 50 m	±29 m	26+ (W)/ 3.72(E)	estimates 1910s
cooling shed	over 70m	16.93m	1.11m(W)/ over 29m (E)	1970s

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
none				

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Restaurant	235m ²	235m ²	1	±4m
Single-Detached Dwelling	±99.81m ²	<200m ²	1.5	±8 m
Cooling Shed	±98.88	±98.88	1	±4m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
none				

- 4.4 Type of water supply: (check appropriate box)
- publicly owned and operated piped water system
 - privately owned and operated individual well

- lake or other water body
- other means (specify)

- 4.5 Type of storm drainage: (check appropriate boxes)
- publicly owned and operated storm sewers
 - swales

- ditches
- other means (specify)

- 4.6 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) _____
- 4.7 Type of access: (check appropriate box)
 provincial highway right of way
 municipal road, seasonally maintained other public road
 municipal road, maintained all year _____
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
 Please see cover letter. Joint application with severance of lands. Existing conditions to remain.
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 single detached dwellings and agriculture. Vacant lands to west and east for future development.

7 HISTORY OF THE SUBJECT LAND

- 7.1 Date of acquisition of subject lands:
 1978
- 7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 dwelling, restaurant, and orchard
- 7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 dwelling, restaurant, and orchard
- 7.4 Length of time the existing uses of the subject property have continued:
 orchard (unknown), dwelling (±100 years), restaurant (unknown 50+ years)
- 7.5 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 the Official Plan.

Lands are designated "low density residential 3 and 2", and "local commercial" in Secondary Plan.

- 7.6 What is the existing zoning of the subject land? Rural Commercial (RC-2(T)) & Agriculture Specialty (AS-10(T))
- 7.8 Has the owner previously applied for relief in respect of the subject property?
 (Zoning By-law Amendment or Minor Variance)
 Yes No

If yes, please provide the file number: SC/A-20:65

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes No

If yes, please provide the file number: concurrently submitted severance application

7.10 If a site-specific Zoning By-law Amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?

Yes No

7.11 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

Please see attached cover letter. No changes to existing uses and built forms proposed.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

Consent/ Minor Variance justification cover letter
