



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-24:86	SUBJECT PROPERTY:	90 Central Drive, Ancaster
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APPLICANTS: Owner: Mir Rahimi Holding Corporation
 Applicant: Mir Rahimi
 Agent: Darrin Cohen c/o Weston Consulting

PURPOSE & EFFECT: To sever the existing residential lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will contain the existing dwelling which is intended to be retained.

	Frontage	Depth	Area
SEVERED LANDS:	16.50 m [±]	60.96 m [±]	972.3 m ^{2±}
RETAINED LANDS:	16.60 m [±]	60.96 m [±]	1,045.7 m ^{2±}

Associated Planning Act File(s): N/A

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:	Thursday, February 13, 2025
TIME:	3:15 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-24:86

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

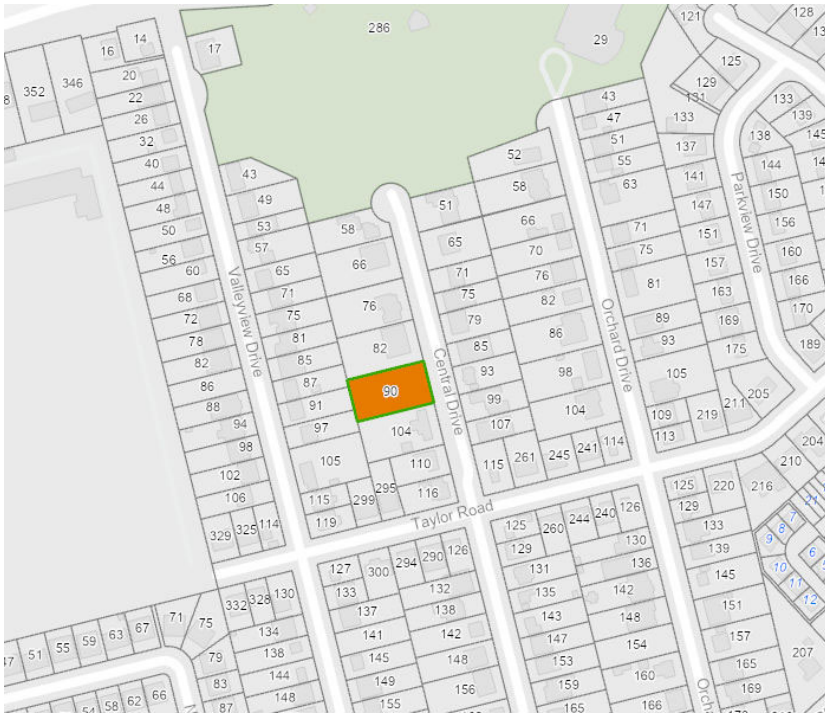
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **February 11, 2025**

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 **February 12, 2025**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:86, 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: January 27, 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.

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

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Tuesday 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.

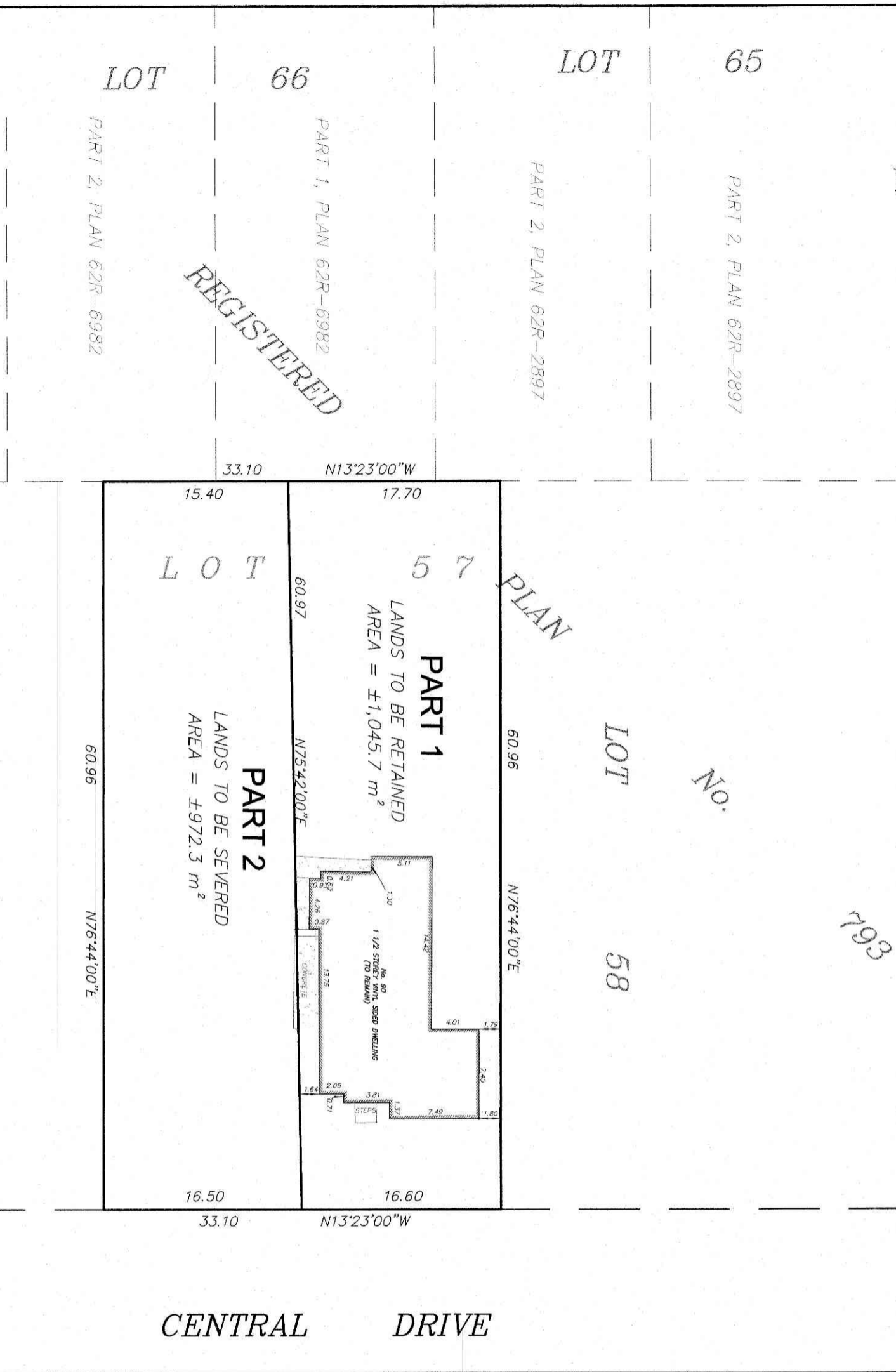
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.

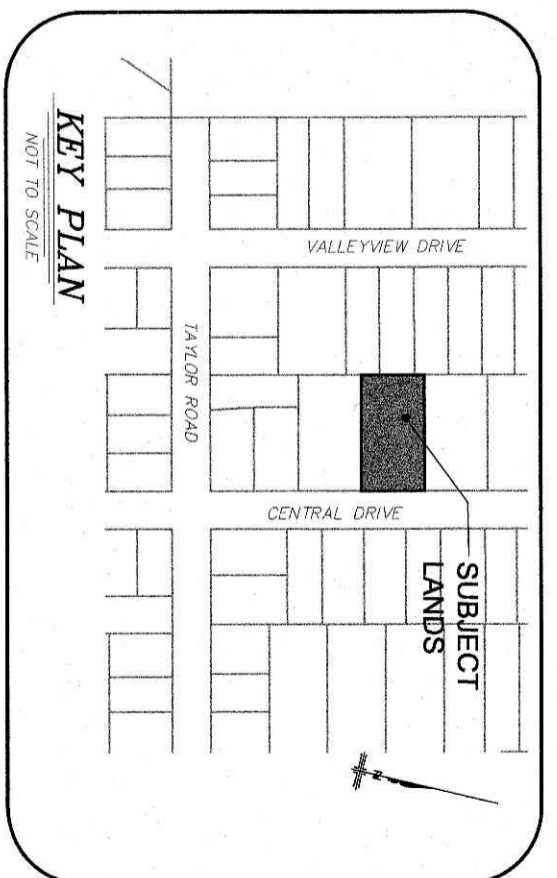
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.



CENTRAL DRIVE

793



SKETCH FOR CONSENT TO SEVER
90 CENTRAL DRIVE
CITY OF HAMILTON

SCALE 1:400

NICHOLAS MUTH, O.L.S.

THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS
 LOT 57
 REGISTERED PLAN No. 793

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

NOTE:
 THIS SKETCH IS COMPILED FROM PLANS AND RECORDS ON FILE IN THIS OFFICE AND IS NOT BASED ON AN ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE COMMITTEE OF ADJUSTMENT REQUESTING A GRANT OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

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

CONSENT SCHEDULE:

PART 1 (LANDS TO BE RETAINED)	AREA=±1,045.7 m ²
PART 2 (LANDS TO BE SEVERED)	AREA=±972.3 m ²

SEPTEMBER 9, 2024
 DATE



A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
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PROJECT No. 248011P

Committee of Adjustment
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

December 19, 2024
File 12052

Attn: Committee of Adjustment

**Re: Consent to Sever Land Application
90 Central Drive
Ancaster, City of Hamilton**

Weston Consulting is the authorized planning consultant for the registered owner of the land municipally addressed as 90 Central Drive in the City of Hamilton (the “Subject Property”). This letter has been prepared in support of a Consent to Sever application to create two parcels with frontage along Central Drive as shown on the enclosed Consent Sketch prepared by A.J. Clarke and Associates Ltd. The rationale contained herein supports the planning opinion that the proposed severances represent good planning and are in the public interest.

Description of Subject Property and Surrounding Context

The Subject Property is located on the west side of Central Drive and is currently occupied by a single-detached dwelling. It has an approximate area of 2,018 square metres (0.5 acres) with a frontage of 33.1 metres along Central drive. The existing dwelling is situated on the north end of the Subject Property.

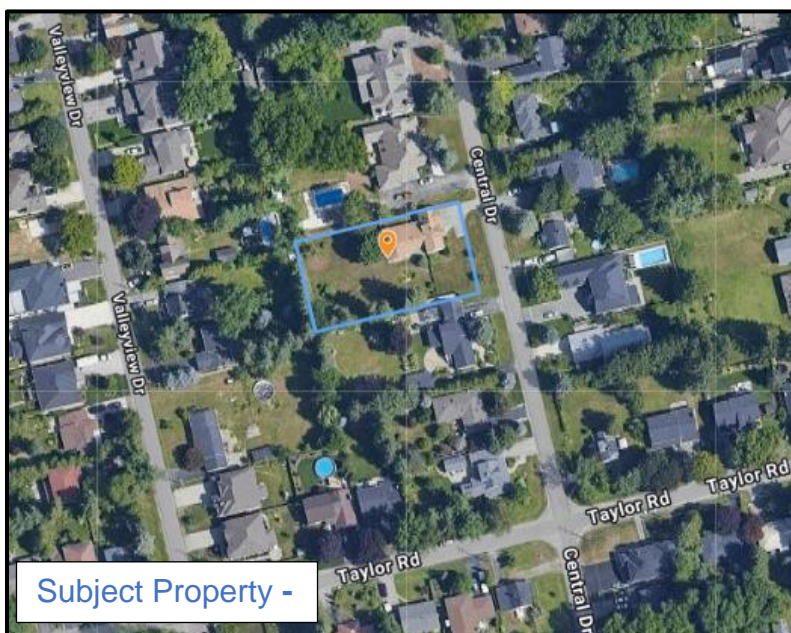


Figure 1: Aerial Photo

The Subject Property is legally described as LT 57, PL 793; ANCASTER (AMENDED 08/09/00 BY LR2) CITY OF HAMILTON.

The surrounding neighbourhood mainly consists of single-detached dwellings. Specific land uses in the vicinity of the Subject Property are as follows:

- North:** The low-rise residential neighbourhood extends north to Jerseyville Road West. Little League Park, Spring Valley Arena and the Ancaster Lions Outdoor Pool are located north of the Subject Property. The lands north of Jerseyville Road West are generally forested.
- East:** Single-detached dwellings are located east of the Subject Property. Forested areas and Spring Valley Elementary School are located further east, beyond Taylor Road.
- South:** The low-rise residential neighbourhood extends south towards Wilson Street West.
- West:** Single-detached residential dwellings are located directly west of the Subject Property along Valleyview Drive and Taylor Road. Ancaster High Secondary School is located approximately 350 metres west of the Subject property. Northwest of the Subject Property is the Morgan Firestone Arena and Ancaster Rotary Centre.

The Subject Property is designated *Neighbourhoods* according to Schedule E (Urban Structure) of the Urban Hamilton Official Plan (the “Official Plan”). The *Neighbourhoods* designation permits residential dwellings and *promotes and support residential intensification of appropriate scale and in appropriate locations* pursuant according to policy 3.1.5. Zoning By-law 05-200 zones the Subject Property *Low Density Residential – Large Lot (R2) Zone*, which permits single detached dwellings.

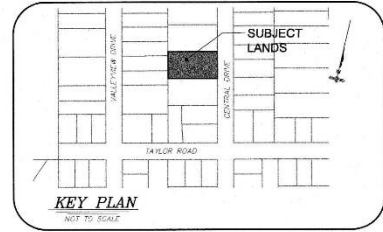
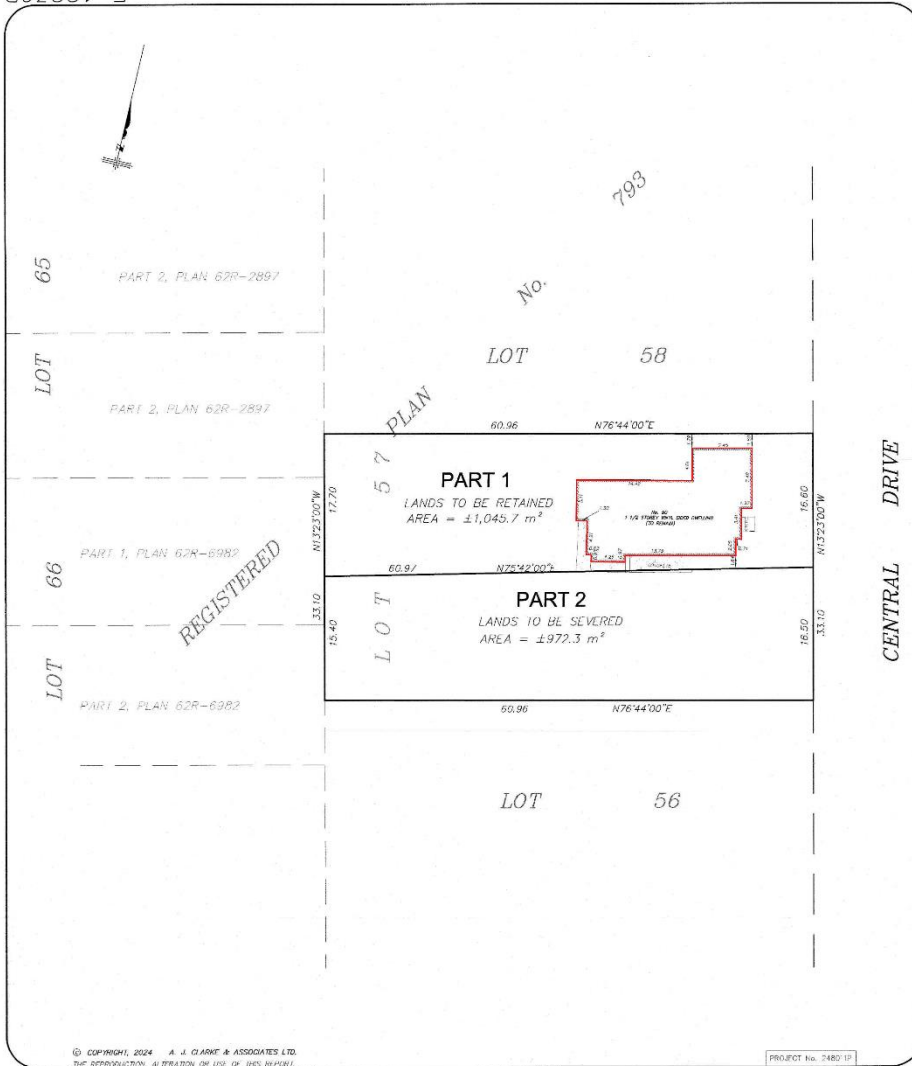
The Subject Property is located within a settlement area with a delineated built boundary. According to policy 2.3.1.1 of the 2024 PPS, settlement areas shall be the focus of growth and development. Policy 3.6.7 permits lot creation *where there is sufficient reserve sewage system capacity and reserve water system capacity*. Accordingly, the subject property represents an appropriate location for growth and development.

Description of the Proposed Development

The Consent to Sever application seeks to sever the Subject Property into two lots. Part 1 (Lands to be Retained), will remain occupied by the existing single-detached dwelling and have an area of 0.26 acres (1,045.7 square metres). It will have a frontage of 16.60 metres and a lot depth of 60.96 metres. Part 2 (Lands to be Severed) is intended for a single detached dwelling. It will have an area of 0.24 acres (972.3 square metres), a lot frontage of 16.50 metres and a lot depth of 60.96 metres. An application to develop Part 2 with a single detached dwelling will be submitted in the future at the appropriate time.

Access to the severed and retained lots will be provided via Central Drive, a municipally owned and maintained road. Please refer to Table 1 (Site Statistics) for details related to Part 1 (Lands to be Retained), Part 2 (Lands to be Severed) and their relationship to Zoning By-law 05-200.

E-18836B



SKETCH FOR CONSENT TO SEVER
90 CENTRAL DRIVE
CITY OF HAMILTON

SCALE 1:400
0 5 10 15 metres

NICHOLAS MUTH, O.I.S.

THE ABOVE NOTED LANDS ARE LEGALLY DESCRIBED AS
LOT 57
REGISTERED PLAN No. 793

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

NOTE:
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SEPTEMBER 9, 2024
DATE



A.C. **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: ujc@ajclarke.com

E-18836B

Figure 2: Severance Sketch

Zoning By-law 05-200 15.3.2.1 – Single Detached	Required	Retained (Part 1)	Severed (Part 2)	Compliant
a) Minimum lot area	630 sqm	1,045.7 sqm	972.3 sqm	Y
b) Minimum lot width	18 m	16.6 m	16.5 m	N
c) Minimum setback from the front lot line	4 m	7.61 m	TBD	Y
d) Minimum setback from a side lot line	2 m	1.16 m (south side)	TBD	N
e) Minimum setback from a flankage lot line	3 m	N/A	N/A	N/A
f) Minimum setback from the rear lot line	7.5 m	31.44m	TBD	Y
g) Maximum building height	10.5m	1 and ½ Storey	TBD	Y
h) Maximum lot coverage	35%	21%	TBD	Y
i) Minimum landscaped area	i) 40% ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.	TBD	TBD	TBD

Table 1: Site Statistics

A Minor Variance application will be required to seek relief from Zoning By-law 05-200 with respect to regulation 15.3.2.1(b) to permit a reduced minimum lot width and 15.3.2.21(d) to permit a reduced minimum setback from a side lot line. It is anticipated that this application will be brought forward later, along with details of the proposed single detached dwelling located on Part 2 (Lands to be Severed).

We are seeking approval of the proposed Consent to Sever Land Application subject to a condition that all required variances from the Zoning By-law be obtained to permit the future development of Lot 2. It should be noted that this approach has been taken for similar applications in the vicinity of the Subject Property located at 203 and 205 Taylor Road (AN/B-22:15).

Planning Analysis

Planning Act, R.S.O. 1990, c. P. 13

The *Planning Act*, 1990 provides legislative direction with regard to development applications including Consent to Sever applications. The proposed Consent to Sever application must adhere to Section 2 (Provincial Interest), Section 3 (Provincial Plans), Section 51 (Plan of Subdivisions) and Section 53 (Consents) of the *Planning Act*. Section 2 of the *Planning Act* deals with matters of Provincial Interest which include but are not limited to:

- (h) the orderly development of safe and healthy communities
- (j) the adequate provision of a full range of housing including affordable housing; and,
- (p) the appropriate location of growth and development.

The Consent to Sever application seeks to create a new residential lot in within a settlement area on lands designated *Neighbourhoods*. The effect of the application is to create an additional dwelling unit which represents modest, gentle intensification within an established neighbourhood which represents a more efficient use of the land. Accordingly, the application has regard for Section 2 of the *Planning Act*.

Section 3 of the *Planning Act* requires development applications and decisions to be consistent with provincial policy statements and conform with provincial plans. The proposed Consent to Sever application is consistent with the Provincial Planning Statement (PPS) based on the location of the Subject Property within a settlement area (Section 2.3.1). Details of how the proposed development is consistent with the PPS are provided below.

Section 51(24) of the *Planning Act* requires Consent to Sever applications to have regard for the prescribed criteria for the subdivision of land. Table 2 describes how the Consent to Sever application has regard for the subdivision of land according to section 51(24) of the *Planning Act*.

Criteria	Proposed Application
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	The proposed Consent to Sever application has regard for matters of provincial interest as the Subject Property is located within a settlement area, which is considered an appropriate location for growth and development. The proposed lot sizes are appropriate to accommodate residential dwellings and represent gentle infill development within an established neighbourhood. The lots have frontage along a municipal owned street and can be serviced.
(b) whether the proposed subdivision is premature or in the public interest;	The Subject Property is located within an existing Plan of Subdivision and the proposed severance represents gentle density and infill development within an established neighbourhood. The Consent to Sever application is consistent with the PPS and conforms to the Official Plan. As such, it is our opinion that the proposed severance is in the public interest.
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;	According to Policy 2.7.2 of the Official Plan, the <i>Neighbourhoods</i> designation shall primarily consists of residential uses and Policy 2.7.7 of the Official Plan permits changes to <i>Neighbourhoods</i> that are compatible with the existing character or function. The proposed severance will provide a new lot for residential development that has a comparable size and configuration to the surrounding lots. This proposed new lot

	represents gentle infill that is appropriately scaled for the surrounding area.
(d) the suitability of the land for the purposes for which it is to be subdivided;	The Consent to Sever Application conforms to the prescribed criteria in section F1.14.3 - Lot Creation of the Urban Hamilton Official Plan.
(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;	Not applicable.
(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;	The severed and retained lots will be accessed via Central Drive, which is municipally owned and maintained. No adverse impacts to the existing road network are anticipated based on the creation of one new lot.
(f) the dimensions and shapes of the proposed lots;	The proposed severance will create a new lot that has frontage onto Central Drive. The proposed orientation is consistent with the Subject Property. Although a Minor Variance application will be required to permit a reduced lot width and side lot line setback, the dimensions of the severed and retained lot are consistent with lots in the surrounding area.
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	Not applicable.
(h) conservation of natural resources and flood control;	Natural Resources are not present on the Subject Property.
(i) the adequacy of utilities and municipal services;	Municipal servicing is available along Central Drive.
(j) the adequacy of school sites;	The Subject Property is located near Ancaster High Secondary School and Spring Valley Elementary School.
(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;	Not applicable.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and	Not applicable.
(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the <i>City of Toronto Act, 2006</i> . 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).	The proposed Consent is not subject to site plan control. Specific details of the dwelling on the severed lots to be determined at a later date.

Table 2: Assessment of Section 51 (24) of the Planning Act.

Urban Hamilton Official Plan

The Subject Property is located within the *Urban Boundary* according to Schedule E (Urban Structure) of the Official Plan. The *Urban Boundary* is intended to accommodate all the City's projected urban growth and is a suitable location for lot creation.

The Subject Property is designated *Neighbourhoods* according to Schedule E (Urban Structure) and E-1 (Urban Land Use Designations) of the Official Plan. It is recognized that these areas will evolve over time as infill development occurs. Residential intensification within *Neighbourhoods* is considered part of the evolution of a neighbourhood provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.

According to Section 2.7 of the Official Plan.

E2.7.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

E2.7.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.

E2.7.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4

– Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

The Consent to Sever Application conforms to the Official Plan as it will facilitate infill development within an established neighbourhood in a manner that respects the character of the surrounding area. The proposed lot is consistent with the dimensions of lots in the surrounding area and future residential dwelling will be designed in a manner that respects the surrounding area. Please refer to Table 4 (Lot Analysis) for an analysis of lot sizes in the surrounding area.

Section 2.4 of the Official Plan establishes policies for residential intensification, which is a key component of Hamilton’s Growth Strategy. The Official Plan encourages residential growth *throughout the entire built-up area* (Policy B.2.4.1.1) and *30% of the residential intensification target is anticipated to occur within the Neighbourhoods* (Policy B.2.4.1.2(c))

Policy B2.4.1.1 established the criteria to evaluate residential intensification:

B2.4.1.4 *Residential intensification developments within the built-up area shall be evaluated based on the following criteria:*

- a) *a balanced evaluation of the criteria in b) through l), as follows;*
- b) *the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;*
- c) *the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;*
- d) *the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;*
- e) *the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;*
- f) *existing and planned water, wastewater and stormwater capacity;*
- g) *the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;*
- h) *the contribution of the proposed development to supporting and facilitating active transportation modes;*
- i) *the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;*
- j) *the availability and location of existing and proposed public community facilities/services;*
- k) *the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,*
- l) *compliance of the proposed development with all other applicable policies.*

The proposed severance will create one new lot that is similar in size and orientation to lots in the surrounding area. The severed lot is intended to accommodate a single detached dwelling, which is permitted within the

Neighbourhoods designation and does not require a Zoning By-law Amendment. The application supports infill development, and the future single detached dwelling will meet the tests established under Policy B.2.4.1.4.

The Official Plan also established criteria for residential intensification in the *Neighbourhoods* designation under Policy B2.4.2.2. This Policy ensures that residential intensification is appropriate for the existing neighbourhood context with regard to scale, transitions in height, streetscapes, and other factors.

B2.4.2.2 *When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:*

- a) *the matters listed in Policy B.2.4.1.4;*
- b) *compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- c) *the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- d) *the consideration of transitions in height and density to adjacent residential buildings;*
- e) *the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- f) *the provision of amenity space and the relationship to existing patterns of private and public amenity space;*
- g) *the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;*
- h) *the ability to complement the existing functions of the neighbourhood;*
- i) *the conservation of cultural heritage resource;*
- j) *infrastructure and transportation capacity and impacts; and,*
- k) *for uses permitted in Volume 1 Policy E.3.4.3, the ability to meet the Neighbourhood Infill Design Guidelines.*

The proposed severance will create one new lot for a single-detached dwelling that will be similar in scale to the surrounding area. Details of the future residential dwelling will be provided at a later date and subject to municipal approval.

Section F1.14 of the Official Plan established policies that guide the division of land. Specifically, Policy F1.14.3.1 states that *Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:*

Policy	Rationale
a) The lots comply with the policies of this Plan, including secondary plans, where one exists	As discussed above, the proposed severance conforms to the Official Plan.
b) The lots comply with existing Neighbourhood Plans;	The Subject Property is not located within a Neighbourhood Plan.

c) The lots are in conformity with the Zoning By-law or a minor variance is approved;	The severed and retained lot generally comply with the standards of Zoning By-law 05-200. A Minor Variance application to seek relief for minimum lot width and minimum side yard setback requirements will be submitted at a later date. The enclosed Consent to Sever application is seeking approval with conditions to obtain required minor variances from the Zoning By-law.
d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;	The proposed severance divides the lot to retain the existing dwelling and appropriately provides for development potential on the severed lot. The lots generally conform to the scale and character of the established neighbourhood.
e) The lots are fully serviced by municipal water and wastewater systems; and,	Municipal servicing is available along Central Drive.
f) The lots have frontage on a public road	Central Drive is a public road.

Table 3: Review of Land Division Policies

Surrounding Lot Analysis

The following table demonstrate how the proposed severance is generally consistent with lots in the surrounding area. It should be noted that the measurements are approximate.

Location Relative to Subject Property	Address	Lot Area (m ²)	Lot Width (m)	Lot Depth (m)
North	82 Central Drive	2,025.99	33.17	61.08
South	104 Central drive	2,025.99	33.17	61.08
East	85 Central Drive	932.99	18.32	50.91
	93 Central Drive	1,117.99	21.96	50.92
West	87 Valleyview Drive	1,024.99	18.04	56.81
	91 Valleyview Drive	1,040.99	18.32	56.81
	97 Valleyview Drive	989	17.43	56.81
Part 1 - Retained Lot	90 Central drive	1,045.7	16.6	60.96
Part 2 – Severed Lot	TBD	972.3	16.5	60.96

Table 4: Surrounding Lot Analysis

Nearby Applications

The Consent to Sever Applications are located within approximately 275 metres of the Subject Property and have been approved by the Committee of Adjustment.

	Address	Lot 1 Width (m)	Lot 2 Width (m)	Lot 1 Area (m ²)	Lot 2 Area (m ²)	Distance to Subject Property (m)	File Number
1	94 and 98 Valleyview <i>Status: Final and Binding</i>	17.8	17.6	1,039.4	1,1027.7	115	AN/B-05:139
2	86 and 88 Valleyview <i>Status: Final and Binding</i>	17.6	17.6	1044.2	1026.7	120	AN/B-16:64
3	105 Orchard Drive <i>Status: Granted with Conditions</i>	19	17.1	1089.1	TBD	208	AN/B-11:61
4	63 Orchard Drive <i>Status: Applied</i>	17.7	17.7	1034.1	TBD	218	AN/B-20:25
5	136 and 142 Orchard Drive <i>Status: Final and Binding</i>	16.6	16.6	1,021.8	1390.8	234	AN/B-06:189
6	203 and 205 Taylor Street	16.97	17.0	630	685	275	AN/B-22:15
	Proposed for the Subject Property	16.6	16.5	1,045.7	972.3		

Table 5: Nearby Severance Applications



Figure 3: Surrounding Severance Applications

Conclusion

The enclosed Consent to Sever application is consistent with the PPS and conforms to the Growth Plan. The proposed severance represents gentle infill development within an established neighbourhood, has frontage on a municipally owned road, and is serviceable. A Minor Variance application will be submitted to seek relief from Zoning By-law 05-200.

In support of the application, please find one (1) digital copy of the severance sketch, prepared by A.J. Clarke and Associates Ltd., dated September 9, 2024 attached herein.

The Consent Application fee of \$3,820 will be paid upon initial processing by staff. Once the payment has been processed, we request a copy of the receipt of payment. We thank you in advance for working with us to process this application.

Should you have questions or require any additional materials, please contact the undersigned at extension 329 or Michael Pizzimenti at extension 365.

Yours truly,

Weston Consulting

Per:



Darin Cohen, MCIP, RPP
Senior Planner

c. Mir Rahimi Holding Corporation

encl. Severance Sketch, September 9, 2024 – Prepared by A.J. Clarke and Associates Ltd.



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME
Purchaser*	
Registered Owners(s)	
Applicant(s)**	
Agent or Solicitor	

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

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

1.2 Primary contact Purchaser Owner
 Applicant Agent/Solicitor

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

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

- In person
 Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	90 Central Drive		
Assessment Roll Number	251814032042400		
Former Municipality	Ancaster		
Lot	57	Concession	
Registered Plan Number	793	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:

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:

N/A

3.4 Certificate Request for Retained Lands: Yes*

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	16.60 m	16.50 m			
Depth	60.96 m	60.96 m			
Area	1,045.7 m ²	972.3 m ²			
Existing Use	Residential	Vacant			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single- detached Dwelling	Vacant			
Proposed Buildings/ Structures	Retained single -detached	Single- detached Dwelling			
Buildings/ Structures to be Removed	None	None			

* 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)

- 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.

Refer to the cover letter submitted with this application.

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? Low Density Residential - Large Lot (R2)

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.

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

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

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.

6.4 How long has the applicant owned the subject land?

Approximately 10 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.

NO

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 see cover letter

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

Yes No (Provide explanation)

Provincial Planning Statement, 2024 - Please see cover letter

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

Yes No (Provide explanation)

Not Applicable

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

/A

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
