



City of Hamilton
COMMITTEE OF ADJUSTMENT
AGENDA

Meeting #: 20-07
Date: July 23, 2020
Time: 1:00 p.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 3935

		Pages
1.	PREVIOUSLY TABLED	
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2.2	1:20 p.m.GL/A-20:971800 Upper James St., Glanbrook (Ward 11) Agent Urban Solutions Owner Mulas Construction Ltd.	19
2.3	1:25 p.m.SC/A-20:1031329 Barton St., Stoney Creek (Ward 11) Agent Urbancore Developments c/o S. Manchia Owner 5000993 Ontario Inc. c/o Avatar International	29

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	Owner Bruno Ruberto	
2.9	1:45 p.m.GL/A-20:992064-2080 Rymal Rd. E., Glanbrook (Ward 9)	115
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3.3	2:05 p.m.FL/B-20:27, FL/B-20:28 and FL/A-20:104353 11th Con. Rd. E., Flamborough (Ward 15)	193
	Owner St. Mary's Cement Inc. c/o David Hanratty	

- 3.4 2:10 p.m.AN/B-20:30822 Book Rd. W., Ancaster (Ward 12) 399
Agent Urban Solutions
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Owner Knollwood Golf Ltd.
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Agent Shane Vanberneveld
Owner Vladimir Ljubucuc
- 4.5 2:45 p.m.HM/A-20:108220 Charlton Ave. W., Hamilton (Ward 1) 579
Owner Emma Cubitt
- 4.6 2:50 p.m.HM/A-20:111 49 Murray St. E., Hamilton (Ward 2) 589
Agent Carrothers & Associates c/o Jennifer Concelos
Owner Matthew Jackson

5. CLOSED

6. ADJOURNMENT



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: AN/A-20:100

APPLICANTS: Fothergill Planning & Development on behalf of the owner
 Ancaster Christian Reformed Church c/o Jim Bezemer

SUBJECT PROPERTY: Municipal address **70 Garner Rd. E. (Ancaster)**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "I3,39 and H37" (Major Institutional) district

PROPOSAL: To permit the construction a one storey front yard addition having an area of 58.0m² as well as to permit the construction of a one storey westerly side 871.0m² addition to the existing place of worship as per Site Plan application SPA-20-010, notwithstanding that;

1. A minimum westerly side yard of 6.2m shall be permitted instead of the minimum 7.0m side yard required.
2. A minimum of 157 parking spaces shall be permitted instead of the minimum 236 parking spaces required.

Notes: These variances are required to facilitate Site Plan Control application SPA-20-010.

The submitted plan is illegible; therefore, the applicant shall ensure that the proposal conforms to all the regulations of the Hamilton Zoning By-law 05-200 (i.e. building height, landscaping, parking space sizes, etc.). The variances are written as requested.

The lands are subject to holding provision "H37", which stipulates specific regulations applicable to site alterations for lands that are zoned Major Institutional (I3). In addition, the "H" provision shall be removed from the lands through amendment to the by-law per Section 2.4 d) of the Hamilton Zoning By-law 05-200.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:15 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

AN/A-20:100
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

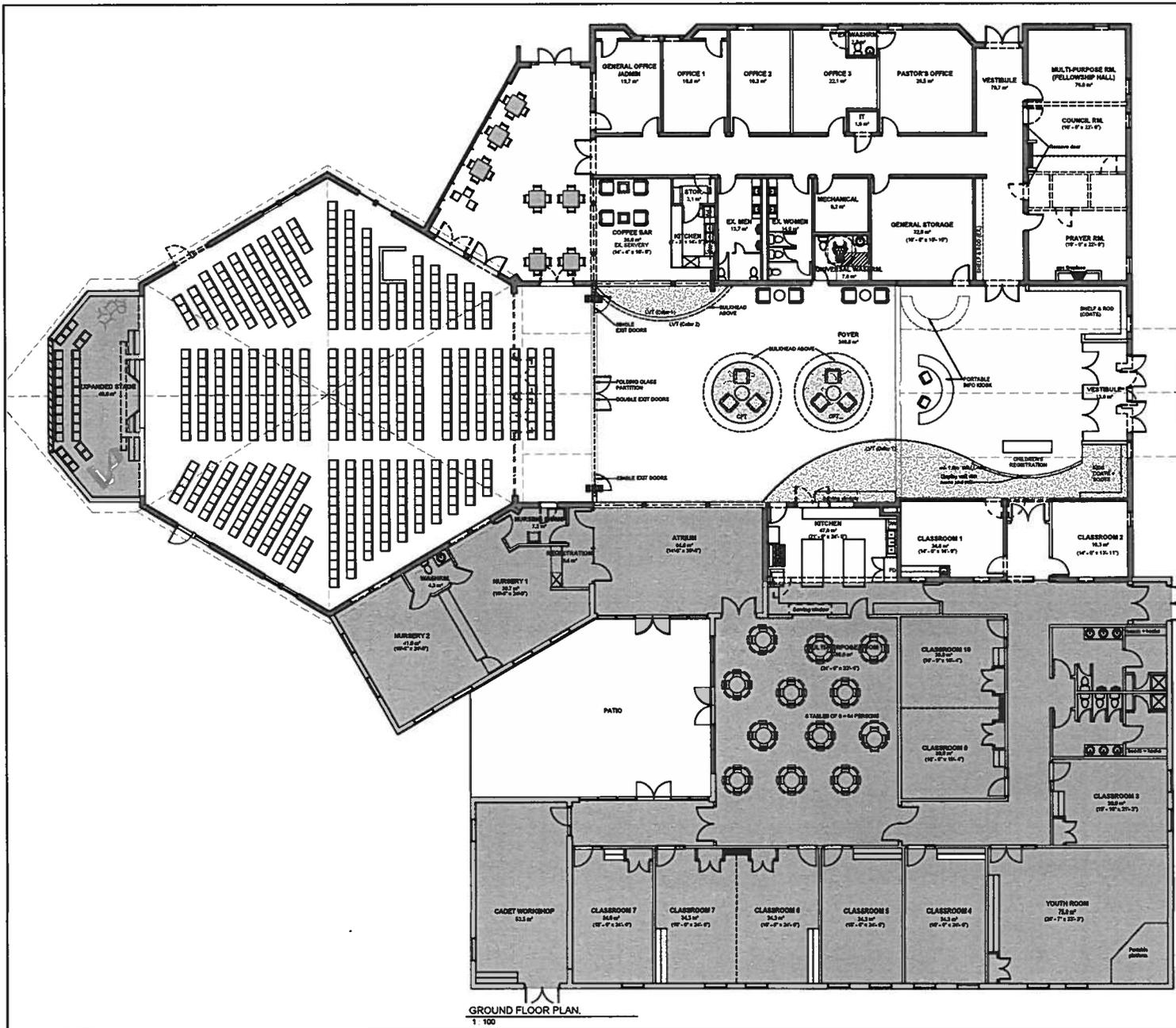
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.



GROUND FLOOR PLAN.
1 : 100

FLOOR PLAN LEGEND
1 : 100

- EXISTING WALL
- STUD WALL W/ SOUND BATT
- CONCRETE BLOCK
- ◇ HALL TYPE TAG
- ④ WINDOW TYPE TAG
- ③ DOOR TYPE TAG

REVISIONS & SCALE NOTES:
CHECK AND VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH THE WORK.
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1	REVISIONS	APRIL 16, 2010
2	PRELIMINARY SPA SUBMISSION	DEC. 10, 2010
3		
4		
5		
6		
7		
8		
9		
10		

DICKINSON + HICKS
ARCHITECTS INC.
45 MILL STREET, ORANGEVILLE, ON L9M 2M4
TEL: (519) 941-0912 FAX: (519) 941-0142

CONSULTANT

NO.	DESCRIPTION

PROJECT
ANCASTER CHRISTIAN REFORMED CHURCH
Ancaster 70 Garner Rd E Ontario

SHEET TITLE
GROUND FLOOR PLAN

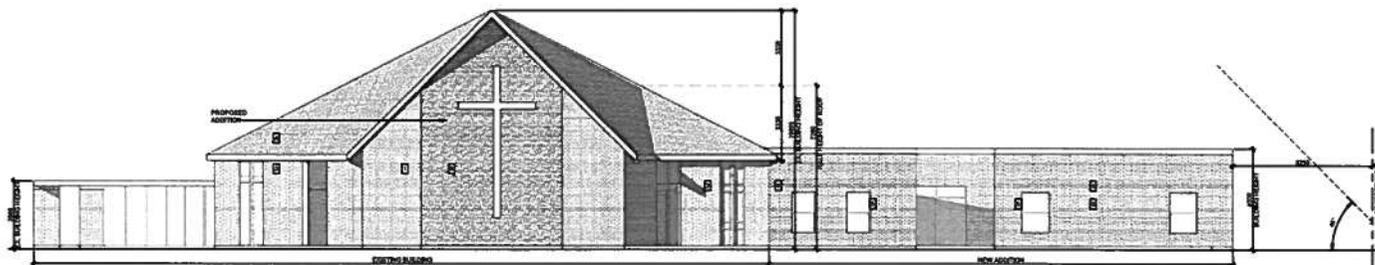
PROFESSIONAL ASSOCIATION
of ARCHITECTS
Ontario

Drawn by	18-122
Checked by	NOV 2010
Approved	SLW
Scale	1:500
Date Plotted	2010-06-10 11:16:12 AM
Plotter	

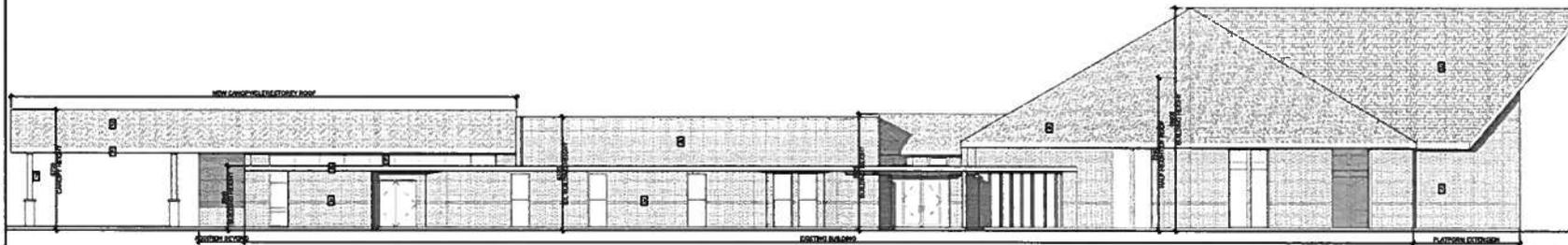
A2.1



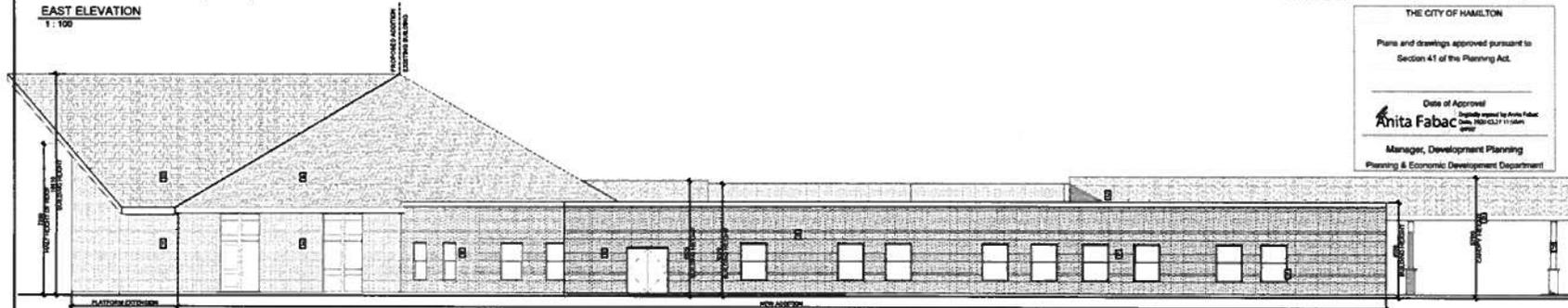
SOUTH ELEVATION
1:100



NORTH ELEVATION
1:100



EAST ELEVATION
1:100



WEST ELEVATION
1:100

- 1 BRICK VENEER (KEY)
- 2 ASPHALT ROOF SHINGLES TO MATCH EXISTING
- 3 EX. BRICK (KEY)
- 4 EXISTING ASPHALT ROOF SHINGLES
- 5 ALUMINUM FRAME WINDOWS (DOUBLE, MATCH EXISTING)
- 6 PRE-FINISHED ALUMINUM GUTTER (FINISH & LEADERS COLOUR, T.S.B. BY OWNER)
- 7 STEEL POST OR PRE-FINISHED WOOD BY (ROOFPELLING WRAP, SEE DETAILS S&S & S&S FOR MORE INFORMATION, COLOUR, T.S.B. BY OWNER)
- 8 NATURAL STONE VENEER
- 9 GRAY CONCRETE BLOCK

MATERIAL LIST (ELEVATIONS)
1:50

REVISIONS & SCALE NOTES:
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No.	Description	Date
3	SPA REVISION	APR 14, 2020
1	PRELIMINARY SPA SUBMISSION	DEC 18, 2019

DICKINSON + HICKS
ARCHITECTS INC.
40 MILL STREET, ORANGEVILLE, ON L9W 2M4
TEL: (519) 941-0912 FAX: (519) 941-9142

THE CITY OF HAMILTON
Plans and drawings approved pursuant to
Section 41 of the Planning Act.
Date of Approval
Anita Fabac
Manager, Development Planning
Planning & Economic Development Department

CONTRACT
PROJECT
ABRAHAM CHRISTIAN REFORMED CHURCH
Ancaster 70 Garner Rd E Ontario

SHEET TITLE
ELEVATIONS

LAND ASSOCIATION OF ARCHITECTS
18-122
NOV 2016
MAN
M1
At Issued
2020-06-16 11:32:20 AM
A5.1



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Ancaster Christian Reformed Church

2.

3. Name of Agent Ed Fothergill Telephone _____

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

None

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

1) Reduced westerly side yard setback of 6.2 metres instead of required 7.0 metres

2) Provision of 157 parking spaces instead of required 237 spaces.

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

See attached.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part 1, Plan 62R-21033

70 Garner Road East

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Apr 7/2020
Date



Signature Property Owner
Fred Bennink on behalf of
Ancaster Christian Reformed Church
Print Name of Owner

10. Dimensions of lands affected:

Frontage 83.79 m
Depth 287.82 m
Area 2.81 ha
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Place of worship - see attached

Proposed: Expansion of existing building - see attached

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

Existing: See attached.

Proposed: See attached.

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

April 16, 2020

Jamila Sheffield, Secretary Treasurer
Committee of Adjustment
City of Hamilton
71 Main St. W.
Hamilton, ON L8P 4Y5

Dear Jamila:

**Re: Application for Minor Variance
Ancaster Christian Reformed Church
70 Garner Road East**

Please accept this letter and attached documentation as an application for two minor variances to facilitate the implementation of site plan approval which was conditionally approved March 27, 2020 under file SPA-20-010 to permit the expansion of an existing place of worship to add activity space on the west side of the building and a small addition to a stage area at the north part of the building. The existing seating capacity of the sanctuary area will not change.

The variances requested include:

1. Reduction in the westerly side yard setback to 6.2 metres instead of the required 7.0 metres.
2. The provision of 159 parking spaces instead of the by-law requirement of 237 spaces.

Attached with this application please find enclosed the following:

- Two (2) copies of completed application form including one original;
- Cheque made payable to City of Hamilton in the amount of **\$3302.00**;
- Cheque made payable to Grand River Conservation Authority in the amount of **\$270.00**;
- Two (2) large prints and one reduced copy of Reference Plan 62R-21033;
- Two (2) large copies and one reduced copy of site plan and elevation drawings dated April 16 prepared by Dickinson & Hicks Architects Inc.

-2-

- Copy of comments from staff dated March 5, 2020 regarding Site Plan Application SPA-20-010 noting that it is good to see lower than required parking; and,
- A parking survey prepared by Ancaster Christian Reformed Church.

Side Yard Setback

It is my opinion that the requested side yard reduction of 0.8 metres is minor in nature and maintains the general purpose and intent of the Official Plan and Zoning By-law and is desirable for the appropriate development of the land for the following reasons:

1. The amount of the reduction of 6.2 from 7.0 represents a mathematically small reduction.
2. The depth of the building is only 27% of the depth of the side yard, thus minimizing any potential impact on the abutting property. By comparison, the current zoning by-law regulations would permit a building addition approximately four times the depth of the proposed expansion at a distance of 7.0 metres from the westerly side lot line.
3. The requirement for a 7 metre setback is in part based upon the by-law permission of building height of 18 metres. In this case, the building at 4.5 metres in height is significantly less than the by-law permits, thus reducing the potential impact on the abutting property over that currently permitted.
4. The building height of 4.5 metres at a distance of 6.2 metres for the westerly property line is well within the standard 45 degree angle of plane measurement used to assess compatibility.
5. The abutting uses to the west are residential, agriculture and commercial in nature and there are no buildings or activity areas which would be directly affected by a reduction of the setback by 0.8 metres.
6. The proposed variance is desirable for the appropriate use of the land as it will allow for the proper use of the activity space within the building. Having to comply with the by-law requirement of 7 metres would reduce the usable area within the proposed programming space which in turn would have a negative impact on the functionality of that space and detract from the reasonable use of the extension by the proponent.
7. With the extension being located 50 metres from the property line and approximately 60 metres from any future public sidewalk, the reduction of the setback will not have any impact and will likely not be noticed from the closest point of a public viewshed on Garner Road.
8. The setback of 6.2 metres is desirable for the appropriate development of the land in that it still allows sufficient area for landscape plantings as required.

-3-

Parking

The site currently provides 190 parking spaces for use by the church. Of that amount, the church uses a maximum of 125 spaces on any given Sunday. Attached with this letter is an inventory provided by the church for the period of January 19, 2020 to March 1, 2020, which documents an average use of 109 spaces and a maximum usage of 122 spaces.

With the proposed development, 53 spaces are being removed and 22 spaces are being added, bringing the new total of parking spaces on the site to 159. This is a surplus of 34 spaces beyond the peak weekly demand of 125 vehicles.

In my opinion, the 159 spaces are appropriate for the site and meet the tests of the requirements for a minor variance being minor, maintaining the general purpose and intent of the Official Plan and Zoning By-law and desirable for the appropriate development of the land for the following reasons:

1. The existing by-law requirements of 237 spaces is based on a standard which does not properly represent the intensity or nature of the use on the site. While the former Town of Ancaster by-law was based on occupancy of the sanctuary building, the current by-law is based on total gross floor area of the building.

In this case, the proposed addition will accommodate program and activity space which will be used by those attending the church service in the sanctuary portion of the building, who have been included in the inventory of vehicle usage as documented over the past few months. The activity space is also used at times during the week. However, during those times the sanctuary itself is not used.

The increase in available space does not increase the number of vehicles traveling to the church on Sunday. Therefore, the increase in floor space, which theoretically increases the need for additional spaces according to the by-law, does not create any increase in the need for additional parking spaces.

2. The existing by-law requires an additional 78 spaces to be provided. The estimated cost for the additional 78 spaces is approximately \$170,000. This is an unrealistic and onerous expense for a church for spaces that are not required and will not be used.

3. The creation of 78 additional parking spaces will increase the paved impervious area of the site. This in turn will increase runoff which is not desired, particularly in this area which is not serviced by municipal storm sewers.

4. In staff comments responding to the site plan application SPA-20-010, there was a comment which noted that "*it is good to see lower than required parking*". A copy of that comment is included with this submission.

5. In the processing of an application for official plan amendment and rezoning to allow for a funeral home use by Arbor Memorial on lands immediately to the east, one of the conditions of approval was to enter into a shared parking arrangement and establish formal easements with the church to allow reciprocal access and parking rights.

-4-

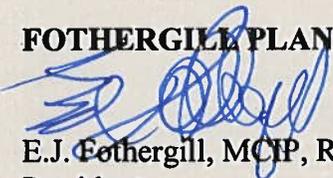
The Arbor proposal would not have been approved had this condition, mandated by the City, not been implemented. In order to implement the City requirement, the two owners have entered into a reciprocal parking arrangement by way of an application to this Committee of Adjustment, which was approved, allowing rights of way over properties for the purposes of pedestrian and vehicular access. This arrangement provides for access for those attending services and events at Ancaster Christian Reformed Church to an additional 208 spaces on the Arbor site on top of the excess of 34 spaces that are available on any given Sunday.

For these reasons, it is my opinion that the by-law requirement for parking spaces is excessive because of the flawed nature of the underlying assumptions and its implementation represents a significant cost for construction of parking spaces which are not required and will not be used. Further, with the approval of this application, the church will have an excess of at least 34 spaces on every Sunday even as well as access to 208 spaces on the Arbor property, should a greater need ever arise.

We look forward to this matter being considered by the Committee.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

cc. Fred Bennink
Jason DeBoer
Mark Hicks
Councillor Lloyd Ferguson
Melanie Schneider
Jerry Roberts
Gary Rogerson
Cosimo Casale
Ron Carlton



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

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.: GL/A-20:97

APPLICANTS: Owner: Mulas Construction Ltd.
Agent: Urban Solutions

SUBJECT PROPERTY: Municipal address **1800 Upper James St., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: C7 district (Arterial Commercial)

PROPOSAL: To permit the construction of a food production manufacturing facility, notwithstanding that;

1. The use a manufacturing facility for food production is not permitted in the C7 zone.

Notes:

This variance is necessary to facilitate Site Plan Application DA-19-155.

The Zoning By-law permits a maximum height of 14.0m. The site statistics indicate a height of 12.85m; however, no elevation plans were submitted to confirm compliance. Therefore, further variances may be required.

The zoning By-law requires a minimum 3.0m wide planting strip along the street line. No details were shown on the site from which to confirm compliance. Therefore, further variances may be required.

The zoning By-law requires minimum planting strip requirements consisting of landscaped areas or landscaped parking islands for a parking lot containing 50 or more parking spaces in a Commercial and Mixed Use zone. It does not appear that compliance has been achieved based on the submitted site plan. Therefore, the applicant shall ensure that the required plantings are provided; otherwise, further variances shall be required.

Based on the proposed 51 parking spaces shown on the submitted site plan, it appears that the site will contain surplus parking. However, the applicant shall confirm the total gross floor area intended for the office component within the proposed manufacturing facility in order to confirm the minimum number of parking spaces required for the development.

GL/A-20: 97
Page 2

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:20 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
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MORE INFORMATION

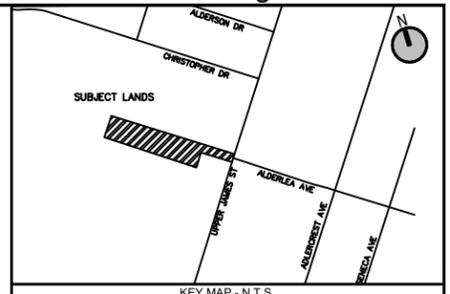
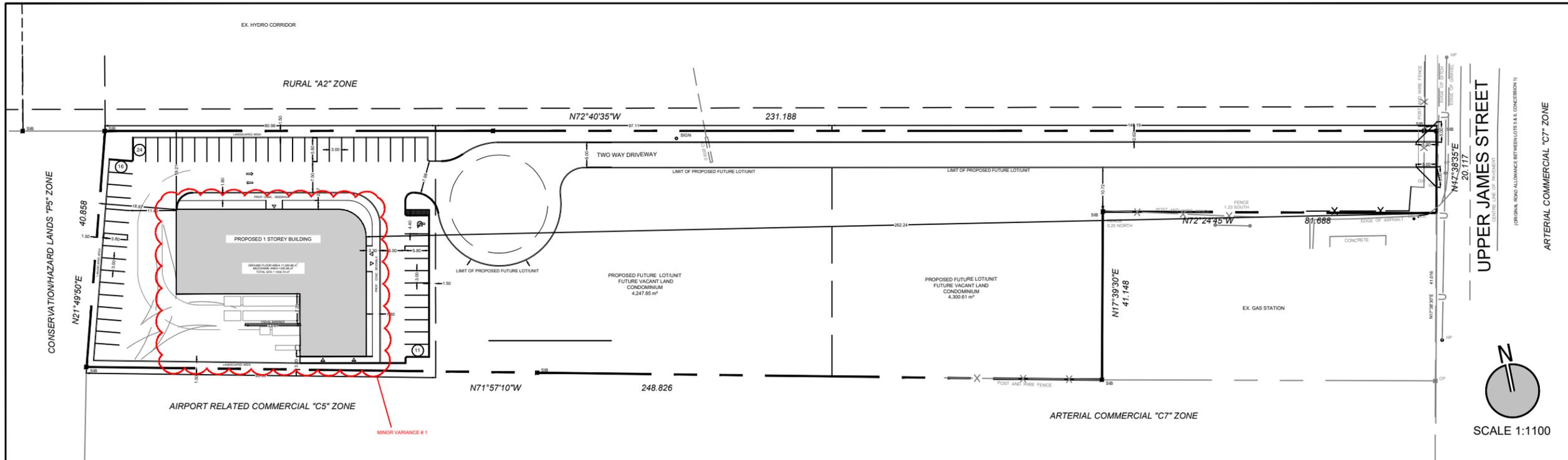
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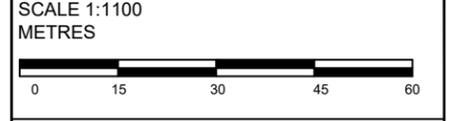
DATED: July 7th, 2020.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

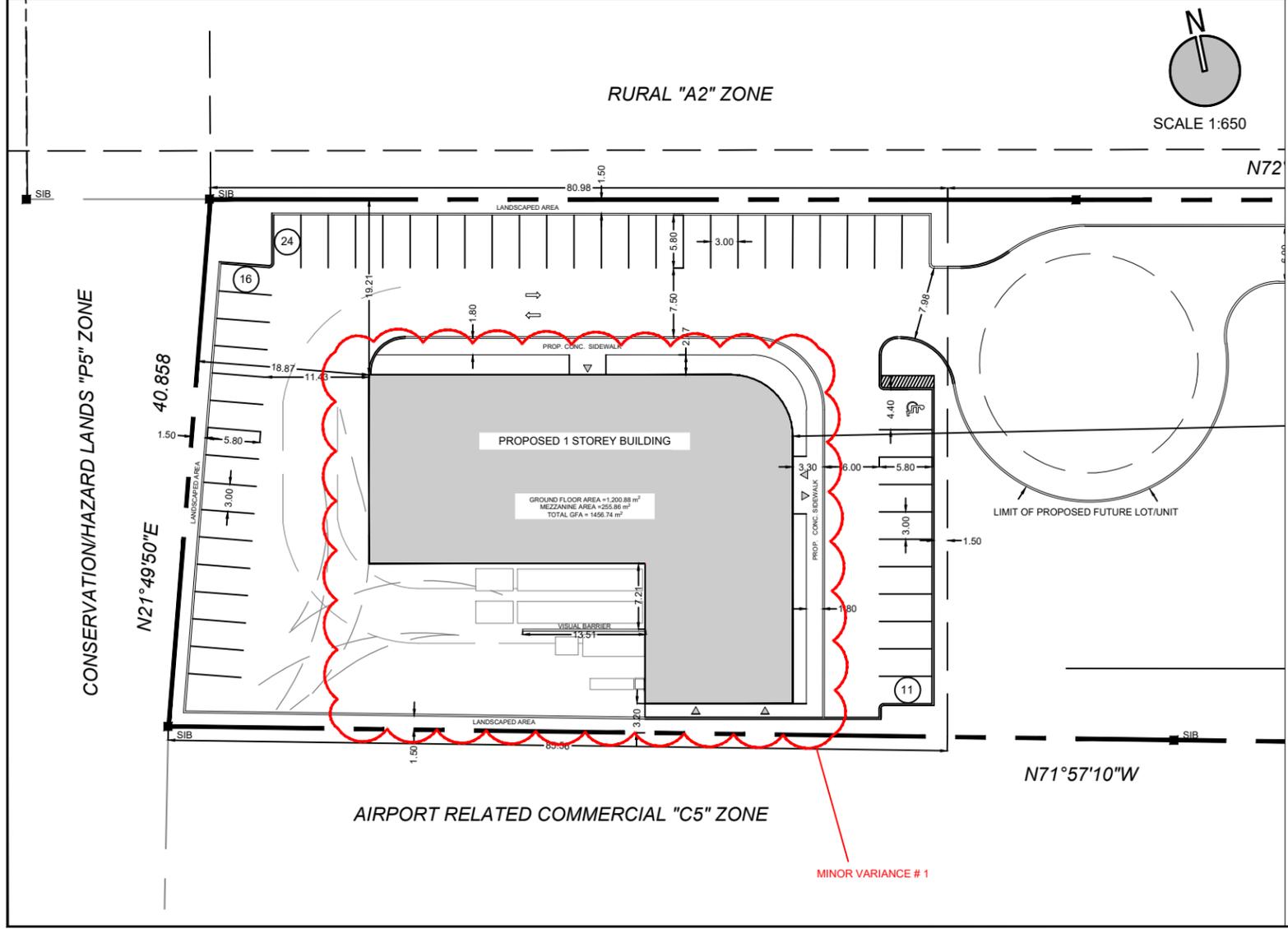
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



PART OF LOT 5 CONCESSION 1
GEOGRAPHIC TOWNSHIP OF
GLANFORD
IN THE CITY OF HAMILTON



- LEGEND:
- SUBJECT LANDS
 - EXISTING PROPERTY LINES
 - PROPOSED BUILDING
 - EXISTING BUILDINGS
 - PROPOSED ENTRANCE
 - EXISTING FENCE



VARIANCES REQUIRED:

VARIANCE #1: TO PERMIT A MANUFACTURING FACILITY (FOOD PRODUCTION) FOR THE PURPOSE OF A FOOD PRODUCTION FACILITY AS A PERMITTED USE ON THE SUBJECT LANDS.

Development Statistics
Hamilton Zoning By-law 05-200
Arterial Commercial "C7" Zone

Item	Required	Proposed
Lot Area (m ²)	n/a	16259.03 m ²
Min. Setback to Street Line	18.00 m	262.24 m
Min. Rear Yard	6.00 m	18.87 m
Min. Interior Side Yard	1.50 m	3.20 m
Max. Building Height	14.00 m	12.85 m
Parking		
Office	0 if less than 450 m ² = 0 spaces	0 spaces
Restaurant	3 if 0 seats = 3 spaces	3 spaces
Other (Production Area)	1 per 30 m ² = 28 spaces	47 spaces
Total Barrier-free Count	1 space	1 space
Total Parking Count (Including Barrier-free)	32 spaces	51 spaces

DESIGN BY: Romanov Romanov Architects
DRAWN BY: L. Drennan
CHECKED BY: M. Johnston
DATE: September 19, 2019

NOT FOR CONSTRUCTION

PREPARED BY:

romanov romanov
ARCHITECTS INCORPORATED
DESIGNERS, URBANISTS, FUTURISTS

375 PARKSIDE DRIVE, TORONTO, ONTARIO, CANADA
M8R 2Z6, TEL: (416)766-8750; FAX: (416)766-8760

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

105 Main Street East, Suite 501
Hamilton, ON L8N 1G6
905-546-1087 - UrbanSolutions.info

PROJECT:

MINOR VARIANCE SKETCH

PROJECT:

1800 UPPER JAMES STREET
City of Hamilton

CLIENT:

Mulas Construction Ltd.

U/S FILE NUMBER: 092-15
SHEET NUMBER: 1



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Mulas Construction Ltd.
c/o Peter Mercanti & Chip Mulas T
- [Redacted]
- Name of Agent UrbanSolutions Planning & Land Development
Consultants Inc. c/o Matt Johnston T
- [Redacted]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances: N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

To permit a manufacturing facility for the purpose of food production facility to be a permitted use on the subject lands.
Please refer to enclosed Minor Variance Sketch and cover letter for additional information.

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

Please refer to enclosed cover letter for details.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of Lot 5 Concession 1 in the Former Township of Glanford.

Municipal address: 1800 Upper James Street

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

1822 Upper James Street-
Pioneer Gas Station

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

1822 Upper James Street-
Pioneer Gas Station

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

1822 Upper James Street-
Pioneer Gas Station

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
 Consultation with owner.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

April 14, 2020
 Date



Signature Property Owner
 Mulas Construction Ltd. c/o Peter Mercanti & Chip Mulas
 Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>+/- 20.11 metres</u>
Depth	<u>+/- 326.28 metres</u>
Area	<u>+/-16,259.03 square metres</u>
Width of street	<u>+/-33.2 metres</u>

11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Vacant

Proposed: Please refer to enclosed Minor Variance Sketch for proposed building.

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

Existing: Vacant

Proposed: Please refer to enclosed Minor Variance Sketch for proposed building.

13. Date of acquisition of subject lands:
Unknown.
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property: Vacant
-
-
16. Existing uses of abutting properties: North- Vacant/ Residential, South - Vacant/ Commercial (Pioneer Gas Station)
East- Industrial/Commercial/ Residential, West- Vacant
-
17. Length of time the existing uses of the subject property have continued:
Unknown.
-
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|-------------------------------------|-----------|--------------------------|
| Water | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Sanitary Sewer | <input checked="" type="checkbox"/> | Connected | <input type="checkbox"/> |
| Storm Sewers | <input checked="" type="checkbox"/> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Arterial Commercial in the Urban Hamilton Official Plan.
-
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Arterial Commercial (C7) Zone in the City of Hamilton Zoning By-law No. 05-200.
-
-
21. Has the owner previously applied for relief in respect of the subject property?
- Yes
 No
- If the answer is yes, describe briefly.
Please refer to GL/B-17:40 & GL/A-17:170 (approved).
-
-
-
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
- Yes
 No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



April 15, 2020

092-15

Via Courier

Mr. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

**Re: 1800 Upper James Street, Hamilton
Minor Variance Application Submission**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Mulas Construction Ltd. c/o Peter Mercanti & Chip Mulas (Owner), for the lands municipally known as 1800 Upper James Street, Glanbrook, in the City of Hamilton.

The subject lands are designated Arterial Commercial in the Urban Hamilton Official Plan and Zoned Arterial Commercial (C7) in the City of Hamilton Zoning By-law No. 05-200.

On November 4, 2019, the Development Review Team meeting considered Site Plan Application No. DA-19-155 proposing a Mama Yolanda's Lasanga production facility on the subject lands as the first phase of a site plan development. The facility will include a restaurant and sales component in conjunction with the food production area and administrative offices. The comments received from the City of Hamilton zoning staff identified the proposed use as a Manufacturing Facility. Accordingly, the purpose of this application is to accommodate a Manufacturing Facility for the purpose of food production as permitted use.

Section 45(2)(b) of the *Planning Act* states "where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the by-law."

While considered a Manufacturing Facility by zoning staff, the various components of the use operate in a manner much the balance of the Arterial Commercial permitted uses. With direct sales to the public, the restaurant component of the use is permitted. The commercial kitchen where the food production occurs is in keeping with Conference and Convention Centre while the distribution is no different than the operational shipping and receiving practices of a Building or Contracting Supply Establishment, Building

and Lumber Supply Establishet, Home Improvement Supply Establisheent, Transportation Deport or Warehouse, all of which are permitted uses within the Arterial Commercial "C7" Zone.

Based on the above, UrbanSolutions holds the opinion the subject minor variance application statisfies Section 42 of the *Planning Act* and represents good land use planning.

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

- Two (2) copies of the completed Minor Variance Application form;
- Two (2) copies of the Minor Variance Sketch; and,
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

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

Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan
Planning Technician

cc: Councillor Brenda Johnson, Ward 11 (via cover letter and sketch only)
Mr. Steve Robichaud, City of Hamilton (via cover letter and sketch only)
Ms. Anita Fabac, City of Hamilton (via cover letter and sketch only)
Mr. Peter Mercanti, Owner
Mr. Chip Mulas, Owner



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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-20:103

APPLICANTS: Owner: 5000993 Ontario Inc.
 Agent: Urbancore Developments c/o S. Manchia

SUBJECT PROPERTY: Municipal address **1329 Barton St., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended by By-law 13-130

ZONING: RM3-47district (Multiple Residential "RM3" zone)

PROPOSAL: To permit the construction of two (2) Townhouse blocks, consisting of a total of 11 townhouse dwelling units, notwithstanding,

1. A minimum front yard of 2.5 metres shall be permitted, instead of the minimum required front yard of 3.0 metres;
2. A maximum density of 43 units per hectare, allowing a maximum of 11 dwelling units, shall be permitted, instead of the maximum permitted density of 40 units per hectare allowing a maximum of ten (10) dwelling units;
3. A minimum of 35% of the total lot area shall be landscaped instead of providing a minimum of 40% of the total lot area required to be landscaped;
4. A landscaped strip having a minimum width of 1.3 metres shall be provided adjacent to every portion of the lot abutting a street, except for points or ingress and egress, instead of providing a landscaped strip with a minimum width of 2.0 metres required to be provided adjacent to every portion of the lot abutting the street, except for points of ingress and egress;
5. Visitor parking spaces shall be permitted to be located a minimum of 2.0 metres from the lot line abutting Barton Street, instead of providing a minimum of 3.0 metres required to be provided from any parking spaces to a lot line where four (4) or more parking spaces are provided;
6. Visitor parking spaces shall be permitted to provide a minimum width of 2.4 metres instead of the minimum required width of 2.6 metres;
7. No barrier free parking spaces shall be provided instead of providing a minimum of one (1) parking space required to be designated as a barrier free parking space; and,
8. A pedestrian walkway shall be permitted to cross a required landscape strip notwithstanding the definition of a Landscaped Strip, as defined within the Zoning By-law, does not allow for a pedestrian walkway to cross a landscaped strip.

.../2

SC/A-20:103

Page 2

NOTE:

1. These variances are necessary to facilitate Site Plan application SPA-18-192.
2. The applicant has advised the proposed Townhouse development is intended to function as a Standard Condominium.
3. Construction of the proposed development is subject to the issuance of a building permit(s). Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
4. This is a corner lot; as such, the lot line abutting Foothills Lane, being the shortest lot line abutting a street, is deemed to be the front lot line with the westerly lot line being deemed the rear lot line. All other lot lines are deemed to be side lot lines.
5. The applicant shall clearly identify the parking spaces located on the “paved asphalt” area as visitor parking space.
6. Details regarding the two (2) required parking spaces for each townhouse dwelling have not been provided. A further variance will be required if a minimum unobstructed parking space size measuring 2.6 metres in width by 5.8 metres in length is not provided for the required parking spaces located within an attached garage and driveway area.
7. Details regarding any proposed Mechanical or Unitary equipment have not been provided. Further variance(s) will be required if compliance with Section 4.16 of the Zoning By-law cannot be achieved.
8. Details regarding any proposed Yard Encroachments have not been provided. Further variance(s) will be required of compliance with Section 4.19 of the Zoning By-law cannot be achieved.
9. As defined in the Zoning By-law, a *Landscaped Strip* means an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences and berms.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

SC/A-20:103

Page 3

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

DEVELOPMENT STATISTICS		
Existing Zoning: Multiple Residential "RM3-47"		
Item	Required	Proposed
Min. Lot Area	2,500 m ²	2,666.60 m ²
Min. Lot Frontage	30.00 m	30.88 m
Min. Front Yard	3.00 m	2.50 m (MVR No. 1)
Min. Side Yard	7.00 m	7.07 m
Min. Rear Yard	2.00 m	2.00 m
Min. Distance Between Buildings	2.00 m	2.40 m
Max. Density	40 UPH	42 UPH (MVR No. 2)
Max. Building Height	11.0 m	>11.0 m
Max. Lot Coverage	933.31 m ² (35%)	29.56%
Min. Landscaped Open Space	1,066.64 m ² (40%)	37.11 % (MVR No. 3)
Landscape Strip Abutting Lot line	2.00 m	1.46 m (MVR No. 7)
No. of Units	N/A	11
Parking Spaces	2 per unit = 22	22
	Visitor	0.5 per unit = 5.5
Parking Stall Size	2.60 m x 5.50 m	2.40 m x 5.50 m (MVR No. 4)
Max. Parking Abutting Property Line	3.0 m	2.16 m (MVR No. 6)

VARIANCE AS PER APPLICABLE BYLAW REVIEW LETTER DATED APRIL 6, 2020.

VARIANCE #1 - TO PERMIT A MINIMUM FRONT YARD OF 2.50 METRES WHEREAS 3.0 METRES IS THE REQUIRED MINIMUM.

VARIANCE #2 - TO PERMIT A MAXIMUM DENSITY OF 43 UNITS PER HECTARE WHEREAS 40 PER HECTARE IS THE PERMITTED MAXIMUM.

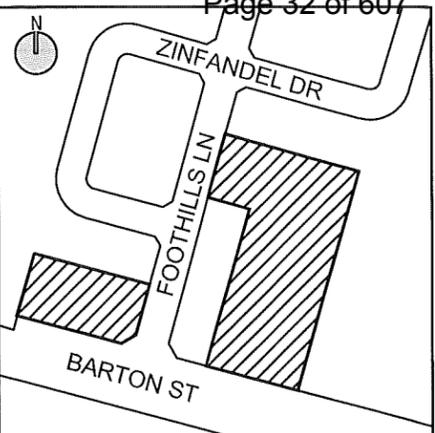
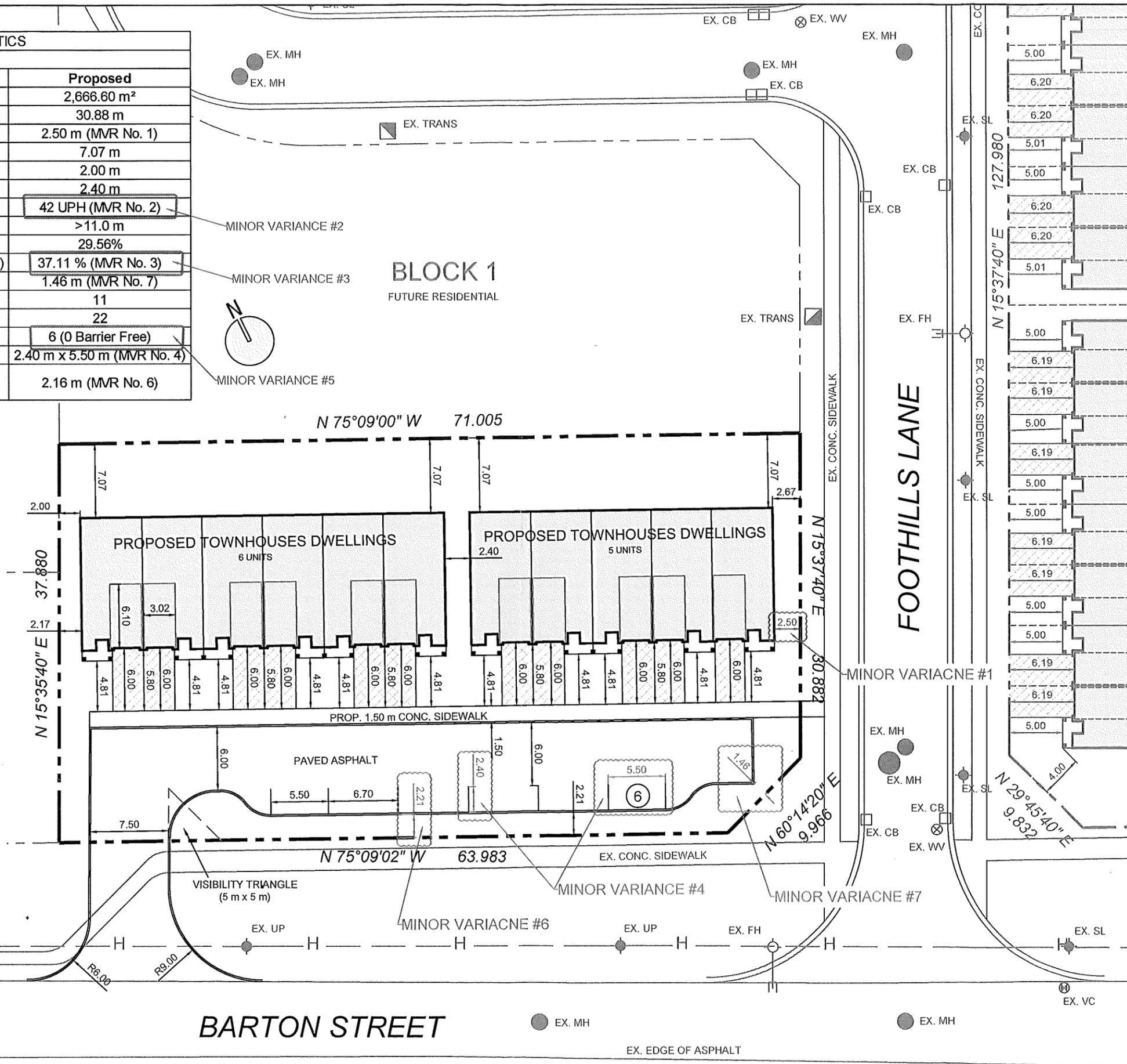
VARIANCE #3 - TO PERMIT A MINIMUM LANDSCAPED OPEN SPACE OF 35% WHEREAS 40% IS THE REQUIRED MINIMUM.

VARIANCE #4 - TO PERMIT THE MINIMUM DIMENSION OF A PARKING SPACE OF 2.4 METRES BY 5.5 METRES WHEREAS 2.6 METRES BY 5.5 METRES IS REQUIRED MINIMUM.

VARIANCE #5 - TO PERMIT NO BARRIER FREE PARKING.

VARIANCE #6 - TO PERMIT PARKING 2.0 METRES TO ANY LOT LINE WHEREAS 3.0 METRES IS THE REQUIRED MINIMUM PARKING SETBACK FROM ANY LOT LINE.

VARIANCE #7 - TO PERMIT A LANDSCAPED STRIP OF 1.3 METRES ADJACENT TO A LOT LINE WHEREAS THE REQUIRED MINIMUM IS 2.0 METRES.



KEY MAP - N.T.S.

SCALE 1:400 METRES

LEGEND:

- SUBJECT LANDS
- ▨ EXISTING BUILDINGS

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: NEXUS CHECKED BY: S. MANCHIA
DRAWN BY: M.GOWANS DATE: APRIL 16, 2020

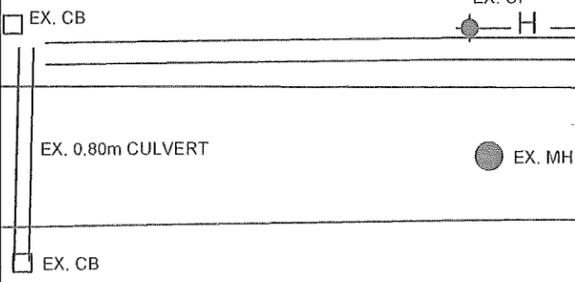
1147 Garner Road West
Hamilton, ON L9G 3K9
905-540-4280 - urbancore.info

PROJECT:
FOOTHILLS OF WINONA
CITY OF HAMILTON

CLIENT:
1800615 ONTARIO INC.

TITLE:
MINOR VARIANCE PLAN 1

U/S FILE NUMBER: 290-18 SHEET NUMBER: 1





Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>SC/A 20:103</u>	DATE APPLICATION RECEIVED <u>May 6/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 5000993 Ontario Inc.

2.

3. Name of Agent UrbanCore Developments

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances: N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Please refer to cover letter for list of proposed Minor Variances

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

Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

1329 Barton Street, Stoney Creek

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with owner.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. ^{N/A}

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the ~~subject of this Application~~ – by reason of its approval to this Application.

Apr 29/20
Date



Signature Property Owner

5000993 Ontario Inc.

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 30.882 m

Depth +/- 71.005 m

Area +/- 2,666.596 sq. m

Width of street

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Site is currently vacant.

Proposed:

Proposed 1 block of six (6) and 1 block of five (5) two storey townhouse dwellings via private condominium road being accessed off of Barton Street. Please refer to enclosed Minor Variance sketch for additional information.

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

Existing: Site is currently vacant.

Proposed: Please refer to enclosed Minor Variance Sketch.

13. Date of acquisition of subject lands:

Unknown.

14. Date of construction of all buildings and structures on subject lands:

Unknown.

15. Existing uses of the subject property: Vacant

16. Existing uses of abutting properties: North: vacant, South: Winona Park, East: St. Gabriel Catholic Elementary School, West: Residential.

17. Length of time the existing uses of the subject property have continued:

Unknown.

18. Municipal services available: (check the appropriate space or spaces)

Water Connected

Sanitary Sewer Connected

Storm Sewers

19. Present Official Plan/Secondary Plan provisions applying to the land:

Urban Hamilton Official Plan "Neighbourhoods" and Fruitland-Winona Secondary Plan "Low Density Residential 2 Site Specific Policy Area I".

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

City of Stoney Creek Zoning By-law No 3962-92 "RM3-47"

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

N/A

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

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



RECEIVED
MAY - 6 2020

May 4, 2020

290-18

Via Delivered

Mr. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

Re: **1329 Barton Street, Stoney Creek, Hamilton**
Minor Variance Application Submission

Urbancore Developments on behalf of the owner 5000933 Ontario Inc., is pleased to submit the enclosed Minor Variance application for the lands municipally known as 1329 Barton Street, Stoney Creek, in the City of Hamilton.

The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2 Area I of the Fruitland - Winona Secondary Plan. The subject lands are zoned Multiple Residential – Three "RM3-47" in the City of Stoney Creek Zoning By-law No. 3692-92. In addition, the subject lands are included in an existing Urban Hamilton Official Plan Amendment application to increase the maximum permitted density over the balance of the Foothills of Winona Subdivision (62M-1241). A staff report recommending approval has been received and will be scheduled for the first Planning Committee meeting once Planning Committee resumes meeting.

A Site Plan application was submitted and received conditional Site Plan approval on March 5, 2019 (DA-18-192). The proposed development includes 11 Block Townhouses as part of a Standard Condominium that will have 6 visitor parking spaces with vehicular access from Barton Street.

Purpose of the Application

This Minor Variance Application is required to achieve relief on the subject lands within an Multiple Residential - Three "RM3-47" Zone to facilitate the Site Plan approval. The requested variances from the City of Stoney Creek Zoning By-law No. 3692-92 were identified in an Applicable Law Review respecting

zoning by-law compliance was completed on April 6, 2020 and have identified the applicable zoning deficiencies, and are as follows:

- Variance No. 1: To permit a minimum front yard of 2.5 metres whereas 3.0 metres is the required minimum.
- Variance No. 2: To permit a maximum density of 43 units per hectare whereas 40 units per hectare is the permitted maximum.
- Variance No. 3: To permit a minimum landscaped open space of 35 % whereas 40 % is the required minimum.
- Variance No. 4: To permit the minimum dimension of a parking space of 2.4 metres by 5.5 metres whereas 2.6 metres by 5.5 metres is the required minimum.
- Variance No. 5: To permit no barrier free parking.
- Variance No. 6: To permit parking 2.0 metres to any lot line whereas 3.0 metres is the required minimum parking setback to any lot line.
- Variance No. 7: To permit a landscape strip of 1.3 metres adjacent to a lot line whereas the required minimum is 2.0 metres.

To assist in the evaluation of the application, please refer to the enclosed Minor Variance Sketch.

Section 45(1) of the Planning Act, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. The above variances are technical in nature, promote good Urban Design principles and the built form and site orientation has received conditional Site Plan approval. Based on this, it is our opinion that the application for the above minor variances satisfies the four tests outlined in Section 45(1) of the Planning Act as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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

- Two (2) copies of the completed Minor Variance Application form;
- One (1) copy of the Zoning Review;
- Two (2) copies of the Minor Variance Sketch; and,
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

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

Regards,
UrbanCore



Spencer McKay
Project Manager

cc: Messrs. A. DiCenzo & S. Manchia, 5000933 Ontario Inc.
Councillor Maria Pearson, Ward 10, City of Hamilton (cover letter only)
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter only)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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-20:105
APPLICANTS:	Urbancore Developments c/o S. Manchia on behalf of the owner 1800615 Ontario Inc.
SUBJECT PROPERTY:	Municipal address 1335 Barton St., Stoney Creek
ZONING BY-LAW:	Zoning By-law 3692-92, as Amended by By-laws 13-130 & 14-082
ZONING:	"RM3-47 and RM3-48" (Multiple Residential "RM3" Zone)
PROPOSAL:	To permit the construction of a forty-two (42) unit Townhouse development in order to facilitate Site Plan File No. DA-18-175 notwithstanding that:
	<ol style="list-style-type: none"> 1. A minimum lot frontage of 35.0m shall be provided instead of the minimum required lot frontage of 50.0m required by the "RM3-48" site-specific zone. 2. A minimum front yard of 4.80m shall be provided abutting the Foothills Lane front lot line instead of the minimum required front yard of 5.0m required by the "RM3-48" site-specific zone. 3. A minimum side yard of 6.0m shall be provided abutting the westerly side lot line instead of the minimum required side yard of 7.0m required by the "RM3-48" site-specific zone. 4. A minimum rear yard of 3.75m shall be provided abutting the easterly 133.89m rear lot line instead of the minimum required rear yard of 6.0m required by the "RM3-48" site-specific zone. 5. A maximum density of 50 units per hectare shall be provided instead of the maximum permitted density of 40 units per hectare as required by the "RM3-47" site-specific zone and the maximum permitted density of 41 units per hectare as required by the "RM3-48" site-specific zone. 6. Not less than 35% of the lot area shall be landscaped including privacy area instead of the requirement that not less than 40% of the lot area shall be landscaped including privacy area as required by the "RM3-47" zone. 7. Not less than 35% of the lot area shall be landscaped including privacy areas instead of the requirement that not less than 40% of the lot area shall be landscaped including privacy areas as required by the "RM3-47" site-specific zone.

SC/A-20:105

Page 2

8. A minimum of 0.25 visitor parking spaces for each townhouse dwelling unit shall be provided instead of the minimum required 0.5 visitor parking spaces for each townhouse dwelling unit.

9. Where there is a grouping of three (3) or more parking spaces, a parking space shall be permitted to be as close as 1.25m to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within a private garage instead of the requirement that where there is a grouping of three (3) or more parking spaces, no parking space shall be provided closer than 3 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.

10. Where the required minimum number of parking spaces is four (4) or more, the parking spaces shall be permitted to be as close as 0.5m to any lot line instead of the requirement that where the required minimum number of parking spaces is four (4) or more, no parking space shall be provided closer than 3.0m to any lot line.

11. Where the required minimum number of parking spaces is four (4) or more, the parking spaces shall be permitted to be as close as 4.8m to any dwelling unit located on a lot other than the said lot instead of the requirement that where the required minimum number of parking spaces is four (4) or more, no parking space shall be provided closer than 5.0m to any dwelling unit located on a lot other than the said lot.

12. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, shall be permitted to project into a required side yard not more than 4.0m instead of the requirement that balconies, canopies, unenclosed porches and decks are not permitted to project into a required side yard.

NOTE:

- i) The variances are necessary to facilitate Site Plan File No. DA-18-175.
- ii) This lot is intended to be developed as a Standard Condominium.
- iii) The variances are based on Minor Variance Plan 3 (dated June 26, 2020), The development is composed of Block 27 and part of Block 28 pursuant to Plan 62M-1241. The applicant shall ensure that the lots are merged in title or registered under identical ownership for the purpose of this development.
- iv) Pursuant to Variance No. 5, a maximum of 42 dwelling units shall be permitted.
- v) Pursuant to Variance No. 8, a minimum of eleven (11) visitor parking spaces shall be provided.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:25 p.m.

**PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only**

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

SC/A-20:105

Page 3

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

DEVELOPMENT STATISTICS		
Existing Zoning: Multiple Residential "RM3-48"		
Item	Required	Proposed
Min. Lot Area	4,000 m ²	8,577.053 m ²
Min. Lot Frontage	50.0 m	38.74 m (Foothills) & 56.78 m (Barton) (MVR No. 1)
Min. Front Yard	5.0 m	4.88 m (Foothills) 4.77 m (Barton) (MVR No. 2)
Min. Side Yard	4.0 m	6.0 m (MVR No. 3)
Min. Flankage Side Yard	5.0 m	6.0 m
Min. Side Yard Abutting Single, Semi, and Duplex Zone	7.5 m	N/A
Min. Side Yard End Yard Abutting Street Townhouse	3.0 m	N/A
Min. Rear Yard	6.0 m	3.75 m (MVR No. 4)
Min. Rear Yard Abutting Single, Semi, and Duplex Zone	7.5 m	N/A
Min. Distance Between Buildings	12.0 m	19.7 m
Min. Building Distance between End Walls	2.0 m	3.0 m
Min. Distance between End Wall and Rear Wall	9.0 m	N/A
Max. Density	40 UPH	49 UPH (MVR No. 5)
Max. Building Height	11.0 m	>11.0 m
Max. Lot Coverage	35%	35% (MVR No. 6)
Min. Privacy Area Depth	4.5 m	4.5 m
Min. Landscaped Open Space	35%	38.50%
Min. Landscape Strip Abutting Privacy area & Lot Line	1.5 m	1.5 m
Landscape Strip Abutting Street	4.50 m	4.77 m
No. of Units	N/A	42 units
Parking Spaces	2 per unit = 84	84 spaces
Visitor	0.5 per unit = 21	11 spaces (MVR No. 8)
Parking Stall Size	2.60 m x 5.50 m	3.0 m x 5.8 m

DEVELOPMENT STATISTICS		
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VARIANCE AS PER APPLICABLE BYLAW REVIEW LETTER DATED APRIL 6, 2020.

VARIANCE #1 - TO PERMIT A MINIMUM LOT FRONTAGE OF 35.0 METRES ABUTTING FOOHILLS LANE WHEREAS THE REQUIRED MINIMUM LOT FRONTAGE IS 50.0 METRES IN THE RM3-48 ZONE.

VARIANCE #2 - TO PERMIT A MINIMUM FRONT YARD SETBACK OF 4.80 METRES ABUTTING FOOHILLS LANE WHEREAS THE REQUIRED MINIMUM FRONTYARD SETBACK IS 5.0 METRES IN THE RM3-48 ZONE.

VARIANCE #3 - TO PERMIT A MINIMUM SIDE YARD SETBACK OF 6.0 METRES TO THE WESTERLY LOT LINE ABUTTING THE RM2-38 ZONE WHEREAS THE REQUIRED MINIMUM SIDE YARD SETBACK IS 7.0 METRES IN THE RM3-47 ZONE.

VARIANCE #4 - TO PERMIT A MINIMUM REAR YARD SETBACK FOR TOWNHOUSE DWELLING UNITS OF 3.75 METRES TO THE EASTERLY LOT LINE ABUTTING THE NEIGHBOURHOOD INSTITUTIONAL "I1" ZONE IN THE CITY OF HAMILTON ZONING BY-LAW 05-200 WHEREAS THE REQUIRED MINIMUM REAR YARD FOR TOWNHOUSE DWELLING UNITS IS 6.0 METRES IN THE RM3-48 ZONE.

VARIANCE #5 - TO PERMIT A MAXIMUM DENSITY OF 50 UNITS PER HECTARE WHEREAS THE PERMITTED MAXIMUM DENSITY IS 40 UNITS PER HECTARE IN THE RM3-47 ZONE AND 41 UNITS PER HECTARE IN THE RM3-48 ZONE.

VARIANCE #6 - TO PERMIT A MAXIMUM LOT COVERAGE OF 40% WHEREAS THE REQUIRED MAXIMUM LOT COVERAGE IS 35%.

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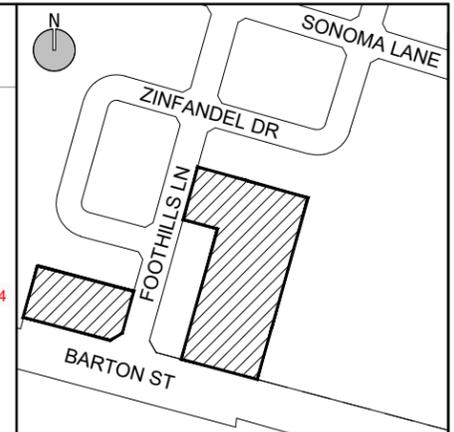
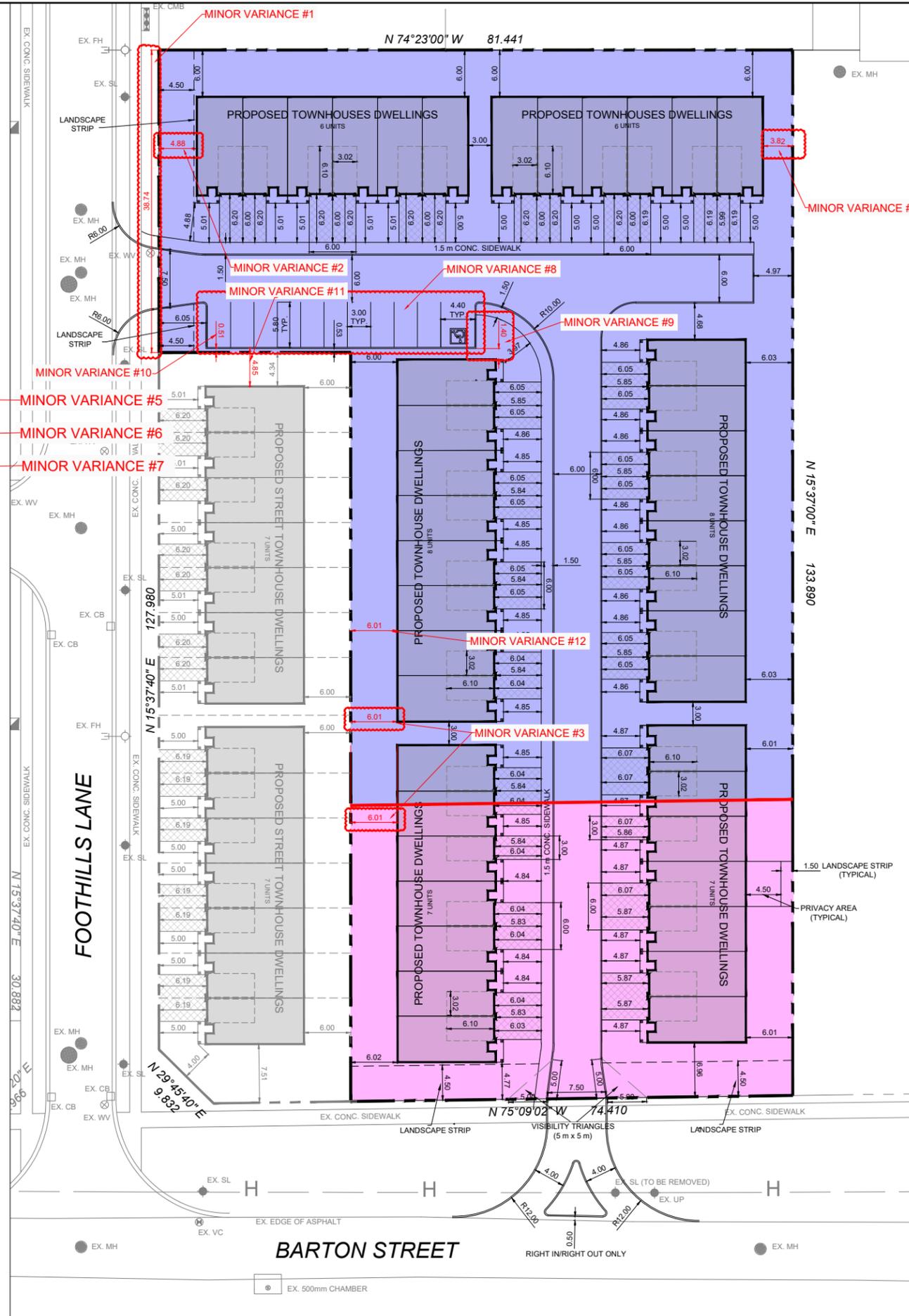
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KEY MAP - N.T.S.
 SCALE 1:650
 METRES
 0 5 10 15 20 25 30

LEGEND:
 SUBJECT LANDS
 EXISTING BUILDINGS
 "RM3" ZONE
 "RM3-48" ZONE

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: NEXUS
 CHECKED BY: S. MANCHIA
 DRAWN BY: M.GOWANS
 DATE: JUNE 25, 2020

1147 Garner Road West
 Hamilton, ON L9G 3K9
 905-540-4280 - urbancore.info

PROJECT:
 FOOTHILLS OF WINONA
 CITY OF HAMILTON

CLIENT:
 1800615 ONTARIO INC.

TITLE:
 MINOR VARIANCE PLAN 3

U/S FILE NUMBER: 290-18
 SHEET NUMBER: 1

DEVELOPMENT STATISTICS		
Existing Zoning: Multiple Residential "RM3-48"		
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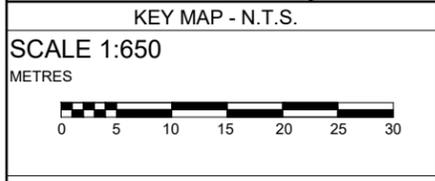
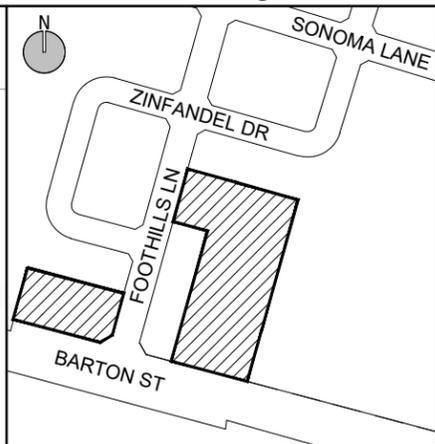
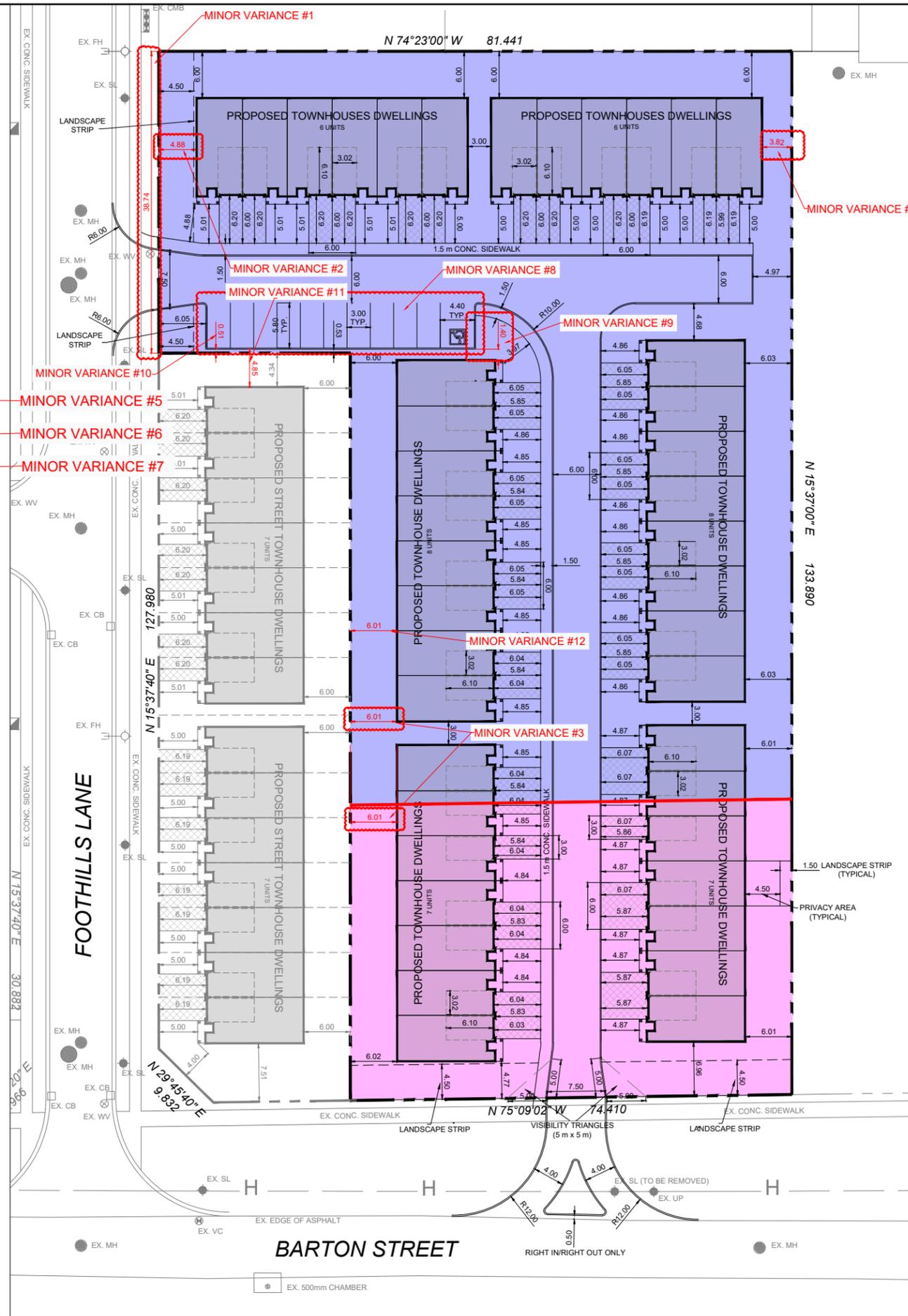
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NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: NEXUS
DRAWN BY: M.GOWANS
CHECKED BY: S. MANCHIA
DATE: JUNE 25, 2020

1147 Garner Road West
Hamilton, ON L9G 3K9
905-540-4280 - urbancore.info

PROJECT:
FOOTHILLS OF WINONA
CITY OF HAMILTON

CLIENT:
1800615 ONTARIO INC.
TITLE:
MINOR VARIANCE PLAN 3

U/S FILE NUMBER: 290-18
SHEET NUMBER: 1



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>SC/A. 20:105</u>	DATE APPLICATION RECEIVED <u>May 16/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 5000993 Ontario Inc.

2.

3. Name of Agent UrbanCore Developments

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances: N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Please refer to cover letter for list of proposed Minor Variances

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

Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Block 27 & Part of Block 28, 62M-1241

(DA-18:175)

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with owner.

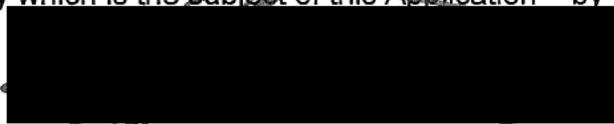
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. ^{N/A}

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date Apr 29/20



Signature Property Owner

5000993 Ontario Inc.

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 38.74 m
Depth +/- 81.44 m
Area +/- 8,577.05 sq. m
Width of street

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Site is currently vacant.

Proposed: Proposed 42 Block Townhouses, two storeys in height via private condominium road being accessed off of Foothills Lane and Barton Street. Please refer to enclosed Minor Variance sketch for additional information.

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

Existing: Site is currently vacant.
Proposed: Please refer to enclosed Minor Variance Sketch.

13. Date of acquisition of subject lands:
Unknown.
14. Date of construction of all buildings and structures on subject lands:
Unknown.
15. Existing uses of the subject property: Vacant
16. Existing uses of abutting properties: North: vacant, South: Winona Park, East: St. Gabriel Catholic Elementary School, West: Residential.
17. Length of time the existing uses of the subject property have continued:
Unknown.
18. Municipal services available: (check the appropriate space or spaces)
 Water ✓ Connected
 Sanitary Sewer ✓ Connected
 Storm Sewers ✓
19. Present Official Plan/Secondary Plan provisions applying to the land:
Urban Hamilton Official Plan "Neighbourhoods" and Fruitland-Winona Secondary Plan "Low Density Residential 2 Site Specific Policy Area I".
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
City of Stoney Creek Zoning By-law No 3962-92 "RM3-47" & "RM3-48"
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



RECEIVED

MAY - 6 2020

May 4, 2020

290-18

Via Delivered

Mr. Jamila Sheffield
 Secretary-Treasurer
 Committee of Adjustment

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

Dear Ms. Sheffield,

**Re: Block 27 & Part of Block 28 of 62M-1241, Stoney Creek, Hamilton
 Minor Variance Application Submission**

Urbancore Developments on behalf of the owner 5000933 Ontario Inc., is pleased to submit the enclosed Minor Variance application for the lands known as Block 27 & Part of Block 28 of 62M-1241, Stoney Creek, in the City of Hamilton.

A Site Plan application (DA-18-175) was submitted on September 13, 2018 for the subject lands. Conditional approval was not received as the proposal exceeded the maximum permitted density. Since the submission, an Urban Hamilton Official Plan Amendment application has been submitted to increase the maximum permitted density over the balance of the Foothills of Winona Subdivision (62M-1241). A staff report recommending approval has been received and will be scheduled for the first Planning Committee meeting once Planning Committee resumes at which time staff have noted conditional Site Plan approval will be issued. The proposed development includes 42 Block Townhouses as part of a Standard Condominium that will have 13 visitor parking spaces with vehicular access from Barton Street and Foothills Lane.

The subject lands are currently designated Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2 Area I of the Fruitland - Winona Secondary Plan. The subject lands are zoned Multiple Residential - Three "RM3-47" and Multiple Residential - Three "RM3-48" in the City of Stoney Creek Zoning By-law No. 3692-92.

Purpose of the Application

This Minor Variance Application is required on the subject lands within an Multiple Residential - Three "RM3-47" and Multiple Residential - Three "RM3-48" Zone to facilitate the Site Plan approval. The requested variances from the City of Stoney Creek Zoning By-law No. 3692-92 were identified in an

Applicable Law Review respecting zoning by-law compliance was completed on April 6, 2020 and have identified the applicable zoning deficiencies, and are as follows:

- Variance No. 1: To permit a minimum lot frontage of 35.0 metres abutting Foothills Lane whereas the required minimum lot frontage is 50.0 metres in the RM3-48 Zone.
- Variance No. 2: To permit a minimum front yard setback of 4.8 metres abutting Foothills Lane whereas the required minimum front yard setback is 5.0 metres in the RM3-48 Zone.
- Variance No. 3: To permit a minimum side yard setback of 6.0 metres to the westerly lot line abutting the RM2-38 Zone whereas the required minimum side yard setback is 7.0 metres in the RM3-47 Zone.
- Variance No. 4: To permit a minimum rear yard setback for townhouse dwelling units of 3.75 metres to the easterly lot line abutting the Neighbourhood Institutional "I1" Zone in City of Hamilton Zoning By-law 05-200 whereas the required minimum rear yard for townhouse dwelling units is 6.0 metres in the RM3-48 Zone.
- Variance No. 5: To permit a maximum density of 50 units per hectare whereas the permitted maximum density is 40 units per hectare in the RM3-47 Zone and 41 units per hectare in the RM3-48 Zone.
- Variance No. 6: To permit a maximum lot coverage of 40% whereas the required maximum lot coverage is 35%.
- Variance No. 7: To permit a minimum landscaped open space of 35% whereas the required minimum landscaped open space is to be 40% in the RM3-47 Zone.
- Variance No. 8: To permit 0.25 visitor parking spaces for each townhouse dwelling unit whereas the required minimum visitor parking space is 0.5 spaces per townhouse dwelling unit.
- Variance No. 9: To permit a grouping of three or more parking spaces 1.25 metres to any dwelling unit located on the same lot whereas the required grouping of three or more parking spaces shall be setback 3.0 metres from a dwelling unit located on the same lot.
- Variance No. 10: To permit the location of parking on an adjacent lot that on which the use is located whereas parking is required to be on the same lot on which the use is located.

To assist in the evaluation of the application, please refer to the enclosed Minor Variance Sketch.

Section 45(1) of the *Planning Act*, R.S.O, 1990, as amended, requires a Minor Variance to satisfy four tests. The above variances are technical in nature, promote good Urban Design principles and the built form and site orientation is in keeping with DA-18-175. The proposed variances are required generally due to the irregular shape of lot and therefore unique classifications of the lot lines based on this, it is our opinion that the application for the above minor variances satisfies the four tests outlined in Section 45(1) of the

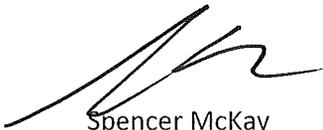
Planning Act as the relief requested is minor in nature, is desirable for the appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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

- Two (2) copies of the completed Minor Variance Application form;
- One (1) copy of the Zoning Review;
- Two (2) copies of the Minor Variance Sketch; and,
- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

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

Regards,
UrbanCore



Spencer McKay
Project Manager

cc: Messrs. A. DiCenzo & S. Manchia, 5000933 Ontario Inc.
Councillor Maria Pearson, Ward 10, City of Hamilton (cover letter only)
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter only)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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-20:106

APPLICANTS: Urbancore Developments c/o S. Manchia on behalf of the owner 5000993 Ontario Inc. c/o Avatar International

SUBJECT PROPERTY: Municipal address **36 Foothills Lane, Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-91, as Amended by By-laws 13-330 and 14-082

ZONING: "RM2-38 & RM3-47" (Multiple Residential "RM2" Zone and Multiple Residential "RM3" Zone)

PROPOSAL: To permit the construction of two (2) Street Townhouse buildings each containing seven (7) dwelling units notwithstanding that:

1. A minimum lot area of 135m² shall be provided for an interior unit and a minimum lot area of 175m² shall be provided for an end unit instead of the minimum required lot area of 180m² for an interior unit and the minimum required lot area of 240m² for an end unit.
2. A minimum lot frontage of 5.70m shall be provided for an interior unit and a minimum lot frontage of 7.25m shall be provided for an end unit instead of the minimum required lot frontage of 6.0m for an interior unit and the minimum required lot frontage of 8.0m for an end unit.
3. A minimum front yard of 4.5m to the dwelling except 6.0m to an attached garage shall be permitted for the portion of the lot zoned "RM3-47" instead of the minimum required front yard of 6.0m.
4. A minimum rear yard of 6.0m shall be permitted instead of the minimum required rear yard of 7.0m for the portion of the lot zoned "RM2-38" and 7.5m for the portion of the lot zoned "RM3-47".
5. A minimum privacy area of 30m² per unit shall be provided instead of the minimum required privacy area of 36m² per unit.

NOTE:

- i) The variances are based on Minor Variance Plan 2 (dated June 24, 2020), which is composed of Block 26 and part of Block 28 pursuant to Plan 62M-1241.
- ii) Details have not been provided respecting yard encroachments and unitary equipment. If compliance with the regulations of Sections 4.16(b), 4.19 and 6.9.3(k) of Stoney Creek Zoning By-law No. 3692-92 cannot be achieved, further variances may be necessary.

SC/A-20:106
Page 2

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:25 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

DEVELOPMENT STATISTICS		
Existing Zoning: Multiple Residential "RM2-38" & "RM3-47"		
Item	Required	Proposed
Min. Lot Area		
Interior Unit	180 m ²	141 m ² (MVR No. 1)
End Unit	240 m ²	182 m ² (MVR No.1)
Corner Unit	270 m ²	305 m ²
Min. Lot Frontage		
Interior Unit	6.0 m	5.77 m (MVR No. 2)
End Unit	8.0 m	7.39 m (MVR No. 2)
Corner Unit	9.0 m	13.57 m
Min. Front Yard		
To the dwelling	4.5 m / 6.0 m	6.0 m (MVR No. 3)
To the attached garage	6.0 m	6.20 m
Min. Side Yard		
End Unit	1.2 m	1.5 m
Corner Unit	2.0 m	7.51 m
Min. Rear Yard		
	7.0 m / 7.5 m	6.0 m (MVR No. 4)
Min. Privacy Area		
	36 m ²	34.59 m ² (MVR No. 5)
Min. Landscaped Open Space		
	30% of lot area which may include the privacy area	43.78%
Max. Building Height		
	11.0 m	>11.0 m
Max. Lot Coverage		
	N/A	42%
Max. No. of units per building		
	8 units	7 units
Max. Density		
	N/A	60 UPH
Parking Spaces		
	2 per unit = 28	28 spaces
Parking Stall Size		
	2.75 m x 5.80 m	3.0 m x 6.19 m
Garage Parking Stall Size		
	3.00 m x 6.00 m	3.00 m x 6.00 m

VARIANCE AS PER APPLICABLE BYLAW REVIEW LETTER DATED APRIL 6, 2020.

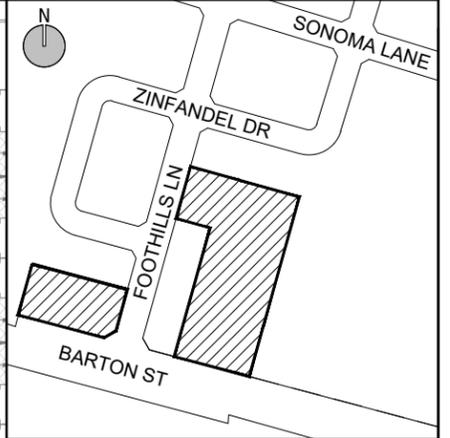
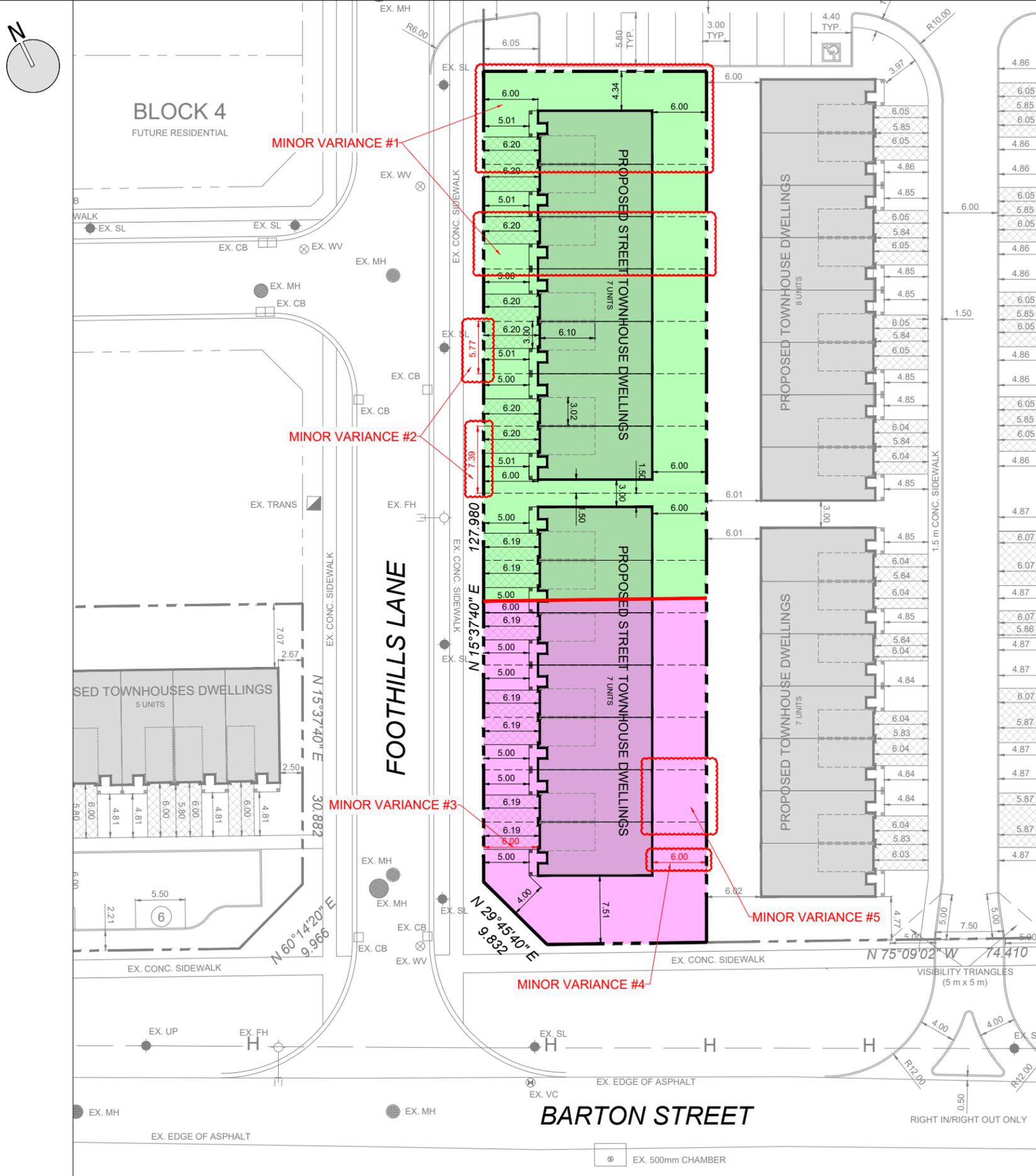
VARIANCE #1 - TO PERMIT A MINIMUM LOT AREA FOR AN INTERIOR UNIT TO BE 135 SQUARE METRES WHEREAS 180 SQUARE METRES IS THE REQUIRED MINIMUM AND AN END UNIT TO BE 175 SQUARE METRES WHEREAS 240 SQUARE METRES IS THE REQUIRED MINIMUM IN THE RM2-38 ZONE.

VARIANCE #2 - TO PERMIT A MINIMUM LOT FRONTAGE FOR A INTERIOR UNIT TO HAVE 5.70 METRES OF FRONTAGE WHEREAS 6.0 METRES IS THE REQUIRED MINIMUM AND AN END UNIT TO BE 7.25 METRES OF FRONTAGE WHEREAS 8.0 METRES IS THE REQUIRED MINIMUM IN THE RM2-38 ZONE.

VARIANCE #3 - TO PERMIT A MINIMUM FRONT YARD OF 4.5 METRES TO A DWELLING WHEREAS A MINIMUM FRONT YARD OF 6.0 METRES IS REQUIRED IN THE RM3 ZONE.

VARIANCE #4 - TO PERMIT A MINIMUM REAR YARD SETBACK OF 6.0 METRES WHEREAS 7.0 METRES IS THE REQUIRED MINIMUM TO THE RM2-38 ZONE.

VARIANCE #5 - TO PERMIT MINIMUM PRIVACY AREA OF 30 SQUARE METRES PER UNIT WHEREAS 36 SQUARE METRES PER UNIT IS THE REQUIRED MINIMUM IN THE RM3 ZONE.



KEY MAP - N.T.S.
 SCALE 1:500
 METRES
 0 5 10 15 20 25

LEGEND:
 - - - - - SUBJECT LANDS
 [Hatched Box] EXISTING BUILDINGS
 [Pink Box] "RM3" ZONE
 [Green Box] "RM2-38" ZONE

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: NEXUS
 CHECKED BY: S. MANCHIA
 DRAWN BY: M.GOWANS
 DATE: JUNE 24, 2020

urbancore
 DEVELOPMENTS
 1147 Garner Road West
 Hamilton, ON L9G 3K9
 905-540-4280 - urbancore.info

PROJECT:
FOOTHILLS OF WINONA
 CITY OF HAMILTON

CLIENT:
1800615 ONTARIO INC.

TITLE:
MINOR VARIANCE PLAN 2

U/S FILE NUMBER: 290-18
 SHEET NUMBER: 1



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>SC/A 20.106</u>	DATE APPLICATION RECEIVED <u>May 6/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

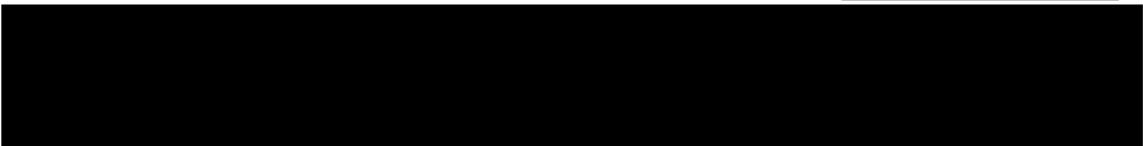
Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 5000993 Ontario Inc. Telephone No. 

2. 

3. Name of Agent UrbanCore Developments Telephone No. 

4. 

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances: N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
 Please refer to cover letter for list of proposed Minor Variances

7. Why it is not possible to comply with the provisions of the By-law?
 Please refer to cover letter.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
 Block 26 and Part of Block 28, 62M-1241

UHOPA-19:09 — 339 & 346 Fifty Rd.
 → 1317 & 1329 Barton St.

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with owner.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. ^{N/A}

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Apr 29/20
Date


Signature Property Owner

5000993 Ontario Inc.

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 30.88 m
Depth +/- 24.63 m
Area +/- 1,180.95 sq. m
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Site is currently vacant.

Proposed: _____
Fourteen (14) Street townhouses being accessed off of Foothills Lane.
Please refer to enclosed Minor Variance sketch for additional information.

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

Existing: Site is currently vacant.

Proposed: Please refer to enclosed Minor Variance Sketch.



RECEIVED

MAY - 6 2020

May 4, 2020

290-18

Via Delivered

Mr. Jamila Sheffield
 Secretary-Treasurer
 Committee of Adjustment

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

Dear Ms. Sheffield,

**Re: Block 27 & Part of Block 28 of 62M-1241, Stoney Creek, Hamilton
 Minor Variance Application Submission**

Urbancore Developments on behalf of the owner 5000933 Ontario Inc., is pleased to submit the enclosed Minor Variance application for the lands known as Block 27 & Part of Block 28 of 62M-1241, Stoney Creek, in the City of Hamilton.

A Site Plan application (DA-18-175) was submitted on September 13, 2018 for the subject lands. Conditional approval was not received as the proposal exceeded the maximum permitted density. Since the submission, an Urban Hamilton Official Plan Amendment application has been submitted to increase the maximum permitted density over the balance of the Foothills of Winona Subdivision (62M-1241). A staff report recommending approval has been received and will be scheduled for the first Planning Committee meeting once Planning Committee resumes at which time staff have noted conditional Site Plan approval will be issued. The proposed development includes 42 Block Townhouses as part of a Standard Condominium that will have 13 visitor parking spaces with vehicular access from Barton Street and Foothills Lane.

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Purpose of the Application

This Minor Variance Application is required on the subject lands within an Multiple Residential - Three "RM3-47" and Multiple Residential - Three "RM3-48" Zone to facilitate the Site Plan approval. The requested variances from the City of Stoney Creek Zoning By-law No. 3692-92 were identified in an

Applicable Law Review respecting zoning by-law compliance was completed on April 6, 2020 and have identified the applicable zoning deficiencies, and are as follows:

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To assist in the evaluation of the application, please refer to the enclosed Minor Variance Sketch.

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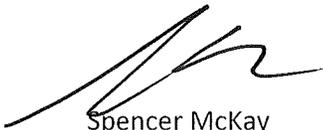
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In support of this application, please find enclosed the following:

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- One (1) copy of the Zoning Review;
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- One (1) cheque payable to the City of Hamilton in the amount of **\$3,302.00**.

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

Regards,
UrbanCore



Spencer McKay
Project Manager

cc: Messrs. A. DiCenzo & S. Manchia, 5000933 Ontario Inc.
Councillor Maria Pearson, Ward 10, City of Hamilton (cover letter only)
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter only)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: GL/A-20:107

APPLICANTS: 1536708 Ontario Inc., owner

SUBJECT PROPERTY: Municipal address **205 Thames Way, Glanbrook**

ZONING BY-LAW: Zoning By-law 464, as Amended

ZONING: H-RM3-147 (Residential Multiple) district

PROPOSAL: To permit the development of a block townhouse development consisting of 58 townhouse units, notwithstanding that:

1. The maximum density shall be 46 units per hectare instead of the required 35 units per hectare.
2. The minimum front yard shall be 3.0 metres instead of the minimum required 9.0 metres.
3. The minimum easterly side yard shall be 6.0 metres instead of the minimum required 7.5 metres.
4. The minimum westerly side yard shall be 6.0 metres instead of the minimum required 7.5 metres.
5. The minimum rear yard shall be 6.0 metres instead of the minimum required 7.5 metres.
6. The minimum separation distance between 2 exterior walls which contain no habitable rooms, shall be 2.4 metres instead of the minimum required 3.0 metres.
7. The minimum separation distance between 2 exterior walls which contain which contain windows to a habitable rooms shall be 12.0 metres instead of the minimum required 15.0 metres.
8. The minimum privacy area shall be 30 square metres per dwelling unit and shall include a privacy screen instead of the minimum 35 square metres per dwelling unit.
9. To require no minimum amenity area per dwelling unit instead of the required minimum 5.0 square metres per dwelling unit.
10. To permit the parking spaces for visitors parking to have a minimum depth of 5.8 metres instead of the minimum required 6.0 metre depth.

GL/A-20:107

Page 2

11. To provide handicapped (barrier free) parking on the basis of based on 0.33 spaces per 50 required parking spaces instead of on the basis of 1 space per 50 required parking spaces.

12. To provide visitors parking on the basis of 0.38 spaces per dwelling unit instead of the required 0.5 spaces per dwelling unit.

NOTES:

1. The variances have been written as requested by the applicant and were determined through an Applicable Law Review for Zoning Compliance that was submitted on April 8, 2020 for the proposed block townhouse development.

2. A formal site plan application is required but has not yet been submitted for this proposal.

3. The subject property is zoned H-RM3-147 under Zoning By-law 464. The Holding provision H is required to remain in effect until satisfactory storm water management facilities have been provided for the servicing of the property.

4. Certain requirements such as garage elevations, lighting for parking areas and landscaping will be examined at the site plan review stage.

5. Variance #9 refers to the requirement for a common amenity area for the proposed block townhouse project.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23r, 2020

TIME: 1:30 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

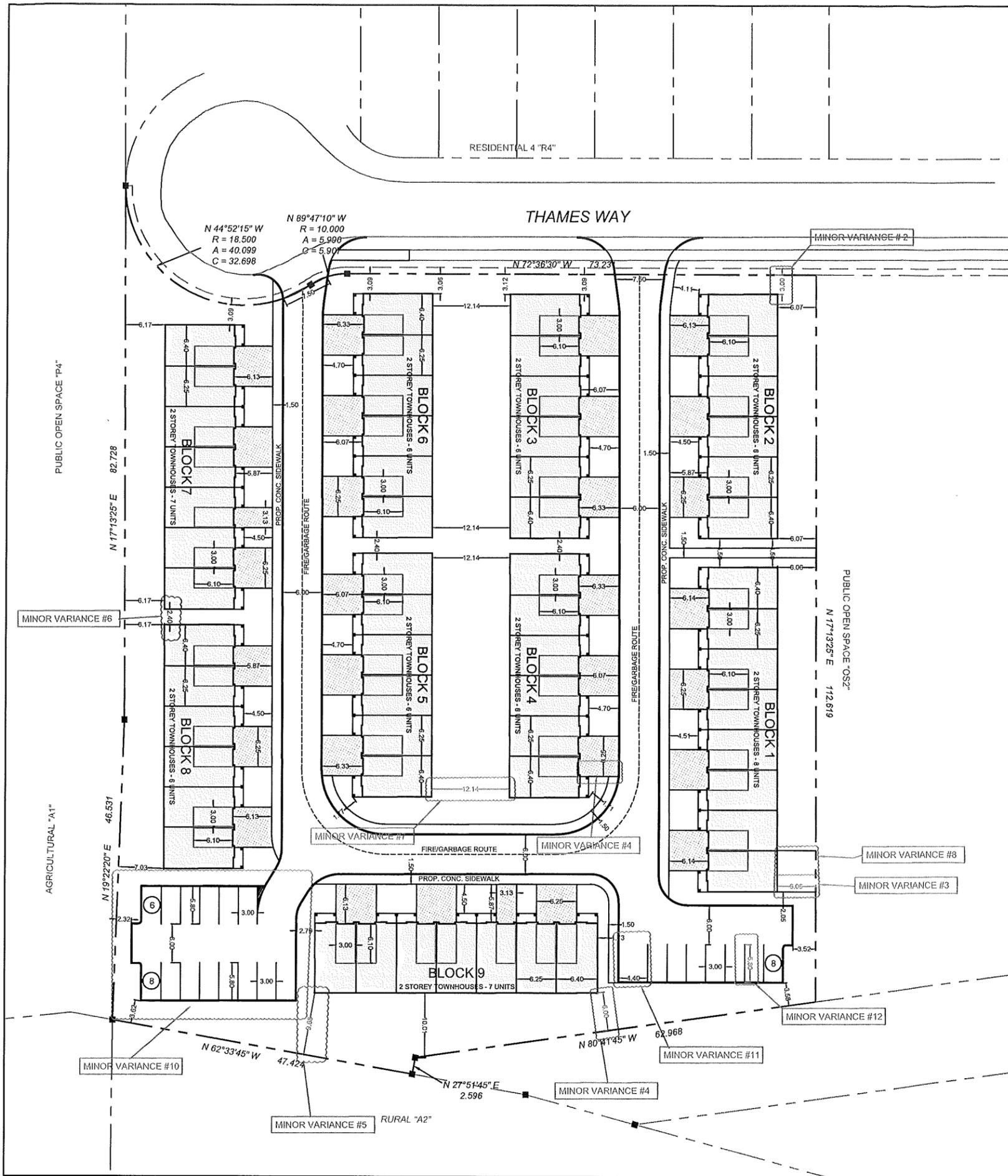
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

GL/A-20:107
Page 3

DATED: July 7th, 2020.

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.



VARIANCES TO GLANBROOK ZONING BY-LAW NO. 464 "H-RM3-147" ZONE

VARIANCE NO. 1: TO INCREASE THE MAXIMUM DENSITY REQUIREMENT FROM 35 UNITS PER HECTARE TO 45 UNITS PER HECTARE.

VARIANCE NO. 2: TO DECREASE THE MINIMUM FRONT YARD SETBACK FROM 9.0 METRES TO 3.0 METRES.

VARIANCE NO. 3: TO DECREASE THE MINIMUM EASTERLY AND WESTERLY SIDE YARD SETBACK FROM 7.5 METRES TO 6.0 METRES.

VARIANCE NO. 4: TO DECREASE THE MINIMUM REAR YARD SETBACK FROM 7.5 METRES TO 6.0 METRES.

VARIANCE NO. 5: NOTWITHSTANDING, AS PER SITE PLAN APPROVAL DA-12-192, THE MTO SETBACK IS NOT APPLICABLE AS THE LANDS OWNED BY THE MTO DO NOT FORM PART OF THE RIGHT-OF-WAY.

VARIANCE NO. 6: TO DECREASE THE MINIMUM SEPARATION DISTANCE BETWEEN EXTERIOR WALLS WITH NO WINDOWS FROM 3.0 METRES TO 2.40 METRES

VARIANCE NO. 7: TO DECREASE THE MINIMUM SEPARATION DISTANCE BETWEEN EXTERIOR WALLS WHICH BOTH HAVE WINDOWS FROM 15.0 METRES TO 12.14 METRES

VARIANCE NO. 8: TO DECREASE THE REQUIRED MINIMUM PRIVACY AREA PER DWELLING UNIT FROM 35 SQUARED METRES TO 30 SQUARED METRES.

VARIANCE NO. 9: TO DECREASE THE REQUIRED MINIMUM AMENITY AREA FROM 5 SQUARED METRES PER DWELLING UNIT TO 0 SQUARE METRES.

VARIANCE NO. 10: TO DECREASE THE REQUIRED VISITOR PARKING FROM 0.5 SPACES PER UNIT TO 0.38 SPACES PER UNIT.

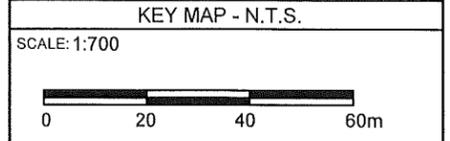
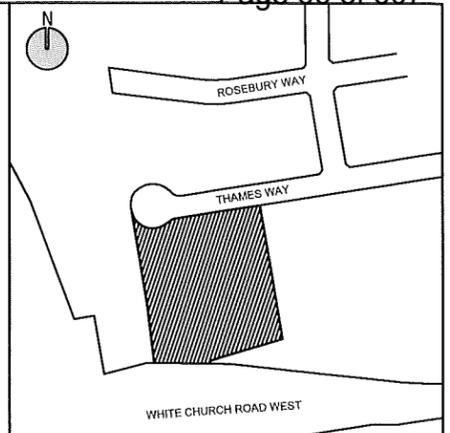
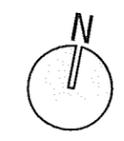
VARIANCE NO. 11: TO DECREASE THE REQUIRED BARRIER FREE PARKING SPACES FROM 3 SPACES TO 1 SPACE.

VARIANCE NO. 12: TO DECREASE THE MINIMUM PARKING SPACE SIZE FOR VISITOR PARKING SPACES FROM 3.0 METRES BY 6.0 METRES TO 3.0 METRES BY 5.8 METRES.

DEVELOPMENT STATISTICS

Existing Zoning: Residential Multiple (H-RM3-147)

Item	Required	Proposed
Min. Lot Frontage	45.00 m	107.82 m
Min. Lot Area	0.40 ha	1.273 ha
Max. Lot Coverage	30%	30%
Max. Density	35 UPH	45 UPH (MVR 1)
Min. Front Yard	9.00 m	3.00 m (MVR 2)
Min. Side Yard	7.50 m	6.00 m (MVR 3)
Min. Rear Yard	7.50 m	6.00 m (MVR 4)
Min. Separation Distance		
Between Exterior Walls with No Windows	3.00 m	2.40 m (MVR 6)
Between Exterior Walls with One of Which Has Windows	9.00 m	N/A
Between Exterior Walls which Both Have Windows	15.00 m	12.14 m (MVR 7)
Min. Floor Area	95 m ²	95 m ² +
Max. Height	10.70 m	10.70 m
Min. Landscaped Area	50%	53%
Min. Privacy Area	35 m ²	31.08 m ² (MVR 8)
Min. Amenity Area	5 m ² /dwelling unit = 290 m ²	0 m ² (MVR 9)
Transformer Location	TBC	TBC
Parking Location		
Setback from Street Line	6.0 m	N/A
Setback from Easterly/R Zone	3.5 m	N/A
Parking Requirements	2 spaces/unit	2 spaces/unit
Visitor Parking	0.5 spaces/unit	0.38 spaces/unit (MVR 10)
Barrier Free Parking	3 spaces	1 space (MVR 11)
Parking Space Size		
Residential Parking Units	3.0 m x 6.0 m	3.0 m x 6.0 m
Visitor Parking Units	3.0 m x 6.0 m	3.0 m x 5.8 m (MVR 12)
Barrier Free Parking Units	3.9 m x 5.8 m	4.4 m x 5.8 m



LEGEND:

- SUBJECT LANDS
- EXISTING BUILDINGS

NOT FOR CONSTRUCTION
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DESIGN BY: S. MCKAY CHECKED BY: S. MANCHIA
DRAWN BY: L. DRENNAN DATE: APRIL 27, 2020

105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-540-4280 - urbancore.info

PROJECT:
**SOUTH HAMPTON ESTATES
PHASE 2
CITY OF HAMILTON**

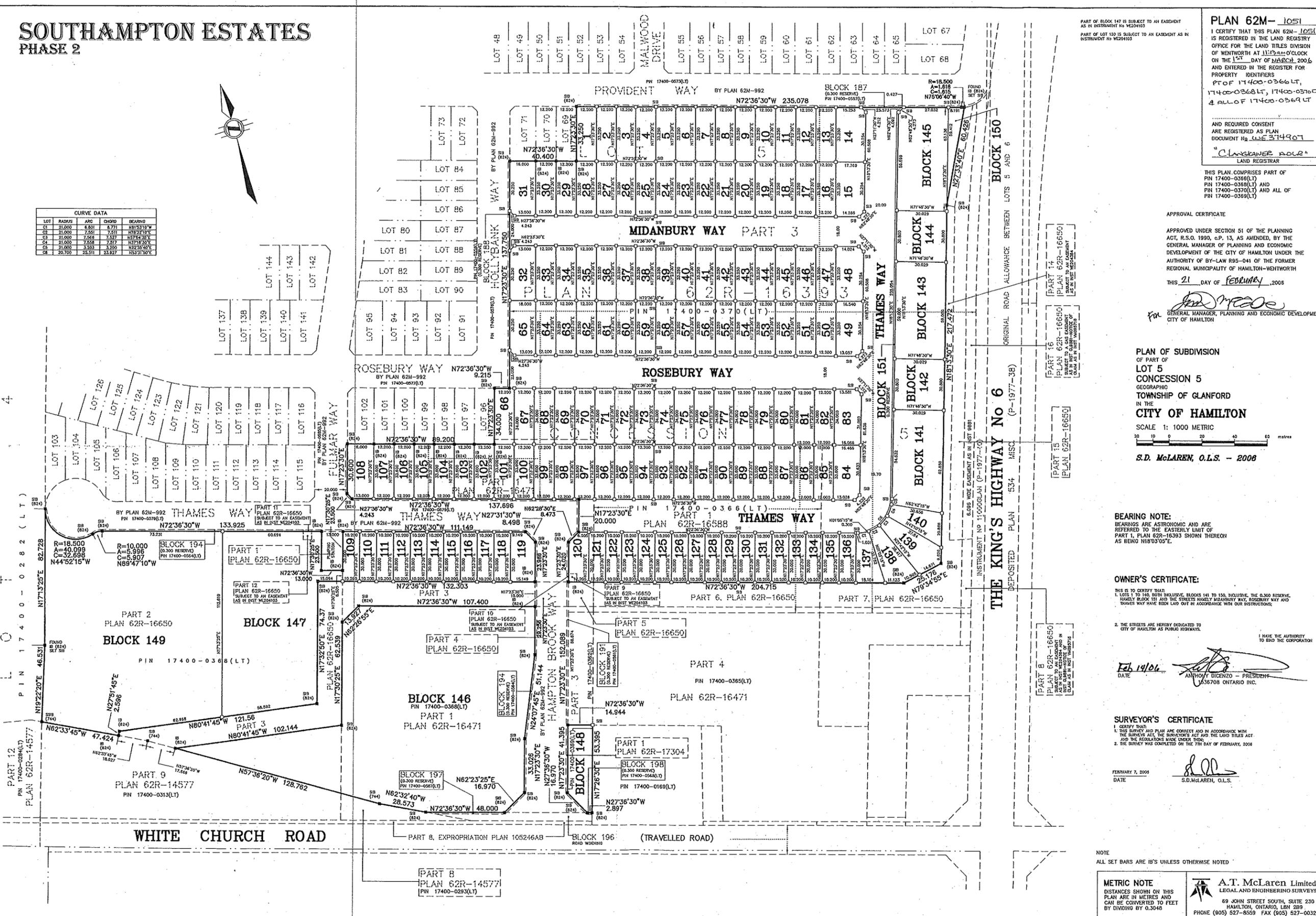
CLIENT:
1536708 ONTARIO INC.

TITLE:
MINOR VARIANCE SKETCH

U/S FILE NUMBER: 339-19 SHEET NUMBER: 1

SOUTHAMPTON ESTATES PHASE 2

LOT	RADIUS	ARC	CHORD	BEARING
101	21.000	4.801	6.771	N81°31'10"W
102	21.000	7.561	7.511	N78°21'10"E
103	21.000	7.568	7.537	S75°44'30"E
104	21.000	7.568	7.517	N37°16'30"E
105	21.000	3.903	3.900	N27°30'0"E
106	20.700	23.511	23.927	N53°31'52"E



PART OF BLOCK 147 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT NO W204103
 PART OF LOT 130 IS SUBJECT TO AN EASEMENT AS IN INSTRUMENT NO W204103

PLAN 62M-1051
 I CERTIFY THAT THIS PLAN 62M-1051 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TILES DIVISION OF NEWBURN AT 11:23:00 O'CLOCK ON THE 1ST DAY OF MARCH 2006 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIERS
 PTOF 17400-0366LT, 17400-0368LT, 17400-0370LT & ALL OF 17400-0369LT
 AND REQUIRED CONSENT ARE REGISTERED AS PLAN DOCUMENT NO W2374907
 "CLINGMANE DOUB"
 LAND REGISTRAR

APPROVAL CERTIFICATE
 APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, c.P. 13, AS AMENDED, BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW R95-041 OF THE FORMER REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 THIS 21 DAY OF FEBRUARY, 2008

[Signature]
 GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
 CITY OF HAMILTON

PLAN OF SUBDIVISION
 OF PART OF
 LOT 5
 CONCESSION 5
 GEOGRAPHIC
 TOWNSHIP OF GLANFORD
 IN THE
 CITY OF HAMILTON

SCALE 1: 1000 METRIC

 S.D. McLaren, O.L.S. - 2008

BEARING NOTE:
 BEARINGS ARE ASTROMONIC AND ARE REFERRED TO THE EASTERLY LIMIT OF PART 1, PLAN 62R-16650 SHOWN THEREON AS BEING N18°03'0"E

OWNER'S CERTIFICATE:

THIS IS TO CERTIFY THAT:
 1. LOTS 1 TO 140, BOTH EXCLUSIVE, BLOCKS 141 TO 150, INCLUSIVE, THE 0.300 RESERVE, HAMPTON BROOK WAY, ROSEBURY WAY AND THAMES WAY HAVE BEEN Laid OUT IN ACCORDANCE WITH OUR DISTRIBUTIONS;
 2. THE STREETS ARE HEREBY DEDICATED TO CITY OF HAMILTON AS PUBLIC HIGHWAYS.

I MAKE THE AUTHORITY TO END THE CORPORATION
 Feb 19/08
 DATE
 ANTHONY DICENZO - PRESIDENT
 136708 ONTARIO INC.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT, THE SURVEYOR'S ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM;
 2. THE SURVEY WAS COMPLETED ON THE 7TH DAY OF FEBRUARY, 2008

FEBRUARY 7, 2008
 DATE
 S.D. McLaren, O.L.S.

NOTE
 ALL SET BARS ARE 10'S UNLESS OTHERWISE NOTED

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

A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032
 Open BIM Checked 00 Scale 1:1000 Dwg No. 30547



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

RECEIVED

MAY 15 2020

FOR OFFICE USE ONLY.

APPLICATION NO. GL/A 20:107 DATE APPLICATION RECEIVED COM OF ADJUSTMENT

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner 1536708 Ontario Inc. Telephone No. 
2. 
3. 
4. 

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
N/A

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Please refer to Cover Letter

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

Please refer to Cover Letter

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Registered Plan 62M-1051, Block 149, Reference Plan 62R-16650, Part 2
205 Thames Way, Mount Hope

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____
 Agricultural _____ Vacant _____
 Other Temporary stormwater management pond

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No x Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No x Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No x Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No x Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No x Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No x Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No x Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No x Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No x Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Consultation with Owner

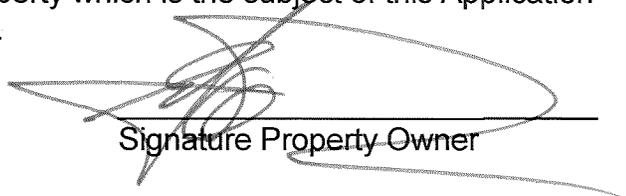
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No x

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 7 2020
Date


Signature Property Owner

Print Name of Owner

10. Dimensions of lands affected:

Frontage +/- 108.65 m
Depth +/- 112.62
Area +/- 1.27 ha
Width of street +/- 18.0 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: N/A

Proposed: The proposed development includes a total of 58 2 storey townhouse units, 2 parking spaces per unit will be provided as each townhouse unit has a driveway and a garage. In addition a total of 22 visitor parking spaces are proposed for the development. Please refer to Concept Plan for more details.

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

Existing: N/A

Proposed: Please refer to Minor Varaince Sketch

MAY 12 2020



May 7, 2020

339-19

Via Delivered

Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 205 Thames Way, Glanbrook
Minor Variance Application Request
FC-19-116**

1536708 Ontario Inc., is pleased to submit the enclosed Minor Variance application for the lands municipally known as 205 Thames Way in Mount Hope, City of Hamilton.

The subject lands are located on the South side of Thames Way between Highway 6 and Upper James Street. The lands are legally known as Block 149 of the Registered Plan of Subdivision 62M-1051. The subject lands are designated Neighbourhoods in the Urban Hamilton Official Plan and Low Density Residential 2c in the Mount Hope Secondary Plan. In addition to their land use designation the subject lands are located in the Residential Multiple, Modified, Holding (H-RM3-147) Zone in the Township of Glanbrook Zoning By-law No. 464.

The proposed development of the subject lands include 58 two (2) storey townhouse units each with a driveway and a garage, allowing for 2 spaces per unit with 1 barrier free parking spaces and 22 visitor parking spaces on the subject lands. The subject lands are currently occupied by a temporary stormwater management pond that will no longer be needed once the ultimate stormwater management pond is constructed as part of the Mountaingate Subdivision (25T-2007-23).

This Minor Variance application is intended to achieve relief from the Council Approved Township of Glanbrook Zoning By-law No. 464 with respect to the Residential Multiple, Modified, Holding (H-RM3-147), as follows:

- Variance No. 1: To increase the maximum density requirement from 35 units per hectare to 45 units per hectare.
- Variance No. 2: To decrease the minimum front yard setback from 9.0 metres to 3.0 metres.

- Variance No. 3: To decrease the minimum easterly and westerly side yard setback from 7.5 metres to 6.0 metres.
- Variance No. 4: To decrease the minimum rear yard setback from 7.5 metres to 6.0 metres.
- Variance No. 5: Notwithstanding, as per Site Plan Approval DA-12-192, the MTO setback is not applicable as the lands owned by the MTO do not form part of the right-of-way.
- Variance No. 6: To decrease the minimum separation distance between exterior walls with no windows from 3.0 metres to 2.40 metres
- Variance No. 7: To decrease the minimum separation distance between exterior walls which both have windows from 15.0 metres to 12.14 metres
- Variance No. 8: To decrease the required minimum privacy area per dwelling unit from 35 squared metres to 30 squared metres.
- Variance No. 9: To decrease the required minimum amenity area from 5 squared metres per dwelling unit to 0 square metres.
- Variance No. 10: To decrease the required visitor parking from 0.5 spaces per unit to 0.38 spaces per unit.
- Variance No. 11: To decrease the required barrier free parking spaces from 3 spaces to 1 space.
- Variance No. 12: To decrease the minimum parking space size for visitor parking spaces from 3.0 metres by 6.0 metres to 3.0 metres by 5.8 metres.

The requested variances have been identified by staff through a detailed Building Department Zoning Review and are required to bring forward the Site Plan application (as attached).

To assist in the evaluation of this application, please refer to the enclosed sketch.

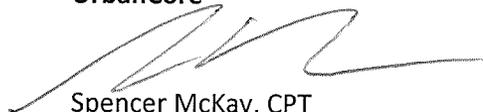
Section 45(1) of the Planning Act, R.S.O. 1990, as amended, requires Minor Variances to satisfy the four tests. The above variances are technical in nature, are desirable and represent appropriate development of the lands, and meets the general intent and purpose of the Official Plan and Zoning By-law.

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

- Two (2) copies of the completed Minor Variance Application form;
- One (1) copy of the Registered Plan of Subdivision (62M-1051);
- Two (2) copies of the Concept Plan;
- One (1) copy of the Zoning Review completed by the City of Hamilton; and,
- One (1) cheque in the amount of **\$3,302.00** payable to the City of Hamilton.

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

Regards,
UrbanCore



Spencer McKay, CPT
Project Manager

cc: Messrs. A. DiCenzo & S. Manchia, 1536708 Ontario Inc.
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter only)



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: GL/A-20:109

APPLICANTS: MBTW c/o Michael Hannay on behalf of the owner Cachet MDRE (Mount Hope) Inc. /o Ramsey Shaheen

SUBJECT PROPERTY: Municipal address **9255 Airport Rd., Glanbrook**

ZONING BY-LAW: Zoning By-law 464, as Amended by By-laws 18-014 (Glanbrook 464) and 18-014 (Glanbrook 464)

ZONING: "R4-218(A)" and "RM2-194(A)" (Residential and Residential Multiple) district

PROPOSAL: To permit the construction of one (1) single detached dwellings on lot # 24, one (1) single detached dwelling on lot 113 and a proposed one (1) street townhouse dwelling per lot on Lot 205, all within the Draft Plan of Lancaster Height for a Proposed Subdivision of Part of Lot 4, Concession 6 Registered Plan 62R-16543 notwithstanding that;

LOTS ZONED "R4-218 (A)":

1. A minimum rear yard of 6.0 m shall be provided for lot # 24 instead of the minimum required 7.0 m rear yard; and

2. A minimum rear yard of 6.0 m shall be provided for lot # 113 instead of the minimum required 7.0 m rear yard; and

LOT ZONED "RM2-194 (A)":

1. A minimum side yard of 2.2 m shall be provided for lot # 205 instead of the minimum required 3.0 m side yard; and

Notes:

Variations have been written as requested by the applicant.

A maximum building height of 10.7 m is permitted for the lots zoned "R4-218(A)". No details have been provided to determine zoning compliance; therefore, further variations may be required.

A minimum landscaped area of 30 % shall be provided for Lot # 205 zoned "RM2-194(A)". No details provided to determine zoning compliance; therefore, further variations may be required.

GL/A-20:109
Page 2

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:35 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

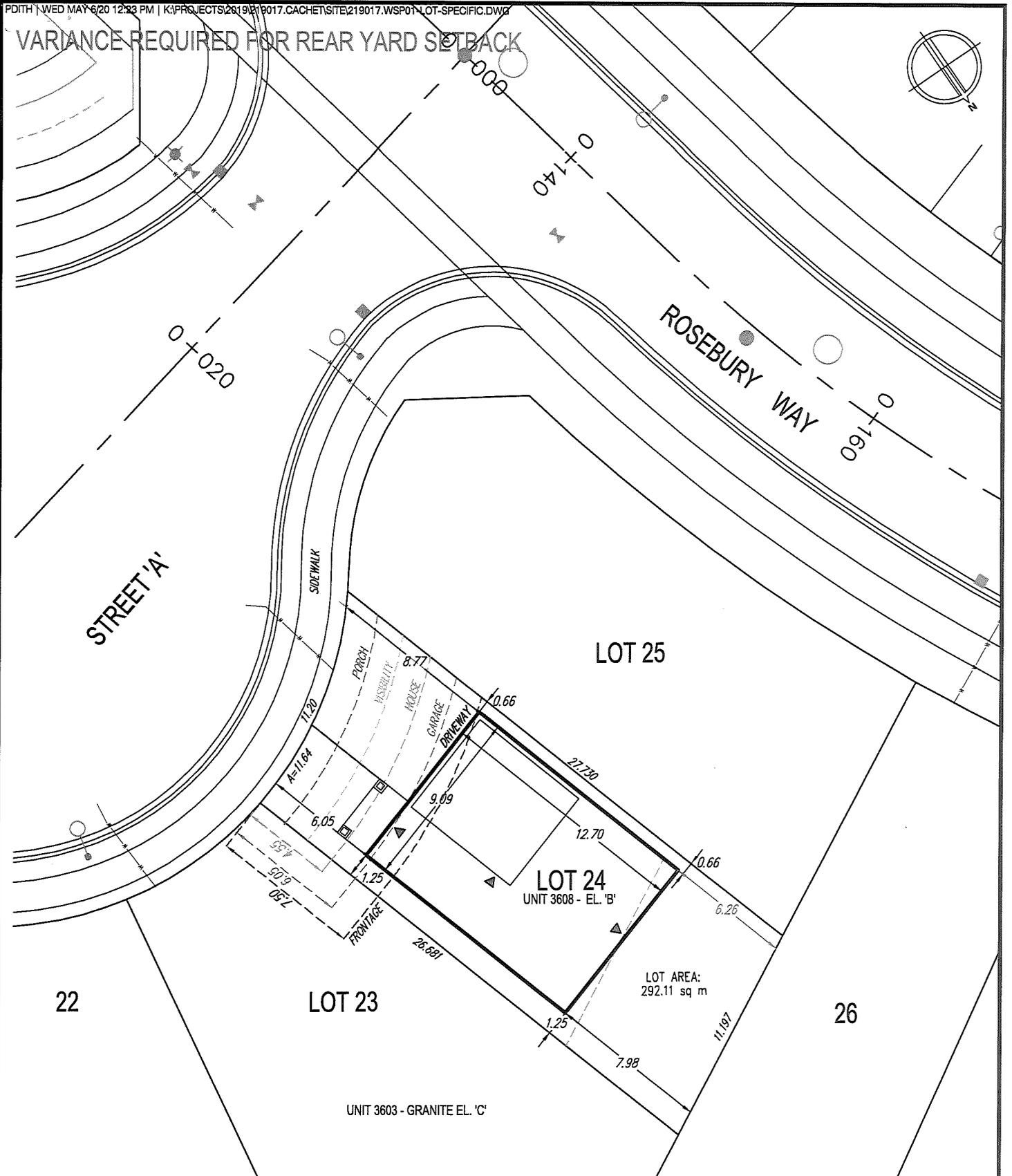
DATED: July 7th, 2020.

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.

PDITH \ WED MAY 6 20 12:33 PM | K:\PROJECTS\2019\219017\CACHET\SITE\219017.WSP01\LOT-SPECIFIC.DWG

VARIANCE REQUIRED FOR REAR YARD SETBACK



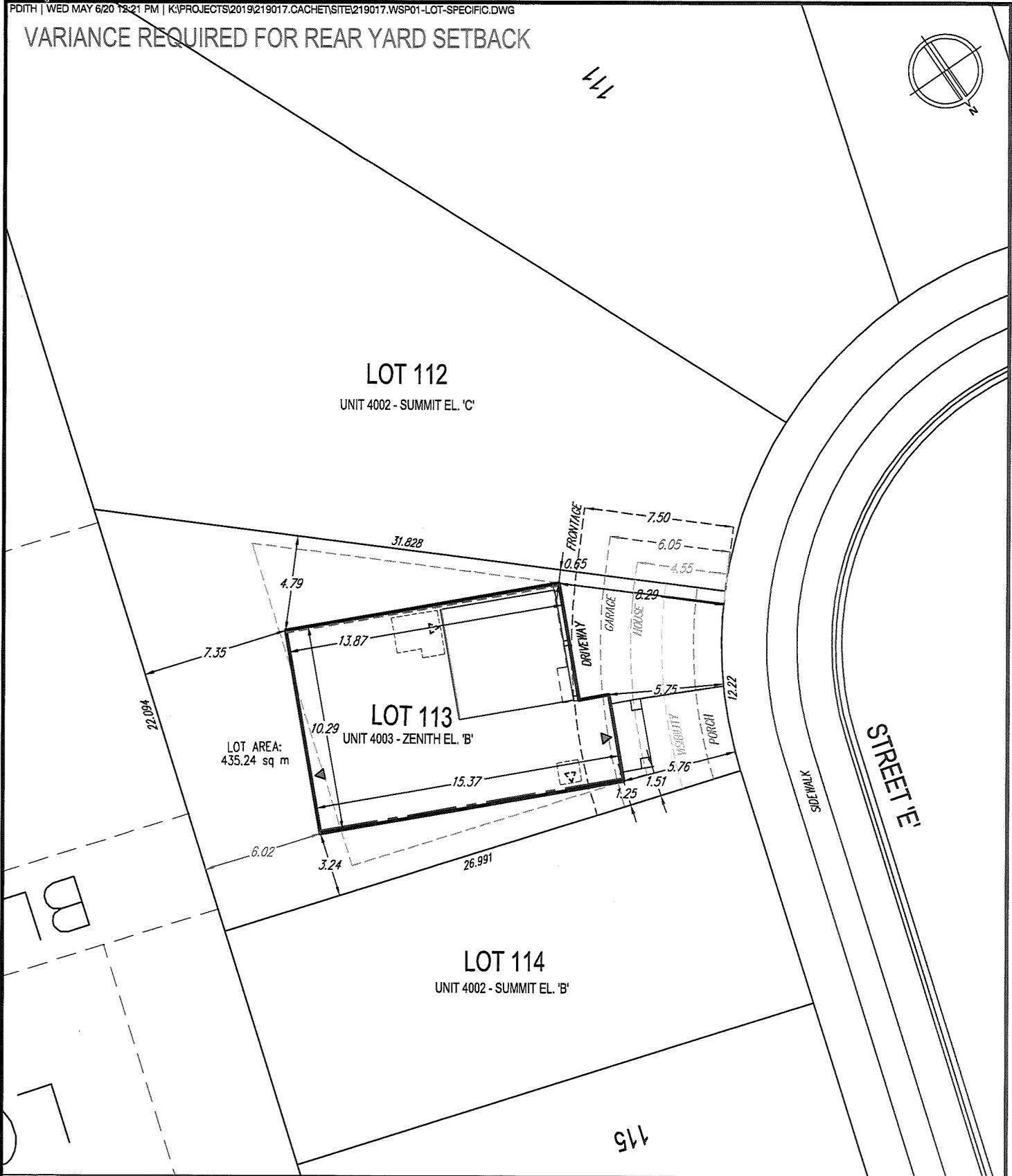
LOT 24	
SITE STATISTICS:	
FRONTAGE:	11.20m
LOT DEPTH:	26.681m / 27.73m
LOT AREA:	3144.33 sf (292.11 sm)
WIDTH OF STREET:	18.0m RADIUS
BUILDING STATISTICS:	
PROPOSED GROUND FLOOR:	832 sf (77.29 sm)
GROSS FLOOR AREA:	1791. sf (166.39 sm)
NUMBER OF STORIES:	2 / 28'-5" (8.66m)
LENGTH x WIDTH:	41'-8" (12.7m) x 29'-10" (9.09m)
SETBACKS:	
SIDEYARD SETBACKS:	1.26m / 0.65m
FRONTYARD SETBACK:	6.05m
REARYARD SETBACKS:	6.26m / 7.98m

Title		Plan No.	Lot	Street Name			
SITING AND GRADING PLAN		-	24	STREET 'A'			
<p>THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.</p> <p>QUALIFICATION INFORMATION</p>							
		CACHET ESTATE HOMES - 219017 MOUNT HOPE, HAMILTON, ONTARIO					
NAME	SIGNATURE	BCIN	Drawn By	Checked By	Scale	File Number	Lot / Page Number
HUNT DESIGN ASSOCIATES INC.		19695	SR	SR	1:1000	219017WP01.DWG	24
www.huntdesign.ca		8966 Woodbine Ave, Markham, ON L3R 0J7 T 905.737.5133 F 905.737.7326					

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PDITH | WED MAY 6/20 12:21 PM | K:\PROJECTS\2019\219017.CACHET\SITE\219017.WSP01-LOT-SPECIFIC.DWG

VARIANCE REQUIRED FOR REAR YARD SETBACK



LOT 113	
SITE STATISTICS:	
FRONTAGE:	12.22m
LOT DEPTH:	26.991m / 31.828m
LOT AREA:	4684.94 sf (435.24 sm)
WIDTH OF STREET:	18.0m
BUILDING STATISTICS:	
PROPOSED GROUND FLOOR:	1223 sf (113.62 sm)
GROSS FLOOR AREA:	2797 sf (259.85 sm)
NUMBER OF STORIES:	2 / 28'-9 1/2" (8.77m)
LENGTH x WIDTH:	50'-5" (15.37m) x 33'-9" (10.29m)
SETBACKS:	
SIDEYARD SETBACKS:	1.25m / 3.24m (NORTH) 0.65m / 4.79m (SOUTH)
FRONTYARD SETBACK:	5.75m
REARYARD SETBACKS:	6.02m / 7.35m

Title: SITING AND GRADING PLAN Plan No.: - Lot: 113 Street Name: STREET 'E'

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.



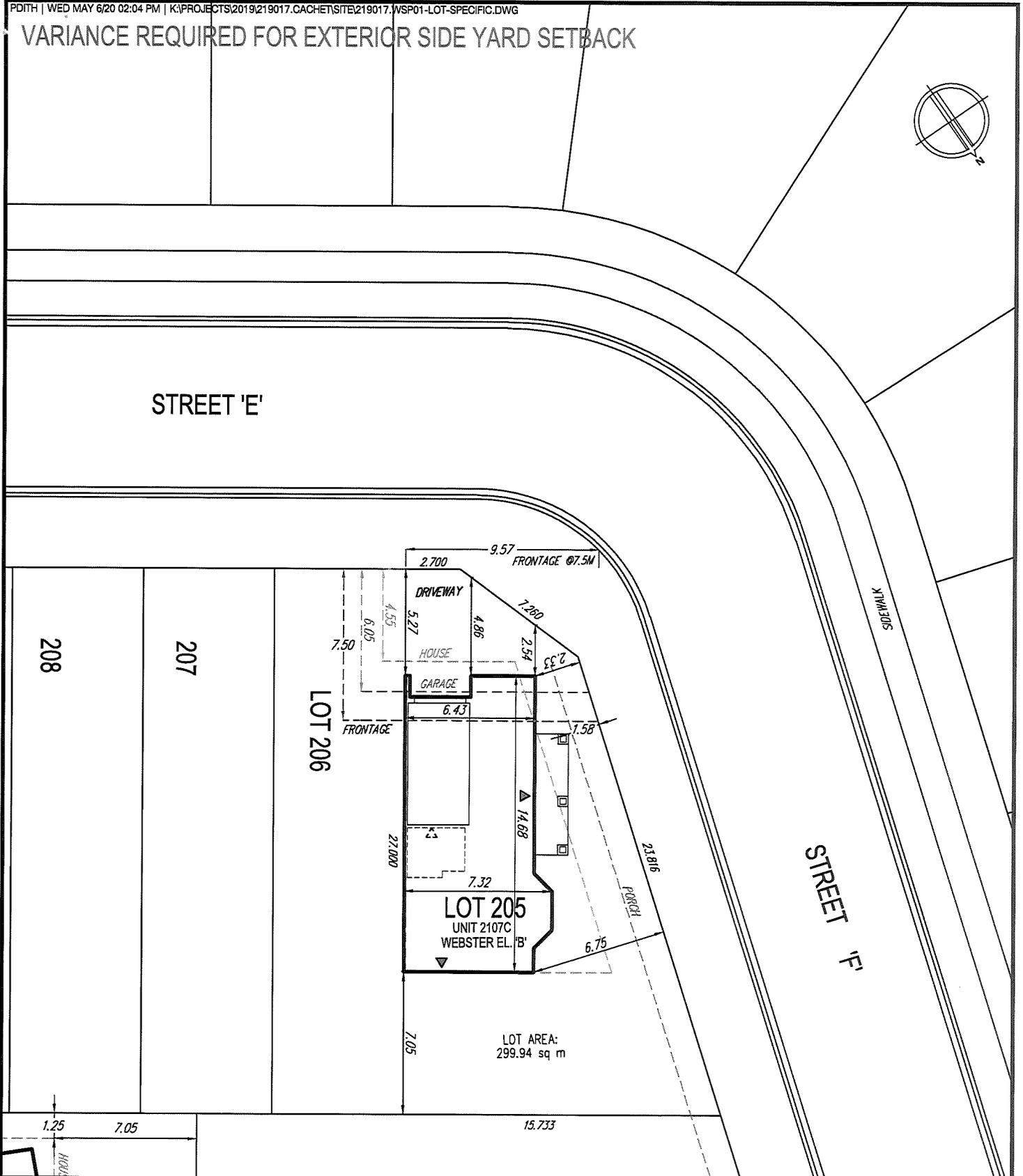
CACHET ESTATE HOMES - 219017
MOUNT HOPE, HAMILTON, ONTARIO

NAME	SIGNATURE	BCIN	Drawn By	Checked By	Scale	File Number	Lot / Page Number
HUNT DESIGN ASSOCIATES INC.		19695	SR	SR	1:1000	219017WP01.DWG	113

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PDITH | WED MAY 6/20 02:04 PM | K:\PROJECTS\2019\219017.CACHET\SITE\219017.WSP01-LOT-SPECIFIC.DWG

VARIANCE REQUIRED FOR EXTERIOR SIDE YARD SETBACK

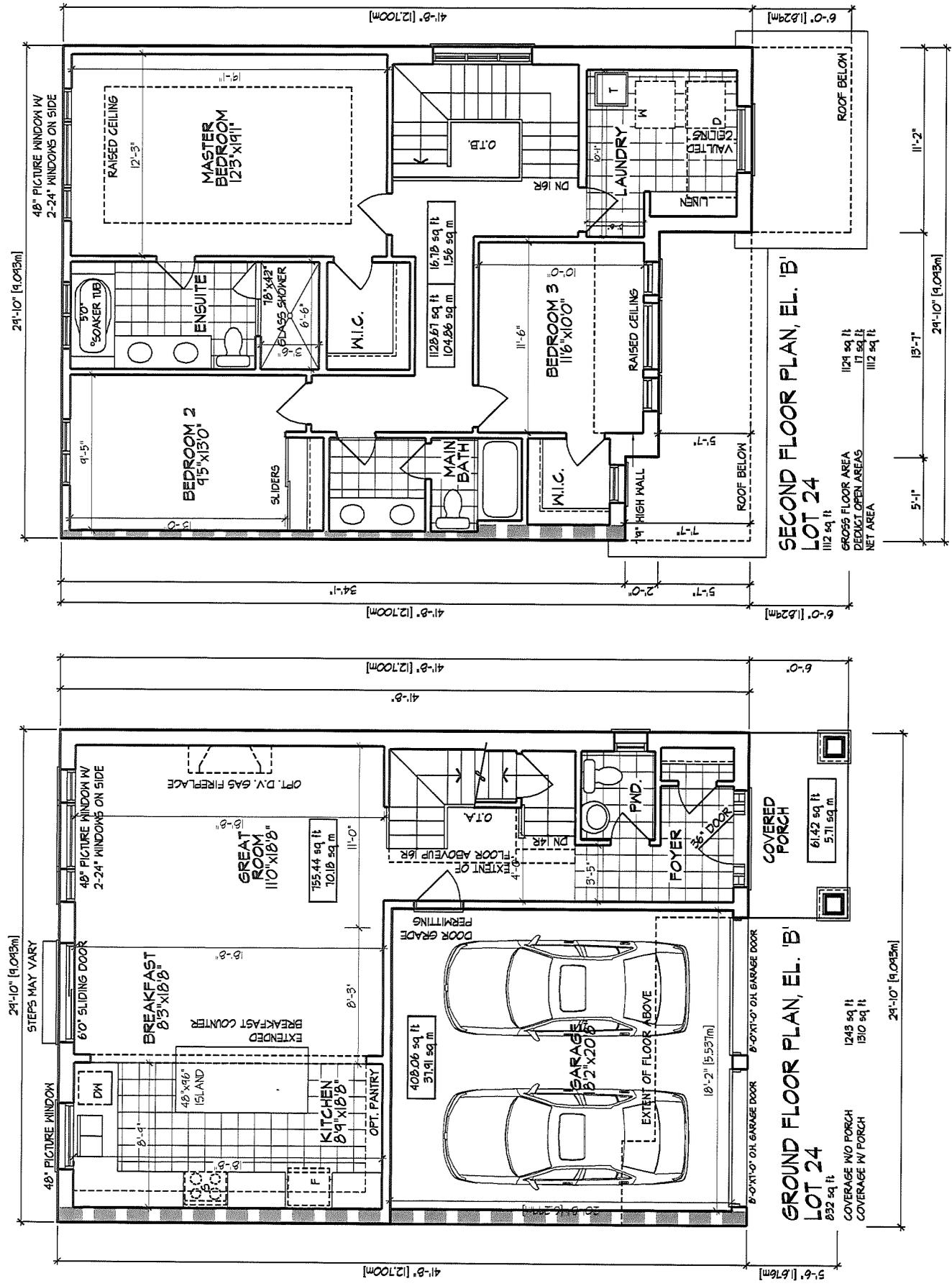


LOT 205	
SITE STATISTICS:	
FRONTAGE:	9.57m
LOT DEPTH:	27.0m
LOT AREA:	3228.51 sf (299.94 sm)
WIDTH OF STREET:	18.0M
BUILDING STATISTICS:	
PROPOSED GROUND FLOOR:	787 sf (73.11 sm)
GROSS FLOOR AREA:	1796 sf (166.85 sm)
NUMBER OF STORIES:	2 / 31'-0" (9.44m)
LENGTH x WIDTH:	48'-2" (14.68m) x 24'-0" (7.32m)
SETBACKS:	
EXTERIOR SIDERYARD SETBACK:	2.33m / 6.75m
FRONTYARD SETBACKS:	2.54m / 5.27m
REARYARD SETBACK:	7.05m

Title	Plan No.	Lot	Street Name
SITING AND GRADING PLAN	-	205	STREET 'E' / 'F'
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.			
QUALIFICATION INFORMATION			
NAME	SIGNATURE	BCIN	
HUNT DESIGN ASSOCIATES INC.		19695	
		Scale	File Number
DESIGN ASSOCIATES INC.		1:1000	219017WP01.DWG
www.huntdesign.ca		Drawn By	Lot / Page Number
		SR	205
		Checked By	
		SR	
		8966 Woodbine Ave, Markham, ON L3R 0J7	T 905.737.5133 F 905.737.7326

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REV. MAR27/18 PD
 REV. MAR18/19 PD
 REV. MAR27/19 SA
 REV. MAR28/19 SA
 REV. OCT22/19 PD
 REV. OCT11/19 PD
 REV. APR24/20 PD



ZONING STANDARDS	
MAX. HOUSE WIDTH	28'-10"
MAX. LENGTH GARAGE SIDE	45'
MAX. LENGTH HOUSE SIDE	50'
MAX. COVERAGE W/ PORCH	N/A
MAX. COVERAGE W/O PORCH	N/A
MAX. G.F.A.	N/A
MAX. HEIGHT	10.7m
MIN. GARAGE WIDTH	2.6m/8.5m
MAX. GARAGE WIDTH	N/A
MAX. GARAGE PROJ.	N/A

HUNT
 DESIGN ASSOCIATES INC.
 www.huntdesign.ca

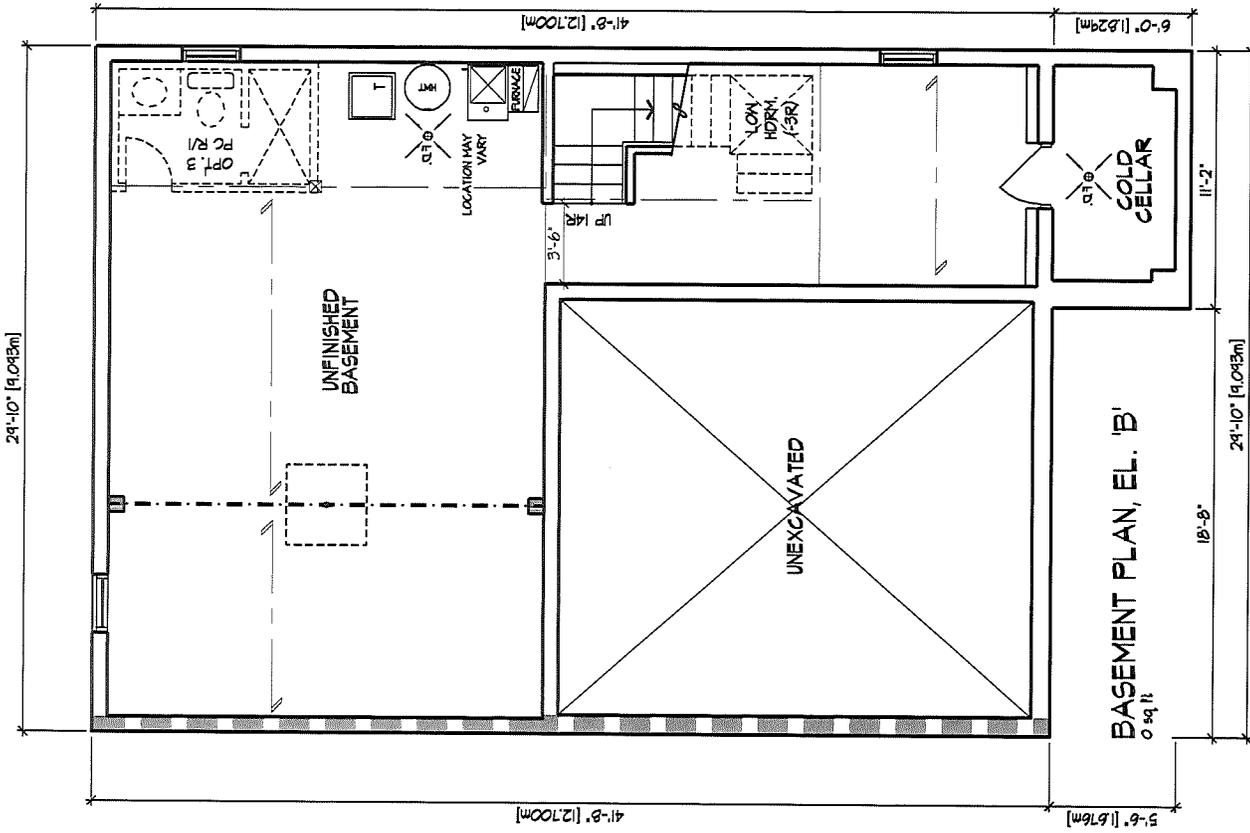
CACHET ESTATE HOMES - 219017
 HAMILTON, ONTARIO

UNIT 3608 - LOT 24
 1791 SF

8966 Woodbine Ave, Markham, ON L3R 0J7 ■ T 905.737.5133 ■ F 905.737.7326 ■ APRIL 2020 ■ PD ■ 219017DSS6602
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REV. MAR 27/19 PD
 REV. JUNE 11/19 PD
 REV. JUNE 28/19 JA
 REV. OCT 11/19 PD
 REV. APR 24/20 PD

PDTH | WEB MAY 02/20 11:46 AM | K:\PROJECTS\2019\219017\CACHE\DESIGN\SN\GLES\987\UNITS\219017\7053602.LTT 24.DWG



BASEMENT PLAN, EL. 'B'
 0 sq ft

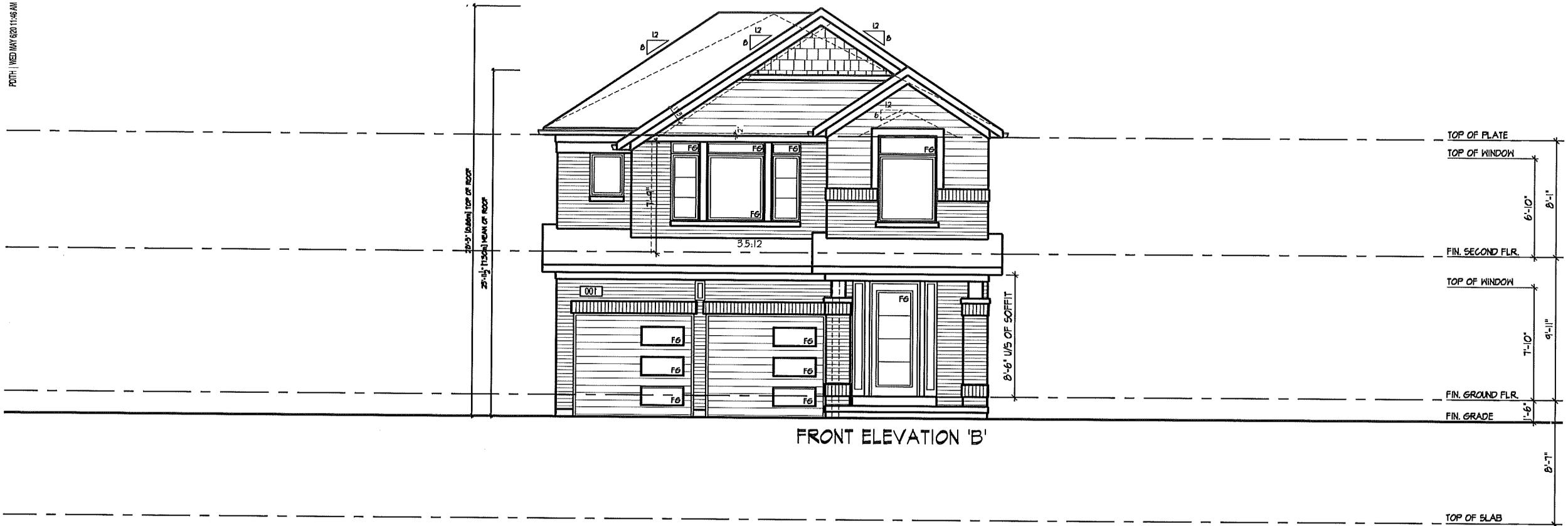
HUNT
 DESIGN ASSOCIATES INC.
 www.huntdesign.ca

CACHET ESTATE HOMES - 219017
 HAMILTON, ONTARIO

UNIT 3608 - LOT 24
 1791 SF

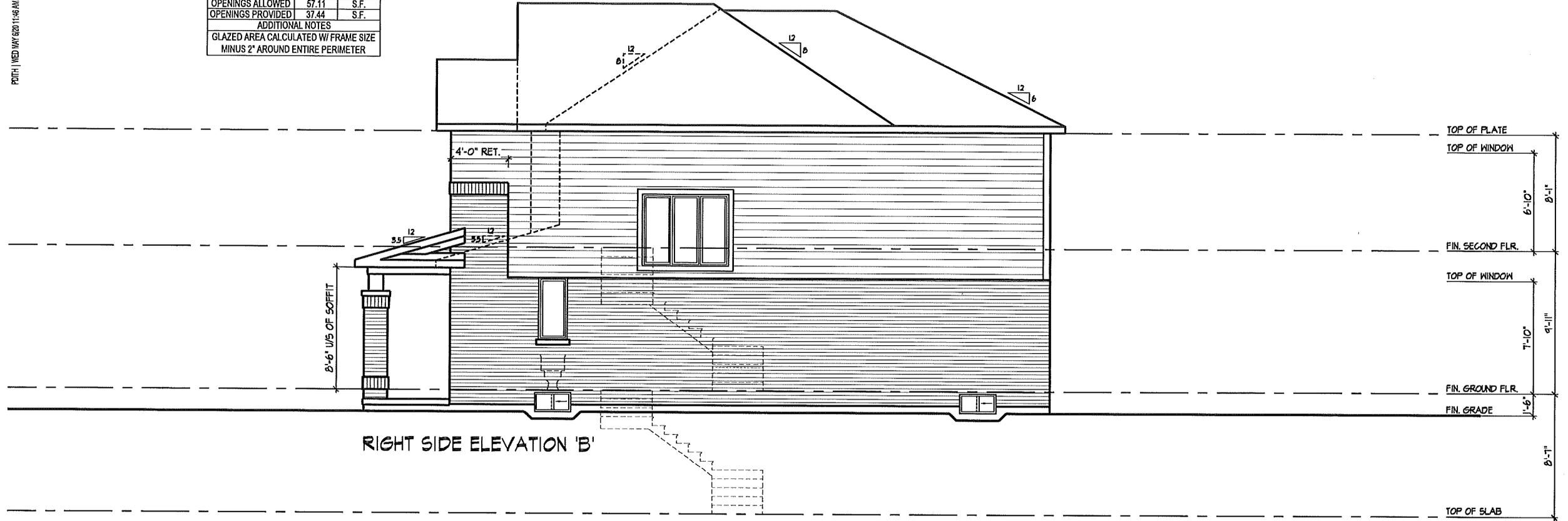
8966 Woodbine Ave, Markham, ON L3R 0J7 ■ T 905.737.5133 ■ F 905.737.7326 ■ APRIL 2020 ■ PD ■ 219017053602
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 REV. MAR 27/19 - PD
 REV. JUN 10/19 - PD
 REV. JUNE 25/19 - JA
 REV. APR 24/20 - PD



P0111 | WED MAY 020 11:46 AM | K:\PROJECTS\2019\219017\CACHET\DESIGN\SINGLESHOT UNITS\219017DS3602.LOT 24.DWG
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 REV. JUN 10/19 - PD
 REV. JUN 23/19 - JA
 REV. APR 24/20 PD

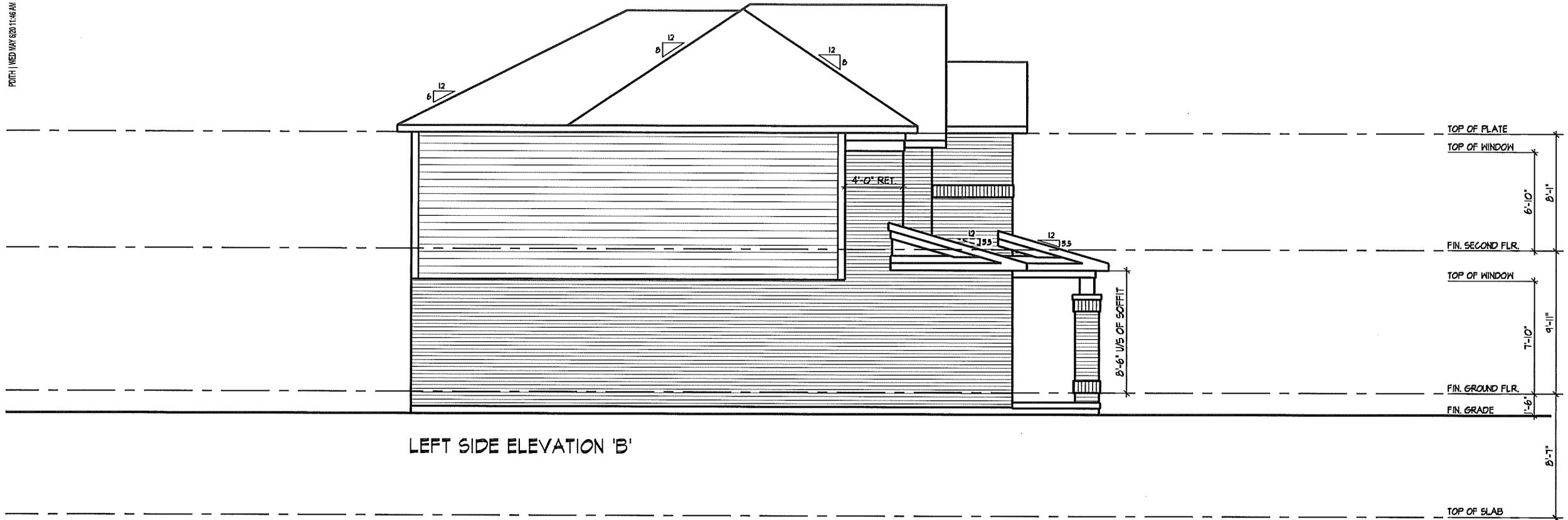
SPATIAL CALCULATION			
PER O.B.C. TABLE 9.10.15.4			
LEFT SIDE ELEVATION B			
EXPOSING BUILDING	815.92	S.F.	
FACE AREA	75.80	S.M.	
PORTION WALL AREA	815.92	S.F.	
	75.80	S.M.	
LIMITING DISTANCE	7	1.2 m	
MAX. % OPENINGS	7	%	
QUAN	WIDTH	DEPTH	WINDOW / DOOR FRAME SIZE (S.F.)
1	72"	60"	26.44
1	24"	52"	6.67
2	30"	16"	4.33
OPENINGS ALLOWED	57.11	S.F.	
OPENINGS PROVIDED	37.44	S.F.	
ADDITIONAL NOTES			
GLAZED AREA CALCULATED W/ FRAME SIZE MINUS 2" AROUND ENTIRE PERIMETER			



RIGHT SIDE ELEVATION 'B'

EXTENTS OF SPATIAL CALCULATIONS. REFER TO WINDOW SUMMARY FOR ADDITIONAL INFORMATION

PD01 | WED MAY 02 11:46 AM | K:\PROJECTS\2019\219017\CACHET\HOMES\ON\INGLESS\FT UNITS\3608-LOT 24\JMS
 REV. MAR 27/19 - PD
 REV. JUN 13/19 - PD
 REV. JUN 25/19 - JA
 REV. APR 24/20 PD

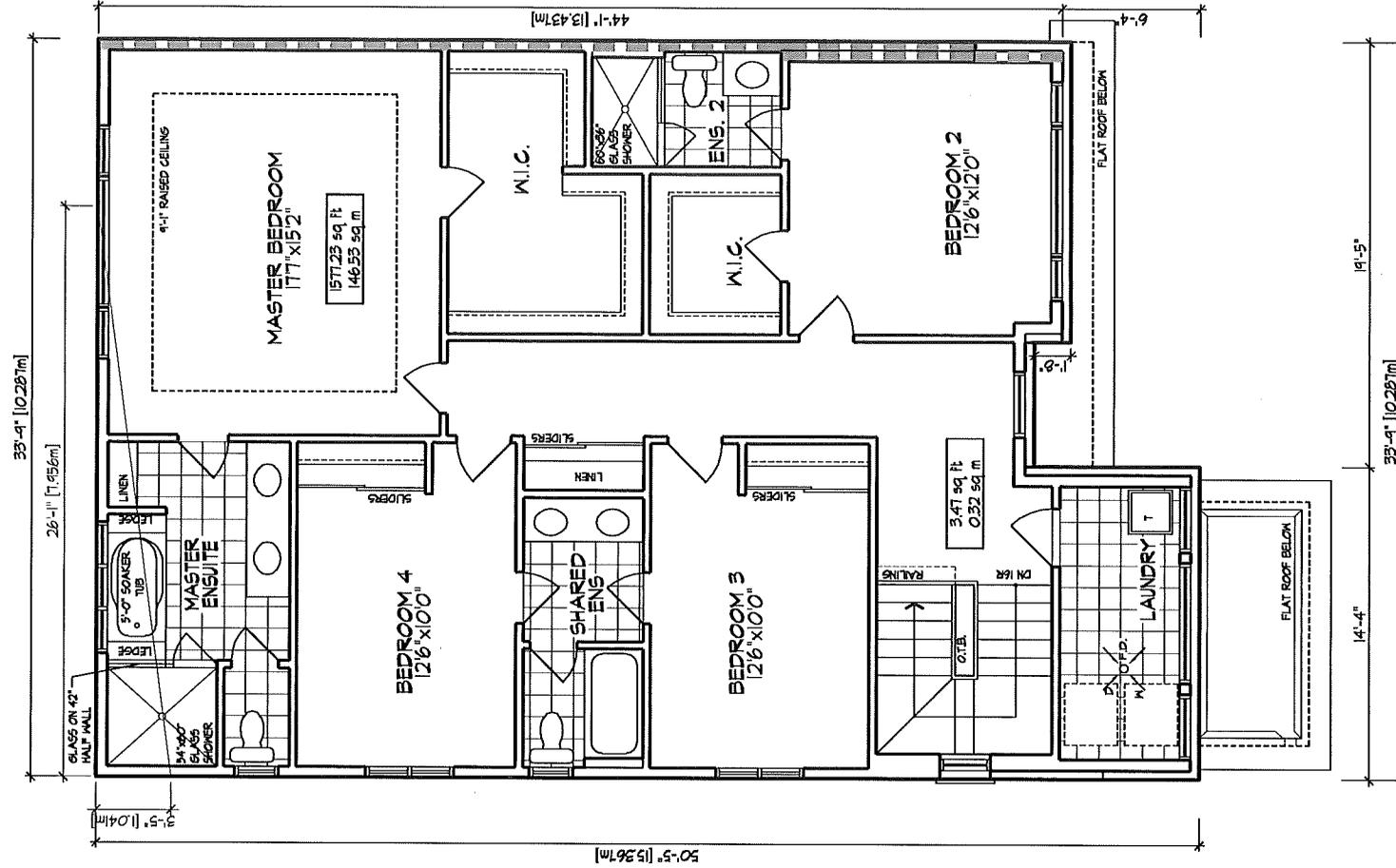


LEFT SIDE ELEVATION 'B'

P001 | WED MAY 6 20 11:46 AM | K:\PROJECTS\2019\219017\CACHET\DESIGN\SCHEMATIC UNITS\219017DS3602.LOT 24.DWG
 REV. MAR 27/19 - PD
 REV. MAR 19/19 - PD
 REV. JUNE 23/19 JA
 REV. APR 24/20 PD



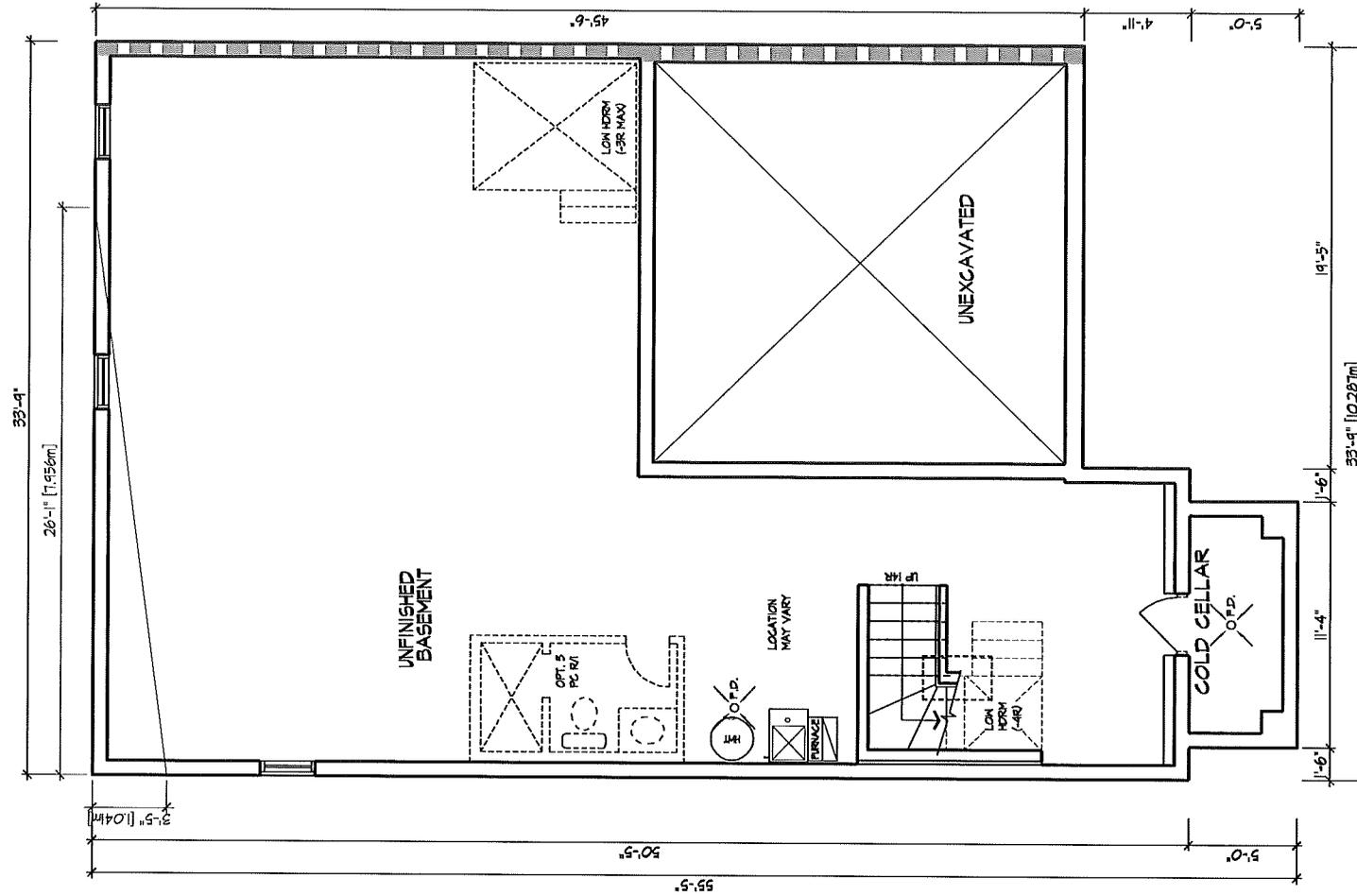
PATH: TUE MAY 5 20 05:08 PM | K:\PROJECTS\219017\CACHET\WORKINGS\SINGLESHOT LOT SPEC\F219017NS4003 - LOT 113.DWG



SECOND FLOOR PLAN, EL. 'B'

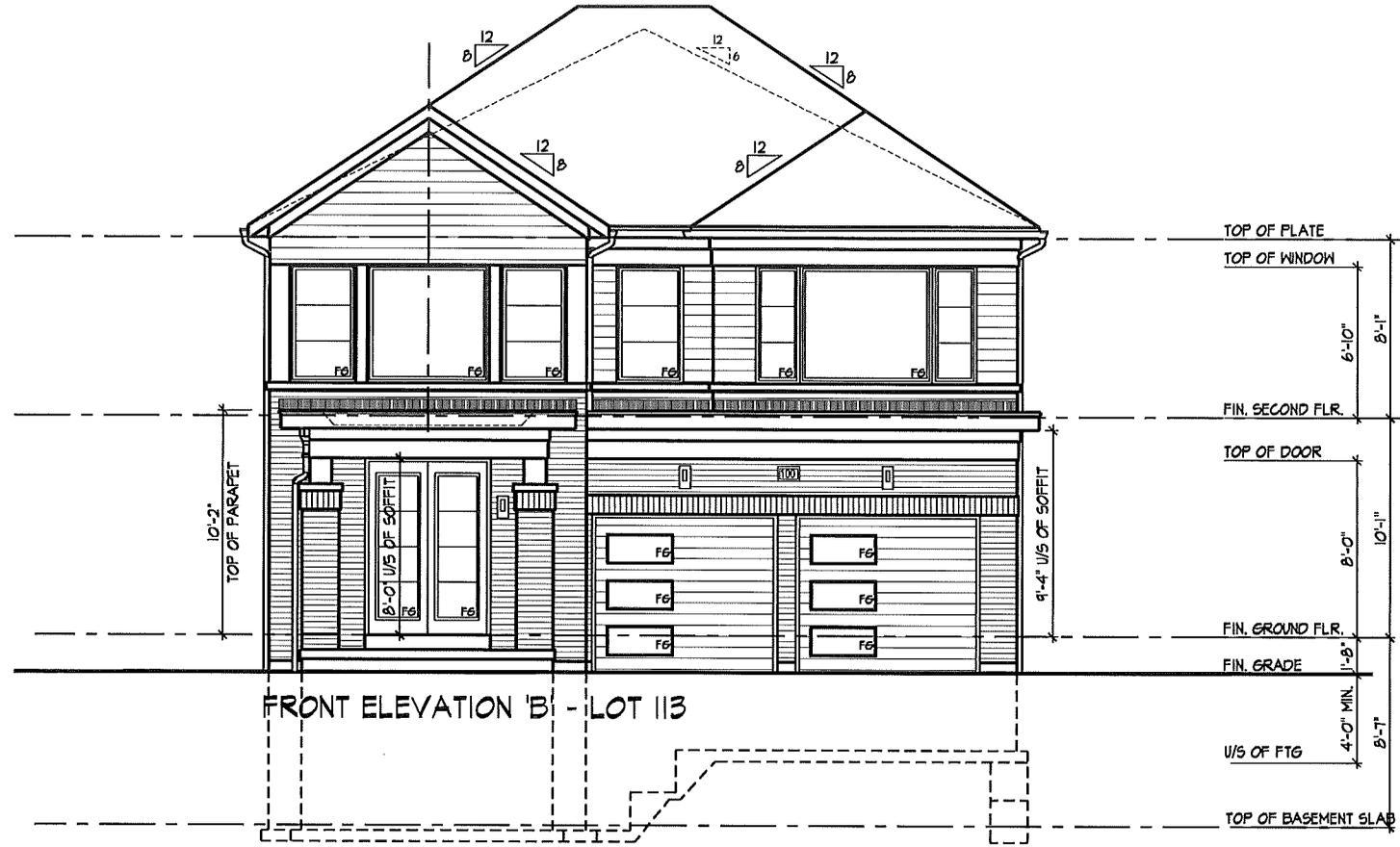
GROSS FLOOR AREA	1574 sq ft
DEDUCT OPEN AREAS	9 sq ft
NET AREA	1574 sq ft

P011 | TUE MAY 5 2019 10:08 PM | K:\PROJECTS\2019\219017\CACHET\WORKING\DWGS\KLOT SPEC\FCC219017WS4003 - LOT 113.DWG

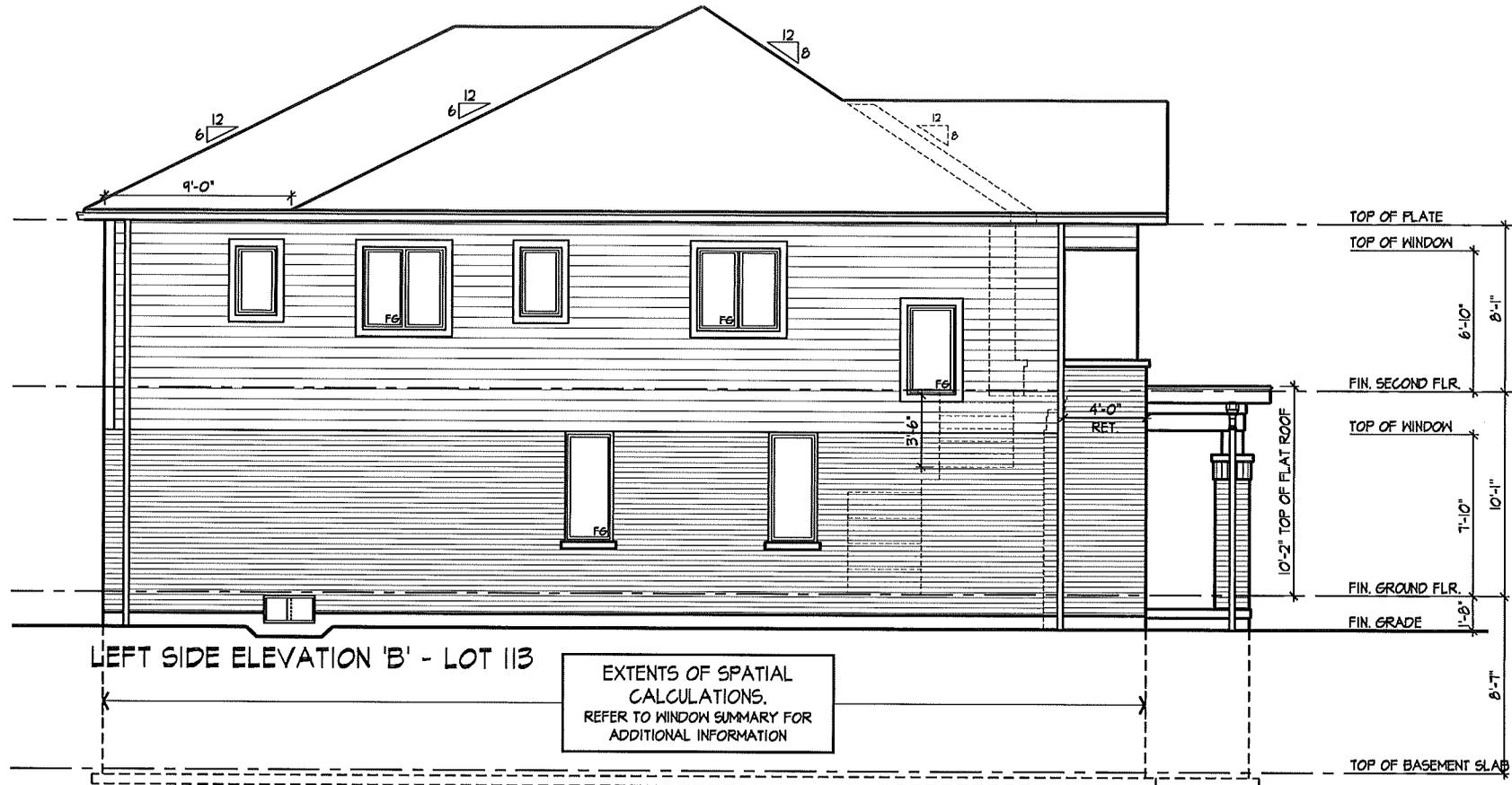


BASEMENT PLAN, EL. 'B'

P001 | TUE MAY 30 05:06 PM | K:\PROJECTS\2018\219017\CACHET\WORKINGS\LES\LOT SPEC\FRONT ELEVATION LOT SPEC\FRONT ELEVATION LOT SPEC.DWG

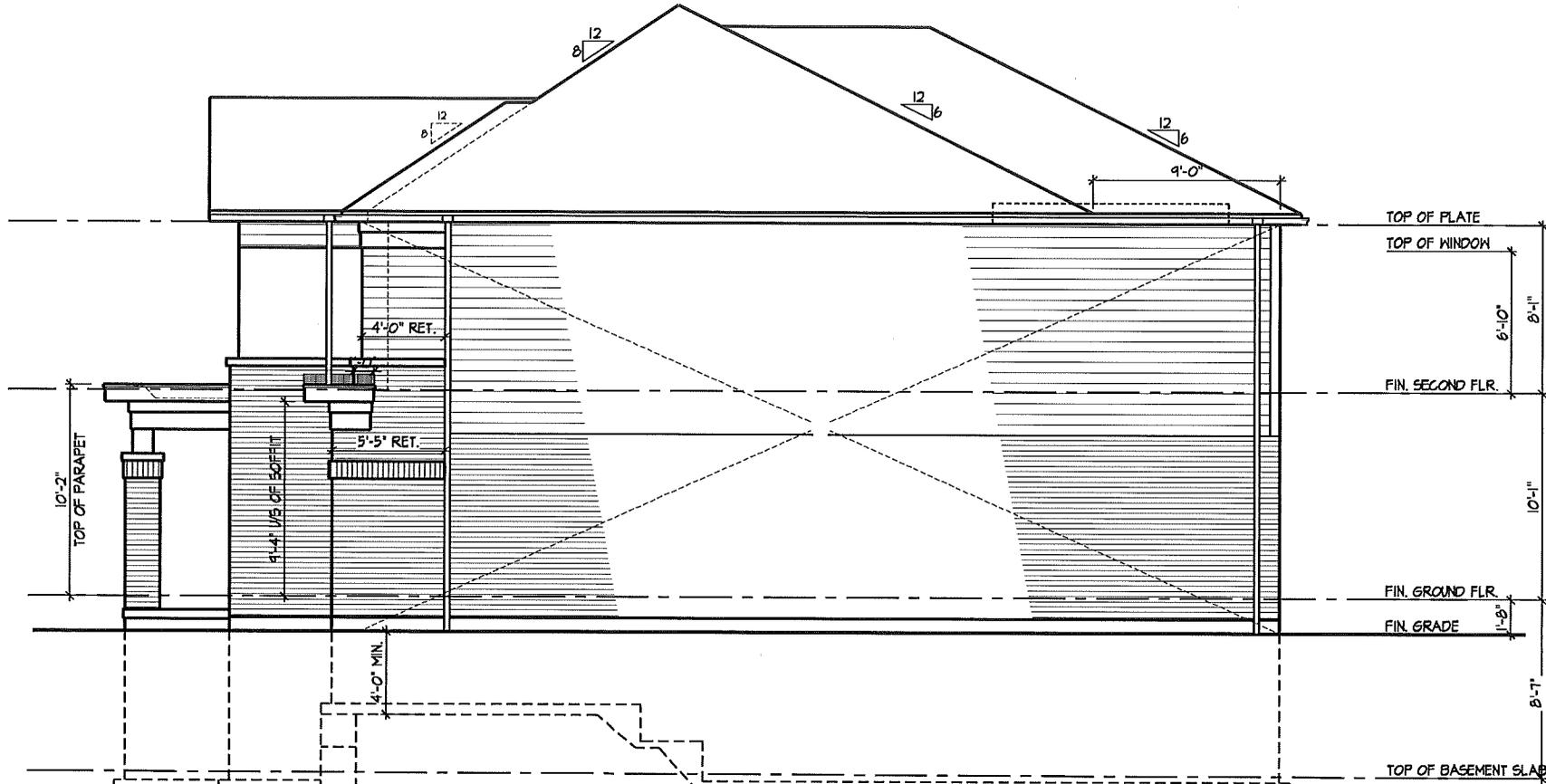


P0111 | TUE MAY 6 2016 6:06 PM | K:\PROJECTS\2016\219017\CACHET\WORKINGS\GLZES\LOT SPEC\F02\9017WS403 - LOT 113.DWG



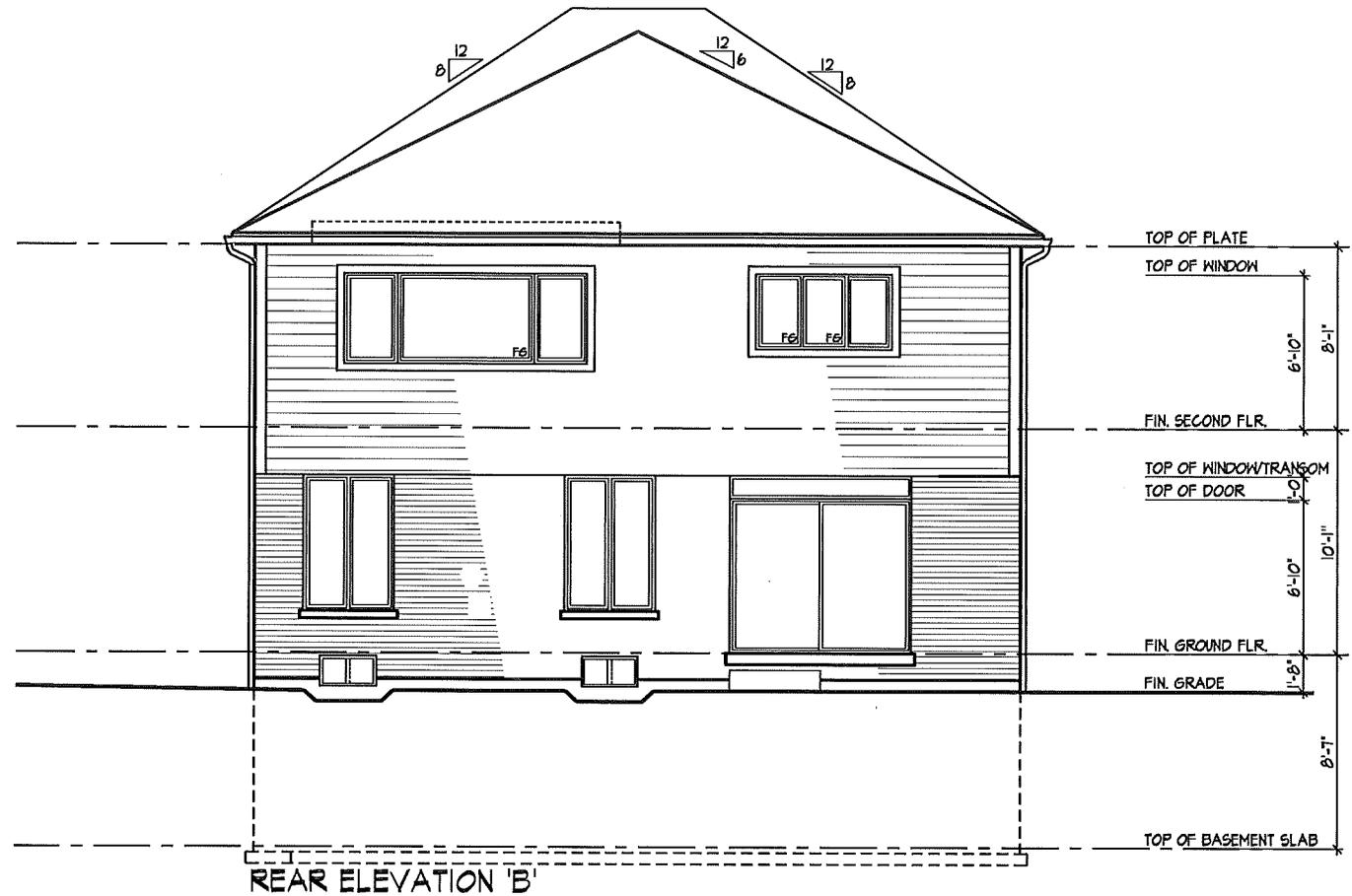
SPATIAL CALCULATION			
PER O.B.C. TABLE 9.10.15.4			
LEFT SIDE ELEVATION A			
EXPOSING BUILDING	988.78	S.F.	
FACE AREA	91.86	S.M.	
PORTION WALL AREA	988.78	S.F.	
	91.86	S.M.	
LIMITING DISTANCE	1.2 m		
MAX. % OPENINGS	7	%	
QUAN.	WIDTH	HT	WINDOW / DOOR FRAME SIZE (S.F.)
2	48"	48"	26.89
2	24"	40"	10.00
1	28"	52"	8.00
2	28"	64"	20.00
1	30"	16"	2.17
0	0"	0"	0.00
0	0"	0"	0.00
0	0"	0"	0.00
0	0"	0"	0.00
0	0"	0"	0.00
0	0"	0"	0.00
0	ARCH	0.00	0.00
0	ARCH	0.00	0.00
0	ARCH	0.00	0.00
0	ARCH	0.00	0.00
OPENINGS ALLOWED	69.21	S.F.	
OPENINGS PROVIDED	67.06	S.F.	
ADDITIONAL NOTES			
GLAZED AREA CALCULATED W/ FRAME SIZE MINUS 2" AROUND ENTIRE PERIMETER			

P0111 | TUE MAY 5 2019 5:20 PM | K:\PROJECTS\2019\219017\CACHET\WORKING\BLES\LOT SPEC\FLOOR\219017WS4003 - LOT 113.DWG



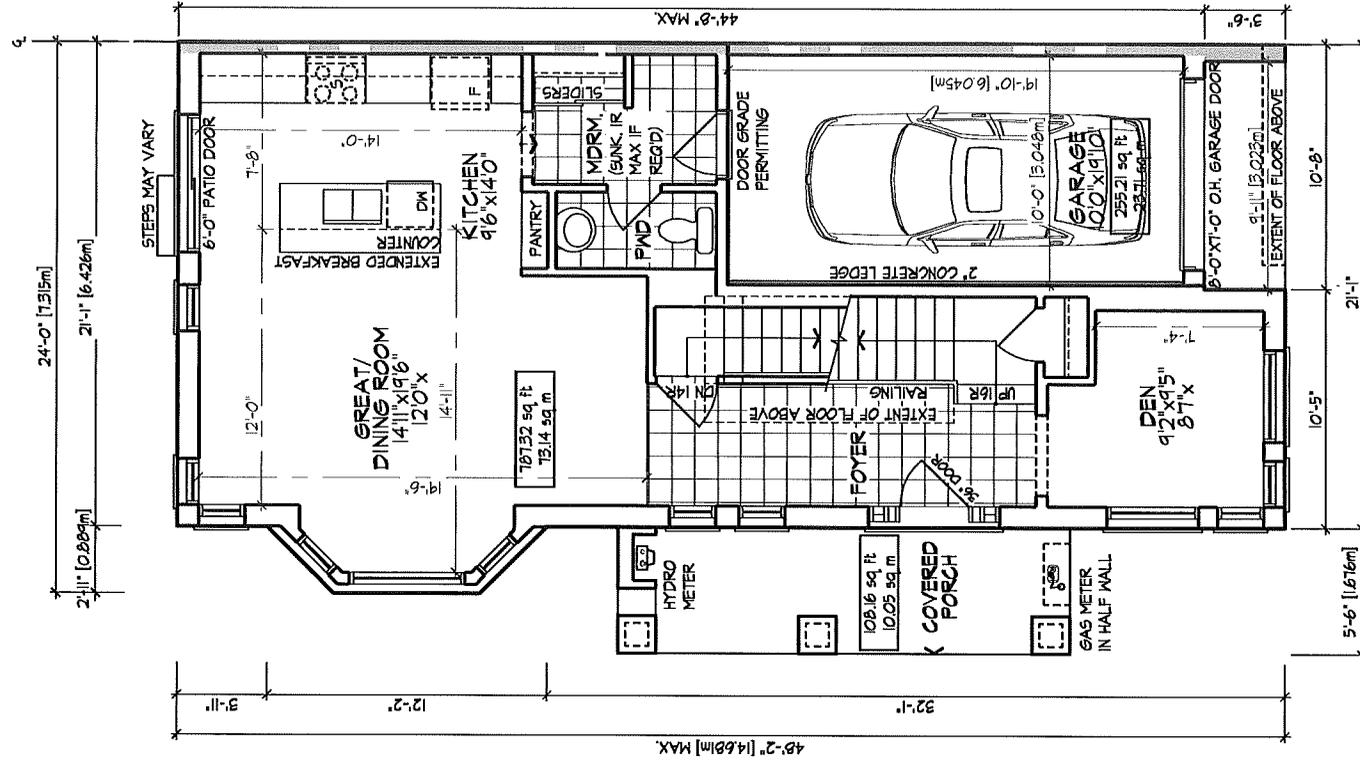
RIGHT SIDE ELEVATION 'B'

P017H | TUE MAY 5 20:05:06 PM | K:\PROJECTS\2019\219017\CACHET\WORKINGS\LSH\LOT SPEC\H201907WS403 - LOT 113.DWG



REAR ELEVATION 'B'

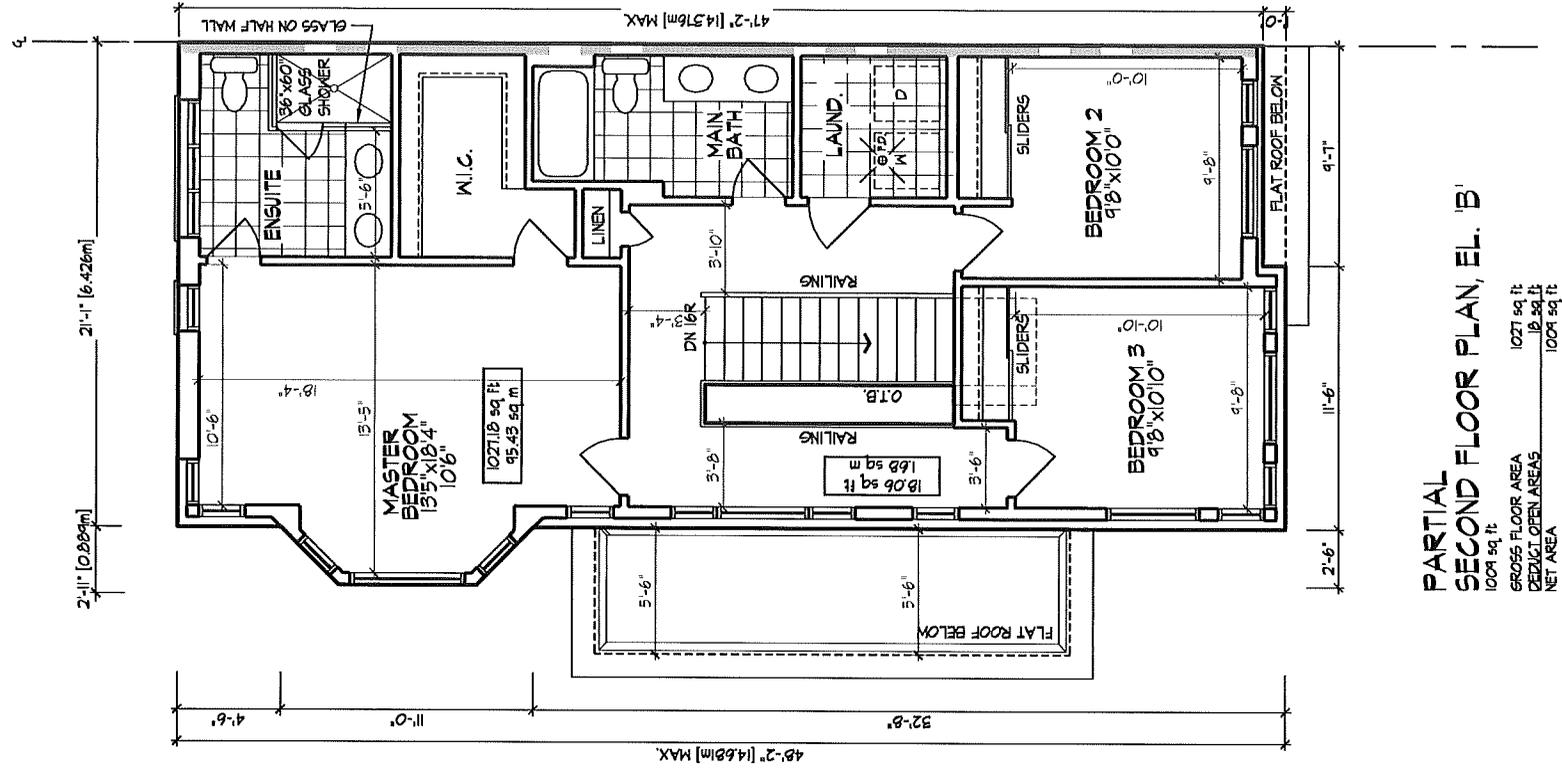
PLOT | WED MAY 20 01:51 PM | K:\PROJECTS\219017\CAD\DESIGN\DWG\219017SETUP-CORNER.DWG
 REV. JULY 28/19 PD
 REV. SEPT 20/19 SSR



**PARTIAL
GROUND FLOOR PLAN, EL. 'B'**

187 sq. ft.
 COVERAGE W/O PORCH
 COVERAGE W/ PORCH
 MAX COVERAGE
 1043 sq. ft.
 1151 sq. ft.
 1455 SF (135 SM) - MAX COVERAGE
 INCLUDING PORCH

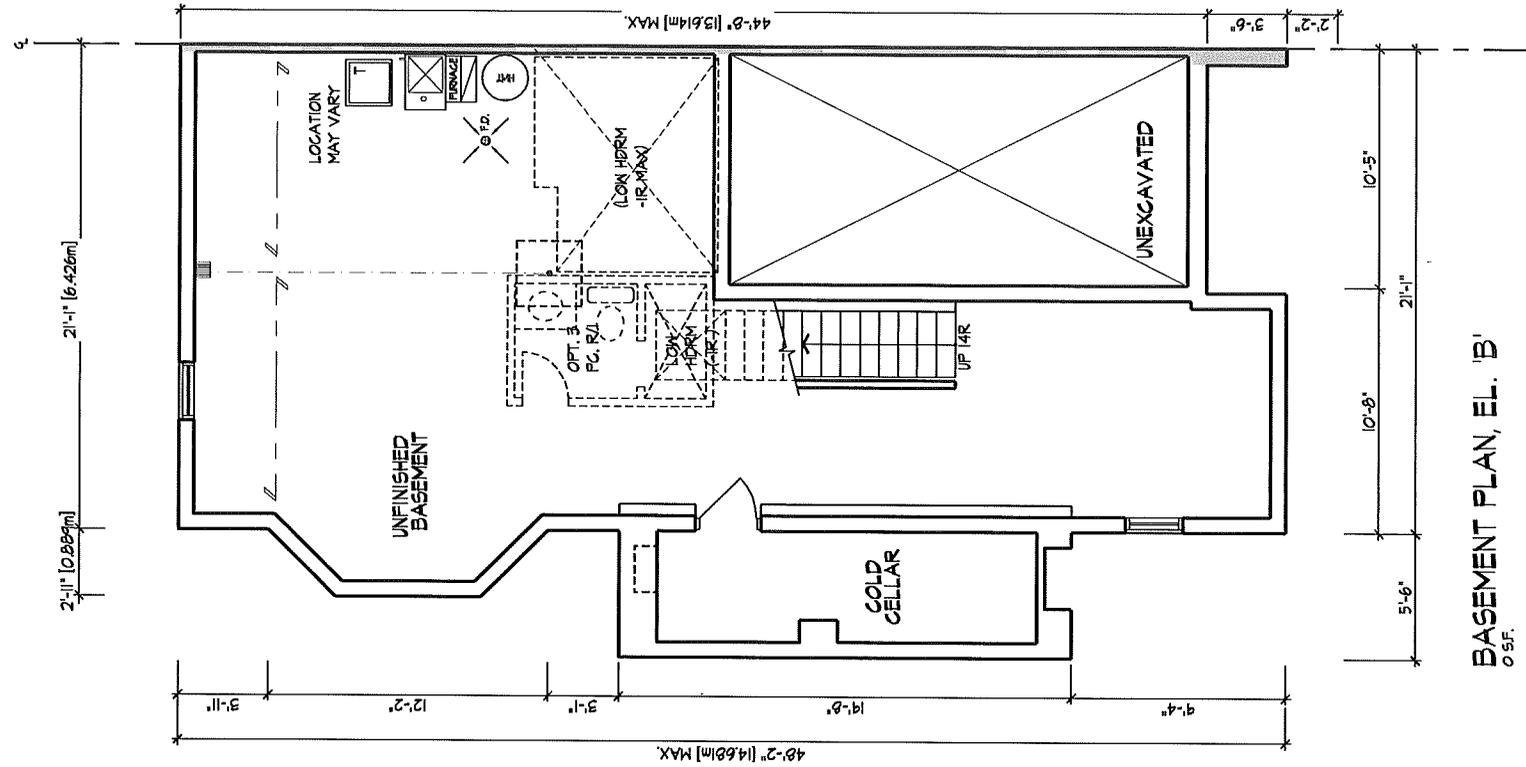
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 REV. JULY 23/19 PD
 REV. SEPT 20/19 SSR



**PARTIAL
SECOND FLOOR PLAN, EL. 'B'**

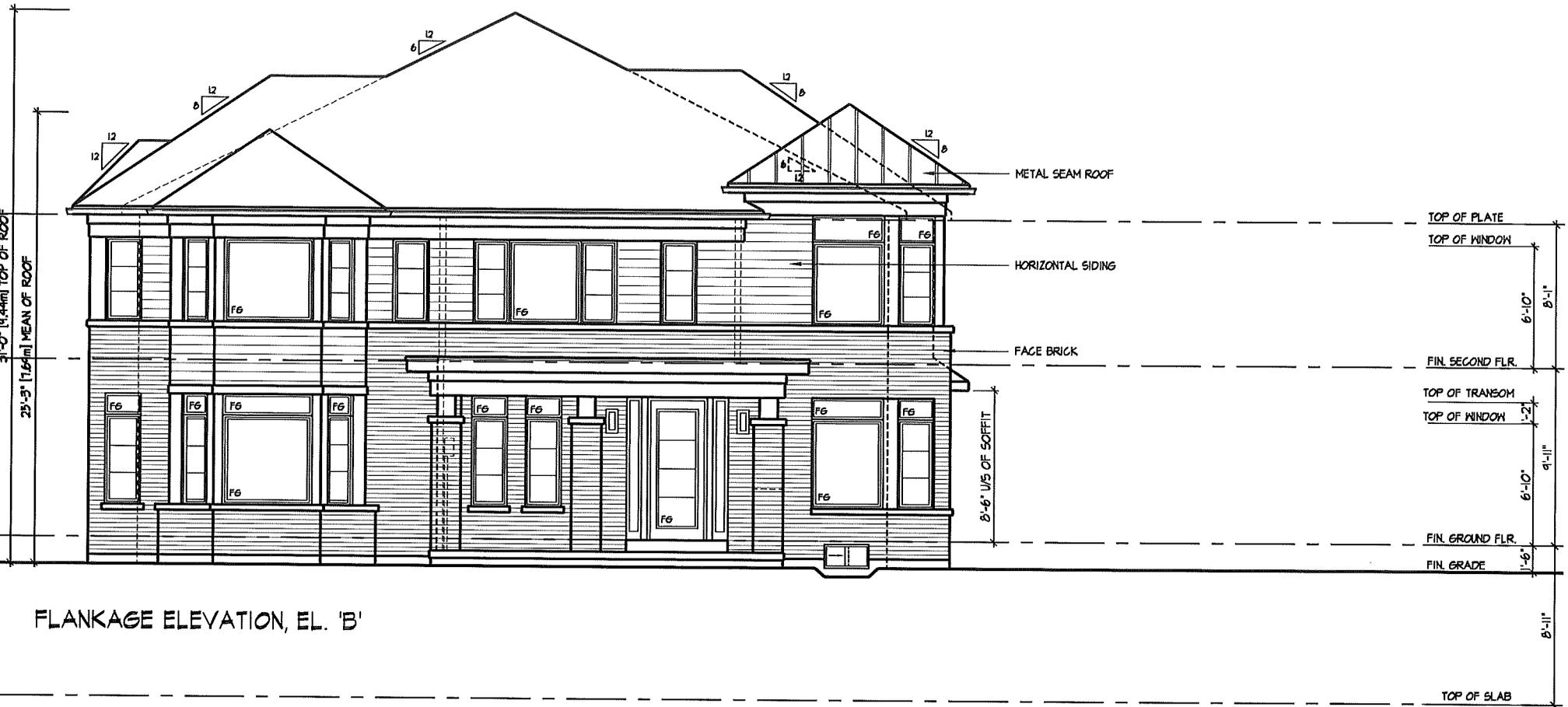
1004 sq. ft.	1027 sq. ft.
GROSS FLOOR AREA	1027 sq. ft.
DEDUCT OPEN AREAS	18 sq. ft.
NET AREA	1004 sq. ft.

P0111 | WED MAY 02 01:51 PM | K:\PROJECTS\21917\CACHE\DESIGN\TOWNS\21917DS2107-CORNER.DWG
 REV. JULY 29/19 PD
 REV. SEPT 20/19 SSR



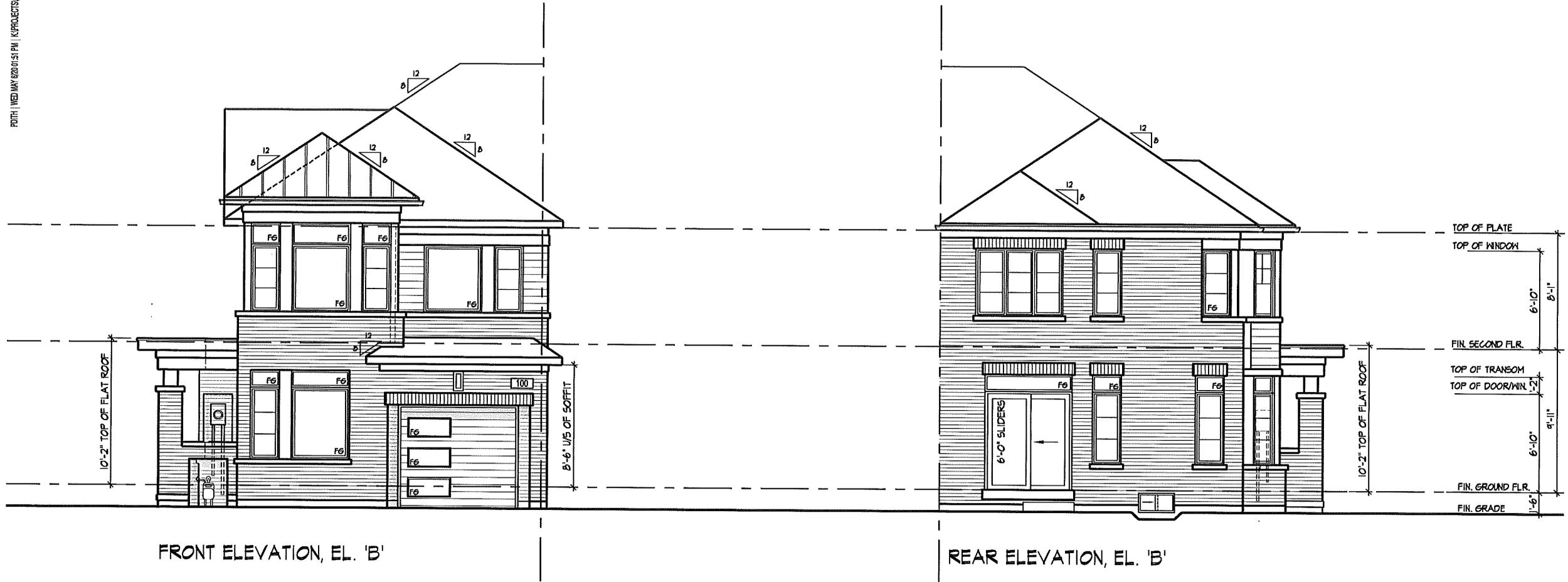
BASEMENT PLAN, EL. 'B'
0 SF.

PDTH | WED MAY 6 20:01:51 PM | K:\PROJECTS\219017\CACHET\DESIGN\TOWNSHIP\219017DSD2107-CORNER.DWG
 REV. AUG 7/19 PD
 REV. SEPT 20/19 SSR



FLANKAGE ELEVATION, EL. 'B'

P0111 | WED MAY 02 01:51 PM | K:\PROJECTS\219017\CACHET\DESIGN\TOWNS\219017S2107-CORNER.DWG
 REV. AUG 7/19 PD
 REV. SEPT 2/19 SSR



FRONT ELEVATION, EL. 'B'

REAR ELEVATION, EL. 'B'



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

RECEIVED

FOR OFFICE USE ONLY.		MAY 15 2020
APPLICATION NO. <u>GLA 20:109</u>	DATE APPLICATION RECEIVED	<u>COM OF ADJUSTMT</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE	_____
SECRETARY'S SIGNATURE _____		

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Cachet MDRE (Mount Hope) Inc. Telephone No _____

2. _____

3. Name of Agent Michael Hannay, MBTW Telephone No _____

4. _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Canadian Imperial Bank of Commerce: 565 Bay St, Suite 500,
Toronto, ON Postal Code M5G 2C2

Postal Code _____

Note: All reference to lot numbers are references to lot numbers on approved approved draft plan of subdivision # 25T-200723

6. Nature and extent of relief applied for:

- Lots 24 and 113: To permit a Minimum Rear Yard of 6.0m, whereas the zoning by-law requires 7.0m.
- Lot 205: To permit a minimum side yard of 2.25m for a corner lot abutting a flanking street, whereas the zoning by-law requires 3.0m

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

Lot 24: With the front lot line being along a radius and the rear lot line being non-perpendicular to the side lot lines, we are unable to design a unit that fits within the rear yard requirement and maintains floor plan functionality. Lot 113: Unit must be rotated for driveway functionality. The slight rotation causes the rear corner of the unit to encroach into the required rear yard setback. The unit cannot be flipped to site the driveway along other lot line as this would cause an encroachment of the unit into the required 1.2m side yard. Lot 205: Due to the alignment of the flankage street line, the lot is more narrow at the front than at the back. Corner unit model encroaches slightly into the exterior side yard near the front of the lot. Altering the unit footprint to be within the required 3.0m exterior side yard would require major and undesirable revisions to the unit floor plans on two levels of the house.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Address: 9255 Airport Road, Hamilton (Mount Hope)
Legal Description: PART OF LOT 4, CONCESSION 5 REGISTERED PLAN 62R-16543 TOWNSHIP OF GLANFORD CITY OF HAMILTON.

Lots 24, 113 and 205 on approved draft plan of subdivision # 25T-200723

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial _____
 Agricultural Vacant _____
 Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Phase 1 Environmental Site Assessment Report by Soil-Mat Engineers & Consultants Ltd., dated January 12, 2017.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. N/A

Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 6, 2020

Date



Signature Property Owner

Cachet MDRE (Mount Hope) Inc. (Ramsey Shaheen)

Print Name of Owner

10. Dimensions of lands affected:

Frontage See attached plans
Depth See attached plans
Area See attached plans
Width of street See attached plans

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: N/A

Proposed: See attached plans

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

Existing: N/A

Proposed: See attached plans

13. Date of acquisition of subject lands:
January 10, 2019
14. Date of construction of all buildings and structures on subject lands:
Buildings not yet constructed
15. Existing uses of the subject property: Agricultural
16. Existing uses of abutting properties: North: Residential & Agricultural; West: Agricultural; South: Agricultural; East: Residential
17. Length of time the existing uses of the subject property have continued:
The subject property has always been agricultural
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|------------------|-----------|--|
| Water | <u> X </u> | Connected | <u>Will connect when homes are built</u> |
| Sanitary Sewer | <u> X </u> | Connected | <u>Will connect when homes are built</u> |
| Storm Sewers | <u> X </u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
Official Plan: Neighbourhoods
Mount Hope Secondary Plan: Lots 24 & 113 Designation: Low Density Residential 2, Site Specific Policy Area E; Lot 205 Designation: Low Density Residential 2C, Site Specific Policy Area F.
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Approved By-Law No. 18-014 zones lots 24 & 113 as R4-218(A) which requires a minimum rear yard of 7.0 metres, from which we are requesting relief to allow 6.0m
The By-law also zones lot 205 as RM2-194(A) which requires a minimum side yard of 3.0m for a corner unit abutting a flanking street, from which we are requesting relief to permit 2.25m
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
Approved Official Plan Amendment and Zoning By-law Amendment Applications to permit the uses currently contemplated for the property.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

MAY 12 2020

**PLANNING JUSTIFICATION LETTER –
LANCASTER HEIGHTS MINOR VARIANCE APPLICATION****Date: May 5, 2020****To: Secretary-Treasurer**
Committee of Adjustment
Planning and Economic Development Department
5th, Floor 71 Main Street West
Hamilton, ON, L8P 4Y5**Re: Planning Justification Letter – Lancaster Heights Minor Variance Application**

Dear Committee

This Planning Justification Letter is for the Lancaster Heights Community in the City of Hamilton. This Planning Justification letter is in support of a Minor Variance to three lots in the Lancaster Heights Community. This Planning Justification Letter provides an introduction to the subject lands and description of the proposed development, a review of the requested minor variances, and an analysis of the four main criteria for evaluating a minor variance.

1.0 INTRODUCTION

The Lancaster Heights Community is bound by Airport Road West to the north, an existing subdivision to the east, White Church Road West to the south and agricultural lands to the west, which have been identified as being within the Airport Employment Growth District Secondary Plan area. Highway 6 intersects the subject lands and separates the lands into two parts. The majority of the lands are within the Mount Hope Secondary Plan area, as shown in Figure 1.

The Lancaster Heights Community will be a complete community, providing a balance of services and facilities to meet the needs of people at all stages of life. The community will consist of a predominately residential character with a proposed commercial development to the north, adjacent to the proposed secondary school. A neighbourhood park is proposed at a central location within the community. The lands located to the west of Highway 6 are proposed to be used as a storage pond that will accommodate stormwater resulting from major events. The Lancaster Heights Community is integrated with the existing Mount Hope neighbourhood to the east by connecting with Provident Way and Rosebury Way.

Housing typologies within the proposed development include single-detached homes, conventional townhouses, stacked decked townhouses, back-to-back townhouses, and back-to-back stacked townhouses. The medium density built form is proposed and strategically located at the northern extent of the site, in proximity to Airport Road West, the commercial property to the north, and potential future transit routes.

The Lancaster Heights Community once complete will consist of up to 647 units of which 207 are single-detached dwellings. This Planning Justification Letter and the proposed Minor Variance Applications focus specifically on only three single-detached lots as it relates to a rear yard or exterior side yard setbacks. More detail with regards to the requested minor variance to these three lots can be found in Section 2 below.

MINOR VARIANCE REVIEW

1.1 Requested Variances

A minor variance for three lots within the Lancaster Heights Community is requested to allow for the intended built form as planned throughout the remainder of the community to be implemented. The below identified lots and figures provide a brief description and illustrate the extent of each minor variance requested.

Lot 24 – Reduce the rear yard setback from 7.0 metres to 6.0 metres

Please refer to attached drawings

Lot 113 – Reduce the rear yard setback from 7.0 metres to 6.0 metres

Please refer to attached drawings

Lot 205 – Reduce the exterior side yard setback from 3.0 metres to 2.25 metres

Please refer to attached drawings

1.2 Is the variance minor?

The following list describes why the reduction of two rear yard setbacks from 7.0 metres to 6.0 metres is minor:

- Two lots represent less than 1% of all the single detached lots within the community plan.
- The lots are not located next to each other therefore not contributing to a geographical grouping.
- Both reduced rear yards do not have any exposure to a public street or public amenity area such as a park or walkway block. Public views will not be impacted.
- The reduction is not intended increase the building size. It allows for the same product and floorplans as proposed to be built elsewhere in the community including directly adjacent to be consistent.
- As can be seen in the attached drawings the requested reduction in the rear yard setback of Lots 24 and 113 is intended to allow only a small portion of the rear of the building envelope to come closer to the rear property line
- A 1.0m reduction still provides a useable and appropriate amount of rear yard amenity space.

The following list describes why the reduction of one exterior side yard setback from 3.0 metres to 2.25 metres is minor:

- One lot represents less than 0.5% of all the single detached lots within the community plan
- The lot is not located on a primary street
- The exterior side yard is not directly visible from a primary streetscape
- The exterior side yard is not located at the view terminus or intersection of any street
- All visibility daylight triangles are still maintained in accordance with engineering standards
- The narrowest point of exterior side yard is 2.25 metres located just at the front of the building due to the lots irregular shape. The exterior side yard continues to increase all the way to the rear property line
- The reduction is not intended increase the building size. It allows for the same product and floorplans as proposed to be built elsewhere in the community including directly adjacent to be consistent.

1.3 Is the variance desirable for the appropriate development or use of the land, building or structure?

The requested minor variances are desirable and appropriate. The requested minor variances will allow houses to be built on the identified lots that will be designed and constructed in a fashion that will be consistent with the neighbouring houses that will be built within the same approved Draft Plan of Subdivision. In all three cases, the minor variances are being requested to deal with minor inconsistencies and irregularities in the geometry of these three lots within the Draft Plan. The requested minor variances will not have an adverse impact on the neighbouring existing or future homes within the neighbourhood.

1.4 Does the proposal maintain the general intent and purpose of the Zoning By-law?

The requested minor variances maintain the general intent and purpose of the Zoning By-law and the houses that are proposed to be constructed on these three lots will comply fully with all other specific requirements of the Zoning By-law. The requested variances in each case will allow only one small portion of the building envelopes of each house to move a modest distance closer to the relevant property lines that the By-law allows. Granting the requested minor variances will allow the construction of three new homes that will fulfill the intent of the Zoning By-law and the design of the approved draft plan of subdivision.

1.5 Does the proposal maintain the general intent and purpose of the Official Plan?

Granting the requested minor variances will allow for the construction of three new houses that will be consistent in design, appearance, and function of the other new homes that will be constructed within the neighbourhood and will not have a negative impact on existing and future homes within the neighbourhood. The requested minor variances will allow for the construction of three new homes that will conform to the intent and purpose of the Official Plan.

2.0 ANALYSIS AND CONCLUSION

The Lancaster Heights Community promotes efficient development and the creation of a compact and complete community. The requested minor variances do not alter the community vision, or the original intent of the approved built form and any public exposure viewpoints associated with them. It is our professional opinion, that the requested minor variances for Lots 24, 113, and 205, in the Lancaster Heights Community constitutes good planning and meets the four main criteria (test) for the evaluation of a minor variance application.

Regards,



Michael C. Hannay B.E.S., B.Arch., MRAIC, MCIP, RPP
Principal, MBTW|WAI



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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-20:110

APPLICANTS: Owner: Bruno Ruberto

SUBJECT PROPERTY: Municipal address **53 Blenheim Dr., Stoney Creek**

ZONING BY-LAW: Zoning By-law 3692-92, as Amended

ZONING: R7 (Residential) district

PROPOSAL: To accommodate cantlevered bump-outs along the front facade and rear wall for a two (2) storey dwelling under construction notwithstanding that:

1. The minimum front yard shall be 2.3 metres instead of the minimum required 2.6 metres.
2. The minimum rear yard shall be 4.2 metres instead of the minimum required 4.5 metres.
3. The minimum width of manoeuvring spaces for the separate driveways accessible from Blenheim Drive shall be 2.6 metres instead of the minimum required 6.0 metres.

NOTES:

1. The variances are written as requested by the applicant.
2. The property was the subject of Minor Variance Application SC/A-18:163 and was created through Consent Application SC/B-18:62. Application SC/A-18:163 allowed for the reduction of the front yard and rear yard. The current application is required to address additional variances that were identified.
3. As the proposed bump-outs will create additional gross floor area, they are considered part of the dwelling rather than projections.
4. The plans did not show the parking spaces. The owner has confirmed that the parking will be within the garage and the second driveway within the southerly side yard.
5. Elevations were not provided for the application. Additional photos to illustrate the nature if the variances were provided by the owner.

SC/A-20:110
Page 2

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:40 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

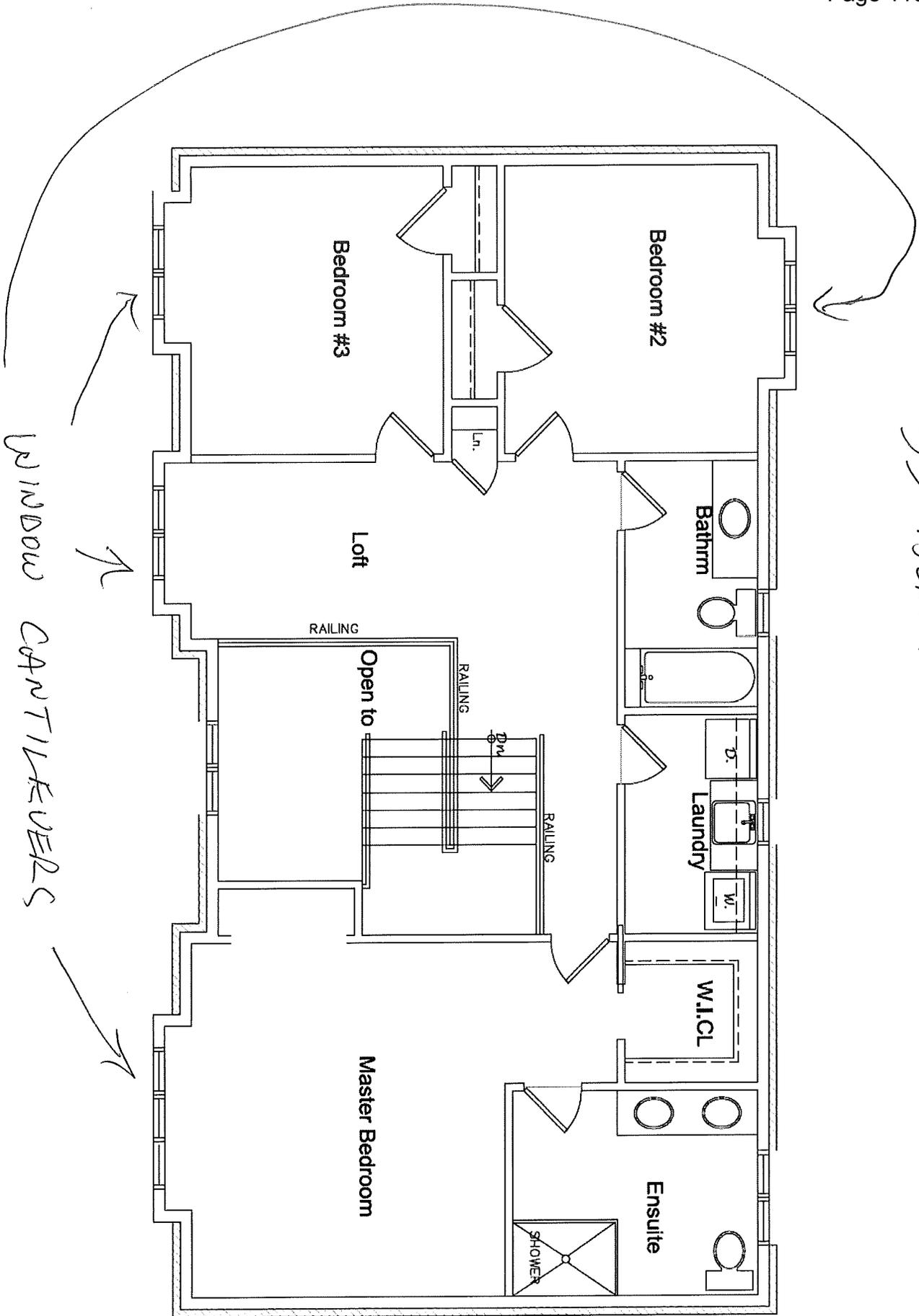
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

53 RUDHEIM DRIVE





Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

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DEPARTMENT.**

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MAY 29 2020

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

COM OF ADJUSTMT

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner BRUNO RUBERTA Telephone No. _____
- _____
- _____
- _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

① DRIVEWAY MANOUEVERING SPACE
② ALLOW FOR WINDOW CANTILEVERING

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

LOT WILL NOT MEET MINIMUM
LAND REQUIREMENT

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

53 BLENDHEIM DRIVE
STONEY CREEK, ONTARIO, L5E 1W3

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ___ No ___ Unknown ___

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No ___ Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No ___

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

 Date

 Signature Property Owner

 Print Name of Owner

10. Dimensions of lands affected:

Frontage 20.36 METRES
 Depth 15.24 METRES
 Area _____
 Width of street 8.8392 METRES

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: EMPTY LOT

Proposed: 2- STOREY HOUSE

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

Existing: _____

Proposed: 2 - STOREY FAMILY HOME

13. Date of acquisition of subject lands:
SEPTEMBER, 2019

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: VACANT LOT

16. Existing uses of abutting properties: RESIDENTIAL

17. Length of time the existing uses of the subject property have continued:
60 YEARS

18. Municipal services available: (check the appropriate space or spaces)

Water Connected

Sanitary Sewer Connected

Storm Sewers

19. Present Official Plan/Secondary Plan provisions applying to the land:
NEIGHBORHOODS SCHEDULE E-1 E-1
LOW DENSITY RESIDENTIAL

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
R6 STONEY CREEK ZONING BYLAW

21. Has the owner previously applied for relief in respect of the subject property?

Yes

No

If the answer is yes, describe briefly.

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

Yes

No

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: GL/A-20:99

APPLICANTS: Owner: 1121209 Ontario Inc.
 Agent: Bousfields Inc. c/o D. Falletta

SUBJECT PROPERTY: Municipal address **2064 Rymal Rd. E., Glanbrook**

ZONING BY-LAW: Zoning By-law 464, as Amended

ZONING: C3-301 (General Commercial "C3") district

PROPOSAL: To permit an increase to the maximum seating capacity for a Fast Food Restaurant and a Standard Restaurant and to permit a reduced parking rate, notwithstanding,

1. A maximum seating capacity of 120 persons shall be permitted for both a Fast Food Restaurant and a Standard Restaurant instead of the maximum seating capacity of 30 persons for both a Fast Food Restaurant and a Standard Restaurant; and,
2. Parking at a rate of a minimum of one (1) space for every 32 square metres shall be permitted instead of the minimum required parking rate of one (1) parking space for every 24 square metres.

NOTES:

1. The applicant has advised no modifications are proposed to final approved site plan SPA-19-085, which was approved to permit the development consisting an oil and lube service station, a manual motor vehicle washing establishment, an automatic motor vehicle washing establishment, and a multi-tenant commercial building.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020
TIME: 1:45 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

GL/A-20:99
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

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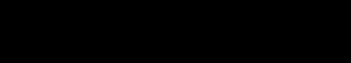
FOR OFFICE USE ONLY.	
APPLICATION NO. <u>GL/A 20.99</u>	DATE APPLICATION RECEIVED <u>APR. 17/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner 1121209 Ontario Inc. T 
- 
- Name of Agent Bousfields Inc. c/o David Falletta T 
- 

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
Increase seating capacity for a standard restaurant to 120 seats and 119 parking spaces are to be required for the maximum permitted GFA of 3,735 m2 including a standard restaurant
7. Why it is not possible to comply with the provisions of the By-law?
Restaurant will have more than 30 seats and site size restricts amount of parking able to be provided

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Part of lot 4 Block 4, Concession 1 Geographic Township of Binbrook in the City of Hamilton
2064-2080 Rymal Road East

9. PREVIOUS USE OF PROPERTY

Residential _____ Industrial _____ Commercial X _____
 Agricultural _____ Vacant _____
 Other _____

- 9.1 If Industrial or Commercial, specify use
Restaurant
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes X No _____ Unknown _____
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No X Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No X Unknown _____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No X Unknown _____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes _____ No X Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No X Unknown _____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes _____ No X Unknown _____
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes _____ No X Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No X Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Speaking with owner and historical knowledge of property

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes X No _____

- Restaurant - Grocery Store

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Feb 24th 2020
Date



Signature Property Owner

1121209 Ontario Inc.
Print Name of Owner

10. Dimensions of lands affected:

Frontage 162 m
Depth 95.4 m
Area 1.6 ha
Width of street 35 m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Restaurant to be demolished

Proposed: Commercial structure totaling 1485m2 subject to SPA-19-085

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

Existing: Please see attached site plan

Proposed: Please see attached site plan

13. Date of acquisition of subject lands:
+- 30 years _____
14. Date of construction of all buildings and structures on subject lands:
+- 40 years _____
15. Existing uses of the subject property: Commercial

16. Existing uses of abutting properties: Residential and Commercial/Residential mix-use

17. Length of time the existing uses of the subject property have continued:
Existing grocery store converted to proposed carwash and retail

18. Municipal services available: (check the appropriate space or spaces)
Water X _____ Connected X _____
Sanitary Sewer X _____ Connected X _____
Storm Sewers ditch/covert _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Local Commercial - Site Specific A - Rymal Road Secondary Plan

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
General Commercial - C3 - Glanbrook By-law

21. Has the owner previously applied for relief in respect of the subject property?
Yes No
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

BOUSFIELDS INC.

Project No. 2045

April 14, 2020

Morgan Evans
Committee of Adjustment
City of Hamilton – Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Evans:

Re: *Minor Variance Application*
2064-2080 Rymal Road East, Hamilton

Overview

On behalf of our client, 1121209 Ontario Inc., the owners of the property municipally known as 2064-2080 Rymal Road East (the “subject site”), we are pleased to submit this Minor Variance application in order to increase the maximum seating capacity of 30 persons for a fast food and standard restaurant that currently applies to the subject site to a 120-seating capacity for a fast food and/or standard restaurant, as well as to reduce the required parking spaces for a shopping centre and a 120-seat restaurant from 141 to 119. In support, the following will provide an overview of the background, description of site and surrounding, the proposed minor variances, and our planning opinion.

Background

On August 12, 2016, Hamilton City Council approved amendments to the Urban Hamilton Official Plan (the “UHOP”) and Glanbrook Zoning by-law No. 464 and passed by-law’s 16-234 and 16-235. By-law 16-234 adopted Official Plan Amendment No. 63 to the UHOP to amend the existing site-specific policy that applies to the subject site, while By-law No. 16-335 rezoned the subject site to a site specific General Commercial C3-301 zone. Of particular note, UHOPA No. 63 modified the list of permitted uses to permit, among other uses, restaurants. This modification removed the previous maximum seating capacity of 30 persons. However, the C3-301 zoning maintained the seating capacity restriction of 30 persons for fast food and standard restaurants.

BOUSFIELDS INC.

Based on discussions with Planning staff and our review of the Staff Report (PED16165) associated with the above related re-zoning, it appears that the intent of restricting restaurants to 30 seats is to address potential parking issues. In this regard, page 31 of the staff report states:

“...In addition, restaurant uses can also be high traffic generating uses. The existing zoning on the subject lands restrict restaurants to a maximum seating capacity of 30 persons. It is proposed to continue this restriction for restaurants and fast-food restaurants. With these restrictions in place the parking ratio of one space for every 24 sq. m of gross floor area for the permitted commercial areas has merit and can be supported.”

It is our opinion that the purpose and intent of this provision is to ensure that there is adequate parking on the subject site.

It is also important to note that Site Plan Application SPA-19-085 for the redevelopment of the subject site has received final approval (see Attachment 1) and is under construction.

Site and Surroundings

The subject site is comprised of a generally rectangular shaped parcel of land with an area of approximately 1,600 metres square (1.6 hectares) located along the south side of Rymal Road East between Second Road West to the east and Fletcher Road to the west. The subject site has frontage of 162 metres along Rymal Road East and a depth of 95.4 metres. As noted above, the site has been approved for four buildings comprising of one 266.25 square metre oil and lube service garage, one 324.56 square metre manual 6- bay car wash, one commercial building including a 857.2 square metre automated car detailing establishment and 5 individual commercial units totaling 891.09 square metres, and one 1,485.9 square metre retail building.

The subject site is located along a *Major Arterial* road and within the Rymal Road Secondary Plan Area, an area generally bounded by Rymal Road to the north, Trinity Church Road to the west, Swayze Road to the east and the hydro corridor to the south. In terms of surrounding land uses, there are low rise residential townhouses to the south, Eramosa Karst Conservation area to the north (across

BOUSFIELDS INC.

Rymal Road, a new one-storey commercial retail building to the east located at 8 Kingsborough Drive, and a water hauling business to the west.

Requested Minor Variance

The proposed Minor Variance application seeks to increase the maximum 30 persons seating capacity of a fast food and/or standard restaurants, in order to permit a standard restaurant with a maximum seating capacity of 120 persons to occupy a portion of the approved and under construction buildings (2080 Rymal Road East) on the subject site and to allow for a reduction in required parking from 141 to 119 parking spaces. In this regard, the ownership group has been approached by a standard restaurant to lease a portion of one of the approved buildings on the subject site.

The variance being sought in support of the proposal is as follows:

- 1. Section 44 of Zoning By-law 464, as amended**
That a 120-seat standard restaurant shall be permitted on the lands zoned C3-301 and municipally known as 2064 to 2080 Rymal Road East, whereas the by-law permits a standard restaurant with a maximum seating capacity of 30 persons.
- 2. Section 44 of Zoning By-law 464, as amended**
That 119 parking spaces are required for the maximum permitted gross floor area of 3,735 square metres, including a standard restaurant with a maximum seating capacity of 120 persons.

Planning Analysis

Section 45(1) of the *Planning Act* authorizes the Committee of Adjustment the authority to grant a minor variance from the provisions of the by-law, in respect of the land, building or structure, or the use thereof, if, in its opinion, it meets the following four tests:

- 1. Maintaining the general intent and purpose of the Official Plan*

The subject site is designated *Local Commercial Site-Specific Policy A* within the Rymal Road Secondary Plan as shown on Map B.5.2.-1 in Volume 2 of the UHOP. In addition to the permitted uses within the *Local Commercial* land designation

BOUSFIELDS INC.

within the Rymal Road Secondary plan, Site Specific Policy – Area A permits a broad range of additional commercial uses for the subject site. In addition, UHOPA No. 63 removed all seating capacity restrictions for restaurants that previously applied to the subject site and permits the proposed standard restaurant. As the proposal seeks to develop the subject site for a use that is permitted by the Official Plan and Rymal Road Secondary Plan, it is our opinion that the proposal maintains the general intent and purpose of the Official Plan.

2. Maintaining the general intent and purpose of the Zoning By-law

As mentioned above, the applicable zoning for the subject site was amended in 2016 through the adoption of By-law 16-235 which carried forward the restriction of a 30-person seating maximum for a fast food and standard restaurant. By-law 16-235 also amended the parking provisions for the subject site to a minimum of 1 parking space for every 24 square metres of gross floor area for the permitted commercial uses and no parking for the permitted motor vehicle uses. The approved site plan (see Attachment 1) includes the following:

- 1,295.96 square metres of Motor Vehicle uses;
- 2,376.99 square metres of commercial uses;
- 99 required parking stalls; and,
- 119 provided parking stalls

As outlined above, it is our opinion that the purpose and intent of the Zoning By-law is to restrict the seating capacity for standard and fast food restaurants in order to ensure there is sufficient parking on-site.

A Parking Justification Study prepared by Crozier Consulting Engineers, dated March 2020, was prepared in support of the application (see Attachment 2). The report concluded that the estimated parking demand for the proposed commercial uses and 120 seat standard and/or fast-food restaurant would range from 83 parking spaces on a weekday to a maximum of 114 parking spaces on a Friday, which would be assumed peak demand. The study found that the proposed 119 parking spaces is expected to be sufficient for both the commercial uses and the 120-seat restaurant and provides a surplus of 5 parking spaces at peak demand.

It is also important to note that the subject site was never brought into By-law 05-200 through the Commercial and Mixed-Use Zoning. If it were, it is assumed that it would be rezoned to the C3 zone, similar to the south-east corners of Rymal

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Road East and Trinity Church Road, Dakota Boulevard, and Fletcher Road, all of which are also designated "Local Commercial" with a site specific policy in the Rymal Road Secondary Plan. It is important to note that all of these sites permit a standard restaurant with no seating capacity restrictions.

Furthermore, the south-east corner of Rymal Road East and Fletcher Road is zoned C3 with special exception 335, which permits a full range of uses including a restaurant (with no seat restrictions). Furthermore, it has been modified (through exception 335) to permit a minimum parking ratio of 1 space per 18 sq. m. of gfa for all uses. It is our understanding that this parking reduction (as well as other modifications) was facilitated through minor variance application GL/A-13:168. The parking reduction did not require a parking study from a transportation engineer. It appears that this variance was carried forward when this site was brought into the new CMU zone. It is also our understanding that there are no parking issues at that site.

Based on the foregoing, it is our opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law as sufficient parking is being provided on site and the proposed 119 parking spaces are appropriate and in line with other nearby sites.

3. Desirable and appropriate for the development of the land

It is our opinion that the variances being requested are desirable and appropriate for the development of the land as it will allow for the subject site to be developed to accommodate a use that is planned for, since it's permitted by the site specific Official Plan policy framework, and can function with sufficient parking that is similar to and provides more parking than other similar *Local Commercial* sites in the area.

4. Minor in nature

In our opinion, the requested variances are minor in both a quantitative and qualitative perspective. Minor can not only be contemplation through a numerical calculation, but also based on an analysis and potential impact the subject site or surrounding area may be exposed to. In this regard, the increase of the maximum seating capacity to 120 persons for a standard restaurants is minor in nature, since it is a permitted use in the UHOP and is still restricted in order to ensure sufficient vehicular parking. Additionally, the reduction in the required parking spaces is

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minor in nature since the proposal is still providing an adequate amount of parking for the commercial uses and the 120-seat restaurant.

In terms of impact, as identified through the attached parking study, the subject site will be able to adequately accommodate on-site the parking demand that will be generated by the commercial and restaurant uses and will not negatively affect the subject site or the surrounding area. Accordingly, it is our opinion that the proposed minor variances are minor and should be supported.

Summary Opinion

Based on the foregoing, it is our opinion that the requested variances satisfies the four-part test set out in the Planning Act and we respectfully respect that the Committee of Adjustment approve the application.

We trust that the foregoing is satisfactory. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned or Joe Buordolone of our office at 905-549-3005.

Yours very truly,
Bousfields Inc.

A handwritten signature in black ink, appearing to be 'D. Falletta', written in a cursive style.

David Falletta, MCIP, RPP

jb/DF:jobs

Attachments (2)

Cc: Y. Rybensky, City of Hamilton (via e-mail)
S. Robichaud, City of Hamilton (via e-mail)

PARKING JUSTIFICATION STUDY

2070 RYMAL ROAD EAST

CITY OF HAMILTON

PREPARED FOR:

1121209 ONTARIO INC.

PREPARED BY:

**C.F. CROZIER & ASSOCIATES INC.
2800 HIGH POINT DRIVE, SUITE 100
MILTON, ON L9T 6P4**

MARCH 2020

CFCA FILE NO. 1001-3961

The material in this report reflects best judgment in light of the information available at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the responsibilities of such third parties. C.F. Crozier & Associates Inc. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

CROZIER
CONSULTING ENGINEERS

1121209 Ontario Inc.
2070 Rymal Road East, City of Hamilton

Parking Justification Study
March 2020

Revision Number	Date	Comments
Rev.0	March 2020	Issued for Client Review

1.0 Executive Summary

C.F. Crozier & Associates Inc. was retained by 1121209 Ontario Inc. to complete a Parking Justification Study for a proposed commercial redevelopment located at 2070 Rymal Road East in the City of Hamilton. The Parking Justification Study has been created to support a 120 seat restaurant comprised of a Gross Floor Area (GFA) of 3,900 ft². This proposed restaurant is to replace retail space on the property.

The development proposal includes a supermarket, retail uses, quick lubrication vehicle shop, self-service car wash, automated car wash, and automated car detail uses.

The subject lands cover an area of approximately 1.6 ha and are currently zoned for general commercial uses. Per the site plan dated March 3, 2018, it is proposed that 1,358 m² of the total GFA be used for automotive uses and 2,376 m² be used for commercial uses. A total of 119 parking spaces have been provided for commercial uses and 9 parking spaces have been provided automotive uses. The updated project proposal is for conversion of 362 m² of commercial use to a restaurant use.

The purpose of this study is to assess the parking requirements associated with the proposed change in land use for part of the development and to determine the sufficiency of the proposed parking supply to meet the forecasted demand at full occupancy, and support a variance for relief from the City's parking requirements

Based on the ITE Parking Generation, a maximum peak parking supply of 112 spaces which occurs during Saturday peak hours is required. The site plan proposes 119 spaces in total for the commercial and restaurant uses of the development, which is sufficient based on the above information.

Therefore, the parking supply at the proposed development can be supported from a transportation perspective. The forecasted peak parking demand can be accommodated by the proposed 119 parking spaces supplied at the site.

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Figure 1: Site Plan

2.0 Introduction

C.F. Crozier & Associates Inc. (Crozier) was retained by 112109 Ontario Inc. to complete a Parking Justification Study in support of a Zoning By-Law Amendment Application to the City of Hamilton for the proposed commercial development building located at 2070 Rymal Road East.

The purpose of this study is to assess the parking requirements associated with the proposed change in land use for part of the development and to determine the sufficiency of the proposed parking supply to meet the forecasted demand at full occupancy, and support a variance for relief from the City's parking requirements.

3.0 Existing Conditions

The subject property is currently designated as "General Commercial (C3-301)," according to the Glanbrook's By-Law 16-235. The property, located in a mixed residential/commercial neighbourhood, is bounded by Kingsborough Drive to the east, residential properties to the west and south, and Rymal Road East to the north. Figure 1 contains a key map of the site location.

3.1 Existing Transit Facilities

Limited transit facilities exist along the boundary road network nearing the site. Two bus stops are located in the vicinity of the proposed development. Bus stops and transit routes have been listed below:

3.1.1 Rymal Road Eastbound @ Kingsborough Drive

Route 44 operates from 6:09 a.m. to 1:11 a.m. and travels eastbound from Ancaster Business Park along Rymal Road, ending the route at the Confederation GO Station terminal. Route 44 stops multiple locations on eastbound such as Tradewind at Wilson, Rymal at Upper Wentworth and Eastgate Terminal Platform 1.

3.1.2 Rymal Road Westbound @ Kingsborough Drive

Route 44 operates from 5:32 a.m. to 1:05 a.m. and travels Westbound from Confederation GO Platform 4 along Rymal Road, ending the route at the Ancaster Business Park. Route 44 stops multiple locations on westbound such as Upper Centennial at Mud, Rymal at West 5th and Sandhill at Osprey.

Hamilton Transit Map excerpts can be seen in Appendix B.

4.0 Development Proposal

The subject lands cover an area of approximately 1.6 ha and are currently zoned for general commercial uses. Per the site plan dated March 3, 2018, it is proposed that 1,358 m² of the total GFA be used for automotive uses and 2,376 m² be used for commercial uses. A total of 119 parking spaces have been provided for commercial uses and 9 parking spaces have been provided automotive uses. The updated project proposal is for conversion of 362 m² of commercial use to a restaurant use.

5.0 Parking Requirements

5.1 Zoning By-Law Parking Requirements

Glanbrook's Zoning By-Law 16-235 (Parent By-Law 464) 'Sub-Section 7.35: Minimum Parking Requirements' was reviewed. Relevant Excerpts are provided in Appendix A. The parking rates and the detailed calculations for retail and restaurant uses are summarized in Table 1.

Table 1: Glanbrook Zoning By-Law 464 Parking Requirements

Type of Use	GFA/Seating Capacity	Parking Criteria	Parking Required	Parking Spaces Provided	Surplus/Deficit
Commercial	21678.52 ft ²	5.5 spaces per 100 square metres (1,075 square feet) of GFA or fraction thereof.	111	119	-22
Restaurant	120 people	1 space for each 4 person that can be accommodate at any one time	30		

Based on the proposed GFA of 2014 square metres for retail and a maximum seating capacity of 120 people for a restaurant, this zoning by-law requirement suggests that the proposed retail developments would require a combined total of 111 parking spaces and 30 spaces for a restaurant. Based on the current zoning by-law requirements and the proposed parking supply of 119 spaces, the site is considered to be deficient by 22 parking spaces. Note that this is not a conventional Shopping Centre, but a small scale centre without any potential for larger uses, such as places of entertainment or cinemas.

5.2 ITE Parking Generation

The parking generation of the proposed retail and restaurant uses can be calculated using the Institute of Transportation Engineers (ITE) Parking Generation Manual 5th Edition, under Land Use Category 820 "Shopping Centre" and 932 :High Turnover (Sit Down Restaurant). As outlined in Table 2 below, the estimated parking demand ranges from 83 parking spaces on weekdays to a maximum of 114 parking spaces on Friday, the Site Plan proposes 119 parking spaces have been provided, which will be sufficient based on the ITE Parking Generation.

Table 2: ITE Parking Generation

Use	Peak Period	Avg. Peak Period Parking Demand	Spaces Required	Parking Provided	Difference
Shopping Centre Code 820 (21, 678.52 ft ² GFA)	Non-Friday Weekday	1.95 vehicles per 1,000 ft ²	43	119	+5 spaces
	Friday	2.61 vehicles per 1,000 ft ²	57		
	Saturday	2.91 vehicles per 1,000 ft ²	64		
High-Turnover (Sit Down) Restaurant – Family Code 932 (3900 ft ² GFA)	Non-Friday Weekday	9.44 vehicles per 1,000 ft ²	37		
	Friday	11.33 vehicles per 1,000 ft ²	45		
	Saturday	12.28 vehicles per 1,000 ft ²	48		
High-Turnover (Sit Down) Restaurant – Family Code 932 (120-Seating)	Non-Friday Weekday	0.33 vehicles per Seat	40		
	Friday	0.47 vehicles per Seat	57		
	Saturday	0.34 vehicles per Seat	41		
Maximum Spaces Required on Non-Friday Weekday			83		
Maximum Spaces Required on Friday			114		
Maximum Spaces Required on Saturday			112		

6.0 Conclusions

The proposed development at 2070 Rymal Road East, Hamilton, requires a total of 141 spaces for its proposed commercial and restaurant uses, according to the Glanbrook Zoning By-Law 464. The site plan dated March 3, 2018, proposes a total of 119 parking spaces, resulting in a deficit of 22 parking spaces when compared with the Glanbrook Zoning By-law.

The site proposes a total of 119 parking spaces, which is expected to be sufficient for both commercial and restaurant uses.

Based on the ITE Parking Generation, a maximum peak parking supply of 114 spaces which occurs during Friday peak hours is required. The site plan proposes 119 spaces in total for the commercial and restaurant uses of the development, which is sufficient based on the above information.

Therefore, the parking supply at the proposed development can be supported from a transportation perspective. The forecasted peak parking demand can be accommodated by the proposed 119 parking spaces supplied at the site.

Respectfully submitted,

C.F. CROZIER & ASSOCIATES INC.



Kavleen Sachdeva, E.I.T.
Transportation

C.F. CROZIER & ASSOCIATES INC.

R. Aaron Wignall
Associate, Transportation

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APPENDIX A

Relevant Zoning By-Law Excerpts

- (i) Building paper, tar paper, unfinished or untreated chipboard and plywood; and
 - (ii) Except in the case of a non-residential building or structure in an Agricultural Zone, plain corrugated iron and unfinished galvanized sheet metal.
- (b) Unfinished, unpainted and/or painted plain standard concrete block shall not be used for the exterior facia of any wall facing a street on any building or structure located within the area covered by this By-law, where that portion of the building or structure is located:
- (i) Within any Residential Zone;
 - (ii) Within 60 metres (200 feet) of a Residential Zone; or
 - (iii) Within 60 metres (200 feet) of any street.
- (c) Notwithstanding the provisions of the above Paragraph 7.34(b), plain standard concrete block shall be permitted to be used for the exterior facia of any wall facing a street on any building or structure within any Residential Zone, within 60 metres (200 feet) of a Residential Zone and/or within 60 metres (200 feet) of a street, in the following situations:
- (i) Exposed foundation walls to a maximum height of 1 metre (3.3 feet), and
 - (ii) Where the plain standard concrete block is used in conjunction with decorative concrete block, and
 - (iii) Buildings and structures as defined in Table 2.3.1A of the Ontario Building Code, O., Regulation 413/90.

7.35 **MINIMUM PARKING REQUIREMENTS**

Permanently maintained off-street parking facilities shall be provided for every building or structure erected for, altered for, or converted to, any use permitted in any Zone, and the required facilities shall be provided at the time of construction, alteration or conversion. The parking spaces required by this By-law shall be used only for the parking of operative motor vehicles bearing a currently valid motor vehicle licence plate and for vehicles normally incidental to the permitted uses for which such parking spaces are required.

(a) **General Provisions**

- (i) The minimum number of required parking spaces shall be as prescribed in Subsection 7.35 (b) of this By-law.
- (ii) If the calculation of the required parking spaces results in a fraction, the

next higher whole number shall apply, and when a building or lot has more than one (1) use, the required parking spaces shall be the sum required for the separate uses.

- (iii) The parking facilities shall be located on the same lot as the principal use.
- (iv) The parking facilities shall have adequate access from a street to permit unobstructed ingress and egress of motor vehicles. Notwithstanding the foregoing, tandem parking is permitted for single detached, semi-detached, street townhouse and block townhouse dwellings, and home occupations and home professions. (By-law # 15-070)
- (v) Each required parking space shall be permanently accessible and shall be located to avoid interfering with any loading facilities, garbage storage and collection, and any fire route.
- (vi) Access to parking spaces, except those accessory to single detached, semi-detached, street townhouse or block townhouse dwellings, shall be provided in accordance with the following provisions:
 - (a) Direct Access

Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a minimum width of 6 metres (20 feet); and
 - (b) Indirect Access

A driveway or lane which does not provide ingress or egress directly to a parking space, shall have a minimum width of 4.5 metres (15 feet) where designed for one-way vehicular circulation or a minimum width of 6 metres (20 feet) where designated for two-way vehicular circulation.
- (vii) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres (10 feet) and a minimum length of 6 metres (20 feet), exclusive of any land required for access or driveway, except where a minimum of 20 parking spaces are required to be provided on the subject lot, a maximum of thirty-five percent (35%) of the parking spaces may have a minimum width of 2.6 metres (8.5 feet) and a minimum length of 5.8 metres (19 feet), provided these parking spaces are clearly marked for small cars only. Each parking space for parallel parking shall have a minimum width of 2.75 metres (9 feet) and a minimum length of 6.5 metres (21.5 feet),

exclusive of any land required for access or driveway. Notwithstanding the above regulations, the size of the required parking spaces for the physically handicapped shall be subject to Clause 7.35(a) (xv) of this By-law.

- (viii) Any above-grade communal parking structure shall require the same setback regulations as the principal building.
- (ix) Any below-grade communal parking structure shall require a minimum side yard and minimum rear yard setback of 1.5 metres (5 feet) and shall require a minimum setback of 3 metres (10 feet) from all street lines based upon the deemed street right-of-way width as prescribed in Subsection 7.23 of this By-Law.
- (x) All parking areas shall be constructed with a stable surface, shall have adequate drainage and shall be permanently maintained.
- (xi) All parking areas required for the accommodation of more than four (4) vehicles shall have lighting sufficient in intensity and number to provide for public safety, and such lighting shall be directed away from abutting lots and streets, and the equipment shall be permanently maintained.
- (xii) Subject to the establishment of more specific and/or substantial regulations in the Regulations for the various Zones, where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres (10 feet) shall be provided and shall also include fencing to provide a solid and effective screen.
- (xiii) Subject to the establishment of more specific and/or substantial regulations in the Regulations for the various Zones, where a parking area which is required to provide for more than four (4) parking spaces abuts a street, a permanently maintained landscaped area with a minimum width of 3 metres (10 feet) shall be provided along the street line, and it shall be continuous except for driveways required for access to such parking area.
- (xiv) Where a landscaped area is required adjacent to a parking area, the landscaped area shall be curbed with continuous poured concrete and/or suitably barricaded where it abuts the parking area so as to prevent the use or encroachment of this landscaped area by parking or manoeuvring motor vehicles.
- (xv) In all Zones, parking spaces for the physically handicapped shall be assigned to the required number of parking spaces where a minimum of ten (10)

parking spaces are required, as follows:

- (A) One (1) space for each 50 required spaces up to a total of 200 required spaces, plus one (1) space for each additional 100 required spaces or part thereof.
- (B) The assigned space or spaces shall be the required spaces located nearest building entrances; each space shall have a minimum width of 3.9 metres (13 feet) exclusive of any land required for access or driveway, except where two (2) handicapped parking spaces are located together, a minimum width of 3.5 metres (11.5 feet) for each space shall be permitted; and each space shall be suitably identified for the use by the physically handicapped only.

(b) Off-Street Parking Space Requirements

The minimum number of off-street parking spaces for the following uses shall be provided as specified hereinafter:

USE	MINIMUM REQUIRED PARKING SPACES
<u>RESIDENTIAL USES</u>	
Single-detached, Semi-detached Duplex, Triplex and Street Townhouse Dwelling	2 spaces for each dwelling unit
Block Townhouse Dwelling and Apartment Building dwelling unit	2 spaces for each dwelling unit <u>plus</u> 0.5 visitor parking spaces for each
Dwelling for exclusive use by the elderly each dwelling unit	1 space for each dwelling unit <u>plus</u> 0.2 visitor parking spaces for
Dwelling unit in a commercial building	1.5 spaces for each dwelling unit
Group Homes	3 spaces for each facility

Lodging Houses 1 space for each 2 persons who may be lawfully accommodated

COMMERCIAL USES

Banks and other Financial Institutions 1 space for each 10 square metres (108 square feet) of gross floor area or fraction thereof

Beer and/or Liquor Store 1 space for each 3 square metres (32 square feet) of gross floor area or fraction thereof devoted to the public

Billiard Parlour 1 space for each billiard table

Bowling Alley 2 spaces for each lane

USE	MINIMUM REQUIRED PARKING SPACES
Business, Government or Professional Offices	1 space for each 25 square metres (270 square feet) of gross floor area or fraction thereof, with a minimum of 4 spaces
Dry Cleaning Establishments	1 space for each 20 square metres (215 square feet) of gross floor area or fraction thereof, with a minimum of 6 spaces
Fast Food Restaurant, except where located in a main building of a shopping centre	1 space for each 4 persons that can be accommodated at any one time (maximum designed capacity) or 1 parking space for each 4 square metres (43 square feet) of gross floor area or fraction thereof, whichever is greater.
Hotel or Motel	1 space for each unit, plus required parking for any restaurant, auditorium and/or meeting rooms

Laundromat (Self Service)	1 space for each 2 machines
Medical Centre	6 spaces for each physician, dentist or other health practitioner
Motor Vehicle Dealership	1 space for each 15 square metres (160 square feet) of gross floor area or fraction thereof.
Motor Vehicle Service Station, Gasoline Bar, Repair Shop or	1 space for each 10 square metres (108 square feet) of gross
Body Shop	floor area or fraction thereof, with a minimum of three (3) spaces
Motor Vehicle Washing Establishments (Manual or Self Serve)	1 space <u>plus</u> 2 car storage spaces per bay

USE	MINIMUM REQUIRED PARKING SPACES
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COMMERCIAL USES continued...

Motor Vehicle Washing Establishments (Mechanical)	1 space plus 4 car storage spaces
Standard Restaurant, Lounge, and other Eating and Drinking Establishments, except where located in a main building of a shopping centre	1 space for each 4 persons that can be accommodate at any one time (maximum designed capacity)
Retail Lumber and Building Supplies Outlet	1 space for each 30 square metres (325 square feet) of gross floor area or fraction thereof, with a minimum of 10 spaces
Retail Store and Personal Service shop	1 space for each 20 square metres (215 square feet) of gross floor area of fraction thereof, with a minimum of 4 spaces

Shopping Centre	5.5 spaces for each 100 square metres (1,075 square feet) of gross floor area or fraction thereof
Supermarket or Food Store	1 space for each 10 square metres (108 square feet) of gross floor area or fraction thereof
Take-Out Restaurant, except where located in a main building of a shopping centre	1 space for each 15 square metres (160 square feet) of gross floor area or fraction thereof, with a minimum of 4 spaces
Theatre	1 space for each 5 seats
Veterinary Service Establishment	1 space for each doctor

USE	MINIMUM REQUIRED PARKING SPACES
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INDUSTRIAL USES

Warehouse	1 space for each 90 square metres (970 square feet) of gross floor area or fraction thereof
Showrooms	1 space for each 30 square metres (320 square feet) of gross floor area or fraction thereof devoted to the showroom
Other Industrial Uses	1 space for each 45 square metres (500 square feet) of gross floor area or fraction thereof

INSTITUTIONAL, OPEN SPACE
AND MISCELLANEOUS USES

Auditorium, convention or	1 space for each meeting
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hall, community centre, sports arena, stadium, private or public athletic or recreational club, lodge, fraternity club, or any place of assembly not specified elsewhere in this Subsection	6 persons that can be accommodated at any one time (maximum designed capacity)
Cemetery	20 spaces
Church	1 space for each 10 square metres (108 square feet) of gross floor area of fraction thereof
Day Nursery	1 space for each 6 children who may be lawfully accommodated

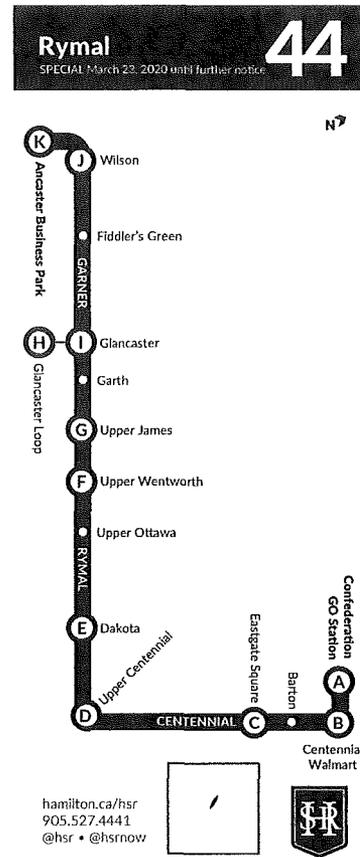
USE	MINIMUM REQUIRED PARKING SPACES
INSTITUTIONAL, OPEN SPACE AND MISCELLANEOUS USES continued...	
Funeral Home	1 space for each 20 square metres (215 square feet) or gross floor area or fraction thereof, with a minimum of 20 spaces
Golf Course	6 spaces per hole
Golf Driving Range and/or Miniature Golf Course	1.5 spaces per tee and/or hole
Museum, Art Gallery, Library or Post Office	1 space for each 45 square metres (500 square feet) of gross floor area or fraction thereof
Public or Private Elementary School or Nursery School	1.5 spaces for each classroom or teaching area
Public or Private Secondary School or Commercial School	4 spaces for each classroom or teaching area

Public or Private Hospital	1 space for each 1 patient bed
Convalescent home; rest home; home for the young, aged or blind; psychiatric hospital; nursing home; or similar institution	1 space for each 3 patient beds

APPENDIX B

Relevant Transit Maps

BUS STOP NUMBERS					
Westbound from Walmart		Westbound from Walmart		Eastbound from Ancaster Business Park	
Confederation GO Platform 4	4433	Garner Opposite Bennett's	4472	Westmount Health Cnt	2832
Walmart on Centennial	5624	Garner At Springbrook	4474	Rymal At Up Paradise	1500
Centennial At Arrowsmith	2386	Garner At Redeemer Coll./Univ.	4476	Rymal At Davinci	1501
Centennial At Barton	2386	Garner At Kitty Murray	4478	Rymal At Garth	1502
Centennial At Eastgate	2383	Garner At Southcote	4480	Rymal Opp. Hazelton	2918
Centennial At Delawana	2383	Garner At John Frederick	4419	Rymal At Westlawn/Krieghoff	2918
Centennial Opp. Vineyard	5602	Garner At Woodmount	4482	Rymal At West 5th	1528
Eastgate Terminal Platform 3	4401	Garner At Miller/Anson	4482	Opposite	
Centennial At Neil	2571	Garner At Fiddlers Green	4484	South Hamilton Square	2914
Centennial Opp. Felker	2572	Garner At Braithwaite	4486	Rymal At Upper James	1504
Centennial At Pleasant	2572	Garner At Pannabaker	4486	Rymal At Springside	1506
Centennial At Orlanda	2572	Garner At Hamilton	4486	Rymal At Up Wellington	1508
Centennial At King	4406	Garner At Shaver	4488	Rymal At Turner Park	1367
Upper Centennial		Garner At Walmart	1429	Rymal At Up Wentworth	1516
At Green Mountain	4402	McClure At SmartCentres	4441	Rymal At Arrowhead	1518
Upper Centennial At Mud	4408	Wilson At McClure		Rymal At Up Sherman	1520
Upper Centennial At Highland	4410	Wilson At Trinity Wilson	4439	Rymal At Miles	2192
Upper Centennial At		Tradewind At Wilson	4492	Rymal At Sulmona	4452
South Mount Health Centre	4412	Sandhill At Tradewind	4494	Rymal At Upper Gage	1532
Rymal At Upper Centennial	4414	At 1354 Sandhill	4494	Rymal At Derby	1534
Rymal Opposite Walmart	4416	Sandhill At Osprey	4494	Rymal At Grayrocks	1536
Rymal At Whitedeer	4416	At 1363 Osprey	4496	Rymal At Up Ottawa	1538
Rymal At Second Rd	4418	Osprey At Cormorant	4496	Rymal At Nebo	1542
Rymal Opp. Charleswood	4424	Opposite 1325 Cormorant	4498	At 1280 Rymal	1544
Rymal Opposite Celestrail Cr	4424	At 1290 Cormorant	4499	Rymal At Dartnall	1546
Rymal Opposite Fletcher	4420			Rymal At Glover	1548
Rymal Opposite Dakota	4420			Rymal Opp. Pritchard	4450
Opposite Trinity Church Rd	4422			Rymal At Trinity Church	4417
Rymal At Pritchard	4422	At 1290 Cormorant	4499	Rymal At Dakota	4415
Rymal Opposite Glover	1547	At 1325 Cormorant	4497	Rymal At Fletcher	4413
Rymal At Dartnall	1545	Osprey At Cormorant	4495	Rymal At Celestrail Cr	4411
At 1275 Rymal	1543	At 1362 Osprey	4495	Rymal At Charleswood	4411
Rymal At Nebo	1541	Osprey Opp Sandhill	4495	Rymal At Second Rd	4419
Rymal At Up Ottawa	1537	At 1349 Sandhill	4493	Rymal At Fletcher Sq.	4425
Rymal At Rockland	1535	Sandhill At Tradewind	4493	Rymal At Terryberry	4421
Rymal At Upper Gage	1531	Tradewind At Wilson	4491	Rymal At Walmart	4423
Rymal Opposite Sulmona	2187	Wilson at Duff's Corner	4442	At 2260 Rymal	4409
Rymal At Eva St.	2188	McClure at Medical Cnt	4440	Opposite South Mount	
Rymal At Upper Sherman	1523	Garner At Shaver	4487	Health Centre	4407
Rymal Opposite Arrowhead	1521	Garner Opp Hamilton	4485	Upper Centennial	
Rymal At Rymal Square Plaza	1519	Garner Opposite		At Highland	4407
Rymal At Upper Wentworth	1517	Pannabaker	4483	Upper Centennial At Mud	4405
Rymal Opposite Turner Park	2787	Garner Opposite		Centennial At	
Rymal At Upper Wellington	1509	Braithwaite	4483	Green Mountain	4404
Rymal Opposite Springside	1507	Garner At Fiddlers Green	4481	Centennial At King	4403
Rymal At Upper James	1505	Garner Opp. Anson	4479	Centennial Opposite	
South Hamilton Square	2915	Garner Opposite Miller	4479	Orlanda	2596
Rymal At West 5th St.	2917	Garner Opp. Woodmount	4477	Centennial At Pleasant	2596
Rymal At Konstantine	2917	Garner Opposite		Centennial At Felker/Neil	2598
Rymal Opposite Westlawn	2917	John Frederick	4421	Eastgate Terminal	
Rymal Opposite Hazelton	2917	Garner At Southcote	4475	Platform 1	2390
Rymal At Garth	1526	Garner Opp. Kitty Murray	4475	Centennial At Queenston	2378
Rymal At Spadara	1525	Garner Opposite		Centennial At Vineyard	2378
Rymal At Upper Paradise	1524	Redeemer Coll./Univ.	4475	Centennial At Delawana/Violet	2379
Rymal At Meadowbank	4470	Garner Opp. Springbrook	4473	Centennial At Barton	2379
Rymal Opp. Glancaster	4471	Garner At Bennett's	4473	Centennial Opp. Arrowsmith	2380
Garner Opposite Glancaster	2862	Garner Opp. Raymond	4473	Centennial Opp. Goderich	2380
Garner At Raymond	4472	Garner At Glancaster	4489	Walmart on Centennial	5618
		Glancaster Loop	2862	Confederation GO Platform 4	4433



HSR INFORMATION

The HSR does not take responsibility for errors in this document, for damages or inconveniences caused by delayed schedules or failures to make connections.

During the period between Christmas Day and New Year's Day, the HSR usually operates on a modified schedule on selected days. Some routes do not operate at all. Check our website at www.hamilton.ca/hsr during that time.

SUNDAY / HOLIDAY SERVICE - Westbound											
TIMEPOINTS	A	B	C	D	E	F	G	H	I	J	K
5 am	5:47	5:49	6:00	6:12	6:17	6:25	6:29	---	6:35	6:46	6:55
6 am	6:17	6:19	6:30	6:42	6:47	6:55	6:59	7:05	---	---	---
7 am	6:47	6:49	7:00	7:12	7:17	7:25	7:29	---	7:35	7:46	7:55
8 am	7:17	7:19	7:30	7:42	7:47	7:55	7:59	8:05	---	---	---
9 am	7:47	7:49	8:00	8:12	8:17	8:25	8:29	---	8:35	8:46	8:55
10 am	8:17	8:19	8:30	8:42	8:47	8:55	8:59	9:05	---	---	---
11 am	8:47	8:49	9:00	9:12	9:17	9:25	9:29	---	9:35	9:46	9:55
12 pm	9:17	9:19	9:30	9:42	9:47	9:55	9:59	10:05	---	---	---
1 pm	9:47	9:49	10:00	10:12	10:17	10:25	10:29	---	10:35	10:46	10:55
2 pm	10:17	10:19	10:30	10:42	10:47	10:55	11:03	11:09	---	---	---
3 pm	10:47	10:49	11:00	11:12	11:17	11:25	11:33	---	11:39	11:50	11:59
4 pm	11:17	11:19	11:30	11:42	11:47	11:55	12:03	12:09	---	---	---
5 pm	11:47	11:49	12:00	12:12	12:17	12:25	12:33	---	12:39	12:50	12:59
6 pm	12:17	12:19	12:30	12:42	12:47	12:55	1:03	1:09	---	---	---
7 pm	12:47	12:49	1:00	1:12	1:17	1:25	1:33	---	1:39	1:50	1:59
8 pm	1:17	1:19	1:30	1:42	1:47	1:55	2:03	2:09	---	---	---
9 pm	1:47	1:49	2:00	2:12	2:17	2:25	2:33	---	2:39	2:50	2:59
10 pm	2:17	2:19	2:30	2:42	2:47	2:55	3:03	3:09	---	---	---
11 pm	2:47	2:49	3:00	3:12	3:17	3:25	3:33	---	3:39	3:50	3:59
12 am	3:17	3:19	3:30	3:42	3:47	3:55	4:03	4:09	---	---	---
1 am	3:47	3:49	4:00	4:12	4:17	4:25	4:33	---	4:39	4:50	4:59
2 am	4:17	4:19	4:30	4:42	4:47	4:55	5:03	5:09	---	---	---
3 am	4:47	4:49	5:00	5:12	5:17	5:25	5:33	---	5:39	5:50	5:59
4 am	5:17	5:19	5:30	5:42	5:47	5:55	6:03	6:09	---	---	---
5 am	5:47	5:49	6:00	6:12	6:17	6:25	6:33	---	6:39	6:50	6:59
6 am	6:17	6:19	6:30	6:42	6:47	6:55	7:03	---	7:09	7:20	7:29
7 am	6:47	6:49	7:00	7:12	7:17	7:25	7:33	---	7:39	7:50	7:59
8 am	7:17	7:19	7:30	7:42	7:47	7:55	8:03	---	8:09	8:20	8:29
9 am	7:47	7:49	8:00	8:12	8:17	8:25	8:33	---	8:39	8:50	8:59
10 am	8:17	8:19	8:30	8:42	8:47	8:55	9:03	---	9:09	9:20	9:29
11 am	8:47	8:49	9:00	9:12	9:17	9:25	9:33	---	9:39	9:50	9:59
12 pm	9:17	9:19	9:30	9:42	9:47	9:55	10:03	---	10:09	10:20	10:29
1 am	9:47	9:49	10:00	10:12	10:17	10:25	10:33	---	10:39	10:50	10:59
2 am	10:17	10:19	10:30	10:42	10:47	10:55	11:03	---	11:09	11:20	11:29
3 am	10:47	10:49	11:00	11:12	11:17	11:25	11:33	---	11:39	11:50	11:59
4 am	11:17	11:19	11:30	11:42	11:47	11:55	12:03	---	12:09	12:20	12:29
5 am	11:47	11:49	12:00	12:12	12:17	12:25	12:33	---	12:39	12:50	12:59
6 am	12:17	12:19	12:30	12:42	12:47	12:55	1:03	---	1:09	1:20	1:29
7 am	12:47	12:49	1:00	1:12	1:17	1:25	1:33	---	1:39	1:50	1:59
8 am	1:17	1:19	1:30	1:42	1:47	1:55	2:03	---	2:09	2:20	2:29
9 am	1:47	1:49	2:00	2:12	2:17	2:25	2:33	---	2:39	2:50	2:59
10 am	2:17	2:19	2:30	2:42	2:47	2:55	3:03	---	3:09	3:20	3:29
11 am	2:47	2:49	3:00	3:12	3:17	3:25	3:33	---	3:39	3:50	3:59
12 pm	3:17	3:19	3:30	3:42	3:47	3:55	4:03	---	4:09	4:20	4:29
1 am	3:47	3:49	4:00	4:12	4:17	4:25	4:33	---	4:39	4:50	4:59
2 am	4:17	4:19	4:30	4:42	4:47	4:55	5:03	---	5:09	5:20	5:29
3 am	4:47	4:49	5:00	5:12	5:17	5:25	5:33	---	5:39	5:50	5:59
4 am	5:17	5:19	5:30	5:42	5:47	5:55	6:03	---	6:09	6:20	6:29
5 am	5:47	5:49	6:00	6:12	6:17	6:25	6:33	---	6:39	6:50	6:59
6 am	6:17	6:19	6:30	6:42	6:47	6:55	7:03	---	7:09	7:20	7:29
7 am	6:47	6:49	7:00	7:12	7:17	7:25	7:33	---	7:39	7:50	7:59
8 am	7:17	7:19	7:30	7:42	7:47	7:55	8:03	---	8:09	8:20	8:29
9 am	7:47	7:49	8:00	8:12	8:17	8:25	8:33	---	8:39	8:50	8:59
10 am	8:17	8:19	8:30	8:42	8:47	8:55	9:03	---	9:09	9:20	9:29
11 am	8:47	8:49	9:00	9:12	9:17	9:25	9:33	---	9:39	9:50	9:59
12 pm	9:17	9:19	9:30	9:42	9:47	9:55	10:03	---	10:09	10:20	10:29
1 am	9:47	9:49	10:00	10:12	10:17	10:25	10:33	---	10:39	10:50	10:59
2 am	10:17	10:19	10:30	10:42	10:47	10:55	11:03	---	11:09	11:20	11:29
3 am	10:47	10:49	11:00	11:12	11:17	11:25	11:33	---	11:39	11:50	11:59
4 am	11:17	11:19	11:30	11:42	11:47	11:55	12:03	---	12:09	12:20	12:29
5 am	11:47	11:49	12:00	12:12	12:17	12:25	12:33	---	12:39	12:50	12:59
6 am	12:17	12:19	12:30	12:42	12:47	12:55	1:03	---	1:09	1:20	

WEEKDAY SERVICE - Westbound												
TIMEPOINTS	A	B	C	D	E	F	G	H	I	J	K	
	Confederation GO Platform 4	Centennial Walmart	Eastgate Square	Rymal & Upper Centennial	Rymal Opposite Dakota	Rymal & Upper Wentworth	Rymal & Upper James	Glancaster Loop	Garner & Glancaster	Garner & Wilson	Ancaster Business Park	
5 am	5:32	5:34	5:45	5:57	6:02	6:12	6:16	---	6:22	6:33	6:42	
6 am	6:02	6:04	6:15	6:27	6:32	6:42	6:46	---	6:52	7:03	7:12	
7 am	7:02	7:04	7:15	7:27	7:32	7:42	7:46	---	7:52	8:03	8:12	
8 am	8:02	8:04	8:15	8:27	8:32	8:42	8:46	---	8:52	9:03	9:12	
9 am	9:02	9:04	9:15	9:27	9:32	9:42	9:46	---	9:52	10:03	10:12	
10 am	10:00	10:02	10:13	10:26	10:31	10:42	10:46	---	10:52	11:03	11:12	
11 am	11:00	11:02	11:13	11:26	11:31	11:42	11:46	---	11:52	12:03	12:12	
12 pm	12:00	12:02	12:13	12:26	12:31	12:42	12:46	---	12:52	1:03	1:12	
1 pm	1:00	1:02	1:13	1:26	1:31	1:42	1:46	---	1:52	2:03	2:12	
2 pm	2:00	2:02	2:13	2:26	2:31	2:42	2:46	---	2:52	3:03	3:12	
3 pm	3:00	3:02	3:13	3:26	3:31	3:42	3:46	---	3:52	4:03	4:12	
4 pm	4:00	4:02	4:13	4:26	4:31	4:42	4:46	---	4:52	5:03	5:12	
5 pm	5:00	5:02	5:13	5:26	5:31	5:42	5:46	---	5:52	6:03	6:12	
6 pm	6:03	6:05	6:16	6:28	6:33	6:42	6:46	6:52	---	---	---	
7 pm	7:17	7:19	7:30	7:42	7:47	7:56	8:00	---	8:06	8:17	8:26	
8 pm	8:17	8:19	8:30	8:42	8:47	8:56	9:00	---	9:06	9:17	9:26	
9 pm	9:17	9:19	9:30	9:42	9:47	9:56	10:00	---	10:06	10:17	10:26	
10 pm	10:17	10:19	10:30	10:42	10:47	10:56	11:00	---	11:06	11:17	11:26	
11 pm	11:17	11:19	11:30	11:42	11:47	11:56	12:00	---	12:06	12:17	12:26	
12 am	12:16	12:18	12:29	12:41	12:46	12:55	12:59	1:05	---	---	---	

WEEKDAY SERVICE - Eastbound												
TIMEPOINTS	K	J	I	H	G	F	E	D	C	B	A	
	Ancaster Business Park	Garner & Wilson	Garner & Glancaster	Glancaster Loop	Rymal & Upper James	Rymal & Upper Wentworth	Rymal & Dakota	Rymal & Upper Centennial	Eastgate Square	Centennial Walmart	Confederation GO Platform 4	
6 am	---	---	---	---	6:09	6:13	6:21	6:26	6:36	6:48	6:50	
7 am	6:45	6:52	7:03	---	7:09	7:13	7:22	7:27	7:37	7:49	7:51	
8 am	8:15	8:22	8:33	---	8:39	8:43	8:52	8:57	9:07	9:19	9:21	
9 am	9:15	9:22	9:33	---	9:39	9:43	9:52	9:57	10:07	10:19	10:21	
10 am	10:15	10:22	10:33	---	10:39	10:43	10:53	10:58	11:08	11:20	11:22	
11 am	11:15	11:22	11:33	---	11:39	11:43	11:53	11:58	12:08	12:20	12:22	
12 pm	12:15	12:22	12:33	---	12:39	12:43	12:53	12:58	1:08	1:20	1:22	
1 pm	1:15	1:22	1:33	---	1:39	1:43	1:53	1:58	2:08	2:20	2:22	
2 pm	2:15	2:22	2:33	---	2:39	2:43	2:53	2:58	3:08	3:20	3:22	
3 pm	3:15	3:22	3:33	---	3:39	3:43	3:53	3:58	4:08	4:20	4:22	
4 pm	4:15	4:22	4:33	---	4:39	4:43	4:52	4:57	5:07	5:19	5:21	
5 pm	5:15	5:22	5:33	---	5:39	5:43	5:52	5:57	6:07	6:19	6:21	
6 pm	6:44	6:51	7:02	---	7:08	7:12	7:21	7:26	7:36	7:48	7:50	
7 pm	7:40	7:47	7:58	---	8:04	8:08	8:17	8:22	8:32	8:44	8:46	
8 pm	8:32	8:39	8:50	---	8:56	9:00	9:09	9:14	9:24	9:36	9:38	
9 pm	9:32	9:39	9:50	---	9:56	10:00	10:09	10:14	10:24	10:36	10:38	
10 pm	10:32	10:39	10:50	---	10:56	11:00	11:09	11:14	11:24	11:36	11:38	
11 pm	11:32	11:39	11:50	---	11:56	12:00	12:09	12:14	12:24	12:36	12:38	
12 am	12:27	12:34	12:44	---	12:49	---	---	---	---	---	---	
1 am	---	---	---	1:05	1:11	---	---	---	---	---	---	

SATURDAY SERVICE - Westbound												
TIMEPOINTS	A	B	C	D	E	F	G	H	I	J	K	
	Confederation GO Platform 4	Centennial Walmart	Eastgate Square	Rymal & Upper Centennial	Rymal Opposite Dakota	Rymal & Upper Wentworth	Rymal & Upper James	Glancaster Loop	Garner & Glancaster	Garner & Wilson	Ancaster Business Park	
5 am	5:32	5:34	5:45	5:57	6:02	6:12	6:16	---	6:22	6:33	6:42	
6 am	6:02	6:04	6:15	6:27	6:32	6:42	6:46	6:52	---	---	---	
7 am	7:02	7:04	7:15	7:27	7:32	7:42	7:46	7:52	---	---	---	
8 am	8:02	8:04	8:15	8:27	8:32	8:42	8:46	8:52	---	---	---	
9 am	9:02	9:04	9:15	9:27	9:32	9:42	9:46	9:52	---	---	---	
10 am	10:00	10:02	10:13	10:26	10:31	10:42	10:46	10:52	---	---	---	
11 am	11:00	11:02	11:13	11:26	11:31	11:42	11:46	11:52	---	---	---	
12 pm	12:00	12:02	12:13	12:26	12:31	12:42	12:46	12:52	---	---	---	
1 pm	1:00	1:02	1:13	1:26	1:31	1:42	1:46	1:52	---	---	---	
2 pm	2:00	2:02	2:13	2:26	2:31	2:42	2:46	2:52	---	---	---	
3 pm	3:00	3:02	3:13	3:26	3:31	3:42	3:46	3:52	---	---	---	
4 pm	4:00	4:02	4:13	4:26	4:31	4:42	4:46	4:52	---	---	---	
5 pm	5:00	5:02	5:13	5:26	5:31	5:42	5:46	5:52	---	---	---	
6 pm	6:03	6:05	6:16	6:28	6:33	6:42	6:46	6:52	---	---	---	
7 pm	7:17	7:19	7:30	7:42	7:47	7:56	8:00	---	8:06	8:17	8:26	
8 pm	8:17	8:19	8:30	8:42	8:47	8:56	9:00	---	9:06	9:17	9:26	
9 pm	9:17	9:19	9:30	9:42	9:47	9:56	10:00	---	10:06	10:17	10:26	
10 pm	10:17	10:19	10:30	10:42	10:47	10:56	11:00	---	11:06	11:17	11:26	
11 pm	11:17	11:19	11:30	11:42	11:47	11:56	12:00	---	12:06	12:17	12:26	
12 am	12:16	12:18	12:29	12:41	12:46	12:55	12:59	1:05	---	---	---	

SATURDAY SERVICE - Eastbound												
TIMEPOINTS	K	J	I	H	G	F	E	D	C	B	A	
	Ancaster Business Park	Garner & Wilson	Garner & Glancaster	Glancaster Loop	Rymal & Upper James	Rymal & Upper Wentworth	Rymal & Dakota	Rymal & Upper Centennial	Eastgate Square	Centennial Walmart	Confederation GO Platform 4	
6 am	---	---	---	---	6:09	6:13	6:21	6:26	6:36	6:48	6:50	
7 am	6:45	6:52	7:03	---	7:09	7:13	7:22	7:27	7:37	7:49	7:51	
8 am	8:15	8:22	8:33	---	8:39	8:43	8:52	8:57	9:07	9:19	9:21	
9 am	9:15	9:22	9:33	---	9:39	9:43	9:52	9:57	10:07	10:19	10:21	
10 am	10:15	10:22	10:33	---	10:39	10:43	10:53	10:58	11:08	11:20	11:22	
11 am	11:15	11:22	11:33	---	11:39	11:43	11:53	11:58	12:08	12:20	12:22	
12 pm	12:15	12:22	12:33	---	12:39	12:43	12:53	12:58	1:08	1:20	1:22	
1 pm	1:15	1:22	1:33	---	1:39	1:43	1:53	1:58	2:08	2:20	2:22	
2 pm	2:15	2:22	2:33	---	2:39	2:43	2:53	2:58	3:08	3:20	3:22	
3 pm	3:15	3:22	3:33	---	3:39	3:43	3:53	3:58	4:08	4:20	4:22	
4 pm	4:15	4:22	4:33	---	4:39	4:43	4:52	4:57	5:07	5:19	5:21	
5 pm	5:15	5:22	5:33	---	5:39	5:43	5:52	5:57	6:07	6:19	6:21	
6 pm	6:44	6:51	7:02	---	7:08	7:12	7:21	7:26	7:36	7:48	7:50	
7 pm	7:40	7:47	7:58	---	8:04	8:08	8:17	8:22	8:32	8:44	8:46	
8 pm	8:32	8:39	8:50	---	8:56	9:00	9:09	9:14	9:24	9:36	9:38	
9 pm	9:32	9:39	9:50	---	9:56	10:00	10:09	10:14	10:24	10:36	10:38	
10 pm	10:32	10:39	10:50	---	10:56	11:00	11:09	11:14	11:24	11:36	11:38	
11 pm	11:32	11:39	11:50	---	11:56	12:00	12:09	12:14	12:24	12:36	12:38	
12 am	12:27	12:34	12:44	---	12:49	---	---	---	---	---	---	
1 am	---	---	---	1:05	1:11	---	---	---	---	---	---	

TRANS-CAB SERVICE

If you're coming from (or heading to) the Twenty Road area, give GLANBROOK TRANS-CAB SERVICE a try. This service is an extension of HSR bus routes 20, 27, 35 and 44. The Trans-Cab area is at Rymal and Garner.

If you're coming from (or heading to) the Redhill Business Park (Weekday off-peak, Saturday or Sunday/Holiday), give REDHILL BUSINESS PARK TRANS-CAB a try. This service is an extension of HSR bus routes 22 and 44. The Trans-Cab area is Upper Ottawa and Rymal. When travelling from the Trans-Cab service area first dial our contractor at 905.525.2583, and request a Trans-Cab pick-up. Call HSR Information for details or pick up a Glanbrook Trans-Cab brochure for more information.

Figures



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: GL/A-20:92

APPLICANTS: Owner: 1804482 Ontario Ltd.
 Agent: Wellings Planning Consultants

SUBJECT PROPERTY: Municipal address **3311 Homestead Dr., Glanbrook**

ZONING BY-LAW: Zoning By-law 05-200, as Amended by By-law 17-240

ZONING: C5, Exception 652, Holding 102; and, C6 and Exception 580 (Mixed Use Medium Density (C5) Zone and District Commercial (C6)) district

PROPOSAL: To permit the development consisting 26 Street Townhouse blocks (identified as Blocks A-Z), consisting of a total of 164 Street Townhouse dwellings, which front on a common element condominium road which is deemed a street for the purpose of applying the provisions of the Zoning By-law, notwithstanding,

1. The external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on conditionally approved site plan DA-19-099, shall be deemed to be the lot lines for the purpose of applying the provisions of the Zoning By-law instead of the property boundaries of the individual lots created by a Condominium Act or Planning Act application;
2. The regulations of the C5, Exception 652 Zone shall apply to the entire proposed Street Townhouse Development, as delineated on conditionally approved site plan DA-19-099, notwithstanding a portion of the lands are situated within the C6, Exception 580 Zone which does not permit the use of Street Townhouse Dwellings;
3. The proposed Street Townhouse Dwellings shall not be required to provide a minimum finished floor elevation of 0.9 metres above grade, whereas the Zoning By-law requires any dwelling unit to provide a minimum finished floor elevation of 0.9 metres above grade;
4. A minimum setback of 6.0 metres to a street line shall be provided for townhouse Blocks M, L, G, F, and A; a minimum setback of 1.8 metres to a street line shall be provided for townhouse Block Z; a minimum setback of 5.8 metres to a street line shall be provided for townhouse Block W; and, a minimum setback of 8.5 metres to a street line shall be provided for townhouse Block B, instead of the minimum required setback of 9.0 metres to a street line;

GL/A-20:92

Page 2

5. A minimum rear yard setback of 1.8 metres shall be provided for Block Z; a minimum rear yard setback of 9.0 metres shall be provided for Block Y; a minimum rear yard setback of 9.3 metres shall be provided for Block X; a minimum rear yard of 5.8 metres shall be provided for Block W; and, a minimum rear yard setback of 8.5 metres shall be provided for Block B, instead of the minimum required rear yard setback of 10.7 metres;
6. A maximum building height of 11.9 metres shall be provided for Blocks C, F, G, H, J, K, L, M, and Q; and, a maximum building height of 12.4 metres shall be permitted for Blocks D, E, I, N, O, P, R, S, T, U, and V, instead of the maximum permitted building height of 10.7 metres;
7. Visitor parking and aisles shall be permitted to be located between a building façade and the flankage (Upper James Street) lot line, whereas the Zoning By-law does not permit parking or aisles to be located between a building façade and a front or flankage lot line;
8. The proposed Street Townhouse Dwellings shall not be required to provide a minimum of one principal entrance within the ground floor façade of a building which is closest to a street line which provides access from a public sidewalk, whereas the Zoning By-law requires a minimum of one principal entrance within the ground floor façade that is setback back closest to the street line which provides direct access from the public side walk;
9. Driveways located at the intersection of the common element condominium road which provide access to a parking space contained within an attached garage shall be permitted to be less than 5.8 metres from the common element condominium road instead of being located a minimum of 5.8 metres from the common element condominium road;
10. Visitor parking spaces shall be permitted to be located within the minimum required 10.7 metres rear (flankage) yard, whereas the Zoning By-law does not permit parking to be located in a required flankage yard;
11. A maximum lot coverage of 29.9% shall be permitted, instead of the maximum permitted lot coverage of 25%; and,
12. A minimum interior side yard of 3.0 metres shall be permitted for Block S and a minimum interior side yard of 4.4 metres shall be provided for Block M, instead of providing the minimum required interior side yard setback of 7.5 metres to a lot abutting containing a residential use.

NOTES:

1. A building permit is required for the construction of the proposed development. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
2. The requested variances are necessary to facilitate site plan application DA-19-099.
3. The applicant shall ensure the maximum requested building height has been provided in accordance with the definition of "Building Height" and "Grade" as defined within the Zoning By-law.
4. This is a through lot; at the option of the owner, the front lot line has been deemed to be the lot line abutting Homestead Drive. As such, the lot line abutting Upper James Street is deemed to be the rear lot line, as well as a flankage lot line. All other lot lines are deemed to be side lot lines.
5. Pursuant to Section 4.3 b) of the Zoning By-law, where a building is developed abutting a driveway a common element as part of a condominium registered under the Condominium Act such driveway shall be deemed to be a street for the purpose of applying the provisions of the Zoning By-law.

GL/A-20:92

Page 3

6. Please be advised; at the request of Development Planning, no buildings or structures are permitted to be erected north of the Noise Exposure Forecast Contour line of 30, identified as "NEF-30" as shown on conditionally approved site plan DA-19-099.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:50 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.



Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

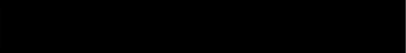
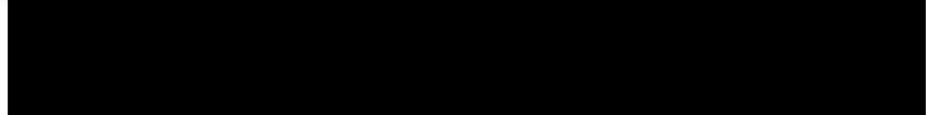
FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner 1804482 Ontario Ltd. (Sonoma Homes) 
- 
- Name of Agent Wellings Planning Consultants Inc. 
- 

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
Meridian Credit Union
75 Corporate Park Drive, St. Catharines, ON Postal Code L2S 3W3

Postal Code _____

6. Nature and extent of relief applied for:

See attached list of variances.

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

By-law standards not conducive for a condominium development and poorly drafted.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Lot 6, Concession 5 (Glanford)

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

9.1 If Industrial or Commercial, specify use

N/A

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

Minor Variances - 1804482 Ontario Limited (Sonoma Homes)

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.
- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.
- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.
- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.
- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.
- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.
- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.
- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.
- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.
- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes _____ No X Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Record of Site Condition filed July 30, 2019.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

March 17, 2020
 Date


 Signature Property Owner

1804482 Ontario Ltd. (Sonoma Homes)
 Print Name of Owner

10. Dimensions of lands affected:

Frontage Approx 274 metres (Homestead Drive)
 Depth Approx 86 metres (irregular)
 Area Approx 4.7 hectares
 Width of street TBD

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Existing dwellings to be demolished.

Proposed: 2 and 3 storey townhouses - see site plan enclosed.

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

Existing: Existing dwellings to be demolished.

Proposed: 2 and 3 storey townhouses - see site plan enclosed.

Minor Variances - 1804482 Ontario Limited (Sonoma Homes)

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.
- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.
- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.
- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.
- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.
- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.
- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.
- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.
- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.
- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

June 5, 2020

Sent by E-Mail

Ms. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**Re: Minor Variance Application
1804482 Ontario Limited (Sonoma Homes)
3311 Homestead Drive
City of Hamilton
Our File No.: 2017/35
City Site Plan File No.: DA-19-099**

Further to our March 18, 2020 submission of the above-noted Minor Variance Application, we have had subsequent discussions with City Planning staff with respect to the height variance being requested. Based on concerns raised by City Planning staff regarding a blanket permission building height of 12.4 metres for the 3 storey townhouses, our client has agreed to address height increases on a block by block basis. As such, we would ask that the height variance outlined in our original cover letter be replaced with the following variances:

Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 11.9 metres for Blocks C, F, G, H, J, K, L, M, and Q shall be permitted for the three storey townhouses.

Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres for Blocks D, E, I, N, O, P, R, S, T, U, and V shall be permitted for the three storey townhouses.

If you require anything further, please do not hesitate to call.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.


Glenn J. Wellings, MCIP, RPP

Copy: James Van Rooi – City of Hamilton
Michael Chiaravalle - 1804482 Ontario Limited (Sonoma Homes)

March 18, 2020

Sent by Courier

Ms. Jamila Sheffield
Secretary-Treasurer
Committee of Adjustment
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**Re: Minor Variance Application
1804482 Ontario Limited (Sonoma Homes)
3311 Homestead Drive
City of Hamilton
Our File No.: 2017/35
City Site Plan File No.: DA-19-099**

On behalf of 1804482 Ontario Limited (Sonoma Homes), please find enclosed a minor variance application for the subject lands located at 3311 Homestead Drive. The subject lands are located south of Airport Road, east of Homestead Drive, and west of Upper James Street in the community of Mount Hope.

The purpose of the application is to obtain minor variances necessary to facilitate the development of a 164 unit townhouse proposal consisting of two (2) and three (3) storey townhouse units. The proposed development has been subject to significant review by City staff through a related Site Plan Application process (City File No.: DA-19-099).

Minor Variances Requested

Based on our review of the City zoning comments and various follow-up discussions with City Planning and Zoning staff, the following minor variances are being requested:

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.
- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street

Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.

- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.
- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.
- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.
- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.
- g. Notwithstanding Schedule "C" Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.
- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.
- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.
- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

Planning Comments/Opinion

The above noted minor variances are the result of a comprehensive review of the related Site Plan Application (DA-19-099). Street townhouses are permitted as of right on the vast majority of the subject lands under the C5, Exception 652 Zone. The zoning review unfortunately exposed some serious deficiencies in the drafting of the current Zoning By-law provisions. For example, the boundary between the C5, Exception 652 Zone and C6, Exception 580 Zone is inconsistent with the NEF 30 contour line. The intent of the planning documents is to prohibit sensitive land uses beyond the NEF 30 contour line as illustrated on the enclosed site plan. Unfortunately, the drafting of the City planning documents does not properly reflect the NEF 30 contour line. In addition, the zone

provisions do not account for development under a common element condominium form of tenure which is common for townhouses. The purpose of minor variances a. and b. is essentially to recognize the NEF 30 contour line and provide for the proposed street townhouse to develop as part of a common element plan of condominium.

A review of each proposed minor variance is shown in **bold**:

- a. To permit the regulations of the C5, Exception 652 Zone to apply to the portion of the lands that are south of the Noise Exposure Forecast Contour line of 30 and zoned C6, Exception 580 Zone notwithstanding the lands are zoned C6, Exception 580 and the proposed use of Street Townhouse Dwellings is not permitted in such zone.

The intent of both the Official Plan and Zoning By-law is to prohibit sensitive land uses beyond the NEF 30 contour line. As noted above, the planning documents and in particular the boundary between the C5, Exception 652 and C6, Exception 580 Zone, despite the intent, does not accurately reflect the NEF 30 contour line. The above variance recognizes this zoning deficiency.

- b. For the purposes of applying the regulations contained within the Zoning By-law, the external boundaries of the lands to be used for the proposed Street Townhouse development, as delineated on the final approved site plan phase 2 for DA-19-099, shall be deemed to be the lot lines for the proposed development and not the individual lots created by a Condominium Act or Planning Act application.

The above variance is technical in nature and related to tenure rather than land use. The variance enables the proposed townhouse development to develop as part of a common element plan of condominium.

- c. Notwithstanding section 10.5.1.1 of Hamilton Zoning By-law 05-200, the finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres, shall not apply.

The rationale behind the 0.9 metre requirement is unclear. According to City Planning staff, the intent of the 0.9 metre is to apply to at grade dwelling units forming part of a mixed-use development with active pedestrian flow. The proposed development is not mixed-use in nature and thus the requested variance would not undermine the intent and purpose of the Zoning By-law.

- d. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 6 metre building setback from the streetline for Blocks M, L, G, F, A and W shall be permitted.

The rationale for a 10.7 metre setback from a streetline, following the taking of significant road widening, makes little planning sense in an area that is anticipated to redevelop. A 6 metre setback from a street line is a reasonable and acceptable setback from a streetline especially in a case such as this where extensive road widenings have been requested along Homestead Drive and Upper James Street. Sonoma Homes should not be penalized for these road widening dedications. A 6 metre setback provides sufficient separation for landscape and/or amenity for the townhouses. The 6 metre setback along the Homestead Drive frontage provides an enhanced street presence with an area of significant buffer and landscape treatment without the inclusion of front yard driveways. Instead, the driveways will be situated to the rear of these unit.

- e. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 9.3 metre building setback from the streetline for Blocks X and Y, shall be permitted.

A 9.3 metre setback provides sufficient separation for Blocks X and Y to the ultimate Upper James Street road allowance. This separation includes an internal roadway (Road H) as required by City Waste Management staff to allow for the continuous forward movement of its vehicles. Further, it is anticipated that acoustical fencing will be installed along Upper James Street. The total setback from the existing Upper James Street road allowance is 16.5 metres (i.e. 7.2 metres of road widening plus 9.3 metre setback).

- f. Notwithstanding Schedule "C" Special Exception 652 b) i) of Hamilton Zoning By-law 05-200, a reduced minimum 1.8 metre building setback from the streetline for Block Z, shall be permitted.

It is important to note that the 1.8 metre setback proposed in this instance is for the side yard of a proposed townhouse unit within Block Z. The 1.8 metre measurement is the closest point to the future road allowance of Upper James Street (i.e. after the City takes a 7.2 metre road widening). Due to the irregular lot configuration/property angle, the 1.8 metres is measured to the front of the unit and increases to 4.3 metres at the rear of the unit. The average setback would exceed 3.0 metres. With the rear yard amenity, this unit will actually have more greenspace than all other units within Block Z. In addition, a 1.8 metre side yard is acceptable in most municipalities for a townhouse unit. Interestingly, when fencing is installed along the Upper James Street road allowance, this side yard will not be visible to passersby nor result in an adverse impact. This particular townhouse unit will not have exterior side yard windows.

- g. Notwithstanding Schedule “C” Special Exception 652 b) iii) of Hamilton Zoning By-law 05-200, an increased height of 12.4 metres shall be permitted for the 3 storey townhouses.

In order to facilitate three (3) storey townhouses with a pitched roof, a modest increase to the building height is requested to a maximum of 12.4 metres. The two (2) storey townhouses will not exceed the 10.7 metre maximum building height. The definition of “building height” in the Zoning By-law is measured to the highest point of the roof. In order to provide a peak roof design, as opposed to a less desirable/attractive flat roof design, a variance of 1.7 metres is being requested. In my opinion, this is an appropriate request and minor in nature and will provide a more attractive townhouse design. It is further noted that a recent townhouse development in Mount Hope was permitted to develop at a height of 14 metres with the support of City staff. Further, the surrounding lands presently zoned C6, Exception 580, including a portion of the subject lands, permits a maximum building height of 14 metres.

- h. Notwithstanding section 10.6.3 c) of Hamilton Zoning By-law 05-200, a reduced minimum interior side yard of 3.0 metres to the northerly lot line for Blocks M and S is permitted.

A 3.0 metre interior side yard setback abutting existing residential properties is appropriate and provides adequate opportunity for landscape screening and fencing. Sonoma Homes will be required to provide wood privacy fencing adjacent to these properties. In addition, these properties are expected to redevelop in the future therefore appropriate road connections have been provided through this development.

- i. Notwithstanding section 10.5.3 g) vi) shall not apply to visitor parking areas.

This variance is technical in nature and based on a review of the current townhouse design.

- j. Notwithstanding section 5.1 c), the required parking spaces for dwelling units at the intersection of a private condominium road are permitted at a setback of 5 metres from the street line.

This variance is similarly technical in nature. A 5.0 metre setback provides for an appropriate separation for the corner units at an intersection. The variance is also necessary to achieve the requirements of City Waste Management for a 13 metre centreline radius at all intersections for municipal waste pick-up.

It is my opinion that the minor variances requested satisfy the four (4) tests as set out by Section 45(1) of the *Planning Act*. The proposed variances will facilitate a townhouse development that provides for an appropriate and compatible built form in proximity to existing ground related residences. The variances requested satisfy the intent and purpose of the UHOP and Mount Hope Secondary Plan as well as the implementing Zoning By-law, are minor in nature, and appropriate and desirable for the use and development of the subject lands. There will be no adverse impact on the surrounding community arising from the minor variances being requested.

Supporting Materials

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

1. One (1) original plus one (1) copy of the completed application form;
2. One (1) cheque payable to the City of Hamilton in the amount of \$3,302.00 for the standard application fee;
3. Five (5) copies of the Site Plan drawing at 24" x 36" prepared by dpai Architecture dated March 17, 2020. I have also included five (5) reduced prints at 11" x 17"; and,
4. One (1) USB of all submission materials.

Please contact me should you have any questions or require any additional information. Otherwise, we would request that you schedule this matter for the next available Committee of Adjustment meeting. Thank you.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.



Glenn J. Wellings, MCIP, RPP

Copy: James Van Rooi/Robyn Reid – City of Hamilton
Michael Chiaravalle - 1804482 Ontario Limited (Sonoma Homes)
Sandy McIntosh, dpai

3311 HOMESTEAD DRIVE

File: DA-19-099
Folder: 19-127846-00 DA

Total Lot Area 46,994 m²
Total Building Area 12,866 m² (27.4% of lot)
Total Landscaped Area 16,122 m² (34.3% of lot)

AIRPORT ROAD

UPPER JAMES STREET

HOMESTEAD DRIVE

Legend:

- CONCRETE WALK TYPICAL
- TYPICAL ASPHALT PAVED DRIVEWAY 3.0m W. x 5.8m L. MIN.
- TYPICAL GARAGE PARKING SPACE 3.0m W x 5.8m L. MIN.
- BUILDING FOOTPRINT
- TYPICAL TRANSFORMER



NEF-30

164 residential units
67 visitor parking spaces (Includes 5 BF)

Seals

Key Plan

Drawings are not to be scaled.

Contractor must verify all dimensions on the job and report any discrepancy to architects before proceeding with the work.

All drawings and specifications are the property of the architect and must be returned at the completion of the work.

This drawing is not to be used for construction until countersigned. Date:

Mount Hope Development

No. Issues/Revisions Date

Drawing Title:

SITE PLAN

3311 Homestead Drive

Issue Date: 2020-03-17

Drawn by: SM Checked by: MC/DP

Project No.: 11844 Scale: 1:800

Drawing No.:

A02.00

06	REVISED SITE PLAN	2020-03-17
05	REVISED SITE PLAN	2020-03-04
04	REVISED SITE PLAN	2019-12-10
03	ISSUED FOR REVIEW	2019-07-23
02	SITE SIGN PERMIT	2019-05-02
01	SITE PLAN APPLICATION	2019-04-30





Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: DN/A-20:35

APPLICANTS: Richard Parker, owner

SUBJECT PROPERTY: Municipal address **226 Park St. W., Dundas**

ZONING BY-LAW: Zoning By-law 3581-86, as Amended

ZONING: "R4" (Low Density Residential) Zone

PROPOSAL: To permit the construction of a front and rear dormer onto an existing semi-detached dwelling with one dwelling unit notwithstanding that:

1. A minimum front yard of 0.0 metres shall be permitted instead of the minimum front yard required of 6.0 metres.
2. An existing roofed-over unenclosed one-storey porch at the first storey level, including eaves and gutters, projects into a required front yard to a distance of 0.0 metres, the projecting porch is 0.0 metres from the front lot line instead of the permitted distance of not more than 3.0 metres, and every such projecting porch shall be distant at least 4.0 metres from the front lot line.
3. No landscaping is provided for the existing residential front yard.

NOTES:

1. Owner shall ensure maximum building height of the front and rear dormers does not exceed 10.5 metres. If the front and rear dormers exceed 10.5 metres in building height, further variances will be required.
2. Based on the survey provided by Barich Grenkie Surveying Ltd., dated April 6, 2020, the front and rear dormers do not appear to be encroaching onto the Park Street West road allowance. As such, if the above variances are approved, no Encroachment Agreement with Public Works will be required at this time. Please note that if the proposed front and rear dormers exceed beyond the building envelope of the existing semi-detached dwelling the owner will be required to enter into an Encroachment Agreement with The City of Hamilton.
3. Based on the survey provided by Barich Grenkie Surveying Ltd., dated April 6, 2020, the existing roof-over unenclosed porch appears to be encroaching onto the Park Street West road allowance. At this time no alterations are proposed to the existing concrete porch. Should the owner choose to alter the existing conditions in future, please note that an Encroachment Agreement will be required with The City of Hamilton.
4. The existing sided garage has not been reviewed as part of this application as no alterations are proposed at this time. Sided garage is deemed to be existing.

DN/A-20:35
Page 2

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 1:55 p.m.

PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

Brian's Drafting Service

8973 Twenty Rd.
Smithville, ON, L0R 2A0

(289) 680-7480

brian.rintjema@gmail.com



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information	
Brian Rintjema	106999
Name	Signature BCIN
Registration Information	
Brian's Drafting Service	113224
Firm	BCIN

226 PARK ST. RENOVATION

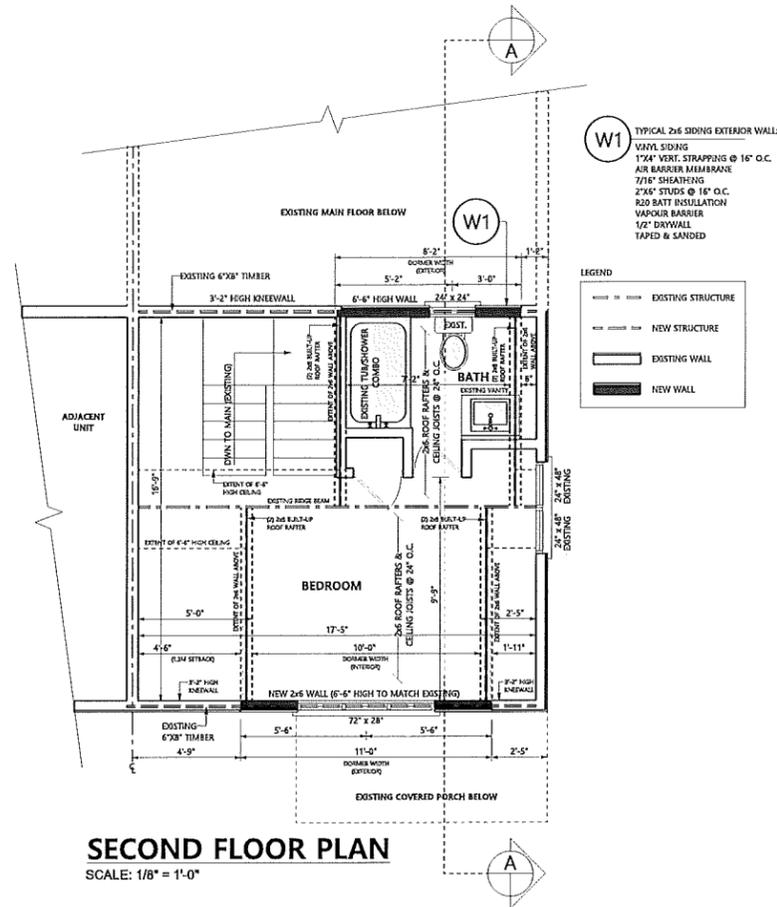
226 Park St. W
Hamilton, ON

PAGE TITLE:
SECOND FLOOR & SITE PLAN

PLOT FORMAT SIZE:
11 X 17

DATE:
JANUARY 24, 2020

DRAWN BY: Brian Rintjema	SHEET NO. 1 OF 2
SCALE: As Noted	



WOOD FRAME CONSTRUCTION:
ALL WOOD USED TO BE SPRUCE-PINE-FIR NO. 1&2 GRADE UNLESS OTHERWISE NOTED
ALL CALCULATIONS FOR WOOD MEMBERS ARE BASED ON TABLES FROM THE CANADIAN WOOD COUNCIL SPAN BOOK

NOTCHING AND DRILLING:
TO CONFORM TO ARTICLE 9.23.5. OF THE O.B.C.
ROOF, FLOOR, OR CEILING MEMBERS
DRILLING SIZE: (9.23.5.1)
HOLES DRILLED IN FRAMING MEMBERS MUST NOT BE LARGER THAN 1/4 THE DEPTH OF THE MEMBER
MUST NOT BE LOCATED CLOSER THAN 2" FROM THE EDGES
NOTCHING SIZE: (9.23.5.2)
NOTCHES IN FRAMING MEMBERS MUST BE LOCATED ON THE TOP OF THE MEMBER
MUST BE WITHIN HALF THE JOIST DEPTH FROM THE EDGE OF BEARING
MUST BE NOT DEEPER THAN 1/3 THE JOIST DEPTH

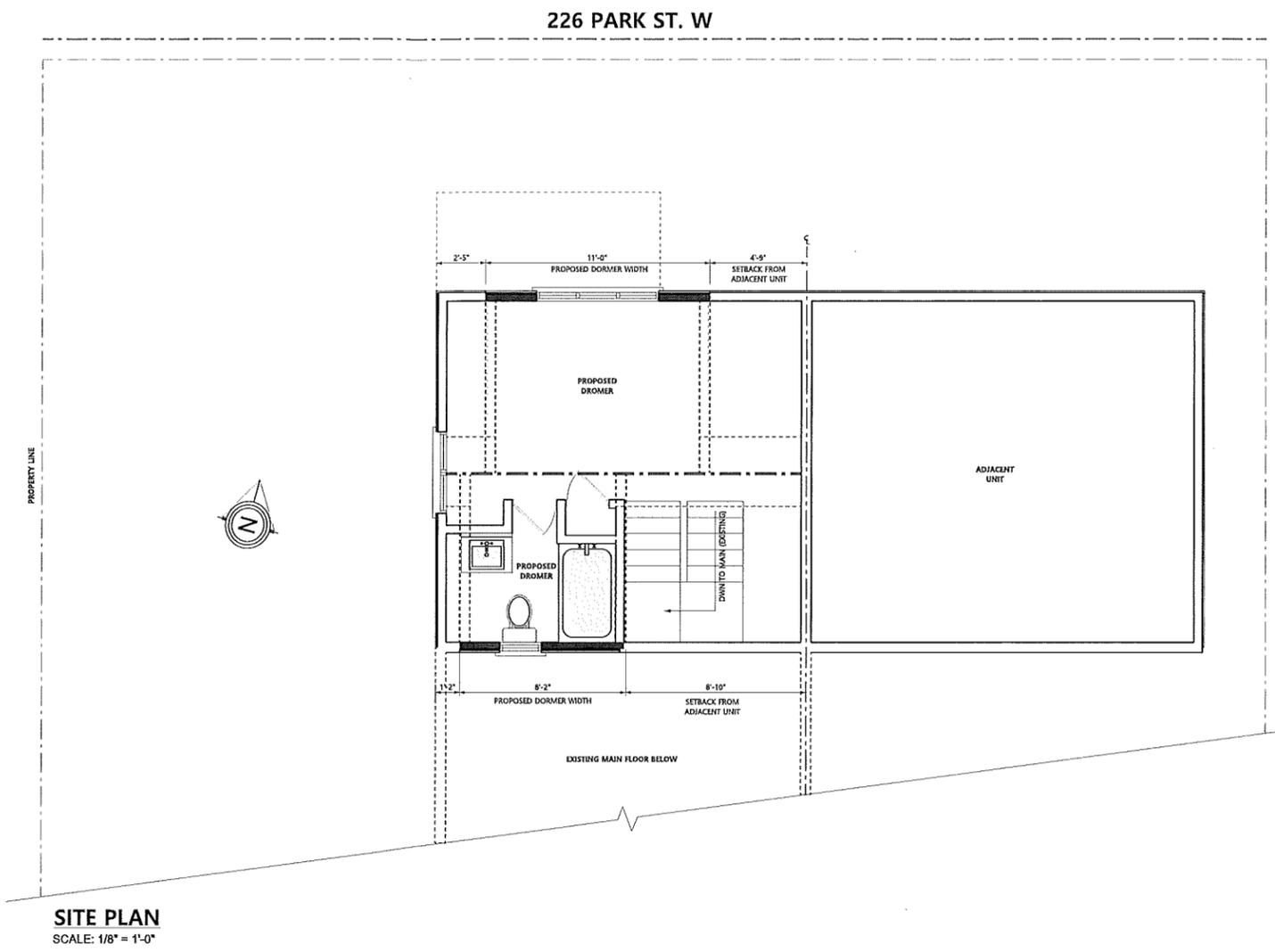
WALL STUDS:
NOTCHING & DRILLING SIZE: (9.23.5.3)
UNDAMAGED PORTION OF THE STUD IS NOT LESS THAN: LOAD BEARING: 2/3 THE DEPTH OF THE STUD
NON-LOAD BEARING: 1 1/2" DEEP

BEAMS TO SUPPORT FLOORS:
TO CONFORM TO ARTICLE 9.23.8. OF THE O.B.C.
BEARING: (9.23.8.1)
BEAMS ARE TO HAVE EVEN AND LEVEL BEARING AND ARE TO BE PROVIDED WITH AT LEAST 3 1/2" LENGTH OF BEARING AT END SUPPORTS

FLOOR JOISTS:
TO CONFORM TO ARTICLE 9.23.9. OF THE O.B.C.
BEARING: (9.23.9.1)
FLOOR JOIST ARE REQUIRED TO HAVE A MIN. OF 1 1/2" LENGTH OF END BEARING
STRAPPING & BRIDGING: (9.23.9.4)
WHERE STRAPPING IS SPECIFIED, IT MUST CONSIST OF: 1"X3" MIN. LUMBER NAIL TO THE UNDERSIDE OF FLOOR JOISTS
LOCATED NOT MORE THAN 8"-11" FROM EACH SUPPORT OR OTHER ROWS OF BRIDGING

ROOF & CEILING FRAMING:
TO CONFORM TO ARTICLE 9.23.13. OF THE O.B.C.
BEARING: (9.23.13.3)
JOISTS AND RAFTERS ARE REQUIRED TO HAVE A MIN. OF 1 1/2" LENGTH OF END BEARING

TRUSSES:
TO CONFORM TO TRUSS DESIGN ATTACHED
ALL TRUSS DESIGNS TO BE SUPPLIED BY OTHERS TRUSSES SHOULD NOT BE NOTCHED DRILLED OR TAPERED WITH



ALL CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE & REPORT ALL ERRORS AND/OR DISCREPANCIES TO THE DESIGNER IMMEDIATELY. ALL CONTRACTORS MUST COMPLY WITH ALL CODES, BYLAWS & OTHER AUTHORITIES HAVING JURISDICTION OVER THE WORK.

ALL DIMENSIONS AND CONDITIONS TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE DRAWINGS

Brian's Drafting Service

8973 Twenty Rd.
Smithville, ON, L0R 2A0

(289) 680-7480

brian.rintjema@gmail.com



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information
 Brian Rintjema 106999
 Name Signature BCIN

Registration Information
 Brian's Drafting Service 113224
 Firm BCIN

226 PARK ST. RENOVATION

226 Park St. W
Hamilton, ON

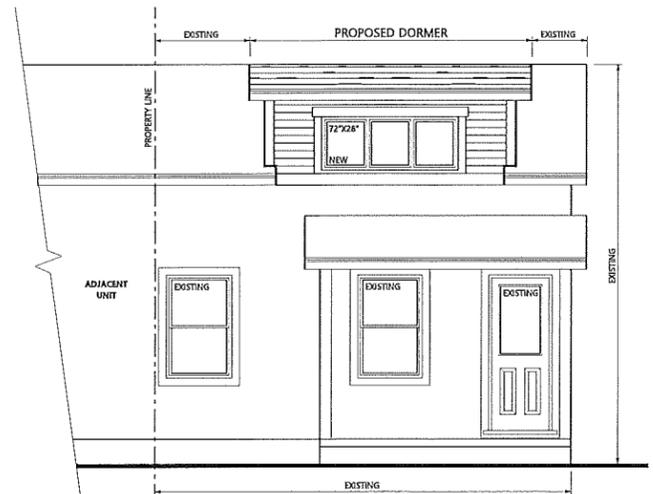
PAGE TITLE:

ELEVATIONS & SECTION

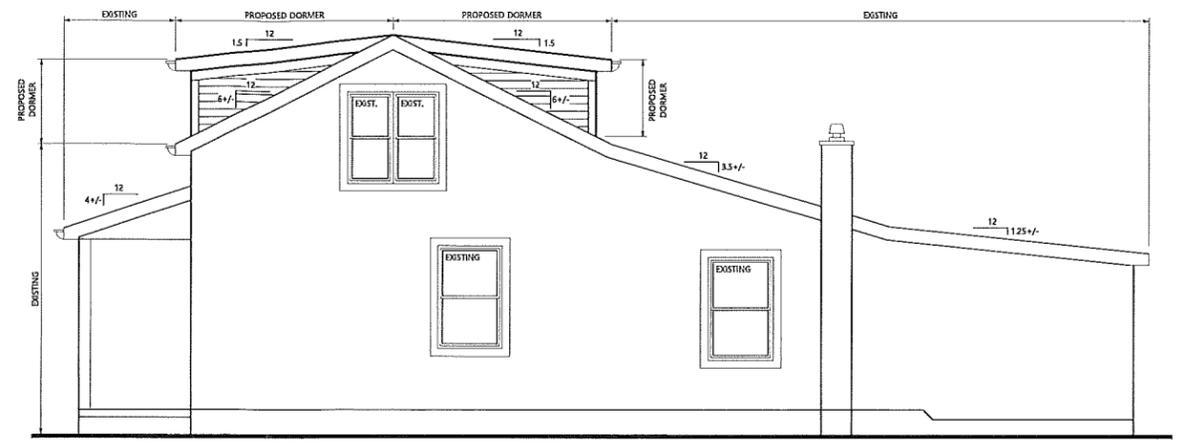
PLOT FORMAT SIZE:
11 X 17

DATE:
JANUARY 24, 2020

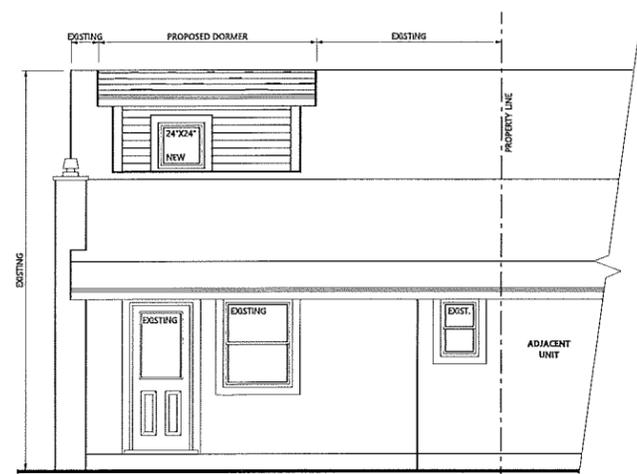
DRAWN BY: Brian Rintjema	SHEET NO. 2 OF 2
SCALE: As Noted	



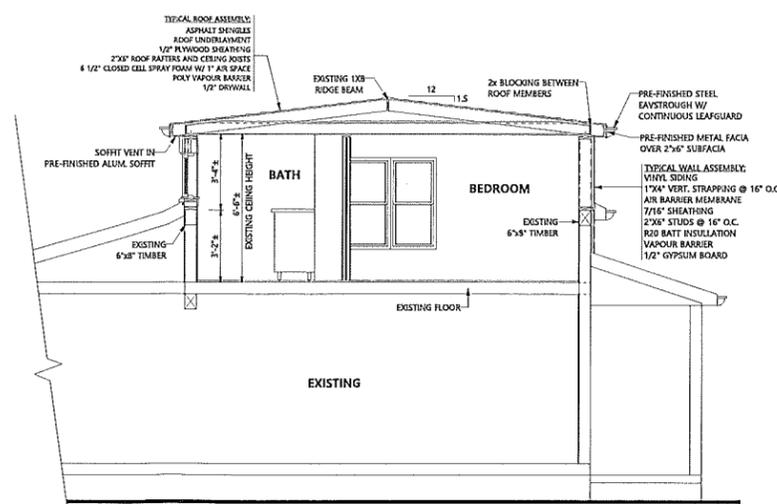
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



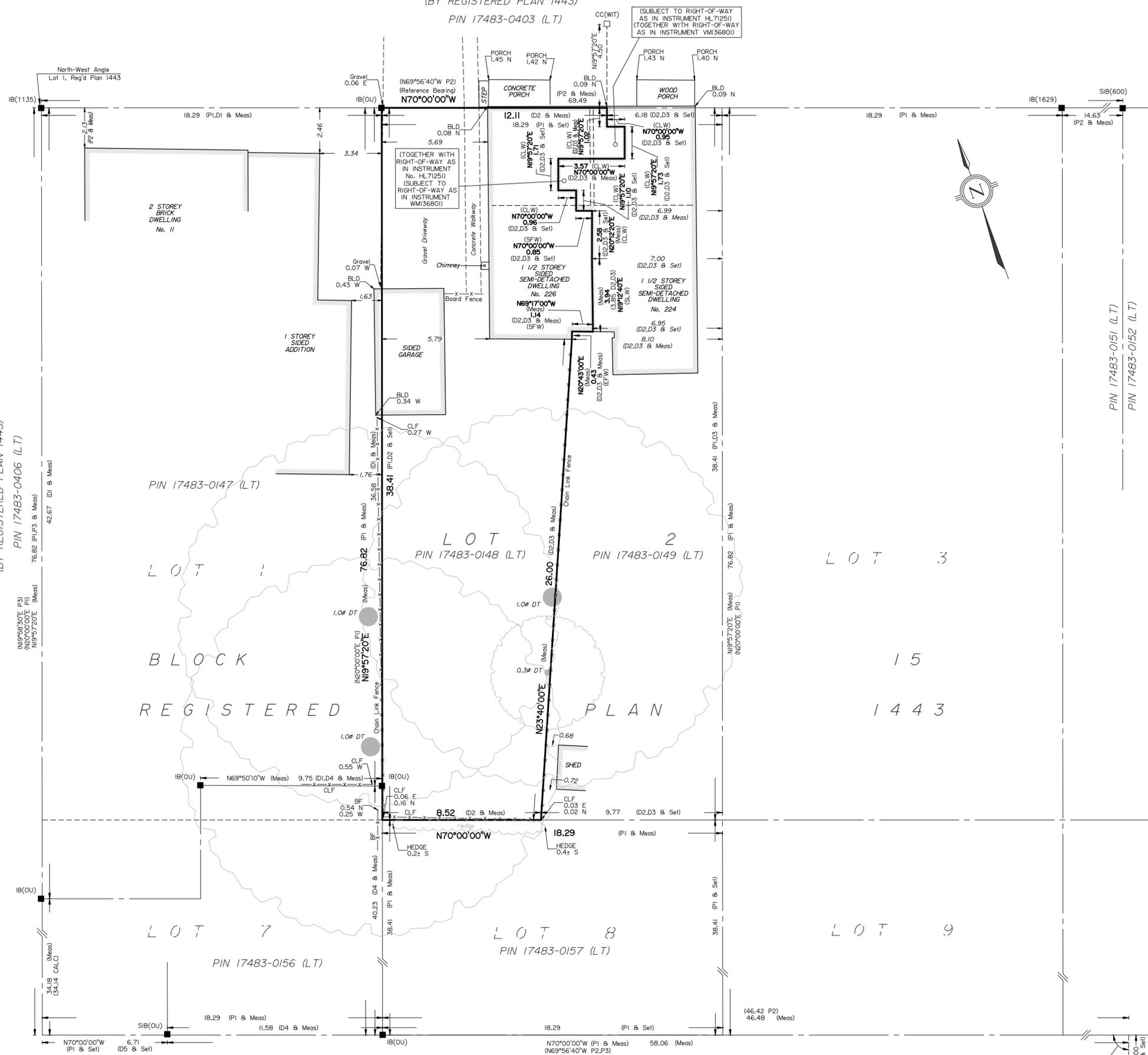
CROSS SECTION A
SCALE: 1/8" = 1'-0"

PARK STREET WEST

(BY REGISTERED PLAN 1443)

PIN 17483-0403 (LT)

MATILDA STREET
(BY REGISTERED PLAN 1443)
PIN 17483-0406 (LT)



SURVEYOR'S REAL PROPERTY REPORT
PART 1
PLAN OF SURVEY OF
PART OF LOT 2, BLOCK 15
REGISTERED PLAN 1443
IN THE
CITY OF HAMILTON

SCALE & NOTES
Scale 1:150
BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2020

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

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PARK STREET WEST AS SHOWN ON REGISTERED PLAN 1443 HAVING A BEARING OF N70°00'00"W.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
CC	DENOTES	CUT CROSS
OU	DENOTES	ORIGIN UNKNOWN
P1	DENOTES	REGISTERED PLAN 1443
P2	DENOTES	PLAN BY B. A. JACOBS SURVEYING LTD. DATED OCTOBER 2, 2019
P3	DENOTES	PLAN 62R-19248
D1	DENOTES	INSTRUMENT CD174584
D2	DENOTES	INSTRUMENT HL71251
D3	DENOTES	INSTRUMENT VM136801
D4	DENOTES	INSTRUMENT WM2464
D5	DENOTES	INSTRUMENT HL248480
1135	DENOTES	L. WOODS, O.L.S.
1629	DENOTES	B. A. JACOBS, O.L.S.
600	DENOTES	S. W. WOODS, O.L.S.
CLW	DENOTES	CENTRELINE OF WALL
EFW	DENOTES	EAST FACE OF WALL
SFW	DENOTES	SOUTH FACE OF WALL
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
DT	DENOTES	DECIDUOUS TREE
BLD	DENOTES	BUILDING
WIT	DENOTES	WITNESS
∅	DENOTES	DIAMETER
CALC	DENOTES	CALCULATION DERIVED FROM D4 & D5

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
2100845

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR
In accordance with Regulation 1026, Section 29(3)

SURVEYOR'S REAL PROPERTY REPORT
PART 2
DESCRIPTION SUMMARY - LANDS DESCRIBED IN PIN 17483-0148 (LT).

REGISTERED EASEMENTS/RIGHTS-OF-WAY - SUBJECT TO AND TOGETHER WITH INSTRUMENT No. HL71251

ADDITIONAL REMARKS - MAKE NOTE OF THE LOCATION OF FENCES, THE SIDED GARAGE, CONCRETE PORCH AND THE PARTITION WALL AS SHOWN ON THE FACE OF THE PLAN.

THIS PLAN WAS PREPARED FOR PATRICIA & RICHARD PARKER AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

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 REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON MARCH 12, 2020.

ARPII 6, 2020
MATTHEW DI COSMO
ONTARIO LAND SURVEYOR

Barich Grenkie
Surveying Ltd.
297 HWY No. 8 (UNIT 101) - STONEY CREEK, ON
L8G 1E5 (905) 662-6767

DWN BY: EWA
CHK BY: MD
JOB No. 20-2620

A DIVISION OF GEOMAPLE

2:BARICH GRENKIE SURVEYING LTD. 2020/03/26/2020 - 2:26: Park Street West - Durand/Silverthorn/20-2620 - 28582.dwg



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>DN/A-20:35</u>	DATE APPLICATION RECEIVED <u>Jan. 28/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner RICHARD and PATRICIA PARKER Telephone No. 
- 
- Name of Agent _____ Telephone No. _____
FAX NO. _____ E-mail address. _____
- Address _____
Postal Code _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
Scotiabank - 851 Golf Link Rd. Ancaster, ON
Postal Code L9K 1L5

Postal Code _____

6. Nature and extent of relief applied for:

Construct one 11' wide front Dormer and one
8'-2" wide rear dormer

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

Proposed dormer addition is closer than 6m
from the front property line

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Plan 1443 Block 15 Part lot 2
226 Park St. W.

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ___ No X Unknown ___

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Discussed with neighbours

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ___ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

01/28/20
Date

[Redacted Signature]

Signature Property Owner

RICHARD and PATRICIA PARKER
Print Name of Owner

10. Dimensions of lands affected:

Frontage 34.37 ft
Depth 126.00 ft
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Detached Garage - 12'5" W x 23'2" L x 10' H

Proposed: 11' wide Front Dormer and 8'2" wide rear dormer

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

Existing: Detached Garage - 12'5" W x 23'2" L x 10' H

Proposed: 11' wide Front Dormer and 8'2" wide rear dormer

13. Date of acquisition of subject lands:
Aug. 22, 2019

14. Date of construction of all buildings and structures on subject lands:
1950

15. Existing uses of the subject property: Residential

16. Existing uses of abutting properties: Residential

17. Length of time the existing uses of the subject property have continued:
70 years

18. Municipal services available: (check the appropriate space or spaces)
Water ✓ Connected _____
Sanitary Sewer ✓ Connected _____
Storm Sewers ✓

19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighborhoods

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Low-Density Residential R4 zone

21. Has the owner previously applied for relief in respect of the subject property?
Yes _____ No (No)
If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes _____ No (No)

23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: /B-20:29

SUBJECT PROPERTY: 5299 Chippewa Rd. E., Glanbrook

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

APPLICANT(S): Owner: Duad Inc.
 Agent: Sorbara, Schumacher, McCann c/o Ron Nightingale

PURPOSE OF APPLICATION: To create an easement for access in favour of Niagara Peninsula Conservation Authority.

Severed lands:
 2.5m[±] x 199m[±] and an area of 498m² ±

Retained lands:
 595m[±] x 945m[±] and an area of 56 ha[±]

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:00 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

.../2

Page 2

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020

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.

Yellow - Retained Lands (Servient Lands)
Green - Niagara Peninsula Conservation Authority Lands (Dominant Lands)
Red - Basement Lands



20.166747



Hamilton

Planning and Economic Development Department
 Planning Division

Committee of Adjustment
 City Hall
 5th floor, 71 Main Street West
 Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: <i>May 15 2020</i>	Date Application Deemed Complete:	Submission No.: <i>GL/B-20-29</i>	File No.:
--	-----------------------------------	--------------------------------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Duad Inc.		
Applicant(s)*	Duad Inc.		
Agent or Solicitor	Ron Nightingale Sorbara, Schumacher, McCann LLP		

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

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Glanbrook	Lot 15	Concession 7	Former Township Glanford
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 5299 Chippewa Road East			Assessment Roll N°. 902.710.82000.0000

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:

Easement for 21 years to Conservation Authority for access - to be replaced by easement in perpetuity

3 PURPOSE OF THE APPLICATION

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

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
- addition to a lot
- an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- | | |
|---|---|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input checked="" type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Niagara Peninsula Conservation Authority

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
2.5	199	498

Existing Use of Property to be severed:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Building(s) or Structure(s):

Existing: none

Proposed: none

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 | |

Type of water supply proposed: (check appropriate box)

- | | |
|---|---|
| <input 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) |
| | none |

Type of sewage disposal proposed: (check appropriate box)

- | |
|--|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input checked="" type="checkbox"/> other means (specify) - Not applicable |

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
595	945	56 ha

Existing Use of Property to be retained:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input checked="" type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	
A provincially significant wetland within 120 metres	<input checked="" 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 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use _____
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Personal knowledge

- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No
Proposed use does not materially affect current use of the lands.

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Proposed use does not materially affect current use of the lands.

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Proposed use does not materially affect current use of the lands.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

Proposed use does not materially affect current use of the lands.

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 2.5	Area (m ² or ha): (from in Section 4.1) 498
---	---

Existing Land Use: Agricultural Proposed Land Use: Agricultural/access lane

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 595	Area (m ² or ha): (from Section 4.2) 56
---	---

Existing Land Use: Agricultural Proposed Land Use: Agricultural

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of 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: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

The proposed easement replaces an existing 21-year easement with an easement in identical terms but in perpetuity.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: FL/B-20:27

SUBJECT PROPERTY: 353 11th Con. Rd. E., Flamborough

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

APPLICANT(S): St. Mary's Cement Inc. c/o David Hanratty

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land.

To be heard in conjunction with FL/B-20:28 and FL/A-20:104.

Severed lands:

Lot 1: 250m[±] x variable and an area of 29.3 ha[±]
 Lot 5: 315m[±] x variable and an area of 17.5ha[±]

Retained lands: (Lots 2,3 and 4)

1375m[±] x variable and an area of 167.3 ha[±]

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:10 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FL/B-20:27

Page 2

MORE INFORMATION

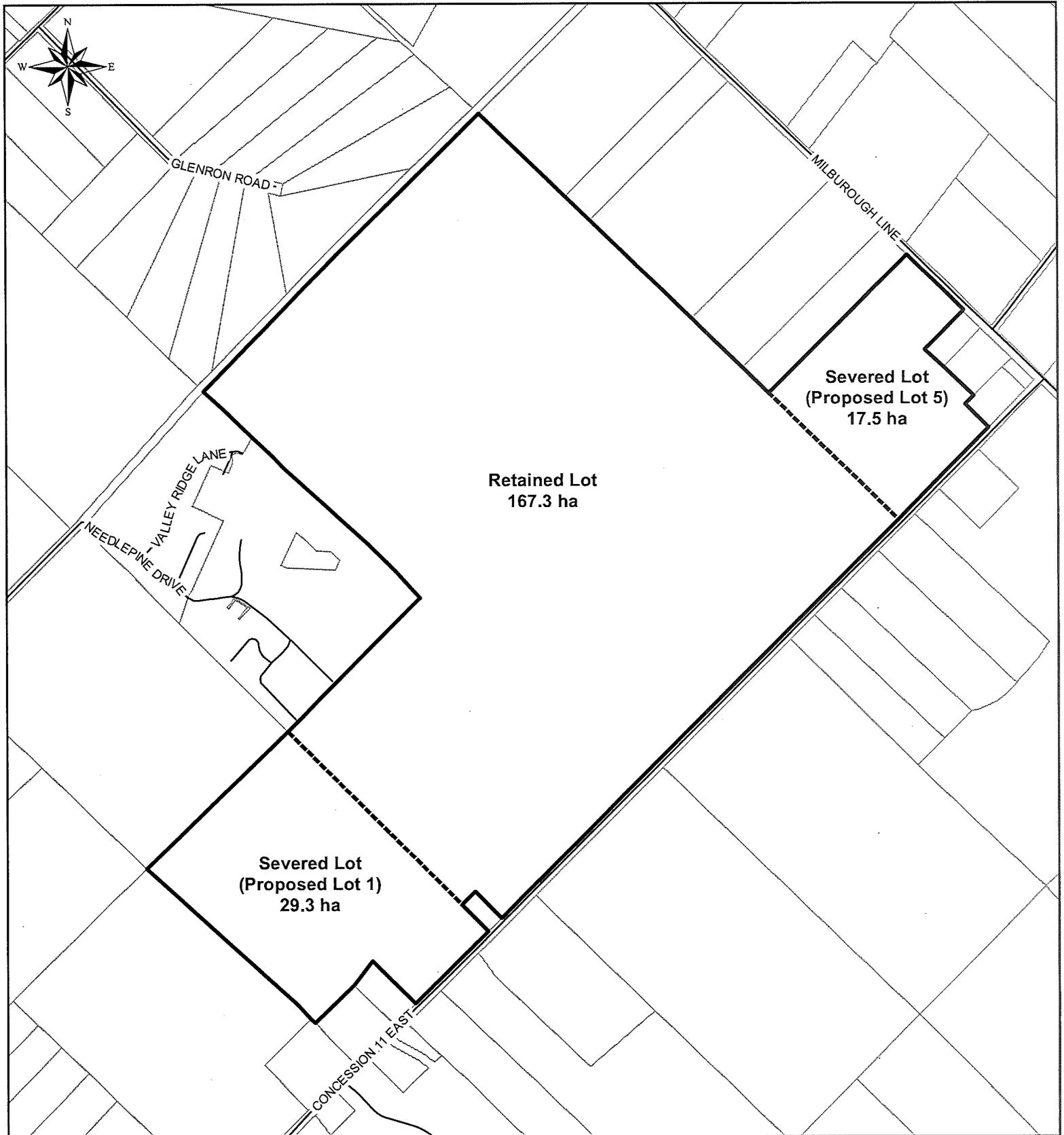
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020

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.



**Severance Sketch
Consent Application # 1**

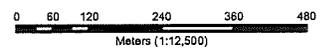
CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

Legend

-  Subject Lands
-  Proposed Lot Severance Line

DATE March 19, 2020

SOURCES
Lot 3 configuration based on Environmental Constraints figure by Stantec dated November 27, 2019.



N:\Brian\8816AA - CBM - Flamborough\Drawings\GIS





Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: FL/B-20:28

SUBJECT PROPERTY: 353 11th Con. Rd. E., Flamborough

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

APPLICANT(S): St. Mary's Cement Inc. c/o David Hanratty

PURPOSE OF APPLICATION: To permit the conveyance of two parcels of land and to retain a parcel of land.

To be heard in conjunction with FL/B-20:27 and FL/A-20:104.

Severed lands:

Lot 2: 425m[±] x variable and an area of 31.7 ha[±]

Lot 4: 848m[±] x variable and an area of 86ha[±]

Retained lands: (Lot 3)

102 m[±] x variable and an area of 49.6 ha[±]

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:10 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FL/B-20:28
Page 2

MORE INFORMATION

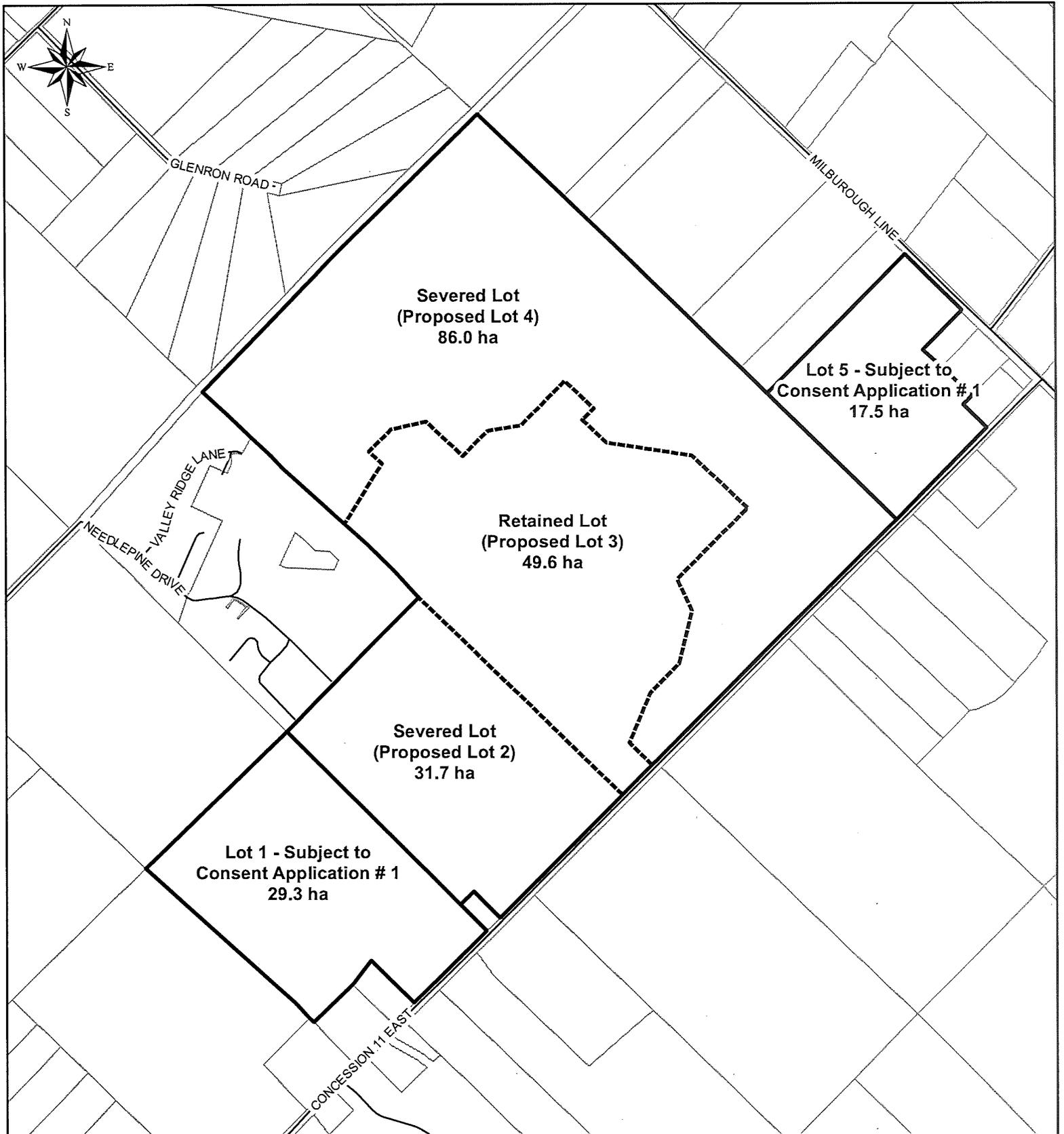
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020

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.



**Severance Sketch
Consent Application # 2**

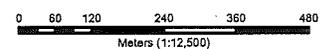
CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

Legend

-  Subject Lands
-  Proposed Lot Severance Line

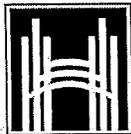
DATE March 19, 2020

SOURCES
Lot 3 configuration based on Environmental Constraints figure by Stantec dated November 27, 2019.



N:\Brian\8816AA - CBM - Flamborough\Drawings\GIS





Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: FL/A-20:104

APPLICANTS: Owner: St. Mary's Cement Inc. c/o David Hanratty

SUBJECT PROPERTY: Municipal address 353 11th Con. Rd. E., Flamborough

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: P6, 257, P7-257, P7, 258, P8, P8,257, and A2, 258
 (Conservation Hazard Land – Rural P6, Conservation Hazard Land – Rural P7, Conservation Hazard Land – Rural P8, and Rural) district

PROPOSAL: To permit the creation of five (5) lots through Consent Application FL/B-20:28, notwithstanding that;

1. A minimum lot area of 29.3ha shall be permitted for Lot #1 and a minimum lot area of 31.7ha shall be permitted for Lot #2 instead of the minimum 40.4ha lot area required.

Notes:

This variance is necessary to facilitate Consent Application FL/B-20:28.

The zoning By-law requires a minimum front yard, side yard and rear yard of 15.0m from any building to a lot line. The applicant shall ensure that the minimum 15.0m setback can be maintained; otherwise, further variances shall be required.

The zoning By-law permits a maximum 20.0% lot coverage. The applicant shall ensure that the maximum lot coverage can be maintained for the new lots; otherwise, further variances shall be required.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020
TIME: 2:05 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

FL/A-20:104

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

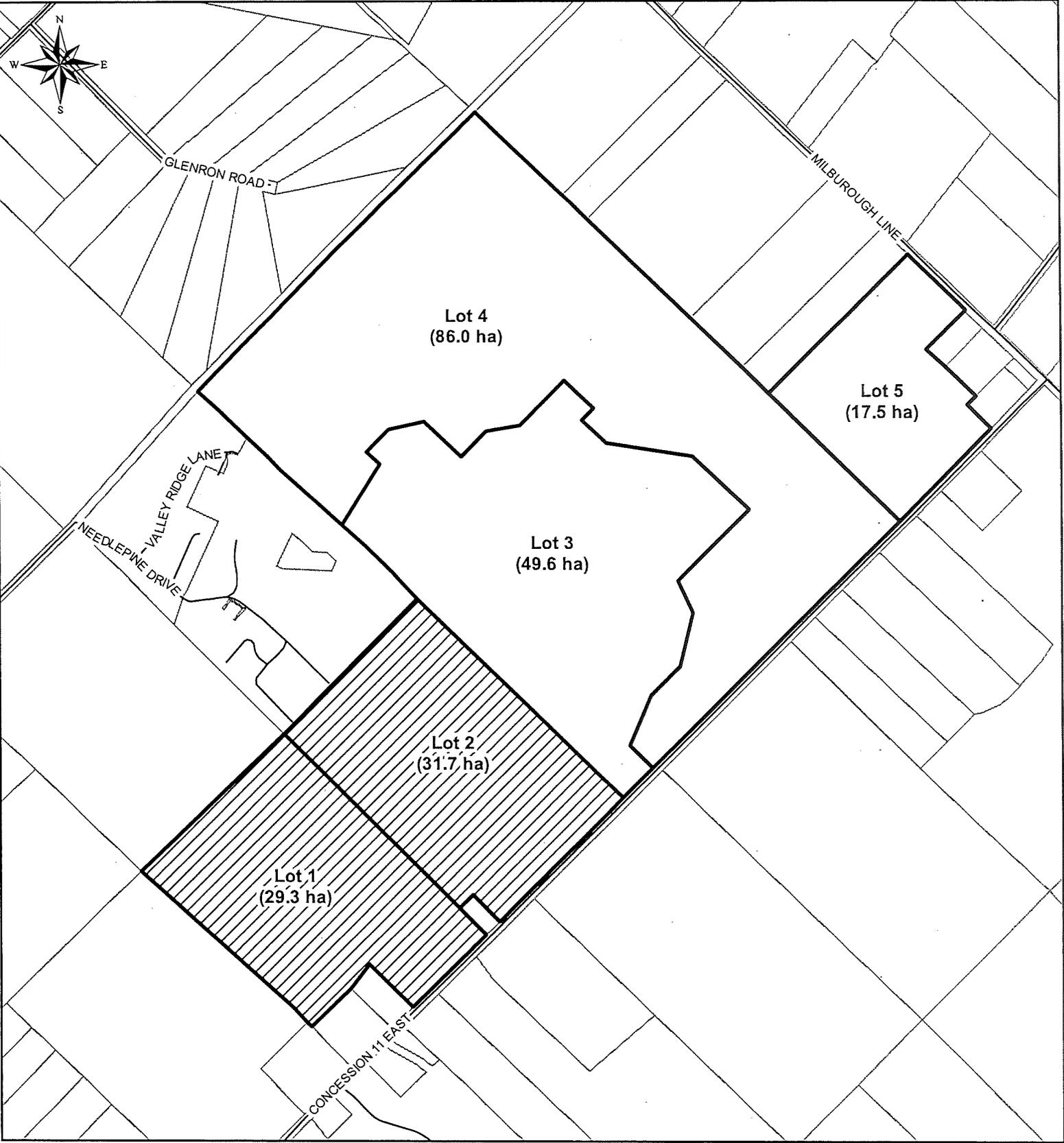
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

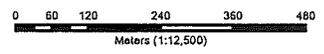


Lands Subject to Minor Variance Application

CBM Flamborough
 Part Lots 1-5, Concession 11
 East Flamborough
 City of Hamilton

Legend

 Lands subject to minor variance application to permit a reduced minimum lot area

DATE	March 19, 2020
SOURCES	Lot 3 configuration based on Environmental Constraints figure by Stantec dated November 27, 2019.
	
N:\Brian\8816AA - CBM - Flamborough\Drawings\GIS	
 PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE	



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424, ext. 4221

Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE *PLANNING ACT***

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	St.Marys Cement Inc. (Canada) c/o David Hanratty		
Applicant(s)*	St.Marys Cement Inc. (Canada) c/o David Hanratty		
Agent or Solicitor			

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

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Flamborough	Lot 2-4	Concession 11	Former Township Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 385,412,475 Concession 11 East			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

creation of a new lot

addition to a lot

an easement

Other: a charge

a lease

a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
Please see attached Planning Justification Report and Severance Sketch for Consent Application #2		

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Rural
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) No change in use proposed
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: See planning justification report

Proposed: No buildings or structures proposed

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m) ^{102m}	Depth (m) ^{Varies}	Area (m ² or ha) ^{49.6ha}
Please see the attached Planning Justification Report and Severance Sketch for Consent Application #2		

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Rural
- Industrial
 Agricultural-Related
 Commercial
 Vacant

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	See attached technical reports
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	See attached technical reports
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 PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
 General knowledge of the subject property
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

Yes No
 See Planning Justification report

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

Yes No (Provide explanation)

See Planning Justification report

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

Yes No (Provide explanation)

See Planning Justification report

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes No

See Planning Justification report

e) Are the subject lands subject to the Niagara Escarpment Plan?

Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

Yes No

(Provide Explanation)

N/A

f) Are the subject lands subject to the Parkway Belt West Plan?

Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

Yes No (Provide Explanation)

N/A

g) Are the subject lands subject to the Greenbelt Plan?

Yes No

If yes, does this application conform with the Greenbelt Plan?

Yes No (Provide Explanation)

See Planning Justification report

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed: See Planning Justification report and Severance Sketch for Consent Application #2

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained: See Planning Justification report and Severance Sketch for Consent Application #2

Frontage (m): (from Section 4.2) 102m	Area (m ² or ha): (from Section 4.2) 49.6ha
--	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm: N/A

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of 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: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

N/A
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

See Planning Justification report

Regarding Section 8.5 - St. Marys owns additional lands that we subject to

consent application #1 (353 Concession Road 11 and 515 Concession Road 11)

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private

Schedule "A"
Description of Lands

Municipal Address	Legal Description
353 Concession Road 11 East	Pt Lot 5, Concession 11 East <u>Flamborough</u> , As in CD183074, <u>Flamborough</u> City of Hamilton being PIN 17525-0151 (LT)
385 Concession Road 11 East	Pt Lot 4, Concession 11 East <u>Flamborough</u> , As in CD399791; save and except Part 1 on 62R16062; Hamilton being PIN 17525-0227 (LT)
412 Concession Road 11 East	Pt Lot 2 and Lot 3, Concession 11 East <u>Flamborough</u> , As in AB157693, <u>Flamborough</u> City of Hamilton being PIN 17525-0157 (LT)
475 Concession Road 11 East	Pt Lot 2, Concession 11 East <u>Flamborough</u> , As in AB149944, <u>Flamborough</u> City of Hamilton being PIN 17525-0158 (LT)
515 Concession Road 11 East	Pt Lot 1, Concession 11 East <u>Flamborough</u> , As in AB200144, <u>Flamborough</u> City of Hamilton being PIN 17525-0164 (LT)



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	St.Marys Cement Inc. (Canada) c/o David Hanratty		
Applicant(s)*	St.Marys Cement Inc. (Canada) c/o David Hanratty		
Agent or Solicitor			Business () Fax: () E-mail:

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

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Flamborough	Lot 1-5	Concession 11	Former Township Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 353,385,412,475,515 Concession 11 East			Assessment Roll N°.

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)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
 addition to a lot
 an easement

- Other: a charge
 a lease
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**4.1 Description of land intended to be Severed:**

Frontage (m)	Depth (m)	Area (m ² or ha)
Please see attached Planning Justification Report and Severance Sketch for Consent Application #1		

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Rural
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) No change in use proposed
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: See planning justification report

Proposed: No buildings or structures proposed

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be Retained:

Frontage (m)	Depth (m)	Area (m ² or ha)
1,375m	varies	167.3 ha
Please see the attached Planning Justification Report and Severance Sketch for Consent Application #1		

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Rural
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be retained:

Residential
 Industrial
 Commercial
 Agriculture (includes a farm dwelling)
 Agricultural-Related
 Vacant
 Other (specify) Rural

Building(s) or Structure(s):

Existing: See Planning Justification Report

Proposed: No buildings or structures proposed

Type of access: (check appropriate box)

provincial highway
 right of way
 municipal road, seasonally maintained
 other public road
 municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

publicly owned and operated piped water system
 lake or other water body
 privately owned and operated individual well
 other means (specify)

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
 Urban Hamilton Official Plan designation (if applicable): N/A

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

See Planning Justification report

5.2 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? See Planning Justification Report - Minister's Zoning Order - O-Reg 138/10

5.3 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	<input checked="" type="checkbox"/>	See attached technical reports

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	See attached technical reports
A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	See attached technical reports
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 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
General knowledge of the subject property
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No
See Planning Justification report

- _____
- _____
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

See Planning Justification report

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

See Planning Justification report

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

See Planning Justification report

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

Yes No

(Provide Explanation)

N/A

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?

Yes No (Provide Explanation)

See Planning Justification report

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

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

N/A

8.3 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.

8.4 How long has the applicant owned the subject land?

Since the early 2000's

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

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number MZO - O-Reg 138/10 Status MZO - In force April 13, 2010
 Minor Variance submitted concurrently MV - submitted concurrently

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

Agricultural Rural Specialty Crop
 Mineral Aggregate Resource Extraction Open Space Utilities
 Rural Settlement Area (specify) _____

Settlement Area Designation

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 operation.

N/A

10.2 **Type of Application** (select type and complete appropriate sections)

Agricultural Severance or Lot Addition
 Agricultural Related Severance or Lot Addition
 Rural Resource-based Commercial Severance or Lot Addition
 Rural Institutional Severance or Lot Addition

} (Complete Section 10.3)

Rural Settlement Area Severance or Lot Addition

Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed: See Planning Justification report and Severance Sketch for Consent Application #1

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained: See Planning Justification report and Severance Sketch for Consent Application #2

Frontage (m): (from Section 4.2) 1,375m	Area (m ² or ha): (from Section 4.2) 167.3 ha
--	---

Existing Land Use: Rural Proposed Land Use: Rural

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm: N/A

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of 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: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

Prior to December 16, 2004 After December 16, 2004

f) Condition of surplus farm dwelling:

Habitable Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

N/A

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

See Planning Justification report

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land or on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



Hamilton

Planning and Economic Development Department
 Planning Division

Committee of Adjustment
 City Hall
 5th floor 71 Main Street West
 Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
 Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
 RETURN TO THE CITY OF HAMILTON PLANNING
 DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
 COMMITTEE OF ADJUSTMENT
 HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner St. Marys Cement Inc. (Canada)
c/o David Hanratty

2. 

3. 

4. 

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:
PBR Systems Group Inc. 385 11th Concession Road East
Freelton, Ontario Postal Code L0R 1K0

 _____ Postal Code _____

6. Nature and extent of relief applied for:
A minor variance to the minimum lot area where 40.4 ha is required.
See Planning Justification report for details and Minor Variance sketch for details

7. Why it is not possible to comply with the provisions of the By-law?
See Planning Justification report

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
353 and 358 Concession Road 11 East
See Planning Justification report for legal descriptions

9. PREVIOUS USE OF PROPERTY
- Residential Industrial _____ Commercial _____
- Agricultural Vacant _____
- Other _____
- 9.1 If Industrial or Commercial, specify use
N/A
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes _____ No Unknown _____
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes _____ No Unknown _____
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes _____ No Unknown _____
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes _____ No Unknown _____
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes _____ No Unknown _____
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes _____ No Unknown _____
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

General knowledge of the subject property. Regarding 9.10 - St. Marys understands waste was dumped on-site prior to St. Marys ownership. St. Marys has worked with the MOE to clean up the site. MOE has confirmed the site has been cleaned to their satisfaction.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

April 3, 2020
Date


Signature Property Owner

DAVID HANRAHAN
Print Name of Owner

10. Dimensions of lands affected:

Frontage 675m - See Planning Justification Report
 Depth 692m - See Planning Justification Report
 Area 61 ha - See Planning Justification Report
 Width of street 20 metre right-of-way

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: See Planning Justification report

Proposed: No additional buildings or structures proposed

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

Existing: See Planning Justification report

Proposed: No additional buildings or structures proposed

13. Date of acquisition of subject lands:
Early 2000's
14. Date of construction of all buildings and structures on subject lands:
Unknown
15. Existing uses of the subject property: Agricultural, Residential
16. Existing uses of abutting properties: See Planning Justification report
17. Length of time the existing uses of the subject property have continued:
Unknown
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
See Planning Justification report
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
See Planning Justification report
21. Has the owner previously applied for relief in respect of the subject property?
 Yes _____ No
- If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes Consent Application submitted concurrently No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

April 29, 2020

Mike Davis, MCIP, RPP
Senior Planner
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main St. W, 5th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Davis:

RE: St. Marys Cement Inc. (Canada) Flamborough Landholdings
Severance and Minor Variance Application Submission
Part Lots 1 – 5, Concession 11 East, Flamborough, City of Hamilton
MHBC File: 8816AA

St. Marys Cement Inc. (Canada) (“St. Marys”) is pleased to submit a Severance application and a Minor Variance application at its current Flamborough landholdings known municipally as 353, 385, 412, 475, and 515 Concession Road 11 East, Hamilton. Enclosed please find the following:

- One (1) original signed Consent to Sever Land Application form for Consent #1, including signed Cost Acknowledgement Agreement;
- One (1) copy of the signed Consent to Sever Land Application form for Consent #1, including signed Cost Acknowledgement Agreement;
- Five (5) copies of Sketch associated with the Consent #1 Application (see Appendix C of the Planning Report);
- One (1) original signed Consent to Sever Land Application form for Consent #2, including signed Cost Acknowledgement Agreement;
- One (1) copy of the signed Consent to Sever Land Application form for Consent #2, including signed Cost Acknowledgement Agreement;
- Five (5) copies of Sketch associated with the Consent #2 Application (see Appendix D of the Planning Report);
- One (1) original signed Application for a Minor Variance, including signed Cost Acknowledgement Agreement;
- One (1) copy of the signed Application for a Minor Variance, including signed Cost Acknowledgement Agreement;

- Five (5) copies of Sketch associated with the Application for a Minor Variance (see Appendix E of the Planning Report);
- Five (5) copies of the Planning Justification Report dated March 2020 as prepared by MHBC;
- Five (5) copies of the Agricultural Viability Report dated March 2020 as prepared by MHBC;
- Five (5) copies of the Environmental Impact Study dated March 26, 2020 as prepared by Stantec;
- One (1) USB containing an electronic copy of the above mentioned documents.

The fees for these applications as provided on the applicable application forms total \$12,073.00 and three cheques totalling this amount have been included in this submission. The fees are broken down as follows:

- Minor Variance Application Fees - \$3,302.00
- Consent Application Fees - \$6,618.00 (\$3,309.00 per application)
- Conservation Halton Review Fee - \$2,153.00

If you have any questions, please do not hesitate to contact us.

We look forward to hearing from you.

Yours truly,

MHBC



Brian Zeman, BES, MCIP, RPP
President

cc. David Hanratty, St. Marys Cement Inc. (Canada)
Stephen May, St. Marys Cement Inc. (Canada)
James Newlands, MHBC



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

PLANNING JUSTIFICATION **REPORT**

PROPOSED SEVERANCE and MINOR VARIANCE

353, 358, 412, 475, AND 515 CONCESSION ROAD 11 EAST
City of Hamilton

Date:

March 2020

Prepared for:

St. Marys Cement Inc. (Canada)

Prepared by:

Brian Zeman

**MacNaughton Hermsen Britton Clarkson
Planning Limited (MHBC)**

113 Collier Street

Barrie ON L4M 1H2

T: 705 728 0045 Ext. 226

F: 705 728 2010

Our File 8816AA

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- Figure 4 – Greenbelt Plan Designation
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- Figure 6 – Zoning

1.0 INTRODUCTION

St. Marys Cement Inc. (Canada) (“St. Marys”) owns a property with an approximate area of 214 hectares known as the former proposed Flamborough Quarry (the “Property”). **See Figure 1.** The Property consists of five (5) parcels identified as:

Municipal Address	Legal Description
353 Concession Road 11 East	Pt Lot 5, Concession 11 East Flamborough, As in CD183074, Flamborough City of Hamilton being PIN 17525-0151 (LT)
385 Concession Road 11 East	Pt Lot 4, Concession 11 East Flamborough, As in CD399791; save and except Part 1 on 62R16062; Hamilton being PIN 17525-0227 (LT)
412 Concession Road 11 East	Pt Lot 2 and Lot 3, Concession 11 East Flamborough, As in AB157693, Flamborough City of Hamilton being PIN 17525-0157 (LT)
475 Concession Road 11 East	Pt Lot 2, Concession 11 East Flamborough, As in AB149944, Flamborough City of Hamilton being PIN 17525-0158 (LT)
515 Concession Road 11 East	Pt Lot 1, Concession 11 East Flamborough, As in AB200144, Flamborough City of Hamilton being PIN 17525-0164 (LT)

These lands were assembled by St. Marys for their proposed Flamborough Quarry, resulting in the lands being merged into one parcel.

MacNaughton Hermsen Britton Clarkson Planning Limited (hereinafter “MHBC”) has been retained by St. Marys to assess in the re-establishment of the five (5) parcels through applications for consent and minor variance.

See attached **Figure 2** for the proposed lot configuration and proposed lot areas. Proposed lots 1 (29.3ha), 2 (31.7ha), 3 (49.6 ha) and 5 (17.5 ha) would be retained by St. Marys for re-sale while proposed lot 4 (86.0 ha) could potentially be conveyed to the City of Hamilton, Conservation Halton or another party to be environmentally protected as it is predominantly zoned as Conservation/Hazard Land.

Proposed lots 1 and 2 do not meet the provision for the minimum lot area of 40.4 hectares for the Rural (A2) zone in the Zoning By-law. A minor variance application is being submitted to permit a reduced minimum lot area to facilitate the consent. An analysis of the proposed minor variance is provided in Section 4.0 of this report.

The City of Hamilton Zoning By-law No. 05-200 (Consolidated as of August 14 2019) zones the five parcels as follows. See **Figure 2.**

- Rural Special Exception 258 (A2-258);
- Conservation/Hazard Land - Rural Special Exception 257 (P6-257);
- Conservation/Hazard Land - Rural Special Exception 257 (P7-257);
- Conservation/Hazard Land - Rural Special Exception 258 (P7-258);

- Conservation/Hazard Land - Rural (P8); and
- Conservation/Hazard Land - Rural Special Exception 257 (P8-257).

A Minister Zoning Order was issued for the properties known as 412, 475, 515 Concession Road 11 East on April 13, 2010. See **Appendix A**. These three properties correspond with proposed lots 3, 4 and 5 in **Figure 2**. The Minister Zoning Order is explained in greater detail in Section 4.0 of this report.

1.1 Summary of Application Requirements

St Marys had a pre-consultation meeting with the City of Hamilton and Conservation Halton on October 9, 2019 to discuss the proposed consent and minor variance applications. Attached as **Appendix B** is a copy of the pre-consultation correspondence provided by the City of Hamilton which outlines the required studies for the application for consent. These studies included:

- Planning Justification Report;
- Environmental Impact Study (EIS); and
- Agricultural Viability Study.

Based on the pre-consultation meeting with the agencies, in addition to this report the following reports have been submitted to constitute a complete application:

- Environmental Impact Study prepared by Stantec, dated March, 2020;
- Agricultural Viability Study prepared by MHBC Planning, Urban Design and Landscape Architecture, dated March, 2020.

A severance sketch for Consent Application #1 has been prepared and is included as **Appendix C**.

A severance sketch for Consent Application #2 has been prepared and is included as **Appendix D**.

A third sketch has been prepared and is included as **Appendix E** which identifies the lands that are subject to the Minor Variance Application.

2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

2.1 Site Description

The Property is approximately 214 hectares and is generally located west of Millborough Line and east of Centre Road along Concession 11 East. The Property is relatively flat and consists of a variety of uses including a horse training facility, agricultural uses, single detached residences, forested areas, and vacant land.

The Ministry of Natural Resources and Forestry (MNRF) and Rural Hamilton Official Plan recognizes the Property as containing various natural heritage features including provincially significant and unevaluated wetlands, significant woodlands, and being within the Natural Heritage System (**Figure 3**). The Property is also designated as Protected Countryside in the Greenbelt Plan (**Figure 4**).

There are no specialty crop areas, prime agricultural areas, or candidate areas located on the Subject Site.

2.2 Surrounding Land Uses

The general area of the Property is surrounded by agricultural and rural land uses, small rural businesses, single detached residences, conservation/hazard lands, and forested area.

NORTH: Single detached residences, forested area, and agricultural land.

EAST: Forrestdale Kennels, single detached residences, forested area, farm and agricultural operations.

SOUTH: Farm and agricultural operations, single detached residences, Carlisle Canoe Co., and forested area.

WEST: Single detached residences, forested area, and Lawson Park Camping Resort.

3.0 PLANNING ANALYSIS

This section provides an assessment of the proposed consent and minor variance applications relative to the policies and provisions of the following documents:

- Provincial Policy Statement (PPS);
- Places to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan);
- Greenbelt Plan;
- Rural Hamilton Official Plan; and
- City of Hamilton Zoning By-law.

3.1 Provincial Policy Statement (2020)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. (Part 1, Preamble)

The 2020, Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and comes into effect May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “be consistent with” policy statements issued under the Act. (Part II, Legislative Authority).

The Provincial Policy Statement provides a policy-led planning approach that recognizes the complex inter-relationship among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning and recognizes linkages among policy areas. (Part III, How to Read the Provincial Policy Statement).

The following are policy excerpts from the PPS that are relevant to the proposed consent. A response follows each excerpt to demonstrate how the proposal is consistent with the PPS.

“On rural lands in municipalities, permitted uses are:

*c) residential development, including lot creation, that is locally appropriate;
g) other rural land uses.” (1.1.5.2)*

The existing property is located on rural lands within the City of Hamilton. Residential uses and other rural land uses currently exist on the property and are not proposed to be changed. The proposed consent application would continue to permit the properties to be used for limited residential uses and other rural land uses.

“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted” (1.1.5.4)

The proposed severances are not expected to change or create any additional land uses in the area. The result of the consent will not require any increase in rural services such as the road network, snow removal, or emergency services. Therefore the creation of the lots will be compatible with the rural landscape and can be sustained by the existing rural service levels.

“Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.” (1.1.5.5)

The proposed severances represent an efficient use of existing infrastructure by utilizing the existing municipal road network. No new infrastructure will be required for the creation of the lots.

“New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.” (1.1.5.8)

The Property is within the vicinity of existing livestock facilities and provincial guidelines (Publication 853) require new development to comply with the Minimum Distance Separation (MDS) formulae.

Guideline #14 of the MDS document confirms that an MDS I setback is not required for the proposed severance from the existing livestock facility on the property as it is located on the same lot as the proposed development.

Guideline #8 requires that where lot creation is proposed, including new lots for agricultural uses, an MDS I setback is required for both the severed and retained lots. Proposed Lots 3 and 4 are vacant and will be considered new lots with Lot 3 being for agricultural uses. As per Guideline #8, an MDS I calculation is required for proposed Lots 3 and 4. The Agricultural Viability Report prepared with this application includes an MDS I calculation which indicated that the nearest livestock facility is an equestrian operation located on the south side of Concession 11 East. The calculation shows the MDS I setback is met for the neighbouring equestrian operation. Please refer to the Agricultural Viability Report for further details on the MDS I calculation.

Guideline #8 exempts proposed agricultural lots that already contain an existing residential dwelling from requiring an MDS I setback for said lot creation. Proposed Lots 1, 2 and 5 each contain an existing dwelling and are exempt from MDS I calculation requirements.

“Natural features and areas shall be protected for the long term.” (2.1.1)

“The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface areas, rural areas, and prime agricultural areas.” (2.1.2)

The proposed lot configuration is arranged in such a way to protect the conservation and hazard lands containing significant woodlands and significant wetlands identified on the Property (see **Figure 3**).

Proposed lot 4 (see **Figure 2**) is primarily zoned Conservation and Hazard Lands and is to potentially be conveyed to the City of Hamilton, Conservation Halton or another party to be set aside as environmentally protected lands.

The existing areas zoned Conservation and Hazard Lands will be maintained. Furthermore, no new uses are proposed, therefore the ecological function and biodiversity of the existing natural features will be maintained. The Environmental Impact Study completed as part of this application supports the proposed lot configuration and concludes the application is not anticipated to impact the Key Natural Heritage Features on the property.

Based on the above summary, it is concluded that the consent is consistent with the policies of the Provincial Policy Statement.

3.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Property is located within the Greater Golden Horseshoe, 2019 (Growth Plan) and this plan came into effect on May 16, 2019.

The Growth Plan is a policy document which guides the building of stronger more prosperous communities through the management of growth. The Growth Plan contains various principles which are to guide decisions on how land is developed. These include, among other matters, building compact, vibrant and complete communities, protecting and wisely using natural resources, optimizing the use of infrastructure, and providing for approaches to managing growth that recognize the diversity of communities.

Section 1.2.3 of the Growth Plan addresses the Plan's relationship with other Provincial Plans, including the Greenbelt Plan.

"Within the Greenbelt Area, policies of this Plan that address the same, similar, related, or overlapping matters as the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, or the Niagara Escarpment Plan do not apply within that part of the Greenbelt Area covered by the relevant plan except where the policies of this Plan, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, or the Niagara Escarpment Plan provide otherwise." (1.2.3)

As the property is located within the Greenbelt Area, the policies of the Greenbelt Plan apply. A detailed review of the Greenbelt Plan can be found in Section 3.3 of this report.

The general growth management policies contained within Section 2 of the Growth Plan include policies to direct development to settlement areas, direct major growth to settlement areas with municipal water and sewage systems, build compact communities in Designated Greenfield Areas, and encourage the development of complete communities that contain a diverse mix of land uses, including a range and mix of housing types and high quality public open space (amongst others). There are, however provisions for limited amounts of growth in rural areas. The Growth Plan states,

"...development outside of settlement areas may be permitted on rural lands for:

- a) the management or use of resources;*
- b) resource-based recreational uses; and*
- c) other rural land uses that are not appropriate in settlement areas provided they:

 - i. are compatible with the rural landscape and surrounding local land uses;**

- ii. will be sustained by rural service levels; and*
- iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.” (2.2.9.3)*

The existing land uses on the property consist of the management or use of resources, and other rural land uses. No new uses are expected in result of the severance.

The Property is within the Growth Plan’s Natural Heritage System. The Natural Heritage System supports a comprehensive, integrated, and long-term approach to planning for the protection of natural heritage and biodiversity (4.2.2.1). For areas within the Natural Heritage System for the Growth Plan,

“a) new development or site alteration will demonstrate that:

- i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*
- ii. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
- iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;*
- vi. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8.” (4.2.2.3)*

The EIS has confirmed the proposed severance application is not expected to have any impact on the existing natural function of the area. The natural vegetation will not be affected as a result of the consent as no buildings or structures are proposed. The majority of the key natural heritage features will be protected through retention on proposed Lot 4, which is proposed to be conveyed for conservation purposes.

“b) the full range of existing and new agricultural uses, agriculture related uses, on-farm diversified uses, and normal farm practices are permitted. However, new buildings or structures for agricultural uses, agriculture-related uses, or on-farm diversified uses are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.” (4.2.2.3)

All related uses will continue to exist on the Property. No new uses are proposed.

Section 4.2.3 of the Growth Plan contains policies for lands within Key Hydrologic Features, Key Hydrologic Areas, and Key Natural Heritage Features. These policies place restrictions on the type of development that can occur on these lands. There will be no new uses proposed on the site. Further, the proposed lot configuration is arranged in such a way as to protect and direct development away from the Key Hydrologic Features and Natural Heritage Features identified on the Property.

Section 4.2.4 of the Growth Plan contains policies for lands within 120 metres of Key Hydrologic Features, Key Hydrologic Areas, and Key Natural Heritage Features. The EIS that has been prepared, confirmed Key

Natural Heritage Features exist on the property and that these features will be protected as part of the application. The EIS took into consideration the vegetation protection zone requirements in relation to the lands adjacent to the Key Natural Heritage Features.

Based on the above summary, it is concluded that the proposed consent conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

3.3 Greenbelt Plan (2017)

The Property is designated as “Protected Countryside” in the Greenbelt Plan (**Figure 4**). The Greenbelt Plan, together with other Provincial Plans, identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape.

Section 1.2.2 of the Greenbelt Plan contains goals for the Protected Countryside designation. These include goals for agricultural viability and protection; environmental protection; culture, recreation and tourism; settlement areas; infrastructure and natural resources; and climate change.

Section 3.1.4 of the Greenbelt Plan contains policies for Rural Lands. The policies generally provide direction for new and existing rural, residential, recreational, tourism, institutional, and resource based commercial/ industrial uses. No new uses are proposed as part of the applications. The Greenbelt Plan states,

“New land uses, including the creation of lots (as permitted by the policies of this Plan), and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.” (3.1.4.6)

As discussed in Section 3.1 of this report, the Property is within the vicinity of existing livestock facilities and provincial guidelines (Publication 853) require new development to comply with the Minimum Distance Separation (MDS) formulae.

Guideline #14 of the MDS document confirms that an MDS I setback is not required for the proposed severance from the existing livestock facilities on the property as the facilities are located on the same lot as the proposed development.

Guideline #8 requires that where lot creation is proposed, including new lots for agricultural uses, an MDS I setback is required for both the severed and retained lots. Proposed Lots 3 and 4 are vacant and will be considered new lots with Lot 3 being for agricultural uses. As per Guideline #8, an MDS I calculation is required for proposed Lots 3 and 4. The Agricultural Viability Report prepared with this application includes an MDS I calculation which indicated that the nearest livestock facility is an equestrian operation located on the south side of Concession 11 East. The calculation shows the MDS I setback is met for the neighbouring equestrian operation. Please refer to the Agricultural Viability Report for further details on the MDS I calculation.

Guideline #8 exempts proposed agricultural lots that already contain an existing residential dwelling from requiring an MDS I setback for said lot creation. Proposed Lots 1, 2 and 5 each contain an existing dwelling and are exempt from MDS I calculation requirements.

Section 3.2.2 provides policy direction for lands within the Natural Heritage System in the Protected Countryside designation. Existing and new agricultural uses are permitted as per Section 3.2.2.1. No new uses are proposed with the consent and minor variance applications.

“New development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:

- a) There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;*
- b) Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
- c) The removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;” (3.2.2.3)*

The Greenbelt Plan defines *development* to include the creation of new lots. As such, to ensure the creation of new Lots 3 and 4 do not negatively impact key natural heritage features or key hydrologic features, an EIS was completed. Measures have been taken to ensure there will be no negative impacts on the natural heritage system in the consent process. Such measures include configuring proposed Lot 4 such that the majority of key natural heritage features are captured within the one lot. Doing so ensures the natural features are protected, fragmentation is reduced, and connectivity along the system is maintained. Further, this large portion of the lands identified as containing key natural heritage features could be conveyed to public ownership for conservation purposes.

“Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:

- a) Forest, fish and wildlife management;*
- b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or*
- c) Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section 4.” (3.2.5.1)*

The consent and minor variance applications do not propose new uses for the subject lands. Only the existing uses are proposed to continue. An EIS has been completed and concludes the lot severances will not negatively impact the key natural heritage features on the property.

Section 4 of the Greenbelt Plan provides general policies for the Protected Countryside designation. The existing uses on the Property consist of both agricultural and non-agricultural uses. As no new uses or expansion of uses are proposed, the existing uses are appropriate for location on rural lands.

Section 4.2 includes policies for infrastructure. There will be no new or expansion of infrastructure needed to facilitate the severances.

The consent will have no effect on existing uses and no new uses are proposed. All existing uses on the property are permitted in the Protected Countryside designation (4.5.1).

Section 4.6 includes policies for lot creation. Section 4.6.1 states the following,

“Lot creation is discouraged and may only be permitted for:

- a) Outside prime agricultural areas, including specialty crop areas, the range of uses permitted by the policies of this Plan;*
- d) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas” (4.6.1)*

The Property is not within a prime agricultural area or specialty crop area and is consistent with the range of uses permitted in the Protected Countryside designation. The consent will facilitate the conveyance of one of the severed lots to the City of Hamilton, Conservation Halton or another party to be set aside to be environmentally protected.

Based on the above summary, it is concluded that the proposed consent conforms to the policies of the Greenbelt Plan.

3.4 Rural Hamilton Official Plan

The Property is designated as “Rural” in the Rural Hamilton Official Plan (**Figure 5**). The Rural Hamilton Official Plan applies to the lands in the rural area of the City. The Plan provides direction and guidance on the management of communities, land use change, physical development, and provincial initiatives.

Chapter A of the Rural Official Plan provides a brief introduction of the policy direction for the City of Hamilton. Chapter B provides policy for communities located in the rural areas of the City of Hamilton. Chapter C includes policy direction for city-wide systems and designations.

The Property is within the Natural Heritage System identified on Schedule B of the Rural Hamilton Official Plan. Section C.2.0 contains policy for lands part of the Natural Heritage System. Applicable policy goals include the following:

“To protect and enhance biodiversity and ecological functions.” (2.1.1)

“To achieve a healthy, functional ecosystem.” (2.1.2)

“To conserve the natural beauty and distinctive character of Hamilton’s landscape.” (2.1.3)

“To maintain and enhance the contribution made by the Natural Heritage System to the quality of life of Hamilton’s residents.” (2.1.4)

“To restore and enhance connections, quality and amount of natural habitat.” (2.1.5)

The consent does not propose any new buildings, structures, or site alteration which would disrupt any existing natural heritage features. The EIS completed as part of this application, concludes that the proposed lot configuration will not impact the key natural heritage features on site. Further, most of the identified natural heritage features have been retained within Lot 4 and will be protected further as proposed Lot 4 is proposed to be conveyed for environmental protection. The EIS has confirmed the continued agricultural land use of Lot 3 is not anticipated to impact the remaining key natural heritage features not located on Lot 4.

With respect to the existing land uses on the Property, the Rural Official Plan states:

"The policies in this Plan do not prohibit the continuation of existing or the establishment of new agricultural uses, agricultural-related and secondary uses within or adjacent to the Natural Heritage System lands." (2.2.2)

Schedule B of the Rural Official Plan identifies parts of the Property as being within the Core Area of the Natural Heritage System. The following Schedules apply to the Property:

- Schedule B-2 – Key Natural Heritage Features - Significant Woodlands
- Schedule B-4 – Key Natural Heritage Features and Key Hydrologic Features - Wetlands
- Schedule B-5 – Key Hydrologic Features - Lakes and littoral zones
- Schedule B-6 – Local Natural Area - Environmentally Significant Areas
- Schedule B-8 – Key Hydrologic Features - Streams

The EIS included comprehensive natural heritage field investigations completed between 2003 and 2007 as part of St. Marys previous aggregate application for the site. The field investigations focused on proposed Lots 3, 4, and 5 and included mapping vegetation communities, wetland and woodland delineation, vascular plant inventory, wildlife surveys and fisheries and aquatic habitat surveys of watercourses in the study area. Please refer to the EIS for further details.

Permitted uses within these areas include existing agricultural uses, conservation, and other existing uses (C.2.4.1). Section F.1.12.2 provides policy to allow existing non-complying uses to continue. All uses on the property are in conformity with the Rural Hamilton Official Plan.

Section C.2.3 contains policies for the Natural Heritage System Core Areas. Core Areas are comprised of key natural heritage features, key hydrologic features, including any associated vegetation protection zones, and provincially significant and local natural areas (C.2.3.2).

The Rural Hamilton Official Plan states:

"Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions." (C.2.3.3)

An EIS has been completed for the property and has determined that there will be no negative impact on the environmental features or their ecological functions.

"New development or site alteration shall not be permitted within provincially significant wetlands, significant coastal wetlands, or significant habitat of threatened or endangered species, except in accordance with applicable provincial and federal regulations with respect to significant habitat of threatened or endangered species." (C.2.3.4)

The existing provincially significant wetlands on the Property will not be impacted through the application for consent as there will be no change in use or new buildings/structures proposed. The completed EIS has confirmed the proposed lot configuration is not anticipated to have any impacts on the on-site natural heritage features. A large portion of the provincially significant wetlands on the Property are planned to be conveyed for conservation and protection purposes. Further, the Rural Hamilton Official Plan states the following with respect to natural heritage system management:

“The City shall support agencies, community organizations, and private landowners in their efforts to protect and enhance natural heritage features through private habitat restoration and stewardship, land trusts, public acquisition, conservation easements, property tax mechanisms and similar tools”. (C.2.11.1)

Section C.2.4 provides policy direction for Core Areas within the Greenbelt Plan Natural Heritage System of the Protected Countryside.

“New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone.” (C.2.4.2)

An EIS was completed as part of this application and concludes the proposed lot configurations are not anticipated to have any impacts on the key natural heritage features located on the property. The establishment of a vegetation protection zone is not required as part of this application as no new uses or buildings are proposed.

The Rural Hamilton Official Plan outlines the requirements for an EIS for development subject to section C.2.4.6. Below are the requirements for the EIS, followed by our response:

“a) There shall be no negative impacts on the Core Areas or their ecological functions;

b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape;

c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible;

d) The disturbed area of a site shall not exceed 25 percent of the total developable area, except for golf courses, where permitted, for which the disturbed area shall not exceed 40 percent of the site. Impervious surfaces to be established in such disturbed areas shall not exceed 10 percent of the total developable area.” (C.2.4.6)

The EIS completed by Stantec concludes with the consideration that the lot severance is not anticipated to result in impacts to the key natural heritage features. Further, the proposed configuration will maintain connectivity between the core natural areas. No new uses or buildings/structures are proposed as part of this application which will ensure no natural features will be removed or land disturbed as part of this application.

Section C.3.1 contains policies for land uses which are permitted in all the rural area designations within the City. The application does not propose any new uses on the property. All existing uses are proposed to continue. As such the application conforms to Section C.3.1.

Section C.4.5 contains policies for roads.

“New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.” (C.4.5.8.4)

All proposed lots contain frontage on a publicly assumed road.

Section C.5.1 contains policies for private water and wastewater services. The application does not propose to change the private water and wastewater services currently existing on the Property. All existing developed lots (lots 1,2, and 5) are able to continue to be serviced with the existing infrastructure provided. Proposed Lots 3 and 4 are vacant and are not proposed to establish any new uses as part of this application. Therefore, proposed Lots 3 and 4 can continue to be serviced with the existing infrastructure provided.

Section D.1.0 provides goals for the rural systems in the City of Hamilton. Goals include the protection of agricultural operations and protecting and recognizing the value of mineral aggregate resources. The Property is host to a variety of existing agricultural and rural uses. The Property has been identified on Appendix C of the Official Plan as having potential gravel and sand resources. However, a Minister zoning Order has been placed on the property to prohibit new uses on the Property, including the exploitation of aggregate resources. The proposed consent supports the continuation of agricultural operations.

Section D.4.0 provides policy direction for the Rural designation. In the Rural designation, a variety of agriculture, agriculture-related, on-farm secondary uses, other resource-based rural uses and institutional uses serving the rural community are permitted (D.4.1). All existing uses on the Property conform to policies for uses permitted in the Rural designation and are permitted to continue. This application does not propose to establish any new uses on the property.

Section F1.14.2 contains implementation policies for lot creation.

The Rural Official Plan states that a severance may be permitted for agricultural uses, agriculture-related uses and facilitating conveyances of land to a public body (F.1.14.2.1.b). The severance allows the continuation of the existing agricultural uses of the property and facilitates the potential for conveyance of conservation lands to the City of Hamilton or Conservation Halton.

Further, the Rural Official Plan states,

“All proposed severances that create a new lot shall:

- i) comply with the policies of this Plan including a rural settlement area plan where one exists;*
- ii) be compatible with and not hinder surrounding agricultural operations;*
- iii) conform to the Zoning By-law;*

- iv) *only be permitted when both severed and retained lots have frontage on a public road; and,*
- v) *meet the requirements of Section C.5.1, Private Water and Wastewater Services.” (1.14.2.1 c)*

The Property is not within a rural settlement area. There are no proposed changes in land use and the existing agricultural uses will continue. An Agricultural Viability Study was completed as part of this application and concludes that the proposed severances will not have an impact on surrounding agricultural operations. This study is discussed further in this report. The existing uses conform to the Zoning By-law and a minor variance application is included in this submission for Lots 1 and 2 since these lots are less than the minimum required lot area of 40.4 hectares. The requested minor variance is addressed in Section 4.0 of this report. As previously discussed, all severed lots have frontage on a public road and comply with the policies in the Official Plan regarding private water and wastewater services.

All proposed severances shall meet the MDS requirements (F.1.14.2.1 e)). As previously discussed, MDS I calculations were completed in the Agricultural Viability Report included in this application. The calculations confirm that the required MDS setbacks have been met for the neighbouring equestrian operation in relation to the location of proposed Lots 3 and 4. Please refer to the Agricultural Viability Report for further details on the MDS I calculation.

“The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.” (F.1.14.2.1 f))

As discussed, a minor variance has been submitted in conjunction with the application for consent to sever to permit a smaller minimum lot area for proposed Lots 1 and 2. An Agricultural Viability Study was completed to provide justification to support the smaller agricultural lot sizes. Further, proposed Lots 3 and 4 are configured in such a way as to optimize the use of the existing agricultural while ensuring protection of the natural heritage lands. An EIS was completed and the proposed lot severances will not negatively impact the key natural heritage features on the property.

“Severances that facilitate the conveyance of lands to a public authority or a private land trust approved by the City for the purposes of natural heritage conservation shall be permitted provided:

- i) *a separate lot is not created for an additional dwelling or any other nonfarm use;*
- ii) *there is no increased fragmentation of a key natural heritage feature or key hydrologic feature; and,*
- iii) *a restrictive covenant or conservation easement is placed on title prohibiting development of the land for non-conservation or nonagricultural uses in perpetuity.” (F.1.14.2.1 h))*

Proposed Lot 4 is proposed to be configured as shown in **Figure 2** and conveyed to the City of Hamilton, Conservation Halton or another party to be set aside to be environmentally protected with the goal to maintain the connectivity and reduce fragmentation of the existing natural features on the Property. No new uses are proposed on Lot 4.

Section F.1.14.2.3 provides policy for lot creation in the Rural designation. Severances are permitted for agricultural uses.

“a) New lots for agricultural uses and agricultural-related uses shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed agricultural lot(s) is(are) of sufficient size and nature to be reasonably expected to:

- i) Sustain a commercially viable farm operation;*
- ii) Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure;*
- iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture;”*

An Agricultural Viability Study was completed as part of this application. The study contemplated the requirements of Section 1.14.2.3.a and concluded the proposed agricultural lots are of sufficient size and nature to be reasonably expected to sustain a commercially viable farm operation, allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure, and allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture. The study reviewed a number of resources to ensure the farm parcel sizes are sufficient to sustain a viable farm operation, while allowing flexibility to change/adapt the operation in response to changing trends in agriculture. Please refer to the Agricultural Viability Report to understand which resources were reviewed.

Section F.1.16 provides policy for MDS guidelines with respect to lot creation. A Minimum Distance Separation calculation was included in the Agricultural Viability Study and concludes the the required MDS I setback is met for the neighbouring equestrian operation in relation to the location of proposed Lots 3 and 4. Please refer to the Agricultural Viability Report for further details on the MDS I calculation.

The Rural Hamilton Official Plan designates the Property as Rural Site Specific Area R-33. The site specific area requires a portion of the lands will be zoned to protect the natural heritage and hydrologic features and functions and prohibits quarry and pit uses on the lands. As discussed in the forthcoming section, the existing zoning of the proposed lots protects the natural features on the Property and prohibits quarry and pit uses. The natural features will be further protected through the severance application as the majority of the natural features will be retained onto proposed Lot 4 and offered to Conservation Halton or the City of Hamilton for conservation purposes.

Based on the above summary, it is concluded that the proposed consent conforms to the policies of the Rural Hamilton Official Plan.

3.5 City of Hamilton Zoning By-law No. 05-200

The City of Hamilton Zoning By-law No. 05-200 came into effect on May 25, 2005 and is being implemented in stages. Various sections of the Zoning By-law have come into effect on different dates since 2005. Sections 7 and 12, which cover the applicable zones on the site were last passed by City of Hamilton Council under By-law 15-173 and became effective on July 15, 2015.

The Property consists of the following zones in the City of Hamilton Zoning By-law (see **Figure 6**):

- Rural Special Exception 258 (A2-258);
- Conservation/Hazard Land - Rural Special Exception 257 (P6-257);
- Conservation/Hazard Land - Rural Special Exception 257 (P7-257);
- Conservation/Hazard Land - Rural Special Exception 258 (P7-258);
- Conservation/Hazard Land - Rural (P8); and
- Conservation/Hazard Land - Rural Special Exception 257 (P8-257).

The Property is subject to a Minister's Zoning Order issued April 12, 2010. The order prohibits the erection, location, or use of any building or structure on the land except those lawfully in existence on the Property and those permitted by the applicable Zoning By-law. This application does not result in a change in use and does not propose to change or add any permitted uses to the subject site.

Below is a summary of the various zoning provisions which will continue to apply to the Property.

3.5.1 Rural (A2) Zone

The Rural (A2) zone permits the following uses:

- | | |
|---|------------------------------------|
| • Abattoir | • Livestock Assembly Point |
| • Agriculture | • Residential Care Facility |
| • Agricultural Processing Establishment - Stand Alone | • Secondary Uses to Agriculture |
| • Agricultural Storage Establishment | • Single Detached Dwelling |
| • Farm Product Supply Dealer | • Veterinary Service – Farm Animal |
| • Kennel | |

Special Exception 258 prohibits the lands zoned A2-258 from being used as a mineral aggregate operation.

3.5.2 Conservation/Hazard Land – Rural (P6) Zone

The P6 Zone applies to all lands identified as an Environmentally Significant Area or Earth Science ANSI in the Rural Hamilton Official Plan. In addition, the P6 Zone is also applied to all lands identified as a Key Natural Heritage Feature outside of the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

The following uses are permitted in the Conservation/Hazard Land – Rural (P6) Zone:

- Agriculture
- Conservation
- Flood and Erosion Control Facilities
- Recreation, Passive
- Secondary Uses to Agriculture
- Single Detached Dwelling

Special Exception 257 prohibits the lands zoned P6-257 from being used as a mineral aggregate operation and that no new buildings or structures are permitted on these lands.

3.5.3 Conservation/Hazard Land – Rural (P7) Zone

The P7 Zone applies to all lands identified as a Key Hydrologic Feature, with the exception of Provincially Significant Wetlands, in the Rural Hamilton Official Plan. In addition, the P7 Zone is also applied to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

The following uses are permitted in the Conservation/Hazard Land – Rural (P7) Zone:

- Agriculture
- Conservation
- Existing Single Detached Dwelling
- Flood and Erosion Control Facilities
- Recreation, Passive

Special Exception 257 prohibits the lands zoned P7-257 from being used as a mineral aggregate operation and that no new buildings or structures are permitted on these lands.

Special Exception 258 prohibits the lands zoned P7-258 from being used as a mineral aggregate operation.

3.5.4 Conservation/Hazard Land – Rural (P8) Zone

The P8 Zone applies to all lands identified as a Provincially Significant Wetland in the Rural Hamilton Official Plan.

The following uses are permitted in the Conservation/Hazard Land – Rural (P8) Zone:

- Agriculture
- Conservation
- Existing Single Detached Dwelling
- Flood and Erosion Control Facilities
- Recreation, Passive

Special Exception 257 prohibits the lands zoned P7-257 from being used as a mineral aggregate operation and that no new buildings or structures are permitted on these lands.

3.5.5 Summary

Below is a chart summarizing the proposed severances and minor variances that will be discussed further in Section 4.0 of this report.

Existing Parcel	Proposed Lot	Existing Zoning	Proposed Lot Area (ha)	Proposed Lot Frontage (m)	Minor Variances Required
353 Concession Road 11 East	1	P6-257, P7-257, P7-258, P8, A2-258	29.3 ha	250 metres along Concession 11 East	Relief of the required Minimum Lot Area of 40.4 ha to permit a 29.3 ha lot resulting in a variance of 11.1 ha.
385 Concession Road 11 East	2	P6-257, P7-257, P7-258, P8, A2-258	31.7 ha	425 metres along Concession 11 East	Relief of the required Minimum Lot Area of 40.4 ha to permit a 31.7 ha lot resulting in a variance of 8.7 ha.
412 Concession Road 11 East	3	P6-257, P7-257, P8-257, A2-258	49.6 ha	102 metres along Concession 11 East	No variances required
475 Concession Road 11 East	4	P6-257, P7-257, P8-257, A2-258	86 ha	848 metres along Concession 11 East	No variances required
515 Concession Road 11 East	5	P6-257, P7-257, P8-257	17.5 ha	315 metres along Concession 11 East and 193 metres along Milborough Line	No variances required

A variety of existing uses are present on the existing property. These uses include a horse training facility, single detached dwellings, vacant lands, and other agricultural operations. In the City of Hamilton Zoning By-law, the definition of “agriculture” includes horse training facilities. All existing residential, agricultural, and conservation uses are permitted in the various zones on the Property.

4.0 The Requested Minor Variance

During the pre-consultation meeting, the City of Hamilton confirmed that the reduction in minimum lot area for Lot 1 and Lot 2 could proceed by minor variance and a Zoning By-law amendment was not required. The lot sizes for Lot 1 and Lot 2 are to establish the pre-existing lot sizes and reflect the existing uses on site.

The purpose of this section of the Report is to analyze the request for the minor variance necessary to facilitate the application for consent to sever the property into five separate parcels.

In summary, the requested minor variance will permit proposed Lots 1 and 2 to have a reduced minimum required lot area of 29.3 ha and 31.7 ha respectively where a minimum of 40.4 hectares is required as set out in City of Hamilton By-law 05-200.

The table below provides details of the existing buildings located on lots 1 and 2 as observed using the City of Hamilton Base Mapping application.

Lot	Building Type	Approximate Ground Floor Area (m ²)	Height (storeys)
1	Residential	214	2
	Agricultural	310	1
	Accessory 1	30	1
	Accessory 2	30	1
	Accessory 3	12	1
	Accessory 4	32	1
2	Residential	480	2
	Agricultural 1 (five buildings total)	560 each	1
	Agricultural 2	755	1
	Agricultural 3	230	1
	Agricultural 4	9	1

Section 45 (1) of the *Planning Act* allows for variances to the zoning to be approved by the Committee of Adjustment if, in their opinion, it meets all of the following four tests:

1. It maintains intent of the Official Plan;
2. It maintains intent of the Zoning By-law;
3. It is desirable for the appropriate use of the land;
4. It is minor.

Test # 1 - Is the variance in-keeping with the intent of the Official Plan?

The Property is designated as “Rural” in the Rural Hamilton Official Plan (**Figure 5**). A variety of agriculture and agriculture-related uses are permitted on the Property. Although Rural lands are characterized as having lower agricultural potential, it is a goal of the Rural designation to maintain agricultural viability and preserve the lands for primarily agricultural uses. The proposed minor variance allows for smaller agricultural lots while providing agricultural flexibility and viability to serve the needs to the community. The proposed consent application proposed to re-establish Lots 1 and 2 as they were prior to St. Marys purchase and merging of title.

In accordance with Official Plan Policy Section 1.14.2.3.a, an Agricultural Viability Study was completed for the property to determine if the proposed lot sizes presented viable agricultural operations. The study analyzed many factors associated with agricultural lot sizes and factors that affect agricultural operation viability. The study concluded that the proposed severances should be permitted as the resultant parcels are reflective of surrounding farm sizes, provide opportunity for alternative farm function, promote local small scale agricultural production, and will provide continued growth and economic prosperity in the agricultural system.

The applications also aid in meeting the Official Plan’s goals for Rural lands because the agricultural land will be protected for future use and no new uses or buildings and structures are proposed as part of the application.

For the reasons outlined above, it is our opinion the requested variance to reduce the minimum lot size for Lots 1 and 2 is in-keeping with the intent of the Official Plan.

Test # 2 - Is the variance in keeping with the intent of the Zoning By-law?

The Property is zoned Conservation/Hazard Land (P6), Conservation/Hazard Land (P7), Conservation/Hazard Land (P8), and Rural (A-2). A special exception through a Minister’s Zoning Order has been added on the lands to prohibit any mineral aggregate operations on the property and that no new buildings or structures are permitted on these lands.

All zones on Lots 1 and 2 permit agricultural uses and existing residential uses. The intent of the minimum requirements for agricultural lot sizes within the Zoning By-law is to ensure agricultural lots are large enough to support viable and sustainable agricultural operations and to prevent fragmentation of the agricultural/rural land base.

Proposed Lots 1 and 2 meet all other requirements of the Zoning By-law and are not proposing any new uses other than the existing agricultural and residential uses. Further, an Agricultural Viability Study was completed to examine if the lots would be large enough to support viable agricultural operation. The study confirms the proposed lots would be agriculturally viable and are larger than the average parcel size for rural designated lands in the City of Hamilton and therefore meet the intent of the Zoning By-law. The reduced minimum lot area will allow for the continuation of agricultural uses without interruption on the property while allocating the surrounding natural heritage features to separate lots.

For the reasons outlined above, it is our opinion the requested variance to reduce the minimum lot size for Lots 1 and 2 is in-keeping with the intent of the Zoning By-law.

Test # 3 - Will the variance provide for the desirable development of the land?

The City of Hamilton's Official Plan and Zoning By-law identify the site within the City's rural land base and the Official Plan policies identify and protect this area for rural resource related activities which includes agricultural use and natural heritage resource management. Goals of the Official Plan include supporting the significant contribution agriculture makes to the lifestyle, environment and economy of the City and to encourage all lands used for agricultural uses to remain in agricultural uses. Further, the site is within the Greenbelt Area as part of the Protected Countryside.

It is our opinion the proposed severances provide for desirable development of the land for a number of reasons. The lands host existing residential and agricultural uses that are currently functioning within the extent of the proposed lot boundaries of the Property. The reduced lot areas will allow these existing uses to continue while still providing sufficient agricultural land to host the exiting agricultural operations, as confirmed by the Agricultural Viability Study.

The smaller lot sizes are more economically affordable for smaller, individual farmers to purchase and operate rather than one large parcel with multiple residential dwellings. These smaller lot sizes are also reflective of the lot sizes that once existed on the property.

The re-establishment of the lots will provide the opportunity for individuals to purchase a property and contribute to the economy of the City.

The proposed severances will allow for agricultural uses within the area to continue without changing the physical landscape of the area. The application does not propose any new uses, thereby ensuring continued protection of the existing rural land base for rural resource based activities.

For the reasons outlined above, it is our opinion the requested variance to reduce the minimum lot size for Lots 1 and 2 represents desirable development for the land.

Test # 4 - Is the variance minor in nature?

The proposed variance will allow the re-creation of previously existing rural lots prior to the lots merging on title under common ownership. The proposed lot sizes will allow the existing uses to continue at a scale that does not disrupt any adjacent properties and does not alter the physical appearance of the area. The Agricultural Viability Study confirms that the lots are of sufficient size to support the existing uses and that the proposed lot sizes are consistent with rural lot sizes in the surrounding area and City of Hamilton. New uses are not proposed that would impact the surrounding area.

For the reasons outlined above, it is our opinion the requested variance to reduce the minimum lot size for Lots 1 and 2 is minor in nature.

5.0 CONCLUSION

The Property is designated as Protected Countryside in the Greenbelt Plan and designated as Rural in the Rural Hamilton Official Plan. St. Marys is proposing to sever the property into five (5) separate parcels – four (4) for re-sale and one (1) for potential conveyance to the City of Hamilton, Conservation Halton or another party to be set aside for environmental protection as it is predominantly zoned as Conservation/Hazard Land. A minor variance to the minimum required lot area for two (2) of the proposed lots is included to facilitate the consent.

The proposed consent and minor variance applications will:

- Support the continuation of the existing agricultural operations on the Property at an appropriate scale; and
- Protect and enhance the existing natural heritage features located on the Property;

Overall the applications represent good planning and:

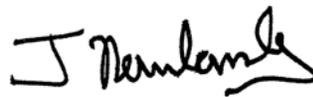
- Is consistent with the Provincial Policy Statement (2020);
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2019);
- Conforms to the Greenbelt Plan (2017);
- Conforms to the Rural Hamilton Official Plan; and
- Complies with the City of Hamilton Zoning By-law.

Respectfully submitted,

MacNaughton Hermsen Britton Clarkson Planning Limited



Brian Zeman, BES, MCIP, RPP
President



James Newlands, HBComm., MSc.
Planner

Appendices

Appendix **A**

ONTARIO REGULATION 138/10

made under the

PLANNING ACT

Made: April 12, 2010

Filed: April 13, 2010

Published on e-Laws: April 14, 2010

Printed in *The Ontario Gazette*: May 1, 2010**ZONING AREA — CITY OF HAMILTON****Application of Order**

1. This Order applies to the land in the City of Hamilton, formerly in the Town of Flamborough, described as part of Lot 1 and Lots 2 and 3 in Concession 11, East Flamborough, and further identified as Property Identifier Numbers 17525-0164 (LT), 17525-0158 (LT) and 17525-0157 (LT).

Use of Land

2. Every use of the land described in section 1, and every erection, location or use of any building or structure on the land described in section 1, is prohibited, except,

- (a) uses, buildings and structures lawfully in existence on the date this Order comes into force; and
- (b) the use of any land, building or structure that was permitted by the applicable zoning by-laws on the date this Order comes into force.

Conditions

3. (1) Every use of the land described in section 1, and every erection, location or use of any building or structure on the land described in section 1, shall be in accordance with this Order.

(2) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(3) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

(4) Nothing in this Order prevents the demolition and reconstruction or replacement of any building or structure that is deemed unsafe under the Ontario Building Code if the dimensions of the original building or structure are not increased or its use altered.

(5) Any addition to any building or structure, and the extension or enlargement of any building or structure, is prohibited.

Commencement

4. **This Regulation comes into force on the day it is filed.**

Made by:

JIM BRADLEY

Minister of Municipal Affairs and Housing

Date made: April 12, 2010.

[Back to top](#)

Appendix **B**



Hamilton

REQUEST FOR FORMAL CONSULTATION

Office Use Only

Date Received	Date Circulated	File No.
Fee Paid \$1,200.00 <input type="checkbox"/>	Hamilton Conservation Authority Conservation Halton (cheque made payable to applicable Authority)	\$570.00 <input type="checkbox"/> \$1,685.00 <input type="checkbox"/>

PART I CONTACT INFORMATION

NAME	ADDRESS	TELEPHONE NO.
<i>Registered Owner(s)*</i> St. Marys Cement Inc. (Canada) c/o David Hanratty, Director of Land & Resources		Home: ()
		Business: (705) 930 6180
		Fax: ()
		E-Mail: David.Hanratty@vcimentos.com
<i>Applicant (if different from Owner)</i> Same as Owner		Home: ()
		Business: ()
		Fax: ()
		E-Mail:
All correspondence should be sent to (check one):	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Applicant

* If a numbered company, give name and address of principal owner

PART II GENERAL PROPERTY DESCRIPTION

1. **Former Area Municipality** East Flamborough
2. **Address and Legal Description of Property**

<i>Municipal Address</i>	<i>Lot/Parcel No.</i>	<i>Concession</i>	<i>Former Township</i>
Multiple Addresses. Please see accompanying cover letter for information.			
<i>Registered Plan No.</i>	<i>Lot(s)/Block(s)</i>	<i>Reference Plan No.</i>	<i>Part(s)</i>

3. **Particulars of Property (in metric units)**

<i>Frontage</i>	<i>Depth</i>	<i>Area</i> 5 properties that have merged into one - total 214.10 hectares
-----------------	--------------	--

4. **What is the current use of the subject lands?**
Agricultural, Rural residential, Natural Environment

PART III PROPOSAL

1. **Provide a Brief Description of the proposal.**
St. Marys is formally requesting a pre-consultation meeting with the City and Conservation Authority to further discuss the severance potential of its lands along Concession 11 East. As the City is aware, these lands were assembled by St. Marys for their proposed Flamborough Quarry. This resulted in the lands being merged into one parcel. St. Marys is proposing to re-establish five (5) lots. Proposed lots 1 (29.3ha), 2 (31.7ha), 3 (58.5 ha) and 5 (17.5 ha) would be retained by St. Marys for re-sale while proposed lot 4 (77.1 ha) could potentially be conveyed to the City or Conservation Halton for a tax receipt as it is predominantly zoned Environmental Protection.

2. **Attach a sketch or concept plan to the application.**
 Please see attached.

3. **Please provide any additional information which may assist staff and other agencies in reviewing this proposal.**
Please see attached cover letter.

PART IV AUTHORIZATIONS

If the applicant is not the owner of the land that is the subject of this application, authorization set out below must be completed.

**Authorization of Owner for Applicant
to Make the Application**

I, _____, am the owner of the land that is the subject of this application and I authorize _____ to make this application on my behalf.

Date Signature of Owner

**Authorization of Owner for Agent
to Provide Personal Information**

I, _____, am the owner of the land that is the subject of this request and for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Date

Signature of Owner

PART V DISCLOSURE OF INFORMATION

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, St. Marys Cement Inc (Canada) c/o David Hanratty, Director of Land and Resources (Print name of Owner), the Owner, hereby agree and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

12/08/19
Date



Signature of Owner (I have the authority to bind the Corporation)

NOTE: *Where owner or applicant is a corporation, the full name of the Corporation with name and title of signing officer must be set out.*

PART VI COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the request and application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 71 Main Street West, 1st Floor, City Hall., Hamilton, Ontario, Telephone: 905-546-2424, ext.1284.



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

August 13, 2019

Trudy Kennedy, Senior Project Manager

City of Hamilton, Planning Division
Planning and Economic Development Department
Development Planning, Heritage and Design (Rural Team)
71 Main St. W, 5th Floor Hamilton, Ontario, L8P 4Y5

Dear Ms. Kennedy:

**RE: Request for Pre-consultation – Severance potential of St. Marys Cement Inc. (Canada)
Former Proposed Flamborough Quarry
OUR FILE 8816AA**

Further to our discussion with the City and an internal meeting on May 6th, 2019 St. Marys Cement Inc. (Canada) ("St. Marys") is now formally requesting a pre-consultation meeting with the City and Conservation Authority to further discuss the severance potential of the above mentioned lands. The lands consist of five parcels identified as:

Municipal Address	Legal Description
353 Concession Road 11 East	Pt Lot 5, Concession 11 East Flamborough, As in CD183074, Flamborough City of Hamilton being PIN 17525-0151 (LT)
385 Concession Road 11 East	Pt Lot 4, Concession 11 East Flamborough, As in CD399791; save and except Part 1 on 62R16062; Hamilton being PIN 17525-0227 (LT)
412 Concession Road 11 East	Pt Lot 2 and Lot 3, Concession 11 East Flamborough, As in AB157693, Flamborough City of Hamilton being PIN 17525-0157 (LT)
475 Concession Road 11 East	Pt Lot 2, Concession 11 East Flamborough, As in AB149944, Flamborough City of Hamilton being PIN 17525-0158 (LT)
515 Concession Road 11 East	Pt Lot 1, Concession 11 East Flamborough, As in AB200144, Flamborough City of Hamilton being PIN 17525-0164 (LT)

As the City is aware, these lands were assembled by St. Marys for their proposed Flamborough Quarry. This resulted in the lands being merged into one parcel. Please see the attached Figure 1 for the original parcel fabric and current zoning.

St. Marys is proposing to re-establish five (5) lots. See attached Figure 2 for the proposed lot configuration and proposed lot areas. Proposed lots 1 (29.3ha), 2 (31.7ha), 3 (58.5 ha) and 5 (17.5 ha) would be retained by St. Marys for re-sale while proposed lot 4 (77.1 ha) could potentially be conveyed to the City or Conservation Halton for a tax receipt as it is predominantly zoned Environmental Protection.

A similar application was approved by the Committee of Adjustment in 2014 and the parcel was subsequently sold. This parcel is located at 1869 Millborough Line and is shown on Figure 1.

The lands subject to this pre-consultation are outside of the Provincial Prime Agricultural system and the City's Prime Agricultural area mapping.

Yours truly,

MHBC

A handwritten signature in black ink that reads "Brian Zeman". The signature is written in a cursive style with a large, stylized initial "B".

Brian Zeman, BES, MCIP, RPP
President

cc. *David Hanratty, St. Marys Cement Inc. (Canada)*
Stephen May, St. Marys Cement Inc. (Canada)

FIGURE 1 - Existing Zoning and Lot Configuration

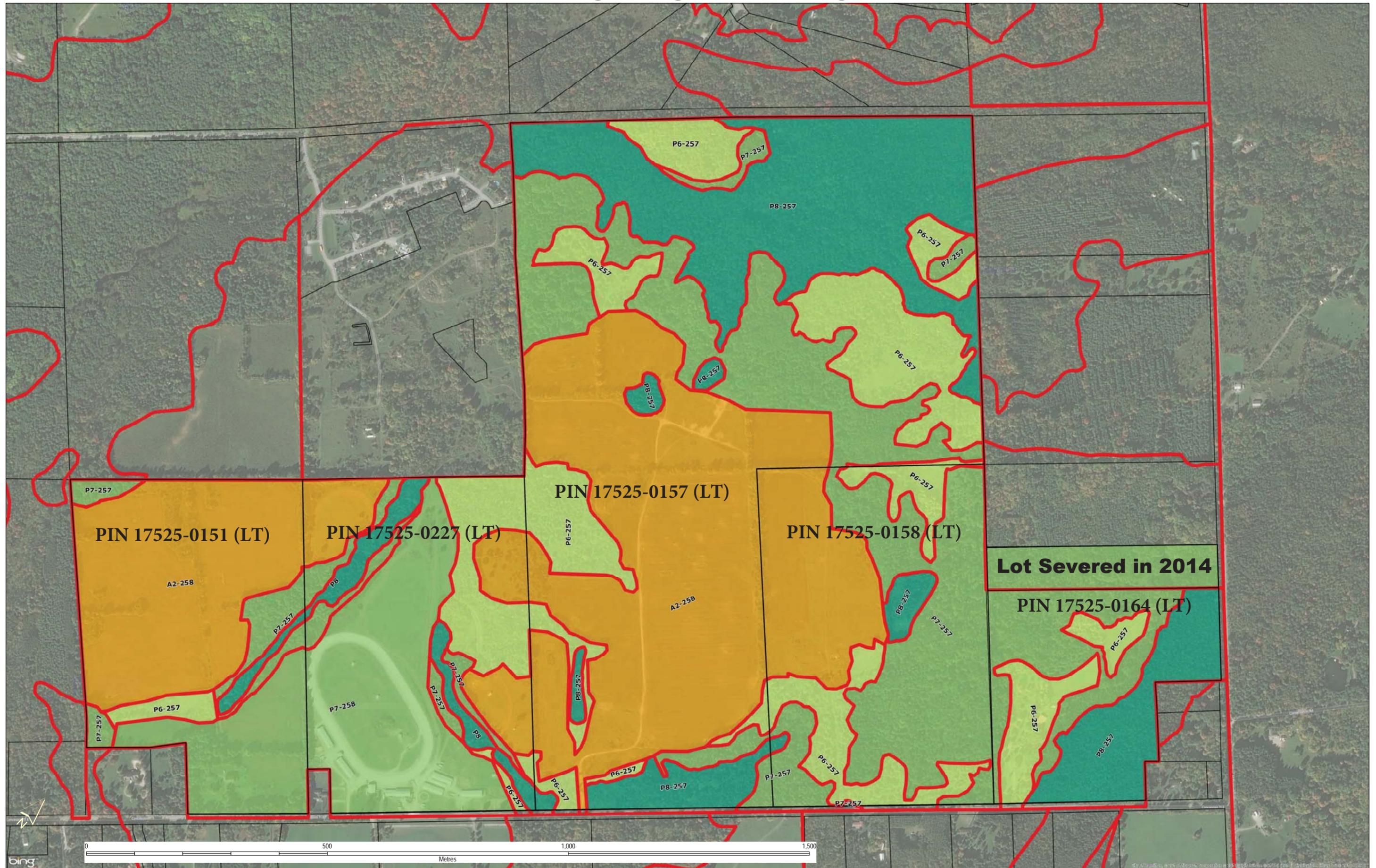


FIGURE 2 - Proposed Lot Configuration



Davis, Michael

From: Plosz, Catherine
Sent: October 3, 2019 2:43 PM
To: Davis, Michael
Cc: Christy, June
Subject: 353,385,412, 475, and 515 Concession 11 Road East, Flamborough (FC-19-106)

Hi Michael,

I have reviewed this formal consultation application to re-establish 5 lots that were assembled for the proposed Flamborough Quarry.

The property contains Core Areas (Provincially Significant Wetland, Significant Woodlands, Environmentally Significant Area, streams, and Significant Wildlife Habitat) shown on Schedule B of the Rural Hamilton Official Plan. It is within the Greenbelt Plan Protected Countryside and Natural Heritage System. Portions of the site are regulated by Conservation Halton.

Environmental studies were completed to support the proposed Flamborough Quarry in 2009.

New development and site alteration are not permitted within or adjacent to Core Areas unless it can be shown, through an Environmental Impact Statement (EIS), that there will be no negative impacts on the ecological features or functions of the Core Areas.

Therefore, since severances are defined as development, an EIS report is required, to determine the appropriate number, size, and boundaries of lots. I recognize that there are existing homes, structures, and agricultural uses on the properties and that the proposal will re-establish these uses. Therefore the EIS can be scoped and can use the previous environmental data and reports. The EIS should be used, along with other studies (agricultural viability report) to guide the boundaries and number of lots.

I will attend DRT on October 9 to speak to my comments.

Catherine Plosz, R.P.P., M.Sc.
Natural Heritage Planner
Development Planning, Heritage and Design (Rural Team)
Planning and Economic Development Department
71 Main Street West, Hamilton, ON L8P 4Y5
Phone: (905) 546-2424 Ext. 1231
E-mail: Catherine.Plosz@hamilton.ca



905.336.1158
 Fax: 905.336.7014
 2596 Britannia Road West
 Burlington, Ontario L7P 0G3
 conservationhalton.ca

Protecting the Natural
 Environment from
 Lake to Escarpment

October 8, 2019

Ms. June Christy – Senior Project Manager, City of Hamilton
 71 Main Street West, 5th Floor
 Hamilton, ON L8P 4Y5

BY MAIL & EMAIL

Dear Ms. Christy:

Re: Formal Consultation Application FC-19-106
353, 385, 412, 475, 515 Concession Road 11 East
City of Hamilton
MHBC Planning – Applicant

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Agreement (MOA, 2013) with the City of Hamilton; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06

	<u>Applicable</u>
Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances	<input type="checkbox"/>
River and Stream Valley Hazards (flooding/erosion) &/or allowances	<input checked="" type="checkbox"/>
Wetlands &/or Other Areas*	<input checked="" type="checkbox"/>
Hazardous Lands (Unstable Soil/Unstable Bedrock)	<input type="checkbox"/>
CH Permit Requirements	<input checked="" type="checkbox"/>

One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)	<input checked="" type="checkbox"/>
--	-------------------------------------

CA/MOA

Sub-watershed Planning/Master Drainage Planning	<input type="checkbox"/>
Significant Habitat of Endangered & Threatened Species	<input type="checkbox"/>
Significant Wildlife Habitat	<input type="checkbox"/>
Areas of Natural & Scientific Interest	<input type="checkbox"/>
Fish & Fish Habitat	<input type="checkbox"/>
Stormwater Management	<input type="checkbox"/>
Sensitive Surface Water Features	<input type="checkbox"/>
Sensitive Groundwater Features	<input type="checkbox"/>

Other Comments (as a Public Body)

Niagara Escarpment Plan	<input type="checkbox"/>
Watershed Plan	<input type="checkbox"/>
Greenbelt Plan	<input checked="" type="checkbox"/>
Source Protection Plan	<input type="checkbox"/>
Hamilton Harbour Remedial Action Plan	<input type="checkbox"/>

*Other areas are areas where development could interfere with the hydrologic function of a wetland, including areas within 120 m of all provincially significant wetlands and wetlands greater than or equal to 2 ha in size, and areas within 30 m of wetlands less than 2 ha in size.

Proposal

St. Mary's Cement is proposing to re-establish five (5) lots that merged on title due to their assembly for the proposed Flamborough Quarry. Proposed lots 1 (29.3 ha), 2 (31.7 ha), 3 (58.5 ha) and 5 (17.5 ha) would be retained by St. Mary's for re-sale. The applicant also wishes to explore proposed lot 4 (77.1 ha) being conveyed to public ownership as it is predominantly zoned Conservation/Hazard Land. At a minimum, Consent to Sever and Minor Variance applications will be required to implement the proposal. Official Plan and Zoning By-law amendments may also be required.

Staff received the following in support of this application:

- *Figure 1 – Existing Zoning and Lot Configuration*
- *Figure 2 – Proposed Lot Configuration*

Ontario Regulation 162/06

The subject properties are regulated by CH as they are traversed by tributaries of Bronte Creek and contain the flooding and erosion hazards associated with those watercourses. CH regulates a distance of 15 metres from the greater of the flooding and erosion hazards associated with Bronte Creek. Additionally, the subject properties contain portions of the Lower Mountsberg Creek Provincially Significant Wetland (PSW) Complex and other wetlands. CH regulates a distance of 120 metres from the limit of a PSW or wetland greater than 2 hectares in size and 30 metres from the limit of a wetland less than 2 hectares in size. Formal permission is required to be issued by CH prior to any development (structures, grading, filling, etc.) on the subject properties.

Key Comments

#1.) Proposed Lots 1, 2, and 5

Proposed Lots 1, 2, and 5 contain the flooding and erosion hazards associated with Bronte Creek and a portion of a PSW and wetland greater than 2 hectares in size. Through review of planning applications, CH staff works with applicants and watershed municipalities to ensure no new development, including lot creation, or site alteration is permitted within the flooding and erosion hazards, as to ensure that the proposal is not contrary to the PPS or CH policies. Further, CH recommends that new lots maintain a minimum 30 metre setback from a PSW or wetland greater than 2 hectares in size, and a minimum 15 metre setback from a wetland less than 2 hectares in size be maintained for proposed lot lines. However, it is staff's understanding that this application has been made to re-establish the subject lots that merged on title. Given the nature of the application, that Proposed Lots 1, 2, and 5 contain existing dwellings and/or existing industrial uses, and that no new development is proposed, staff has no outstanding concerns to re-establish these lots to their previous configuration. The applicant is advised that the subject lots are regulated by CH and any proposed development would need to meet CH's regulatory policies.

#2.) Proposed Lots 3 and 4

Based on a review of *Figure 2* submitted with this application, the proposed configuration of Lots 3 and 4 bisects hazardous areas and natural heritage features. We recommend that all hazards and natural heritage features plus applicable regulated allowances and/or setbacks be conveyed to one lot, as the intent is to limit fragmentation of ownership of hazards and natural heritage lands.

In order to accurately delineate the hazards and natural heritage features, and ultimately establish the proposed lot lines, wetland staking by CH staff and a topographic survey delineating the hazards will be

required. CH would be pleased to arrange a time to stake the wetland and provide flood elevations for the subject lots.

#3.) Proposed Land Conveyance

Further discussions with City staff is recommended to determine the City's and/or CH's interest in obtaining these lands. At this point in time, CH is not in a position to make a determination on this and would need to take the request to our Land Panel meeting (meets monthly based on agenda items) to determine CH's interest in obtaining these lands via fee simple through Environment Canada's Ecological Gifts Program. If it was determined that the property was of interest, CH would then need to obtain an appraisal to determine Fair Market Value for the tax receipt. This process can take around 6 months. Please contact Meghan Hunter, Manager, Risk and Lands at extension 2332 for further information in this regard.

One Window Delegated Authority under PPS Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

Please refer to points #1 and #2 under the heading 'Key Comments' for comments in this regard.

CH/Hamilton MOA

The subject properties are either within or adjacent to lands that contain the following designations:

- o Hamilton Natural Heritage System
- o Significant Woodland
- o Environmentally Sensitive Areas

Should the City decide that an Environmental Impact Study (EIS) is required in support of this application or future applications, CH would be pleased to provide technical support as per our MOA. Please keep CH apprised of any decisions in this regard.

Summary/Conclusion

In light of the above, staff has no outstanding concerns to the re-establishment of Lots 1, 2, and 5 to their previous configuration. It is recommended that the applicant reconfigure the proposed configuration of Lots 3 and 4 to ensure all hazards and natural heritage features be conveyed to one lot and avoid fragmenting such features.

Staff will be in attendance at the upcoming Development Review Team Meeting Wednesday October 9, 2019 to further discuss the items contained in this letter. Additional comments, requirements, and recommendations may arise following that meeting.

We trust the above is of assistance. If you have any further questions, please contact the undersigned at extension 2279.

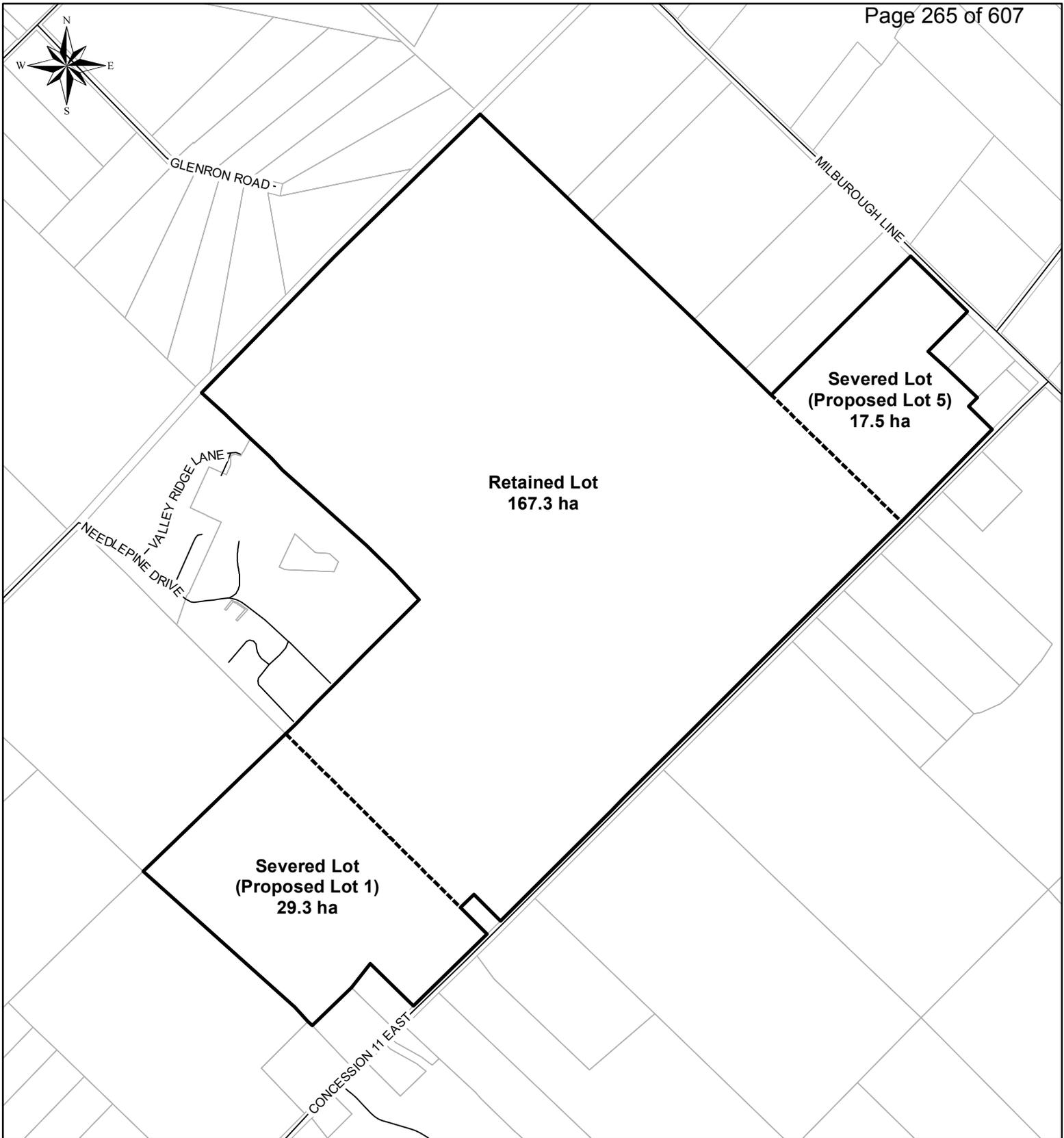
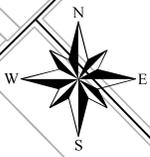
Sincerely,

Ola Panczyk
Environmental Planning Analyst

MM OP/

Cc: Michael Davis, City of Hamilton (By Email)

Appendix C



**Severance Sketch
Consent Application # 1**

CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

Legend

-  Subject Lands
-  Proposed Lot Severance Line

DATE **March 19, 2020**

SOURCES
Lot 3 configuration based on Environmental Constraints figure by Stantec dated November 27, 2019.



N:\Brian\8816AA - CBM - Flamborough\Drawings\GIS



Appendix D



GLENRON ROAD

MILBROUGH LINE

Severed Lot
(Proposed Lot 4)
86.0 ha

Lot 5 - Subject to
Consent Application # 1
17.5 ha

Retained Lot
(Proposed Lot 3)
49.6 ha

Severed Lot
(Proposed Lot 2)
31.7 ha

Lot 1 - Subject to
Consent Application # 1
29.3 ha

VALLEY RIDGE LANE
NEEDLEPINE DRIVE

CONCESSION 11 EAST

Severance Sketch Consent Application # 2

CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

Legend

-  Subject Lands
-  Proposed Lot Severance Line

DATE March 19, 2020

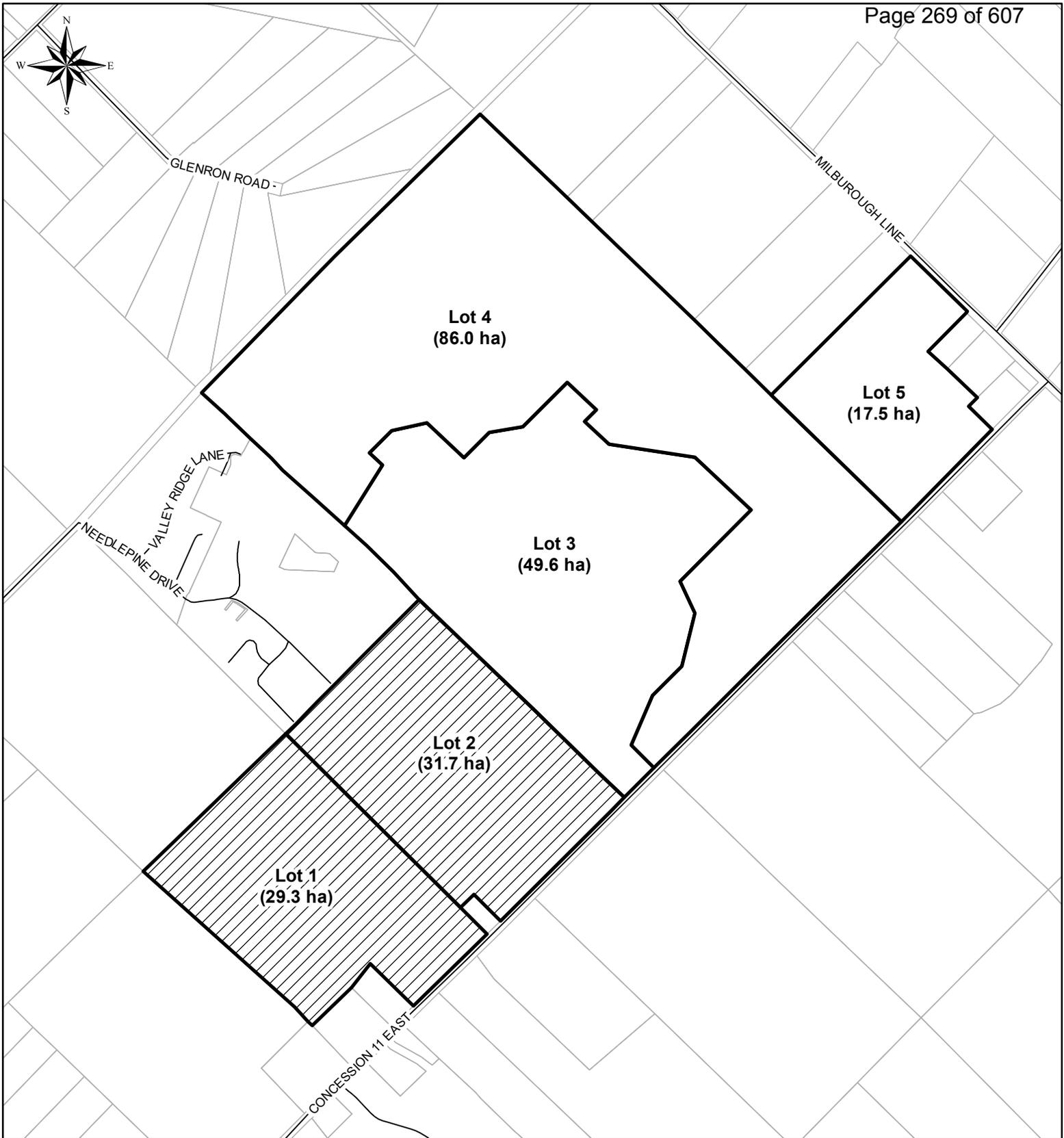
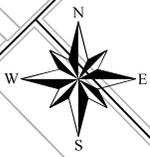
SOURCES
Lot 3 configuration based on Environmental Constraints figure by Stantec dated November 27, 2019.



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Appendix **E**



Lands Subject to Minor Variance Application

CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

Legend

 Lands subject to minor variance application to permit a reduced minimum lot area

DATE **March 19, 2020**

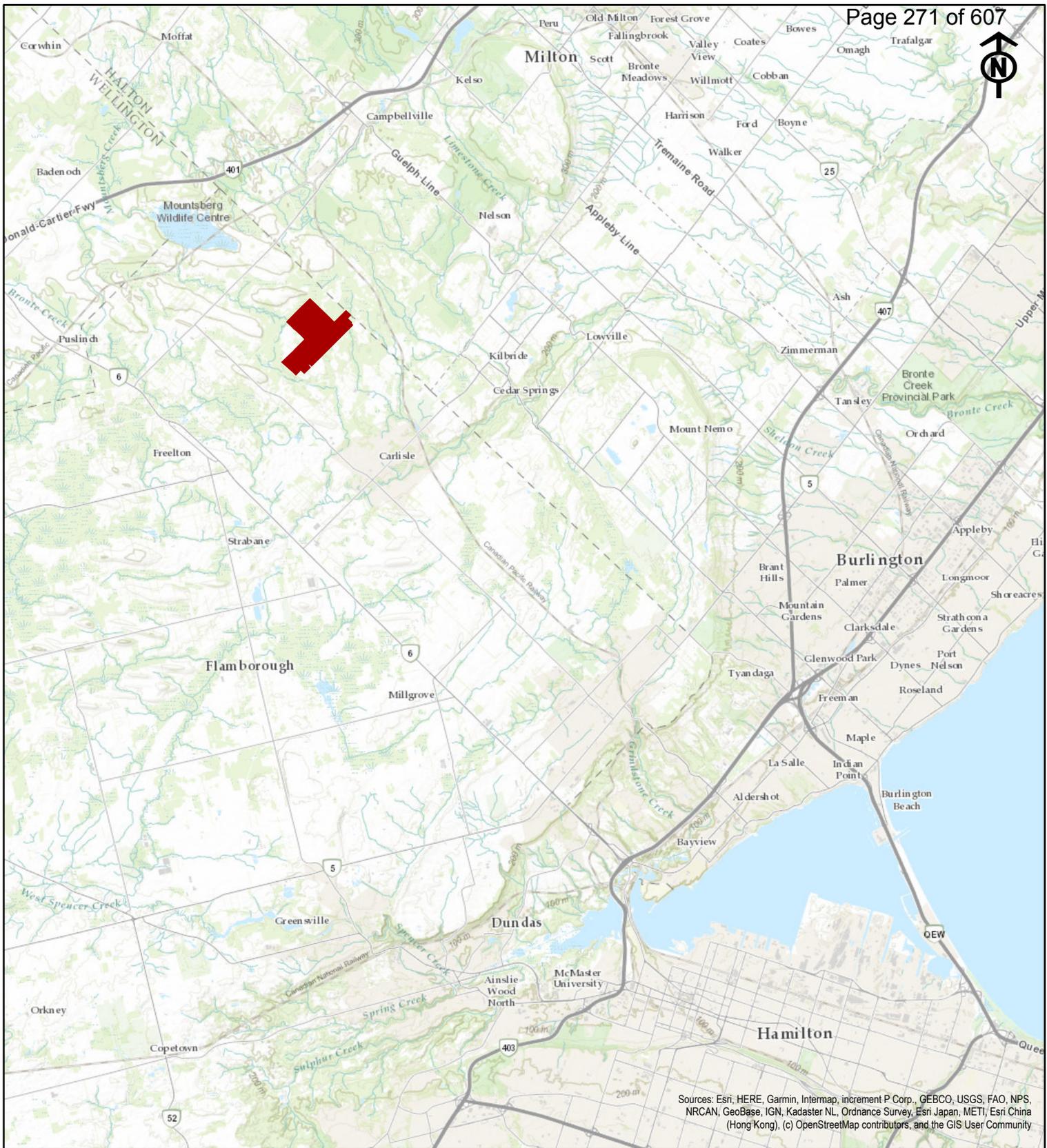
SOURCES
Lot 3 configuration based on Environmental Constraints figure by Stantec dated November 27, 2019.



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Figures



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

**FIGURE 1
PROPERTY
LOCATION**

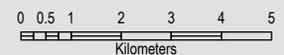
CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

LEGEND

 Project Boundary

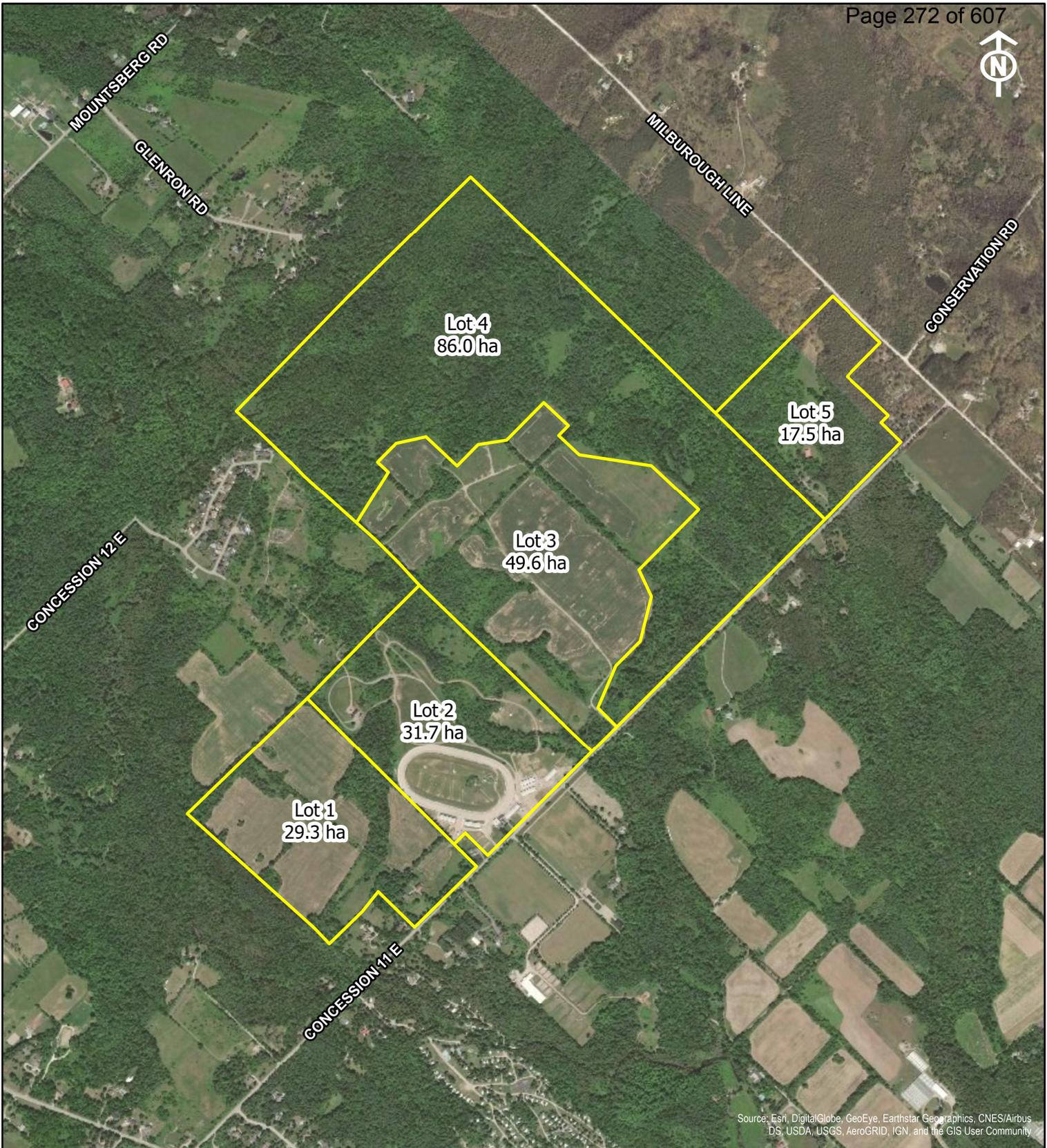
DATE Dec. 3, 2019

SOURCES ESRI Topographic



8816AA - Report Figures





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

FIGURE 2
PROPOSED LOT
CONFIGURATION

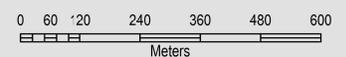
CBM Flamborough
 Part Lots 1-5, Concession 11
 East Flamborough
 City of Hamilton

LEGEND

 Lot Boundaries

DATE Feb. 12, 2020

SOURCES ESRI Imagery



8816AA - Report Figures





Legend

- Study Area (120 m)
 - Subject Lands
 - Thermal Regime, Cold
 - Thermal Regime, Warm
 - Wetland Boundary (Stantec, 2006)
 - Watercourse (Permanent)
 - Area Containing Butternut
 - Environmentally Sensitive Area (City of Hamilton)
 - Significant Woodland (Stantec)
 - Wetland, Provincially Significant
- Watercourses (Stantec)***
- Watercourse (Intermittent)
 - Watercourse (Permanent)



Notes

1. Coordinate System: NAD 1983 UTM Zone 17N
 2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2018.
 3. Orthoimagery © First Base Solutions, 2019. Imagery Date, 2019.
- * Stantec watercourse mapping is based on a combination of field investigations and air photo interpretation completed in 2004 and 2005.



Project Location: City of Hamilton
 Prepared by DH on 2020-01-30
 Technical Review by ABC on yyyy-mm-dd
 Independent Review by ABC on yyyy-mm-dd

Client/Project:
 ST. MARYS CEMENT INC.
 FLAMBOROUGH LANDS EIS

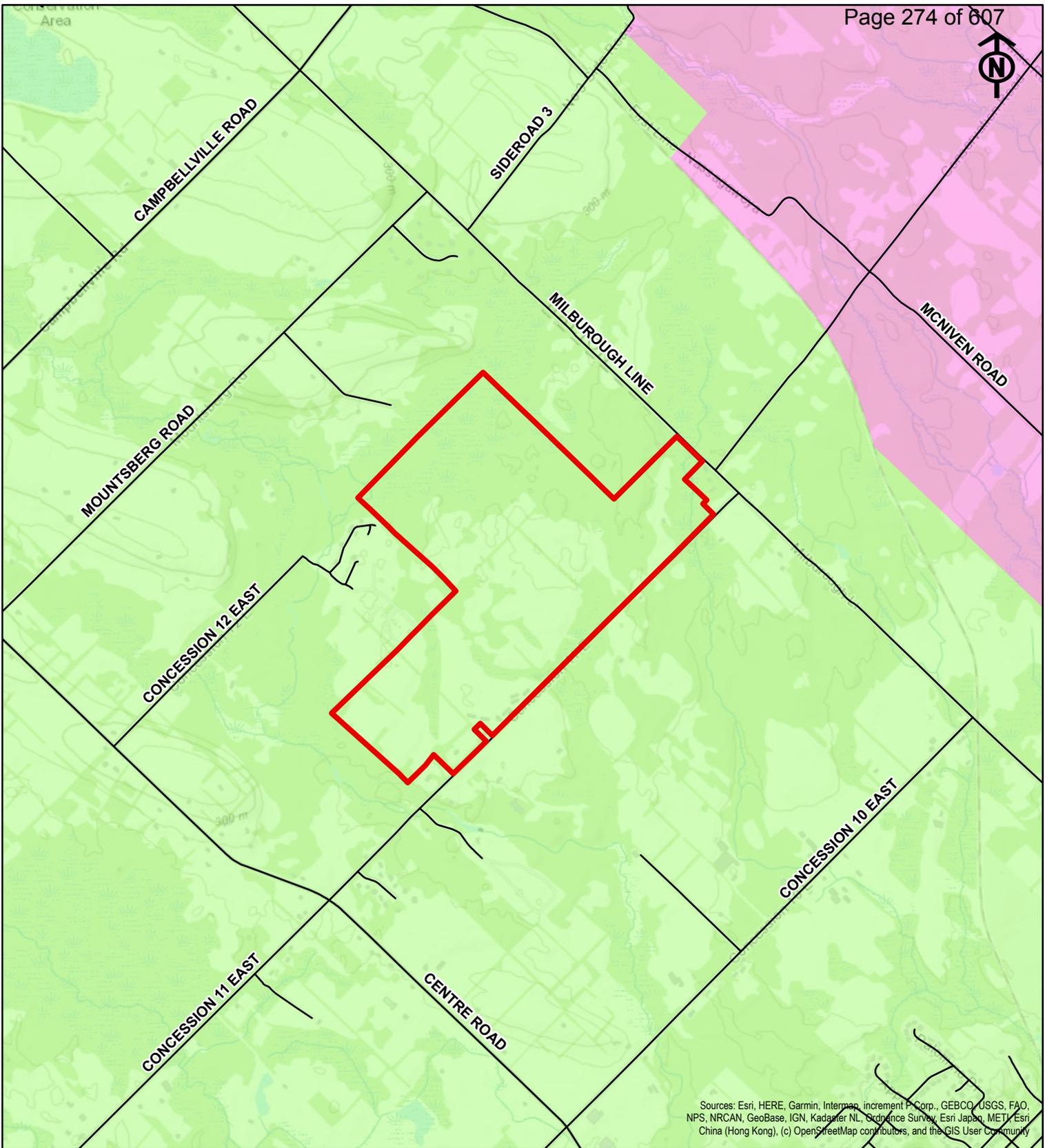
Figure No.

6

Title

Environmental Constraints

V:\01609_active\1609_61347\03_data\glt_csh\mxd\ecosystems\report_figures\ESV\160961347_Fig06_Constraints.mxd
 Revised: 2020-01-30 By: dhaney



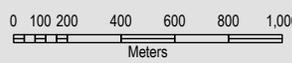
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

FIGURE 4
GREENBELT PLAN DESIGNATIONS

CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

LEGEND

-  Project Boundary
-  Niagara Escarpment Plan
-  Greenbelt Plan - Protected Countryside
-  Orn Segment With Address

DATE	Dec. 3, 2019
SOURCES	ESRI Topographic Land Information Ontario
 <p>0 100 200 400 600 800 1,000 Meters</p>	

8816AA - Report Figures



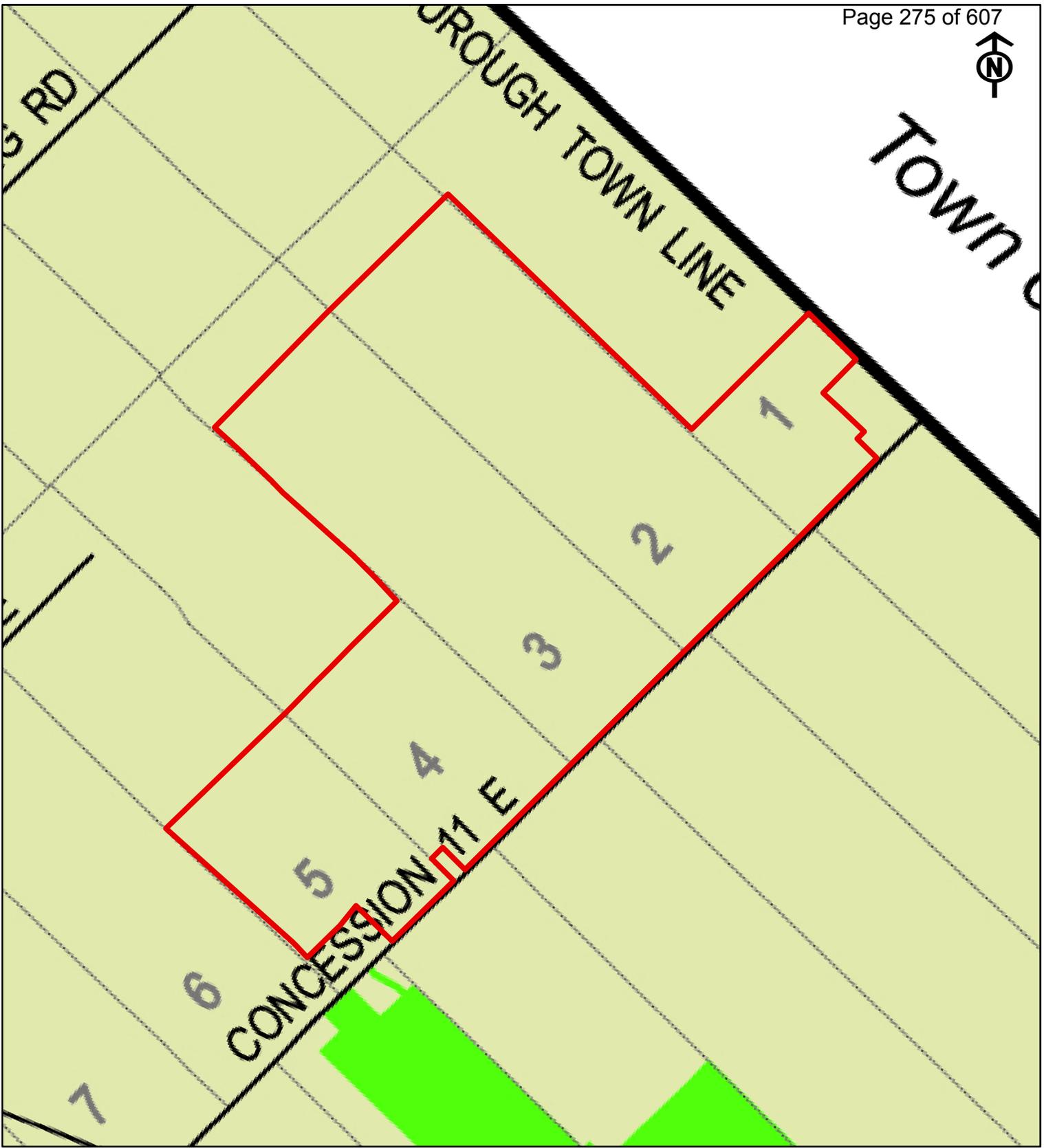
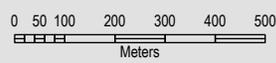


FIGURE 5
LAND USE
 CITY OF HAMILTON
 OFFICIAL PLAN - SCHEDULE D

CBM Flamborough
 Part Lots 1-5, Concession 11
 East Flamborough
 City of Hamilton

- LEGEND**
-  Project Boundary
 -  Rural
 -  Open Space

DATE	Dec. 3, 2019
SOURCES	City of Hamilton Official Plan - Schedule D
	
8816AA - Report Figures	
 PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE	

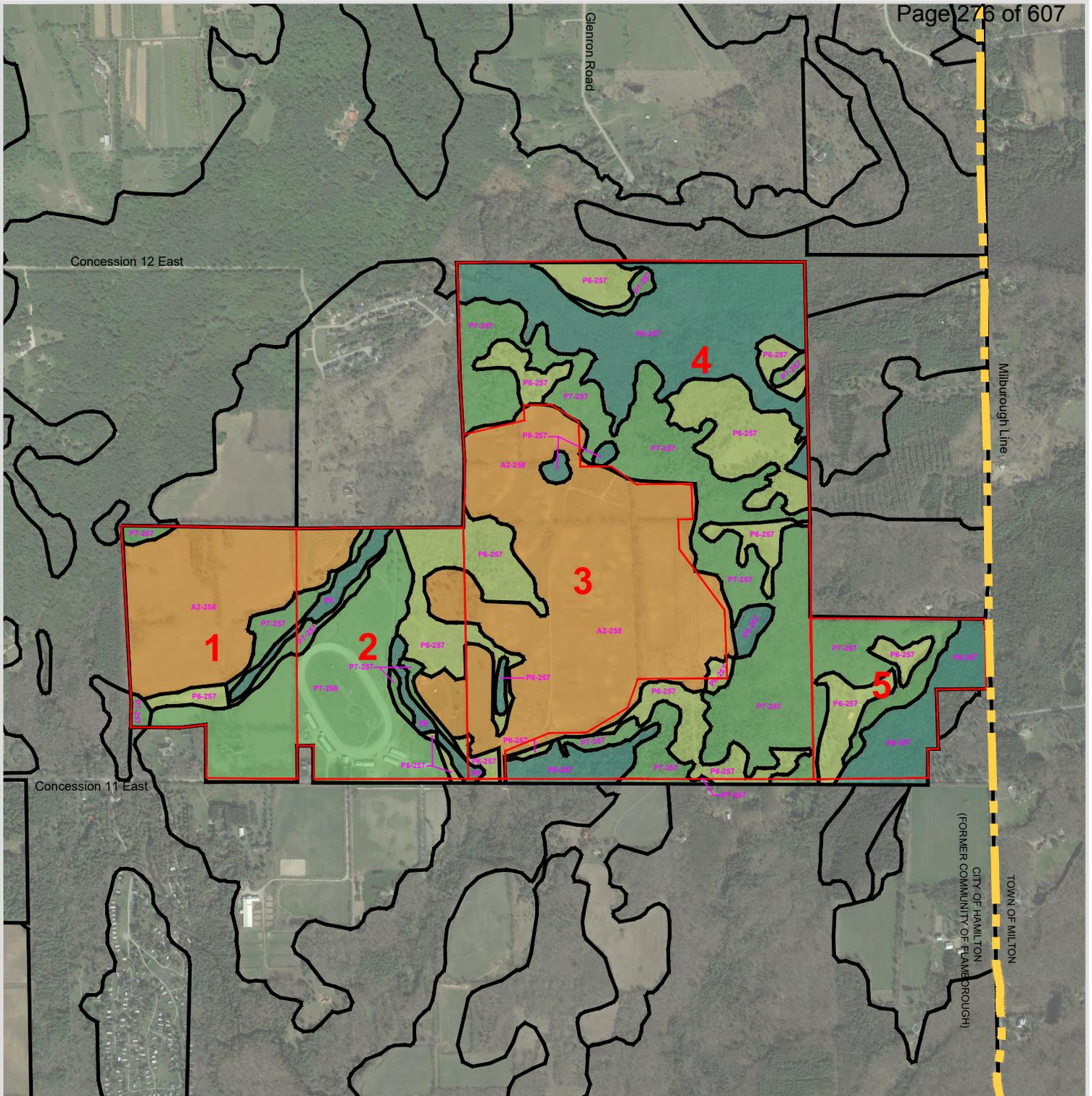


Figure 6

Zoning Map

City of Hamilton Zoning Bylaw 05-200

CBM Flamborough
Part Lots 1-5, Concession 11
East Flamborough
City of Hamilton

LEGEND

- Subject Lands/Proposed Lots
- Municipal Boundary

Zoning

- (A2) Rural Zone
- (P6) Conservation / Hazard Land Rural
- (P7) Conservation / Hazard Land Rural
- (P8) Conservation / Hazard Land Rural

Source: City of Hamilton Open Data
Google Satellite Imagery

DATE: Feb. 12, 2020

SCALE: 1:15,000

FILE: Y321AI

DRN: JB



N:\BRIANI\8816AA - CBM - FLAMBOROUGH\DRAWINGS\CAD\Y321AI_FIGURE 4 - ZONING\ZONING.DWG

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

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AGRICULTURAL VIABILITY REPORT

March, 2020

Proposed Consent Application

353 – 515 Concession Road 11 East
City of Hamilton

Our File: Y321A1



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APPENDICES

Appendix A: Minimum Distance Separation I Calculations

1.0

INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) was retained by St. Marys Cement Inc. (Canada) ('St. Marys') to complete an Agricultural Viability Report in support of a severance application for lands municipally addressed as 353, 385, 412, 475 and 515 Concession Road 11 East in the City of Hamilton. St. Marys is proposing to re-establish five (5) lots of record that were previously merged into one parcel. The severed lots would range in size from 17.5 hectares to 86 hectares. The subject lands are legally described as follows:

Lot	Municipal Address	Legal Description	Proposed Lot Size
1	353 Concession Road 11 East	Pt Lot 5, Concession 11 East Flamborough, As in CD183074, Flamborough City of Hamilton being PIN 17525-0151 (LT)	29.3 hectares
2	385 Concession Road 11 East	Pt Lot 4, Concession 11 East Flamborough, As in CD399791; save and except Part 1 on 62R16062; Hamilton being PIN 17525-0227 (LT)	31.7 hectares
3	412 Concession Road 11 East	Pt Lot 2 and Lot 3, Concession 11 East Flamborough, As in AB157693, Flamborough City of Hamilton being PIN 17525-0157 (LT)	49.6 hectares
4	475 Concession Road 11 East	Pt Lot 2, Concession 11 East Flamborough, As in AB149944, Flamborough City of Hamilton being PIN 17525-0158 (LT)	86.0 hectares
5	515 Concession Road 11 East	Pt Lot 1, Concession 11 East Flamborough, As in AB200144, Flamborough City of Hamilton being PIN 17525-0164 (LT)	17.5 hectares

The proposed severance is shown on **Figure 1**. The total area of the subject property is 214 hectares (529 acres), and each parcel can be accessed from Concession Road 11 East. The lands include uses such as rural residential dwellings, and two agricultural operations including a small

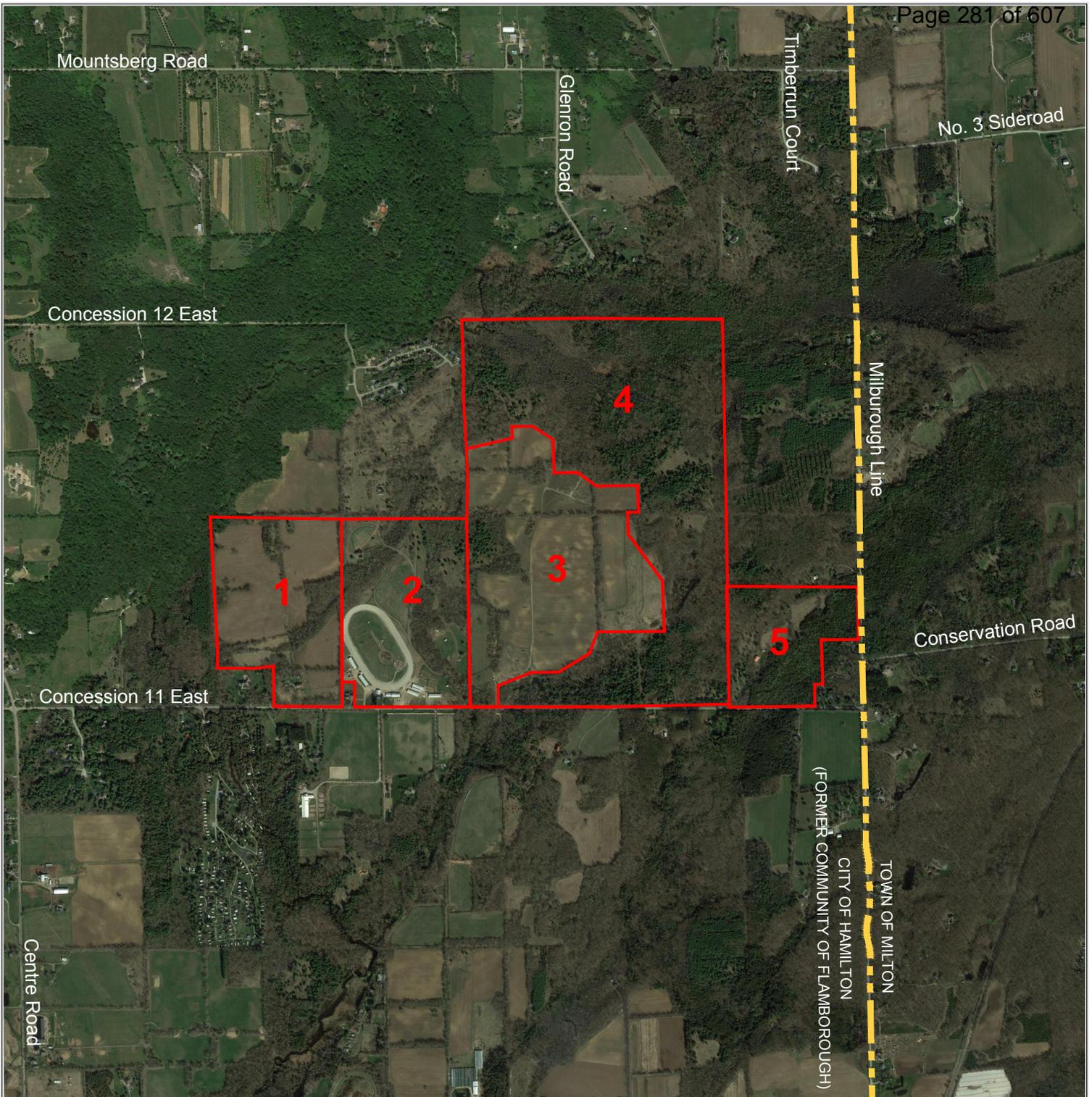


Figure 1
Location Map

LEGEND

- Subject Lands/Proposed Lots
- Municipal Boundary

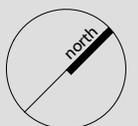
Lot No.	Municipal Address	Proposed Lot Size
1	353 Concession Rd 11 E	29.3 ha
2	385 Concession Rd 11 E	31.7 ha
3	412 Concession Rd 11 E	49.6 ha
4	475 Concession Rd 11 E	86 ha
5	515 Concession Rd 11 E	17.5 ha

DATE: Jan. 28, 2020

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FILE: Y321A1

DRN: JB



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353, 385, 412, 475, & 515
Concession Rd 11 E
City of Hamilton

Source: City of Hamilton Open Data
Google Satellite Imagery

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abandoned livestock operation and an equestrian training centre (Baycairn Training Centre). While some areas are actively in agricultural/cash crop production, there is a significant amount of scrub/treed lands. The forested area is primarily located in the northeast portion of the lands, with several treed hedgerows further subdividing the lands.

By way of background, the lands were part of an aggregate extraction licence application that was not approved. As part of the land assembly for the proposed aggregate extraction operation, the five (5) parcels were merged on title. With the exception of lots 3 and 4, the proposed lots are consistent with the fabric that existed prior to the properties merging on title. Lots 3 and 4 have been reconfigured to address agency pre-consultation comments to consolidate agricultural uses on lot 3 and natural heritage features on lot 4. The applicant is proposing that the parcels be re-established through a consent application.

This report is being prepared in accordance with Section 1.1.4.2.3 (a) of the Rural Hamilton Official Plan, which requires a report to demonstrate how new lots for agricultural or agriculture-related uses are of a sufficient size and nature to sustain a commercially viable farm operation by providing flexibility to operators with the ability to diversify and intensify agricultural production. This report provides a summary of current site conditions, an evaluation of surrounding agricultural uses, and a planning analysis of the requested consent with regard to the relevant agricultural policy framework, planning considerations, and existing agricultural conditions and uses on the subject lands and in the surrounding area. This report also takes into consideration emerging trends in farming and farm operations, and the future viability of farm operations in the City of Hamilton, specifically.

2.0

SITE DESCRIPTION & SURROUNDING LAND USES

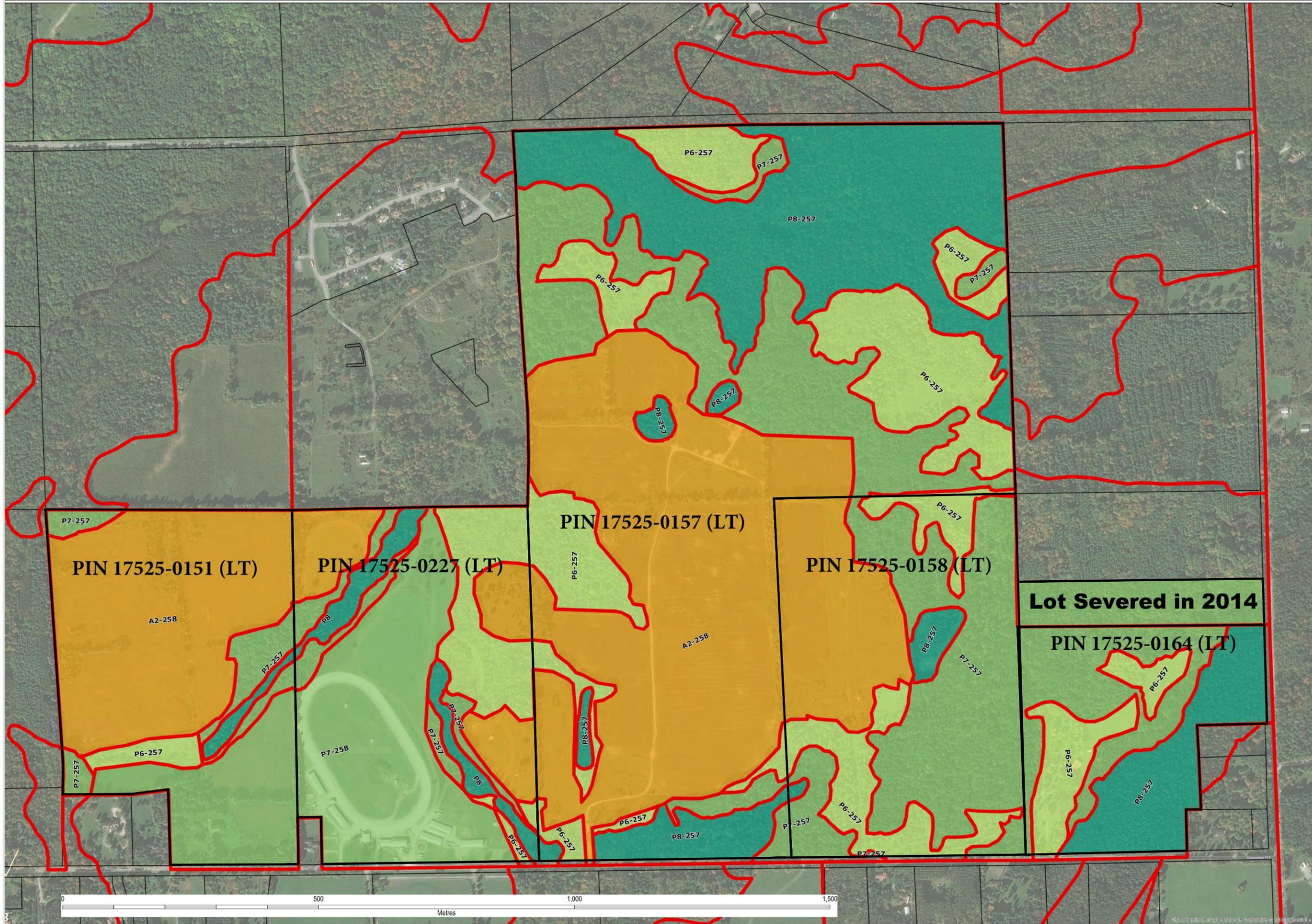
The subject lands have a total area of approximately 214 hectares (529 acres) and are located north of Concession Road 11 East, east of Highway 6 and Freelon in the City of Hamilton. These lands were formally in the Township of Flamborough. A portion of the lands is currently used for cash crop production (corn and soybeans at time of site visit), an equestrian training centre (Baycairn Training Facility), rural residential uses and natural heritage/woodlots. The subject lands can be accessed from Concession Road 11 East. A location map is included as **Figure 1** and surrounding context plan as **Figure 2** of this report. **Figure 3** illustrates the original parcel configuration of the subject lands prior to being merged on title. The proposed lots are consistent with the original lot configuration, other than lots 3 and 4. These lots have been configured in order to consolidate agricultural uses on lot 3 and natural heritage features on lot 4. The subject lands are designated Rural in the City of Rural Hamilton Official Plan and are not identified as Prime Agricultural Lands in the Province's Draft Agricultural System Mapping.

The subject lands are zoned in the City of Hamilton Zoning By-law (05-200) as Rural (A2), Conservation/Hazard Land – Rural (P6, P7 and P8), with special provisions 257 and 258, which prohibit Mineral Aggregate Operations and new building or structures adjacent to natural heritage features. The lands include environmentally significant areas, key hydrologic features and provincially significant wetlands. The zoning of the properties is illustrated on **Figure 4**. Surrounding land uses to the North, East, South and West are agricultural (equestrian), open space (mobile home park), and rural residential.

In terms of surrounding agricultural uses, the lands are not considered to be large, contiguous agricultural lands. The agricultural lands between Mounstberg Road, Milborough Line, Concession 11 East and Centre Road are generally fragmented, and largely characterized, by naturalized areas, rural residential uses and smaller hobby and equestrian farms.

Figure 2
Original Parcel Fabric

353, 385, 412, 475, & 515 Concession Rd 11 E
City of Hamilton



LEGEND

Original Parcel Fabric

Zoning

(A2) Rural Zone

(P6) Conservation / Hazard Land Rural

(P7) Conservation / Hazard Land Rural

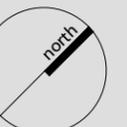
(P8) Conservation / Hazard Land Rural

Date: January 30, 2020

Scale: 1:7,500

File: Y321A1

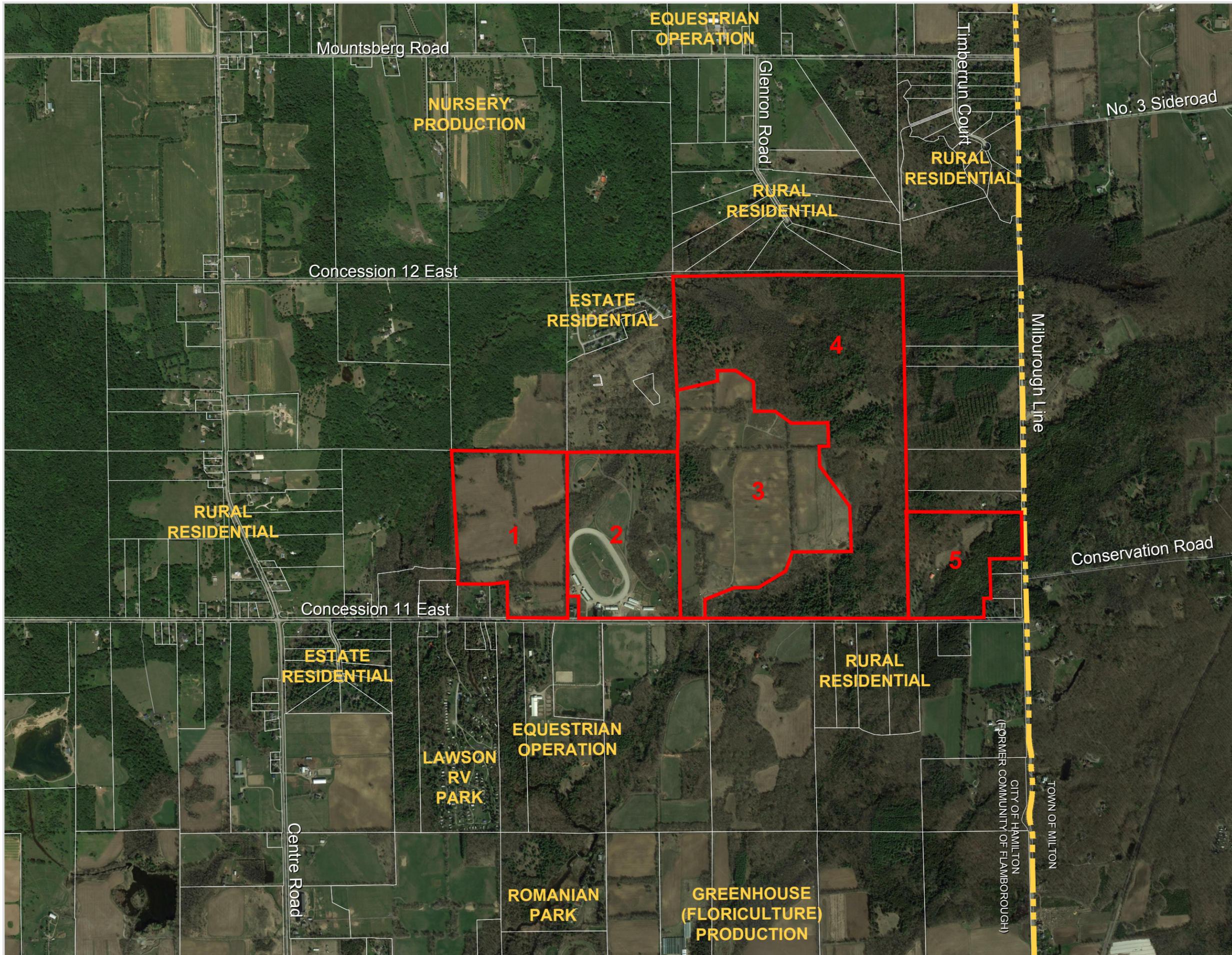
Drawn: JB



K1Y321A1RPTORIGINAL PARCEL FABRIC.DWG

Figure 3 Context Plan

353, 385, 412, 475, & 515 Concession Rd 11 E
City of Hamilton



LEGEND

- Subject Lands/Proposed Lots
- Municipal Boundary
- Major Roads
- Parcel Fabric*

Source: City of Hamilton Open Data
Google Satellite Imagery
Contains information under the Open Government Licence – Ontario.

*Location is approximate

Date: January 30, 2020

Scale: 1:15,000

File: Y321A1

Drawn: JB



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Figure 4
 Zoning Map (City of Hamilton ZBL 05-200)

LEGEND

- Subject Lands/Proposed Lots
- Municipal Boundary

Zoning

- (A2) Rural Zone
- (P6) Conservation / Hazard Land Rural
- (P7) Conservation / Hazard Land Rural
- (P8) Conservation / Hazard Land Rural

Source: City of Hamilton Open Data
 Google Satellite Imagery

DATE: Jan. 30, 2020

SCALE: 1:15,000

FILE: Y321AI

DRN: JB



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353, 385, 412, 475, & 515
 Concession Rd 11 E
 City of Hamilton

MHBC PLANNING
 URBAN DESIGN
 & LANDSCAPE
 ARCHITECTURE
 200-540 BINGEMANS CENTRE DR. KITCHENER, ON. N2B 3X9
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3.0

DESCRIPTION OF PROPOSAL

The subject lands are designated Rural in the current Rural City of Hamilton Official Plan, and zoned as *Rural* and *Conservation/Hazard Lands – Rural*, with special provisions, in the City of Hamilton Zoning By-law.

The subject lands have an area of approximately 214 hectares (529 acres), which includes approximately 110 hectares (272 acres) of existing farmland, and 104 hectares (257 acre) of naturalized area. The purpose of this application, through a severance, is to re-establish five (5) lots of record that were merged into one parcel.

This Agricultural Viability Report is required to demonstrate the proposed agricultural lots are of a sufficient size and nature to support agricultural uses in the future. While severances resulting in lot sizes less than 40 hectares are permitted in Rural designated areas, this report is required in accordance with Official Plan Policy 1.14.2.3:

1.14.2.3 (*Rural Designations*)

In the rural designation, severances that create a new lot, except surplus farm dwelling severance, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met¹:

a) New lots for agricultural uses and agriculture-related uses shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed agricultural lot(s) is (are) of sufficient size and nature to be reasonably expected to:

i) Sustain a commercially viable farm operation;

¹ Section D.4.1 of the Rural Hamilton Official Plan contemplates the permitted uses in the Rural Designation, of which the current uses are permitted.

- ii) Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure;*
- iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture; and,*

b) The City may request comments on the report required in F.1.14.2.3 (a) from the Province or an independent peer reviewer, at the expense of the applicant, prior to consideration of the new lot for severance approval.

If the proposed severances are permitted, there will be no changes to the existing land uses (agricultural and existing rural residential) of the property.

This report provides a planning analysis and background information in terms of viable farm size, and agricultural land viability to determine the suitability of the five (5) proposed parcels. The remaining sections of the report focus on these issues in providing planning justification that the proposed lot severances for farmland uses are viable and should be permitted.

4.0

PLANNING ANALYSIS

This section will include a review of relevant provincial and municipal land use policies and framework applicable to the subject lands and consent application. The proposal is assessed based on how it meets these considerations, and the suitability and viability of the proposed severance that results in the creation of five (5) parcels, ranging in size from 17.5 – 86 hectares.

4.1 Provincial Policy Framework

4.1.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) replaces the 2014 PPS and was issued under Section 3 of the Planning Act, comes into effect on May 1, 2020. Although at the time of writing of this report the 2020 PPS was not in effect, the 2020 PPS has been reviewed for the purposes of this report.

The PPS provides direction on the growth and permitted uses for rural areas and rural lands in Ontario. Section 1.1.4 provides that rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. *Rural lands* means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*. Permitted uses on Rural Lands are:

- The management or use of resources;
- Resource-based recreational uses (including recreational dwellings);
- Limited residential development;
- Home occupations and home industries;
- Cemeteries; and,
- Other rural land uses.

Although agriculture, agriculture-related and on-farm diversified uses are promoted in Rural Areas, the policies of the PPS do allow for a broader range of uses than in the Prime Agricultural Areas. In this regard, policy 1.1.5.7 of the PPS reads:

Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

The subject lands are located on lands designated as Rural in the City's Rural Official Plan (see **Figure 5**). Rural Areas are generally considered to be a more "flexible" in terms of the range of permitted non-agricultural uses than the Agricultural areas, which are normally associated with prime agricultural lands or high agricultural capability soils. Therefore, a range of rural land uses are permitted, including agriculture, agriculture-related and on-farm diversified uses. The existing uses on the subject lands are not proposed to change and include agriculture and rural residential uses.

It is important to note that although agriculture is permitted and promoted in the Rural Area, agriculture can take many forms of size, type and intensity to make-up the agricultural system. This is illustrated through the definition of agriculture in the PPS:

Agricultural uses are defined in the PPS as:

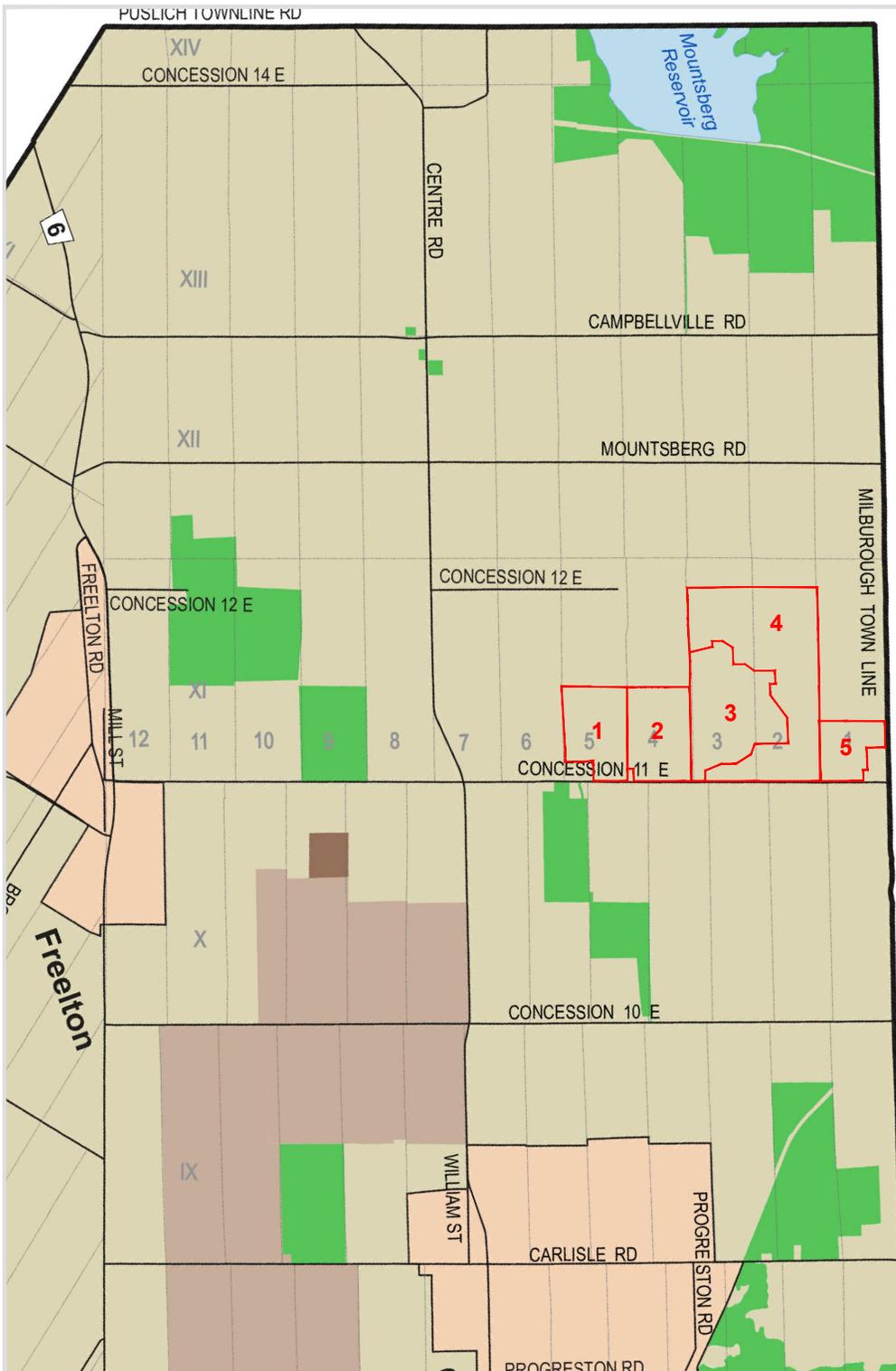
the growing of crops, including nursery, biomass and horticultural crops; the raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities and accommodations for full-time farm labour when the size and nature of the operation requires additional employment.

This definition illustrates the diverse range of agricultural activities found across Ontario, which include uses such as the growing of crops, raising of livestock, forestry and maple syrup production. Some of these activities do not require large land requirements that would be typically needed for traditional cash crop/livestock production.

In an attempt to minimize farmland and agricultural fragmentation, provincial and regional land-use planning policies often restrict farm severances in prime agricultural areas to control the number and type of new lots and to prevent fragmentation of agricultural lands. Provincial Policies will permit severances so long as:

*1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities shall **comply with the minimum distance separation formulae.***

The Minimum Distance Separation Formulae (MDS) aids in minimizing conflict between residential and agricultural uses through buffers and other mitigation techniques. The MDS formula is mandated provincially, and is a requirement of the City of Hamilton Official Plan. The City of Hamilton requires that all proposed severances and lot additions meet Minimum



Town of Milton

Figure 5
Official Plan Land Use
(Rural Hamilton OP
Schedule D)

Schedule D - Rural Land Use Designations
 Rural Hamilton Official Plan, 2018

LEGEND

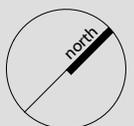
- Subject Lands/Proposed Lots
- Rural Settlement Areas
- Agriculture
- Rural
- Mineral Aggregate Resource Extraction Areas
- Open Space

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Distance Separation requirements in accordance with Section F.1.16 of the Official Plan and the Zoning by-law.

Figure 6 illustrates the required MDS I setback from the nearest livestock facilities: an equestrian operation is located south of proposed lots 1 and 2 at 362 Concession 11 East (Cedar Creek Equestrian) with a calculated MDS I setback of 246 m. As shown, MDS I setbacks are met from this existing equestrian facility. Attached in **Appendix A** is the MDS I Calculations for this livestock operation.

Furthermore, MDS is not applicable as it relates to the existing livestock facilities in accordance with Guidelines 9 and 14 of the Province's *Minimum Distance Separation (MDS) Document* (Publication 853). Guideline 9 reads as follows: "where a new lot is proposed with an existing dwelling and an existing livestock facility or anaerobic digester on it, an MDS I setback is not required for that livestock facility or anaerobic digester in accordance with implementation guidelines #14."

Guideline 14 further confirms that: "An MDS I setback is not required to be met for proposed development, dwelling, agriculture-related use, or on-farm diversified use from an existing livestock facility or anaerobic digester located on the same lot as the proposal." This confirms that MDS I setbacks are not required for the existing livestock facilities on Lot #1 and #2².

Given the forgoing, the proposed severances comply with the Minimum Distance Separation formulae in accordance with the provincial guidelines.

As previously noted, provincial policy is more restrictive in prime agricultural areas, whereby the PPS discourages severances on prime agricultural, and only permits lot creation under the following circumstances (section 2.3.4.1):

- a) *agricultural uses, provided that the lots are of a **size appropriate for the type of agricultural use(s) common in the area** and are **sufficiently large to maintain flexibility for future changes** in the type or size of agricultural operations.*
- b) *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*

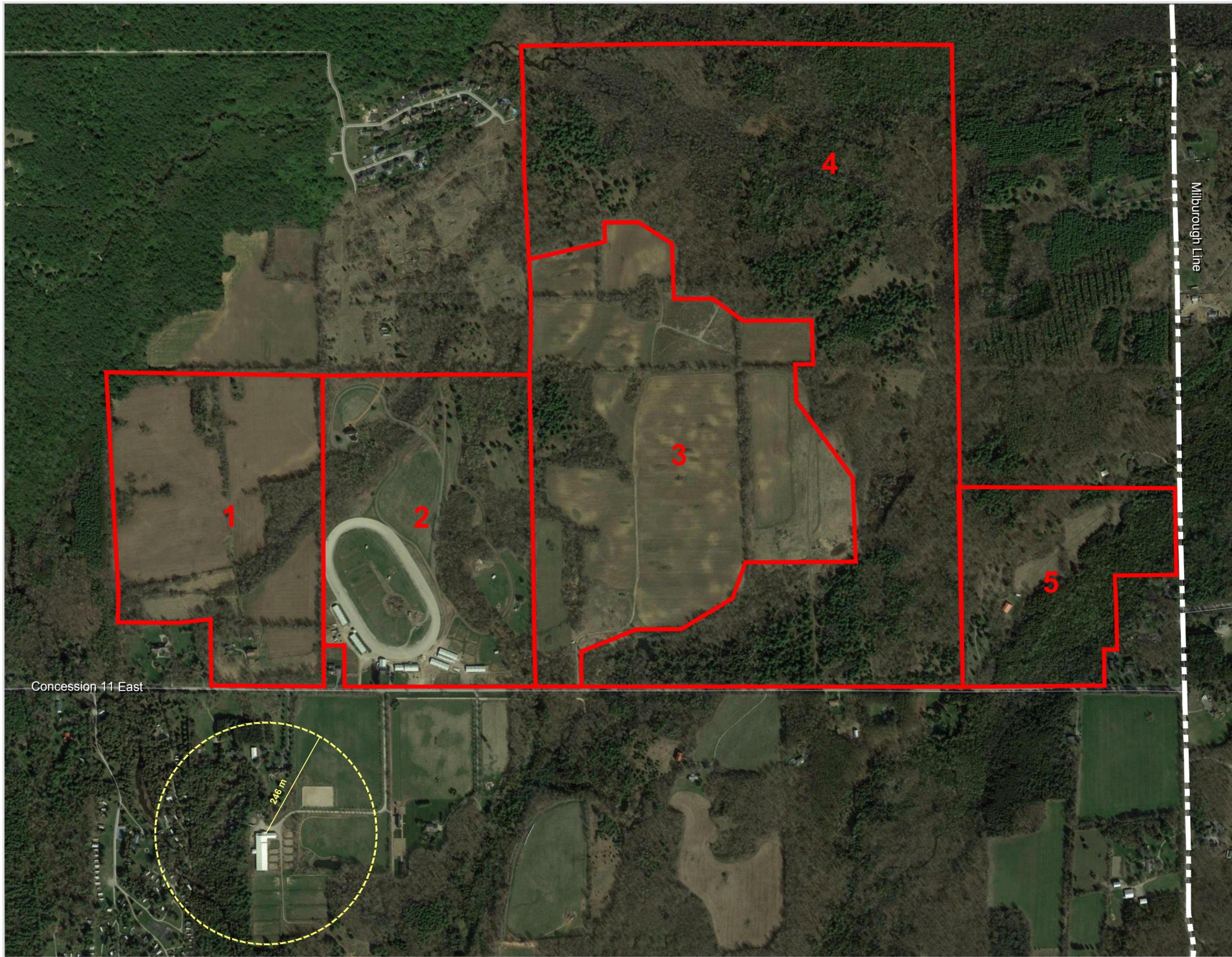
² Note, Lot #1 includes a vacant bank barn with no livestock at this time. However, the barn is capable of housing livestock.

Figure 6 Minimum Distance Separation I Calculation

353, 385, 412, 475, & 515 Concession Rd 11 E
City of Hamilton

LEGEND

- Subject Lands/Proposed Lots
- Municipal Boundary
- Minimum Distance Separation (MDS) I Setbacks



Source: City of Hamilton Open Data
Google Satellite Imagery
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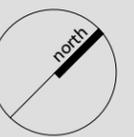
*Location is approximate

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1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and,*
- d) *infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*

Although not applicable to Rural Areas, Section 2.3.4.1 (a) of the PPS does contemplate lot creation for agricultural uses provided the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Additional discussion on the appropriate size is included in section 5.1 of this report.

In summary, the subject lands are designated Rural and considered to be within a Rural Area, as defined by the PPS. The prime agricultural policies of the PPS do not apply. On rural lands, a broad range of recreational, resource, residential and agricultural uses are permitted and opportunities to diversify the rural economy are promoted. Existing agricultural uses on the subject lands are being maintained and will be protected. No new livestock facilities are being proposed and the proposed lots comply with MDS I setbacks. As a result, the proposed severances are consistent with the PPS.

4.1.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') is the Government of Ontario's initiative to plan for growth and development in a way that supports economic prosperity, protect the environment, and help communities achieve a high quality of life. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* was approved under the Places to Grow Act, 2005, with a recent amendment approved on May 16, 2019 and is applicable to the subject lands. Any planning decision made for lands in the Greater Golden Horseshoe growth plan area must conform to the policies of the Growth Plan.

The Growth Plan includes a vision to protect agricultural lands in the Golden Horseshoe Region, and reads:

Vision for the GGH (Section 1.2):

"Natural areas and agricultural lands will provide a significant contribution to the region's resilience and our ability to adapt to a changing climate. Unique and high quality agricultural lands will be

protected for the provision of healthy, local food for future generations. Farming will be productive, diverse and sustainable.”

In order to support high quality agricultural lands, one of the guiding principles of the Growth Plan is to support the protection of prime agricultural land. Section 1.2.1 reads as follows:

“Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.”

Furthermore, in order to protect productive farmland, the Growth Plan provides for the identification and protection of an *Agricultural System*. Section 4.2.6 of the Growth Plan requires that the Province identify an Agricultural System for the Greater Golden Horseshoe. The Agricultural System includes rural lands and is defined as:

*The system mapped and issued by the Province in accordance with this Plan, comprised of a group of inter-connected elements that collectively create a viable thriving agricultural sector. It has two components: 1. An agricultural land based comprised of prime agricultural areas, including specialty crop areas, and **rural lands** that together create a continuous productive land base for agriculture; 2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.*

Rural lands are part of the Agricultural System, and therefore, subject to the relevant Agricultural Systems policies from the Growth Plan (Section 4.2.6), including the following:

(4.2.6.5) The retention of existing lots of record for agricultural uses is encouraged, and the use for these lots for non-agricultural uses is discouraged.

The Growth Plan primarily focuses on protecting prime agricultural areas for long-term use for agriculture, however the agricultural systems approach recognizes the importance of retaining existing lots of record for agricultural uses. It is noted that the Growth Plan does not contemplate a minimum lot size in agricultural or rural lands.

Consistent with the Rural designation in the City’s Official Plan, the subject lands **are not designated as Specialty Crop Area, Prime Agricultural Area or Candidate Area in the provincial Agricultural Land Base mapping** (see **Figure 7**). Furthermore, the Canada Land Inventory Soil Capability for the subject lands includes a range of soil classes, including Class 2, 4, 5 and 6, with no specialty crop areas (see **Figure 8**). While Class 2 soils are considered appropriate for prime agricultural production (which includes Class 1-3 soils), class 4 – 7 are considered lands less capable of agricultural production. The Class 6 soils comprise of the wooded area of the lands.

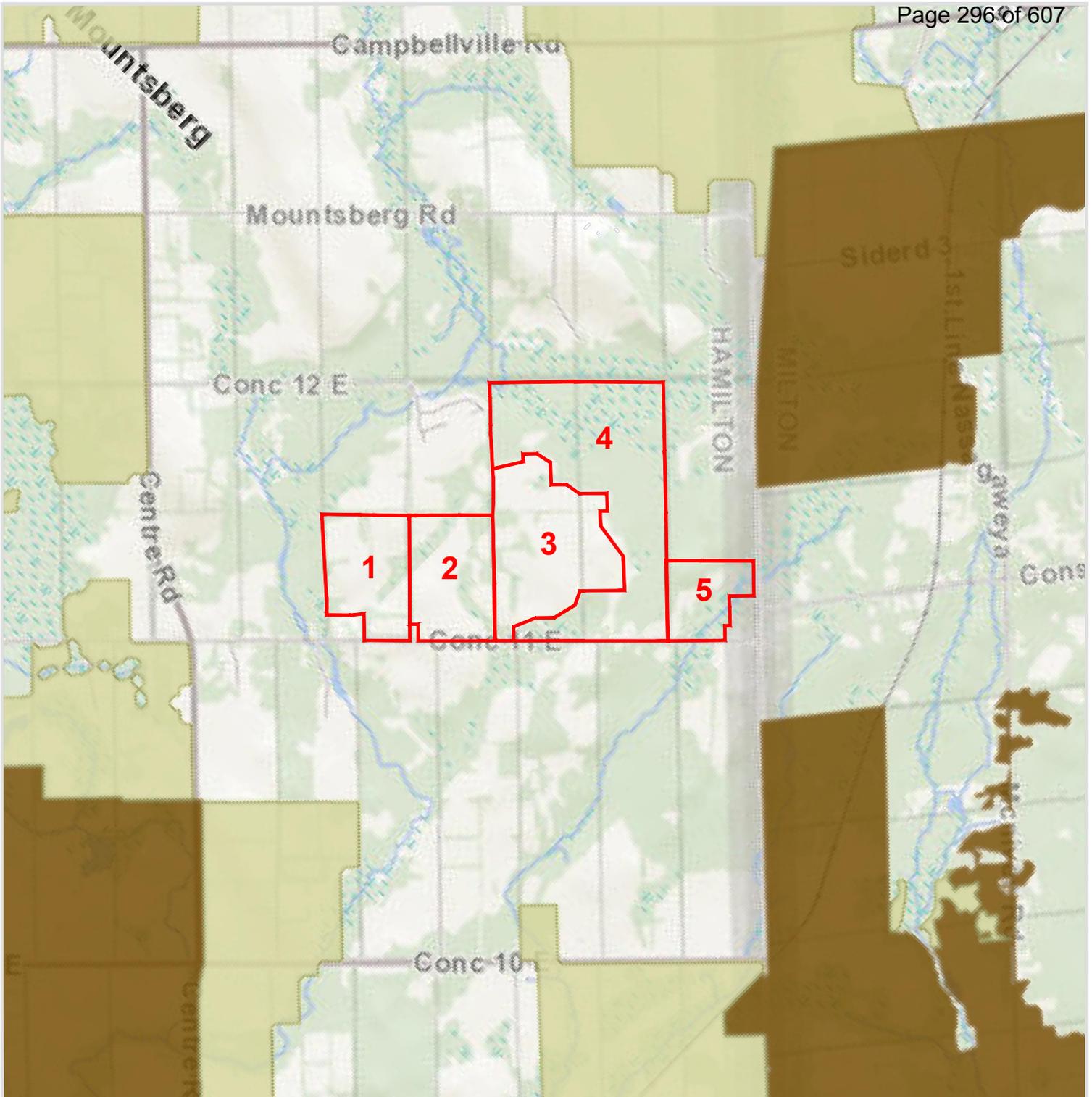


Figure 7
Agricultural Land Base for the Greater Golden Horseshoe
 Province of Ontario Agricultural System Portal

LEGEND

- Subject Lands/Proposed Lots
- Candidate Area
- Prime Agricultural Area

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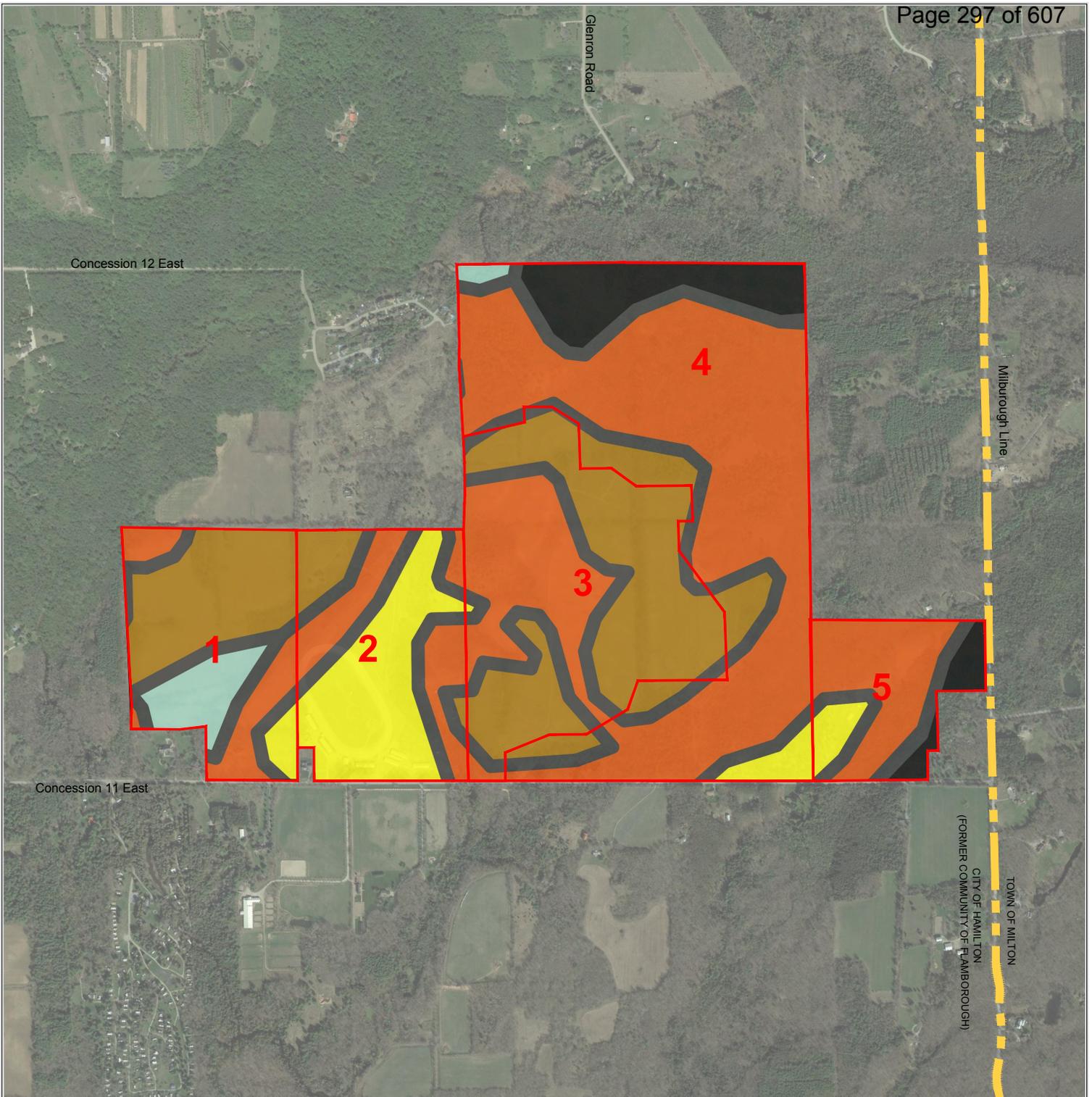


Figure 8
Canada Land Inventory
Soil Capability
 Province of Ontario Agricultural System Portal

353, 385, 412, 475, & 515
 Concession Rd 11 E
 City of Hamilton

LEGEND

 Subject Lands/Proposed Lots

 Municipal Boundary

Soil Class

 Class 2

 Class 4

 Class 5

 Class 6

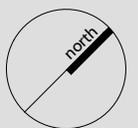
 Organic Soil

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In summary, the subject lands are located on Rural designated lands, and are not identified by the province as specialty crop area, prime agricultural area or candidate area. The proposed severances will retain the existing agricultural uses, including cash crop production and an equestrian operation, and do not result in urban growth and/or expansion of non-farm related uses into prime agricultural lands. In accordance with the Growth Plan, the proposed lot sizes will continue to permit a broad range of agricultural uses, which will contribute to the long-term viability of the agricultural system. As a result, the proposed severances conform with the policies of the Growth Plan.

4.1.3 Greenbelt Plan (2017)

The Greenbelt Plan was prepared and approved under the *Greenbelt Act, 2005* which took effect on December 16, 2004. The Plan was updated in 2017 through an amendment, which came into effect on July 1, 2017.

The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape. While providing permanent agricultural and environmental protection, the Greenbelt also contains important natural resources and supports a wide range of recreational and tourism uses, areas and opportunities together with a vibrant and evolving agricultural and rural economy. The agricultural land base is an important component of the Agricultural System.

Section 3.1.1 of the Greenbelt Plan (2017) provides the following description of an agricultural system:

3.1.1 *"The Protected Countryside contains an Agricultural System that provides a continuous, productive and permanent agricultural land base and a complementary agri-food network that together enable the agri-food sector to thrive."*

This systems approach recognizes the importance of protecting prime agricultural lands, specialty crop areas and rural lands as well as the agri-food network (infrastructure, services and assets) to ensure the viability of the agri-food sector. Similar to the PPS, section 3.1.1 of the Greenbelt Plan defines Rural Lands as *"those lands outside of settlement areas which are not prime agricultural areas and which are generally designated as rural or open space within official plans."*

As shown in **Figure 9**, the lands are located within the Protected Countryside and Natural Heritage System of the Greenbelt (Map 97). The following Rural Land Policies are applicable to the proposed severance:

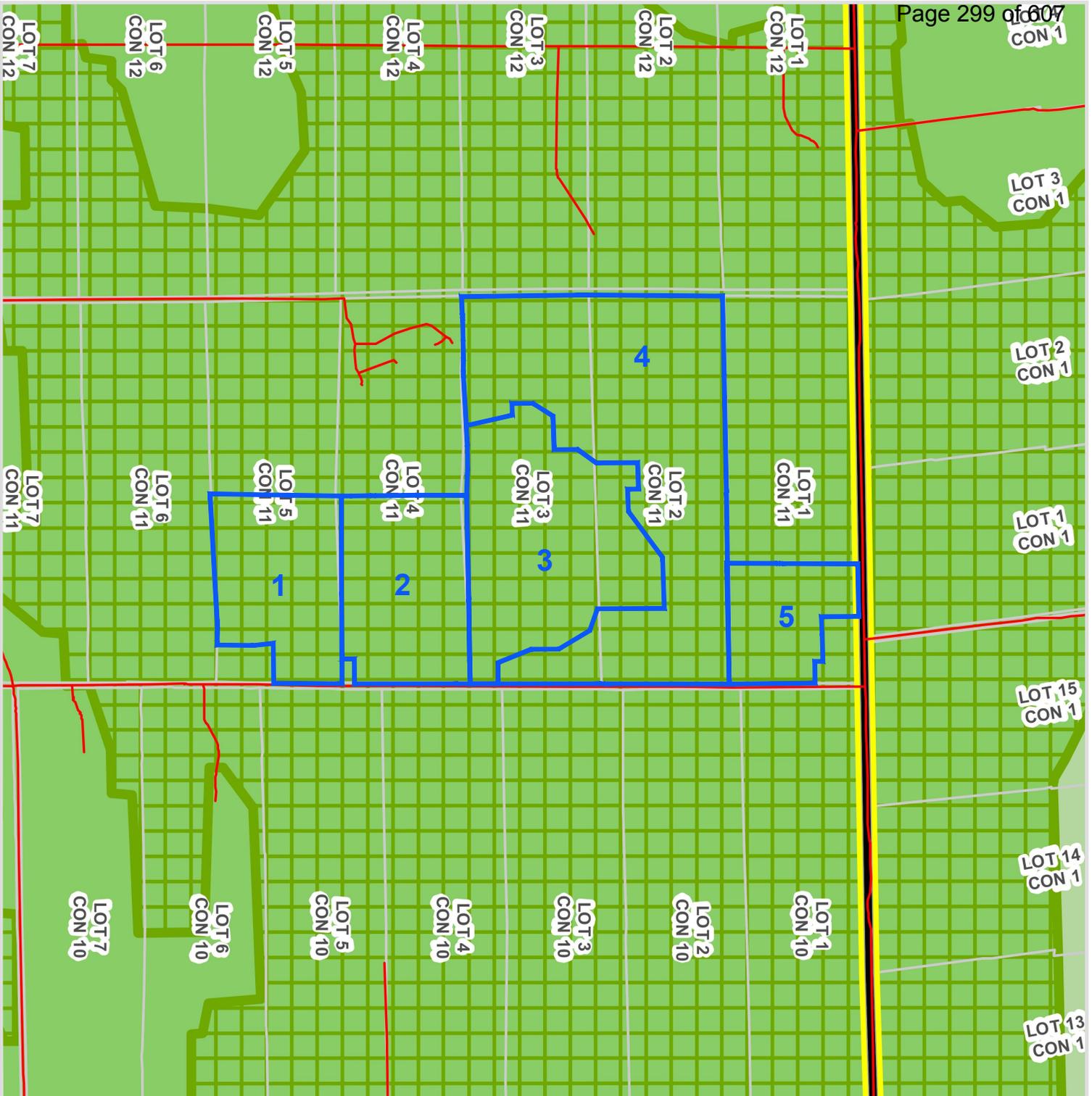


Figure 9
Greenbelt Plan (Map 97)

Map 97 - Greenbelt Plan, map division and enlargement. Province of Ontario, 2017

LEGEND

- Subject Lands/Proposed Lots
- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Upper Tier Municipal Boundaries
- Lower & Single Tier Municipal Boundaries
- Lots and Concessions
- Major Road or Highway
- Minor Road

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Rural Land Policies (Section 3.1.4)

(3.1.4.2) Rural lands may contain existing agricultural operations and provide important linkages between prime agricultural areas as part of the overall Agricultural System. Normal farm practices and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are supported and permitted. Proposed agriculture-related uses and on-farm diversified uses should be compatible with and should not hinder surrounding agricultural operations.

(3.1.4.6) New land uses, including the creation of lots (as permitted by the policies of this Plan), and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

In response to the policies above, the severances would return a majority of the lands to their original parcel structure, which provides for a full range of agricultural uses including cash crop production, livestock, and forestry. This is consistent with the range of agricultural uses that are promoted in the Protected Countryside area of the Greenbelt. While the proposed severances do not result in a new land use, Minimum Distance Separation (MDS) has been reviewed for the lands in respect to the existing livestock facility south of the subject lands. Through an MDS analysis (see above), it is confirmed that the proposed severances comply with MDS.

In terms of lot creation with the Protected Countryside, the following policies apply:

Lot Creation (Section 4.6.1)

Lot creation is discouraged and may only be permitted for:

a) Outside prime agricultural areas, including specialty crop areas, the range of permitted uses by the policies of this Plan;...

d) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop area;

In response to policies a) and d) above, it is noted that the lands are located outside of the provincially and municipally designated prime agricultural areas. As such, the proposed severances are considered to be permitted in the Greenbelt. Additionally, the largest parcel (identified as Lot 4) could potentially be conveyed to the City of Hamilton, Conservation Halton or another party to be set aside as environmental protection lands.

In terms of minimum lot size, the Greenbelt Plan is the only Provincial plan that provides for minimum lot size (Section 4.6.1 (b)): 16 hectares for specialty crop areas; and 40 hectares for prime agricultural areas. Again, the minimum lot size requirements do not apply to the subject lands as the lands are designated as Rural in the City of Hamilton Official Plan, and are not

designated as prime agricultural area or specialty crop area in the Province's draft agricultural system's mapping. Based on the forgoing, the proposed severances conform to the policies of the Greenbelt Plan.

4.1.4 Provincial Policy Summary

In summary, the proposed severance is consistent with polices set out in the Provincial Policy Statement and conform to the Growth Plan and Greenbelt Plan. The severances result in the creation of five lots with existing agricultural uses that continue to be compatible with surrounding uses and promote and preserve farmland that is reflective of surrounding uses. Given the forgoing, the proposed severances comply with the Provincial Policy Statement and applicable Provincial plans.

4.2 Municipal Policy Framework

4.2.1 Rural Hamilton Official Plan (2017)

The Rural Hamilton Official Plan was approved by the Minister of Municipal Affairs and Housing December 24, 2006 and further amended and approved on March 7, 2012. The Rural Hamilton Official Plan applies to the lands in the rural area of the City, outside of the built-up urban areas.

The City of Hamilton Rural System includes both Agricultural and Rural designated lands. The primary intent of the Agriculture designation is to protect prime agricultural areas for agricultural uses, while providing a wide range of farm types (Section D.2.0). The Rural designation identifies lands that are characterized as having lower capability for agriculture due to a range of factors. One of the objectives of the Official Plan is to protect and maintain agricultural uses as the primary and predominant land use and to protect farm operations from incompatible forms of development, including those in rural lands.

The subject lands are designated as Rural in the Rural Hamilton Official Plan (see **Figure 5**). Section D.4.1 of the Official Plan contemplates the permitted uses in the Rural designation, which include:

- Agricultural uses;
- Agriculture-related commercial and agriculture-related industrial uses;
- On-farm secondary uses, as set out in Section D.2.1.3;
- Resource-based commercial and resource-based industrial (provided the conditions of Policy D.4.1.1 are met);
- Institutional uses serving the rural community; and,
- Agricultural fairgrounds (provided the tests in Section D.4.1.1. c) to e) are met.

The City's Rural Official Plan does not regulate minimum farm size in Rural designated lands. This is consistent with Provincial policy, in that prime agricultural lands in the Protected Countryside of the Greenbelt are the only lands regulated for minimum farm size.

Severances that create new lots in the Rural designation may be considered for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided conditions are met (Section F.1.14.2.3 and D.4.1).

This report has been prepared in accordance with Section F.1.14.2.3 (a) of the Rural Hamilton Official Plan. It is our opinion that the proposed agricultural lots are of a sufficient size and nature to be reasonably expected to:

- i) Sustain a commercially viable farm operation;*
- ii) Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure; and,*
- iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture.*

In response to section F.1.14.2.3, a number of resources have been reviewed to ensure the farm parcel sizes are sufficient to sustain a viable farm operation, while allowing flexibility to change/adapt the operation in response to changing trends in agriculture.

To confirm the proposed severance and associated parcel configuration can sustain a commercially viable farm operation, a parcel size and pattern analysis was undertaken (see **Figure 10**)³. The lot sizes for all rural designated parcels in the surrounding area (previously the Township of Flamborough) were assessed based on their lot size. The analysis confirms a majority of parcels in the previous Township of Flamborough that have a similar Rural designation are less than 20 hectares in size (88.6%); followed by 7.2% of parcels within the 21 – 39 hectare range; and only 4.2% of parcels greater than 40 hectares. Based on our observations through a site visit, the area surrounding the subject lands is comprised of a range of agricultural and non-agricultural uses, including hobby-sized equestrian operations, tree nurseries, rural and estate residential uses, and open space/recreational uses (RV park). Cropped lands generally consisted of hay, pasture and smaller cash crop (corn, soybean) parcels. The smaller lot sizes and

³ Analysis assumption: Parcels were selected if greater than 50% of the parcel was designated as Rural (using Schedule D, Rural Hamilton Official Plan).

Figure 10 Parcel Size Analysis

353, 385, 412, 475, & 515
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City of Hamilton

Legend

- Subject Lands/Proposed Lots
- Community of Flamborough
- Settlement Areas
- Parcel Fabric*

Parcels designated "Rural" as per Rural Hamilton Official Plan Schedule D*

(> 50% of the parcel designated)

- 0-20 ha (88.6%)
- 21-39 ha (7.2%)
- 40+ ha (4.2%)

Average Parcel Size: 6.56 ha

Notes

- * Location is approximate
- Some data retrieved from City of Hamilton Open Data
- Basemap: Esri World Topographic Map

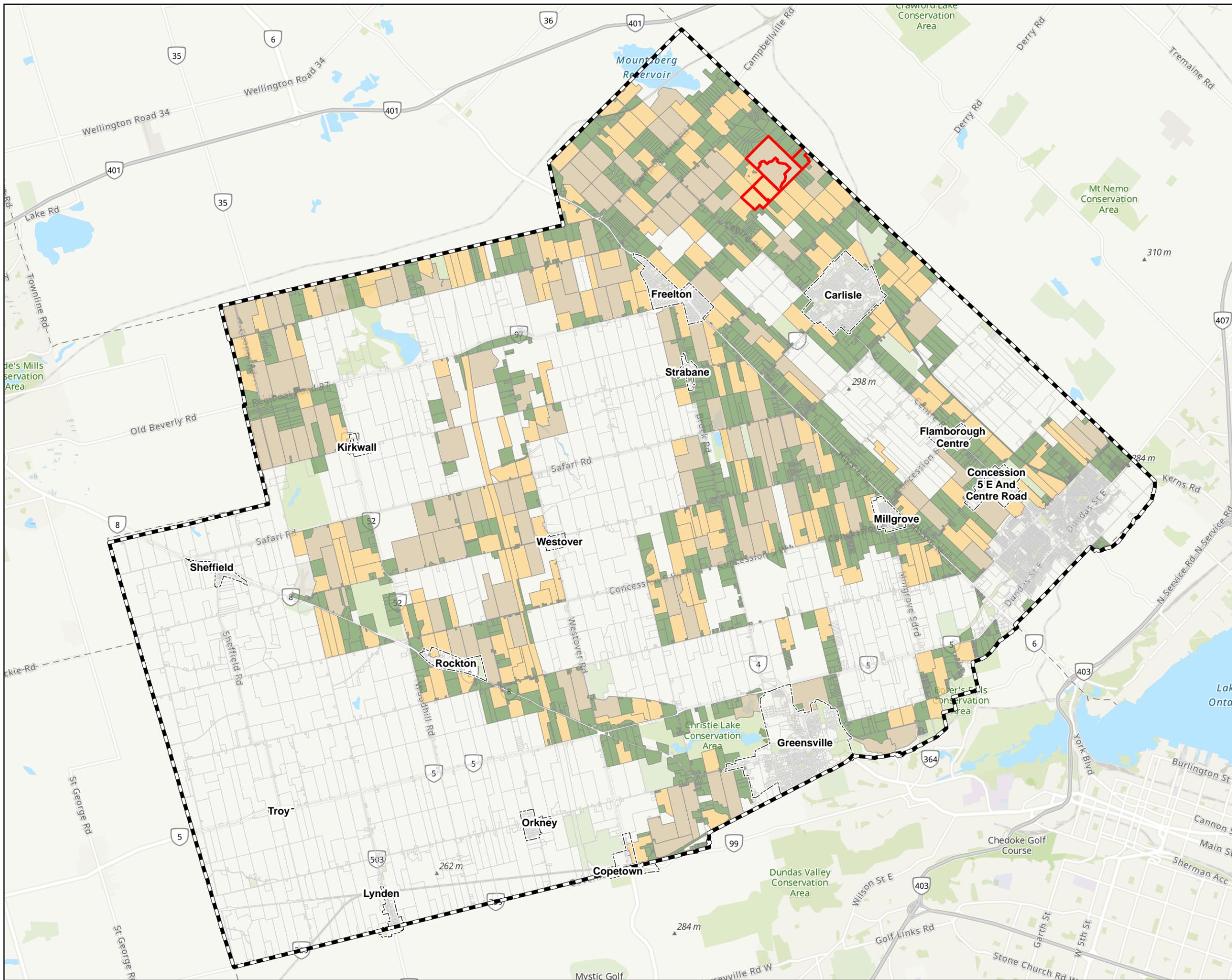
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diversity of uses is reflective of the flexibility in permitted uses for the City's rural designated areas.

As defined by Provincial and municipal policy, agricultural uses include a range of agricultural activities. The rural designated lands provide flexibility in terms of the types of agricultural activities taking place, including a high concentration of smaller agricultural operations and numerous agriculture-related or non-farm uses. As discussed further below, equestrian operations typically comprise of smaller parcels than conventional livestock and cash crop operations. Given the results of the parcel size analysis and larger concentration of smaller hobby-sized and equestrian operations, the proposed severance is returning a majority of the lands to the previous lots of record which will continue to allow the flexibility to change existing operations, and also provide for the ability to diversify and intensify as the lots are larger than the average lot size in the Flamborough area.

4.2.2 City of Hamilton Zoning By-law 05-200 (2005)

The subject lands are zoned in the City of Hamilton Zoning By-law (05-200) as Rural (A2), Conservation/Hazard Land – Rural (P6, P7 and P8), with special provisions 257 and 258.

Permitted uses in the By-law's Rural (A2) Zone relate primarily to agriculture, but permit more uses than the Agriculture (A1) zone. The City's Agriculture (A1) zone implements provisions for the lands designated as Agriculture in the City's Rural Official Plan, whereas the Rural (A2) zone implements the Rural designation. Permitted uses for each of the applicable zones are summarized in Table 1, below. The zoning of the properties is illustrated on **Figure 4**, attached.

Table 1: Summary of Applicable Zones and Permitted Uses

Zone	Purpose	Permitted Uses
Rural Zone (A2)	To implement Official Plan's <i>Rural</i> designation	<ul style="list-style-type: none"> • Abattoir • Agriculture • Agricultural Processing Establishment – Stand alone • Agricultural Storage Establishment • Farm Product Supply Dealer • Kennel • Livestock Assembly Point • Residential Care Facility • Secondary Uses to Agriculture • Single Detached Dwelling • Veterinary Service – Farm Animal •

Conservation/ Hazard Land Rural (P6)	Applies to all lands identified as Environmentally Significant Area or Earth Science ANSI in Rural Hamilton OP	<ul style="list-style-type: none"> • Agriculture • Conservation • Flood and Erosion Control Facilities • Recreation, passive • Secondary Uses to Agriculture • Single Detached Dwelling
Conservation/ Hazard Land Rural (P7)	Applies to all lands identified as Key Hydrologic Feature, with the exception of Provincially Significant Wetlands, in the Rural Hamilton OP	<ul style="list-style-type: none"> • Agriculture • Conservation • Existing Single Detached Dwelling • Flood and Erosion Control Facilities • Recreation, passive
Conservation/ Hazard Land Rural (P8)	Applies to all lands identified as Provincially Significant Wetland in the Rural Hamilton OP.	<ul style="list-style-type: none"> • Agriculture • Conservation • Existing Single Detached Dwelling • Flood and Erosion Control Facilities • Recreation, passive
Site Specific Provision No.		Purpose
257		<p>a) The following use shall be prohibited: Mineral Aggregate Operation</p> <p>b) The following regulations shall apply: No new buildings or structures shall be permitted</p>
258		a) The following use shall be prohibited: Mineral Aggregate Operation

Agriculture is permitted in all the zoning categories applicable to the subject lands. Agriculture is defined as follows in the City's zoning by-law:

Shall mean the growing of crops, including Nursery and horticultural crops; raising of livestock; raising, boarding and training of horses; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; aquaponics; apiaries; agro-forestry; maple syrup production; greenhouse operations; Cannabis Growing and Harvesting Facilities; hydroponics; and other such accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation,

and associated on-farm buildings and structures, including one Single Detached farm dwelling and a Farm Labour Residence.

This definition is similar to the PPS and as previously noted, an agricultural use can be comprised of many types and forms of activities.

In addition, accessory uses are permitted in the A2 zone, including uses such as agri-tourism operations, home industries, landscape contracting establishment and agricultural brewery/cidery/winery (Section 12.2.3.2). Section 12.2.3.1 of the by-law regulates minimum lot area of agricultural uses as 40.4 hectares (99.8 acres), which the proposed severance does not meet. This is the same minimum lot size as the Agriculture (A1) zone.

While the minimum lot area of agricultural uses is not met for three of the five lots, it is noted that the severances are returning a majority of the lands to their original parcel pattern. The zoning permits agriculture and accessory uses, which can take on many forms of activity and intensity that is not dependent on large acreage. As discussed further in this report, the proposed severances result in the creation of parcels that can sustain a range of agricultural uses, consistent with the surrounding agricultural uses.

As part of the pre-consultation process, the City of Hamilton confirmed that the 3 undersized lots would require a minor variance. The minor variance is addressed in the Planning Justification Report prepared by MHBC Planning under separate cover.

5.0

AGRICULTURAL TRENDS

This section will make reference to current agricultural production and parcel size trends in the surrounding area and viability of farm sizes, with consideration of farmland preservation and alternate farm operations. This section will review the merit of farmland size, changes to modern farm operations, and their viability and function into the future given the increased awareness and prevalence of local food production and food security.

5.1 Census of Agriculture Review (2016)

Statistics Canada produces a regular Census of Agriculture depicting variables including: number and type of farm crop; crop and land use area; management practices; number of livestock; machinery; farm capital and gross farm receipts.

To evaluate viable farm size, the following section includes an evaluation of farmland statistics, common farm sizes, and average farm size in Canada, the Province and the City of Hamilton in particular. A discussion of the general economic impacts associated with agricultural production is also included.

Some key definitions from the 2016 Census of Agriculture are included below:

Census Farm:

Refers to a farm, ranch or other agricultural operation that produces at least one of the following products intended for sale: crops, livestock, poultry, animal products, greenhouse or nursery products, Christmas trees, mushrooms, sod, honey or bees, and maple syrup products. Also included are feedlots, greenhouses, mushroom houses and nurseries; farms producing Christmas trees, fur, game (animals and birds), sod, maple syrup, or fruit and berries; beekeeping and poultry hatchery operations; operations with alternative livestock (bison, deer, elk, llamas, alpacas, wild boars, etc.) or alternative poultry (ostriches, emus, etc.), when the animal or derived products are intended for sale; backyard gardens if agricultural products are intended for sale; and operations involved in boarding horses, riding stables, and stables for housing or training horses, even if no agricultural products are sold. Sales in the previous 12 months are not required, but there must be the intention to sell.

Farm Operator:

Refers to those persons responsible for the management decisions in operating an agricultural operation. These can be owners, tenants or hired managers of the agricultural operation, including those responsible for management decisions pertinent to particular aspects of the farm—planting, harvesting, raising animals, marketing and sales, and making capital purchases and other financial decisions. Not included are accountants, lawyers, veterinarians, crop advisors, herbicide consultants, and others who make recommendations affecting the agricultural operation but are not ultimately responsible for management decisions.

Net Farm Income:

Net income (gross receipts minus cost of operation and capital cost allowance) received during the reference period from self-employment activities, either on own account or in partnership. In the case of partnerships, only the person's share of income is included. Net partnership income of a limited or non-active partner is excluded.

Farming income is the only included source in the farm income component defined here. It excludes fishing income and income from non-farm business or professional practice. Commission income for a self-employed commission salesperson and royalties from a work or invention with expenses associated are also excluded from this farm component.

5.1.1 Farmland StatisticsCanada

The 2016 Statistics Canada Census of Agriculture reported a total of 193,492 census farms in Canada, representing a decrease of 5.95% (~ 12,238 farms) since the previous 2011 Census of Agriculture. However, while farm numbers have declined, the average area per farm has increased from 779 acres in 2011 to an average of 820 acres in 2016, representing a 6.9% increase.

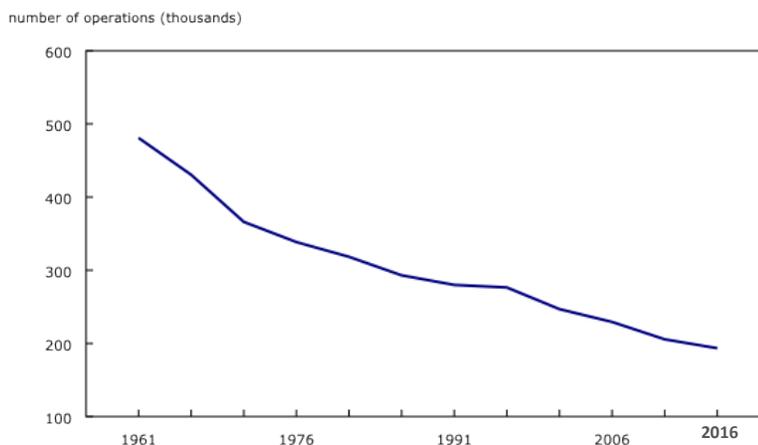


Table 2: Number of Farms, Canada (1961-2016) Source: Statistics Canada, Number of Farms, Canada, 1961 - 2016

Table 2 above illustrates that farm numbers are decreasing across Canada. This is likely attributed to a number of factors, including the consolidation of farm operations, lack of succession planning, lack of skilled labour and/or cost of land, equipment, inputs/resources, etc. As a result, fewer farm operators are producing food and fibre on relatively the same amount of land base for a growing domestic and global food market. Consequently, every effort to increase farm operations, no matter the size, should be promoted in order to maintain a sustainable agricultural system. The proposed severances can result in the continued use of the land for agriculture, agriculture related or on-farm diversified uses.

Despite the decrease in the number of farms and total farm area in Canada, the sales earned by farms are increasing. The number of farms in Canada reporting sales of \$1 million or more increased by 8.2% from 2011 to 2016⁴. This is indicative of the general trend in which farmers are applying innovative technologies to increase productivity. Farmers invest in their lands and infrastructure to aid gains in efficiency and productivity, which positively impacts economic returns. Examples of such investments include improvement in storage facilities, installation of tile drainage, and precision planting technology. Advances in plant genetics, seeding technology and improved livestock health management also contribute to increased productivity and revenue. A summary of annual farm cash receipts for Canadian farms is included, below⁵:

Table 3: Farm Cash Receipts, Canada 2014-2018

YEAR	2014	2015	2016	2017	2018
Total Farm Cash Receipts	\$58,285,425	\$60,022,247	\$60,615,017	\$62,200,833	\$62,418,129

Source: Statistics Canada. Table 32-10-0045-01 Farm cash receipts, annual (x 1,000)

⁴ [The Business of Agriculture, Census of Agriculture Fact Sheet](#) (June 14, 2017).

⁵ Farm cash receipts measure the gross revenue of farm businesses, including the sales of crops and livestock products and program payments.

Table 3 illustrates an increase of nearly 7% in farm cash receipts across Canada from 2014 to 2018, despite fewer farms across Canada.

Smaller farms are also implementing innovation and efficiency measures to decrease their operating expenses. Census data demonstrates that farmers with fewer cash receipts have reduced operating expenses per dollar of gross farm receipts compared to 2010⁶. The ratio becomes more favorable for farms with less than \$250,000 in receipts.

Farm statistics are also collected provincially, regionally/municipally. A review of the 2016 Census of Agriculture for the Province of Ontario and City of Hamilton was undertaken (see below) in order to provide an overview of agricultural production patterns and parcel size. This helps to confirm if current farming practices within the Study Area are characteristic of the broader agricultural area and broader Provincial trends.

Table 4: Farms Classified by Total Area, Canada and Ontario, 2011 vs. 2016

Total Farms	Canada			Ontario		
	2011	2016	% Change	2011	2016	% Change
Total number of farms	205730	193492	-6.3	51950	49600	-4.7
Farms under 10 acres	12991	13193	1.5	2741	3051	10.2
10 -69 acres	32705	32036	-2.1	12,681	12625	-0.4
70 -129 acres	24205	22494	-7.6	11,779	10742	-9.7
130 -179 acres	21705	20148	-7.7	4969	4592	-8.2
180-239 acres	11719	10644	-10.1	4801	4282	-12.1
240 – 399 acres	24974	22986	-8.7	6460	6008	-7.5
400 – 559 acres	15053	13645	-10.3	3359	3093	-8.6
560 – 759 acres	11781	10792	-9.2	2026	1990	-1.8
760 – 1119 acres	13413	12143	-10.5	1587	1593	0.4
1120 - 1599 acres	10831	9640	-12.4	788	801	1.6
1600 – 2239 acres	9222	8335	-10.6	436	457	4.6
2240 – 2879 acres	5230	4982	-5.0	152	168	9.5
2880 – 3519 acres	3482	3365	-3.5	79	88	10.2
3520 acres and over	8419	9089	7.4	92	110	16.4

⁶ Ibid.

Ontario

Ontario accounts for approximately 25.6% of all Canadian farm area, with a total of 49,600 farms reported in 2016, a 4.5% decrease since 2011. **Table 4** illustrates farm size in Ontario, compared to Canada, by acreage for 2011 to 2016. Statistically, farms in Ontario and Canada are predominately between 10 acres and 129 acres, with 10-69 acres representing the strongest group in Ontario at 24% in 2011 and 26% in 2016, respectively.

Statistically, the average farm size in Ontario is below the required 40.4 hectares (100 acres) as regulated in the City of Hamilton Zoning By-law, signifying that smaller farm sizes are prevalent throughout Ontario, and are a viable size for a farm operation. The provincial average also signifies that most operating farms do not meet standard requirements as set out in many regional and municipal official plans and by-laws.

While the number of farms is typically declining, the majority of farm sizes are predominantly below the 40 hectare requirements found in the City's zoning by-law. It is also worth noting that Ontario experienced a significant increase in the number of farms less than 10 acres from 2011 to 2016 when compared to Canada (10.2% vs. 1.5%, respectively). This speaks to the trends around smaller scale agriculture (e.g. market vegetable production), which is discussed further below.

Ontario farmers are experiencing continued economic revenues. **Table 5** below illustrates total farm cash receipts for Ontario farmers⁷.

Table 5: Farm Cash Receipts, Ontario 2014-2018

YEAR	2014	2015	2016	2017	2018
Total Farm Cash Receipts	\$12,929,951	\$12,955,642	\$13,261,340	\$13,375,037	\$13,994,809

Source: Statistics Canada. Table 32-10-0045-01 Farm cash receipts, annual (x 1,000)

While Ontario is experiencing some growth in farm operations (predominantly larger parcel sizes - 760 acres and up), the province is experiencing similar trends seen across Canada: there are fewer farm operators and farms, a general trend towards declining farm parcel sizes, but total farm revenue continues to rise.

City of Hamilton

The total number of farms in the City of Hamilton is 810, which has declined 8.5% since 2011⁸. In terms of parcel size, the majority of farms (41%) in the City are within the 10-69 acre farm size,

⁷ Farm cash receipts measure the gross revenue of farm businesses, including the sales of crops and livestock products and program payments.

⁸ [Census of Agriculture, 2016. Farms classified by farm type: Table 32-10-0403-01.](#)

followed by 18.3% of farms falling in the 70-129 acre range⁹. This represents a significantly larger share of operations when compared to the percentage of Ontario farms within the 10-69 hectares range (25%), indicating a relatively smaller agricultural parcel size for farm operations in Hamilton. This is further indicative of traditional farm parcel size that is characteristic for the City's non-urban area. In addition, the amount of lands in crop production has declined slightly from 42,339 hectares to 42,142 hectares representing a decline in crop land of 0.5%¹⁰.

Table 6: Farms Classified by Total Area, City of Hamilton, 2016

Total Farms	Ontario		Hamilton	
	2011	2016	2011	2016
Total number of farms	51950	49600	885	810
Farms under 10 acres	2741	3051	104	119
10 -69 acres	12,681	12625	375	334
70 -129 acres	11,779	10742	182	148
130 -179 acres	4969	4592	66	64
180-239 acres	4801	4282	47	37
240 – 399 acres	6460	6008	52	46
400 – 559 acres	3359	3093	10	17
560 – 759 acres	2026	1990	17	12
760 – 1119 acres	1587	1593	15	13
1120 - 1599 acres	788	801	3	8
1600 – 2239 acres	436	457	9	7
2240 – 2879 acres	152	168	2	1
2880 – 3519 acres	79	88	0	1
3520 acres and over	92	110	3	3

As described above, a parcel size analysis was undertaken to confirm the average parcel size for rural designated lands in the City of Hamilton (see **Figure 10**). Analysis shows that the average parcel size of Rural designated lands in the City of Hamilton is approximately 6.0 hectares (14 acres). Furthermore, 88.6% of rural designated parcels are less than 20 hectares in size. This analysis further illustrates that rural lands in the City of Hamilton are smaller in average than the City's zoning by-law requirement of 40 hectares for agricultural parcels. The proposed severances are significantly larger than the average parcel size in the City of Hamilton's Rural lands designation.

Based on the evaluation of the surrounding landscape fabric, the proposed severances would be reflective of surrounding farms and would therefore prove to create parcels that provide a viable size for a farm operation.

⁹ [Census of Agriculture, 2016. Farms classified by total farm area: Table 32-10-0404-01](#)

¹⁰ [Census of Agriculture, 2016. Farms classified by land use: Table 32-10-0406-01](#)

In addition to farm size, the Statistics Canada Census of Agriculture also reports farm operation by type. A majority of farm uses in Hamilton consist of Oilseed and Grain Farming (25.9%), which primarily includes soybean farming (38.6% of 'oilseed and grain farming') and other grain farming (29.5%). Other Animal Production (17.8%) and greenhouse, nursery and floriculture production (15.1%) also comprises a large proportion of the City's agricultural production. In the City of Hamilton, "Other Animal Production" contains a large amount of horse and other equine production farms (77.8% of 'other animal production' is equine). This indicates that equestrian makes up a majority of animal production in Hamilton. Other Crop Farming (11.1%) and cattle ranching and farming (8.5%) contribute to a smaller portion of the total agricultural production compared to oilseed and grain farming in the City of Hamilton. These results are not surprising given that the soil and topographic conditions of certain parts of the City make it less conducive to growing traditional field crops.

In terms of farm cash receipts, the value of agricultural sales in Hamilton has increased by \$15,691,937 (or 6.4%) between 2011 and 2016. This represents an increase of 8% from 2011 to 2016 in gross farm receipts per acre, which continues the trend of farmland producing greater value per acre over time¹¹. The farm types to experience the largest increase in gross farm receipts were (ranked in order by generated income): Greenhouse, nursery and floriculture production (9% increase); oilseed and grain farming (4% increase); poultry and egg production (3% increase); cattle ranching and farming (9% increase); and other animal production, including equestrian (30% increase). Greenhouse, nursery and floriculture production represents approximately 50% of the value of all agricultural gross farm receipts. The significant increase in 'other animal production' in 2016 is illustrative of an increase in sheep and goat farming in the City of Hamilton¹².

Primary agriculture remains a significant economic provider in Hamilton and the broader Golden Horseshoe region. Despite the City's location in an area with the largest concentration of urban development in Canada, Hamilton and the broader Golden Horseshoe are home to farms that generate substantial annual economic impact. The economic value of agriculture has continued to increase between 2011 and 2016, despite the decline in the number of farms. The economic impact of agriculture in Hamilton (2016) is summarized below¹³:

- \$259,909,162 in gross farm receipts
- \$950,574,095 in gross output impact
- \$437,134,749 in gross domestic product impact
- 6,168 jobs

¹¹ [Hamilton Agriculture Profile & Economic Impact Report, City of Hamilton.](#)

¹² Ibid.

¹³ Ibid.

All of the above are increases from 2011.

The agricultural uses surrounding the subject lands do not include a large amount of conventional cash crop production or larger-scale livestock production. Agricultural operations within the area include a higher concentration of equestrian operations, with some nursery production. It is worth noting that the subject lands are located within close proximity to key horse racing facilities, including Flamboro Downs and Woodbine Mohawk Park, which are components of the broader agricultural system for the region (see **Figure 11** illustrating proximity to racing facilities). Training facilities and barns are common in the areas surrounding both racetracks, and do not require large parcels of land to provide equestrian amenities. A number of equestrian facilities in the surrounding area, including the training centre within the subject lands, market themselves to training for the Region's racing industry.

The Ontario equine industry is comprised of a broad range of racing, sport, recreation and breed interests. There is both a thriving harness horse racing industry and a thoroughbred racing industry, as well as an emerging quarter horse racing interest. The equestrian sports of show-jumping, dressage and eventing are well represented in Ontario as well as hunters, western riding, driving, heavy horses, endurance riding and pleasure riding. It is important to acknowledge the prevalence of equestrian operations within and surrounding the subject lands. While there is limited literature available on the equestrian industry in Ontario, a 2009 study authored by Caldwell and Wilton provides insights to the economic impact on Ontario's equine industry¹⁴.

While their report does not include an analysis of census data for the City of Hamilton, adjacent municipalities such as Wellington County and Waterloo Region are reviewed. The 2009 study indicates that **23% of reporting equestrian farms are within 0-10 acres, with 14% of farms between 41 and 50 acres**. Only 11.5% of the farms reports are larger than 100 acres. This illustrates that smaller areas of land are typically needed to support equine farms compared to other conventional agricultural operations (cash crop production and livestock such as beef/dairy production). Again, this supports the rationale of this report that the proposed severance and resulting parcel size can support a range of agricultural activities, included equine operations (including the existing Baycairn Training Centre).

5.1.2 Beyond the City of Hamilton

The province of Ontario does not mandate minimum farm size in the Growth Plan for the Greater Golden Horseshoe, but makes reference that each municipality or township will be responsible for determining the identification and protection of prime agricultural areas and related policies. Similar emphasis on prime agricultural areas is reflected in the PPS, which

¹⁴ Wilton & Caldwell: Rural Ontario's 'Hidden' Sector: The Economic Importance of the Horse Industry (2009).

Figure 11 Broader Context Plan

353, 385, 412, 475, & 515
Concession Rd 11 E
City of Hamilton

Legend

- Subject Lands/Proposed Lots
- Municipal Boundaries
- Settlement Areas
- Major Roads
- 🐎 Horse Racing

Distance to Urban Centres

- Waterdown - 15 km
- Burlington - 30 km
- Milton - 19 km
- Hamilton - 26 km
- Guelph - 28 km

Notes

- Some data retrieved from City of Hamilton Open Data
- Basemap: Esri World Topographic Map
- Contains information licensed under the Open Government Licence - Ontario.

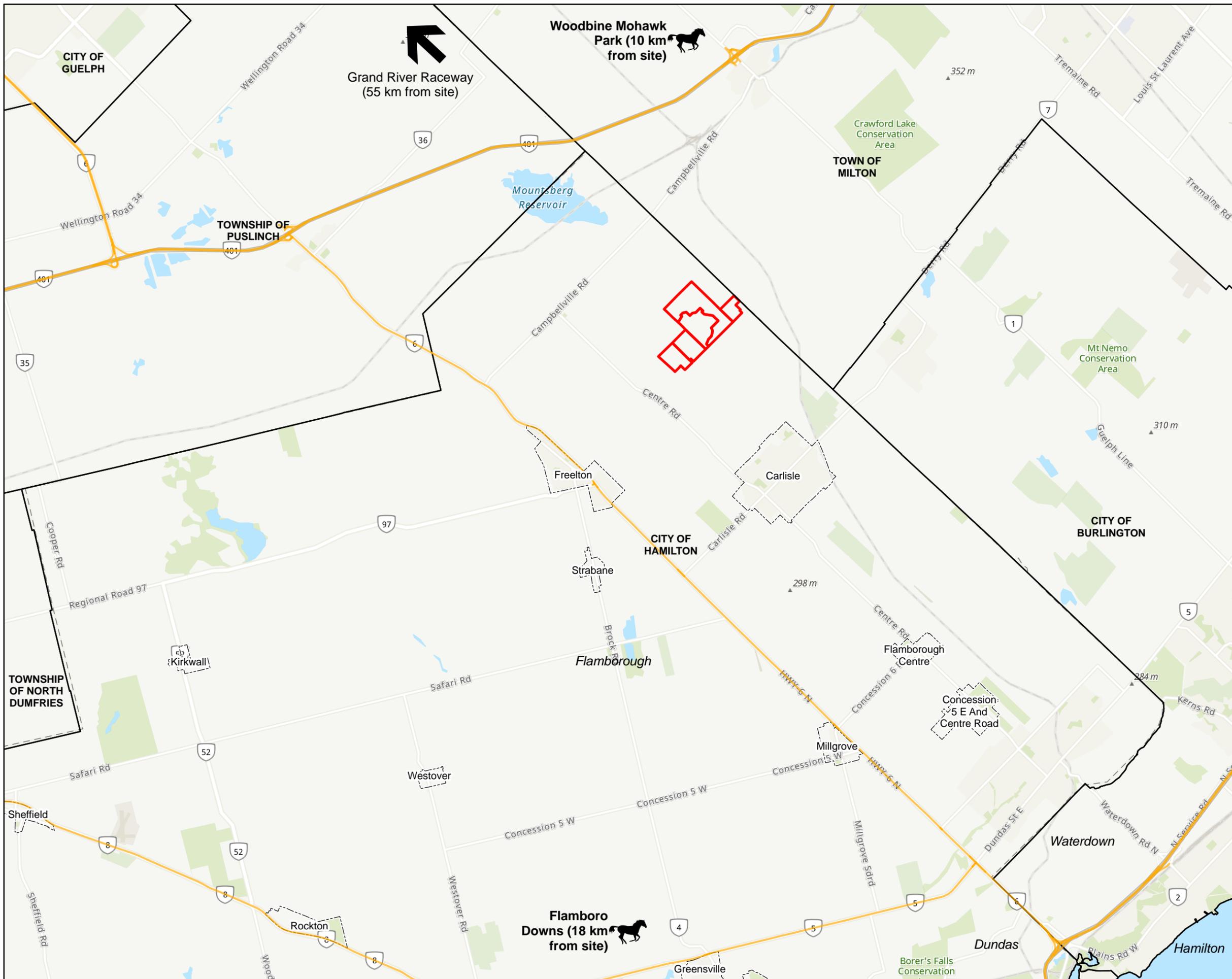
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mandates that all types, sizes and intensities of agricultural uses and farm practices will be promoted and protected in prime agricultural areas. As discussed above, a range of uses (including agriculture) are permitted in rural areas, which contribute to the broader agricultural system.

Through a background review of other municipal zoning by-laws, it is evident that there is a diverse range of minimum lot size requirements for Rural/secondary agricultural lands. **Table 7** below illustrates the range of minimum lot sizes across some municipalities in Ontario.

Table 7: Municipal ZBL Comparison of Rural and Agricultural Minimum Lot Size

Municipality	Zoning	Minimum Lot Size
Prince Edward County	Rural 1 (Agriculture)	10 ha (24.7 ac)
	Rural 2 (Agriculture)	20 ha (50 ac)
	Rural 3 (Agriculture)	34 ha (84 ac)
Town of Ajax	Permanent Countryside	40 ha
	Agricultural	0.8 ha
King Township	Rural General (RU1)	10 ha
	Rural Intensive (RU2)	2 ha (agricultural use) 1.9 ha (farm residential)
	Rural Specialized (RU3)	4 ha
Niagara Falls	Rural	0.4 ha
	Agricultural	16 ha
Fort Erie	Agricultural	20 ha
	Rural	6 ha
Owen Sound	Rural	1 ha
	Agricultural	10 ha
Georgian Bay	Rural	10 ha
Puslinch	Agricultural	4 ha
North Dumfries	Zone 1 (Agricultural)	35 ha
Halton Hills	Agricultural	4 ha
Leamington	Agricultural	10 ha

While **Table 7** does not represent an exhaustive review of minimum lot size across Ontario municipalities, it illustrates that there is a range of minimum lot sizes for both rural and agricultural parcels across the Province. This further indicates that agricultural activities can successfully and feasibly operate on a range of parcel size, from very small (2.0 hectares) to larger parcels, such as 40 hectares. Examples of farm operations that can operate on smaller parcels of land include, but are not limited to:

- Horticulture production

- Beekeeping
- Market vegetable production (field/greenhouse)
- Equestrian
- Poultry/turkey

In reality, an agricultural system is made up of a variety of parcel sizes. Just because a farm operation has large acreage, it does not necessarily mean that it is considered to be financially viable. It is worth noting that many farms receive subsidies/grants in order to remain viable. Many farm families have off-farm jobs in order to support or provide a stable source of income. Other operators may also engage in accessory on-farm uses to supplement income. Given these economic realities, the province was motivated to introduce on-farm diversified uses in the PPS as a potential opportunity to supplement on-farm income, which in the end will ensure that agricultural land remains productive regardless of its size or scale.

Given the forgoing analysis, the proposed severance does acknowledge surrounding average farm size, and is considered appropriate based on a review of other municipalities. The proposed parcel sizes can provide for a range of agricultural activities, while providing the flexibility for farmers to adapt or intensify. Municipalities outside of the City of Hamilton have determined that farm sizes below 40 hectares/100 acres are viable, and are common throughout Ontario.

The following section provides an overview of key trends including farmland preservation, local food movement and challenges for new entrants to farmers.

5.2 Farmland Preservation

Farmland Preservation is "about protecting a biophysical resource through various land use planning policies" that ensure the protection of farmland as a public interest for food production, food security, economic value, stewardship and a resource for future generations. (Caldwell, Hilts & Wilton, 2007)¹⁵

Farmland preservation is an evolving theory and range of policies used to protect existing farmland and agricultural resources from competing land uses. The challenge of keeping farmland in agricultural production requires addressing both the protection of farmland from conversion, as well as ensuring that farming on such lands remains viable.

¹⁵ Farmland Preservation, second edition: Land for Future Generations, Wayne J. Caldwell (Editor), Stew Hilts (Editor), Bronwynne Wilton (Editor), 2017

Ontario has a diverse and active agricultural industry, and contains approximately 52% of Canada's Class 1 land soils in high quality farmland area. Provincial and local policies are in place to protect these lands from incompatible development, urban sprawl, and loss of prime agricultural land. Farmland preservation often focuses largely on preserving large farmland areas at the expense of small scale flexible farm operations like the lands proposed. Often, these small farm operations are more profitable and can provide greater crop production, allow for crop diversity which reduces monoculture, is more reactive to changes in crop production and changing economic conditions, and promotes local food production and availability. (Britten et. al., 2009)

In essence, the proposed severances will maintain the existing farm operations and does not propose non-farm related uses. The proposed severances will ensure farmland is preserved, and does not allow for expansion of the urban boundary or urban area and built environment into lands of agricultural significance.

5.3 Local Food Movement / Farm to Table

In responding to the emerging importance of healthy and accessible food, the "Local Food", "Buy Local" or "Creative Food Economy" movements have emerged with the theory of promoting locally grown goods, pick-your-own, farmers markets and local farms and farmer stalls. This phenomenon emerged in the early 2000s and has now grown into a wide-scale phenomenon and trend. The following section pertains to this theory and application in the Ontario rural and agricultural market.

Based on a series of "push and pull factors," people generally feel locally grown food is of better quality and flavor, free from harmful pesticides and chemicals, less damaging on the environment, reduces greenhouse gas emissions, supports local economy and farm operations, and is generally safer than mass produced and imported foods as the source/origin and processing is known¹⁶. The local food/buy local market has grown at a rate of 15% to 25% over the last decade as compared to the traditional agriculture sector with reported growth of 2% to 3%. Specifically, the number of farmers markets in operation has more than doubled compared to the number in operation in the 1980s, largely in part that consumers "value the care and nurturing farmers put into their operations and want to support local farm production." By promoting local food and buying local, consumers are helping to alter food production in a positive way, and may influence increased prevalence and opportunities for rural land use in Ontario.

¹⁶ Metcalf Foundation: In Every Community a Place for Food: The role of the community food centre in building a local, sustainable and just food system (2010).

This emerging trend also benefits the environment, economy and social aspects of farming and agriculture. Specifically, if goods are produced locally, this reduces travel distance to transport goods between producer and consumer, which dramatically reduces vehicle use and related greenhouse gas consumption. Environmental benefits also include reduced use of pesticides, increased crop diversity etc., while socially, consumers understand the value of food, know it is local, and are willing to spend extra money to support the local community.

Further, farm market sales are a direct indication of farm viability and success of agriculture. More than 7,000 farms in Ontario engage in direct sales with consumers, a majority of which are located in the Greater Toronto-Hamilton Area¹⁷. These types of operations are supported through Provincial programs such as Ontario Farm Fresh Marketing Association and Farmers' Markets Ontario. Often these farm operations are small country stores, roadside stands, and fruit farms that operate on small parcels of land similar to the proposed farm severances. Due to local availability, consumers are more likely to travel to purchase from, and support local farmers.

A number of smaller farm-to-table and community shared agriculture (CSA) operations have proven to be very successful in the Hamilton area. Examples include Earth to Table Farm (Pearl Hospitality), Manorun Farms, Plan B Organic Farms, Chickabee Farm and Simpler Thyme Organic Farm. Several of these farms are supported by local residents through a CSA approach in which shares are purchased in advance of the season to support producers. Many operations also participate in local farmers markets, providing further support to the local food market. While these operations may not all be considered to be large in acreage (some of which ranging in size from 3 to 10 hectares), they can provide healthy local food to the area without requiring large amounts of land.

It can also be argued that smaller farms have a greater potential to contribute to the environment, reduce the growing built up area, and encourage farmer-buyer relationships and promote local level markets. Smaller farm sizes can also prove beneficial during economic hardship, through food security and local markets with the threat at border crossings, or food recalls. Building on this notion, food security is an important theme given the emerging threats from climate change, increasing fuel costs, and water scarcity, which can all be lessened through the local supply and availability of food resources.

Food security has become a central theme of the local food movement as a result of the economic strain on farmers, challenges posed by climate change, lack of adequate and available healthy food, and the general process of exporting food out of the country. 1 in 8 households in

¹⁷ News Release: Ontario supports farmers with farmers' market and on-farm sales. October 10, 2019 (Ministry of Agriculture, Food and Rural Affairs).

Canada is food insecure, amounting to over 4 million Canadians¹⁸. From 2016 to 2017, emergency food bank usage in the City of Hamilton increased for both adults and children by 9.5% and 10%, respectively¹⁹.

The proposed severances represent an opportunity to implement agricultural uses in a small scale manner that can promote the potential for local food production in proximity to larger urban centres. The lands will remain in agriculture and can provide an opportunity to increase public access to safe and high quality food in the future. Agricultural uses that operate under the buy local buy fresh theory are smaller in size, similar to the land area and agricultural operation proposed, but are advancing and increasing in farm income, and economic contribution to the community. It can be proven that larger farm sizes are not needed to be economically viable, and that people are willing to support small scale, local, and accessible food opportunities, which are fully capable of operating on smaller parcels.

5.4 Emergence into Farm Industry

In addition to restrictions and limitations on farm size and operation, rising prices of land are also limiting the ease of emergence into the market for new farmers and/or smaller farm operations. In 2016, the average value of land and buildings in Canada was \$2,696 per acre, which is an increase of 38.8% from 2011²⁰. Starting or growing an agricultural operation requires a significant investment, and choosing to rent lands can be a more flexible and less capital intensive way for farmers to establish their operations²¹. The total land rented in Canada increased by 0.4% from 2011 to 2016. Agricultural operations by those aged 70 and older were more likely to rent out some of their farmland to younger operators.

Given the shift from farm production to technology, and increased demand on land for non-agricultural uses (e.g. residential), farm operations have decreased dramatically. Often, lands near urban areas are reserved for development, and associated costs reflect the value of developing land for urban/built environment as opposed to farming it.

A recent review of farmland prices in Ontario further illustrates this point, with the increase in bidding wars and higher priced land. Many farms are passed down through generations therefore limiting the available land on the market. Also limiting, is the number of farmers nearing retirement, who would normally sell the land, understand the value and choose to rent it out. This further limits available land resources for purchase. Although increased farm prices can be seen as a positive for the economy, this limits options for farmland expansion, and or

¹⁸ Household Food Insecurity in Canada: Proof, Food Insecurity Policy Research (February 22, 2018).

¹⁹ E. O'Rourke, Hungry for Change: The Silhouette (February 2018).

²⁰ [Farm & Farm Operator Data: A Portrait of a 21st Century Agricultural Operation, Census of Agriculture](#) (May 17, 2017).

²¹ [Farm and Farm Operator Data: Farmers are adapting to evolving market, Census of Agriculture](#) (June 14, 2017).

emergence into the farm industry. Barriers, including social, economic, and lack of interest by the next generation often leave current farming operations struggling to plan for succession. This results in decreased quality of land and resources, and general lack of interest to continue to farm an operation. Often, these areas of land are left beyond suitable quality and sold to developers, or through private sale, therefore further limiting access for those who intend to farm the land²².

For these reasons it is critical that options remain to allow small scale farm operations to emerge in an increasing competitive market. The proposed severances, although smaller than regulated minimums, will allow for increased opportunity to maintain these lands for the production of food or fibre. The proposed severances provide the ability for a new farmer(s) to start production and an opportunity to benefit the area socially, economically, and environmentally.

²² Farms Forever Discussion Paper, OMAFRA: 2016

6.0

SUMMARY

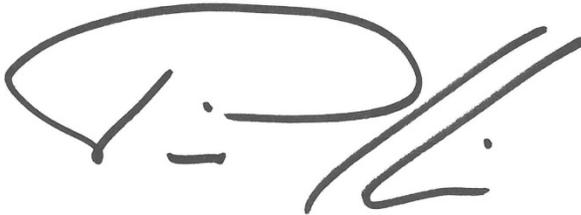
The intent of the proposal is to permit the severance of 214 hectares of land into five (5) separate farm parcels. The purpose of the severance is to generally return the lands to their previous parcel fabric. Local official plans and policies have been implemented to help regulate farm size, and ensure agricultural and farm operations are viable both economically, and for farm function. Based on the analysis included in this report, the proposed severances are considered good planning for reasons outlined below:

- Ontario's policy framework provides for more flexibility on Rural designated lands in comparison to prime agricultural lands. The subject lands are designated as Rural in the City of Hamilton Rural Official Plan, and are not included in the Province's Agricultural Systems Mapping as prime agricultural lands.
- The proposed severances would generally return the lands to their existing lots of record, which is encouraged through the 2019 Growth Plan.
- In comparison to existing farm parcels in the surrounding area, existing farm sizes throughout Ontario, and specifically within the City of Hamilton rural area, are below this minimum regulated farm size. The average parcel size in the City's Rural designation of the surrounding lands is 6 hectares, which is significantly smaller than the 40.4 hectare requirement for agricultural parcels. A number of surrounding farm operations are operating on less than 40 hectares.
- Minimum distance separation setbacks can be met with the proposed severance.
- Smaller farms have significant benefits, as seen through the emergence of the local and sustainable food movements that promote small scale farms that serve the immediate area while also promoting locally grown products. There is a need for all types and scales of agricultural production in order to support demand for local and available healthy food.
- Equine operations, which are a predominant agricultural use in and around the subject lands, are typically comprised of smaller lot sizes.
- Farm viability is not dependent on the size of the farm, rather the intended use and/or function of the farm operation.
- A farm can function on a smaller sized lot, and can be considered viable in the agricultural market.

Based on the forgoing, the proposed severances should be permitted as the resultant parcels are reflective of surrounding farm sizes, provides opportunity for alternative farm function, promotes local small scale agricultural production, and will provide continued growth and economic prosperity in the agricultural system.

Respectfully submitted,

MHBC

A handwritten signature in black ink, consisting of a large, loopy initial 'P' followed by a series of connected strokes that form the name 'Pierre J. Chauvin'.

Pierre J. Chauvin, BSc (Agr.), MA, MCIP, RPP
Partner

APPENDIX A: MDS I Calculations



Minimum Distance Separation I

Worksheet 1

Prepared By: Pierre Chauvin, Planner, MHBC Planning

Description: Concession 11 East Severance Application

Application Date: Wednesday, January 22, 2020

Municipal File Number:

Proposed Application: Lot creation for an agricultural use (e.g. farm split)
Type A Land Use

Applicant Contact Information

Pierre Chauvin
MHBC Planning
540 Bingemans Drive
Suite 200
Kitchener, ON, Canada N2B 3X9
Phone #: 519-576-3650
Email: pchauvin@mhbcplan.com

Location of Subject Lands

City of Hamilton
EAST FLAMBOROUGH, Concession: 11
Roll Number: 2518 

Calculation Name: **362 Con 11 E**

Description: Horse Farm at 362 Concession 11 East

Farm Contact Information

Pierre Chauvin

Location of existing livestock facility or anaerobic digester

City of Hamilton
EAST FLAMBOROUGH, Concession: 11
Roll Number: 2518 

Total Lot Size: 40 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	95	95.0	2,207 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V4. Solid, outside, no cover, 18-30% DM, with covered liquid runoff storage

Design Capacity (NU): 95.0

Potential Design Capacity (NU): 285.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	=	Building Base Distance 'F' (minimum distance from livestock barn)	Building Base Distance 'F' (actual distance from livestock barn)			
0.7	X	455.55	X	0.7	X	1.1	=	246 m (806 ft)	322 m (1056 ft)

Storage Base Distance 'S' (minimum distance from manure storage)	Storage Base Distance 'S' (actual distance from manure storage)
246 m (806 ft)	596 m (1955 ft)

**Minimum Distance Separation I**

Worksheet 1

Prepared By: Pierre Chauvin, Planner, MHBC Planning

Preparer Information

Pierre Chauvin
Planner
MHBC Planning
540 Bingemans Centre Drive
Suite 200
Kitchener, ON, Canada N2B 3X9
Phone #1: 519-576-3650
Email: pchauvin@mhbcplan.com

A handwritten signature in black ink, appearing to be "P. Chauvin", written over a horizontal line.

Signature of Preparer: _____
Pierre Chauvin, Planner

Date: January 22, 2020

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



**Environmental Impact Study for the
St. Marys Flamborough Lands,
Hamilton, Ontario**

FINAL REPORT

March 26, 2020

Prepared for:

St. Marys Cement Inc. (Canada)
55 Industrial Street
Toronto, ON M4G 3W9

Prepared by:

Stantec Consulting Ltd.
1-70 Southgate Drive
Guelph, ON N1G 4P5

160961347

ENVIRONMENTAL IMPACT STUDY FOR THE ST. MARYS FLAMBOROUGH LANDS, HAMILTON, ONTARIO

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ENVIRONMENTAL IMPACT STUDY FOR THE ST. MARYS FLAMBOROUGH LANDS, HAMILTON, ONTARIO

Introduction
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1.0 INTRODUCTION

1.1 PROJECT OVERVIEW

Stantec Consulting Ltd. was retained by St. Marys Cement Inc. (Canada) (“St. Marys”) to complete an Environmental Impact Study (EIS) for the proposed land severance of its lands along Concession 11 East, in Flamborough, City of Hamilton. The EIS is intended to satisfy requirements of the City of Hamilton (the City) and Conservation Halton (CH).

The Subject Lands were assembled by St. Marys for their formerly proposed Flamborough Quarry. This resulted in the lands being merged into one parcel. St. Marys is proposing to re-establish five lots. Four of the lots with existing residential and/or agricultural land uses would be retained by St. Marys for re-sale, while one parcel, containing natural heritage features, could potentially be conveyed to the City, CH or another party to be set aside as environmental protection lands.

This report characterizes the significance and sensitivity of the natural features in the Study Area, identifies potential impacts of the proposed severance, and provides recommendations on the number, configuration and boundaries of the proposed lots.

1.2 STUDY AREA

The Subject Lands is comprised of 214 hectares of land and consists of five municipal addresses: 353, 385, 412, 475 and 515 Concession 11 East, City of Hamilton. For the purposes of discussion in this report, the five municipal addresses have been labeled as Lots 1, 2, 3, 4 and 5, as shown in **Figure 1, Appendix A**. The Study Area includes the Subject Lands (all five lots) and a surrounding 120 m area of investigation.

1.3 PREVIOUS FIELD INVESTIGATION

As part of the previous aggregate application, comprehensive natural heritage field investigations were completed over a five-year period between 2003 and 2007. The field investigations focused on Lots 3, 4 and 5 (**Figure 1, Appendix A**). The field investigations included mapping vegetation communities, wetland and woodland delineation, vascular plant inventory, wildlife surveys and fisheries and aquatic habitat surveys of watercourses in the Study Area. The methods and results of the field investigations are provided in this report.



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1.4 AGENCY CONSULTATION

St. Marys has undertaken pre-consultation with the City and CH. In an email dated October 3, 2019, the City recommended submitting a scoped EIS, using the results of the previously collected field investigations, to guide the boundaries and number of lots of the proposed severance. In their letter, dated October 8, 2019, CH provided background information on the presence of natural heritage features and constraints, as well as guidance on completing an EIS. In their conclusion, CH states they have no outstanding concerns for the re-establishment of Lots 1, 2 and 5. They recommended the boundary between Lots 3 and 4 be configured to provide hazard and natural heritage features on a single lot to avoid fragmenting such features.

This EIS considers the guidance and recommendations received by the City and CH during pre-consultation.



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Natural Heritage Policy Context
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2.0 NATURAL HERITAGE POLICY CONTEXT

The following sections provide the policy context for the EIS, including discussion of the natural heritage constraints to development (lot severance), feature specific considerations for vegetation protection zones, permitting, and other authorization requirements.

2.1 THE PLANNING ACT / PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS; MMAH 2020) was issued under Section 3 of the *Planning Act*, 1990 (PA) and came into effect in 1996, with the most recent revision in March 2020. The PA requires that decisions made by planning authorities are consistent with the policy statements, such as the PPS, which includes policies on development and land use patterns, resources and public health and safety. Section 2.1 of the PPS deals with natural heritage and requires that natural heritage systems are identified in certain ecoregions. This includes Ecoregion 6E, where the Subject Lands are located.

According to Section 2.1.5 of the PPS, development and site alteration are not permitted in the following features, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions:

- Significant Wetlands
- Significant Woodlands
- Significant Valleylands
- Significant Wildlife Habitat
- Significant Areas of Natural and Scientific Interest

Development and site alteration are not permitted in the following features, except in accordance with provincial and federal requirements:

- Significant habitat of endangered or threatened species
- Fish habitat

Development and site alteration are not permitted on lands that are adjacent to the natural heritage features and areas identified above unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.



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2.2 GREENBELT ACT

The *Greenbelt Act, 2005* (GA) authorizes the provincial government to designate and create a Greenbelt Plan (MMAH 2017) to protect environmentally sensitive and agricultural land in the Golden Horseshoe from urban development. The GA sets out the main elements and objectives for the Greenbelt and requires planning decisions to conform to the Greenbelt Plan (MMAH 2017). The Greenbelt Plan incorporates and builds on other provincial plans, including the PPS and the Growth Plan for the Greater Golden Horseshoe.

The Study Area occurs within lands designated by the Greenbelt Plan as Protected Countryside (MMAH 2017). The Protected Countryside lands are “intended to enhance the spatial extent of agriculturally and environmentally protected lands” (MMAH 2017).

The Protected Countryside contains a natural heritage system that provides a continuous area of protected natural heritage and hydrologic and/or landform features, which “provide essential ecosystems services, including water storage and filtration, cleaner air, habitat, support for pollinators, carbon storage and resilience to climate change” (MMAH 2017). The natural heritage system includes core areas and linkage areas of the Protected Countryside with the highest concentration of the most sensitive and/or significant natural features and functions. Any new development and site alteration in the natural heritage system must demonstrate that there will be no negative effects on key natural heritage features (KNHFs) or key hydrologic features (KHF) or their functions. As per Section 3.2.5 of the Greenbelt Plan, KNHFs and KHF are defined as:

- KNHFs:
 - Habitat of endangered species and threatened species
 - Fish habitat
 - Wetlands
 - Life Science Areas of Natural and Scientific Interest (ANSIs);
 - Significant Valleylands
 - Significant Woodlands
 - Significant Wildlife Habitat (including habitat of special concern species)
 - Sand barrens, savannahs, and tallgrass prairies
 - Alvars



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- KHF's:
 - Permanent and intermittent streams
 - Lakes (and their littoral zones)
 - Seepage areas and springs
 - Wetlands

Other policies are also in place to protect and enhance connectivity with the natural heritage system and other natural features, and to limit the disturbed area, total development area and impervious surfaces.

2.3 RURAL HAMILTON OFFICIAL PLAN

The Rural Hamilton Official Plan (OP) consolidates Greenbelt and municipal planning objectives in a Natural Heritage System and provides policy directives to protect and restore natural features and functions. Schedule B of the OP designates the areas of the Natural Heritage System including land identified as Core Areas and Linkages. Core Areas include KNHF's, KHF's, associated vegetation protection zones, and provincially significant and Local Natural Areas. According to Chapter G of the OP, the KNHF and KHF are the same as those listed for the Greenbelt Act.

Schedule B of the OP designates lands in the Study Area as Core Area and Linkage including Significant Woodlands, Significant Wetlands, Streams, Lake and Littoral Zone, and Local Natural Area – Environmentally Significant Area.

New development and vegetation protection zones in the Greenbelt Protect Countryside designation are addressed in part in Sections 2.4.6 and 2.4.11. Section 2.4.6 states:

New development or site alteration...requires, prior to approval, the submission and acceptance of an Environmental Impact Statement, which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:

- a) *There shall be no negative impacts on the Core Areas or their ecological functions.*
- b) *Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants, and wildlife across the landscape.*
- c) *The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.*
- d) *The disturbed area of a site shall not exceed 25 percent of the total developable area, except for golf courses, where permitted, for which the disturbed area shall not exceed 40 percent of the site. Impervious surfaces to be established in such disturbed areas shall not exceed 10 percent of the total developable area.*



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Section 2.4.11 provides the following guidance will respect to minimum vegetation protection zones:

Where vegetation protection zones have not been specified by watershed and sub-watershed plans, Secondary or Rural Settlement Area Plan policies, Environmental Assessments and other studies, the following minimum vegetation protection zone width objectives shall be evaluated and addressed by Environmental Impact Statements:

- a) *Permanent and intermittent streams: 30-metre vegetation protection zone on each side of the watercourse, measured from beyond the stable top of bank.*
- b) *Wetlands: 30-metre vegetation protection zone. The Environmental Impact Statement shall also take into consideration adjacent upland habitat that is required by wetland species for breeding, foraging, dispersal, and other life processes.*
- c) *Fish habitat: 30-metre minimum vegetation protection zone measured from beyond either side of the top of bank or meander belt allowance.*
- d) *Woodlands: 15-metre minimum vegetation protection zone measured from the drip line of trees at the woodlands edge.*
- e) *Significant Woodlands: a minimum 30-metre vegetation protection zone measured from the drip line of trees at the woodlands edge.*

2.4 CONSERVATION AUTHORITIES ACT

Pursuant to Ontario Regulation 162/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses), prior permission is required from Conservation Halton for any development within a floodplain, valleyland, wetland, or other hazardous land. Permission is also required from Conservation Halton for any alteration to a river, creek, stream or watercourse or any interference with the hydrological function of a wetland, including development within 120 m of a Provincially Significant Wetland (PSW), and within 30 m of other wetlands or waterbodies. Most of the Subject Lands is within Conservation Halton's regulation limit because of the wetlands and watercourses associated with the Study Area.

2.5 ENDANGERED SPECIES ACT, 2007

The provincial *Endangered Species Act, 2007* (ESA) protects species that are Threatened, Endangered, or Extirpated in Ontario by prohibiting anyone from killing, harming, harassing, or possessing protected species, and by prohibiting any damage or destruction to the habitat of the listed species. All protected species are provided with general habitat protection under the ESA, with the goal of protecting areas that species depend on to carry out their life processes (e.g., reproduction, rearing, hibernation, migration or feeding). Some species have detailed habitat regulations that define the extent and characteristics of protected habitats.



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2.6 FISH AND WILDLIFE CONSERVATION ACT, 1997

The provincial *Fish and Wildlife Conservation Act, 1997* (FWCA) provides protection of wildlife in Ontario including fish, furbearing mammals, game wildlife and specially protected wildlife through regulations for hunting, trapping, and fishing practices. Game and specially protected mammals, birds, reptiles, amphibians and invertebrates are listed on Schedules 1-11 of the FWCA. Definitions provided for hunting including capturing or harassing wildlife (Section 5) and would include activities that collect or handle wildlife for inventories or other scientific purposes, or to relocate wildlife out of harm's way (e.g., during construction activities), including individuals and eggs. Sections 7 and 8 also provide protection for nest and eggs of specified bird species including raptors, and dens of bears and furbearing animals, and beaver dams. Under the FWCA, the Minister has the authority to authorize activities that would otherwise be prohibited such as the safe capture of wildlife and removal of nests, dens and dams, and impose conditions on an authorization.

2.7 MIGRATORY BIRDS CONVENTION ACT

The *Migratory Birds Convention Act (MBCA) 1994* prohibits the killing or capturing of migratory birds, as well as any damage, destruction, removal or disturbance of active nests. The main tool used to avoid contravention of this Act is to restrict vegetation removal during the potential nesting period, generally April 1 through August 31. Should vegetation removal during this timeframe be unavoidable, a breeding bird search of the area that is scheduled for vegetation clearing or removal will be undertaken by qualified avian biologists to assess the risk to active nests covered by the MBCA 1994.



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Methods

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3.0 METHODS

Natural features that may pose a constraint to development on the Subject Lands are identified in this report using the relevant provincial and municipal policies and guidance documents described above. Comprehensive field investigations were undertaken between 2003 and 2007, as part of the previous aggregate application. The previous field investigations focused on Lots 3, 4, and 5 (**Figure 3, Appendix A**). For Lots 1 and 2, desktop review and aerial photograph interpretation were used to identify natural heritage features and a conservative approach was taken in determining those features to be considered significant.

3.1 BACKGROUND REVIEW

A variety of background documents and information sources were reviewed during the preparation of this report. These data sources were reviewed to identify known natural heritage features within or near the Study Area, including Designated Natural Areas and other natural features, and records of species at risk (SAR) and species of conservation concern (SOCC). These data sources included:

- Natural Heritage Information Centre (NHIC) database (MNRF 2019a)
- MNRF Land Information Ontario (LIO) digital mapping of significant natural heritage features, watercourses (including attributes) and constructed drains (MNRF 2019b)
- Species at Risk in Ontario (SARO) List (MNRF 2019c)
- Species at Risk Act (SARA), Schedule 1 (Government of Canada 2019)
- Conservation Halton Regulation and Hazards Mapping (Conservation Halton 2019)
- Ontario Breeding Bird Atlas (Cadman et al. 2007)
- Ontario Mammal Atlas (Dobbyn 1994)
- Fisheries and Oceans Canada Aquatic Species at Risk Online Mapping Tool (DFO 2019)
- Agricultural and Surficial Soil Report (Stovel and Associates 2004)
- Surficial Soils and Microdrainage (Stovel and Associates 2006)
- Draft Hydrogeological Level 2 Report Volumes 1-3 (Gartner Lee Ltd. 2005)
- Geological Investigation (JEGEL 2004)
- Hydrological Report (Stantec Consulting Ltd. 2006)
- EIS and Level 2 natural Environmental Report: Proposed Mountsberg Quarry



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The results of these searches were used to identify potential SAR and SOCC that have the potential to overlap with the Study Area. These resources do not provide the exact locations of a species occurrence, with accuracy ranging from 1 km² (NHIC) to 10 km² (wildlife atlases), to municipal boundaries or watersheds. As such, they are used as an indicator of potential occurrence in the Study Area.

3.1.1 Species at Risk

For the purpose of this assessment, SAR are species classified as threatened or endangered by the Committee on the Status of Species at Risk in Ontario (COSSARO). The Ontario *Endangered Species Act, 2007* (ESA) prohibits harm or harassment to threatened or endangered species, and damage or disturbance to their habitat. The ESA applies on all private and Crown owned lands in Ontario. Habitat protection under the ESA typically includes all habitats that directly or indirectly support SAR.

Federally protected endangered, threatened, and special concern species are classified by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and listed in Schedule 1 of the *Species at Risk Act, 2002* (SARA). SARA applies to aquatic species (fish and mussels) throughout Canada and to all other species where they occur on federally owned lands.

3.1.2 Species of Conservation Concern

SOCC are considered at a number of levels, including globally, nationally, and provincially. For this report, SOCC includes species that are provincially rare (with a Provincial S-rank of S1 to S3), listed as special concern on the Species at Risk in Ontario list (SARO), or listed on Schedule 1 of SARA but not included on the SARO list.

Provincial ranks (S-ranks) are used by the NHIC to set protection priorities for rare species and vegetation communities. They are based on the number of factors such as abundance, distribution, population trends and threats in Ontario and are not legal designations. By comparing the global and provincial ranks, the status, rarity, and the urgency of conservation needs can be determined. Species with provincial ranks of S1 to S3, and those tracked by the MNRF, are considered SOCC. Provincial S-ranks are defined as follows:

- S1: Critically imperiled; usually fewer than 5 occurrences
- S2: Imperiled; usually fewer than 20 occurrences
- S3: Vulnerable; usually fewer than 100 occurrences
- S4: Apparently secure; uncommon but not rare, usually more than 100 occurrences
- S5: Secure, common, widespread and abundant

S-rank followed by a “?” indicates the rank is still uncertain.



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3.2 FIELD INVESTIGATIONS

Field investigations were conducted to document natural heritage features within the Study Area. Studies consisted of vegetation surveys, wetland delineation, winter wildlife surveys, amphibian and reptile surveys, breeding bird surveys, butterfly and odonata surveys, wildlife habitat assessments, surface water monitoring, fish habitat assessments and benthic invertebrate sampling. A full list of survey dates is provided in **Table 3.1, Appendix B**.

3.2.1 Vegetation Surveys

Field investigations for this project were conducted to confirm and assess the character of existing conditions. The work included Ecological Land Classification (ELC) of vegetation communities and a floristic survey of the Subject Lands and immediate vicinity. Stantec completed vegetation surveys through three seasons, spanning the period from October 2003 to July 2005:

- Spring (May 13 and 14, 2004)
- Summer (June 13 and 20, July 15 and 18, 2005; July 19, 2004)
- Autumn (September 10, 2004; October 16 and 23, 2003)

Vegetation communities were delineated on aerial photographs (November 2003, 1:20,000) and checked in the field; community characterizations (ecosites and ecotypes) were then based on the Ecological Land Classification for Southern Ontario (ELC) (Lee *et al.*, 1998).

Natural heritage information collected from the Subject Lands was evaluated to determine potential significance at a number of different levels. Provincial significance of vegetation communities was based on the draft rankings assigned by the Natural Heritage Information Centre (MNRF 2019a). Local significance of plants was determined from Goodban (2003). Identification of potentially sensitive plant species is based on assignment of a coefficient of conservatism (CC) to each native species in southern Ontario (MNRF 2019a). The value of CC, ranging from 0 (low) to 10 (high), is based on a species' tolerance of disturbance and fidelity to a specific natural habitat.

3.2.2 Butternut Health Assessment

The Subject Lands were investigated for butternut on July 20, 2005. The purpose of this investigation was to determine the presence, abundance and locations of butternut on-site, as well as the general health of identified specimens. Measurements of each tree included diameter-at-breast-height (DBH), and an assessment of health, which noted the presence or absence as well as the severity of any cankers. Photographs were taken of most of the butternut trees to record health and placement of cankers.



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A second investigation was conducted on January 10, 2006. The purpose of this visit was to collect more in-depth measurements that could be used in assessing the trees' health and determining which trees were candidates to be used in the recovery team's propagation program. The weather conditions for conducting the assessment were good. Trees were identified using mapping and GPS data from the previous field visit. A series of measurements was taken for each tree including the tree's % live crown, vigor (as defined by North American Maple Decline Program), symptoms of canker on the trunk and branches, % of trunk cankered, phenotype of bark and the presence of callusing of new tissue over cankers.

3.2.3 Wetland Boundary Delineation

Wetland communities were examined and delineated in 2005 and 2006. The process used is consistent with the current Southern Manual of the Ontario Wetland Evaluation System (MNRF 2013). Boundaries were flagged and marked with a Global Positioning System in the field on June 15 and 27, July 12 and 26, August 31, September 7, and October 7, 2005. Subsequently, boundaries were compared and refined based on detailed soils work provided by Stovel and Associates (2006). Wetland boundaries were verified in the field with MNRF (Art Timmerman) on October 15, 2006.

3.2.4 Wildlife Surveys

3.2.4.1 Winter Wildlife Surveys

Winter surveys were conducted on February 27, March 1, March 4, 2004 and February 11, 2005. The primary goal of the survey was to determine the suitability of these areas as deer wintering habitat. In order to assess the function of the deer wintering area and its importance to the local population an intensive survey was completed.

The survey methodology consisted of walking transects through the wooded portions of the site at designated intervals. Transects were walked in a northwest and southeast fashion throughout the MNRF designated deer wintering area on the main portion of the site. Each transect was walked by two observers at 50-80 metre intervals. Six transects were walked in total. The following site-specific details were noted on each transect:

- Severity of deer browse (deciduous)
- Evidence of deer tracks and movement trails
- Scat evidence
- Number of deer beds
- Availability of cover (coniferous)
- Ecological Land Classification (ELC) vegetation communities

These factors contribute to the determination of the quality of a deer wintering area and the degree of importance of this area to the local population.



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3.2.4.2 Amphibians

Salamanders

Salamander surveys were completed for this site in 2004, 2005, 2006 and 2007. The 2004 and 2005 surveys consisted of a wandering transect method to inspect all vernal pools for the presence of amphibian egg masses. A Scientific Collectors Permit for the collection of egg masses, was issued by the MNRF.

The 2006 surveys consisted of collecting salamander egg masses in addition to adults. During the first survey in 2006, salamander egg masses were collected from vernal pools within the Subject Lands. The masses were then transferred to the University of Guelph where Dr. Bogart analyzed them. After analysis, the remaining salamander larvae were carefully returned to their natural pond. During the second survey, adult salamanders were targeted for tissue samples. Six un-baited minnow traps (#1 – #6) were placed in the vernal pool associated with the dug pond in the northeast corner of the property. Each trap was marked with a UTM co-ordinate and well-marked with flagging tape. The traps were set in the evening of April 19, 2006 in the vicinity of existing salamander egg masses and retrieved the next morning. Adults were measured for length and a small tail sample was removed from each salamander with dissection scissors. The adults were released back into the pond and the tail sample was sent to Dr. Bogart at the University of Guelph for analysis.

The 2007 surveys consisted of using drift fencing and pitfall traps to capture salamanders, as shown in **Figure 3, Appendix A**. The drift fencing is designed to funnel the movement of salamanders as they move from their upland wintering habitat to the ponds in which they breed. The fences were constructed of heavy plastic, stapled to stakes driven firmly in the ground. The plastic was buried in the ground approximately 10 cm to prevent the salamanders from burrowing under it. Soil and leaf detritus were placed around the fence and stakes. Salamanders get stopped by the fence and are forced to seek a way around either end of the barrier and become captured in pit traps. Pit traps consisted of large plastic containers that were sunk into the ground flush with the soil surface. Pit traps were placed approximately every 20-30 metres along the drift fencing line. Each trap had drainage holes to prevent water logging and were lined with leaf detritus to maintain moisture. The opening was partially covered with rocks and/or woody debris. Traps were opened on selective evenings, when salamander movement was expected to be high (i.e. during warm and wet weather) and checked the following morning. The number of nights of sampling depended on weather conditions (i.e. the number of nights with appropriate weather). On nights when sampling did not take place, the pit traps were covered, and sections of the fence were taken down to allow salamanders to cross more easily.

Frogs

In 2004, four amphibian call count stations were established within the Subject Lands (Stations A through D), an additional four were established in 2005 (Stations E through H) and in 2007, an additional five stations were established (Stations I through M). Station locations corresponded to areas identified as either wetland or watercourse/pond (**Figure 3, Appendix A**). Frog call surveys were completed for this site on April 14, May 12 and June 16, 2004, April 21, May 24, and June 14, 2005, and April 24, May 16



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and June 9, 2007. Four locations were visited on each evening survey during 2004, eight were visited in 2005 and five were visited in 2007.

The survey followed the protocol outline in the Marsh Monitoring Program manual (Bird Studies Canada (BSC) 2005). Each survey station area consisted of a 100 m radius semicircle. Calling toads and frogs detected within the semicircle were identified and recorded over a three-minute time period. Call levels were described using values of 1, 2, or 3. Level 1 indicated that individuals could be counted, and calls were not simultaneous. Level 2 indicated that calls were distinguishable with some simultaneous calling. Level 3 indicated a full chorus where calls were continuous and overlapping (BSC 2005). Calling toad or frog species from outside of the survey station, or those heard off property, were recorded separately.

3.2.4.3 Reptiles

A survey was conducted on April 14, 2005 to detect snakes emerging from hibernacula. Fence lines were walked and closely searched for snakes. As well, a small foundation near the western road entrance, the barn in the southeast, Tributary A near the northwest corner of the site, and some of the wetland areas in the northern and southeastern portions of the subject lands were checked. Additionally, incidental observations were recorded during all site visits, with particular attention to flipping logs and examining rock piles during the butterfly surveys on May 12 and July 13, 2005 and during the forestry surveys on August 16 and 29, 2005.

3.2.4.4 Breeding Bird Surveys

An owl call survey was completed on the night of April 14, 2004 at two locations on the Subject Lands. The taped callback method is effective for large areas of forest and was therefore completed in the southeast and northern portions of the property.

Red-shouldered Hawk surveys were completed for this site on May 12, 2004 and April 26, 2005. A tape-recorded call, developed by Bird Studies Canada for the purpose of surveying for Red-shouldered Hawks, was played at eight stations located in the wooded portions of the site. Trees were surveyed for the presence of stick nests that might support breeding woodland raptors.

Breeding bird surveys were conducted on June 2, 4, 21 and 23, 2005 and July 1 and 2, 2004. Surveys were initiated between 05:45 and 06:15 and were completed by 10:00 or whenever bird activity song significantly slowed, whichever was earlier. All surveys were conducted during suitable weather conditions, with winds either calm or very light (Beaufort scale 1), cool temperatures ranging from 12 – 19°C and generally clear skies, with overcast skies on June 4, 2005 and July 2, 2004.

Each survey consisted of an ecologist surveying the entire site in a systematic manner recording any bird species that were either seen or heard. A conservative approach to determining breeding status was taken; birds seen or heard in appropriate habitat during the breeding season were assumed to be breeding.



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3.2.4.5 Butterflies and Odonates

In 2005, butterfly surveys were conducted on the Subject Lands on May 12 and July 14. In 2006, they were conducted on April 13, April 18, May 9, May 30, July 24 and September 20. The earlier spring surveys were timed to coincide with peak potential West Virginia White activity, and the later surveys were intended to capture the flight seasons of the locally significant butterflies noted in the Natural Areas Inventory report (Hamilton Naturalists Club 2003).

In 2005, the early surveys focused on potential West Virginia White habitat, while the during the later surveys, the Pollard Walk (Pollard 1977) was used to survey for general abundance. Three line transects of 900 metres, 700 metres and 550 metres were established, running northwest to southeast through the site, spaced approximately 300 meters apart. All butterflies observed within 2.5 metres on either side of and 5 metres above the transect were counted. Significance of species in Ontario was determined from the NHIC and in the City of Hamilton from Wormington and Lamond (2003).

In 2006, butterfly and odonata surveys were conducted by using area searches along a predetermined route. The route was designed to pass through all habitat types where butterflies or odonates were expected to occur. Emphasis was placed on woodland clearings and edges where butterflies and odonates are most likely to concentrate. Ponds were also visited as a concentration feature for odonata. The route was altered during the survey to incorporate observed features where odonates or butterflies may concentrate (i.e. a shrub in bloom). Density of insects within a set area is difficult to determine accurately, however, tallies of butterfly and odonate species were recorded for a rough comparison of species abundance.

3.2.5 Aquatic Resources

A review of available background information for Flamboro Creek and Mountsberg Creek within the vicinity of the Subject Lands was completed. Information sources included data obtained from the MNRF, the Bronte Creek Watershed Study (Conservation Halton 2002), the LIO database (MNRF 2019b), the NHIC database (MNRF 2019a), and DFO Aquatic Species at Risk maps (DFO 2019).

The following field investigations were completed by Stantec for the surface water features located on and adjacent to the Subject Lands (also see **Table 3.2, Appendix B**):

- Fish community sampling – June 15, 17, 18, 2004; June 1, 2005; August 16, 2006
- Fish habitat assessments – October 30, 2003; June 15, 17, 18, 2004
- Trout redd survey – November 25, 2003

The fish communities were sampled at stations established on Flamboro Creek and the tributaries of Mountsberg Creek (**Figure 5, Appendix A** and **Table 3.2, Appendix B**). Fish were collected using a Smith-Root Model 12 backpack electrofisher (single pass) to sample a diversity of habitat types. Gill nets and minnow traps were also used in the pond located on the property (Station D3).



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The aquatic habitat assessments documented the following characteristics and attributes:

- In-stream cover (type and percentage)
- Bank stability
- Substrate type
- Stream dimensions and morphology
- Riparian vegetation
- Canopy cover
- Adjacent land use

In addition to these habitat characteristics, the following information was recorded at each station:

- Descriptive location
- UTM coordinates
- Water and air temperature
- Time
- Recent weather conditions
- Length of stream surveyed



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4.0 REGIONAL CONTEXT – OVERVIEW OF NATURAL FEATURES

4.1 LANDSCAPE SETTING

4.1.1 Geology

A complete characterization of the site geology is provided by John Emery Geotechnical Engineering Ltd. (JEGEL) (2004). The site is located near the eastern edge of a major geological structure, the Michigan Basin. The boundary of this feature to the east is the Niagara Escarpment. An average overburden thickness of 2.4m (ranging in depth from 0-7.9 metres) overlies the high-quality Gasport Formation (formally known as the Amabel Formation) dolostone, which ranges in thickness from 27-40 metres (JEGEL 2004)". On a regional basis, the bedrock surface slopes gently to the southwest at a rate of approximately 2-3 m/km (Gartner Lee Ltd. 2005). Land surface topography and present-day drainage features generally follow the bedrock topography.

4.1.2 Surficial Geology and Soils

The area surrounding and including the subject lands is located within the Flamborough Plain physiographic region (Chapman and Putnam, 1984). It is predominantly bouldery till with bedrock ridge outcrops. To the west, there are large areas of dolomite at the surface. Generally, where bedrock is covered, the overlying material is outwash gravel. Agriculture is a dominant land-use in the physiographic region but much of the land within a three-kilometer radius is forested. There are also local wetlands with pockets of peat and muck.

4.1.3 Hydrology

The Subject Lands are located in the Bronte Creek watershed. The headwater areas of Bronte Creek near Morriston contain a significant number of wetland areas that, along with the physiography and soil types, are the determining factors for stream flow response. In addition to these wetlands, a number of man-made ponds and reservoirs, including the Mountsberg Reservoir, affect streamflow in Bronte Creek. The headwaters of Mountsberg Creek originate within the Badenoch-Moffat Swamp complex PSW and ESA. Summer creek temperatures upstream of the Mountsberg Reservoir suggest a mix of marginal coolwater/warmwater temperatures from the headwaters downstream to Moffat (Conservation Halton 2002). Flows in this reach (upstream of Mountsberg Reservoir), can become intermittent during drought conditions. West of Moffat, there are five tributaries between Town Line and Watson Road. These tributaries contribute permanent baseflow, and, where unimpeded by on-line ponds, contribute cold water to the main branch of Mountsberg Creek (Conservation Halton 2002).

Headwaters of the Flamboro Creek subwatershed originate in the Carlisle North Wetland complex/ESA of the Flamborough Plain and flow into Bronte Creek downstream of Progreston. Downstream of the wetland system, the creek becomes deeply incised within the Bronte Creek Escarpment Valley and extends downstream to Bronte Creek. Summer temperatures in Flamboro Creek suggest coolwater and marginal coolwater/warmwater habitats (Conservation Halton 2002). Groundwater discharge contributes



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to coolwater conditions in the headwaters, while a large, on-line pond associated with the Carlisle Golf and Country Club results in downstream warming, which is mitigated by considerable groundwater discharge within the Bronte Creek valley (Conservation Halton 2002).

4.1.4 Hydrogeology

The Gasport Formation is a regionally significant aquifer extending from north Hamilton to the Bruce Peninsula. The thickness of the Gasport Formation ranges from 27 metres in the eastern portion of the Subject Lands to over 40 metres in the west. The permeability of the aquifer is primarily due to the dissolution of dolomite along fractures and bedding planes. Fracture patterns can be highly variable, and, therefore, hydraulic conductivity can vary greatly. This information is being updated and will be revised in reporting, which is expected to be issued later in 2006.

4.1.5 Vegetation

The site is located within the Bronte Creek Watershed, above the Niagara Escarpment in Site District 6E-1. This area of the watershed is dominated by sugar maple forests. White ash, beech, ironwood, black maple and red oak are occasional co-dominants (Conservation Halton 2002). Other less dominant elements include white oak, black cherry, bitternut hickory and basswood. Successional areas may be dominated by white birch, trembling aspen or large-toothed aspen. Dominant shrub cover consists of prickly gooseberry, chokecherry, purple-flowering raspberry and alternate-leaved dogwood.

4.2 DESIGNATED FEATURES

An assessment of regional features was conducted for a one-kilometer radius area surrounding the Subject Lands. This assessment identified local natural features that create the environmental setting for the site, such as significant woodlots, wetlands and specialized habitat for supporting wildlife or fish populations. Designated natural features in this zone, including Environmentally Significant Areas, Provincially Significant Wetlands, Areas of Natural and Scientific Interest (ANSIs) and deer wintering areas identified by the MNR, are shown on **Figure 2, Appendix A**.

4.2.1 Provincially and Locally Significant Wetlands

A PSW, the Lower Mountsberg Creek Wetland Complex, occupies the headwaters of tributaries to Mountsberg Creek, and Flamborough Creek, at the north and east portions of the Subject Lands (**Figure 2, Appendix A**). This wetland complex totals over 285 hectares in wetland area and is 95% swamp (MNR, 1998). Although no significant species or other special features were confirmed in the wetland evaluation, it supports locally significant winter cover for deer and other wildlife.

The locally significant Carlisle Wetland Complex is situated approximately one kilometer to the south of the Subject Lands (**Figure 2, Appendix A**). This non-provincially significant wetland runs along Mountsberg Creek, downstream of the Subject Lands.



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4.2.2 Environmentally Significant Areas

Environmentally Significant Areas are identified by the City of Hamilton, as shown in Schedule B6 of the Rural OP. Two Environmentally Significant Areas overlap with the Subject Lands (**Figure 2, Appendix A**). The Mountsberg Wetlands and Wildlife Centre overlaps with the northwest portion of the Subject Lands. Covering an area of 838 hectares in size, it contained aquatic, wetland and terrestrial communities, extending north towards the Mountsberg reservoir. The Carlisle North Forests overlaps with the southeastern portion of the Subject Lands. It is a natural area situated on rocky soils with many outcrops and boulders of Gasport geologic formation dolostone, 350 hectares in size. The upland forest is composed mainly of deciduous trees with a few provincially and regionally significant species and many regionally uncommon species.

4.3 SPECIES AT RISK AND PROVINCIAL RARE SPECIES

Results of the background review of NHIC and wildlife atlas identified ten terrestrial SAR within reported occurrences in proximity to the Subject Lands: within the 1 km² (NHIC) or 10 km² (wildlife atlases) of the various sources. This includes five bird species, four mammals (all bats) and one tree (**Table 4.1, Appendix B**). No aquatic SAR records were identified within the Subject Lands (MNR 2019a; DFO 2019).

The background review also identified seven terrestrial SOCC with reported occurrences in proximity to the Subject Lands: five birds, one insect and one reptile (**Table 4.1, Appendix B**).

The presence of these species within the Study Area is further examined through the results of the field program, below.



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5.0 EXISTING CONDITIONS

5.1 SURFICIAL GEOLOGY AND SOILS

The shallow overburden on-site is comprised of sandy gravel and sandy silt till (JEGEL 2004). Most soils on the Subject Lands have developed from a stony, morainal till deposit. Some outwash deposits, lacustrine deposition and organic soils were also identified (Stovel and Associates, 2004). The Subject Lands contain Class 2-7 soils, with only 12 hectares of Class 2 or 3 soils, with the remainder of the site (approximately 91%) in Class 4-7 and organic soils. Seven soil series were present on the site (Dumfries, Killean, Lily, Burford, Toledo, Farmington and Muck). The well-drained Dumfries series occupies the majority of the site. Imperfectly to poorly drained soils and muck are located on wetter parts of the property (Stovel and Associates, 2004).

The northern and eastern portions of the site, extending off-site to the north east, is an area of north-trending ridges, where the bedrock is at, or near the surface. This area is covered with a veneer of cobbly, silty sand till or deposits of organic material. This type of terrain is unsuitable for agriculture; as a result, these areas have remained uncultivated and generally support woodlands and wetlands.

The area in the cultivated center of the Subject Lands and immediately to the west is characterized by glaciofluvial outwash deposits of variable thickness and historically was cleared for crops or pasture.

To the west of the Subject Lands, are areas characterized by a densely packed, heterogeneous mix of silt, sands and stones with occasional boulders and smaller amounts of clay. Most of these areas are in crops or pasture (Gartner, pers. comm. 2005).

5.2 HYDROGEOLOGY

The north and east portions of the site where the bedrock is at or near the surface, shallow groundwater flows provide base flow for the drainage (Gartner Lee, per. Comm. 2005). The cultivated center of the Subject Lands has a high recharge potential and acts to enhance recharge to the underlying Gasport aquifer. The shallow groundwater table in both units is expected to fluctuate seasonally (Gartner Lee, pers. comm. 2005).

Hydrogeological investigation suggests that the PSW and streams on the north and southeastern portions of the property are directly connected to the water table, because the water levels in the wetland closely match the ground water table elevations (Gartner Lee Ltd., 2005).



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5.3 TERRESTRIAL RESOURCES

5.3.1 Vegetation Communities

The Subject Lands are located in the Niagara Section of the Deciduous Forest Region (Rowe 1972). The vegetation communities identified on the site, based on the Ecological Land Classification (ELC) system (Lee *et al.* 1988), are shown on **Figure 4, Appendix A**. The Subject Lands are generally comprised of the agricultural lands in the center and west, with forest and wetland communities in the north and east. The agricultural lands are divided in many places by treed hedgerows. Description of the vegetation communities are provided in **Table 5.1, Appendix B**.

The wetland boundaries delineated during the field investigation are provided in **Figure 6, Appendix A**.

5.3.2 Vascular Plant Species

Three-hundred-and-sixty-eight (368) species of vascular plants were recorded from the Study Area during the botanical inventories. Of these species, 250 (70%) are native species and 106 (30%), are non-native. The amount of non-native species reflects the anthropogenic nature of the past and present land use and ongoing disturbances, in the form of access, use for agriculture, crop field abandonment and subsequent succession to cultural old field meadows. Most of the native species (286, or 74%) occur in the deciduous and mixed forests and swamps, as well as meadow marshes. A full list of plant species observed, and their status, can be found in **Appendix C**.

Two-hundred-and-eight (208) native species are ranked "S5", i.e. very common in Ontario, and 23 species are "S4", i.e. common in Ontario. The average Co-efficient of Conservatism (CC) of the plants observed on-site was 4.3 out of 10. No plant species of highest sensitivity (CC 9 to 10) were observed on the Subject Lands. The majority of the plants with CC values of 7 to 8 have affinities for wetlands, or mature woodland communities and were observed in these communities.

Eight locally rare plant species were observed (Goodban 2003). Twinflower was uncommon, with Naked Mitrewort and Aquatic Sedge being common in the swamp communities in the northeast portion (Lot 4). Small's Spike-rush was abundant in the SWT in the extreme southwest corner of Lot 4. A single Wood Lily was also observed in Lot 4, in the FOD5-1 along the northern boundary of the Subject Lands. Round-leaved Sundew and Three-seeded Sedge was uncommon and Tall Leafy Green Orchis was Scattered in Flamboro Creek Wetland (Lot 5). One additional plant SOCC, Black Ash, has been identified as threatened by COSEWIC, but not yet on a schedule of the federal Species at Risk Act. It was observed in the SWD2-1 community that spans Lots 2 and 3.

A single plant SAR was identified within the Study Area, Butternut. SAR are discussed further in **Section 5.5** below.



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5.3.3 Wildlife

A complete list of the wildlife observed is provided in **Appendix D**. Eleven species of amphibians, two reptiles, 78 birds (71 breeding species), 39 butterflies, 19 odonata and 16 mammals were recorded from the site. Results are discussed in detail in the following sections.

5.3.3.1 Amphibians

Salamanders

Salamander egg mass surveys were conducted within the Subject Lands. In 2004, several frog egg masses were noted and only one salamander egg mass was encountered during the survey of all vernal pools. The salamander egg mass was collected from the site and raised at the University of Guelph, with the result of no viable larvae.

In 2005, one live salamander egg mass was observed. There were 4 or 5 viable larvae within the egg mass, but most of the eggs were non-viable. This egg mass had thick gelatin around it, typical of a spotted salamander egg mass, and was not collected. An additional 67 dead egg masses of spotted salamanders were observed in the main pond.

During the egg mass surveys in 2006, a total of five egg masses were collected and sent to Dr. Bogart at the University of Guelph. An additional two adult salamanders were captured during the adult minnow trap surveys and tail samples were sent to the University of Guelph. Correspondence with Dr. Bogart regarding the egg masses and tail samples left in his care confirm that all samples collected were classified as “LLJ” (*Lateralae-Lateralae-Jeffersonianum*), the Unisexual Ambystoma Blue-spotted Dependent. As the Unisexual Ambystoma Blue-spotted Dependent was confirmed, it is assumed the Blue-spotted Salamander was also present.

Frogs and Toads

During the 2004 and 2005 amphibian call count surveys, eight species of anurans were recorded, including Wood Frog, Spring Peeper, Grey Treefrog, Pickerel Frog, Leopard Frog, American Toad, Western Chorus Frog and Green Frog. Frog calling activity was observed at all survey locations. In the 2005 survey, all locations had high activity of Spring Peeper during the April survey. The May survey had little to no calls at locations B, C, D and E, but Spring Peeper activity was still recorded at A, F, G and H. Northern Leopard Frog and Green Frog activity was recorded during the June survey at locations C, F and G.

The 2007 amphibian call count surveys recorded seven anuran species, including Wood Frog, Spring Peeper, Grey Treefrog, Northern Leopard Frog, American Toad, Western Chorus Frog and Green Frog. Frog calling activity was observed at all locations.



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Generally, wetlands on the Subject Lands contained moderate to high activity of calling anurans, with a good representation of species and most calling in full chorus. All frog species observed are ranked S5, secure in Ontario, except the Pickerel Frog (2005) and Western Chorus Frog (2004, 2005 and 2007), which are ranked S4, apparently secure in Ontario. The Pickerel Frog is considered to be locally rare in the Hamilton area (Hamilton Natural Areas Inventory, 2003). Pickerel Frog calls were heard during the April 21, 2005 call count at location E. The Western Chorus Frog is considered federally threatened under the *Species at Risk Act*. It was heard calling in low numbers (1 to 3 individuals) at locations C and E.

A complete list of amphibians observed within the Subject Lands is found in **Appendix D**.

5.3.3.2 Reptiles

Through the extensive field program, two species of reptiles were observed; specifically, Common Gartersnake, ranked S5, secure in Ontario, and Snapping Turtle, ranked S4, apparently secure in Ontario. Snapping Turtle is listed as a species of Special Concern on the SARO list. It was observed in the wetland associated with Mountsberg Creek.

5.3.3.3 Breeding Birds

Seventy-eight species of birds were observed, with 71 species likely breeding within the Subject Lands. All the species are ranked S5, very common and demonstrably secure in Ontario, or S4, common and apparently secure, with the exception of Rock Pigeon, European Starling and House Finch, which are ranked SNA (status not applicable). A conservative approach to determining breeding status was taken; all birds seen or heard in appropriate habitat during the breeding season were assumed to be breeding. A complete list of the birds observed is found in **Appendix D**.

Two SAR were observed during the field surveys; specifically, Bobolink and Eastern Whip-poor-will. They are discussed further in **Section 5.5** below. Eight SOCC birds were observed during breeding bird surveys. Three of which, Eastern Wood-Pewee, Rusty Blackbird and Wood Thrush, are species of special concern on the SARO List. Eastern Wood-Pewee and Wood Thrush were observed breeding in the forested habitats in Lot 4 of the Subject Lands. Rusty Blackbird was a migrate and not breeding on the Subject Lands. The remaining five bird SOCC are considered to be locally significant ("rare", with 20 or fewer estimated breeding pairs in the City of Hamilton) (Curry, 2003): Broad-winged Hawk, Yellow-bellied Sapsucker, Ovenbird, Magnolia Warbler and Black-throated Green Warbler. Each of these species were observed breeding in the forested habitats in Lots 4 and 5 of the Subject Lands.

5.3.3.4 Butterflies and Odonates

In total, 39 butterfly species were observed within the Subject Lands, generally concentrated in cultural meadows and woodland trails in the northern portion of the site (Lot 4). Most species observed are ranked S5, secure in Ontario, or S4, apparently secure in Ontario. A complete list of species observed, and their status can be found in **Appendix D**.



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Seven SOCC butterfly species were observed during the field investigations. The Hickory Hairstreak and Giant Swallowtail are ranked S3, vulnerable in Ontario. Two species, Monarch and West Virginia White, listed as special concern on the SARO List. The remaining three butterfly species are considered locally rare, including Leonard's Skipper, Silvery Blue and Milbert's Tortoiseshell.

During all surveys, two West Virginia White were observed in Lot 4, seven Hickory Hairstreak were observed primarily along the border of Lot 3 and Lot 4 near the FOD5-4 community, and five Giant Swallowtail were observed primarily along the border of Lot 3 and Lot 4, near the FOD5-1 community. An additional 45 Monarch were observed throughout the Subject Lands. The locally rare Leonard's Skipper and Silvery Blue were observed in woodland edge and clearing habitats in Lots 4 and 5. A single Milbert's tortoiseshell was observed in the southwestern portion of the Subject Lands in a fallow agricultural field (Lot 3). Hamilton Natural Areas Inventory (2003) reports that this species is not a permanent resident in the Hamilton area, but periodically irrupts from the north to establish temporary populations.

In total, 19 odonata species were observed within the Subject Lands, generally concentrated in agricultural fields, cultural meadows, along woodland trails or next to Tributary A primarily in Lot 4. The majority of the species observed are likely to be breeding on site in the agricultural pond in the southwest corner of Lot 3 or in the portion of Mountsberg Creeks and surrounding marsh in the northwestern portion of Lot 4. All species observed are ranked S5, secure in Ontario, or S4, apparently secure in Ontario. No SAR or SOCC odonates were observed within the Subject Lands. A complete list of species observed, and their status can be found in **Appendix D**.

5.3.3.5 Mammals

In total, 16 mammal species were observed within the Subject Lands. All species observed are ranked S5, secure in Ontario, or S4, apparently secure in Ontario. A complete list of species observed, and their status can be found in **Appendix D**.

A review of the background information indicates that the Subject Lands contain portions of locally significant deer wintering areas (**Figure 3, Appendix A**). In the winter deer must subsist on low quality food. The major food source at this time of year includes the woody twigs and buds of deciduous trees and shrubs and conifer leaves such as eastern white cedar and hemlock. The winter wildlife surveys observed a good mix of coniferous and deciduous forage within the Study Area. Deer browse of the deciduous cover was noted throughout the deciduous swamps and upland forest areas and consisted mainly of red osier dogwood and leatherwood. Through the number of beds noted, scat counted, and trails crossed in 2004 it is likely that the deer wintering area surveyed supported a population of between 10 and 20 deer. This approximate number is for a mild winter, in which other less suitable areas were probably also in use in the surrounding landscape. It is likely that deer off site also use the deer wintering areas in varying seasonal conditions.

Two mammal SOCC were observed, Snowshoe Hare and Ermine, both of which are considered locally rare (Hamilton Natural Areas Inventory 2003). The Snowshoe Hare was observed in the northern portion of the Subject Lands (Lot 4), where as Ermine tracks were observed along Flamboro Creek (Lot 5).



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A single mammal SAR was observed, Little Brown Myotis, which is discussed further in **Section 5.5**.

5.4 AQUATIC RESOURCES

The locations of and fish and fish habitat stations are provided in **Figure 5, Appendix A**. A summary of available background data and Stantec's field data is provided below. Fish species captured at each station are summarized in **Appendix F** with the background fish community data.

5.4.1 Flamboro Creek

The headwaters of Flamboro Creek between the CPR tracks and Concession 10 East are supported by significant groundwater discharge and provide suitable coldwater habitat for Brook Trout (Conservation Halton 2002). There are no sampling records for Brook Trout in this reach; however, anecdotal reports from local anglers suggest they are present in the headwater area. Just upstream of Carlisle Road (south of the Subject Lands) the creek flows into a large on-line pond within a golf course.

Within the Subject Lands, the thermal regime of Flamboro Creek is coldwater (MNR 2019b); however, it was 'unclassified' with respect to fish habitat type in the Bronte Creek Watershed Study (Conservation Halton 2002). Conservation Halton (2002) found that, with the exception of a warmwater fish community below the Carlisle Golf and Country Club pond, coldwater fish community and temperature regimes throughout most of the Flamboro Creek subwatershed are consistent with the expectations for first and second order streams on the limestone plain and glacial spillway features. Downstream of the Subject Lands at Concession 10 East, Conservation Halton (2002) has designated Flamboro Creek as marginal coolwater habitat and the health of the aquatic ecosystem is ranked as 'high'.

The Flamboro Creek headwaters located on the Subject Lands (Station F4) support limited fish habitat. Upstream of Concession 11 East, the watercourse was diffuse and few fish (Blacknose Dace) were captured. There was groundwater seepage in this area that likely provides baseflow to the creek.

The reach downstream of Concession 11 East (Station F3) had a more defined channel. Blacknose Dace and Brook Stickleback were captured in this reach, which appeared to be permanently flowing; however, most of the captured fish were collected from just below the Concession 11 East culvert where flow was more concentrated.

Excellent habitat conditions were present farther downstream of Concession 11 East (Station F2); however, low numbers of fish (Blacknose Dace and Brook Stickleback) were collected. The low numbers of fish found throughout this reach (F2) may be due to the presence of a barrier (water falls) between Station F2 and the on-line pond (as per field staff communication with local residents). Local residents also indicated that Brook Trout occur in the pond.

Downstream of Concession 10 East, the channel Flamboro Creek lacked a well-defined channel and the flow regime was more characteristic of an intermittent stream. Conservation Halton (2002) classified this branch of Flamboro Creek at Concession 10 East as warmwater forage fish habitat. The potential for fish habitat at Concession 10 East was limited and no fish were captured during the Stantec fish sampling at Station F1.



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Stantec concluded that the watercourse at Stations F2 and F3 provided fish habitat. Flamboro Creek, the reaches associated with Stations F1 to F3 may contribute coldwater base flow to downstream sections of Flamboro Creek; however, the presence of an on-line pond between Concession 10 and 11 may influence flow downstream at Concession 10 East.

5.4.2 Mountsberg Creek and Tributaries

Mountsberg Creek supports a diverse fish community. Within the vicinity of the Subject Lands, Mountsberg Creek has a warmwater thermal regime (MNRF 2019b) and is classified as warmwater sportfish habitat (Conservation Halton 2002). A single Brown Trout was captured by Conservation Halton, in 1999, at the Concession 11 East road crossing and anecdotal reports indicated that small pockets of Brook Trout and Brown Trout might persist (Conservation Halton 2002).

The Bronte Creek Watershed Report indicates that groundwater is added to the system throughout this section (i.e., downstream of the Mountsberg Reservoir) resulting in a marginal cooling of Mountsberg Creek, which is classified as warmwater as it leaves Mountsberg Reservoir (Conservation Halton 2002).

Results of the background data and field investigations for Mountsberg Creek are discussed from upstream to downstream, followed by information for Tributaries B, C and D.

Tributary A was identified in the field and does not appear on base maps available from LIO (MNRF 2019b). The tributary originates in the Lower Mountsberg Creek Wetland Complex at the north end of the Subject Lands as diffuse flow through the wetland. It becomes a more defined watercourse as it crosses the Subject Lands (**Figure 5, Appendix A**). There is a fish spawning area (Northern Pike) associated with the area around the confluence of Tributary A and Mountsberg Creek (MNRF 2019b). Groundwater seeps were observed which provide seasonal contribution to the wetlands on the Subject Lands surrounding Tributary A (**Figure 5, Appendix A**). The fish community was dominated by fish species tolerant of low oxygen, (i.e., Pearl Dace and Central Mudminnow). Juvenile White Suckers were caught near the confluence with Mountsberg Creek. The tributary contributes base flow (potentially coldwater) and food/nutrients to Mountsberg Creek.

The confluence of Tributary A with the main branch of Mountsberg Creek is located in the northwest corner of the Subject Lands. In the northwest portion of the Subject Lands Mountsberg Creek at Station M4 was a deep, narrow (2 m wide) channel within a sedge and cattail wetland. There was little overhead canopy for stream shading; however, there was a diversity of instream cover (undercut banks, organic debris, aquatic vegetation), substrates, and stream morphology, providing habitat diversity. Immediately downstream of the Subject Lands (Station M3), the creek was wider (5 m to 20 m) and shallower, with increased overhead canopy coarse substrates and diverse morphology.

Downstream of Concession 11 East (Station M2), the average stream width was approximately 7 m. Habitat diversity was high, with instream cover provided by deep pools, organic debris, boulders and cobble.



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Among the fish sampling stations in the main branch of Mountsberg Creek (Stations M1, M2 and M3), twenty fish species were captured during Stantec's 2004 fish community sampling (**Appendix E**). Stantec concluded that the assessed reaches of the main channel of Mountsberg Creek (M1 to M5) provided diverse fish habitat and supported a diverse warmwater fish community (**Appendix E**).

No trout spawning redds were observed during the red survey on November 25, 2003 at Stations M2 to M5.

The remaining watercourses assessed on and adjacent to the subject lands are more diffuse with poorly defined channels and seasonal flows.

Tributary B was identified in the field and does not appear on base maps available from LIO (MNRF 2019b). During field investigations, there was no water at Stations B2 and B3; therefore, fish sampling was limited to Station B1 (immediately upstream of Concession 11 East). Water was shallow at Station B1 and no fish were captured or observed in this tributary. Stantec concluded that the flow regime of Tributary B was intermittent and that the tributary contributed water and nutrient inputs to habitat located downstream in Mountsberg Creek.

Tributary C was identified in the field and does not appear on base maps available from LIO (MNRF 2019b). No fish were captured in Tributary C. The two culverts that convey flow under Concession 11 East were dry at the time of the 2005 field investigations. Stantec concluded that the flow regime of Tributary C was intermittent and that the tributary contributed water and nutrient inputs to habitat located downstream in Mountsberg Creek.

Tributary D was identified in the field and does not appear on base maps available from LIO (MNRF 2019b). Brook Stickleback were captured on the south side of Concession 11 East (Station D1) and in the pond within the Subject Lands (Station D3). There was no visible channel upstream of the Pond. Stantec concluded that the pond likely functioned as a refuge for fish during periods of low water. The fish community in Tributary D was limited to Brook Stickleback, which are tolerant of a range of habitat conditions. The flow regime of Tributary D was assessed as intermittent with small pools of water observed below the Concession 11 East culvert during fish collections and flowing water during spring and summer storm events.

5.5 HABITAT FOR THREATENED OR ENDANGERED SPECIES

Threatened or endangered species are listed on the SARO List. Individuals of the species, as well as their habitats, are protected by the ESA. Through the field surveys, four species at risk were identified within the Subject Lands; Butternut, Bobolink, Eastern Whip-poor-will and Little Brown Myotis.

Butternut was observed in the hedgerows of Lots 2 and 3 during the vegetation surveys. A total of 99 trees of various sizes were identified during the 2005 and 2006 surveys, 63 of which were found to be retainable. However, it should be noted that the butternut health assessment process has been updated since the time of the 2006 health assessment. It is also anticipated that the number of live Butternut trees on the Subject Lands has likely changed since that time. As such, this report takes the approach of



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identifying the vegetation community within which Butternut was observed (**Figure 6, Appendix A**), as opposed to individual trees. It is also noted that a vascular plant inventory of Lots 1 and 2 was not undertaken, as such additional butternuts could be present on these lots.

Bobolink was observed within the Subject Lands during breeding bird surveys conducted in 2005 and 2006. At the time of surveys Bobolink was not a SAR, therefore the exact location of observations within the Subject Lands were not recorded. Suitable habitat for the species, large areas of cultural meadow, fallow fields or hay fields, did not occur in Lots 3, 4 or 5. It is Stantec understanding that those field have remained in agricultural production and therefore continue to be unsuitable for Bobolink. However, suitable fields, such as hay or pasture fields, may occur in Lots 1 or 2.

Eastern Whip-poor-will was observed within the Subject Lands during breeding bird surveys conducted in 2004, in the wooded upland and lowland habitat associated with Tributary A in Lot 4. Suitable habitat for this species is present within the Subject Lands.

Little Brown Myotis was incidentally observed during amphibian surveys. As the field surveys pre-dated Little Brown Myotis being added to the SARO List, targeted bat surveys were not undertaken, nor was the incidental observation verified through acoustic analysis of the bat calls. Regardless, it is reasonable to assume that this species was present at the time of the surveys and likely remains present, although less abundant.



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6.0 EVALUATION OF SIGNIFICANCE

This section addresses how features and functions on, and connected to, the Subject Lands should be treated in terms of the key components of the PPS and the City of Hamilton's OP:

- Significant Wetlands
- Habitat of Endangered and Threatened Species
- Areas of Natural and Scientific Interest (ANSIs)
- Fish Habitat
- Significant Woodlands
- Significant Wildlife Habitat
- Environmentally Significant Areas (ESAs)

6.1 SIGNIFICANT WETLANDS

A portion of the Provincially Significant Lower Mountsberg Creek Complex Wetland is located on the Subject Lands. The entire PSW, which extends some distance from the subject lands, totals more than 285 hectares, of which treed swamps cover the majority. Mapping from the MNR (1998) as well as the detailed boundary assessment completed by Stantec in 2005 are shown on **Figure 6, Appendix A**.

On-site, this PSW extends along the length of Tributary A of Mountsberg Creek, at the north end of the property. Another node of this wetland complex is located along a reach of Flamboro Creek within the southeast corner of the site. The detailed boundary assessment conducted by Stantec indicated that a narrow extension of wetland connects two pockets of wetland to the main Tributary A, earlier identified as isolated by the MNR (1998) (**Figure 6, Appendix A**). Additionally, in the northwest corner of the site, work by Stantec extends the wetland boundary west of the MNR's western limit, to the confluence of Tributary A with Mountsberg Creek (**Figure 6, Appendix A**). An additional wetland community was also noted along Concession 11 East (Tributary D) (Lot 4).

6.2 HABITAT OF ENDANGERED AND THREATENED SPECIES

Four species at risk were identified during the field investigations.

Butternut is a medium-sized tree that commonly found in a variety of habitats throughout Southern Ontario, including woodlands and hedgerows. Ideal habitat includes rich, moist, and well-drained soils often found along streams, but may also be found on well-drained gravel sites, particularly those made of limestone (COSEWIC 2003). Multiple Butternut are present within the Subject Lands, primarily throughout Lot 3 concentrated in the hedgerows. Additional butternuts may occur on Lots 1 and 2. At the time of the field investigations, genetic testing to confirm pure breed butternuts was not available. But for the purposes of this report, we have assumed the trees to be pure breeds protected under the ESA. The location of the butternut occurrence is show in **Figure 6, Appendix A**.



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Bobolink primarily nests in forage crops with a mixture of grasses and broad-leaved forbs, predominantly hayfields and pastures. Preferred ground cover species include grasses such as Timothy and Kentucky bluegrass and forbs such as clover and dandelion (COSEWIC 2010). Suitable breeding habitat was not identified on Lots 3, 4 or 5. However, potential habitat, in particular pasture, occurs in Lots 1 and 2. As such, there is potential for Bobolink to be breeding on the Subject Lands. Although not observed during the field investigations, Eastern Meadowlark, another species at risk, has similar habitat preferences to Bobolink. As such, it also has potential to occur on Lots 1 and 2.

Eastern Whip-poor-will favour open woodlands with frequent clearings. Its preferred nesting sites contain shaded leaf litter or pine needles and generally occur along wooded edges or in clearings without any herbaceous growth (Cadman et al. 2007). This species is considered to be an area-sensitive bird, preferring 100 hectares of suitable habitat for breeding. Eastern Whip-poor-will was heard within the Subject Lands during an amphibian survey in 2004, in the wooded upland and lowland habitat associated with Tributary A in Lot 4. Potentially suitable habitat for the species occurs in the intermix of woodlands and cultural meadow in the northeastern portion of the site (Lot 4). However, the single observation over 5 years of field surveys suggests the species is likely not breeding on site.

While targeted surveys for Little Brown Myotis were not completed, the species is expected to occur on the Subject Lands. The Little Brown Myotis are gregarious species that can roost in large numbers (Gerson, 1984). In natural settings, roosts may occur in tree cavities or under loose bark. Bat roosts are more likely to occur in older stands, than in younger stands (Crampton and Barclay 1998). Roosting bats prefer tall, large diameter trees with heart rot, which creates cavities that are large enough to house colonies and provide suitable temperatures (Olson and Barclay 2013, Jung et al. 1999, Jung et al. 2004). Such trees are most common in mature stands. Those areas in the Study Area identified as significant woodlands (**Figure 6, Appendix A**), provide the best quality habitat for the Little Brown Myotis. Other bat species at risk, such as Northern Myotis and Tricolored Bat, may also be present in the significant woodlands.

6.3 FISH HABITAT

Fish habitat is defined in subsection 2(1) of the *Fisheries Act* to include all waters frequented by fish and any other areas upon which fish depend directly or indirectly to carry out their life processes. The types of areas that can directly or indirectly support life processes include but are not limited to: spawning grounds and nursery, rearing, food supply and migration areas.

Fish habitat was identified on and adjacent to the Subject Lands as described below. Thermal regime (where available) and flow regime of the assessed watercourses are on **Figure 6, Appendix A**.

6.3.1 Flamboro Creek

Within the Subject Lands, Flamboro Creek has a permanent flow regime and provides fish habitat for a low diversity of forage species. The upstream extent of habitat was not confirmed. The creek also provides baseflow and supports habitat located downstream.



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Flamboro Creek has a coldwater thermal regime (MNRF 2019b) but in the 2002 Bronte Creek Watershed Study, the creek was 'unclassified' with respect to the fish habitat (Conservation Halton 2002).

6.3.2 Mountsberg Creek and Tributaries

Tributary A has a permanent flow regime and provides fish habitat for forage fish species and the downstream area is a spawning for Northern Pike (MNRF 201b). It also contributes baseflow to Mountsberg Creek. Tributary A has not been classified with respect to thermal regime.

Mountsberg Creek has a permanent flow regime and provides fish habitat for a diverse fish community. In the northwest corner of the Subject Lands and west of the Subject Lands at the 11th Concession East, Mountsberg Creek has a warmwater thermal regime (MNRF 2019b) and supports a warmwater sport fish community (Conservation Halton 2002).

Tributary B has an intermittent flow regime and it contributes water and nutrient inputs to habitat located downstream in Mountsberg Creek. The lower reach (Station B1) may provide seasonal habitat but this was not confirmed by the field investigations.

Tributary C has an intermittent flow regime and it contributes water and nutrient inputs to habitat located downstream in Mountsberg Creek. Tributary C does not directly support fish habitat.

Tributary D has an intermittent flow regime downstream of the pond and it contributes water and nutrient inputs to habitat located downstream in Mountsberg Creek. Stations D1 and D2 provide seasonal habitat and the pond (Station D3) provides refuge habitat dependent on the pond water level. Upstream of the pond, Tributary D does not support fish habitat.

6.4 SIGNIFICANT WOODLANDS

The PPS (2020) and Greenbelt Plan (2017) definition was used to identify and delineate woodlands within the Subject Lands. In the PPS (2020), significant woodland is defined as: “an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.” Chapter G of the Rural Hamilton Official Plan provide criteria for assessing the significance of woodlands, including consideration of size, interior forest, connectivity, proximity to water, age and presence of rare species. The large woodland that surrounds and overlaps the Subject Lands meets each of these criteria. Furthermore, woodlands through the Subject Lands are generally interconnected. As such, this interconnected network of woodlands has been identified as significant woodland, as shown on **Figure 6, Appendix A**.



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6.5 SIGNIFICANT VALLEYLANDS

No significant valley lands were identified on or within 120 metres of the Subject Lands. Any watercourses located within or adjacent to the Study Area are small tributaries without significant valley features associated with them. The more substantial local valley feature associated with Mountsberg Creek is to the west of the site, but falls outside of the 120 metres area of study, except for a small portion in the very northwest portion of the Subject Lands.

6.6 SIGNIFICANT WILDLIFE HABITAT

Results of the wildlife habitat assessment are summarized below for each of the four significant wildlife habitat categories described by the Ecoregion 6E Criteria Schedule (MNRF 2015).

6.6.1 Seasonal Concentration Areas

Seasonal concentration areas are those sites where large numbers of a species gather together at one time of the year, or where several species congregate. These areas include deer yards, turtle overwintering areas, snake and bat hibernacula, bat maternity colonies, waterfowl staging areas, raptor roosts, bird nesting colonies, shorebird staging areas, and passerine migration concentrations. Only the best examples of these concentration areas are usually designated as significant wildlife habitat. Areas that support a species at risk, or areas where a large proportion of the population may be lost if the habitat is destroyed, are examples of seasonal concentration areas which should be designated as significant (MNR 2000).

Two types of seasonal concentration areas have been identified within the Subject Lands. While targeted bat studies were not undertaken, suitable bat maternity habitat occurs within the mature woodlands on the Subject Lands. Suitable bat maternity habitat is encompassed within the identified significant woodlands (**Figure 6, Appendix A**).

MNRF has identified a deer wintering area that overlaps with the northeastern portion of the Subject Lands (Lots 4 and 5) (**Figure 3, Appendix A**). The deer wintering area is contained within the identified significant woodland (**Figure 6, Appendix A**).

6.6.2 Rare Vegetation Community or Specialized Habitat

Rare or specialized habitats are two separate components. Rare habitats are those with vegetation communities that are considered rare in the province. Specialized habitats are microhabitats that are critical to some wildlife species, including nesting habitat for waterfowl, woodland raptors, Bald Eagle and Osprey, turtles, woodland area-sensitive birds, as well as amphibian breeding habitat, and seeps and springs.

Four specialized habitats were identified on the Subject Lands. Specialized habitat in the form of ground water seeps were identified along Tributary A of Mountsberg Creek (Lot 4) (**Figure 6, Appendix A**).



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The large forest patch which overlaps with the Subject Lands to the north, east and west, provides woodland raptor nesting habitat. One of the indicator species, Broad-winged Hawk, was observed breeding in this woodland. This large forest patch also provides woodland area-sensitive bird breeding habitat, with several indicator species observed; Yellow-bellied Sapsucker, Red-breasted Nuthatch, Veery, Black-throated Green Warbler, Scarlet Tanager, Ovenbird.

The PSW on the Subject Lands provided significant amphibian breeding habitat (woodland), with the presence of breeding salamanders, as well as concentration of calling frogs. The PSW occur on Lots 4 and 5 (**Figure 6, Appendix A**). There is also a small overlap of PSW on Lot 1, which is likely to provide significant amphibian breeding habitat.

6.6.3 Habitat for Species of Conservation Concern

Habitat for SOCC includes four types of species: (a) those that are rare, (b) those whose populations are significantly declining, (c) those that have been identified as being at risk to certain common activities, and (d) those with relatively large populations in Ontario compared to the remainder of the globe. This category also includes nesting habitats for marsh, open country, shrub/early successional birds as well as terrestrial crayfish.

Twenty-nine SOCC have been identified through the comprehensive field investigations. The eight locally rare plant species were all contained within the identified significant woodlands and PSW in Lots 4 and 5 (**Figure 6, Appendix A**). The ninth plant SOCC, Black Ash, is contained within the significant woodlands that span Lots 2 and 3.

Habitat for the two SOCC amphibians, Pickerel Frog and Western Chorus Frog, has been captured within the significant amphibian breeding habitat (discussed above), contained in the PSW.

Snapping Turtles inhabit ponds, sloughs, streams, rivers, and shallow bays that are characterized by slow moving water, aquatic vegetation, and soft bottoms. Females show strong nest site fidelity and nest in sand or gravel banks at waterway edges in late May or early June (COSEWIC 2008). Snapping Turtle was observed during surveys conducted in 2004, 2005 and 2006 along Mountsberg Creek and its Tributary D (**Figure 6, Appendix A**). The creek and associated PSW are considered habitat for the species.

The eight SOCC birds are all forest breeding species. Habitat for these species have been captured within the identified woodland raptor nesting habitat and woodland area-sensitive bird breeding habitat discussed above; which are both contained within the significant woodlands (**Figure 6, Appendix A**).

Each of the seven SOCC butterflies have the potential to be breeding within the Subject Lands, as the species larval host plants (the plants on which their caterpillars rely) are present. Host plants for Giant Swallowtail (Prickly-Ash) West Virginia White (Two-leaved Toothwort), Hickory Hairstreak (Bitternut Hickory) and Milbert's Tortoiseshell (nettles) occur in woodland habitat in the Subject Lands, contained within the identified significant woodlands (**Figure 6, Appendix A**). Host plants for Leonard's Skipper (bent grass), Silvery Blue (vetch and sweet clover) and Monarch (Common Milkweed, Swamp Milkweed) are edge species, which occurred in forest clearing, edges and hedgerows.



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Habitat for the two mammal SOCC, Snowshoe Hare and Ermine, is contained within the significant woodlands (**Figure 6, Appendix A**).

6.6.4 Animal Movement Corridors

Migration corridors are areas that are traditionally used by wildlife to move from one habitat to another, typically to access different seasonal habitat requirements. Corridors requiring consideration in Ecoregion 6E include Amphibian and Deer Movement Corridors.

Significant wildlife habitat for amphibian breeding in the Study Area is intermixed with uplands forest habitats. As breeding and upland habitats are well connected, without landscape features likely to concentrate animal movement, no amphibian movement corridors have been identified. Similarly, the deer winters area is interconnected with other habitats in the landscape. As such deer movement corridors have not been identified.

6.7 ENVIRONMENTALLY SIGNIFICANT AREAS

Two environmentally significant areas overlap with the Subject Lands, the Mountsberg Wetlands and Wildlife Centre and the Carlisle North Forests. **Figure 6 (Appendix A)**, shows the boundaries of the environmentally significant areas as shown in Schedule B6 of the Rural OP. The boundaries of the environmentally significant areas general follow the boundaries of the significant woodland, with the exception of one small agricultural field in the northern corner of Lot 3, which has been mapped within the ESA. Inclusion of this agricultural field has been considered a mapping error, as the field does not provide the features or functions of an environmentally significant area.

6.8 SUMMARY OF KEY FEATURES

The following KNHFs and KHF were identified during the background review and field investigations for the Study Area:

- Provincially Significant Lower Mountsberg Creek Complex Wetland
- Habitat for threatened or endangered species
 - Butternut (hedgerows in Lot 3) and potentially Lots 1 and 2
 - Little Brown Myotis (significant woodlands)
 - Potential for Bobolink and Eastern Meadowlark habitat (Lots 1 and 2)
- Fish habitat (Flamboro Creek and Mountsburg Creek and tributaries)
- Significant woodlands
- Significant wildlife habitat
 - Bat maternity habitat
 - Deer wintering area
 - Ground water seeps
 - Woodland raptor nesting habitat
 - Woodland area-sensitive bird breeding habitat
 - Amphibian breeding habitat (woodland)



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– Habitat for SOCC

KNHFs and KHFfS are mapped on **Figure 6, Appendix A**. In generally, KNHFs and KHFfS are associated with the boundaries of the wetland and woodland features on the Subject Lands. Significant wildlife habitats have not been mapped separately, but all are contained within PSW or significant woodlands, which the exception of some butterfly SOCC, which may also occur in hedgerows and forest edges. Habitat for Butternut also occurs in hedgerows, outside of the PSW or significant woodlands.



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7.0 ASSESSMENT OF LOT CONFIGURATION

The proposed lot configuration, provided in **Figure 6, Appendix A**, takes into consideration the KNHFs and KHFs on the Subject Lands.

Proposed Lots 1, 2 and 5 will re-establish the previous lot lines for these properties. Each of these lots have existing residences, entrance ways, utilities and assessor buildings (including agricultural buildings). There are also existing fencerows and landscaping along the proposed lot lines. Re-establishment of the previous lot lines for Lots 1, 2 and 5 will provide the most functional properties to continue the existing land uses. During pre-consultation Conservation Halton confirmed they had no concern with the re-establishment of Lots 1, 2 and 5. The objective of the remaining two lots is to retain productive agricultural lands within Lot 3, while encompassing natural heritage features in Lot 4 to be conveyed to the City, CH or another party to be set aside as environmental protection lands. The proposed number of lots (in total five) is the minimum number of lots to achieve the proposed objectives of continuing existing lands use, with the conveyance of natural heritage features into environmental protection.

The proposed lot line between Lots 3 and 4 is intended to capture the KNHFs and KHFs within Lot 4. This lot line generally follows the well-defined boundary between the woodland and the agricultural fields. For the ease of surveyed property lines, the proposed lot line is comprised of straight lines that follow the woodland edge. Use of straight lines has not resulted in encroachment of Lot 3 into the woodland edge. This line retained the PSW, significant woodlands, significant wildlife habitat and fish habitat within Lot 4.

The proposed lot line between Lots 3 and 4 generally follows the boundaries of the Environmental Sensitive Area. The small overlaps of the lot line and the Environmental Sensitive Areas boundaries (**Figure 6, Appendix A**) is assumed to be due to mapping error. As the lot line follows the well-defined woodland edge, it is assumed to be outside of the environmental sensitive areas. One agricultural field in the northern corner of Lot 3 has been mapped within the environmental sensitive areas. This has also been considered a mapping error, as the agricultural field does not provide the features or functions of an environmentally significant area.

KNHFs retained within Lot 3 include habitat of an endangered species (Butternut), which occurs within the agricultural hedgerows, significant woodlands along the boundary of Lot 2, as well as potential significant wildlife habitat for butterfly SOCC in the hedgerows. The continued agricultural land use of Lot 3 is not anticipated to impact these KNHFs.

The proposed road frontage of Lot 3 along Concession 11 East has been reduced, to retain the PSW along Tributary D within Lot 4. The proposed road frontage of Lot 3 has taken advantage of the existing entrance. As such, no new entrance way into Lot 3, through the significant woodland, is required.

Overall, the proposed lot configuration is expected to meet the objectives of continuing existing lands use, while retaining the features and functions of KNHFs and KHFs in Lot 4, reducing fragmentation and allowing these features to be protected. Considering the land uses will remain the same, the lot severance is not anticipated to result in impacts to the KNHFs and KHFs.



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Summary and Conclusions
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8.0 SUMMARY AND CONCLUSIONS

This report was prepared for the proposed land severance of parcel of land along Concession 11 East, in Flamborough, City of Hamilton, owned by St. Marys. The intent of the land severance is to re-establish the former residential and agricultural lots. The goal of the land severance is to also retain significant natural heritage features on one lot, to be conveyed to agencies or third party for the purposes of environmental protection.

This report utilized background data and existing field investigation to identify natural heritage features within the Subject Lands, to inform the lot configuration, specifically the number, size and boundaries of the lots.

Identified KNHFs and KHF in the Study Area included PSW, significant woodlands, significant wildlife habitat, fish habitat and environmental sensitive areas. The proposed lot configuration retains KNHFs and KHF within Lot 4, to be conveyed for environmental protection. This configuration is expected to meet the objectives of continuing existing lands use, avoiding fragmentation of KNHFs and KHF and allowing these features to be protected. Considering the land uses will remain the same, the lot severance is not anticipated to result in impacts to the KNHFs and KHF.



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ENVIRONMENTAL IMPACT STUDY FOR THE ST. MARYS FLAMBOROUGH LANDS, HAMILTON, ONTARIO

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APPENDIX A

Figures



Legend

- Study Area (120 m)
- Subject Lands
- Frog Call Count Station
- Owl Survey Location
- Salamander Sampling Location
- Salamander Survey Location
- Drift Fencing
- Salamander Pond
- Deer Wintering Area
- Waterbody
- Watercourses (Stantec)***
- Watercourse (Intermittent)
- Watercourse (Permanent)
- Watercourse (MNR)**
- Watercourse (Permanent)



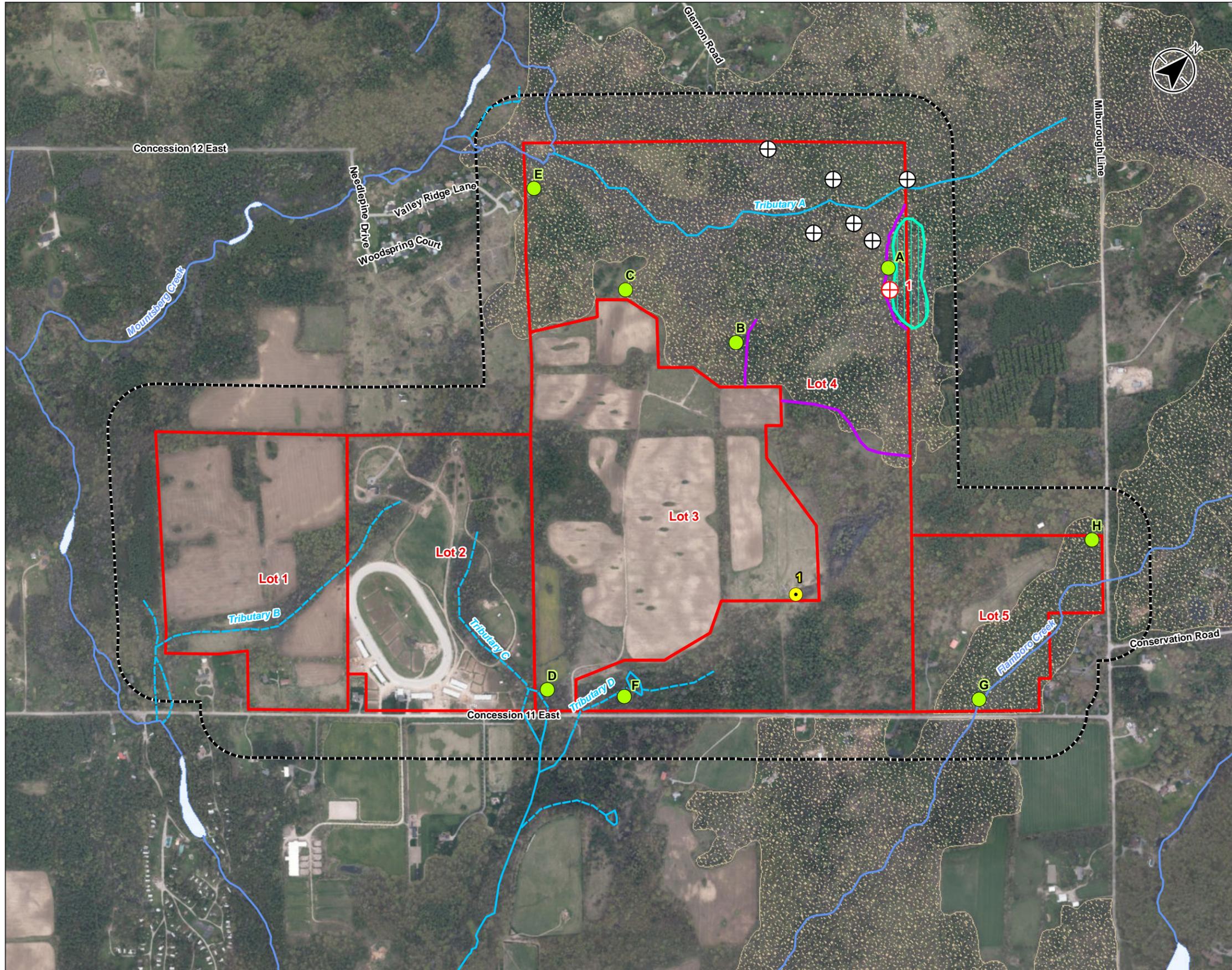
- Notes
1. Coordinate System: NAD 1983 UTM Zone 17N
 2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2018.
 3. Orthimagery © First Base Solutions, 2019. Imagery Date, 2019.
- * Stantec watercourse mapping is based on a combination of field investigations and air photo interpretation completed in 2004 and 2005.



Project Location: City of Hamilton
 Prepared by DH on 2020-03-26
 Technical Review by AT on 2020-01-29
 Independent Review by ABC on yyyy-mm-dd

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Figure No.
 3
 Title
 Wildlife Survey Locations



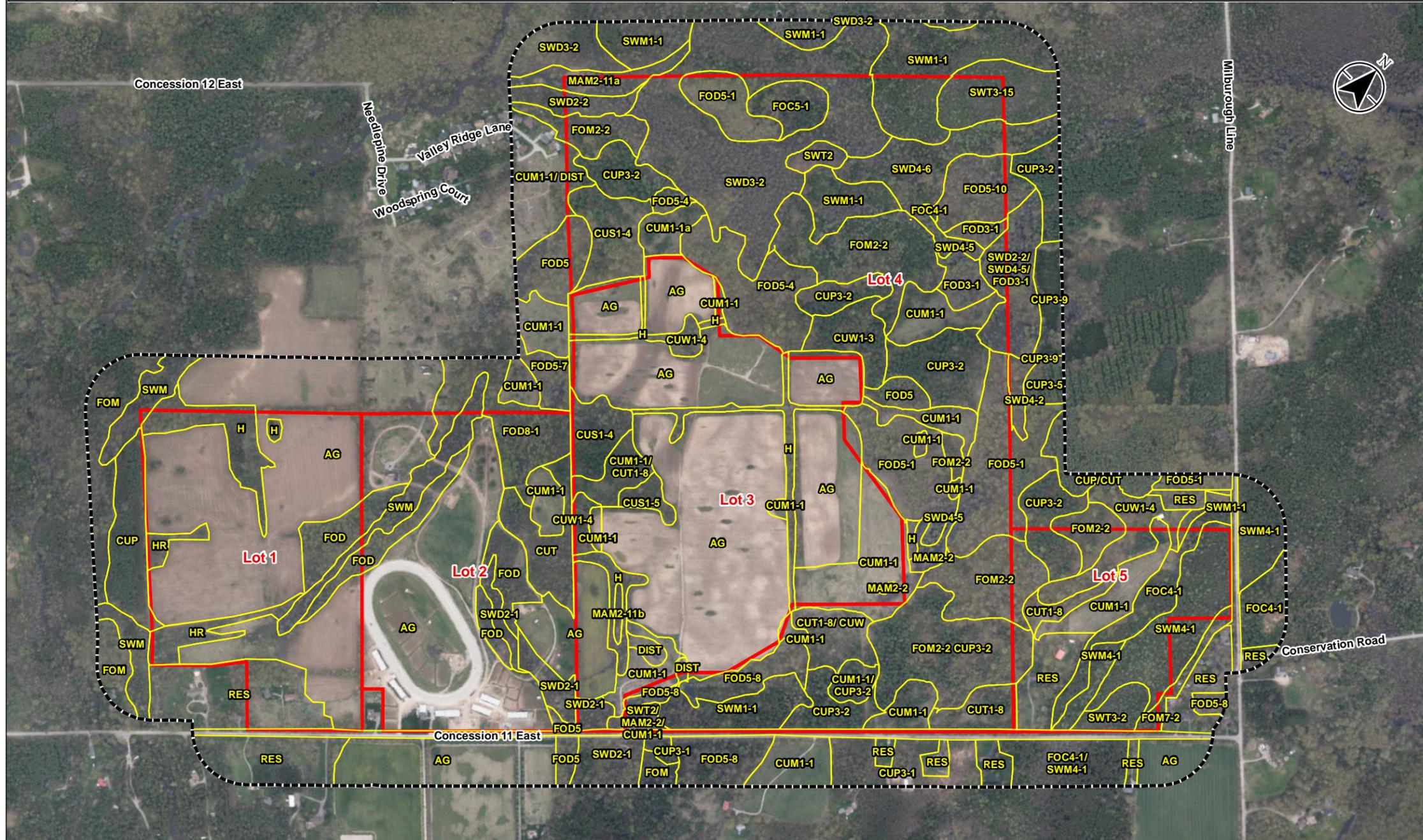
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Ecological Land Classification							
FOC4-1	Fresh – Moist White Cedar Coniferous Forest	FOD5-7	Fresh Sugar Maple–Black Cherry Deciduous Forest	*CUT18	Mixed Cultural Thicket	SWD4-2	White Elm Mineral Deciduous Swamp
*FOC5-1	Fresh – Moist White Pine Coniferous Forest	FOD5-8	Dry–Fresh Sugar Maple–White Ash Deciduous Forest	*CUS14	White Pine Cultural Savanna	*SWD4-5	Poplar Mineral Deciduous Swamp
FOM	Mixed Forest	FOD5-10	Dry–Fresh Sugar Maple–White Birch–Poplar Deciduous Forest	*CUS15	Deciduous Mineral Cultural Savanna	*SWD4-6	Poplar–Ash Mineral Deciduous Swamp
FOM2-2	Dry–Fresh White Pine–Sugar Maple Mixed Forest	FOD8-1	Fresh–Moist Poplar Deciduous Forest	*CUW13	White Pine Cultural Woodland	SWT2	Mineral Thicket Swamp
FOM7-2	Fresh–Moist White Cedar–Hardwood Mixed Forest	CUP3-1	Red Pine Coniferous Plantation	*CUW14	Deciduous Mineral Cultural Woodland	SWT3-2	Willow Organic Thicket Swamp
FOD	Deciduous Forest	CUP3-2	White Pine Coniferous Plantation	SWM1-1	White Cedar–Hardwood Mineral Mixed Swamp	*SWT3-5	Mixed Organic Thicket Swamp
FOD3-1	Dry–Fresh Poplar Deciduous Forest	CUP3-6	European Larch Coniferous Plantation	SWM4-1	White Cedar–Hardwood Organic Mixed Swamp	MAM2-2	Reed-canary Grass Mineral Meadow Marsh
FOD5	Dry–Fresh Sugar Maple Deciduous Forest	CUP3-9	Norway Spruce Coniferous Plantation	SWD2-1	Black Ash Mineral Deciduous Swamp	*MAM2-11a,b	Mixed Mineral Meadow Marsh
FOD5-1	Dry–Fresh Sugar Maple Deciduous Forest	CUM1-1	Dry–Moist Old Field Meadow (open)	SWD2-2	Green Ash Mineral Deciduous Swamp		
FOD5-4	Dry–Fresh Sugar Maple – Ironwood Deciduous Forest	CUM1-1a	Dry–Moist Old Field Meadow (with invading shrubs)	SWD3-2	Silver Maple Mineral Deciduous Swamp		



Legend

- Study Area (120 m)
- Subject Lands
- ELC Community Boundary



Notes
 1. Coordinate System: NAD 1983 UTM Zone 17N
 2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2018.
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Project Location: City of Hamilton
 Prepared by DH on 2020-03-26
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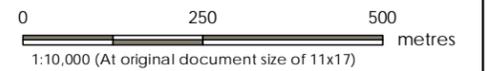
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 Title: Ecological Land Classification

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Legend

- Study Area (120 m)
- Subject Lands
- Thermal Regime, Cold
- Thermal Regime, Warm
- Wetland Boundary (Stantec, 2006)
- Watercourse (Permanent)
- Area Containing Butternut
- Environmentally Sensitive Area (City of Hamilton)
- Significant Woodland (Stantec)
- Wetland, Provincially Significant
- Watercourses (Stantec)***
- Watercourse (Intermittent)
- Watercourse (Permanent)



Notes

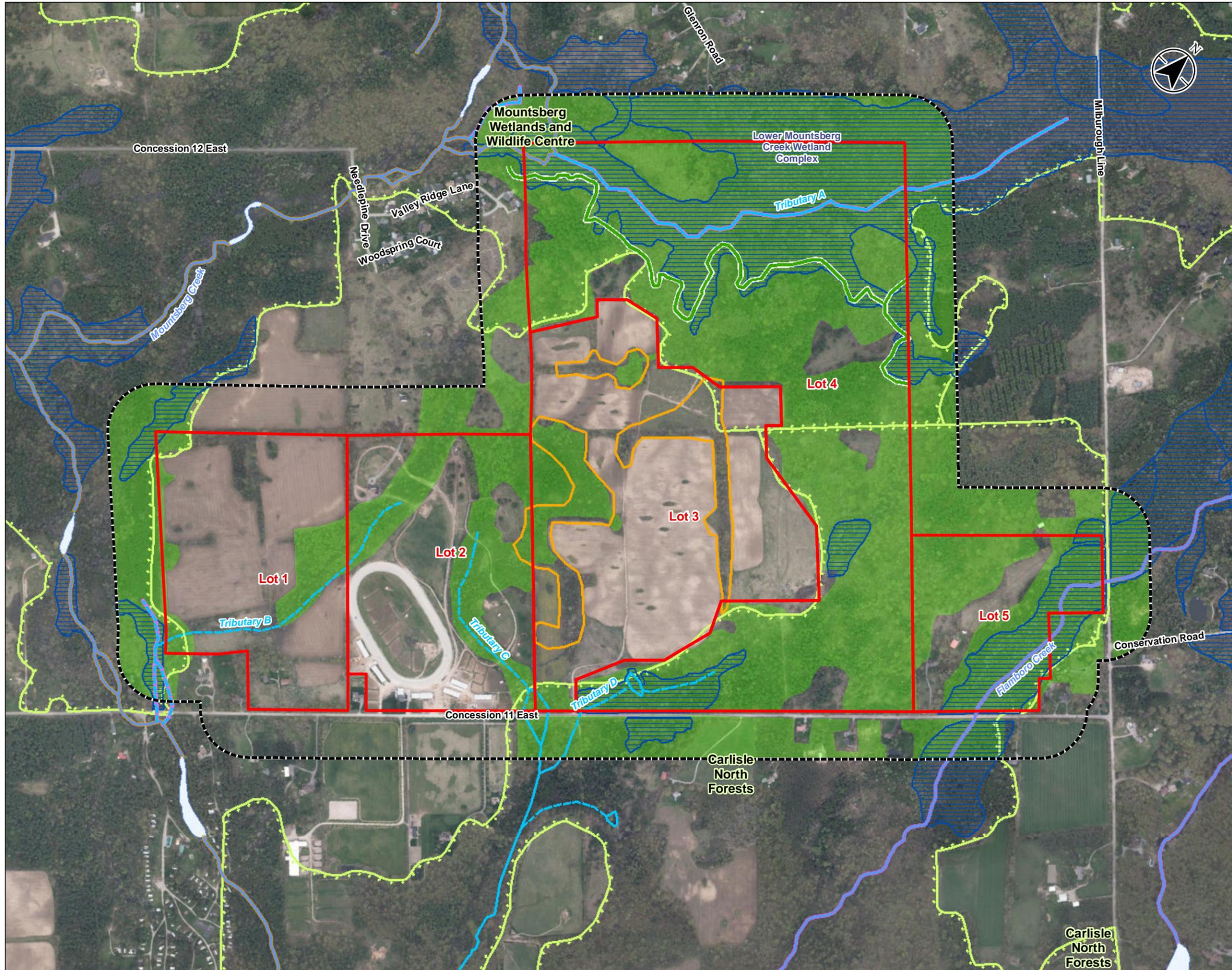
1. Coordinate System: NAD 1983 UTM Zone 17N
2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2018.
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- * Stantec watercourse mapping is based on a combination of field investigations and air photo interpretation completed in 2004 and 2005.



Project Location: City of Hamilton
 Prepared by DH on 2020-03-26
 Technical Review by ABC on yyyy-mm-dd
 Independent Review by ABC on yyyy-mm-dd

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Figure No.
 6
 Title
 Environmental Constraints



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 Revised: 2020-03-26 By: BCowper

APPENDIX B

Tables

Appendix B - Tables

Table 3.1: Field Work Program

Date of Field Work	Purpose of Field Work	Personnel
Feb 27, Mar 1, 4, 2004 Feb 11, 2005	Winter wildlife survey, deer yard assessment	Campbell Smith
Apr 14, 2004	Owl survey	Smith
Apr 14, 15, 2004 Apr 26, May 4, 2005 Apr 13, 18, 20, 2006 Mar 27, 28, Apr 2, 4, 17, 18, 2007	Salamander egg mass collection/analysis	Campbell Sandilands Taylor Weeks
Apr 14, May 12, Jun 16, 2004 Apr 29, May 24, Jun 15, 2005 Apr 24, May 16, Jun 9, 2006	Amphibian call counts	Campbell Smith Weeks Taylor
Apr 14, 2005 and all visits	Reptile surveys <ul style="list-style-type: none"> hibernacula emergence opportunistic observations during other surveys 	Sandilands
May 12, 2004 Apr 26, 2005	Red-shouldered Hawk survey	Smith Wyatt
Jul 1, 2, 2004 Jun 2, 4, 21, 23, 2005	Breeding bird inventory	Kopysh Wyatt
May 12, Jul 13, 2005 and all visits 2005 Apr 13, 18, May 9, 30, Jul 24, Sep 20 2006	Insects (Lepidoptera) <ul style="list-style-type: none"> Pollard transects opportunistic observations during other surveys 	Taylor Sandilands
Oct 16, 23, 2003 May 13, 14 Jul 19, Sep 10, 2004 Jun 13, 20, Jul 15, 18, 2005	Vegetation surveys <ul style="list-style-type: none"> vegetation community survey vascular plant survey 	Zoladeski
Apr 31, Jun 15, 27, Jul 12, 26, 2005 Sep 7, Oct 7, 2005 Oct 15, 2006	Wetland Boundary Delineation	Charlton
Nov 25, Oct 30, 2003 Jun 15, 17, 18, 2004 Jun 1, 2005	Fish Inventories <ul style="list-style-type: none"> habitat assessment Redd survey fish community inventories 	Park Clarkin Weeks Pomeroy
Jun, 2004	Benthic invertebrate sampling	Park Clarkin
Nov, 2004 Feb, Jun, Sep, 2005	Surface water sampling	Park Clarkin Harttrup
Sep, Oct, Nov, 2005	Surface water level and temperature monitoring	Park Clarkin Harttrup

Appendix B - Tables

**Table 3.2 Summary of Fish and Fish Habitat Field Investigations –
St. Marys Flamborough Lands**

	Flamboro Creek	Mountsberg Creek
Fish Habitat Assessments 2004 - June 15, 17, 18	F1, F2, F3, F4	M1, M2, M3, M4, M5 A1, A2 B1, B2, B3 C1 D1, D2, D3 (Pond)
Fish Community Sapling 2004 - June 15, 17, 18	F1, F2, F3, F4	M1, M2, M3 A1, A2 B1 C1, D1, D2, D3 (Pond)
2005 - June 1	F3, F4	B1, C1, D1
2006 - August 16	-	M2
Redd Survey 2003 - November 25	Not Applicable	M2, M3, M4, M5

Appendix B - Tables

Table 4.1: Background Review of SAR and SOCC in the Study Area

Species Category	Common Name	Latin Name	Provincial S-rank	COSSARO	SARA Schedule 1
Species at Risk	Bank Swallow	<i>Riparia riparia</i>	S4B	THR	THR
	Barn Swallow	<i>Hirundo rustica</i>	S4B	THR	THR
	Bobolink	<i>Dolichonyx oryzivorus</i>	S4B	THR	THR
	Chimney Swift	<i>Chaetura pelagica</i>	S4B, S4N	THR	THR
	Eastern Meadowlark	<i>Sturnella magna</i>	S4B	THR	THR
	Eastern Small-footed Myotis	<i>Myotis leibii</i>	S2S3	END	-
	Little Brown Myotis	<i>Myotis lucifugus</i>	S4	END	END
	Northern Myotis	<i>Myotis septentrionalis</i>	S3?	END	END
	Tri-coloured Bat	<i>Perimyotis subflavus</i>	S3?	END	END
	Butternut	<i>Juglans cinereal</i>	S3?	END	END
Species of Conservation Concern	Common Nighthawk	<i>Chordeiles minor</i>	S4B	SC	THR
	Eastern Wood-Pewee	<i>Contopus virens</i>	S4B	SC	SC
	Grasshopper Sparrow	<i>Ammodramus savannarum</i>	S4B	SC	SC
	Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	S4B	SC	THR
	Wood Thrush	<i>Hylocichla mustelina</i>	S4B	SC	THR
	Monarch	<i>Danaus plexippus</i>	S4B, S2N	SC	SC
	Snapping Turtle	<i>Chelydra serpentina</i>	S3	SC	SC

Appendix B - Tables

Table 5.1: Ecological Land Classification Descriptions

ELC Type	Description
CONIFEROUS FOREST (FOC)	
FOC4-1 Fresh – Moist White Cedar Coniferous Forest	All the strata (tree canopy, reproduction and shrub layer) are almost exclusively composed of white cedar. Because of the density of the cedar, there are virtually no plants growing on the ground. These stands are still young, very dense and undergoing intensive self-thinning.
*FOC5-1 Fresh – Moist White Pine Coniferous Forest	A generally coniferous type dominated by white pine, with admixtures of white cedar, hemlock, green ash and sugar maple. In this, very likely, older pine plantation the trend towards a return of a deciduous community is indicated by the dominance of sugar maple in the shrub stratum. After the flush of vernal ephemerals, the ground herb cover becomes poor, with common speedwell, zigzag goldenrod and sedges.
MIXED FOREST (FOM)	
FOM Mixed Forest	This is a variably composed community, representing late-successional development on formerly agricultural lands. The tree canopy composition is variable with several species present in different proportions, e.g. white pine, white cedar, hemlock, sugar maple, trembling aspen, large-tooth aspen, black cherry, white birch, white and green ash, beech and bitternut hickory. Depending on the composition and density of the tree layer, understorey vegetation may be equally diverse.
FOM2-2 Dry–Fresh White Pine–Sugar Maple Mixed Forest	This is a middle-aged community composed of often large, open-grown white pine and the hardwood component represented by sugar maple (including very old and large specimens), trembling aspen, bitternut hickory and white birch. Sugar maple seedlings and saplings are abundant. The ground herb layer is generally poorly developed.
FOM7-2 Fresh-Moist White Cedar– Hardwood Mixed Forest	White ash and white cedar dominated the canopy in this community. A smaller proportion of trembling aspen extended above this canopy. Young white ash and white cedar formed the understorey and the ground herb layer was generally poorly developed.
DECIDUOUS FOREST (FOD)	
FOD Deciduous Forest	Included here are diverse communities composed of several tree species growing in various combinations, for example trembling aspen, large-tooth aspen, white birch, sugar maple, white elm, white ash, ironwood and bitternut hickory. In the shrub layer grow black cherry and sugar maple saplings, while in the well-developed herb layer the major species are white avens, calico aster, zigzag goldenrod and wild ginger.
FOD3-1 Dry–Fresh Poplar Deciduous Forest	Large-toothed aspen dominates this mid-aged community, with sub-dominant trembling aspen, ironwood, elm and white ash. In the regeneration layer sugar maple is the main species, while in the shrub layer saplings of white ash and some choke cherry dominate. The herbaceous ground cover is well developed, with enchanter's nightshade, wild ginger, may-apple, running strawberry-bush, Jack-in-the-pulpit and several other species.
FOD5 Dry–Fresh Sugar Maple Deciduous Forest	A much disturbed community dominated by sugar maple, with variable amounts of black cherry, bur oak, basswood and aspen. Garlic mustard and periwinkle form the ground cover.

Appendix B - Tables

Table 5.1: Ecological Land Classification Descriptions

ELC Type	Description
FOD5-1 Dry–Fresh Sugar Maple Deciduous Forest	Sugar maple is the leading canopy species and the other hardwoods or softwoods (for example white ash, beech, hemlock) are present in small amounts. Maple and white ash saplings compose the well-developed shrub layer, where also occur blue beech, alternate-leaved dogwood, prickly gooseberry or, rarely, leatherwood. The fall floristic aspect is dominated by zig-zag goldenrod, enchanter’s nightshade and running strawberry-bush, but the spring ephemerals are very abundant. These communities are usually mid-aged to mature.
FOD5-4 Dry–Fresh Sugar Maple – Ironwood Deciduous Forest	Sugar maple dominated stands, with admixtures of several species such as ironwood, green and white ash, beech, bur oak, white birch, black cherry and hemlock. The shrub layer is dominated by sugar maple and other hardwood saplings and seedlings, including black cherry and green ash, while true shrubs are represented by grey dogwood, prickly gooseberry and alternate-leaved dogwood. The herb layer displays distinct seasonality, with vernal ephemerals followed by late summer species—white avens, wild ginger, zig-zag goldenrod, enchanter’s nightshade and running strawberry-bush. These are mid-aged to mature communities located on upland sites, usually on shallow mineral soil over bedrock.
FOD5-7 Fresh Sugar Maple–Black Cherry Deciduous Forest	Located in a small, slightly concave depression, on shallow soil over bedrock, this mid-aged community is dominated by sugar maple and black cherry, with a strong admixture of large-tooth aspen. Alternate-leaved dogwood is the main tall shrub species, followed by choke cherry, prickly gooseberry, and saplings of white ash and elm. Relatively few species form the ground cover, for example herb-Robert, running strawberry-bush, enchanter’s nightshade and the introduced garden escape lily-of-the-valley.
FOD5-8 Dry–Fresh Sugar Maple–White Ash Deciduous Forest	Sugar maple and white ash are the principal tree species, followed by small amounts of other tree species. Choke cherry, red raspberry and white ash seedlings compose most of the shrub stratum. In the herb layer grow tall goldenrod, enchanter’s nightshade, various sedges, herb-Robert, white avens, running strawberry-bush, zig-zag goldenrod and several other species.
FOD5-10 Dry–Fresh Sugar Maple–White Birch-Poplar Deciduous Forest	This type is composed of sugar maple, white birch, trembling aspen, with admixtures of white ash and bitternut hickory. The maple and ash dominate the sapling stratum, alongside true shrubs such as alternate-leaved dogwood, choke cherry and Alleghany blackberry. Ground herb cover is generally poorly developed, with white avens, enchanter’s nightshade, Jack-in-the-pulpit and zig-zag goldenrod.
FOD8-1 Fresh–Moist Poplar Deciduous Forest	This unit is dominated by trembling aspen, with green ash present in the sub-canopy and shrub layers. Choke cherry, Virginia-creeper and poison ivy are the leading shrubs. The herb layer is well developed, with enchanter’s nightshade, calico aster, white avens, red baneberry and several other species.
CULTURAL (CU)	
PLANTATION (CUP)	
CUP3-1 Red Pine Coniferous Plantation	An extensive patch of this type is found on the south side of Concession 11 East. The shrub and herb understories are very poorly developed.
CUP3-2 White Pine Coniferous Plantation	Older plantations on shallow soil over bedrock, still dominated by white pine, but with several hardwoods entering the community, most importantly sugar maple, white elm and white birch. Scattered remnant hawthorn is in decline. The understory is poorly developed to non-existent.

Appendix B - Tables

Table 5.1: Ecological Land Classification Descriptions

ELC Type	Description
CUP3-6 European Larch Coniferous Plantation	A young, dense larch plantation, with some scattered presence of white pine and white ash. The herb layer is tall and dense, dominated by Canada goldenrod and numerous other old field meadow species.
CUP3-9 Norway Spruce Coniferous Plantation	This is an open, very young (10-12 yrs) plantation. Typical old field meadow herbaceous cover still prevails, with such species as Canada goldenrod, Canada blue grass, wild carrot, glaucus king devil, and many others.
CULTURAL MEADOW (CUM)	
CUM1-1 Dry-Moist Old Field Meadow (open)	A regenerating community of invasive native and introduced plants on formerly agricultural land. The main species include Canada goldenrod, New-England aster, timothy, red-top, wild basil, ribgrass, wild carrot, tufted vetch, red clover and white sweet clover. Although some shrubs and trees may be present, they are a minor component of this community type.
CUM1-1a Dry-Moist Old Field Meadow (with invading shrubs)	A similar type as the previous in terms of the composition of the herb layer, but with a better developed shrub and young tree stratum, where the following species may occur: white pine, hawthorn, elm, ash, Tartar lan honeysuckle, red raspberry and grey dogwood.
CULTURAL THICKET (CUT)	
*CUT1-8 Mixed Cultural Thicket	This open thicket, regenerating open old fields is composed of scattered apple trees, hawthorn, and young trees of sugar maple, black cherry, white pine, white elm, white ash and bitternut hickory. The ground cover retains old field meadow characteristics, such abundance of Canada goldenrod, fescue, ox-eye daisy, and many others.
CULTURAL SAVANNA (CUS)	
*CUS1-4 White Pine Cultural Savanna	White pine is the principal species in this open community, where in the shrub layer are several tree saplings and true shrubs, including sugar maple, green ash, white elm, prickly ash, hawthorn, grey dogwood and Tartarian honeysuckle. Leading ground cover contains hart-leaved aster, glaucus king devil, wild marjoram, Canada goldenrod and timothy.
*CUS1-5 Deciduous Mineral Cultural Savanna	An open-canopy community, composed of scattered trees, such as balsam poplar, black cherry, white elm, basswood, black walnut and white birch. The herb layer is diverse, with Canada goldenrod, orchard grass, glaucus king devil, Canada bluegrass, awnless brome and many other species typical of old fields.
CULTURAL WOODLAND (CUW)	
*CUW1-3 White Pine Cultural Woodland	White pine is the main species in this community type, forming more or less dense patches, in which other coniferous or deciduous species can occur, for example white cedar, white birch, aspen, white ash and white elm. The development of shrub and herb understoreys is variable, often as patches of old field vegetation amongst groups of trees. The low-branched open growth habit of the pine indicates that these were once open communities (likely old fields) that were invaded by the conifers.
*CUW1-4 Deciduous Mineral Cultural Woodland	This type is represented by small isolated patches amongst the crop fields. The semi-open communities may be composed of the sugar maple, trembling aspen and other hardwood species, including white birch and black cherry. The herb cover is intermediate between old field meadow and woodland species and include enchanter's nightshade, herb-Robert, white avens, scarlet strawberry, Canada goldenrod, New-England aster, garlic mustard, kidney-leaf buttercup, and many others.

Appendix B - Tables

Table 5.1: Ecological Land Classification Descriptions

ELC Type	Description
MIXED SWAMP (SWM)	
SWM1-1 White Cedar–Hardwood Mineral Mixed Swamp	A swamp forest composed of white cedar and several possible associates, including trembling aspen, red or white ash, yellow birch, white elm, balsam fir and silver maple. White cedar saplings usually dominate the shrub layer, but other canopy species are also represented. True shrubs are represented by red osier dogwood, red raspberry, Virginia creeper, prickly gooseberry, alternate-leaved dogwood and riverbank grape. The development of the herb layer is variable, with such possible leading species as spotted touch-me-not, bulblet fern, bulblet bladder fern and enchanter's nightshade. Microtopography is hummocky, with mounds and pits, caused by tree windthrows. These, usually mature forests are typically associated with bottomland situations and creek floodplains.
SWM4-1 White Cedar–Hardwood Organic Mixed Swamp	Tree canopy is discontinuous and generally short (12-15 m). Trembling aspen forms the upper layer, with white cedar growing in the lower layer. Other common species are black ash and yellow birch. The shrub layer is composed of red-osier dogwood, common elderberry and young white cedar. The herb layer is rich, with such species as smaller forget-me-not, marsh fern, marsh marigold, spotted joe-pye-weed, mint and marsh bedstraw. This unit is associated with wide creek floodplains. Some areas within this ELC type included Sphagnum mounds and plants showing bog and fen affinity such as sedges (<i>Carex trisperma</i> , <i>Carex disperma</i>) and round-leaved sundew.
DECIDUOUS SWAMP (SWD)	
SWD2-1 Black Ash Mineral Deciduous Swamp	Black ash dominated this community with occasional white elm and balsam poplar. Red-osier dogwood was observed in the understory forming thicket is spots. This community was relatively young and occurred along Tributary D.
SWD2-2 Green Ash Mineral Deciduous Swamp	Green ash dominated the medium-height tree canopy, along with white elm and occasional balsam poplar. In the shrub layer grow red-osier dogwood, choke cherry, narrow-leaved meadow-sweet and Virginia creeper. The herb layer is very rich and includes rough goldenrod, tall goldenrod, Canada anemone, purple loosestrife and numerous other wetland species. The community is relatively young and occurs as a narrow zone of Tributary A.
SWD3-2 Silver Maple Mineral Deciduous Swamp	An extensive swamp occurring on the floodplain of Tributary A in the north-west end of the subject lands. Dominated by silver maple, with abundances of red maple, Freeman's maple (hybrid between red and silver maples), green ash, white birch and American elm. The tree canopy reaches 25 metres in height. The shrub layer is generally poorly developed, composed of saplings of elm and white cedar, along with red osier dogwood, alder-leaved buckthorn, and red raspberry. The herb layer is continuous and rich in species, such as sensitive fern, spotted joe-pye weed, bitter nightshade, and many other forbs, sedges and grasses. Flooding is a feature in this community as high water levels were observed both during the spring survey and the fall sampling.
SWD4-2 White Elm Mineral Deciduous Swamp	A young even aged community dominated by white elm in the overstorey and poison ivy in the understory. An ephemeral wetland as evidenced by springtime observations and water strand lines on tree trunks approximately 20 – 30 cm above the hummocky ground surface. Dry at other times of the year, Located in proximity to the pond in the northeast portion of the site that also exhibits very large fluctuations in water levels in the spring.

Appendix B - Tables

Table 5.1: Ecological Land Classification Descriptions

ELC Type	Description
*SWD4-5 Poplar Mineral Deciduous Swamp	Trembling aspen is the main canopy species, with a possible small admixture of elm or ash. The shrub layer may be composed of ash and aspen saplings, as well as round-leaved dogwood. The main herbaceous species is reed-canary grass.
*SWD4-6 Poplar-Ash Mineral Deciduous Swamp	Trembling aspen and green ash are leading tree canopy species, followed by elm and white birch. The shrub layer is relatively well developed, with round-leaved goldenrod, Virginia creeper, nannyberry, alternate-leaved dogwood, choke cherry and common buckthorn. The herb stratum, although sparse, can contain several species, such as Jack-in-the-pulpit, calico aster, enchanter's nightshade, white avens and fringed loosestrife. The unit appears to be extensively flooded in the spring.
THICKET SWAMP (SWT)	
SWT2 Mineral Thicket Swamp	This community is located in a small depression amongst the forests in the north-central portion of the lands. The site contains almost continuous open water, 25 cm or more deep. Scattered short red maple and elm trees are present, but the community is essentially composed of red-osier dogwood and cedar saplings. In more open places there are patches of reed-canary grass. Because of the lack of clearly defined dominants and uneven physiognomy, this unit could not be defined at the ecosite level.
SWT3-2 Willow Organic Thicket Swamp	A dense community composed of Bebb's willow, with abundances of red-osier dogwood and young white cedar. The main tall shrub layer is overtopped by tall saplings of white birch and trembling aspen. The organic substrate is water-saturated and spongy with many areas of water at surface. Small's spikerush, marsh fern, reed-canary grass, bristly sedge, smaller forget-me-not and a carpet of brown mosses form the rich ground cover.
*SWT3-15 Mixed Organic Thicket Swamp	An open-canopy community dominated by young, short (10 m) white elm trees, along with other species such as white birch, red maple and trembling aspen. Red-osier dogwood, round-leaved dogwood, alder-leaved buckthorn, common elderberry and white cedar compose the medium layer. The herb layer is very rich, with dwarf raspberry, false mitrewort, marsh fern, rough goldenrod and many other species. Windthrows are common throughout the patch. Fallen, decomposing tree trunks are cover by abundant mosses.
MEADOW MARSH (MAM)	
MAM2-2 Reed-canary Grass Mineral Meadow Marsh	These dense meadows are graminoid monocultures dominated by reed-canary grass, with only small amounts of localized red-top and tall white aster or sensitive fern.
*MAM2-11a,b Mixed Mineral Meadow Marsh	Wet meadows composed of varying mixtures of graminoid and forb species. Based on the dominant plants, the unit could be divided into sub-types "a" and "b". Sub-type "a" is located along Tributary A's floodplain in the north-west corner of the subject lands. The main species are bluejoint, reed-canary grass, red-top, perfoliate thoroughwort, spotted joe-pye weed, spotted touch-me-not, sensitive fern, American stinging nettle, tall white aster and Canada thistle. Sub-type "b" is found in a narrow depression between hedgerows in the south-west corner of the subject lands, where the leading species are reed-canary grass, awnless brome, tall white aster and purple-stemmed aster.

APPENDIX C

Plant Species List

Appendix C - Plant Species List

Scientific Name	Common Name	Family	Establishment Means	Coefficient of Conservatism	Wetness Index	Wetland Plant Species	Weediness Index	Provincial Status	SARO Status	COSEWIC Status	Global Status
<i>Athyrium filix-femina angustum</i>	northeastern lady fern	Athyriaceae	native		4	0 T		-?			-?
<i>Cystopteris bulbifera</i>	bulblet bladder fern	Cystopteridaceae	native		5	-2 T		S5			G5
<i>Pteridium aquilinum latiusculum</i>	eastern bracken fern	Dennstaedtiaceae	native		2	3		S5			G5
<i>Dryopteris carthusiana</i>	spinulose wood fern	Dryopteridaceae	native		5	-2 T		S5			G5
<i>Dryopteris cristata</i>	crested wood fern	Dryopteridaceae	native		7	-5 I		S5			G5
<i>Dryopteris marginalis</i>	marginal wood fern	Dryopteridaceae	native		5	3		S5			G5
<i>Polystichum acrostichoides</i>	Christmas fern	Dryopteridaceae	native		5	5		S5			G5
<i>Equisetum arvense</i>	field horsetail	Equisetaceae	native		0	0 T		S5			G5
<i>Equisetum hyemale affine</i>	common scouring-rush	Equisetaceae	native		2	-2 T		S5			G5
<i>Equisetum pratense</i>	meadow horsetail	Equisetaceae	native		8	-3		S5			G5
<i>Matteuccia struthiopteris pensylvanica</i>	ostrich fern	Onocleaceae	native		5	-3 T		S5			G5
<i>Onoclea sensibilis</i>	sensitive fern	Onocleaceae	native		4	-3 I		S5			G5
<i>Osmundastrum cinnamomeum</i>	cinnamon fern	Osmundaceae	native		7	-3 I		S5			G5
<i>Adiantum pedatum</i>	northern maidenhair fern	Pteridaceae	native		7	1		S5			G5
<i>Thelypteris palustris pubescens</i>	eastern marsh fern	Thelypteridaceae	native		5	-4 I		S5			G5
<i>Thuja occidentalis</i>	eastern white cedar	Cupressaceae	native		4	-3 T		S5			G5
<i>Abies balsamea</i>	balsam fir	Pinaceae	native		5	-3 T		S5			G5
<i>Larix decidua</i>	European larch	Pinaceae	introduced			5		-1 SE2			G5
<i>Larix laricina</i>	tamarack	Pinaceae	native		7	-3 I		S5			G5
<i>Pinus resinosa</i>	red pine	Pinaceae	native		8	3		S5			G5
<i>Pinus strobus</i>	eastern white pine	Pinaceae	native		4	3 T		S5			G5
<i>Pinus sylvestris sylvestris</i>	Scotch pine	Pinaceae	introduced			5		-3 SE5			GNR
<i>Tsuga canadensis</i>	eastern hemlock	Pinaceae	native		7	3 T		S5			G5
<i>Sambucus canadensis</i>	common elderberry	Adoxaceae	native		5	-2 T		S5			G5T5
<i>Sambucus racemosa pubens</i>	red elderberry	Adoxaceae	native		5	2		S5			G5
<i>Viburnum lentago</i>	nannyberry	Adoxaceae	native		4	-1 T		S5			G5
<i>Viburnum sp.</i>		Adoxaceae									
<i>Amaranthus albus</i>	white amaranth	Amaranthaceae	introduced			3		-1 SE5			GNR
<i>Amaranthus retroflexus</i>	redroot amaranth	Amaranthaceae	introduced			2		-1 SE5			GNR
<i>Chenopodium album</i>	common lamb's-quarters	Amaranthaceae	introduced	-?	-?	-?	-?	SE5			G5
<i>Rhus typhina</i>	staghorn sumac	Anacardiaceae	native		1	5		S5			G5
<i>Toxicodendron radicans radicans</i>	eastern poison ivy	Anacardiaceae	native		5	-1 T		S5			G5
<i>Toxicodendron radicans rydbergii</i>	western poison ivy	Anacardiaceae	native		5	-1 T		S5			G5
<i>Cicuta bulbifera</i>	bulbous water-hemlock	Apiaceae	native		5	-5 I		S5			G5
<i>Cicuta maculata maculata</i>	spotted water-hemlock	Apiaceae	native		6	-5 I		-?			-?
<i>Daucus carota</i>	wild carrot	Apiaceae	introduced			5		-2 SE5			GNR
<i>Osmorhiza claytonii</i>	hairy sweet cicely	Apiaceae	native		5	4		S5			G5
<i>Sium suave</i>	common water-parsnip	Apiaceae	native		4	-5 I		S5			G5
<i>Asclepias incarnata incarnata</i>	swamp milkweed	Apocynaceae	native		6	-5 I		S5			G5
<i>Asclepias syriaca</i>	common milkweed	Apocynaceae	native		0	5		S5			G5
<i>Vinca minor</i>	lesser periwinkle	Apocynaceae	introduced			5		-2 SE5			GNR
<i>Ilex verticillata</i>	common winterberry	Aquifoliaceae	native	-?	-?	-?	-?	S5			G5
<i>Aralia nudicaulis</i>	wild sarsaparilla	Araliaceae	native		4	3		S5			G5
<i>Aralia racemosa racemosa</i>	American spikenard	Araliaceae	native		7	5		S5			G4G5
<i>Hydrocotyle americana</i>	American water pennywort	Araliaceae	native		7	-5 I		S5			G5
<i>Asarum canadense</i>	Canada wild ginger	Aristolochiaceae	native		6	5		S5			G5
<i>Achillea millefolium</i>	common yarrow	Asteraceae	introduced		0	3		SE			G5
<i>Ageratina altissima altissima</i>	common white snakeroot	Asteraceae	native		5	3 T		S5			G5
<i>Arctium lappa</i>	great burdock	Asteraceae	introduced			-?		SE5			GNR
<i>Arctium minus</i>	common burdock	Asteraceae	introduced			5		-2 SE5			GNR
<i>Artemisia biennis</i>	biennial wormwood	Asteraceae	introduced			-2		-1 SE5			G5
<i>Bidens cernua</i>	nodding beggarticks	Asteraceae	native		2	-5 I		S5			G5
<i>Bidens frondosa</i>	devil's beggarticks	Asteraceae	native		3	-3 I		S5			G5
<i>Bidens vulgata</i>	tall beggarticks	Asteraceae	native		5	-3 T		S5			G5
<i>Carduus acanthoides acanthoides</i>	spiny plumeless thistle	Asteraceae	introduced			5		-1 SE5			GNR
<i>Carduus nutans nutans</i>	nodding thistle	Asteraceae	introduced			5		-1 SNA			-?
<i>Centaurea nigra</i>	black knapweed	Asteraceae	introduced			-?		SE5?			GNR
<i>Cirsium arvense</i>	Canada thistle	Asteraceae	introduced			3		-1 SE5			GNR
<i>Cirsium vulgare</i>	bull thistle	Asteraceae	introduced			4		-1 SE5			GNR
<i>Erigeron canadensis</i>	Canada horseweed	Asteraceae	native	-?	-?	-?	-?	S5			G5
<i>Erigeron strigosus strigosus</i>	rough fleabane	Asteraceae	native		0	1		S5			G5
<i>Eupatorium perfoliatum</i>	common boneset	Asteraceae	native		2	-4 I		S5			G5
<i>Eurybia macrophylla</i>	large-leaved aster	Asteraceae	native		5	5		S5			G5
<i>Euthamia graminifolia</i>	grass-leaved goldenrod	Asteraceae	native		2	-2		S5			G5
<i>Eutrochium maculatum maculatum</i>	spotted Joe Pye weed	Asteraceae	native		3	-5 I		-?			-?
<i>Inula helenium</i>	elecampane	Asteraceae	introduced			5 T		-2 SE5			GNR
<i>Lactuca biennis</i>	tall blue lettuce	Asteraceae	native		6	0		S5			G5
<i>Lactuca serriola</i>	prickly lettuce	Asteraceae	introduced			0		-1 SE5			GNR
<i>Matricaria discoidea</i>	pineappleweed	Asteraceae	introduced			-?		SE5			G5
<i>Pilosella officinarum</i>	mouse-ear hawkweed	Asteraceae	introduced			5		-1 SE5			GNR
<i>Pilosella piloselloides praealta</i>	king devil hawkweed	Asteraceae	introduced			-?		-?			-?
<i>Pilosella sp.</i>		Asteraceae									
<i>Solidago altissima altissima</i>	tall goldenrod	Asteraceae	native		1	3		-?			-?
<i>Solidago caesia caesia</i>	blue-stemmed goldenrod	Asteraceae	native		5	3		S5			G5
<i>Solidago canadensis canadensis</i>	Canada goldenrod	Asteraceae	native		1	3		-?			-?
<i>Solidago flexicaulis</i>	zigzag goldenrod	Asteraceae	native		6	3		S5			G5
<i>Solidago nemoralis nemoralis</i>	grey-stemmed goldenrod	Asteraceae	native		2	5		-?			-?
<i>Solidago patula</i>	rough-leaved goldenrod	Asteraceae	native		8	-5 I		S5			G5
<i>Solidago rugosa rugosa</i>	rough-stemmed goldenrod	Asteraceae	native		4	-1 T		-?			-?
<i>Sonchus asper</i>	prickly sow-thistle	Asteraceae	introduced			0		-1 SE5			GNR
<i>Symphotrichum cordifolium</i>	heart-leaved aster	Asteraceae	native		5	5		S5			G5
<i>Symphotrichum ericoides ericoides</i>	white heath aster	Asteraceae	native			-?		-?			-?
<i>Symphotrichum lanceolatum lanceolatum</i>	white panicled aster	Asteraceae	native		3	-3 I		-?			-?
<i>Symphotrichum lateriflorum lateriflorum</i>	calico aster	Asteraceae	native		3	-2 T		S5			G5
<i>Symphotrichum novae-angliae</i>	New England aster	Asteraceae	native		2	-3		S5			G5
<i>Symphotrichum puniceum puniceum</i>	purple-stemmed aster	Asteraceae	native		6	-5 I		S5			G5
<i>Symphotrichum urophyllum</i>	arrow-leaved aster	Asteraceae	native		6	5		S4			G4G5
<i>Taraxacum officinale</i>	common dandelion	Asteraceae	introduced			3		-2 SE5			G5
<i>Tragopogon dubius</i>	yellow goatsbeard	Asteraceae	introduced			5		-1 SE5			GNR
<i>Tragopogon pratensis</i>	meadow goatsbeard	Asteraceae	introduced			5		-1 SE5			GNR
<i>Tripleurospermum inodorum</i>	scentless chamomile	Asteraceae	introduced			5		-1 SE			GNR
<i>Tussilago farfara</i>	coltsfoot	Asteraceae	introduced			3 T		-2 SE5			GNR
<i>Impatiens capensis</i>	spotted jewelweed	Balsaminaceae	native		4	-3 I		S5			G5
<i>Berberis thunbergii</i>	Japanese barberry	Berberidaceae	introduced			4		-3 SE5			GNR
<i>Caulophyllum thalictroides</i>	blue cohosh	Berberidaceae	native			-?		S5			G4G5
<i>Podophyllum peltatum</i>	May-apple	Berberidaceae	native		5	3		S5			G5
<i>Alnus incana rugosa</i>	speckled alder	Betulaceae	native		6	-5 I		S5			G5
<i>Betula alleghaniensis</i>	yellow birch	Betulaceae	native		6	0 T		S5			G5
<i>Betula papyrifera</i>	paper birch	Betulaceae	native			2 T		S5			G5
<i>Carpinus caroliniana virginiana</i>	blue-beech	Betulaceae	native		6	0 T		S5			G5
<i>Ostrya virginiana</i>	ironwood	Betulaceae	native		4	4		S5			G5
<i>Echium vulgare</i>	common viper's bugloss	Boraginaceae	introduced			5		-2 SE5			GNR
<i>Hydrophyllum virginianum virginianum</i>	Virginia waterleaf	Boraginaceae	native		6	-2		S5			G5
<i>Myosotis laxa</i>	small forget-me-not	Boraginaceae	native		6	-5 I		S5			G5
<i>Alliaria petiolata</i>	garlic mustard	Brassicaceae	introduced			0		-3 SE5			GNR
<i>Barbarea vulgaris</i>	bitter wintercress	Brassicaceae	introduced			0		-1 SE5			GNR
<i>Capsella bursa-pastoris</i>	common shepherd's purse	Brassicaceae	introduced			1		-1 SE5			GNR
<i>Cardamine concatenata</i>	cut-leaved toothwort	Brassicaceae	native		6	3		S5			G5
<i>Cardamine diphyllo</i>	two-leaved toothwort	Brassicaceae	native		7	5		S5			G5
<i>Erucastrum gallicum</i>	common dog mustard	Brassicaceae	introduced			5		-1 SE5			G5
<i>Erysimum cheiranthoides</i>	wormseed wallflower	Brassicaceae	introduced	-?	-?	-?	-?	SE5			G5
<i>Lepidium densiflorum</i>	common peppergrass	Brassicaceae	introduced			0		-2 SE5			G5
<i>Sisymbrium officinale</i>	common tumble mustard	Brassicaceae	introduced			5		-1 SE5			GNR
<i>Turritis glabra</i>	tower mustard	Brassicaceae	native		4	5		S5			G5

Appendix C - Plant Species List

Scientific Name	Common Name	Family	Establishment Means	Coefficient of Conservatism	Wetness Index	Wetland Plant Species	Weediness Index	Provincial Status	SARO Status	COSEWIC Status	Global Status
Lobelia inflata	Indian tobacco	Campanulaceae	native	3	4			S5			G5
Dipsacus fullonum	common teasel	Caprifoliaceae	introduced		5		-1	SE5			GNR
Linnaea borealis longiflora	long-tube twinflower	Caprifoliaceae	native	7	0	T		S5			G5
Lonicera tatarica	Tartarian honeysuckle	Caprifoliaceae	introduced		3		-3	SE5			GNR
Triosteum aurantiacum	orange-fruit horse-gentian	Caprifoliaceae	native	7	5			S5			G5
Arenaria serpyllifolia serpyllifolia	thyme-leaved sandwort	Caryophyllaceae	introduced		0		-2	SE5			GNR
Cerastium fontanum vulgare	common mouse-ear chickweed	Caryophyllaceae	introduced		3		-1	SE5			GNR
Dianthus armeria armeria	Deptford pink	Caryophyllaceae	introduced		5		-1	SE5			GNR
Silene latifolia	white campion	Caryophyllaceae	introduced		-?			SE5			GNR
Silene vulgaris	bladder campion	Caryophyllaceae	introduced		-?			SE5			GNR
Stellaria graminea	grass-leaved starwort	Caryophyllaceae	introduced		5	T	-2	SE5			GNR
Stellaria media	common chickweed	Caryophyllaceae	introduced		3		-1	SE5			GNR
Euonymus obovatus	running strawberry bush	Celastraceae	native	-?	-?	-?	-?	S5			G5
Convolvulus arvensis	field bindweed	Convolvulaceae	introduced		5		-1	SE5			GNR
Cornus alternifolia	alternate-leaved dogwood	Cornaceae	native		6	5		S5			G5
Cornus obliqua	pale dogwood	Cornaceae	native	-?	-?	-?	-?	S5			-?
Cornus racemosa	grey dogwood	Cornaceae	native	-?	-?	-?	-?	S5			G5?
Cornus rugosa	round-leaved dogwood	Cornaceae	native		6	5		S5			G5
Cornus stolonifera	red-osier dogwood	Cornaceae	native		2	-3	I*	S5			G5
Echinocystis lobata	wild cucumber	Cucurbitaceae	native		3	-2	T	S5			G5
Elaeagnus angustifolia	Russian olive	Elaeagnaceae	introduced		4		-1	SE3			GNR
Acalypha rhomboidea	common three-seed mercury	Euphorbiaceae	native	0	3			S5			G5
Lotus corniculatus	garden bird's-foot trefoil	Fabaceae	introduced		1		-2	SE5			GNR
Medicago lupulina	black medick	Fabaceae	introduced		1		-1	SE5			GNR
Medicago sativa sativa	alfalfa	Fabaceae	introduced		5		-1	SE5			GNR
Melilotus albus	white sweet-clover	Fabaceae	introduced		3		-3	SE5			G5
Melilotus officinalis	yellow sweet-clover	Fabaceae	introduced		3		-1	SE5			GNR
Trifolium pratense	red clover	Fabaceae	introduced		2		-2	SE5			GNR
Vicia cracca	tufted vetch	Fabaceae	introduced		5		-1	SE5			GNR
Vicia tetrasperma	four-seed vetch	Fabaceae	introduced		5		-1	SE5			GNR
Fagus grandifolia	American beech	Fagaceae	native		6	3		S4			G5
Quercus alba	white oak	Fagaceae	native		6	3		S5			G5
Quercus macrocarpa	bur oak	Fagaceae	native		5	1	T	S5			G5
Gentiana andrewsii andrewsii	Andrews' gentian	Gentianaceae	native		6	-3	T	S4			G5?
Geranium robertianum	herb-Robert	Geraniaceae	native		5		-2	S5			G5
Ribes americanum	wild black currant	Grossulariaceae	native		4	-3	T	S5			G5
Ribes cynosbati	eastern prickly gooseberry	Grossulariaceae	native		4	5		S5			G5
Ribes triste	swamp red currant	Grossulariaceae	native		6	-5	I	S5			G5
Hypericum perforatum perforatum	common St. John's-wort	Hypericaceae	introduced		5		-3	SE5			GNR
Carya cordiformis	bitternut hickory	Juglandaceae	native		6	0		S5			G5
Juglans cinerea	butternut	Juglandaceae	native		6	2		S3?	END	END	G4
Juglans nigra	black walnut	Juglandaceae	native		5	3		S4			G5
Clinopodium vulgare	wild basil	Lamiaceae	native		4	5		S5			G5
Glechoma hederacea	ground-ivy	Lamiaceae	introduced		5		-2	SE5			GNR
Leonurus cardiaca cardiaca	common motherwort	Lamiaceae	introduced		5		-2	SE5			GNR
Lycopus americanus	American water-horehound	Lamiaceae	native		4	-5	I	S5			G5
Lycopus uniflorus	northern water-horehound	Lamiaceae	native		5	-5	I	S5			G5
Mentha sp.		Lamiaceae									
Origanum vulgare	wild marjoram	Lamiaceae	introduced		5		-2	SE5			GNR
Prunella vulgaris lanceolata	lance-leaved self-heal	Lamiaceae	native		5	5	T	-?			-?
Lindera benzoin	northern spicebush	Lauraceae	native		6	-2	T	S5			G5
Lindernia dubia	slender false pimpernel	Linderniaceae	native	-?	-?	-?	-?	-?			-?
Lythrum salicaria	purple loosestrife	Lythraceae	introduced		-5	I	-3	SE5			G5
Malva neglecta	dwarf mallow	Malvaceae	introduced		5		-1	SE5			GNR
Tilia americana	basswood	Malvaceae	native		4	3		S5			G5
Menispermum canadense	Canada moonseed	Menispermaceae	native		7	0	T	S4			G5
Fraxinus americana	white ash	Oleaceae	native		4	3		S4			G5
Fraxinus nigra	black ash	Oleaceae	native		7	-4	I	S4		THR-NS	G5
Fraxinus pennsylvanica	red ash	Oleaceae	native		3	-3	T	S4			G5
Syringa vulgaris	common lilac	Oleaceae	introduced		5		-2	SE5			GNR
Circaea alpina alpina	small enchanter's nightshade	Onagraceae	native		6	-3	I*	S5			G5
Circaea canadensis canadensis	Canada enchanter's nightshade	Onagraceae	native		3	3		S5			G5T5
Epilobium hirsutum	hairy willowherb	Onagraceae	introduced		-4	I	-2	SE5			GNR
Ludwigia palustris	marsh seedbox	Onagraceae	native		5	-5	I	S5			G5
Oenothera biennis	common evening primrose	Onagraceae	native		0	3		S5			G5
Oenothera parviflora	small-flowered evening primrose	Onagraceae	native		1	3		S5			G4?
Oxalis stricta	European wood-sorrel	Oxalidaceae	introduced		0	3		S5			G5
Dicentra canadensis	squirrel-corn	Papaveraceae	native		7	5		S5			G5
Sanguinaria canadensis	bloodroot	Papaveraceae	native		5	4		S5			G5
Penthorum sedoides	ditch stonecrop	Penthoraceae	native		4	-5	I	S5			G5
Mimulus ringens ringens	square-stemmed monkeyflower	Phrymaceae	native		6	-5	I	S5			G5
Phryma leptostachya leptostachya	slender-spiked lopseed	Phrymaceae	native		6	5		S4S5			G5
Chelone glabra	white turtlehead	Plantaginaceae	native		7	-5	I	S5			G5
Linaria vulgaris	butter-and-eggs	Plantaginaceae	introduced		5		-1	SE5			GNR
Penstemon digitalis	foxglove beardtongue	Plantaginaceae	introduced		6	1		S4S5			G5
Plantago lanceolata	English plantain	Plantaginaceae	introduced		0		-1	SE5			G5
Plantago rugelii	Rugel's plantain	Plantaginaceae	native		1	0		S5			G5
Veronica anagallis-aquatica	water speedwell	Plantaginaceae	introduced		-5	I	-1	SE5			G5
Veronica officinalis	common speedwell	Plantaginaceae	introduced		5		-2	SE5			G5
Veronica serpyllifolia	northern speedwell	Plantaginaceae	native	-?	-?	-?	-?	-?			-?
Phlox drummondii	Drummond's phlox	Polemoniaceae	introduced	-?	-?	-?	-?	SEH			G5
Fallopia convolvulus	Eurasian black bindweed	Polygonaceae	introduced		1		-1	SE5			GNR
Persicaria lapathifolia	pale smartweed	Polygonaceae	native		2	-4	T	S5			G5
Persicaria maculosa	spotted lady's-thumb	Polygonaceae	introduced		-3	T	-1	SE5			G3G5
Polygonum sp.		Polygonaceae									
Rumex crispus	curled dock	Polygonaceae	introduced	-?	-?	-?	-?	SE5			GNR
Lysimachia ciliata	fringed yellow loosestrife	Primulaceae	native		4	-3	T	S5			G5
Lysimachia nummularia	creeping yellow loosestrife	Primulaceae	introduced		-4		-3	SE5			GNR
Lysimachia thysiflora	tufted yellow loosestrife	Primulaceae	native		7	-5	I	S5			G5
Actaea pachypoda	white baneberry	Ranunculaceae	native		6	5		S5			G5
Anemone acutiloba	sharp-lobed hepatica	Ranunculaceae	native		6	5		S5			G5
Anemone canadensis	Canada anemone	Ranunculaceae	native		3	-3	T	S5			G5
Anemone cylindrica	long-headed anemone	Ranunculaceae	native		7	5		S4			G5
Anemone virginiana virginiana	Virginia anemone	Ranunculaceae	native		4	5		-?			-?
Aquilegia canadensis	red columbine	Ranunculaceae	native		5	1		S5			G5
Caltha palustris	yellow marsh marigold	Ranunculaceae	native		5	-5	I	S5			G5
Clematis virginiana	Virginia clematis	Ranunculaceae	native		3	0	T	0	S5		G5
Ranunculus abortivus	kidney-leaved buttercup	Ranunculaceae	native		2	-2		S5			G5
Ranunculus acris	common buttercup	Ranunculaceae	introduced		-?	T	-2	SE5			G5
Ranunculus recurvatus recurvatus	hooked buttercup	Ranunculaceae	native		4	-3		S5			G5
Thalictrum dioicum	early meadow-rue	Ranunculaceae	native		5	2		S5			G5
Thalictrum pubescens	tall meadow-rue	Ranunculaceae	native		5	-2	T	S5			G5
Rhamnus alnifolia	alder-leaved buckthorn	Rhamnaceae	native		7	-5	I	S5			G5
Rhamnus cathartica	European buckthorn	Rhamnaceae	introduced		3	T	-3	SE5			GNR
Agrimonia gryposepala	hooked agrimony	Rosaceae	native		2	2		S5			G5
Crataegus sp.		Rosaceae									
Fragaria vesca vesca	woodland strawberry	Rosaceae	introduced		4	4		S5			G5
Fragaria virginiana virginiana	wild strawberry	Rosaceae	native		2	1		S5			G5
Geum aleppicum	yellow avens	Rosaceae	native		2	-1	T	S5			G5
Geum canadense	white avens	Rosaceae	native		3	0	T	S5			G5
Geum fragarioides	barren strawberry	Rosaceae	native		5	5		S5			G5
Potentilla argentea	silvery cinquefoil	Rosaceae	introduced		3		-2	SE5			GNR
Potentilla norvegica	rough cinquefoil	Rosaceae	native		0	0	T	S5			G5
Potentilla recta	sulphur cinquefoil	Rosaceae	introduced		5		-2	SE5			GNR

Appendix C - Plant Species List

Scientific Name	Common Name	Family	Establishment Means	Coefficient of Conservatism	Wetness Index	Wetland Plant Species	Weediness Index	Provincial Status	SARO Status	COSEWIC Status	Global Status
Prunus armeniaca	-?	Rosaceae	-?	0	0		0	SEH			G5
Prunus pensylvanica	pin cherry	Rosaceae	native	3	4			S5			G5
Prunus serotina serotina	black cherry	Rosaceae	native	3	3			S5			G5
Prunus virginiana virginiana	chokecherry	Rosaceae	native	2	1			S5			G5
Rubus allegheniensis	Alleghany blackberry	Rosaceae	native	2	2			S5			G5
Rubus idaeus idaeus	red raspberry	Rosaceae	introduced	-?				SNA			-?
Rubus occidentalis	black raspberry	Rosaceae	native	2	5			S5			G5
Rubus pubescens	dewberry	Rosaceae	native	4	-4	I*		S5			G5
Spiraea alba alba	white meadowsweet	Rosaceae	native	3	-4	I		S5			G5
Galium aparine	common bedstraw	Rubiaceae	native	4	3			S5			G5
Galium palustre	common marsh bedstraw	Rubiaceae	native	5	-5	I		S5			G5
Galium triflorum	three-flowered bedstraw	Rubiaceae	native	4	2			S5			G5
Zanthoxylum americanum	common prickly-ash	Rutaceae	native	3	5			S5			G5
Populus alba	white poplar	Salicaceae	introduced		5		-3	SE5			G5
Populus balsamifera	balsam poplar	Salicaceae	native	4	-3	T		S5			G5
Populus deltoides monilifera	plains cottonwood	Salicaceae	native	-?				-?			-?
Populus grandidentata	large-toothed aspen	Salicaceae	native	5	3			S5			G5
Populus tremuloides	trembling aspen	Salicaceae	native		0	T		S5			G5
Salix bebbiana	Bebb's willow	Salicaceae	native	-?	-?	-?	-?	S5			G5
Salix eriocephala	cottony willow	Salicaceae	native	-?	-?	-?	-?	S5			G5
Salix petiolaris	meadow willow	Salicaceae	native	-?	-?	-?	-?	S5			G5
Salix purpurea	purple willow	Salicaceae	introduced	-?	-?	-?	-?	SE4			G5
Salix sp.		Salicaceae									
Acer xfreemanii	Freeman maple	Sapindaceae	native	-?	-?	-?	-?	-?			-?
Acer nigrum	black maple	Sapindaceae	native	7	3			S4?			G5
Acer rubrum	red maple	Sapindaceae	native	4	0	T		S5			G5
Acer saccharinum	silver maple	Sapindaceae	native	5	-3	I		S5			G5
Acer saccharum	sugar maple	Sapindaceae	native	4	3			S5			G5
Acer tataricum ginnala	Amur maple	Sapindaceae	introduced		5		-2	SE1			GNR
Mitella diphylla	two-leaved mitrewort	Saxifragaceae	native	5	2	T		S5			G5
Mitella nuda	naked mitrewort	Saxifragaceae	native	6	-3	I*		S5			G5
Tiarella cordifolia	heart-leaved foamflower	Saxifragaceae	native	6	1	T		S5			G5
Verbasicum thapsus thapsus	-?	Scrophulariaceae	introduced		5		-2	SE5			GNR
Physalis heterophylla	clammy ground-cherry	Solanaceae	native	3	5			S4			G5
Solanum dulcamara	bittersweet nightshade	Solanaceae	introduced		0	T	-2	SE5			GNR
Dirca palustris	eastern leatherwood	Thymelaeaceae	native	7	0			S4?			G4
Ulmus americana	white elm	Ulmaceae	native	3	-2	T		S5			G5?
Boehmeria cylindrica	small-spike false nettle	Urticaceae	native	4	-5	I		S5			G5
Laportea canadensis	Canada wood nettle	Urticaceae	native	6	-3	T		S5			G5
Urtica dioica gracilis	slender stinging nettle	Urticaceae	native	2	-1	T		-?			-?
Verbena hastata	blue vervain	Verbenaceae	native	4	-4	I		S5			G5
Verbena urticifolia	white vervain	Verbenaceae	native	4	-1	T		S5			G5
Viola arvensis	European field pansy	Violaceae	introduced		-?			SE4			GNR
Viola canadensis canadensis	Canada violet	Violaceae	native	-?				-?			-?
Viola pubescens pubescens	downy yellow violet	Violaceae	native	-?				-?			-?
Viola sororia	northern woodland violet	Violaceae	native	-?		T		S5			G5
Parthenocissus sp.		Vitaceae									
Vitis riparia	riverbank grape	Vitaceae	native	0	-2			S5			G5
Alisma sp.		Alismataceae									
Sagittaria latifolia	broad-leaved arrowhead	Alismataceae	native	4	-5	I		S5			G5
Allium tricoccum tricoccum	wild leek	Amaryllidaceae	native	7	2			-?			-?
Arisaema triphyllum triphyllum	Jack-in-the-pulpit	Araceae	native	5	-2	T		S5			G5
Lemna minor	small duckweed	Araceae	native	2	-5	I		S5			G5
Asparagus officinalis	garden asparagus	Asparagaceae	introduced		3		-1	SE5			G5?
Convallaria majalis majalis	European lily-of-the-valley	Asparagaceae	introduced		5		-2	SE5			G5
Maianthemum canadense canadense	wild lily-of-the-valley	Asparagaceae	native	5	0			S5			G5
Maianthemum racemosum racemosum	large false Solomon's seal	Asparagaceae	native	4	3			S5			G5
Maianthemum stellatum	star-flowered false Solomon's seal	Asparagaceae	native	6	1			S5			G5
Polygonatum pubescens	hairy Solomon's seal	Asparagaceae	native	8	3			S5			G5
Uvularia grandiflora	large-flowered bellwort	Colchicaceae	native	6	5			S5			G5
Carex aquatilis substricta	calcareous water sedge	Cyperaceae	native	0	0	I	0	-?			-?
Carex bebbii	Bebb's sedge	Cyperaceae	native	3	-5	I		S5			G5
Carex blanda	woodland sedge	Cyperaceae	native	3	0			S5			G5?
Carex comosa	bearded sedge	Cyperaceae	native	-?	-?	-?	-?	S5			G5
Carex crinita crinita	fringed sedge	Cyperaceae	native	6	-4	I		S5			G5
Carex deweyana deweyana	Dewey's sedge	Cyperaceae	native	6	4			S5			G5
Carex disperma	two-seeded sedge	Cyperaceae	native	-?	-?	-?	-?	S5			G5
Carex flava	yellow sedge	Cyperaceae	native	5	-5	I		S5			G5
Carex gracillima	graceful sedge	Cyperaceae	native	4	3	T		S5			G5
Carex granularis	limestone meadow sedge	Cyperaceae	native	-?	-?	-?	-?	S5			G5
Carex hystericina	porcupine sedge	Cyperaceae	native	5	-5	I		S5			G5
Carex intumescens	bladder sedge	Cyperaceae	native	6	-4	I		S5			G5
Carex lupulina	hop sedge	Cyperaceae	native	6	-5	I		S5			G5
Carex normalis	larger straw sedge	Cyperaceae	native	6	-3	T		S4			G5
Carex pedunculata	long-stalked sedge	Cyperaceae	native	5	5			S5			G5
Carex pennsylvanica	Pennsylvania sedge	Cyperaceae	native	5	5			S5			G5
Carex plantaginea	plantain-leaved sedge	Cyperaceae	native	7	5			S5			G5
Carex radiata	eastern star sedge	Cyperaceae	native	-?	-?	-?	-?	S4			G4
Carex retrorsa	retorse sedge	Cyperaceae	native	5	-5	I		S5			G5
Carex rosea	rosy sedge	Cyperaceae	native	-?	-?	-?	-?	S5			G5
Carex sp.		Cyperaceae									
Carex spicata	spiked sedge	Cyperaceae	introduced		5		-1	SE5			GNR
Carex stipata stipata	awl-fruited sedge	Cyperaceae	native	3	-5	I		S5			G5
Carex stricta	tussock sedge	Cyperaceae	native	4	-5	I		S5			G5
Carex tenera	tender sedge	Cyperaceae	native	-?	-?	-?	-?	S5			G5
Carex trisperma	three-seeded sedge	Cyperaceae	native	-?	-?	I		S5			G5
Carex vulpinoidea	fox sedge	Cyperaceae	native	3	-5	I		S5			G5
Eleocharis acicularis	needle spikerush	Cyperaceae	native	5	-5	I		S5			G5
Eleocharis sp.		Cyperaceae									
Scirpus atrocinctus	black-girdled bulrush	Cyperaceae	native	0	0	I	0	S5			G5
Scirpus cyperinus	common woolly bulrush	Cyperaceae	native	4	-5	I		S5			G5
Scirpus pendulus	hanging bulrush	Cyperaceae	native	3	-5	I		S5			G5
Elodea canadensis	Canada waterweed	Hydrocharitaceae	native	4	-5	I		S5			G5
Iris versicolor	harlequin blue flag	Iridaceae	native	5	-5	I		S5			G5
Juncus bufonius	toad rush	Juncaceae	native	1	-4	T		S5			-?
Juncus dudleyi	Dudley's rush	Juncaceae	native	1	0	T		S5			G5
Juncus tenuis	path rush	Juncaceae	native	0	0			S5			G5
Erythronium americanum americanum	yellow trout lily	Liliaceae	native	5	5			S5			G5
Lilium philadelphicum	wood lily	Liliaceae	native	8	1			S5			G5
Trillium erectum	red trillium	Melanthiaceae	native	6	1			S5			G5
Trillium grandiflorum	white trillium	Melanthiaceae	native	5	5			S5			G5
Epipactis helleborine	broad-leaved helleborine	Orchidaceae	introduced		5		-2	SE5			GNR
Liparis loeselii	Loesel's twayblade	Orchidaceae	native	5	-4	I		S4S5			G5
Platanthera hyperborea	leafy northern green orchid	Orchidaceae	native	5	-?	I		S4S5			G5
Agrostis gigantea	redtop	Poaceae	introduced		-3	T		SE5			G4G5
Agrostis stolonifera	creeping bentgrass	Poaceae	introduced		-3	T		SE5			G5
Bromus inermis	smooth brome	Poaceae	introduced		5		-3	SE5			G5TNR
Calamagrostis canadensis canadensis	bluejoint reedgrass	Poaceae	native	4	-5	I		S5			G5
Cinna arundinacea	stout woodreed	Poaceae	native	7	-3	T		S4			G5
Dactylis glomerata	orchard grass	Poaceae	introduced		3		-1	SE5			GNR
Digitaria ischaemum	smooth crabgrass	Poaceae	introduced		3		-1	SE5			GNR
Digitaria sanguinalis	hairy crabgrass	Poaceae	introduced		3		-1	SE5			G5
Echinochloa crus-galli	large barnyard grass	Poaceae	introduced		-3	T		SE5			GNR
Elymus hystrix	bottlebrush grass	Poaceae	native	5	5			S5			G5

Scientific Name	Common Name	Family	Establishment Means	Coefficient of Conservatism	Wetness Index	Wetland Plant Species	Weediness Index	Provincial Status	SARO Status	COSEWIC Status	Global Status
<i>Elymus repens</i>	quackgrass	Poaceae	introduced			3	-3	SE5			GNR
<i>Elymus virginicus virginicus</i>	Virginia wildrye	Poaceae	native	5		-2 T		-?			-?
<i>Eragrostis cilianensis</i>	stinkgrass	Poaceae	introduced			3		-1 SE5			GNR
<i>Festuca sp.</i>		Poaceae									
<i>Glyceria grandis grandis</i>	common tall mannagrass	Poaceae	native	5		-5 I		S4S5			G5
<i>Glyceria septentrionalis septentrionalis</i>	eastern mannagrass	Poaceae	native	8		-5 I		S4			G5
<i>Glyceria striata</i>	ridged mannagrass	Poaceae	native	3		-5 I		S5			G5
<i>Muhlenbergia mexicana mexicana</i>	Mexican muhly	Poaceae	native	1		-3 T		S5			G5
<i>Oryzopsis asperifolia</i>	white-grained mountain rice	Poaceae	native	6		5		S5			G5
<i>Panicum capillare</i>	common panicgrass	Poaceae	native	0		0		S5			G5
<i>Phalaris arundinacea arundinacea</i>	reed canarygrass	Poaceae	native	0		-4 T		S5			G5
<i>Phleum pratense pratense</i>	common timothy	Poaceae	introduced			3		-1 SE5			GNR
<i>Phragmites australis australis</i>	European reed	Poaceae	introduced	0		0 T		0 -?			-?
<i>Poa alsodes</i>	grove bluegrass	Poaceae	native	7		-2		S4			G4G5
<i>Poa compressa</i>	Canada bluegrass	Poaceae	introduced	0		2		SE5			GNR
<i>Poa palustris</i>	fowl bluegrass	Poaceae	native	5		-4 I		S5			G5
<i>Poa pratensis pratensis</i>	Kentucky bluegrass	Poaceae	introduced	0		1		-?			-?
<i>Schizachne purpurascens purpurascens</i>	purple false melic	Poaceae	native	6		2		S5			G5
<i>Setaria pumila pumila</i>	yellow foxtail	Poaceae	introduced			0		-1 SE5			GNR
<i>Setaria viridis viridis</i>	green foxtail	Poaceae	introduced			-?		-1 SE5			GNR
<i>Potamogeton natans</i>	floating-leaved pondweed	Potamogetonaceae	native	5		-5 I		S5			G5
<i>Smilax herbacea</i>	herbaceous carrionflower	Smilacaceae	native	-?		-?		-?	S4		G5
<i>Sparganium emersum</i>	green-fruited burreed	Typhaceae	native	5		-5 I		S5			G5
<i>Sparganium eurycarpum</i>	broad-fruited burreed	Typhaceae	native	3		-5 I		S5			G5
<i>Typha angustifolia</i>	narrow-leaved cattail	Typhaceae	introduced	3		-5 I		SE5			G5
<i>Typha latifolia</i>	broad-leaved cattail	Typhaceae	native	3		-5 I		S5			G5

Species Diversity

Vascular Plants Listed:		368	
Identified to species or ssp/var		357	
Identified to Genus (not included in calculations below)		11	
Provincial Status	Total Number	Percentage	
S1-S3 Species:	rare in Ontario	1	0.3%
S4 Species:	uncommon in Ontario	23	6.4%
S5 Species:	common in Ontario	208	58.3%
Other:		101	28.3%
Not listed:		0	0.0%
Not defined ("?-?"):		24	6.7%
Means of Establishment			
Native Species:		250	70.0%
Introduced Species:		106	29.7%
Not listed:		0	0.0%
Not defined ("?-?"):		1	0.3%
Co-efficient of Conservatism (C) and Floristic Quality Index(FQI)			
C 0 to 3	lowest sensitivity	70	19.6%
C 4 to 6	moderate sensitivity	132	37.0%
C 7 to 8	high sensitivity	29	8.1%
C 9 to 10	highest sensitivity	0	0.0%
Not listed:		103	28.9%
Not defined ("?-?"):		23	6.4%
Average C		4.303030303	
FQI		135.6649305	
Presence of Weedy & Invasive Species			
weediness = 0	Not invasive	5	1.4%
weediness = -1	low potential invasiveness	45	12.6%
weediness = -2	moderate potential invasiveness	27	7.6%
weediness = -3	high potential invasiveness	12	3.4%
Not listed:		245	68.6%
Not defined ("?-?"):		23	6.4%
Average weediness		-1.516853933	
Wetness Index			
upland	W of 5	74	20.7%
facultative upland	W of 4, 3 or 2	73	20.4%
facultative	W of 1, 0 or -1	56	15.7%
facultative wetland	W of -2, -3 or -4	63	17.6%
obligate wetland	W of -5	50	14.0%
Not listed:		0	0.0%
Not defined ("?-?"):		41	11.5%
Average wetness value		0.5	
Presence of Wetland (W) Species			
Total Wetland Tolerant (T) Plant Species as identified in OWES Manual		68	19.0%
Total Wetland Indicator (I) Plant Species as identified in OWES Manual		75	21.0%
Not listed:		191	53.5%
Not defined ("?-?"):		23	6.4%

APPENDIX D

Wildlife List

Appendix D - Wildlife List

COMMON NAME	SCIENTIFIC NAME	ONTARIO STATUS	GLOBAL STATUS	SARO	SARA	Local Status Hamilton
ODONATA						
Ebony Jewelwing	<i>Calopteryx maculata</i>	S5	G5			
Violet Dancer	<i>Argia fumipennis violacea</i>	S5	G5T5			
Powdered Dancer	<i>Argia moesta</i>	S5	G5			
Taiga Bluet	<i>Coenagrion resolutum</i>	S5	G5			
Familiar Bluet	<i>Enallagma civile</i>	S5	G5			
Lance-Tipped Darner	<i>Aeshna constricta</i>	S5	G5			
Black-Tipped Darner	<i>Aeshna tuberculifera</i>	S4	G4			
Common Green Darner	<i>Anax junius</i>	S5	G5			
Springtime Darner	<i>Basiaeschna janata</i>	S5	G5			
Common Baskettail	<i>Epitheca cynosura</i>	S5	G5			
Halloween Pennant	<i>Celithemis eponina</i>	S4	G5			
Eastern Pondhawk	<i>Erythemis simplicicollis</i>	S5	G5			
Frosted Whiteface	<i>Leucorrhinia frigida</i>	S5	G5			
Widow Skimmer	<i>Libellula luctuosa</i>	S5	G5			
Twelve-Spotted Skimmer	<i>Libellula pulchella</i>	S5	G5			
Common Whitetail	<i>Plathemis lydia</i>	S5	G5			
Cherry-faced Meadowhawk	<i>Sympetrum internum</i>	S5	G5			
White-faced Meadowhawk	<i>Sympetrum obtrusum</i>	S5	G5			
Black Saddlebags	<i>Tramea lacerata</i>	S4	G5			
BUTTERFLIES						
Dreamy Duskywing	<i>Erynnis icelus</i>	S5	G5			m
Juvenal's Duskywing	<i>Erynnis juvenalis</i>	S5	G5			
Least Skipper	<i>Ancyloxypha numitor</i>	S5	G5			
European Skipper	<i>Thymelicus lineola</i>	SNA	G5			
Leonard's Skipper	<i>Hesperia leonardus</i>	S4	G4			H
Crossline Skipper	<i>Polites origenes</i>	S4	G5			
Hobomok Skipper	<i>Poanes hobomok</i>	S5	G5			
Dun Skipper	<i>Euphyes vestris</i>	S5	G5			
Black Swallowtail	<i>Papilio polyxenes</i>	S5	G5			
Giant Swallowtail	<i>Papilio cresphontes</i>	S3	G5			m
Canadian Tiger Swallowtail	<i>Papilio canadensis</i>	S5	G5			
Eastern Tiger Swallowtail	<i>Papilio glaucus</i>	S5	G5			
West Virginia White	<i>Pieris virginensis</i>	S3	G3G4	SC		m
Cabbage White	<i>Pieris rapae</i>	SNA	G5			
Clouded Sulphur	<i>Colias philodice</i>	S5	G5			
Orange Sulphur	<i>Colias eurytheme</i>	S5	G5			
Coral Hairstreak	<i>Harknclenus titus</i>	S5	G5			m
Banded Hairstreak	<i>Satyrium calanus</i>	S4	G5			
Hickory Hairstreak	<i>Satyrium caryaevorum</i>	S3	G4			m
Striped Hairstreak	<i>Satyrium liparops</i>	S5	G5			
Eastern Tailed Blue	<i>Everes comyntas</i>	S5	G5			
Spring Azure	<i>Celastrina ladon</i>	S5	G5			
Silvery Blue	<i>Glaucopsyche lygdamus</i>	S5	G5			H
Great Spangled Fritillary	<i>Speyeria cybele</i>	S5	G5			
Pearl Crescent	<i>Phyciodes tharos</i>	S4	G5			
Northern Crescent	<i>Phycoides pascoensis</i>	S5	G5			
Question Mark	<i>Polygonia interrogationis</i>	S5	G5			
Eastern Comma	<i>Polygonia comma</i>	S5	G5			
Compton Tortoiseshell	<i>Nymphalis vaualbum</i>	S5	G5			m
Mourning Cloak	<i>Nymphalis antiopa</i>	S5	G5			
Milbert's Tortoiseshell	<i>Nymphalis milberti</i>	S5	G5			H
American Painted Lady	<i>Vanessa virginiensis</i>	S5	G5			
Red-spotted Purple	<i>Limenitis arthemis astyanax</i>	S5	G5T5			
Viceroy	<i>Limenitis archippus</i>	S5	G5			
Northern Pearly Eye	<i>Enodia anthedon</i>	S5	G5			
Little Wood-Satyr	<i>Megisto cymela</i>	S5	G5			
Common Ringlet	<i>Coenonympha tullia</i>	S5	G5			

Appendix D - Wildlife List

COMMON NAME	SCIENTIFIC NAME	ONTARIO STATUS	GLOBAL STATUS	SARO	SARA	Local Status Hamilton
Common Wood-Nymph	<i>Cercyonis pegala</i>	S5	G5			
Monarch	<i>Danaus plexippus</i>	S4B, S2N	G5	SC	SC	
AMPHIBIANS						
Blue-spotted Salamander	<i>Ambystoma laterale</i>	S4	G5			m
Unisexual Ambystoma Blue-spotted Dependent	<i>Ambystoma (2) laterale - jeffersonianum</i>	S4	G5	NAR	NAR	
Spotted Salamander	<i>Ambystoma maculatum</i>	S4	G5			m
American Toad	<i>Anaxyrus americanus</i>	S5	G5			
Tetraploid Gray Treefrog	<i>Hyla versicolor</i>	S5	G5			
Western Chorus Frog (Carolinian)	<i>Pseudacris triseriata</i>	S4	G5	NAR	NAR	
Spring Peeper	<i>Pseudacris crucifer</i>	S5	G5			
Northern Green Frog	<i>Lithobates clamitans</i>	S5	G5			
Pickerel Frog	<i>Lithobates palustris</i>	S4	G5	NAR	NAR	H
Wood Frog	<i>Lithobates sylvatica</i>	S5	G5			
Northern Leopard Frog	<i>Lithobates pipiens</i>	S5	G5	NAR	NAR	
REPTILES						
Snapping Turtle	<i>Chelydra serpentina</i>	S4	G5	SC	SC	
Eastern Gartersnake	<i>Thamnophis sirtalis</i>	S5	G5			
BIRDS						
Canada Goose	<i>Branta canadensis</i>	S5	G5			
Wood Duck	<i>Aix sponsa</i>	S5	G5			m
Mallard	<i>Anas platyrhynchos</i>	S5	G5			
Ruffed Grouse	<i>Bonasa umbellus</i>	S5	G5			m
Wild Turkey	<i>Meleagris gallopava</i>	S5	G5			
Rock Pigeon	<i>Columba livia</i>	SNA	G5			
Mourning Dove	<i>Zenaidura macroura</i>	S5	G5			
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	S5B	G5			m
Eastern Whip-poor-will	<i>Antrostomus vociferus</i>	S4B	G5	THR	THR	H
Ruby-throated Hummingbird	<i>Archilochus colubris</i>	S5B	G5			m
Killdeer	<i>Charadrius vociferus</i>	S5B, S5N	G5			
American Woodcock	<i>Scolopax minor</i>	S4B	G5			
Herring Gull	<i>Larus argentatus</i>	S5B, S5N	G5			m
Turkey Vulture	<i>Cathartes aura</i>	S5B	G5			m
Broad-winged Hawk	<i>Buteo platypterus</i>	S5B	G5			H
Red-tailed Hawk	<i>Buteo jamaicensis</i>	S5	G5	NAR	NAR	
Eastern Screech-Owl	<i>Megascops asio</i>	S5	G5	NAR	NAR	m
Belted Kingfisher	<i>Megaceryle alcyon</i>	S4B	G5			m
Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i>	S5B	G5			H
Downy Woodpecker	<i>Dryobates pubescens</i>	S5	G5			
Hairy Woodpecker	<i>Dryobates villosus</i>	S5	G5			m
Northern Flicker	<i>Colaptes auratus</i>	S4B	G5			
Pileated Woodpecker	<i>Dryocopus pileatus</i>	S5	G5			m
American Kestrel	<i>Falco sparverius</i>	S4	G5			m
Eastern Wood-Pewee	<i>Contopus virens</i>	S4B	G5	SC	SC	
Alder Flycatcher	<i>Empidonax alnorum</i>	S5B	G5			m
Willow Flycatcher	<i>Empidonax traillii</i>	S5B	G5			
Great Crested Flycatcher	<i>Myiarchus crinitus</i>	S4B	G5			
Eastern Kingbird	<i>Tyrannus tyrannus</i>	S4B	G5			
Warbling Vireo	<i>Vireo gilvus</i>	S5B	G5			
Red-eyed Vireo	<i>Vireo olivaceus</i>	S5B	G5			
Blue Jay	<i>Cyanocitta cristata</i>	S5	G5			
American Crow	<i>Corvus brachyrhynchos</i>	S5B	G5			
Horned Lark	<i>Eremophila alpestris</i>	S5B	G5			
Tree Swallow	<i>Tachycineta bicolor</i>	S4B	G5			
Black-capped Chickadee	<i>Poecile atricapillus</i>	S5	G5			
Red-breasted Nuthatch	<i>Sitta canadensis</i>	S5	G5			m
White-breasted Nuthatch	<i>Sitta carolinensis</i>	S5	G5			
House Wren	<i>Troglodytes aedon</i>	S5B	G5			
Eastern Bluebird	<i>Sialia sialis</i>	S5B	G5	NAR	NAR	m

Appendix D - Wildlife List

COMMON NAME	SCIENTIFIC NAME	ONTARIO STATUS	GLOBAL STATUS	SARO	SARA	Local Status Hamilton
Veery	<i>Catharus fuscescens</i>	S4B	G5			
Wood Thrush	<i>Hylocichla mustelina</i>	S4B	G5	SC	THR	
American Robin	<i>Turdus migratorius</i>	S5B	G5			
Gray Catbird	<i>Dumetella carolinensis</i>	S4B	G5			
European Starling	<i>Sturnus vulgaris</i>	SNA	G5			
Cedar Waxwing	<i>Bombycilla cedrorum</i>	S5B	G5			
House Finch	<i>Haemorhous mexicanus</i>	SNA	G5			
Pine Siskin	<i>Spinus pinus</i>	S4B	G5			
American Goldfinch	<i>Spinus tristis</i>	S5B	G5			
Chipping Sparrow	<i>Spizella passerina</i>	S5B	G5			
Field Sparrow	<i>Spizella pusilla</i>	S4B	G5			
Dark-eyed Junco	<i>Junco hyemalis</i>	S5B	G5			
Savannah Sparrow	<i>Passerculus sandwichensis</i>	S4B	G5			
Vesper Sparrow	<i>Pooecetes gramineus</i>	S4B	G5			m
Song Sparrow	<i>Melospiza melodia</i>	S5B	G5			
Swamp Sparrow	<i>Melospiza georgiana</i>	S5B	G5			
Eastern Towhee	<i>Pipilo erythrophthalmus</i>	S4B	G5			m
Bobolink	<i>Dolichonyx oryzivorus</i>	S4B	G5	THR	THR	
Baltimore Oriole	<i>Icterus galbula</i>	S4B	G5			
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	S4	G5			
Brown-headed Cowbird	<i>Molothrus ater</i>	S4B	G5			
Rusty Blackbird	<i>Euphagus carolinus</i>	S4B	G5	SC	SC	
Common Grackle	<i>Quiscalus quiscula</i>	S5B	G5			
Ovenbird	<i>Seiurus aurocapilla</i>	S4B	G5			H
Northern Waterthrush	<i>Parkesia noveboracensis</i>	S5B	G5			
Blue-winged Warbler	<i>Vermivora cyanoptera</i>	S4B	G5			m
Black-and-white Warbler	<i>Mniotilta varia</i>	S5B	G5			m
Nashville Warbler	<i>Leiostyris ruficapilla</i>	S5B	G5			m
Mourning Warbler	<i>Geothlypis philadelphia</i>	S4B	G5			m
Common Yellowthroat	<i>Geothlypis trichas</i>	S5B	G5			
Magnolia Warbler	<i>Setophaga magnolia</i>	S5B	G5			H
Yellow Warbler	<i>Setophaga petechia</i>	S5B	G5			
Chestnut-sided Warbler	<i>Setophaga pensylvanica</i>	S5B	G5			m
Black-throated Green Warbler	<i>Setophaga virens</i>	S5B	G5			H
Scarlet Tanager	<i>Piranga olivacea</i>	S4B	G5			m
Northern Cardinal	<i>Cardinalis cardinalis</i>	S5	G5			
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	S4B	G5			
Indigo Bunting	<i>Passerina cyanea</i>	S4B	G5			
MAMMALS						
Northern Short-tailed Shrew	<i>Blarina brevicauda</i>	S5	G5			
Little Brown Myotis	<i>Myotis lucifugus</i>	S4	G5	END	END	
Eastern Cottontail	<i>Sylvilagus floridanus</i>	S5	G5			
Snowshoe Hare	<i>Lepus americanus</i>	S5	G5			H
Eastern Chipmunk	<i>Tamias striatus</i>	S5	G5			
Grey Squirrel	<i>Sciurus carolinensis</i>	S5	G5			
Red Squirrel	<i>Tamiasciurus hudsonicus</i>	S5	G5			
White-footed Mouse	<i>Peromyscus leucopus</i>	S5	G5			
Meadow Vole	<i>Microtus pennsylvanicus</i>	S5	G5			
Porcupine	<i>Erethizon dorsatum</i>	S5	G5			
Red Fox	<i>Vulpes vulpes</i>	S5	G5			
Raccoon	<i>Procyon lotor</i>	S5	G5			
Ermine	<i>Mustela erminea</i>	S5	G5			H-m
Mink	<i>Mustela vison</i>	S4	G5			
Striped Skunk	<i>Mephitis mephitis</i>	S5	G5			
White-tailed Deer	<i>Odocoileus virginianus</i>	S5	G5			

H- highly significant in Hamilton Region (i.e. rare)

m- moderately significant in Hamilton Region (i.e. uncommon)

APPENDIX E

Fish Species List



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:30

SUBJECT PROPERTY: 822 Book Rd. W., Ancaster

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

APPLICANT(S): Owner: Knollwood Golf Ltd.
 Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 822 Book Rd. W. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:31 and AN/B-20:32.

Severed lands:
 61m[±] x 71m[±] and an area of 0.4 ha[±]

Retained lands:
 758m[±] x 1002m[±] and an area of 112.4 ha[±]

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:10 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

AN/B-20:30
Page 2

MORE INFORMATION

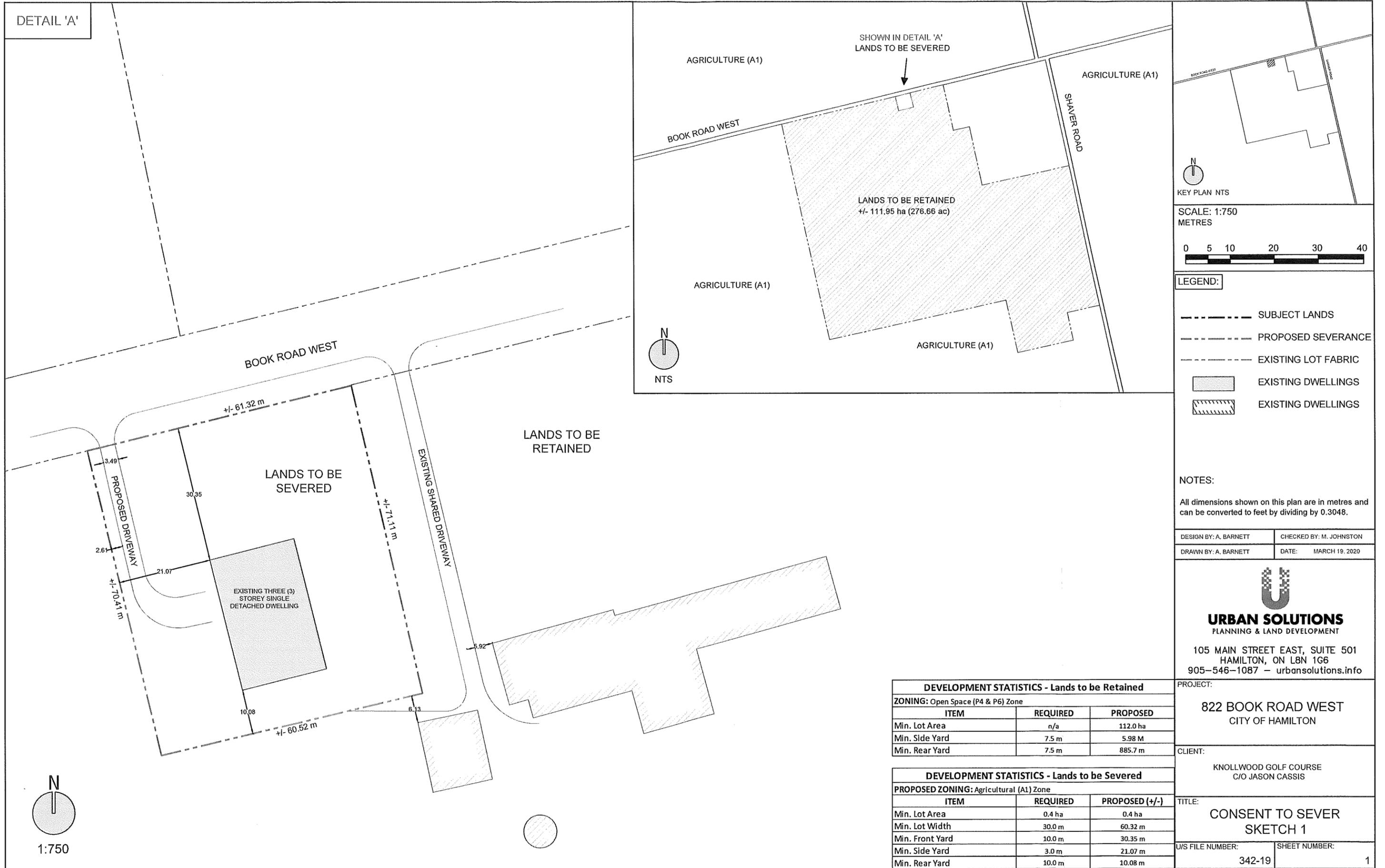
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020

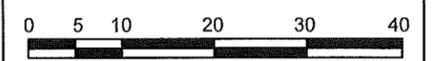
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.



KEY PLAN NTS

SCALE: 1:750
METRES



LEGEND:

- SUBJECT LANDS
- PROPOSED SEVERANCE
- EXISTING LOT FABRIC
- EXISTING DWELLINGS
- EXISTING DWELLINGS

NOTES:

All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON
DRAWN BY: A. BARNETT DATE: MARCH 19, 2020



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 - urbansolutions.info

DEVELOPMENT STATISTICS - Lands to be Retained		
ZONING: Open Space (P4 & P6) Zone		
ITEM	REQUIRED	PROPOSED
Min. Lot Area	n/a	112.0 ha
Min. Side Yard	7.5 m	5.98 M
Min. Rear Yard	7.5 m	885.7 m

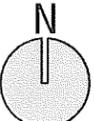
DEVELOPMENT STATISTICS - Lands to be Severed		
PROPOSED ZONING: Agricultural (A1) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	30.0 m	60.32 m
Min. Front Yard	10.0 m	30.35 m
Min. Side Yard	3.0 m	21.07 m
Min. Rear Yard	10.0 m	10.08 m

PROJECT:
822 BOOK ROAD WEST
CITY OF HAMILTON

CLIENT:
KNOLLWOOD GOLF COURSE
C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 1

U/S FILE NUMBER: 342-19 SHEET NUMBER: 1



1:750



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: <i>June 1/20</i>	Date Application Deemed Complete:	Submission No.: <i>AN/B. 20</i>	File No.: <i>: 30</i>
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Knollwood Golf Ltd. c/o Jason Cassis		
Applicant(s)*	(Same as above.)		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

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

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Ancaster	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 822 Book Road West, Ancaster ON			Assessment Roll N°.

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)

- a) Urban Area Transfer (do not complete Section 10): N/A
- | | |
|--|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

To be confirmed.

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

N/A

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 61 m	+/- 71 m	0.4 ha

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Part of golf course property.
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: Existing three (3) storey single detached residential dwelling.

Proposed: Existing use to remain.

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
758.6 m	1,001.9 m	112.4 ha

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Golf Course
- Industrial
 Agricultural-Related
 Commercial
 Vacant

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 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify) Golf Course

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown Existing pipeline located on subject lands
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Discussion with owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- Yes No

Please refer to cover letter.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please refer to cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please refer to cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

Please refer to cover letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No N/A
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

Please refer to cover letter.

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of 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: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to cover letter.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



May 22, 2020

342-19

Via Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 1276 Shaver Road, 822 Book Road West & 914 Book Road West, Ancaster
Consent to Sever Applications**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Knollwood Golf Limited c/o Mr. Jason Cassis, the owner of the lands municipally known as 1276 Shaver Road, 822 Book Road West and 914 Book Road West in the former Town of Ancaster, in the City of Hamilton (Subject Lands). We are pleased to submit these applications for Consent to Sever on their behalf.

The Subject Lands are designated Agriculture (822 Book Road West) and Open Space (914 Book Road West and 1276 Shaver Road) in the Rural Hamilton Official Plan (RHOP) and are located in the Open Space (P4) and Conservation/Hazard Lands (P6) Zones of the City of Hamilton Zoning By-law No. 05-200. The Subject Lands are in the Greenbelt Plan area and are designated Protected Countryside. The Subject Lands are currently occupied by a golf course and three (3) single-detached residential dwellings.

A historic title review demonstrates that the Subject Lands were acquired by Knollwood Golf Limited over time via three (3) transfers:

- 822 Book Road West: Transfer #CD224818 in 1982 from Power of Sale.
- 914 Book Road West: Transfer #CD427835 in 1987 from Bessie Callon.
- 1276 Shaver Road: Transfer #VM176170 in 1994 from John Harris.

Ultimately the three (3) parcels have been merged on title. Prior to the development of the golf course in 1991, the lands were utilized for agricultural purposes.

The purpose of this application is to separate the residential uses from the golf course use by creating three (3) new lots for the existing single-detached dwellings located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road. In order to facilitate the proposed severances, three (3) Consent to Sever applications are required. The severances illustrated on the enclosed Severance Sketches are described as follows:

- **Severance No. 1:** This application is intended to sever the existing property into two (2) lots. The retained lot will have frontage on both Book Road West and Shaver Road and a lot area of 112.0ha and the severed lot will have frontage on Book Road West and a lot area of 0.45ha. The severed lot corresponds with the residential dwelling at 822 Book Road West.
- **Severance No. 2:** This application is intended to sever the retained lot from Severance A into two (2) lots. The retained lot will have frontage on Book Road West and Shaver Road and a lot area of 111.6ha, and the severed lot will have frontage on Book Road West and a lot area of 0.3ha. The severed lot corresponds with the residential dwelling at 914 Book Road West.
- **Severance No. 3:** This application is intended to sever the retained lot from Severance B into two (2) lots. The retained lot will have frontage on Book Road West and Shaver Road and a lot area of 111.2ha, and the severed lot will have frontage on Shaver Road and a lot area of 0.4ha. The severed lot corresponds with the residential dwelling at 1276 Shaver Road.

The Consent to Sever application satisfies Section 53 of the *Planning Act* as it represents the proper and orderly development of the municipality. In addition, this application implements the intent of Section F.1.14.2 of the RHOP which contains criteria for evaluating severances within the rural area, and the lot creation policies for lands within the Protected Countryside of the Greenbelt Plan. The rationale for the proposed severances is based on two key areas including (1) *farm consolidation* and (2) preservation of a *resource-based use*.

Farm Consolidation

Section F.1.14.2.1 b) of the RHOP indicates the severances that create new lots may be permitted for a surplus farm dwelling made surplus as a result of a *farm consolidation*. The conditions for severance of a surplus farm dwelling are as follows:

- i) The *farm consolidation* shall have been completed prior to the time of application.
- ii) The farm dwelling shall be determined to be surplus to the *farm operation* for no reason other than the farm dwelling is surplus to the needs of the *farm consolidation*...
- iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v) A private well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1) not impair agricultural operations on the retained land; and

- 2) shall generally not exceed a depth of 122 metres (400 feet);
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.
- viii) Where a barn or other farm building exists in the immediate vicinity of the surplus residence, the City may require demolition of the barn.

A historic title search of the Subject Lands illustrates that 822 and 914 Book Road West were utilized for agricultural purposes at the time of their acquisition by Knollwood Golf Limited and continued to be farmed until 1991 when the golf course use was established. *Farm consolidation* is defined in the RHOP as the acquisition of additional farm parcels to be operated as one farm operation, for the purposes of expanding the farm operation and/or sustaining viability of continued agricultural use of the lands. Residences surplus to a farm operation means one or two or more existing farm residences located on lands held under the same ownership as a result of a *farm consolidation*. When the two properties merged, one of the existing dwellings was made surplus as a result of the consolidation of former agricultural parcels to facilitate the conversion to the current golf course use.

The proposed severances to create separate lots for the existing residential dwellings satisfies the criteria in Section F.1.14.2.1 as the consolidation of the Subject Lands predates this application, the former farm dwellings became surplus to the former farm operations at the time that Knollwood Golf Limited acquired the parcels, the dwellings were constructed well before December 16, 2004 and are currently occupied/habitable. The surplus dwellings will not include barns or other farm buildings and will not interfere with any existing agricultural operations. The size of the residential lots created as a result of this application are the minimum size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, as demonstrated by the enclosed Existing Water Wells and Septic Systems Assessment dated April 28, 2020 prepared by Landtek Limited. In addition, the Assessment prepared by Landtek Limited confirms that each lot to be severed/retained includes its own private well and private sewage disposal system that are able to meet the water supply and septic system requirements in accordance with Section C.5.1. of the RHOP. A more comprehensive evaluation to demonstrate compliance of the existing private servicing with these policies and the Ontario Building Code would be appropriate as a condition of Consent to Sever approval.

Preservation of the Existing *Resource-Based* Use

According to the RHOP, *resource-based*, when used in reference to a use or activity, means those rural commercial, industrial, recreational or tourism uses that by their very nature require certain natural attributes or resources for their location including the availability of large lots or land areas. Therefore, the existing use of the Subject Lands as a golf course would be classified as a *resource-based* use in the RHOP. As described above, the Subject Lands are designated Open Space and Agriculture in Schedule D – Rural Land Use Designations of the RHOP. The RHOP does not provide specific policy direction for severances of *resource-based* uses within the Agriculture or Open Space designated lands.

Section D.4.1.1 of the RHOP states that the severance of a lot for existing *resource-based* commercial uses may be permitted in Rural designated lands, in accordance with Section F.1.14.2. While the subject site is not within the Rural designated lands of the RHOP, it is appropriate to review the proposal against these

criteria given the existing use. Compliance with the severance criteria contained in Section F.1.14.2 is demonstrated above.

Policy direction for Open Space designated lands is contained in Section 3.3 of the RHOP. Section C.3.3.2 b) states that “one ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreation and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.” In addition, Section C.3.1.4 of the RHOP states that a maximum of one dwelling per lot is permitted on Agriculture designated lands. There are currently three (3) dwellings existing in conjunction with the golf course/*resource-based* use on a single lot. These dwellings are *not* ancillary to the golf course. Therefore, this proposal to sever the residential lands from the golf course lands serves to bring the Subject Lands into conformity with these RHOP policies and to preserve the golf course lands as a *resource-based* use.

The intent of the provincial and municipal restrictions for lot creation in rural areas is to prevent the fragmentation and loss of the agricultural land base. As the Subject Lands are currently utilized as a golf course, the proposed Consent to Sever application implements the intent of the RHOP and Greenbelt Plan. Based on the above analysis, UrbanSolutions holds the opinion that the Consent to Sever application represents good land use planning and satisfies Section 53(1) of the *Planning Act*.

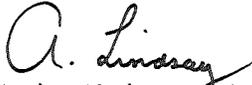
In support of this application, please find enclosed the following:

- Two (2) copies of a completed Consent to Sever application form for Severance No. 1;
- Two (2) copies of a completed Consent to Sever application form for Severance No. 2;
- Two (2) copies of a completed Consent to Sever application form for Severance No. 3;
- Two (2) copies of Severance Sketch, prepared by UrbanSolutions;
- Five (5) copies of the Existing Water Wells and Septic Systems Assessment prepared by Landtek Limited, dated May 19, 2020;
- Three (1) cheques payable to the City of Hamilton in the amount of **\$3,234** each for the application fees; and,
- Two (2) cheques payable to the Grand River Conservation Authority in the amount of **\$420** for the application review fee for Severance Nos. 1 and 3, and one (1) in the amount of **\$1,085** for Severance No. 2.

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

Regards,
UrbanSolutions


Sergio Machia, MCIP, RPP
Principal


Amber Lindsay, MES, MCIP, RPP
Planner

CC. Mr. Jason Cassis, Knollwood Golf Limited
Councillor Lloyd Ferguson, City of Hamilton
Ms. Pamela Green and Mr. Peter Gross, Gowling WLG
Mr. Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc.



LANDTEK LIMITED

Consulting Engineers

205 Nebo Road, Unit 3
Hamilton, Ontario
Canada
L8W 2E1

Phone: 905-383-3733
Fax: 905-383-8433
engineering@landteklimited.com
www.landteklimited.com

May 19, 2020
File: 20120

Knollwood Golf Limited
c/o URBAN SOLUTIONS Planning & Land Development
105 Main Street East, Suite 501
Hamilton, Ontario
L8N 1G6

Attention: Amber Lindsay, MCIP, RPP, Planner

Dear Ms. Lindsay,

**Re: Existing Water Wells and Septic Systems Assessment
Proposed Severance of three (3) Single-detached Dwellings at Knollwood Golf
Course, Ancaster, Ontario**

Landtek Limited (herein "*Landtek*") is pleased to submit this letter report for the proposed severance of three (3) existing single-detached dwellings that are located on the golf course lands, municipally known as 822 Book Road West, 914 Book Road West, and 1276 Shaver Road in Ancaster, Ontario (herein referred to as the "Site"). It is understood assessment of the existing water wells and septic systems in each of the dwellings are required to support application information for the proposed severances.

Background

Based on the information provided by the landowner, it is understood that there are existing water wells and septic systems located in each of the above three dwellings. The water well and septic system in each dwelling are currently able to meet the water supply needs and septic systems requirements of the homes without interruptions or breakdown.

Proposed Lots Sizes to be Severed

The proposed Lots to be severed are as follows:

1. 822 Book Road West: Minimum Lot Area = 0.40 ha (0.99 acres)
2. 914 Book Road West: Minimum Lot Area = 0.30 ha (0.74 acres)
3. 1276 Shaver Road: Minimum Lot Area = 0.40 ha (0.99 acres)

The proposed Lots are shown on Figures 1, 2, and 3, respectively in Appendix A.

City of Hamilton's Requirements

Water Supply

A well in a lot for severance should conform with Ministry of Environment Conservation and Park (MECP) Guideline D-5-5, which states that pumping rates shall not be less than 13.7 litres per minute.

Septic System

In order to determine sustainability, assessment should be completed based on the MECP Guideline D-5-4 and the City Guidelines. Minimum lot size for a 3-bedroom dwelling lot size typically range from 1.5 – 2.5 acres. However, these depends on underlying soil conditions.

Purpose of Site Assessment

The purpose of the assessment was to verify that the each of the three (3) existing single-detached dwellings has a water well and septic system that are currently able to meet the water supply and septic system requirements.

Scope of Work

The scope of work for this assessment include the following:

MECP Well Records Search – Desktop Study

A search of the Ministry of Environment, Conservation and Park (MECP) well records of the water wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road was conducted on April 10, 2020. The records were reviewed to characterize local hydrogeologic conditions, and completion records of each well such as total depth, completion zone, static water level, pumping test results, etc. The well records for 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are presented in Attachment B.

Site Visit, Inspection and Verification

Water Wells

Based on the Desk Top Study, a verification site visit was completed by Landtek on April 13, 2020 to identify the existing water wells locations, construction details, and other relevant information.

The well at 822 Book Road West was found to be an underground 6 inches diameter well located approximately 20 feet southwest of the dwelling, the well at 914 Book Road West was found to be an underground 6 inches diameter well located inside a shed east of the dwelling, and the well at 1276 Shaver Road was found to be 6 inches diameter well located approximately 20 feet south west of the dwelling.

The locations of the existing water wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are shown on Figure 1, Figure2, and Figure 3, respectively in Attachment A.

Septic Systems

The septic bed at 822 Book Road West was found to be located north of the dwelling, the septic bed at 914 Book Road West was found to be located north of the dwelling, while the septic bed at 1276 Shaver Road was found to be located east of the dwelling.

The locations of the septic systems at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are shown on Figure 1, Figure2, and Figure 3, respectively in Attachment B.

Review and Assessment of Existing Water Supply Wells

Each of the wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road was completed in bedrock which is the main aquifer in the area. A summary of the data obtained from the water well MECP well records is presented Table 1 in Attachment C.



The pumping tests rates of the wells, which range from 18.9 L/min to 56.8 L/min for durations of 30 minutes and 60 minutes, are greater than the required minimum volume of 13.7 litres per minute specified by the MECP Guideline D-5-5 for water supply to a single family unit.

According to the information provided by the landowner, the existing water wells in all the three properties (822 Book Road West, 914 Book Road West, and 1276 Shaver Road) are currently meeting the needs of the dwellings.

Review and Assessment of Existing Septic Systems

Visual inspection of the septic beds area at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road did not show any signs of failure.

According to the information provided by the landowner, the existing septic systems in all the three properties are currently meeting the needs of the dwellings.

Summary

The following summarizes the results of the assessment:

- The pumping tests rates of the wells, which range from 18.9 L/min to 56.8 L/min for durations of 30 minutes and 60 minutes, are greater than the required minimum volume of 13.7 litres per minute specified by the MECP Guideline D-5-5 for water supply to a single family unit.
- According to the information provided by the landowner, the existing water wells in all the three properties (822 Book Road West, 914 Book Road West, and 1276 Shaver Road) are currently meeting the needs of the dwellings.
- Visual inspection of the septic beds area at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road did not show any signs of failure.
- According to the information provided by the landowner, the existing septic systems in all the three properties are currently meeting the needs of the dwellings.

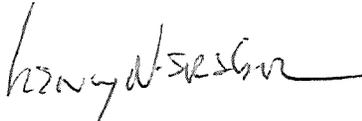
Conclusions

Based on the review of the MECP water well records of the existing wells, the site inspection of the existing wells and septic beds; and information provided by the landowner, it has been determined that the existing water wells and septic systems are adequate to meet the needs of the proposed severances.

Closure

We trust that this report is to your satisfaction and meets your current requirements. If, in the meantime, you have any comments or questions regarding the details herein, please do not hesitate to contact the undersigned.

Kind regards,
LANDTEK LIMITED



Henry Erebor, M.Sc., P.Geo.

Encs:

- 1: Limitations of Report
- 2: Attachment B- Proposed Lots
- 3: Attachment A- MECP Water Well Records
- 4: Attachment C- Summary of Water Well Records

**ENCLOSURE A
LIMITATIONS OF REPORT**

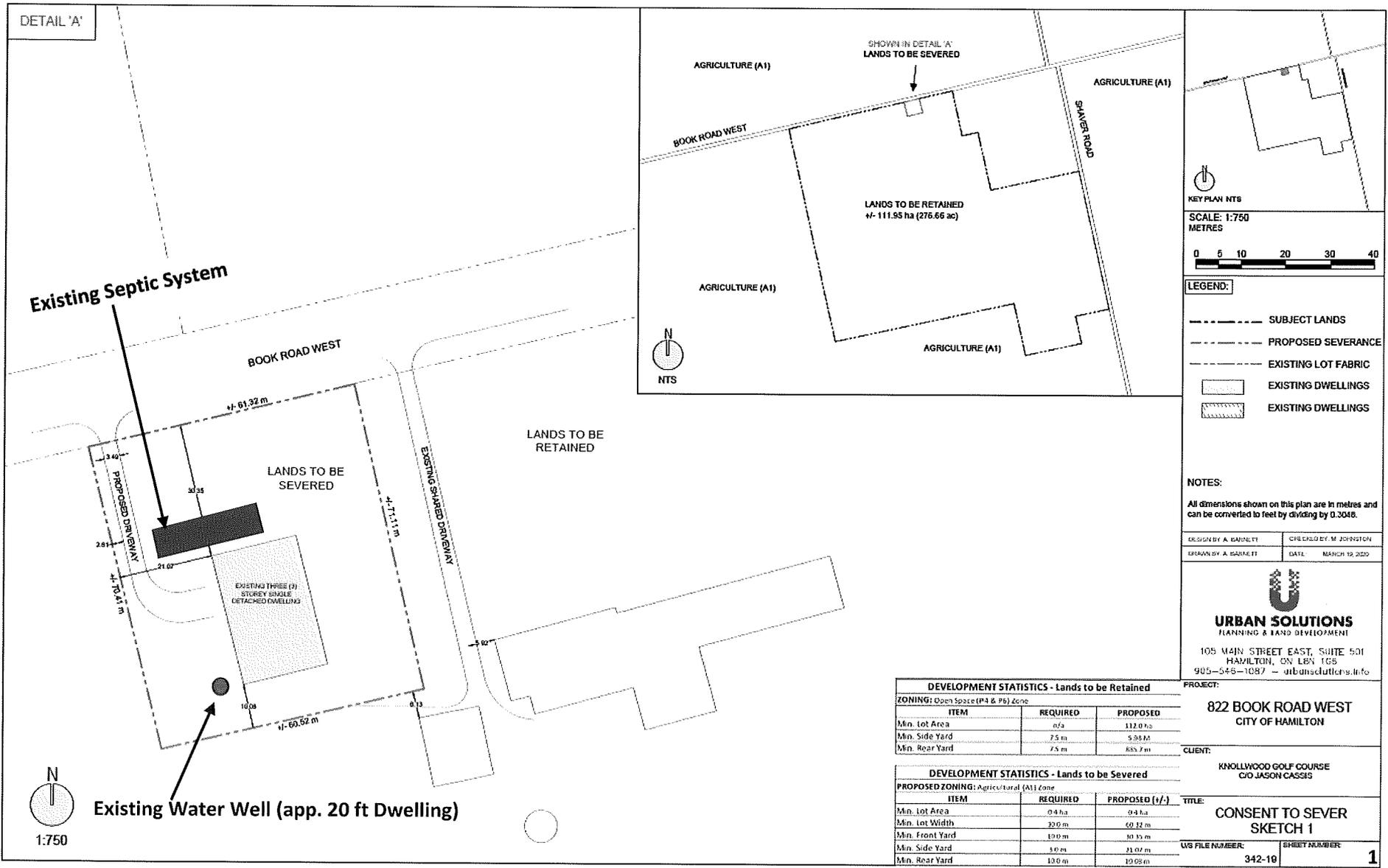
Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Landtek Limited accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report.

This report does not reflect environmental issues or concerns related to the property unless otherwise stated in the report. The information given in the report are applicable only to the project described in the text.

ATTACHMENT A

PROPOSED LOTS

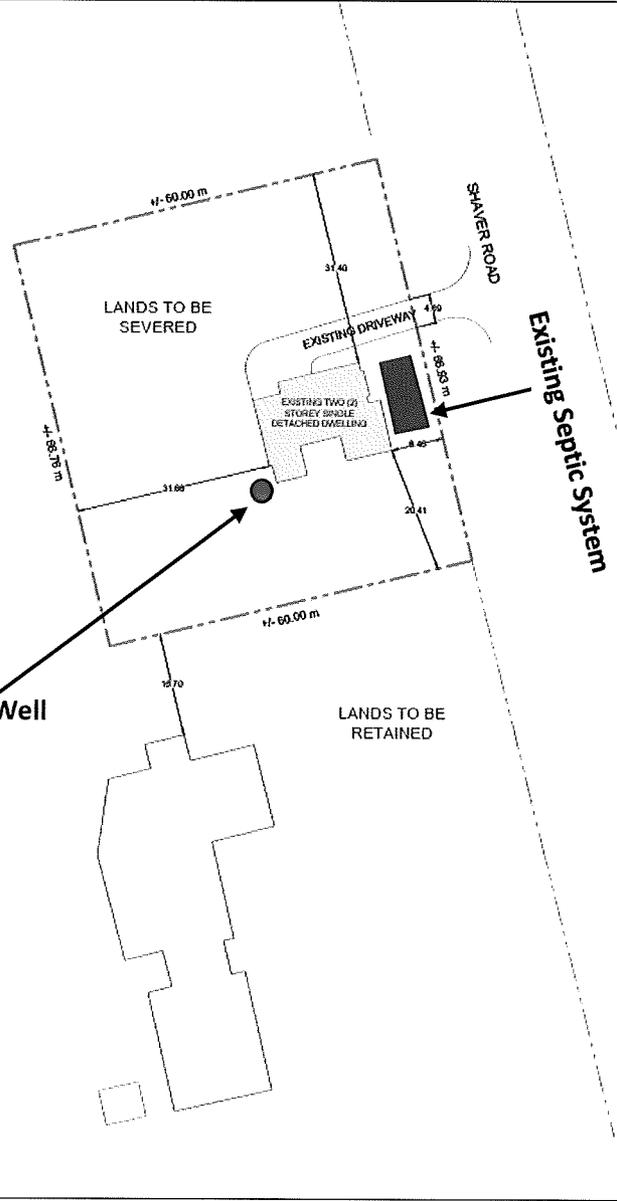




DEVELOPMENT STATISTICS - Lands to be Retained		
ZONING: Open Space (P4 & P6) Zone		
ITEM	REQUIRED	PROPOSED
Min. Lot Area	n/a	111.0 ha
Min. Side Yard	7.5 m	5.88 m
Min. Rear Yard	7.5 m	85.7 m

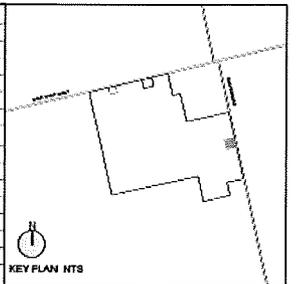
DEVELOPMENT STATISTICS - Lands to be Severed		
PROPOSED ZONING: Agricultural (A1) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	20.0 m	60.32 m
Min. Front Yard	19.0 m	30.33 m
Min. Side Yard	3.0 m	31.07 m
Min. Rear Yard	13.0 m	10.08 m

DETAIL 'A'



DEVELOPMENT STATISTICS - Lands to be Retained		
ZONING: Open Space (PA & P6) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.2 ha
Min. Side Yard	7.5 m	16.7 m
Min. Rear Yard	7.5 m	665.7 m

DEVELOPMENT STATISTICS - Lands to be Severed		
PROPOSED ZONING: Agricultural (A1) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	30.0 m	66.9 m
Min. Front Yard	10.0 m	8.5 m
Min. Side Yard	3.0 m	20.2 m
Min. Rear Yard	10.0 m	31.7 m



SCALE: 1:750 METRES

- LEGEND:
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - EXISTING DWELLINGS
 - EXISTING DWELLINGS

NOTES:
All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARRETT CHECKED BY: M. JOYNTON
DRAWN BY: A. BARRETT DATE: MARCH 10, 2020

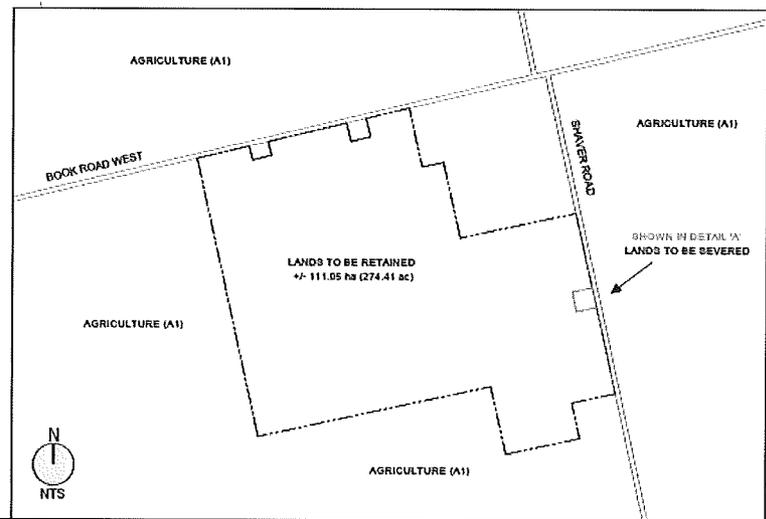
URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 — urbansolutions.info

PROJECT:
1276 SHAVER ROAD
CITY OF HAMILTON

CLIENT:
KNOLLWOOD GOLF COURSE
C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 3

US FILE NUMBER: 342-10 SHEET NUMBER: **3**



N
1:750

N
NTS

ATTACHMENT B

MECP WATER WELL RECORDS

Go Back to Map

Well ID

Well ID Number: 6802233

Well Audit Number:

Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location 822 Book Road West.

Address of Well Location

Township ANCASTER TOWNSHIP

Lot 034

Concession CON 05

County/District/Municipality WENTWORTH

City/Town/Village

Province ON

Postal Code n/a

UTM Coordinates
NAD83 — Zone 17
Easting: 579852.30
Northing: 4780949.00

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
	LOAM			0 ft	2 ft
BRWN	CLAY			2 ft	30 ft
BLUE	CLAY			30 ft	64 ft
	LMSN			64 ft	73 ft

Annular Space/Abandonment Sealing Record

Depth Depth Type of Sealant Used Volume
From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use

Cable Tool

Domestic

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL		64 ft
6 inch	OPEN HOLE		73 ft

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To
------------------	----------	------------	----------

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 1532

Results of Well Yield Testing

After test of well yield, water was CLEAR
If pumping discontinued, give reason

Pump intake set at

Pumping Rate 5 GPM

Duration of Pumping 0 h:30 m

Final water level 30 ft

If flowing give rate

Recommended pump depth

Recommended pump rate

**Well Production
Disinfected?**

PUMP

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL	15 ft		
1		1	
2		2	
3		3	
4		4	
5		5	
10		10	
15		15	
20		20	
25		25	
30		30	
40		40	
45		45	
50		50	
60		60	

Water Details

Water Found at Depth Kind
73 ft Sulphur

Hole Diameter

Depth Depth Diameter
From To

Audit Number:

Go Back to Map

Well ID

Well ID Number: 6810577

Well Audit Number:

Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location

914 Book Road West

Address of Well Location

Township	ANCASTER TOWNSHIP
Lot	035
Concession	CON 05
County/District/Municipality	WENTWORTH
City/Town/Village	
Province	ON
Postal Code	n/a
UTM Coordinates	NAD83 — Zone 17 Easting: 580182.30 Northing: 4780973.00

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
	UNKN			0 ft	5 ft
GREY	CLAY			5 ft	60 ft
GREY	LMSN			60 ft	67 ft

Annular Space/Abandonment Sealing Record

Depth Depth Type of Sealant Used Volume
From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use
Rotary (Air) Livestock
Domestic

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL		60 ft

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 4208

Results of Well Yield Testing

After test of well yield, water was CLEAR
If pumping discontinued, give reason

Pump intake set at	
Pumping Rate	12 GPM
Duration of Pumping	1 h:0 m
Final water level	60 ft
If flowing give rate	
Recommended pump depth	60 ft
Recommended pump rate	12 GPM

Well Production
Disinfected? PUMP

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL 22 ft

1	1		
2	2		
3	3		
4	4		
5	5		
10	10		
15	15	22 ft	
20	20		
25	25		
30	30	22 ft	
40	40		
45	45	22 ft	
50	50		
60	60	22 ft	

Water Details

Water Found at Depth Kind
63 ft Fresh

Hole Diameter

Depth Depth Diameter
From To

Audit Number:

Date Well Completed: July 13, 1983

[Go Back to Map](#)

Well ID

Well ID Number: 6807812
 Well Audit Number:
 Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location

1276 Shaver Road,

Address of Well Location

Township ANCASTER TOWNSHIP

Lot 036

Concession CON 05

County/District/Municipality WENTWORTH

City/Town/Village

Province ON

Postal Code n/a

NAD83 — Zone 17
 Easting: 580894.30
 Northing: 4780413.00

UTM Coordinates

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
BRWN	LOAM			0 ft	4 ft
BLUE	CLAY			4 ft	28 ft
BRWN	CLAY			28 ft	69 ft
	LMSN			69 ft	189 ft

Annular Space/Abandonment Sealing Record

Depth Type of Sealant Used Volume
From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use

Cable Tool

Irrigation

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL	70 ft	189 ft
	OPEN HOLE		

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To
------------------	----------	------------	----------

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 2803

Results of Well Yield Testing

After test of well yield, water was	CLEAR
If pumping discontinued, give reason	
Pump intake set at	
Pumping Rate	14 GPM
Duration of Pumping	1 h:0 m
Final water level	179 ft
If flowing give rate	
Recommended pump depth	179 ft
Recommended pump rate	14 GPM

Well Production
Disinfected? BAILER

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL 20 ft

1	1	
2	2	
3	3	
4	4	
5	5	
10	10	
15	15	90 ft
20	20	
25	25	
30	30	60 ft
40	40	
45	45	50 ft
50	50	
60	60	40 ft

Water Details

Water Found at Depth	Kind
150 ft	Sulphur
187 ft	Sulphur

Hole Diameter

Depth Diameter
From To

Audit Number:

Date Well Completed: June 28, 1971

ATTACHMENT C

SUMMARY OF WATER WELLS RECORDS



SUMMARY OF MECP WELL RECORDS

Address Location	Type and Well Diameter	Well ID	Date Completed	Depth (m)			Water Level (m)		Completion Interval	Use	Pumping Rate (gpm)	Pumping Duration (min)	Pumping Rate (gpm)	Pumping Rate (l/min)	Owner's Remark
				(ft)	(m)	(ft)	(m)	(ft)							
1276 Shaver Road, Ancaster	6.00 inches dia. Steel	6807812	28-Jun-71	189.00	57.60	20	6.1	Limestone	Domestic	14	69	14	56.8	Well is meeting supply needs	
914 Book Road West, Ancaster	6.00 inches dia. Steel	6802233	6-Jan-59	73	22.2	15	4.6	Limestone	Domestic	5	30	-	18.9	Well is meeting supply needs	
822 Book Road West, Ancaster	6.25 inches dia. Steel	6810577	13-Jul-83	67	20.4	22	6.7	Limestone	Domestic	12	60	12	46.4	Well is meeting supply needs	
Pumping Test															



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:31

SUBJECT PROPERTY: 914 Book Rd. W., Ancaster

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

APPLICANT(S): Owner: Knollwood Golf Ltd.
 Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 914 Book Rd. W. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:30 and AN/B-20:32.

Severed lands:
 66m[±] x 50m[±] and an area of 0.4 ha[±]

Retained lands:
 758m[±] x 1002m[±] and an area of 111.6 ha[±]

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:10 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

AN/B-20:31
Page 2

MORE INFORMATION

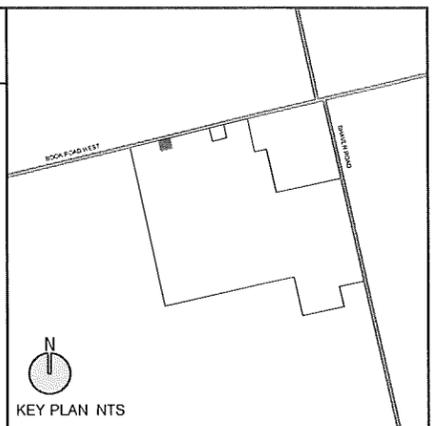
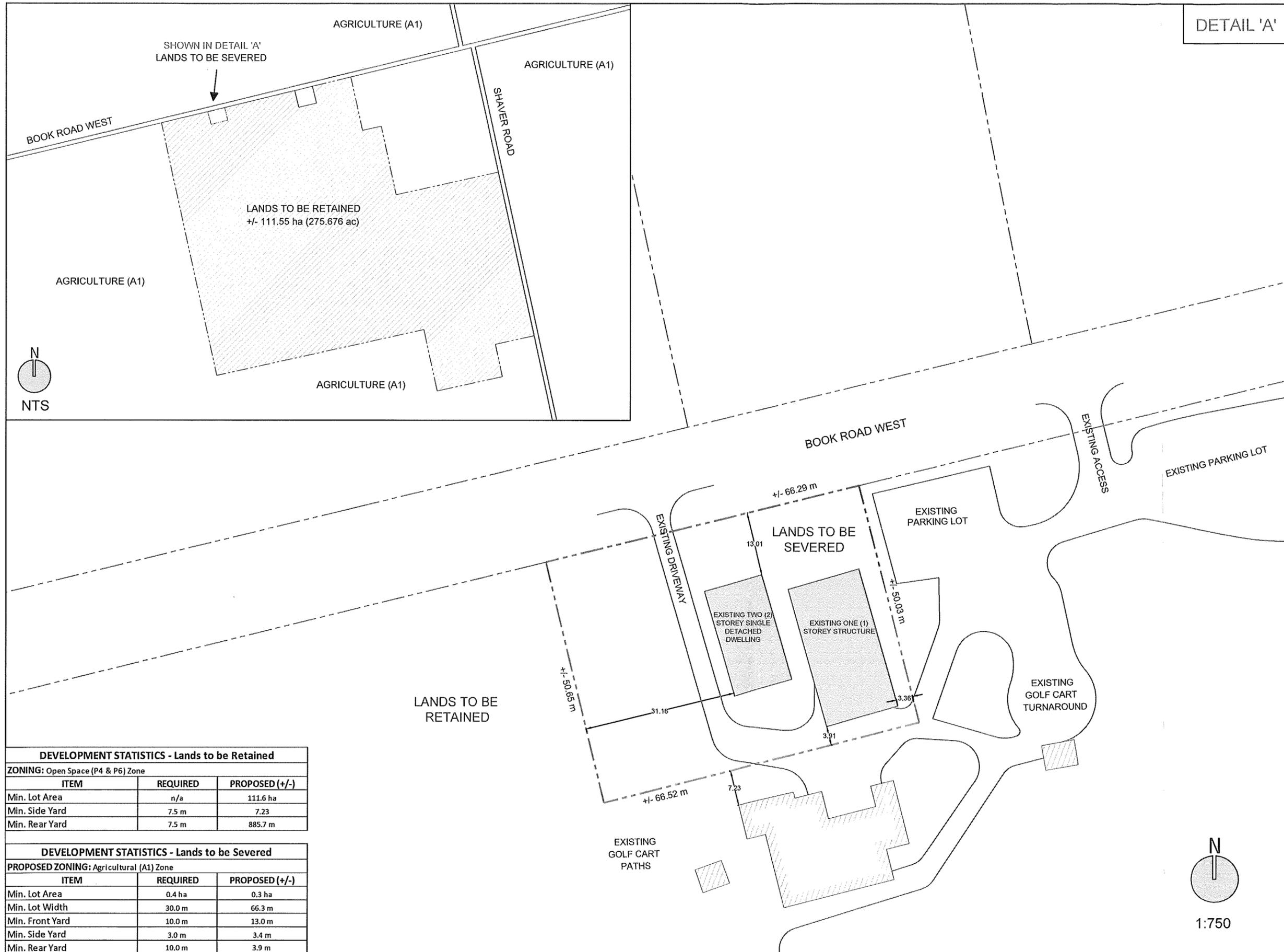
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020

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.



KEY PLAN NTS
 SCALE: 1:100 METRES
 0 5 10 20 30 40

- LEGEND:**
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - [Solid Grey Box] EXISTING DWELLINGS
 - [Hatched Box] EXISTING DWELLINGS

NOTES:
 All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON
 DRAWN BY: A. BARNETT DATE: MARCH 19, 2020


URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT
 105 MAIN STREET EAST, SUITE 501
 HAMILTON, ON L8N 1G6
 905-546-1087 - urbansolutions.info

PROJECT:
914 BOOK ROAD WEST
 CITY OF HAMILTON

CLIENT:
 KNOLLWOOD GOLF COURSE
 C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 2

U/S FILE NUMBER: 342-19 SHEET NUMBER: 1

DEVELOPMENT STATISTICS - Lands to be Retained

ZONING: Open Space (P4 & P6) Zone

ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.6 ha
Min. Side Yard	7.5 m	7.23
Min. Rear Yard	7.5 m	885.7 m

DEVELOPMENT STATISTICS - Lands to be Severed

PROPOSED ZONING: Agricultural (A1) Zone

ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.3 ha
Min. Lot Width	30.0 m	66.3 m
Min. Front Yard	10.0 m	13.0 m
Min. Side Yard	3.0 m	3.4 m
Min. Rear Yard	10.0 m	3.9 m

N
 1:750



Hamilton

Planning and Economic Development Department
 Planning Division

Committee of Adjustment
 City Hall
 5th floor, 71 Main Street West
 Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: <i>June 1/20</i>	Date Application Deemed Complete:	Submission No.: <i>AM/B-20</i>	File No.: <i>31</i>
--	-----------------------------------	-----------------------------------	------------------------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Knollwood Golf Ltd. c/o Jason Cassis		
Applicant(s)*	(Same as above.)		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

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

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Ancaster	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 914 Book Road West, Ancaster ON			Assessment Roll N°.

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)

- a) Urban Area Transfer (do not complete Section 10): N/A
- | | |
|--|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:
To be confirmed.

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 66 m	+/- 50 m	0.4 ha

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Part of golf course property.
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: Existing two (2) storey single detached residential dwelling & existing one (1) storey structure.Proposed: Existing use to remain.

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
758.6 m	1,001.9 m	111.6 ha

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Golf Course
- Industrial
 Agricultural-Related
 Commercial
 Vacant

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 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify) Golf Course

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown Existing pipeline located on subject lands.
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Discussion with owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

Yes No

Please refer to cover letter.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please refer to cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please refer to cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

Please refer to cover letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No N/A
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

Please refer to cover letter.

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of 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: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): 25 Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to cover letter.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



May 22, 2020

342-19

Via Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 1276 Shaver Road, 822 Book Road West & 914 Book Road West, Ancaster
Consent to Sever Applications**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Knollwood Golf Limited c/o Mr. Jason Cassis, the owner of the lands municipally known as 1276 Shaver Road, 822 Book Road West and 914 Book Road West in the former Town of Ancaster, in the City of Hamilton (Subject Lands). We are pleased to submit these applications for Consent to Sever on their behalf.

The Subject Lands are designated Agriculture (822 Book Road West) and Open Space (914 Book Road West and 1276 Shaver Road) in the Rural Hamilton Official Plan (RHOP) and are located in the Open Space (P4) and Conservation/Hazard Lands (P6) Zones of the City of Hamilton Zoning By-law No. 05-200. The Subject Lands are in the Greenbelt Plan area and are designated Protected Countryside. The Subject Lands are currently occupied by a golf course and three (3) single-detached residential dwellings.

A historic title review demonstrates that the Subject Lands were acquired by Knollwood Golf Limited over time via three (3) transfers:

- 822 Book Road West: Transfer #CD224818 in 1982 from Power of Sale.
- 914 Book Road West: Transfer #CD427835 in 1987 from Bessie Callon.
- 1276 Shaver Road: Transfer #VM176170 in 1994 from John Harris.

Ultimately the three (3) parcels have been merged on title. Prior to the development of the golf course in 1991, the lands were utilized for agricultural purposes.

The purpose of this application is to separate the residential uses from the golf course use by creating three (3) new lots for the existing single-detached dwellings located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road. In order to facilitate the proposed severances, three (3) Consent to Sever applications are required. The severances illustrated on the enclosed Severance Sketches are described as follows:

- **Severance No. 1:** This application is intended to sever the existing property into two (2) lots. The retained lot will have frontage on both Book Road West and Shaver Road and a lot area of 112.0ha and the severed lot will have frontage on Book Road West and a lot area of 0.45ha. The severed lot corresponds with the residential dwelling at 822 Book Road West.
- **Severance No. 2:** This application is intended to sever the retained lot from Severance A into two (2) lots. The retained lot will have frontage on Book Road West and Shaver Road and a lot area of 111.6ha, and the severed lot will have frontage on Book Road West and a lot area of 0.3ha. The severed lot corresponds with the residential dwelling at 914 Book Road West.
- **Severance No. 3:** This application is intended to sever the retained lot from Severance B into two (2) lots. The retained lot will have frontage on Book Road West and Shaver Road and a lot area of 111.2ha, and the severed lot will have frontage on Shaver Road and a lot area of 0.4ha. The severed lot corresponds with the residential dwelling at 1276 Shaver Road.

The Consent to Sever application satisfies Section 53 of the *Planning Act* as it represents the proper and orderly development of the municipality. In addition, this application implements the intent of Section F.1.14.2 of the RHOP which contains criteria for evaluating severances within the rural area, and the lot creation policies for lands within the Protected Countryside of the Greenbelt Plan. The rationale for the proposed severances is based on two key areas including (1) *farm consolidation* and (2) *preservation of a resource-based use*.

Farm Consolidation

Section F.1.14.2.1 b) of the RHOP indicates the severances that create new lots may be permitted for a surplus farm dwelling made surplus as a result of a *farm consolidation*. The conditions for severance of a surplus farm dwelling are as follows:

- i) The *farm consolidation* shall have been completed prior to the time of application.
- ii) The farm dwelling shall be determined to be surplus to the *farm operation* for no reason other than the farm dwelling is surplus to the needs of the *farm consolidation*...
 - iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
 - iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
 - v) A private well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
 - vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1) not impair agricultural operations on the retained land; and

- 2) shall generally not exceed a depth of 122 metres (400 feet);
 - vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.
 - viii) Where a barn or other farm building exists in the immediate vicinity of the surplus residence, the City may require demolition of the barn.

A historic title search of the Subject Lands illustrates that 822 and 914 Book Road West were utilized for agricultural purposes at the time of their acquisition by Knollwood Golf Limited and continued to be farmed until 1991 when the golf course use was established. *Farm consolidation* is defined in the RHOP as the acquisition of additional farm parcels to be operated as one farm operation, for the purposes of expanding the farm operation and/or sustaining viability of continued agricultural use of the lands. Residences surplus to a farm operation means one or two or more existing farm residences located on lands held under the same ownership as a result of a *farm consolidation*. When the two properties merged, one of the existing dwellings was made surplus as a result of the consolidation of former agricultural parcels to facilitate the conversion to the current golf course use.

The proposed severances to create separate lots for the existing residential dwellings satisfies the criteria in Section F.1.14.2.1 as the consolidation of the Subject Lands predates this application, the former farm dwellings became surplus to the former farm operations at the time that Knollwood Golf Limited acquired the parcels, the dwellings were constructed well before December 16, 2004 and are currently occupied/habitable. The surplus dwellings will not include barns or other farm buildings and will not interfere with any existing agricultural operations. The size of the residential lots created as a result of this application are the minimum size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, as demonstrated by the enclosed Existing Water Wells and Septic Systems Assessment dated April 28, 2020 prepared by Landtek Limited. In addition, the Assessment prepared by Landtek Limited confirms that each lot to be severed/retained includes its own private well and private sewage disposal system that are able to meet the water supply and septic system requirements in accordance with Section C.5.1. of the RHOP. A more comprehensive evaluation to demonstrate compliance of the existing private servicing with these policies and the Ontario Building Code would be appropriate as a condition of Consent to Sever approval.

Preservation of the Existing *Resource-Based Use*

According to the RHOP, *resource-based*, when used in reference to a use or activity, means those rural commercial, industrial, recreational or tourism uses that by their very nature require certain natural attributes or resources for their location including the availability of large lots or land areas. Therefore, the existing use of the Subject Lands as a golf course would be classified as a *resource-based* use in the RHOP. As described above, the Subject Lands are designated Open Space and Agriculture in Schedule D – Rural Land Use Designations of the RHOP. The RHOP does not provide specific policy direction for severances of *resource-based* uses within the Agriculture or Open Space designated lands.

Section D.4.1.1 of the RHOP states that the severance of a lot for existing *resource-based* commercial uses may be permitted in Rural designated lands, in accordance with Section F.1.14.2. While the subject site is not within the Rural designated lands of the RHOP, it is appropriate to review the proposal against these

criteria given the existing use. Compliance with the severance criteria contained in Section F.1.14.2 is demonstrated above.

Policy direction for Open Space designated lands is contained in Section 3.3 of the RHOP. Section C.3.3.2 b) states that "one ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreation and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land." In addition, Section C.3.1.4 of the RHOP states that a maximum of one dwelling per lot is permitted on Agriculture designated lands. There are currently three (3) dwellings existing in conjunction with the golf course/*resource-based* use on a single lot. These dwellings are *not* ancillary to the golf course. Therefore, this proposal to sever the residential lands from the golf course lands serves to bring the Subject Lands into conformity with these RHOP policies and to preserve the golf course lands as a *resource-based* use.

The intent of the provincial and municipal restrictions for lot creation in rural areas is to prevent the fragmentation and loss of the agricultural land base. As the Subject Lands are currently utilized as a golf course, the proposed Consent to Sever application implements the intent of the RHOP and Greenbelt Plan. Based on the above analysis, UrbanSolutions holds the opinion that the Consent to Sever application represents good land use planning and satisfies Section 53(1) of the *Planning Act*.

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

- Two (2) copies of a completed Consent to Sever application form for Severance No. 1;
- Two (2) copies of a completed Consent to Sever application form for Severance No. 2;
- Two (2) copies of a completed Consent to Sever application form for Severance No. 3;
- Two (2) copies of Severance Sketch, prepared by UrbanSolutions;
- Five (5) copies of the Existing Water Wells and Septic Systems Assessment prepared by Landtek Limited, dated May 19, 2020;
- Three (1) cheques payable to the City of Hamilton in the amount of **\$3,234** each for the application fees; and,
- Two (2) cheques payable to the Grand River Conservation Authority in the amount of **\$420** for the application review fee for Severance Nos. 1 and 3, and one (1) in the amount of **\$1,085** for Severance No. 2.

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

Regards,
UrbanSolutions

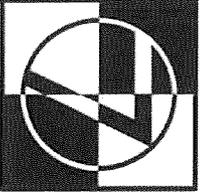


Sergio Machia, MCIP, RPP
Principal



Amber Lindsay, MES, MCIP, RPP
Planner

CC. Mr. Jason Cassis, Knollwood Golf Limited
Councillor Lloyd Ferguson, City of Hamilton
Ms. Pamela Green and Mr. Peter Gross, Gowling WLG
Mr. Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc.



205 Nebo Road, Unit 3
Hamilton, Ontario
Canada
L8W 2E1

LANDTEK LIMITED

Consulting Engineers

Phone: 905-383-3733
Fax: 905-383-8433
engineering@landteklimited.com
www.landteklimited.com

May 19, 2020
File: 20120

Knollwood Golf Limited
c/o URBAN SOLUTIONS Planning & Land Development
105 Main Street East, Suite 501
Hamilton, Ontario
L8N 1G6

Attention: Amber Lindsay, MCIP, RPP, Planner

Dear Ms. Lindsay,

**Re: Existing Water Wells and Septic Systems Assessment
Proposed Severance of three (3) Single-detached Dwellings at Knollwood Golf
Course, Ancaster, Ontario**

Landtek Limited (herein "Landtek") is pleased to submit this letter report for the proposed severance of three (3) existing single-detached dwellings that are located on the golf course lands, municipally known as 822 Book Road West, 914 Book Road West, and 1276 Shaver Road in Ancaster, Ontario (herein referred to as the "Site"). It is understood assessment of the existing water wells and septic systems in each of the dwellings are required to support application information for the proposed severances.

Background

Based on the information provided by the landowner, it is understood that there are existing water wells and septic systems located in each of the above three dwellings. The water well and septic system in each dwelling are currently able to meet the water supply needs and septic systems requirements of the homes without interruptions or breakdown.

Proposed Lots Sizes to be Severed

The proposed Lots to be severed are as follows:

1. 822 Book Road West: Minimum Lot Area = 0.40 ha (0.99 acres)
2. 914 Book Road West: Minimum Lot Area = 0.30 ha (0.74 acres)
3. 1276 Shaver Road: Minimum Lot Area = 0.40 ha (0.99 acres)

The proposed Lots are shown on Figures 1, 2, and 3, respectively in Appendix A.

City of Hamilton's Requirements

Water Supply

A well in a lot for severance should conform with Ministry of Environment Conservation and Park (MECP) Guideline D-5-5, which states that pumping rates shall not be less than 13.7 litres per minute.

■ FOUNDATION INVESTIGATIONS ■ ENVIRONMENTAL SITE ASSESSMENTS AND CLEANUP ■ GROUNDWATER STUDIES ■ SLOPE STABILITY STUDIES
■ ASPHALT TECHNOLOGY ■ ASPHALT MIX DESIGNS ■ PAVEMENT PERFORMANCE ANALYSIS ■ CONSTRUCTION MATERIALS TESTING & INSPECTION
■ ANALYSIS OF SOIL CORROSION POTENTIAL ■ PAVEMENT REHABILITATION & TENDER SPECIFICATIONS ■ CONCRETE QUALITY ASSURANCE TESTING
■ ROOF INSPECTIONS ■ INFRASTRUCTURE NEEDS STUDIES ■ FAILURE ANALYSIS AND EXPERT WITNESS SERVICES ■ AGGREGATE EVALUATION

Septic System

In order to determine sustainability, assessment should be completed based on the MECP Guideline D-5-4 and the City Guidelines. Minimum lot size for a 3-bedroom dwelling lot size typically range from 1.5 – 2.5 acres. However, these depends on underlying soil conditions.

Purpose of Site Assessment

The purpose of the assessment was to verify that the each of the three (3) existing single-detached dwellings has a water well and septic system that are currently able to meet the water supply and septic system requirements.

Scope of Work

The scope of work for this assessment include the following:

MECP Well Records Search – Desktop Study

A search of the Ministry of Environment, Conservation and Park (MECP) well records of the water wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road was conducted on April 10, 2020. The records were reviewed to characterize local hydrogeologic conditions, and completion records of each well such as total depth, completion zone, static water level, pumping test results, etc. The well records for 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are presented in Attachment B.

Site Visit, Inspection and Verification

Water Wells

Based on the Desk Top Study, a verification site visit was completed by Landtek on April 13, 2020 to identify the existing water wells locations, construction details, and other relevant information.

The well at 822 Book Road West was found to be an underground 6 inches diameter well located approximately 20 feet southwest of the dwelling, the well at 914 Book Road West was found to be an underground 6 inches diameter well located inside a shed east of the dwelling, and the well at 1276 Shaver Road was found to be 6 inches diameter well located approximately 20 feet south west of the dwelling.

The locations of the existing water wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are shown on Figure 1, Figure2, and Figure 3, respectively in Attachment A.

Septic Systems

The septic bed at 822 Book Road West was found to be located north of the dwelling, the septic bed at 914 Book Road West was found to be located north of the dwelling, while the septic bed at 1276 Shaver Road was found to be located east of the dwelling.

The locations of the septic systems at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are shown on Figure 1, Figure2, and Figure 3, respectively in Attachment B.

Review and Assessment of Existing Water Supply Wells

Each of the wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road was completed in bedrock which is the main aquifer in the area. A summary of the data obtained from the water well MECP well records is presented Table 1 in Attachment C.

The pumping tests rates of the wells, which range from 18.9 L/min to 56.8 L/min for durations of 30 minutes and 60 minutes, are greater than the required minimum volume of 13.7 litres per minute specified by the MECP Guideline D-5-5 for water supply to a single family unit.

According to the information provided by the landowner, the existing water wells in all the three properties (822 Book Road West, 914 Book Road West, and 1276 Shaver Road) are currently meeting the needs of the dwellings.

Review and Assessment of Existing Septic Systems

Visual inspection of the septic beds area at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road did not show any signs of failure.

According to the information provided by the landowner, the existing septic systems in all the three properties are currently meeting the needs of the dwellings.

Summary

The following summarizes the results of the assessment:

- The pumping tests rates of the wells, which range from 18.9 L/min to 56.8 L/min for durations of 30 minutes and 60 minutes, are greater than the required minimum volume of 13.7 litres per minute specified by the MECP Guideline D-5-5 for water supply to a single family unit.
- According to the information provided by the landowner, the existing water wells in all the three properties (822 Book Road West, 914 Book Road West, and 1276 Shaver Road) are currently meeting the needs of the dwellings.
- Visual inspection of the septic beds area at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road did not show any signs of failure.
- According to the information provided by the landowner, the existing septic systems in all the three properties are currently meeting the needs of the dwellings.

Conclusions

Based on the review of the MECP water well records of the existing wells, the site inspection of the existing wells and septic beds; and information provided by the landowner, it has been determined that the existing water wells and septic systems are adequate to meet the needs of the proposed severances.

Closure

We trust that this report is to your satisfaction and meets your current requirements. If, in the meantime, you have any comments or questions regarding the details herein, please do not hesitate to contact the undersigned.

Kind regards,
LANDTEK LIMITED



Henry Erebor, M.Sc., P. Geo.

Encs.:

- 1: Limitations of Report
- 2: Attachment B- Proposed Lots
- 3: Attachment A- MECP Water Well Records
- 4: Attachment C- Summary of Water Well Records



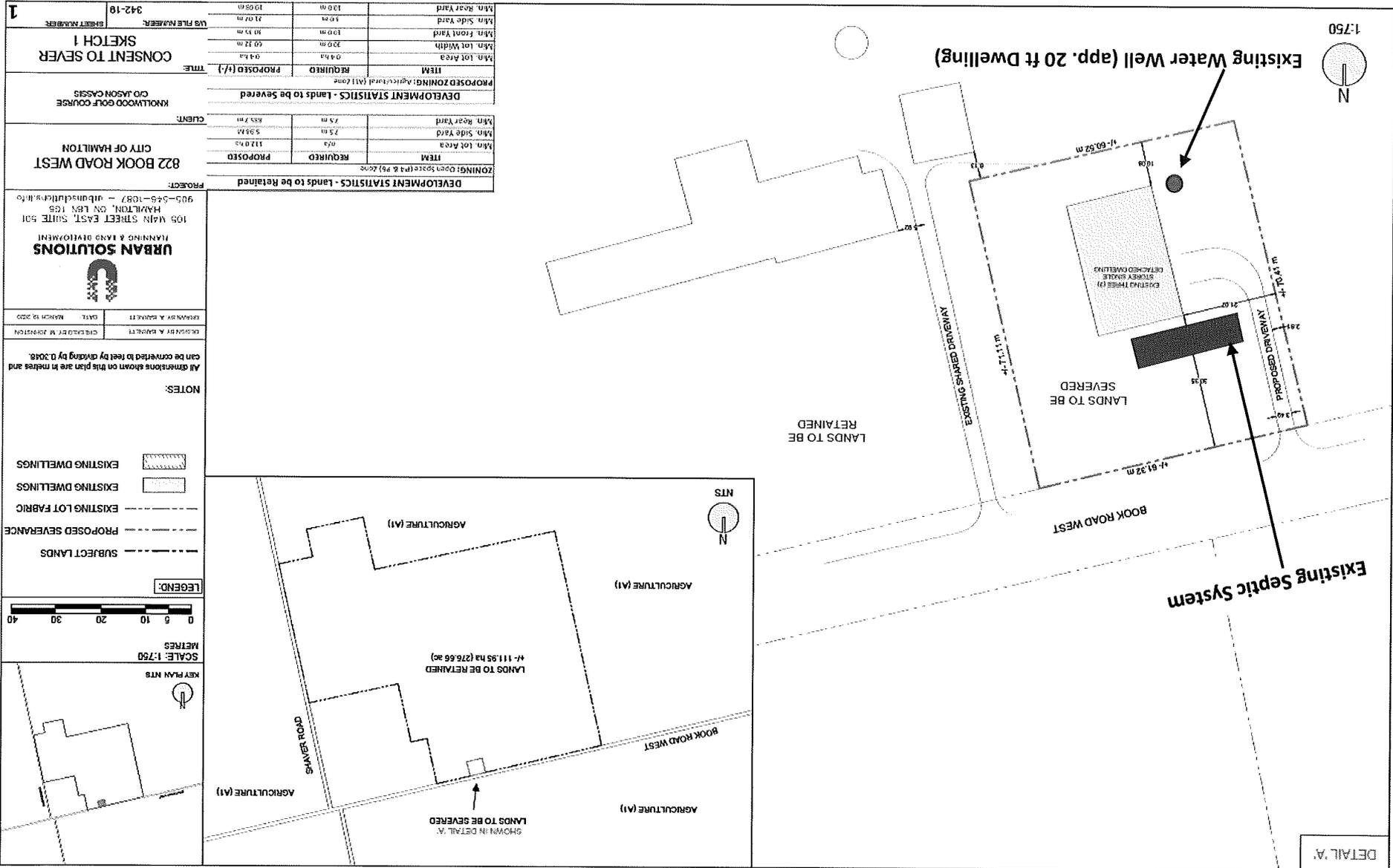
ENCLOSURE A LIMITATIONS OF REPORT

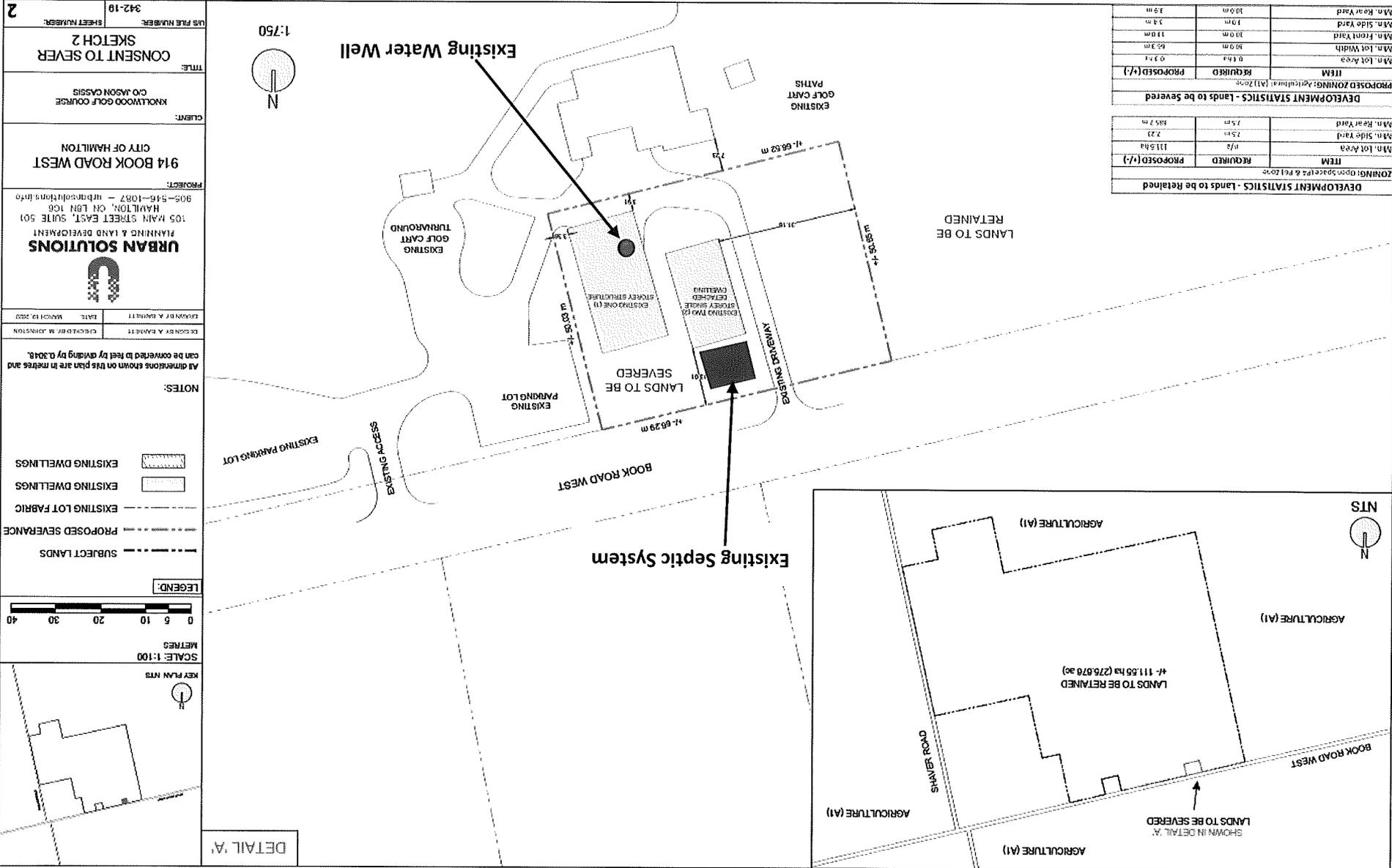
Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Landtek Limited accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report.

This report does not reflect environmental issues or concerns related to the property unless otherwise stated in the report. The information given in the report are applicable only to the project described in the text.

ATTACHMENT A
PROPOSED LOTS







DEVELOPMENT STATISTICS - Lands to be Severed		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.71 ha	0.71 ha
Min. Lot Width	30.0 m	65.3 m
Min. Front Yard	10.0 m	13.0 m
Min. Side Yard	1.0 m	3.4 m
Min. Rear Yard	10.0 m	13.0 m

DEVELOPMENT STATISTICS - Lands to be Retained		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.5 ha
Min. Side Yard	7.5 m	18.7 m
Min. Rear Yard	7.5 m	18.7 m

CLIENT: KNOXWOOD GOLF COURSE
C/O JASON CASSIS

PROJECT: 914 BOOK ROAD WEST
CITY OF HAMILTON

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 - urban@solutionsinfo.com

DESIGNER & ARCHITECT: CREOSOL & JOHNSON
DATE: MARCH 19, 2022

NOTES:
All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

LEGEND:
 - - - - - SUBJECT LANDS
 - - - - - PROPOSED SEVERANCE
 - - - - - EXISTING LOT FABRIC
 - - - - - EXISTING DWELLINGS
 - - - - - EXISTING DWELLINGS
 - - - - - EXISTING PARKING LOT

SCALE: 1:100 METRES
0 5 10 20 30 40

KEY PLAN NTS

DETAIL 'A'

TITLE: CONSENT TO SEVER
SKETCH 2

US FILE NUMBER: 342-10
SHEET NUMBER: 2

ATTACHMENT B

MECP WATER WELL RECORDS



[Go Back to Map](#)

Well ID

Well ID Number: 6802233
 Well Audit Number:
 Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location 822 Beak Road West.

Address of Well Location
 Township ANCASTER TOWNSHIP
 Lot 034
 Concession CON 05
 County/District/Municipality WENTWORTH
 City/Town/Village
 Province ON
 Postal Code n/a
 UTM Coordinates NAD83 — Zone 17
 Easting: 579852.30
 Northing: 4780949.00
 Municipal Plan and Sublot Number
 Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
BRWN	LOAM			0 ft	2 ft
BLUE	CLAY			2 ft	30 ft
	CLAY			30 ft	64 ft
	LMSN			64 ft	73 ft

Annular Space/Abandonment Sealing Record

Depth Type of Sealant Used Volume
From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use

Cable Tool

Domestic

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter Open Hole or material From To Depth

6 inch STEEL 64 ft

6 inch OPEN HOLE 73 ft

Construction Record - Screen

Outside Diameter Material From To Depth

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 1532

Results of Well Yield Testing

After test of well yield, water was CLEAR
If pumping discontinued, give reason

Pump intake set at

Pumping Rate 5 GPM

Duration of Pumping 0 h:30 m

Final water level 30 ft

If flowing give rate

Recommended pump depth

Recommended pump rate

Well Production
Disinfected? PUMP

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL 15 ft

1	1
2	2
3	3
4	4
5	5
10	10
15	15
20	20
25	25
30	30
40	40
45	45
50	50
60	60

Water Details

Water Found at Depth Kind
73 ft Sulphur

Hole Diameter

Depth Diameter
From To

Audit Number:

[Go Back to Map](#)

Well ID

Well ID Number: 6810577
 Well Audit Number:
 Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location 914 Book Road West

Address of Well Location

Township ANCASTER TOWNSHIP

Lot 035

Concession CON 05

County/District/Municipality WENTWORTH

City/Town/Village

Province ON

Postal Code n/a

UTM Coordinates NAD83 — Zone 17

Easting: 580182.30

Northing: 4780973.00

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
UNKN				0 ft	5 ft
GREY	CLAY			5 ft	60 ft
GREY	LMSN			60 ft	67 ft

Annular Space/Abandonment Sealing Record

Depth From To Type of Sealant Used Volume Placed

Method of Construction & Well Use

Method of Construction Well Use

Rotary (Air) Livestock

Domestic

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter Open Hole or material Depth From To

6 inch STEEL 60 ft

Construction Record - Screen

Outside Diameter Material Depth From To

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 4208

Results of Well Yield Testing

After test of well yield, water was CLEAR

If pumping discontinued, give reason

Pump intake set at

Pumping Rate 12 GPM

Duration of Pumping 1 h:0 m

Final water level 60 ft

If flowing give rate

Recommended pump depth 60 ft

Recommended pump rate 12 GPM

Well Production
Disinfected? PUMP

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL 22 ft

1	1		
2	2		
3	3		
4	4		
5	5		
10	10		
15	15	22 ft	
20	20		
25	25		
30	30	22 ft	
40	40		
45	45	22 ft	
50	50		
60	60	22 ft	

Water Details

Water Found at Depth Kind
63 ft Fresh

Hole Diameter

Depth Depth Diameter
From To

Audit Number:

Date Well Completed: July 13, 1983

[Go Back to Map](#)

Well ID

Well ID Number: 6807812
 Well Audit Number:
 Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location

1276 Shaver Road,

Address of Well Location

Township ANCASTER TOWNSHIP

Lot 036

Concession CON 05

County/District/Municipality WENTWORTH

City/Town/Village

Province ON

Postal Code n/a

NAD83 — Zone 17
 Easting: 580894.30
 Northing: 4780413.00

UTM Coordinates

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
BRWN	LOAM			0 ft	4 ft
BLUE	CLAY			4 ft	28 ft
BRWN	CLAY			28 ft	69 ft
	LMSN			69 ft	189 ft

Annular Space/Abandonment Sealing Record

Depth Type of Sealant Used Volume
From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use

Cable Tool

Irrigation

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL	70 ft	189 ft
	OPEN HOLE		

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To
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Well Contractor and Well Technician Information

Well Contractor's Licence Number: 2803

Results of Well Yield Testing

After test of well yield, water was	CLEAR
If pumping discontinued, give reason	
Pump intake set at	
Pumping Rate	14 GPM
Duration of Pumping	1 h:0 m
Final water level	179 ft
If flowing give rate	
Recommended pump depth	179 ft
Recommended pump rate	14 GPM

Well Production
Disinfected? BAILER

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL 20 ft

1	1	
2	2	
3	3	
4	4	
5	5	
10	10	
15	15	90 ft
20	20	
25	25	
30	30	60 ft
40	40	
45	45	50 ft
50	50	
60	60	40 ft

Water Details

Water Found at Depth	Kind
150 ft	Sulphur
187 ft	Sulphur

Hole Diameter

Depth Diameter
From To

Audit Number:

Date Well Completed: June 28, 1971

ATTACHMENT C

SUMMARY OF WATER WELLS RECORDS



SUMMARY OF MECP WELL RECORDS

Address Location	Type and Well Diameter	Well ID	Date Completed	Depth (m)			Water Level (m)		Completion Interval	Use	Pumping Test			Owner's Remark
				(ft)	(m)	(ft)	(m)	(ft)			(m)	Pumping Rate (gpm)	Pumping Duration (min)	
822 Book Road West, Ancaster	6.25 inches dia. Steel	6810577	13-Jul-83	67	20.4	22	6.7	Limestone	Domestic	12	60	12	46.4	Well is meeting supply needs
914 Book Road West, Ancaster	6.00 inches dia. Steel	6802233	6-Jan-59	73	22.2	15	4.6	Limestone	Domestic	5	30	-	18.9	Well is meeting supply needs
1276 Shaver Road, Ancaster	6.00 inches dia. Steel	6807812	28-Jun-71	189.00	57.60	20	6.1	Limestone	Domestic	14	69	14	56.8	Well is meeting supply needs



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:32

SUBJECT PROPERTY: 1276 Shaver Rd., Ancaster

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

APPLICANT(S): Owner: Knollwood Golf Ltd.
 Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 1276 Shaver Rd. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:30 and AN/B-20:31.

Severed lands:
 67m[±] x 60m[±] and an area of 0.4 ha[±]

Retained lands:
 758m[±] x 1002m[±] and an area of 111.2 ha[±]

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:10 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

AN/B-20:32
Page 2

MORE INFORMATION

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

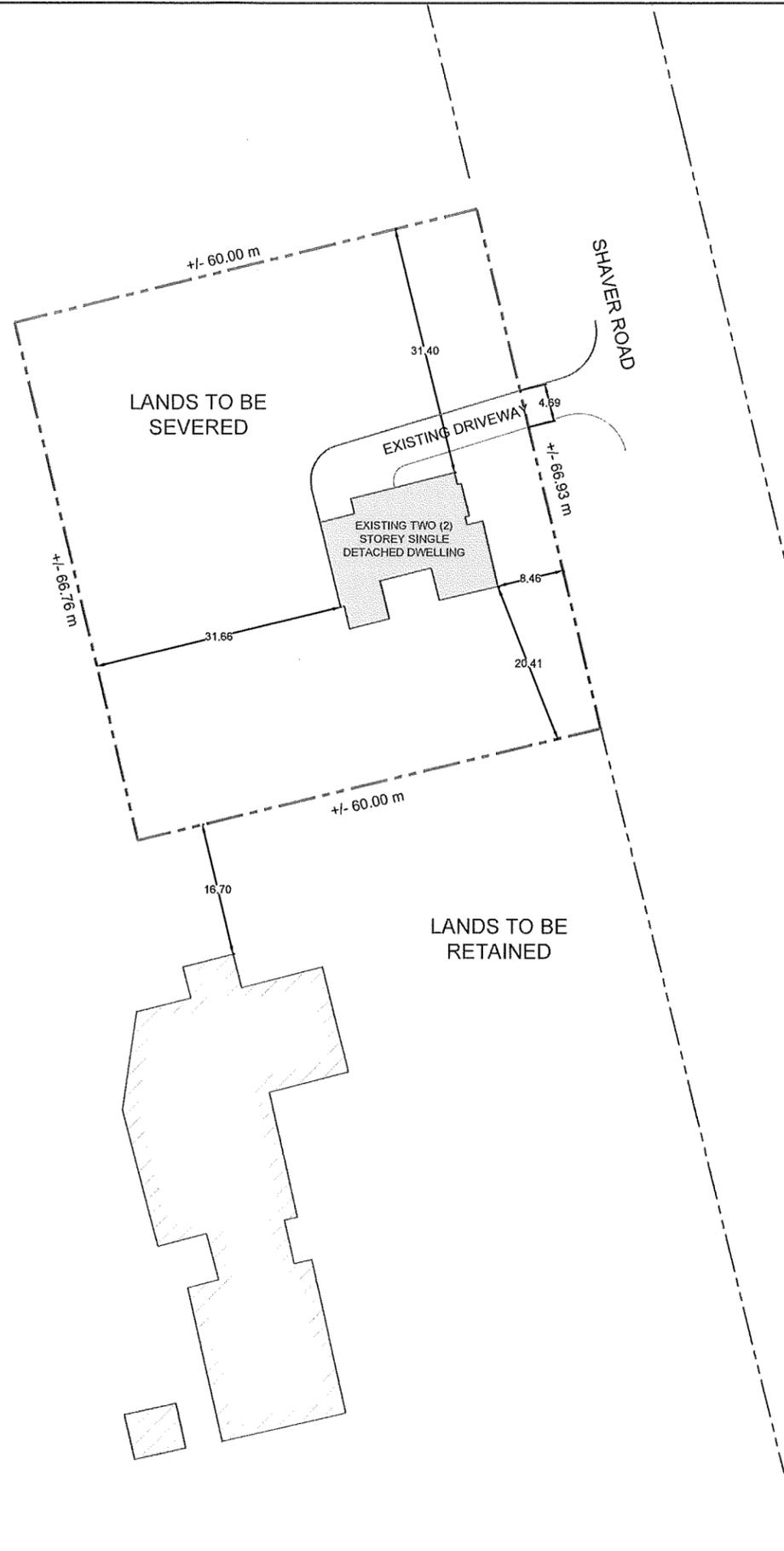
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020

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.

DETAIL 'A'



DEVELOPMENT STATISTICS - Lands to be Retained

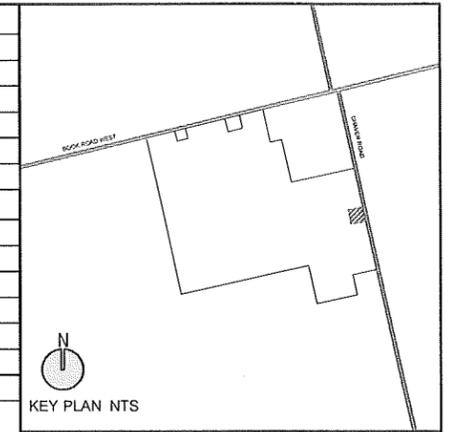
ZONING: Open Space (P4 & P6) Zone

ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.2 ha
Min. Side Yard	7.5 m	16.7 m
Min. Rear Yard	7.5 m	885.7 m

DEVELOPMENT STATISTICS - Lands to be Severed

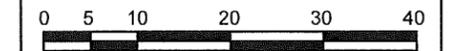
PROPOSED ZONING: Agricultural (A1) Zone

ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	30.0 m	66.9 m
Min. Front Yard	10.0 m	8.5 m
Min. Side Yard	3.0 m	20.2 m
Min. Rear Yard	10.0 m	31.7 m



KEY PLAN NTS

SCALE: 1:750
METRES



LEGEND:

- SUBJECT LANDS
- PROPOSED SEVERANCE
- EXISTING LOT FABRIC
- EXISTING DWELLINGS
- EXISTING DWELLINGS

NOTES:

All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON

DRAWN BY: A. BARNETT DATE: MARCH 19, 2020



URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 - urbansolutions.info

PROJECT:

1276 SHAYER ROAD
CITY OF HAMILTON

CLIENT:

KNOLLWOOD GOLF COURSE
C/O JASON CASSIS

TITLE:

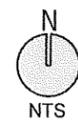
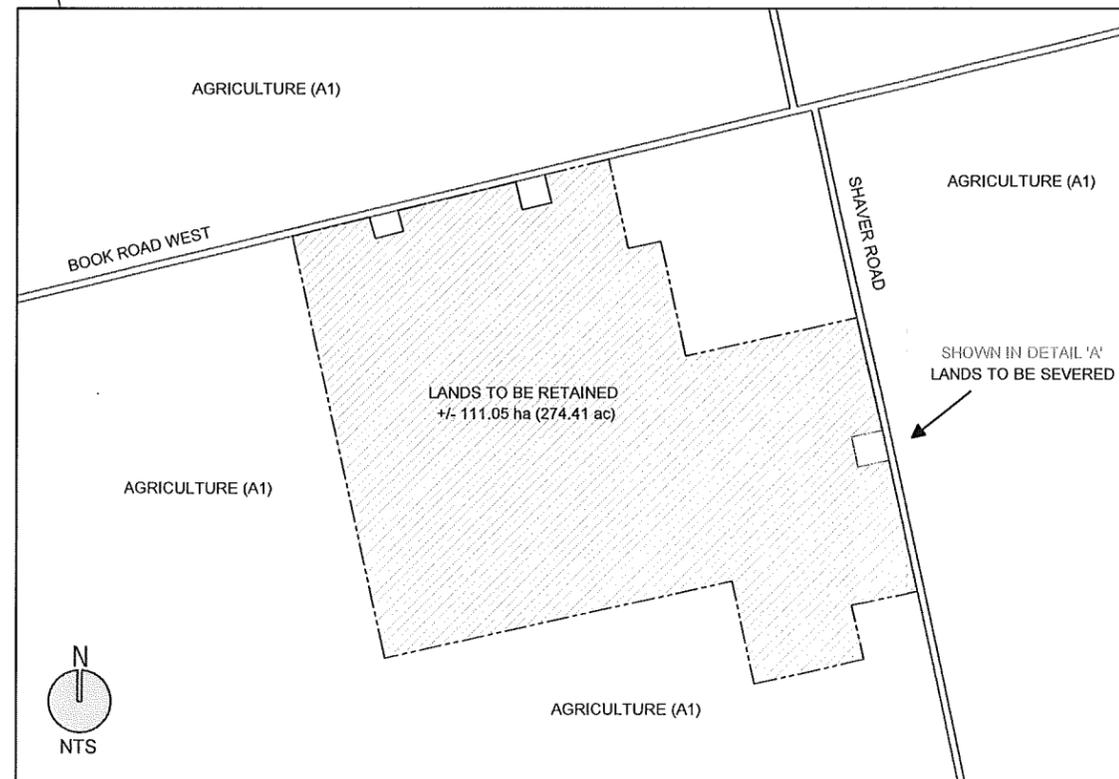
CONSENT TO SEVER
SKETCH 3

U/S FILE NUMBER:

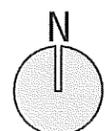
342-19

SHEET NUMBER:

1



NTS



1:750



Hamilton

Planning and Economic Development Department
 Planning Division

Committee of Adjustment
 City Hall
 5th floor, 71 Main Street West
 Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

**APPLICATION FOR CONSENT TO SEVER LAND
 UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

Date Application Received: <i>June 1/20</i>	Date Application Deemed Complete:	Submission No.: <i>AM/B-20</i>	File No.: <i>31</i>
--	-----------------------------------	-----------------------------------	------------------------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Knollwood Golf Ltd. c/o Jason Cassis		
Applicant(s)*	(Same as above.)		
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston		

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

1.3 All correspondence should be sent to Owner Applicant Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Ancaster	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 914 Book Road West, Ancaster ON			Assessment Roll N°.

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)

- a) Urban Area Transfer (do not complete Section 10): N/A
- | | |
|--|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- creation of a new lot
 creation of a new non-farm parcel
 (i.e. a lot containing a surplus farm dwelling
 resulting from a farm consolidation)
 addition to a lot
- Other: a charge
 a lease
 a correction of title
 an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:
 To be confirmed. _____

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION4.1 Description of land intended to be **Severed**:

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 66 m	+/- 50 m	0.4 ha

Existing Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Part of golf course property.
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Proposed Use of Property to be severed:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) _____
- Industrial
 Agricultural-Related
 Commercial
 Vacant

Building(s) or Structure(s):

Existing: Existing two (2) storey single detached residential dwelling & existing one (1) storey structure.Proposed: Existing use to remain.

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

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) _____

4.2 Description of land intended to be **Retained**:

Frontage (m)	Depth (m)	Area (m ² or ha)
758.6 m	1,001.9 m	111.6 ha

Existing Use of Property to be retained:

- Residential
 Agriculture (includes a farm dwelling)
 Other (specify) Golf Course
- Industrial
 Agricultural-Related
 Commercial
 Vacant

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 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify) Golf Course

- 6.1 If Industrial or Commercial, specify use N/A
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?
 Yes No Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?
 Yes No Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown Existing pipeline located on subject lands.
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?
Discussion with owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
 Is the previous use inventory attached?
 Yes No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

- Yes No

Please refer to cover letter.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please refer to cover letter.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

Please refer to cover letter.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

Please refer to cover letter.

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No N/A
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

N/A

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

Please refer to cover letter.

- Rural Settlement Area Severance or Lot Addition
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of 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: _____

d) 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: _____

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

 (Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
---------------	------------------

Existing Land Use(s): 25 Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
----------------------------------	-------------------------------------

Front yard set back: _____

d) Surplus farm dwelling date of construction:

- Prior to December 16, 2004 After December 16, 2004

e) Condition of surplus farm dwelling:

- Habitable Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
----------------------------------	-------------------------------------

Existing Land Use: _____ Proposed Land Use: _____

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to cover letter.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private



May 22, 2020

342-19

Via Delivered

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 1276 Shaver Road, 822 Book Road West & 914 Book Road West, Ancaster
Consent to Sever Applications**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultant acting on behalf of Knollwood Golf Limited c/o Mr. Jason Cassis, the owner of the lands municipally known as 1276 Shaver Road, 822 Book Road West and 914 Book Road West in the former Town of Ancaster, in the City of Hamilton (Subject Lands). We are pleased to submit these applications for Consent to Sever on their behalf.

The Subject Lands are designated Agriculture (822 Book Road West) and Open Space (914 Book Road West and 1276 Shaver Road) in the Rural Hamilton Official Plan (RHOP) and are located in the Open Space (P4) and Conservation/Hazard Lands (P6) Zones of the City of Hamilton Zoning By-law No. 05-200. The Subject Lands are in the Greenbelt Plan area and are designated Protected Countryside. The Subject Lands are currently occupied by a golf course and three (3) single-detached residential dwellings.

A historic title review demonstrates that the Subject Lands were acquired by Knollwood Golf Limited over time via three (3) transfers:

- 822 Book Road West: Transfer #CD224818 in 1982 from Power of Sale.
- 914 Book Road West: Transfer #CD427835 in 1987 from Bessie Callon.
- 1276 Shaver Road: Transfer #VM176170 in 1994 from John Harris.

Ultimately the three (3) parcels have been merged on title. Prior to the development of the golf course in 1991, the lands were utilized for agricultural purposes.

The purpose of this application is to separate the residential uses from the golf course use by creating three (3) new lots for the existing single-detached dwellings located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road. In order to facilitate the proposed severances, three (3) Consent to Sever applications are required. The severances illustrated on the enclosed Severance Sketches are described as follows:

- **Severance No. 1:** This application is intended to sever the existing property into two (2) lots. The retained lot will have frontage on both Book Road West and Shaver Road and a lot area of 112.0ha and the severed lot will have frontage on Book Road West and a lot area of 0.45ha. The severed lot corresponds with the residential dwelling at 822 Book Road West.
- **Severance No. 2:** This application is intended to sever the retained lot from Severance A into two (2) lots. The retained lot will have frontage on Book Road West and Shaver Road and a lot area of 111.6ha, and the severed lot will have frontage on Book Road West and a lot area of 0.3ha. The severed lot corresponds with the residential dwelling at 914 Book Road West.
- **Severance No. 3:** This application is intended to sever the retained lot from Severance B into two (2) lots. The retained lot will have frontage on Book Road West and Shaver Road and a lot area of 111.2ha, and the severed lot will have frontage on Shaver Road and a lot area of 0.4ha. The severed lot corresponds with the residential dwelling at 1276 Shaver Road.

The Consent to Sever application satisfies Section 53 of the *Planning Act* as it represents the proper and orderly development of the municipality. In addition, this application implements the intent of Section F.1.14.2 of the RHOP which contains criteria for evaluating severances within the rural area, and the lot creation policies for lands within the Protected Countryside of the Greenbelt Plan. The rationale for the proposed severances is based on two key areas including (1) *farm consolidation* and (2) preservation of a *resource-based use*.

Farm Consolidation

Section F.1.14.2.1 b) of the RHOP indicates the severances that create new lots may be permitted for a surplus farm dwelling made surplus as a result of a *farm consolidation*. The conditions for severance of a surplus farm dwelling are as follows:

- i) The *farm consolidation* shall have been completed prior to the time of application.
- ii) The farm dwelling shall be determined to be surplus to the *farm operation* for no reason other than the farm dwelling is surplus to the needs of the *farm consolidation*...
- iii) The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v) A private well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
 - 1) not impair agricultural operations on the retained land; and

- 2) shall generally not exceed a depth of 122 metres (400 feet);
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.
- viii) Where a barn or other farm building exists in the immediate vicinity of the surplus residence, the City may require demolition of the barn.

A historic title search of the Subject Lands illustrates that 822 and 914 Book Road West were utilized for agricultural purposes at the time of their acquisition by Knollwood Golf Limited and continued to be farmed until 1991 when the golf course use was established. *Farm consolidation* is defined in the RHOP as the acquisition of additional farm parcels to be operated as one farm operation, for the purposes of expanding the farm operation and/or sustaining viability of continued agricultural use of the lands. Residences surplus to a farm operation means one or two or more existing farm residences located on lands held under the same ownership as a result of a *farm consolidation*. When the two properties merged, one of the existing dwellings was made surplus as a result of the consolidation of former agricultural parcels to facilitate the conversion to the current golf course use.

The proposed severances to create separate lots for the existing residential dwellings satisfies the criteria in Section F.1.14.2.1 as the consolidation of the Subject Lands predates this application, the former farm dwellings became surplus to the former farm operations at the time that Knollwood Golf Limited acquired the parcels, the dwellings were constructed well before December 16, 2004 and are currently occupied/habitable. The surplus dwellings will not include barns or other farm buildings and will not interfere with any existing agricultural operations. The size of the residential lots created as a result of this application are the minimum size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, as demonstrated by the enclosed Existing Water Wells and Septic Systems Assessment dated April 28, 2020 prepared by Landtek Limited. In addition, the Assessment prepared by Landtek Limited confirms that each lot to be severed/retained includes its own private well and private sewage disposal system that are able to meet the water supply and septic system requirements in accordance with Section C.5.1. of the RHOP. A more comprehensive evaluation to demonstrate compliance of the existing private servicing with these policies and the Ontario Building Code would be appropriate as a condition of Consent to Sever approval.

Preservation of the Existing *Resource-Based* Use

According to the RHOP, *resource-based*, when used in reference to a use or activity, means those rural commercial, industrial, recreational or tourism uses that by their very nature require certain natural attributes or resources for their location including the availability of large lots or land areas. Therefore, the existing use of the Subject Lands as a golf course would be classified as a *resource-based* use in the RHOP. As described above, the Subject Lands are designated Open Space and Agriculture in Schedule D – Rural Land Use Designations of the RHOP. The RHOP does not provide specific policy direction for severances of *resource-based* uses within the Agriculture or Open Space designated lands.

Section D.4.1.1 of the RHOP states that the severance of a lot for existing *resource-based* commercial uses may be permitted in Rural designated lands, in accordance with Section F.1.14.2. While the subject site is not within the Rural designated lands of the RHOP, it is appropriate to review the proposal against these

criteria given the existing use. Compliance with the severance criteria contained in Section F.1.14.2 is demonstrated above.

Policy direction for Open Space designated lands is contained in Section 3.3 of the RHOP. Section C.3.3.2 b) states that “one ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreation and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.” In addition, Section C.3.1.4 of the RHOP states that a maximum of one dwelling per lot is permitted on Agriculture designated lands. There are currently three (3) dwellings existing in conjunction with the golf course/*resource-based* use on a single lot. These dwellings are *not* ancillary to the golf course. Therefore, this proposal to sever the residential lands from the golf course lands serves to bring the Subject Lands into conformity with these RHOP policies and to preserve the golf course lands as a *resource-based* use.

The intent of the provincial and municipal restrictions for lot creation in rural areas is to prevent the fragmentation and loss of the agricultural land base. As the Subject Lands are currently utilized as a golf course, the proposed Consent to Sever application implements the intent of the RHOP and Greenbelt Plan. Based on the above analysis, UrbanSolutions holds the opinion that the Consent to Sever application represents good land use planning and satisfies Section 53(1) of the *Planning Act*.

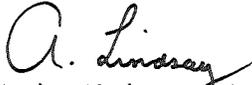
In support of this application, please find enclosed the following:

- Two (2) copies of a completed Consent to Sever application form for Severance No. 1;
- Two (2) copies of a completed Consent to Sever application form for Severance No. 2;
- Two (2) copies of a completed Consent to Sever application form for Severance No. 3;
- Two (2) copies of Severance Sketch, prepared by UrbanSolutions;
- Five (5) copies of the Existing Water Wells and Septic Systems Assessment prepared by Landtek Limited, dated May 19, 2020;
- Three (1) cheques payable to the City of Hamilton in the amount of **\$3,234** each for the application fees; and,
- Two (2) cheques payable to the Grand River Conservation Authority in the amount of **\$420** for the application review fee for Severance Nos. 1 and 3, and one (1) in the amount of **\$1,085** for Severance No. 2.

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

Regards,
UrbanSolutions


Sergio Machia, MCIP, RPP
Principal


Amber Lindsay, MES, MCIP, RPP
Planner

CC. Mr. Jason Cassis, Knollwood Golf Limited
Councillor Lloyd Ferguson, City of Hamilton
Ms. Pamela Green and Mr. Peter Gross, Gowling WLG
Mr. Matt Johnston, UrbanSolutions Planning & Land Development Consultants Inc.



LANDTEK LIMITED

Consulting Engineers

205 Nebo Road, Unit 3
Hamilton, Ontario
Canada
L8W 2E1

Phone: 905-383-3733
Fax: 905-383-8433
engineering@landteklimited.com
www.landteklimited.com

May 19, 2020

File: 20120

Knollwood Golf Limited
c/o URBAN SOLUTIONS Planning & Land Development
105 Main Street East, Suite 501
Hamilton, Ontario
L8N 1G6

Attention: Amber Lindsay, MCIP, RPP, Planner

Dear Ms. Lindsay,

**Re: Existing Water Wells and Septic Systems Assessment
Proposed Severance of three (3) Single-detached Dwellings at Knollwood Golf
Course, Ancaster, Ontario**

Landtek Limited (herein "*Landtek*") is pleased to submit this letter report for the proposed severance of three (3) existing single-detached dwellings that are located on the golf course lands, municipally known as 822 Book Road West, 914 Book Road West, and 1276 Shaver Road in Ancaster, Ontario (herein referred to as the "Site"). It is understood assessment of the existing water wells and septic systems in each of the dwellings are required to support application information for the proposed severances.

Background

Based on the information provided by the landowner, it is understood that there are existing water wells and septic systems located in each of the above three dwellings. The water well and septic system in each dwelling are currently able to meet the water supply needs and septic systems requirements of the homes without interruptions or breakdown.

Proposed Lots Sizes to be Severed

The proposed Lots to be severed are as follows:

1. 822 Book Road West: Minimum Lot Area = 0.40 ha (0.99 acres)
2. 914 Book Road West: Minimum Lot Area = 0.30 ha (0.74 acres)
3. 1276 Shaver Road: Minimum Lot Area = 0.40 ha (0.99 acres)

The proposed Lots are shown on Figures 1, 2, and 3, respectively in Appendix A.

City of Hamilton's Requirements

Water Supply

A well in a lot for severance should conform with Ministry of Environment Conservation and Park (MECP) Guideline D-5-5, which states that pumping rates shall not be less than 13.7 litres per minute.

Septic System

In order to determine sustainability, assessment should be completed based on the MECP Guideline D-5-4 and the City Guidelines. Minimum lot size for a 3-bedroom dwelling lot size typically range from 1.5 – 2.5 acres. However, these depends on underlying soil conditions.

Purpose of Site Assessment

The purpose of the assessment was to verify that the each of the three (3) existing single-detached dwellings has a water well and septic system that are currently able to meet the water supply and septic system requirements.

Scope of Work

The scope of work for this assessment include the following:

MECP Well Records Search – Desktop Study

A search of the Ministry of Environment, Conservation and Park (MECP) well records of the water wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road was conducted on April 10, 2020. The records were reviewed to characterize local hydrogeologic conditions, and completion records of each well such as total depth, completion zone, static water level, pumping test results, etc. The well records for 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are presented in Attachment B.

Site Visit, Inspection and Verification

Water Wells

Based on the Desk Top Study, a verification site visit was completed by Landtek on April 13, 2020 to identify the existing water wells locations, construction details, and other relevant information.

The well at 822 Book Road West was found to be an underground 6 inches diameter well located approximately 20 feet southwest of the dwelling, the well at 914 Book Road West was found to be an underground 6 inches diameter well located inside a shed east of the dwelling, and the well at 1276 Shaver Road was found to be 6 inches diameter well located approximately 20 feet south west of the dwelling.

The locations of the existing water wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are shown on Figure 1, Figure2, and Figure 3, respectively in Attachment A.

Septic Systems

The septic bed at 822 Book Road West was found to be located north of the dwelling, the septic bed at 914 Book Road West was found to be located north of the dwelling, while the septic bed at 1276 Shaver Road was found to be located east of the dwelling.

The locations of the septic systems at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road are shown on Figure 1, Figure2, and Figure 3, respectively in Attachment B.

Review and Assessment of Existing Water Supply Wells

Each of the wells at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road was completed in bedrock which is the main aquifer in the area. A summary of the data obtained from the water well MECP well records is presented Table 1 in Attachment C.



The pumping tests rates of the wells, which range from 18.9 L/min to 56.8 L/min for durations of 30 minutes and 60 minutes, are greater than the required minimum volume of 13.7 litres per minute specified by the MECP Guideline D-5-5 for water supply to a single family unit.

According to the information provided by the landowner, the existing water wells in all the three properties (822 Book Road West, 914 Book Road West, and 1276 Shaver Road) are currently meeting the needs of the dwellings.

Review and Assessment of Existing Septic Systems

Visual inspection of the septic beds area at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road did not show any signs of failure.

According to the information provided by the landowner, the existing septic systems in all the three properties are currently meeting the needs of the dwellings.

Summary

The following summarizes the results of the assessment:

- The pumping tests rates of the wells, which range from 18.9 L/min to 56.8 L/min for durations of 30 minutes and 60 minutes, are greater than the required minimum volume of 13.7 litres per minute specified by the MECP Guideline D-5-5 for water supply to a single family unit.
- According to the information provided by the landowner, the existing water wells in all the three properties (822 Book Road West, 914 Book Road West, and 1276 Shaver Road) are currently meeting the needs of the dwellings.
- Visual inspection of the septic beds area at 822 Book Road West, 914 Book Road West, and 1276 Shaver Road did not show any signs of failure.
- According to the information provided by the landowner, the existing septic systems in all the three properties are currently meeting the needs of the dwellings.

Conclusions

Based on the review of the MECP water well records of the existing wells, the site inspection of the existing wells and septic beds; and information provided by the landowner, it has been determined that the existing water wells and septic systems are adequate to meet the needs of the proposed severances.

Closure

We trust that this report is to your satisfaction and meets your current requirements. If, in the meantime, you have any comments or questions regarding the details herein, please do not hesitate to contact the undersigned.

Kind regards,
LANDTEK LIMITED



Henry Erebor, M.Sc., P.Geo.

Encs:

- 1: Limitations of Report
- 2: Attachment B- Proposed Lots
- 3: Attachment A- MECP Water Well Records
- 4: Attachment C- Summary of Water Well Records

**ENCLOSURE A
LIMITATIONS OF REPORT**

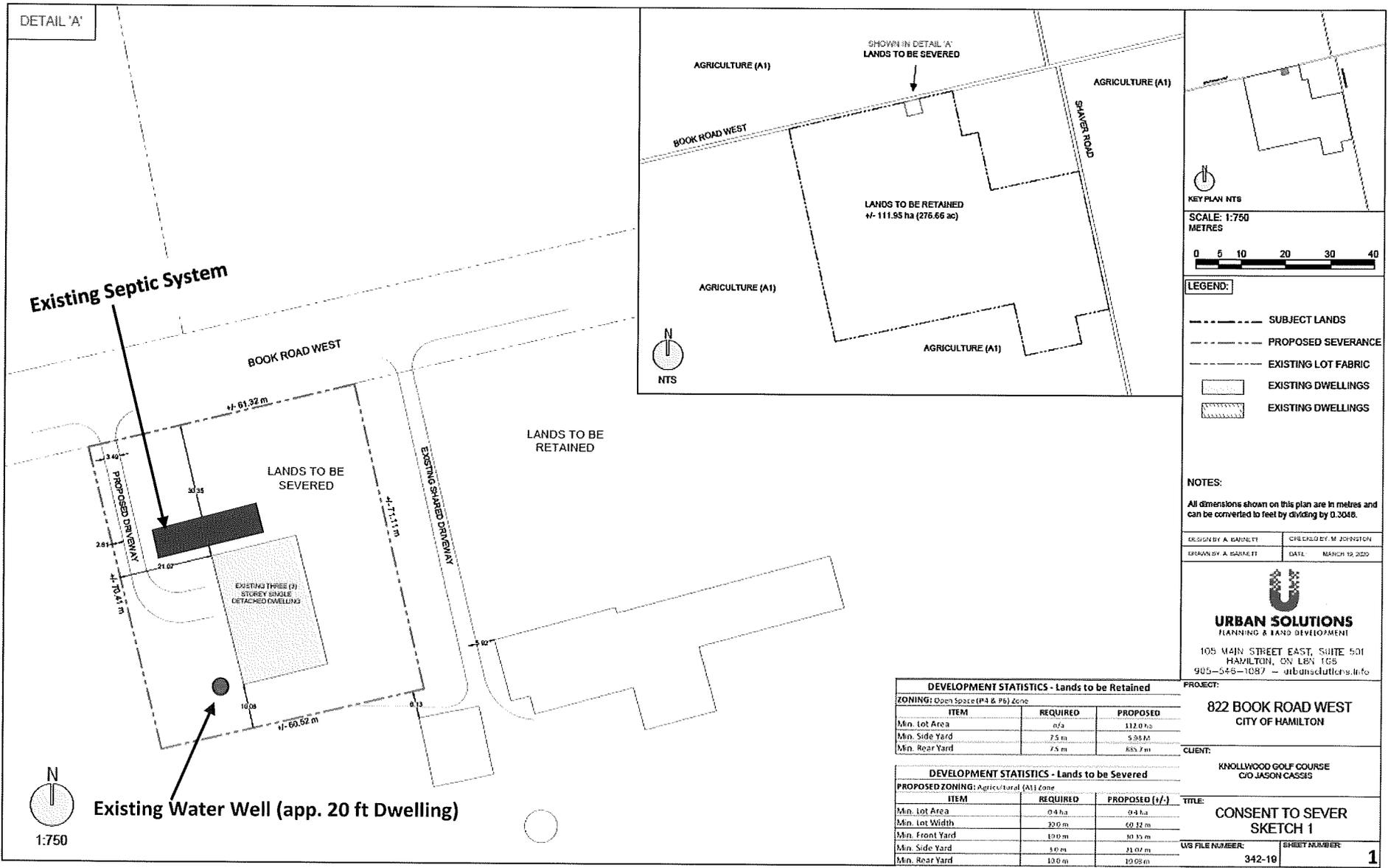
Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Landtek Limited accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report.

This report does not reflect environmental issues or concerns related to the property unless otherwise stated in the report. The information given in the report are applicable only to the project described in the text.

ATTACHMENT A

PROPOSED LOTS





DEVELOPMENT STATISTICS - Lands to be Retained

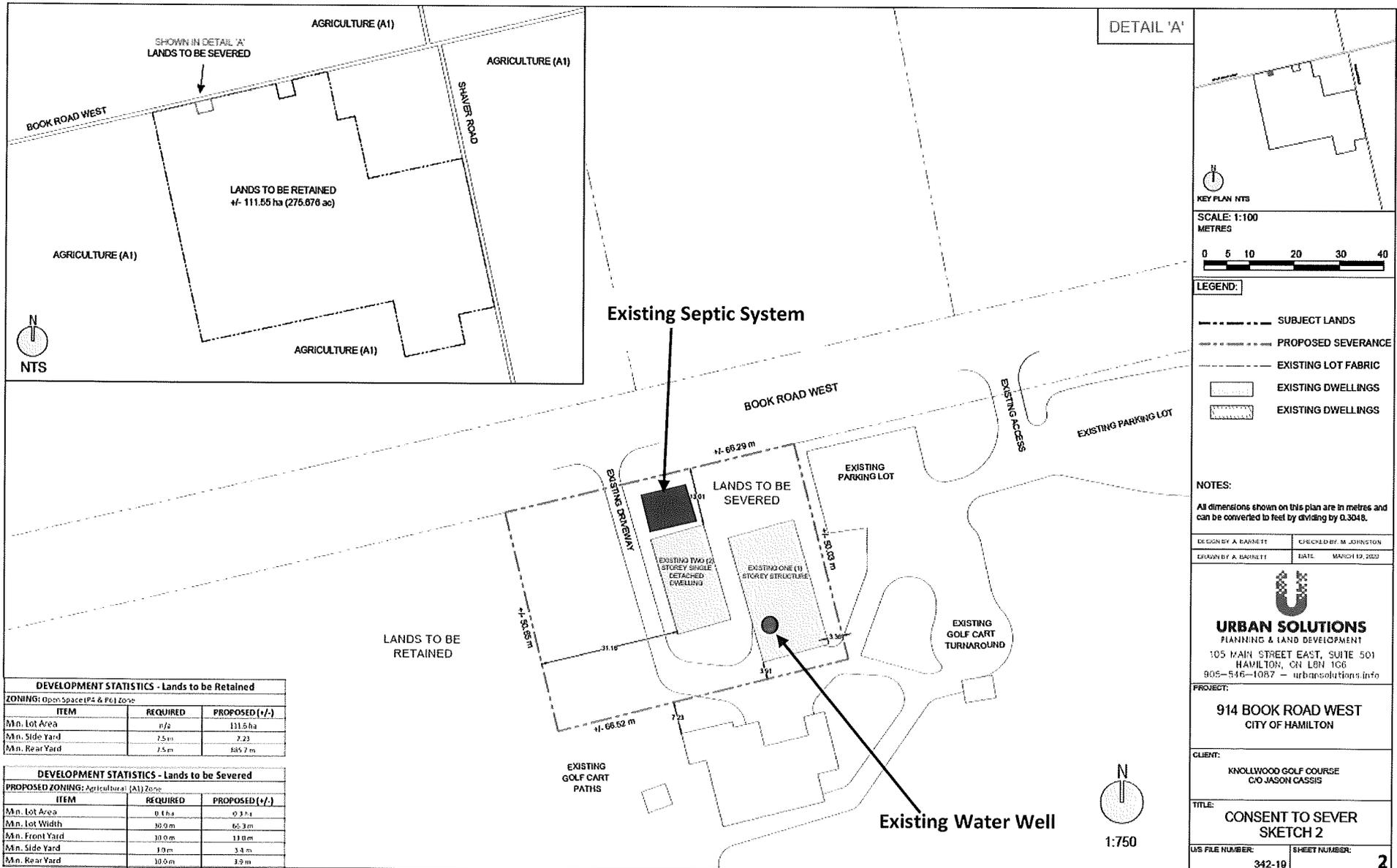
ZONING: Open Space (P4 & P6) Zone

ITEM	REQUIRED	PROPOSED
Min. Lot Area	n/a	111.0 ha
Min. Side Yard	7.5 m	5.88 m
Min. Rear Yard	7.5 m	85.7 m

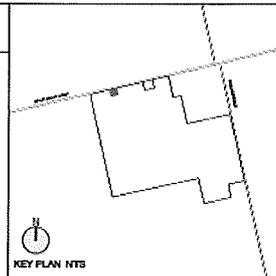
DEVELOPMENT STATISTICS - Lands to be Severed

PROPOSED ZONING: Agricultural (A1) Zone

ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	20.0 m	60.32 m
Min. Front Yard	10.0 m	30.33 m
Min. Side Yard	3.0 m	31.07 m
Min. Rear Yard	10.0 m	10.08 m



DETAIL 'A'



SCALE: 1:100
METRES
0 5 10 20 30 40

- LEGEND:
- SUBJECT LANDS
 - - - - - PROPOSED SEVERANCE
 - - - - - EXISTING LOT FABRIC
 - [] EXISTING DWELLINGS
 - [] EXISTING DWELLINGS

NOTES:
All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON
DRAWN BY: A. BARNETT DATE: MARCH 12, 2020

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 - urbansolutions.info

PROJECT:
914 BOOK ROAD WEST
CITY OF HAMILTON

CLIENT:
KNOLLWOOD GOLF COURSE
C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 2

US FILE NUMBER: 342-19 SHEET NUMBER: **2**

DEVELOPMENT STATISTICS - Lands to be Retained

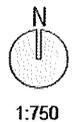
ZONING: OpenSpace(P2 & P3) Zone

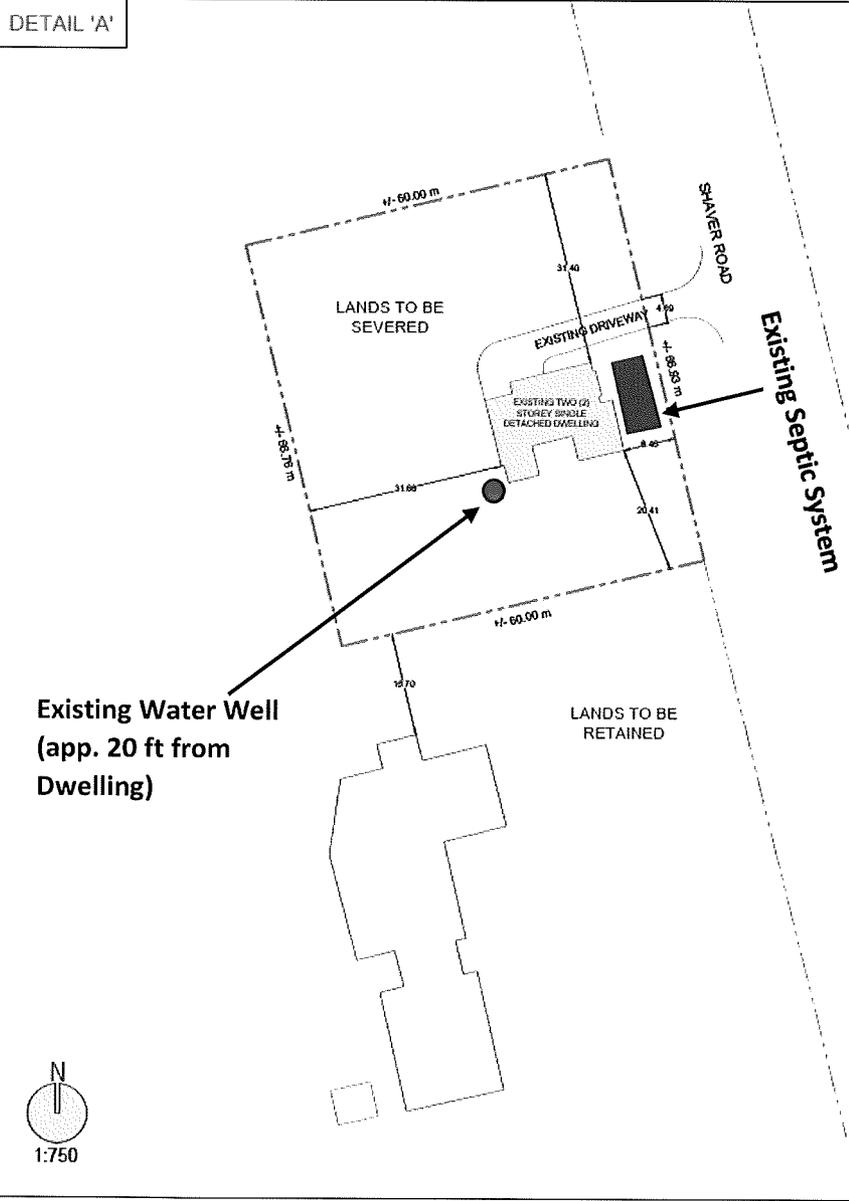
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	131.5 ha
Min. Side Yard	7.5 m	7.23
Min. Rear Yard	7.5 m	185.7 m

DEVELOPMENT STATISTICS - Lands to be Severed

PROPOSED ZONING: Agricultural (A1) Zone

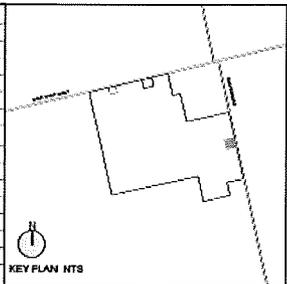
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.3 ha
Min. Lot Width	30.0 m	65.3 m
Min. Front Yard	10.0 m	11.0 m
Min. Side Yard	1.0 m	3.3 m
Min. Rear Yard	10.0 m	3.9 m





DEVELOPMENT STATISTICS - Lands to be Retained		
ZONING: Open Space (PA & P6) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.2 ha
Min. Side Yard	7.5 m	16.7 m
Min. Rear Yard	7.5 m	665.7 m

DEVELOPMENT STATISTICS - Lands to be Severed		
PROPOSED ZONING: Agricultural (A1) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	30.0 m	66.9 m
Min. Front Yard	10.0 m	8.5 m
Min. Side Yard	3.0 m	20.2 m
Min. Rear Yard	10.0 m	31.7 m



SCALE: 1:750
METRES

- LEGEND:**
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - [Dotted Box] EXISTING DWELLINGS
 - [Dashed Box] EXISTING DWELLINGS

NOTES:
All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARRETT CHECKED BY: M. JOHNSON
DRAWN BY: A. BARRETT DATE: MARCH 10, 2020

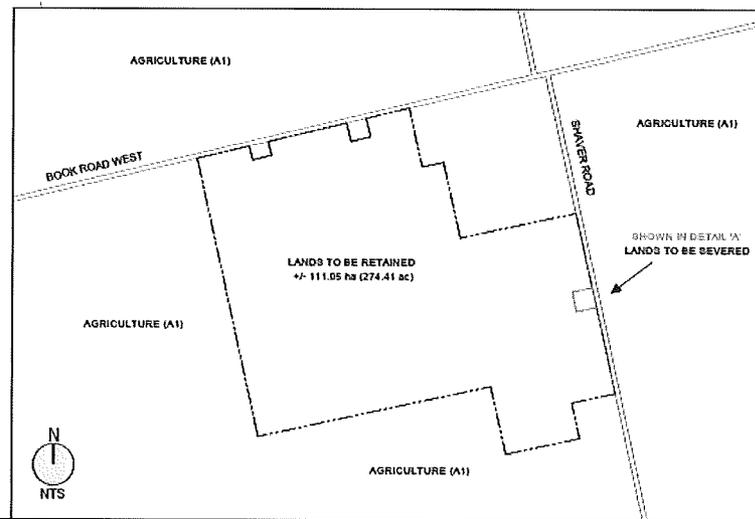
URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT
105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 — urbansolutions.info

PROJECT:
1276 SHAVER ROAD
CITY OF HAMILTON

CLIENT:
KNOLLWOOD GOLF COURSE
C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 3

US FILE NUMBER: 342-10 SHEET NUMBER: **3**



ATTACHMENT B

MECP WATER WELL RECORDS

Go Back to Map

Well ID

Well ID Number: 6802233

Well Audit Number:

Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location 822 Book Road West.

Address of Well Location

Township ANCASTER TOWNSHIP

Lot 034

Concession CON 05

County/District/Municipality WENTWORTH

City/Town/Village

Province ON

Postal Code n/a

UTM Coordinates
NAD83 — Zone 17
Easting: 579852.30
Northing: 4780949.00

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
	LOAM			0 ft	2 ft
BRWN	CLAY			2 ft	30 ft
BLUE	CLAY			30 ft	64 ft
	LMSN			64 ft	73 ft

Annular Space/Abandonment Sealing Record

Depth Depth Type of Sealant Used Volume
From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use

Cable Tool

Domestic

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL		64 ft
6 inch	OPEN HOLE		73 ft

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To
------------------	----------	------------	----------

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 1532

Results of Well Yield Testing

After test of well yield, water was CLEAR
If pumping discontinued, give reason

Pump intake set at

Pumping Rate 5 GPM

Duration of Pumping 0 h:30 m

Final water level 30 ft

If flowing give rate

Recommended pump depth

Recommended pump rate

**Well Production
Disinfected?**

PUMP

Draw Down & Recovery

Draw Down Time(min) Draw Down Water level Recovery Time(min) Recovery Water level

SWL	15 ft		
1		1	
2		2	
3		3	
4		4	
5		5	
10		10	
15		15	
20		20	
25		25	
30		30	
40		40	
45		45	
50		50	
60		60	

Water Details

Water Found at Depth Kind
73 ft Sulphur

Hole Diameter

Depth Depth Diameter
From To

Audit Number:

[Go Back to Map](#)

Well ID

Well ID Number: 6810577

Well Audit Number:

Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location

914 Book Road West

Address of Well Location

Township	ANCASTER TOWNSHIP
Lot	035
Concession	CON 05
County/District/Municipality	WENTWORTH
City/Town/Village	
Province	ON
Postal Code	n/a
UTM Coordinates	NAD83 — Zone 17 Easting: 580182.30 Northing: 4780973.00

Municipal Plan and Sublot Number

Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
	UNKN			0 ft	5 ft
GREY	CLAY			5 ft	60 ft
GREY	LMSN			60 ft	67 ft

Annular Space/Abandonment Sealing Record

Depth Depth Type of Sealant Used Volume
 From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use
 Rotary (Air) Livestock
 Domestic

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL		60 ft

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 4208

Results of Well Yield Testing

After test of well yield, water was CLEAR
 If pumping discontinued, give reason

Pump intake set at	
Pumping Rate	12 GPM
Duration of Pumping	1 h:0 m
Final water level	60 ft
If flowing give rate	
Recommended pump depth	60 ft
Recommended pump rate	12 GPM

**Well Production
Disinfected?**

PUMP

Draw Down & Recovery

Draw Down Time(min)	Draw Down Water level SWL	Recovery Time(min)	Recovery Water level
1	22 ft	1	
2		2	
3		3	
4		4	
5		5	
10		10	
15		15	22 ft
20		20	
25		25	
30		30	22 ft
40		40	
45		45	22 ft
50		50	
60		60	22 ft

Water Details

Water Found at Depth Kind
63 ft Fresh

Hole Diameter

Depth Depth Diameter
From To

Audit Number:

Date Well Completed: July 13, 1983

[Go Back to Map](#)

Well ID

Well ID Number: 6807812
 Well Audit Number:
 Well Tag Number:

This table contains information from the original well record and any subsequent updates.

Well Location 1276 Shaver Road.

Address of Well Location

Township	ANCASTER TOWNSHIP
Lot	036
Concession	CON 05
County/District/Municipality	WENTWORTH
City/Town/Village	
Province	ON
Postal Code	n/a
UTM Coordinates	NAD83 — Zone 17 Easting: 580894.30 Northing: 4780413.00

Municipal Plan and Sublot Number
 Other

Overburden and Bedrock Materials Interval

General Colour	Most Common Material	Other Materials	General Description	Depth From	Depth To
	LOAM			0 ft	4 ft
BRWN	CLAY			4 ft	28 ft
BLUE	CLAY			28 ft	69 ft
BRWN	LMSN			69 ft	189 ft

Annular Space/Abandonment Sealing Record

Depth Depth Type of Sealant Used Volume
 From To (Material and Type) Placed

Method of Construction & Well Use

Method of Construction Well Use

Cable Tool

Irrigation

Status of Well

Water Supply

Construction Record - Casing

Inside Diameter	Open Hole or material	Depth From	Depth To
6 inch	STEEL		70 ft
	OPEN HOLE		189 ft

Construction Record - Screen

Outside Diameter	Material	Depth From	Depth To

Well Contractor and Well Technician Information

Well Contractor's Licence Number: 2803

Results of Well Yield Testing

After test of well yield, water was CLEAR
 If pumping discontinued, give reason

Pump intake set at

Pumping Rate	14 GPM
Duration of Pumping	1 h:0 m
Final water level	179 ft

If flowing give rate

Recommended pump depth	179 ft
Recommended pump rate	14 GPM

**Well Production
Disinfected?**

BAILER

Draw Down & Recovery

Draw Down Time(min)	Draw Down Water level	Recovery Time(min)	Recovery Water level
SWL	20 ft		
1		1	
2		2	
3		3	
4		4	
5		5	
10		10	
15		15	90 ft
20		20	
25		25	
30		30	60 ft
40		40	
45		45	50 ft
50		50	
60		60	40 ft

Water Details

Water Found at Depth	Kind
150 ft	Sulphur
187 ft	Sulphur

Hole Diameter

Depth From	Depth To	Diameter
------------	----------	----------

Audit Number:

Date Well Completed: June 28, 1971

ATTACHMENT C

SUMMARY OF WATER WELLS RECORDS



SUMMARY OF MECP WELL RECORDS

Address Location	Type and Well Diameter	Well ID	Date Completed	Depth (m)		Water Level (m)		Completion Interval	Use	Pumping Test				Owner's Remark
				(ft)	(m)	(ft)	(m)			Pumping Rate (gpm)	Pumping Duration (min)	Recommended Pumping Rate (gpm)	Pumping Rate (L/min)	
822 Book Road West, Ancaster	6.25 inches dia. Steel	6810577	13-Jul-83	67	20.4	22	6.7	Limestone	Domestic	12	60	12	45.4	Well is meeting supply needs
914 Book Road West, Ancaster	6.00 inches dia. Steel	6802233	6-Jan-59	73	22.2	15	4.6	Limestone	Domestic	5	30	-	18.9	Well is meeting supply needs
1276 Shaver Road, Ancaster	6.00 inches dia. Steel	6807812	28-Jun-71	189.00	57.60	20	6.1	Limestone	Domestic	14	69	14	56.8	Well is meeting supply needs



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: HM/A-20:102

APPLICANTS: Ken Bekendam on behalf of the owner Emanuel Salem

SUBJECT PROPERTY: Municipal address **574 Cannon St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings) district

PROPOSAL: To permit the conversion of the existing single family dwelling to a two (2) family dwelling under Section 19 (Residential Conversions) of the Zoning By-Law, notwithstanding that;

1. A minimum floor area of 36.7 m² shall be provided for Unit # 1 instead of providing the minimum required floor area of 65.0 m² for each dwelling unit; and

2. A minimum floor area of 51.9 m² shall be provided for Unit # 2 instead of providing the minimum required floor area of 65.0 m² for each dwelling unit; and

3. A minimum Lot Area of 182.0 m² shall be provided instead of the minimum required lot area of 270.0 m²; and

4. No onsite manoeuvring shall be provided instead of the minimum required 6.0 m; and

5. A minimum access driveway width of 2.4 m shall be provided instead of the minimum required 2.8 m; and

6. A minimum parking space width of 2.4 m shall be provided for the required parking space abutting the alleyway instead of the minimum required parking space width of 2.7 m; and

7. To permit one of the required parking spaces to be obstructed whereas the By-Law states that sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.

Notes:

The proposed floor plans illustrate three (3) dwelling units are proposed, pursuant to the definition of "Dwelling Unit" as defined in the Zoning By-Law; please be advised that the

HM/A-10:102

Page 2

use of a three (3) family dwelling is not permitted at this location. The “Weet Bar” shown to be located within the basement level is not permitted and will be required to be removed prior to the application for a building permit to convert the existing single-family dwelling to a two (2) family dwelling.

The applicant shall ensure that the minimum clear height as required by the Ontario Building Code is provided for the required floor area in each dwelling unit.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:25 p.m.

**PLACE: Via video link or call in (see attached sheet for details)
To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only**

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

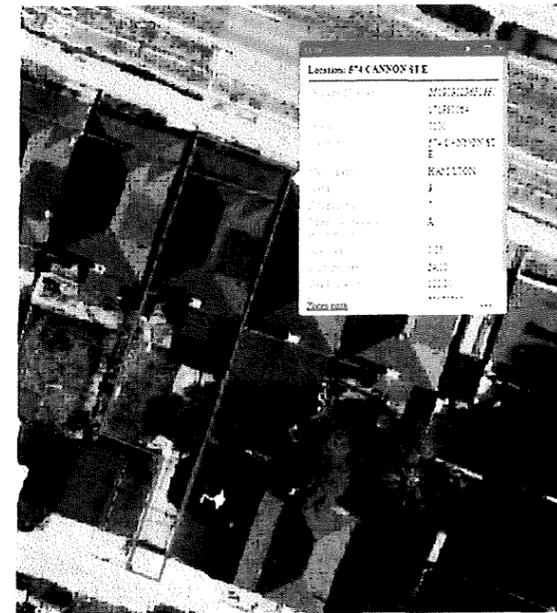
2 UNIT CONVERSION

574 CANNON ST E. - HAMILTON, ON.

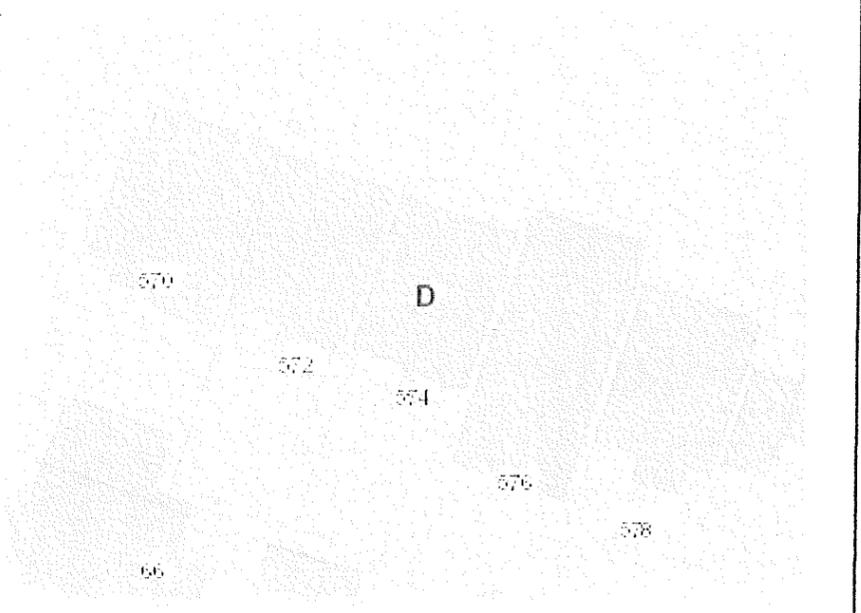
ELETRONIC STAMP



EXISTING BUILDING IMAGE



AERIAL MAP



ZONING MAP



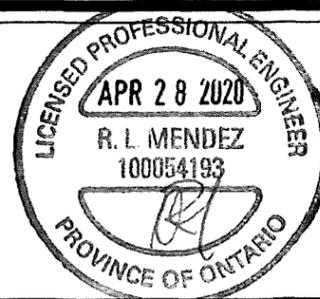
LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
kenbekendam@gmail.com
C: (905)-961-0647
(855) - KINGHMS (546-4467)

LEAD ENGINEER **ROBERT MENDEZ P.ENG. 100054193**
robertmendez@yahoo.com
C: (416) - 807-1572

www.legalsecondsuites.com



**LEGAL
SECOND
SUITES**



ADDRESS: **574 CANNON ST. E.
HAMILTON, ON.**

TITLE PAGE

SCALE:

-

DATE:

APR 2020

PROJECT:

**2 UNIT
CONVERSION**

SHEET#:

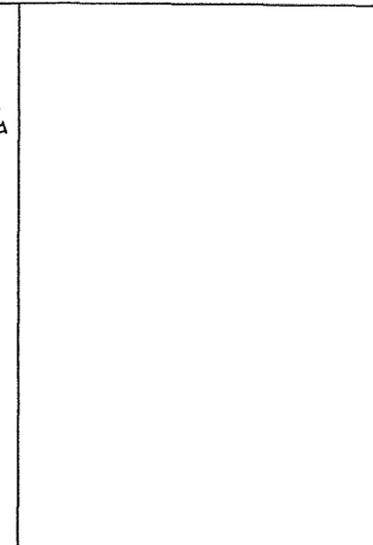
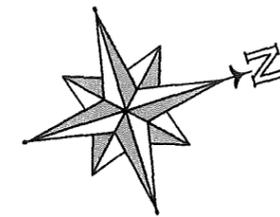
A0.01

SITE INFORMATION & STATISTICS			
ADDRESS	574 CANNON ST E. HAMILTON - ON.		
ZONING TYPE	D		
LOT AREA	1961.70 SQ FT (182.24 SQ M)		
LOT FRONTAGE	24' (7.32 m)		
FLOOR AREAS	ALLOWED	EXISTING	PROPOSED
BASEMENT			NO CHANGE
MAIN FLOOR			NO CHANGE
SECOND FLOOR			NO CHANGE
THIRD FLOOR			NO CHANGE
SETBACKS			
FRONT			NO CHANGE
SIDE			NO CHANGE
BACK			NO CHANGE
SIDE			NO CHANGE

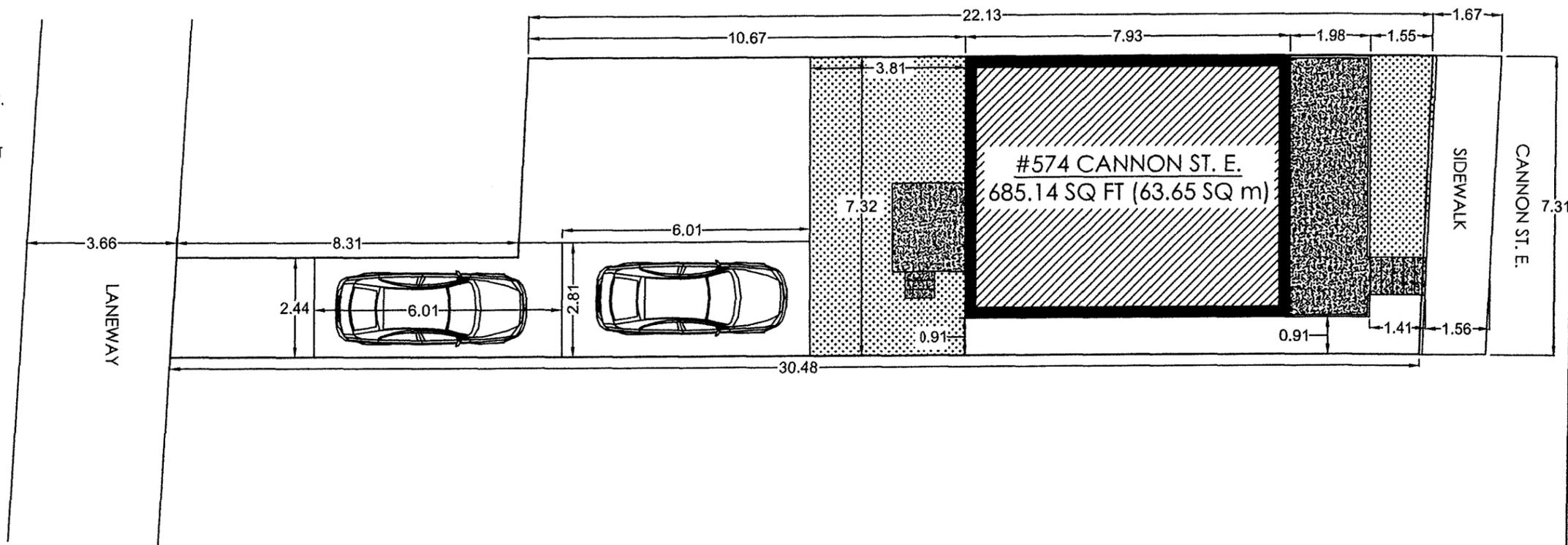
SITE PLAN:
 BASED ON OAKVILLE SITE MAPS AND MEASUREMENTS ON SITE DESIGNER ASSUMES NO RESPONSIBILITY FOR ACCURACY OF OAKVILLE MAPS. THIS SITE SHALL NOT BE USED FOR ANY OTHER PURPOSES. NO WORK TO ENCROACH ONTO ADJOINING PROPERTIES

EXISTING STRUCTURE NOTE:
 OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE OWNER PRIOR TO ANY WORK, OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK.

BUILDING CODE COMPLIANCE NOTE:
 THESE DRAWINGS DO NOT REPRESENT A COMPREHENSIVE AND EXHAUSTIVE GUIDE FOR COMPLIANCE WITH THE ONTARIO BUILDING CODE. IT IS ASSUMED THAT THE CONTRACTOR HAS REASONABLY SUFFICIENT KNOWLEDGE OF THE ONTARIO BUILDING CODE IN ORDER TO PERFORM ALL WORK AS PER THESE DRAWINGS IN SUCH A WAY THAT WILL COMPLY WITH ALL ASPECTS OF THE O.B.C. AND WILL NOT CONTRAVENE ANY OTHER APPLICABLE LAWS.



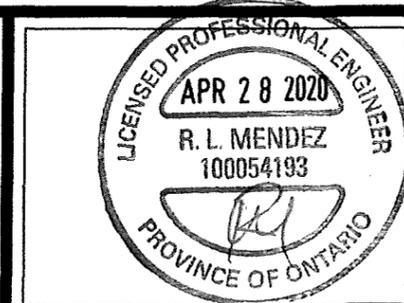
- GENERAL NOTES:**
1. ALL CONSTRUCTION TO COMPLY WITH THE REVISED ONTARIO BUILDING CODE 2012.
 2. ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING OR TO MASONRY SURFACES UNLESS OTHERWISE NOTED.
 3. ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENINGS.
 4. CONTRACTOR IS TO VERIFY WINDOW OPENINGS WITH WINDOW MANUFACTURER PRIOR TO COMMENCING WORK.
 5. READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH STRUCTURAL, MECHANICAL AND ELECTRICAL DRAWINGS.
 6. ELEVATION REFERENCES ARE BASED ON 100'-0" = 131.70m GEODETIC ELEVATIONS AS NOTED ON A1 SITE PLAN.
 7. ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND THE FIELD CONDITIONS BEFORE COMMENCING FABRICATION. AND INCONSISTENCIES ARE TO BE REPORTED TO THE CONSULTANT BEFORE PROCEEDING WITH THE WORK.
 8. THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFIRM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
 9. PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
 10. CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCING NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
 11. REFER TO LANDSCAPING PLAN FOR PLANTING CONFIRM LAYOUT WITH LANDSCAPE CONTRACTOR
 12. DESIGNER NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.



LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
 kenbekendam@gmail.com
 C: (905)-961-0647
 (855) - KINGHMS (546-4467)

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 robertmendez@yahoo.com
 C: (416) - 807-1572

www.legalsecondsuites.com



ADDRESS: **574 CANNON ST. E. HAMILTON, ON.**

SITE PLAN

SCALE: **1:125**

PROJECT: **2 UNIT CONVERSION**

DATE: **APR 2020**

SHEET#: **SP1.01**

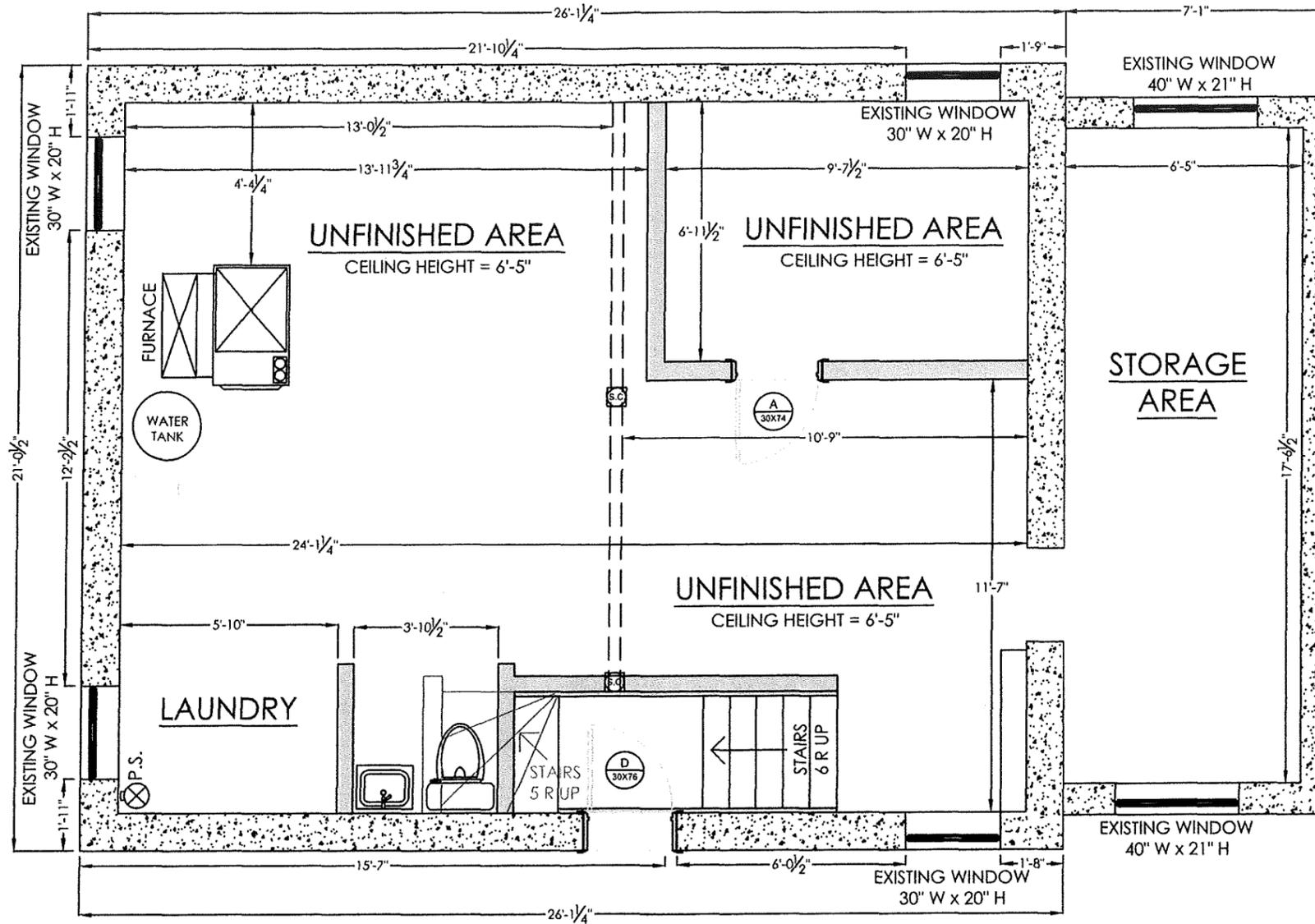
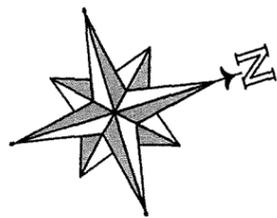
PLANS LEGEND

BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
S.A.	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
(thick line)	STRUCTURAL BEAM OR WALL
(circle with X)	PLUMBING STACK
(circle with W)	WATER METER
(circle with F.D.)	FLOOR DRAIN
(circle with S.C.)	STRUCTURAL COLUMN
(stippled)	FOUNDATION WALL
(dotted)	EXISTING EXTERIOR WALLS
(solid)	NEW EXTERIOR WALLS
(dashed)	EXISTING INTERIOR WALLS
(solid)	NEW INTERIOR WALLS
(thick solid)	STRUCTURAL WALLS
(thick dashed)	NEW STRUCTURAL BEAMS
(double line)	WINDOWS
(circle with S)	SUPPLY REGISTER
(circle with R)	RETURN GRILLE

DOOR LEGEND

(circle with A)	DOOR TYPE
(circle with 30x60)	DOOR SIZE

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR



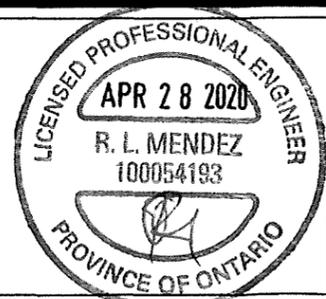
ELECTRONIC STAMP



LEAD DESIGNER & CONSULTANT
KEN BEKENDAM
 kenbekendam@gmail.com
 C: (905)-961-0647
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LEAD ENGINEER
ROBERT MENDEZ P.ENG. 100054193
 robertmendez@yahoo.com
 C: (416) - 807-1572

www.legalsecondsuites.com



ADDRESS:
**574 CANNON ST. E.
 HAMILTON, ON.**

EXISTING BASEMENT

SCALE:
1/4" = 1'

PROJECT:
**2 UNIT
 CONVERSION**

DATE:
APR 2020

SHEET#:
A1.01

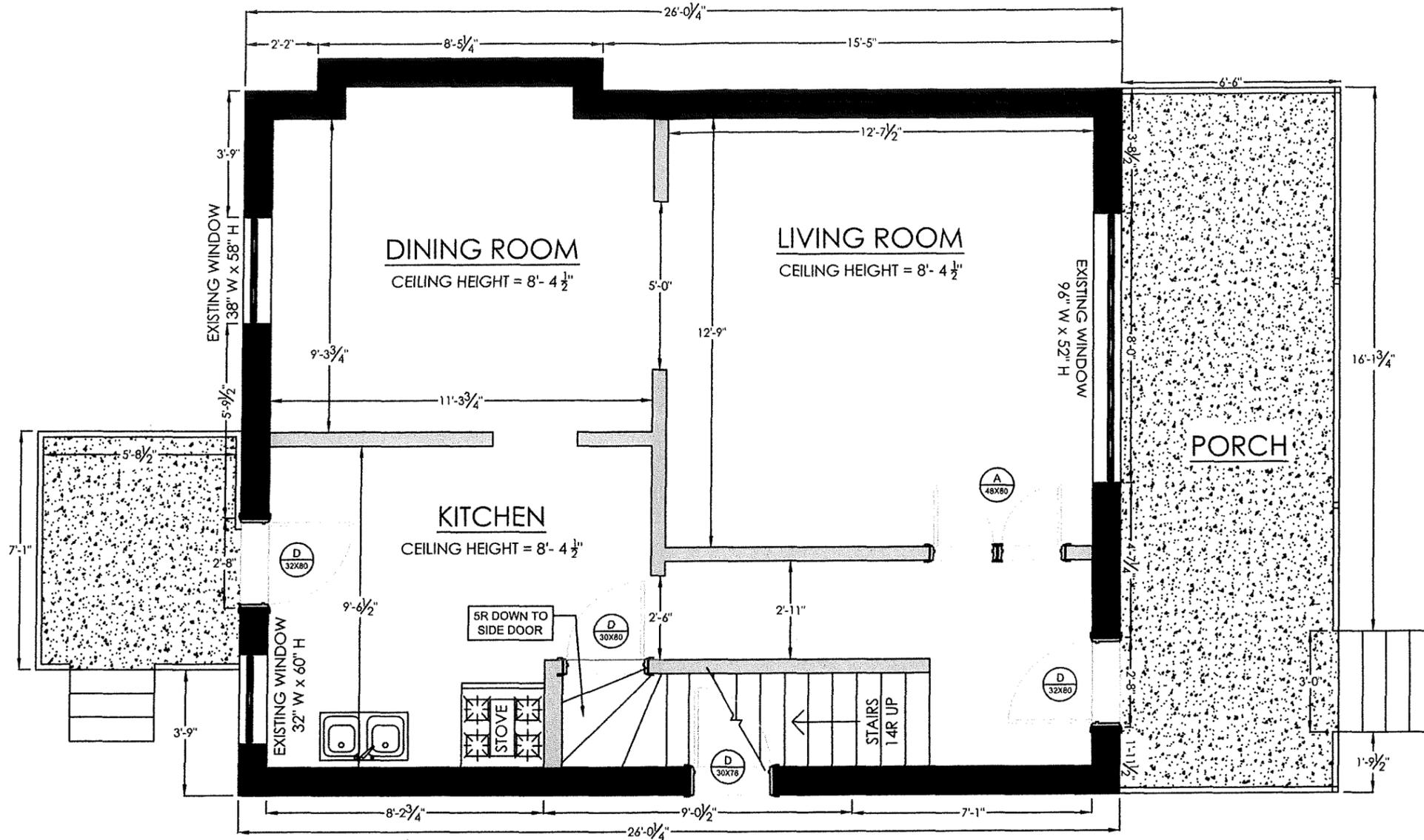
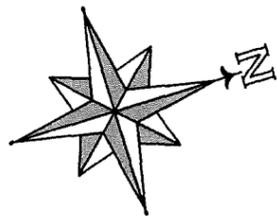
PLANS LEGEND

BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
SA	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
	STRUCTURAL BEAM OR WALL
	PLUMBING STACK
	WATER METER
	FLOOR DRAIN
	STRUCTURAL COLUMN
	FOUNDATION WALL
	EXISTING EXTERIOR WALLS
	NEW EXTERIOR WALLS
	EXISTING INTERIOR WALLS
	NEW INTERIOR WALLS
	STRUCTURAL WALLS
	NEW STRUCTURAL BEAMS
	WINDOWS
	SUPPLY REGISTER
	RETURN GRILLE

DOOR LEGEND

	DOOR TYPE
	DOOR SIZE

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR

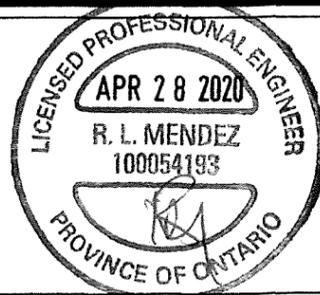


ELECTRONIC STAMP



LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
 kenbekendam@gmail.com
 C: (905)-961-0647
 (855) - KINGHMS (546-4467)

LEAD ENGINEER **ROBERT MENDEZ P.ENG. 100054193**
 robertmendez@yahoo.com
 C: (416) - 807-1572
 www.legalsecondsuites.com



ADDRESS: **574 CANNON ST. E.
 HAMILTON, ON.**

EXISTING MAIN FLOOR

SCALE: **1/4" = 1'**

PROJECT: **2 UNIT
 CONVERSION**

DATE: **APR 2020**

SHEET#: **A1.02**

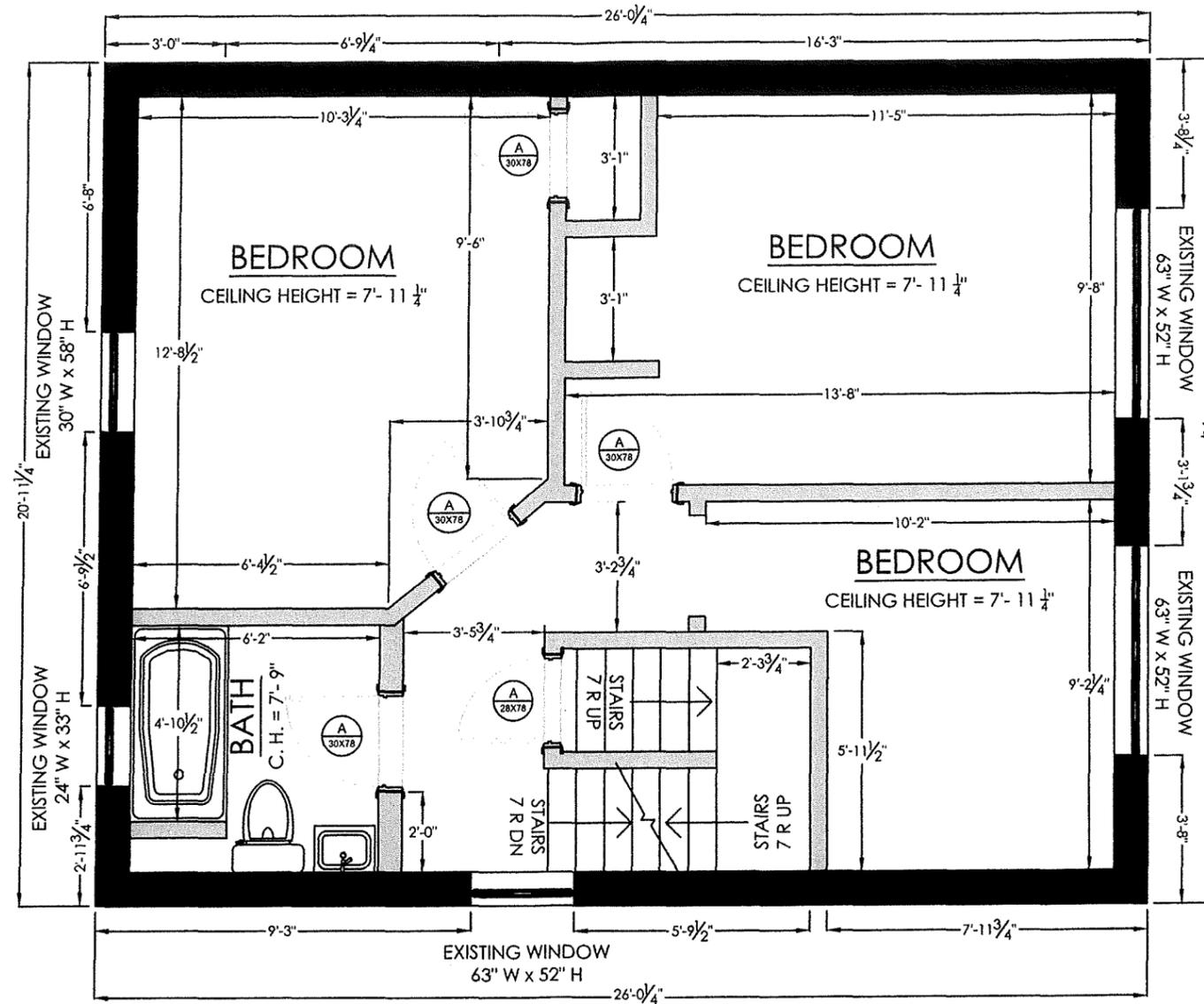
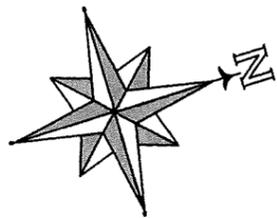
PLANS LEGEND

BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
S.A.	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
(thick line)	STRUCTURAL BEAM OR WALL
P.S.	PLUMBING STACK
(circle with W)	WATER METER
F.D.	FLOOR DRAIN
S.C.	STRUCTURAL COLUMN
(stippled)	FOUNDATION WALL
(dotted)	EXISTING EXTERIOR WALLS
(solid grey)	NEW EXTERIOR WALLS
(dashed)	EXISTING INTERIOR WALLS
(solid grey)	NEW INTERIOR WALLS
(thick solid)	STRUCTURAL WALLS
(thick dashed)	NEW STRUCTURAL BEAMS
(thin solid)	WINDOWS
(circle with S)	SUPPLY REGISTER
(circle with R)	RETURN GRILLE

DOOR LEGEND

A - DOOR TYPE
30x60 - DOOR SIZE

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR



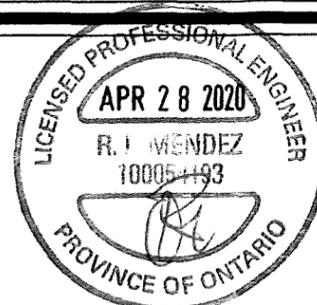
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KEN BEKENDAM
kenbekendam@gmail.com
C: (905)-961-0647
(855) - KINGHMS (546-4467)

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robertmendez@yahoo.com
C: (416) - 807-1572

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ADDRESS:
**574 CANNON ST. E.
HAMILTON, ON.**

EXISTING SECOND FLOOR

SCALE:
1/4" = 1'

PROJECT:
**2 UNIT
CONVERSION**

DATE:
APR 2020

SHEET#:
A1.03

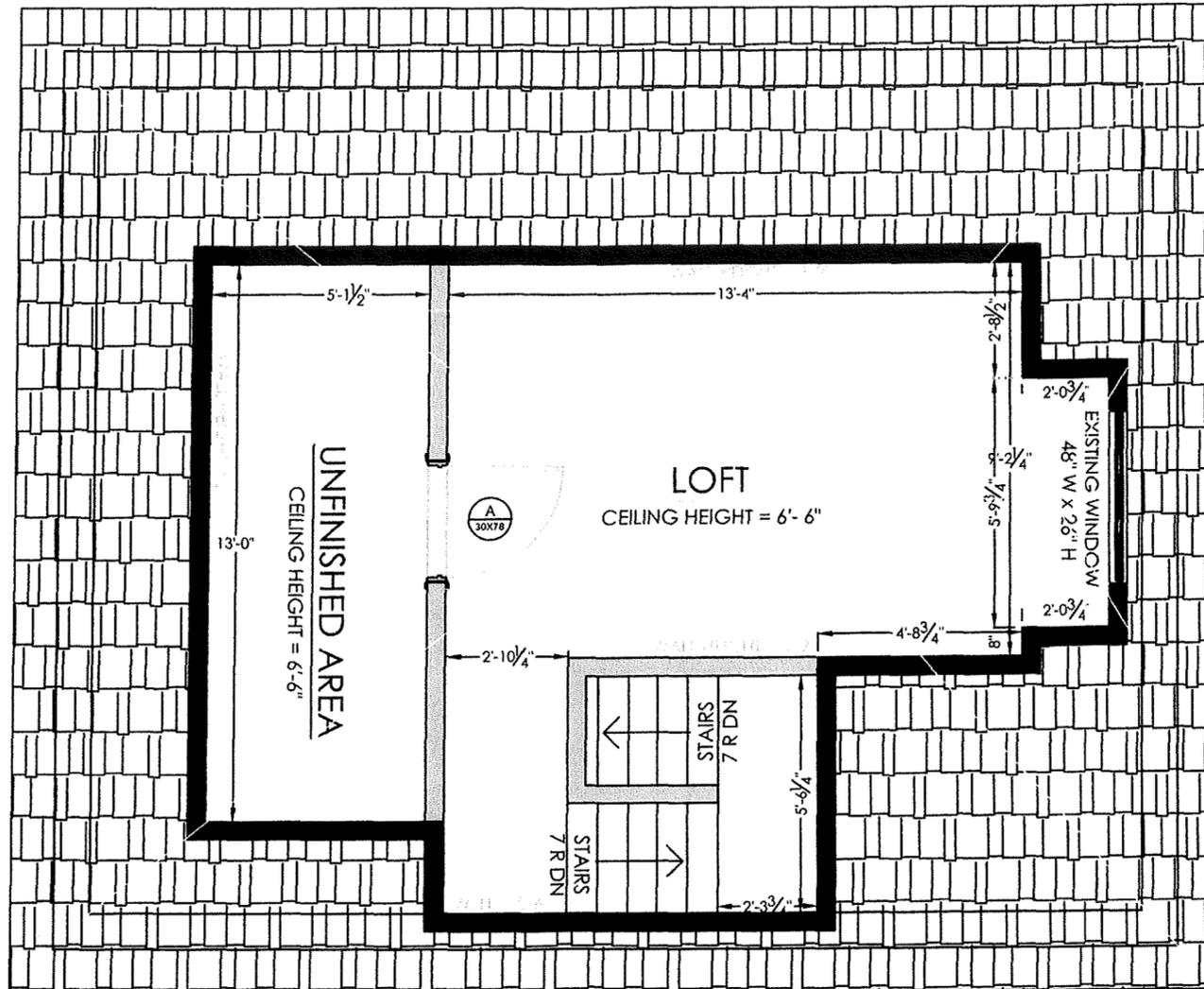
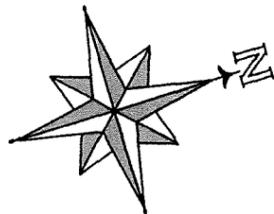
PLANS LEGEND

BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
S.A.	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
P.S.	PLUMBING STACK
[Symbol]	WATER METER
F.D.	FLOOR DRAIN
S.C.	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
SUPPLY	SUPPLY REGISTER
RETURN	RETURN GRILLE

DOOR LEGEND

A	DOOR TYPE
30x60	DOOR SIZE

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR



NOTE: NO CHANGES TO THIS FLOOR

UNIT #2 - GFA = 558.81 SQFT
 SECOND FLOOR = 412.34 SQFT
 THIRD FLOOR = 146.47 SQFT

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KEN BEKENDAM
 kenbekendam@gmail.com
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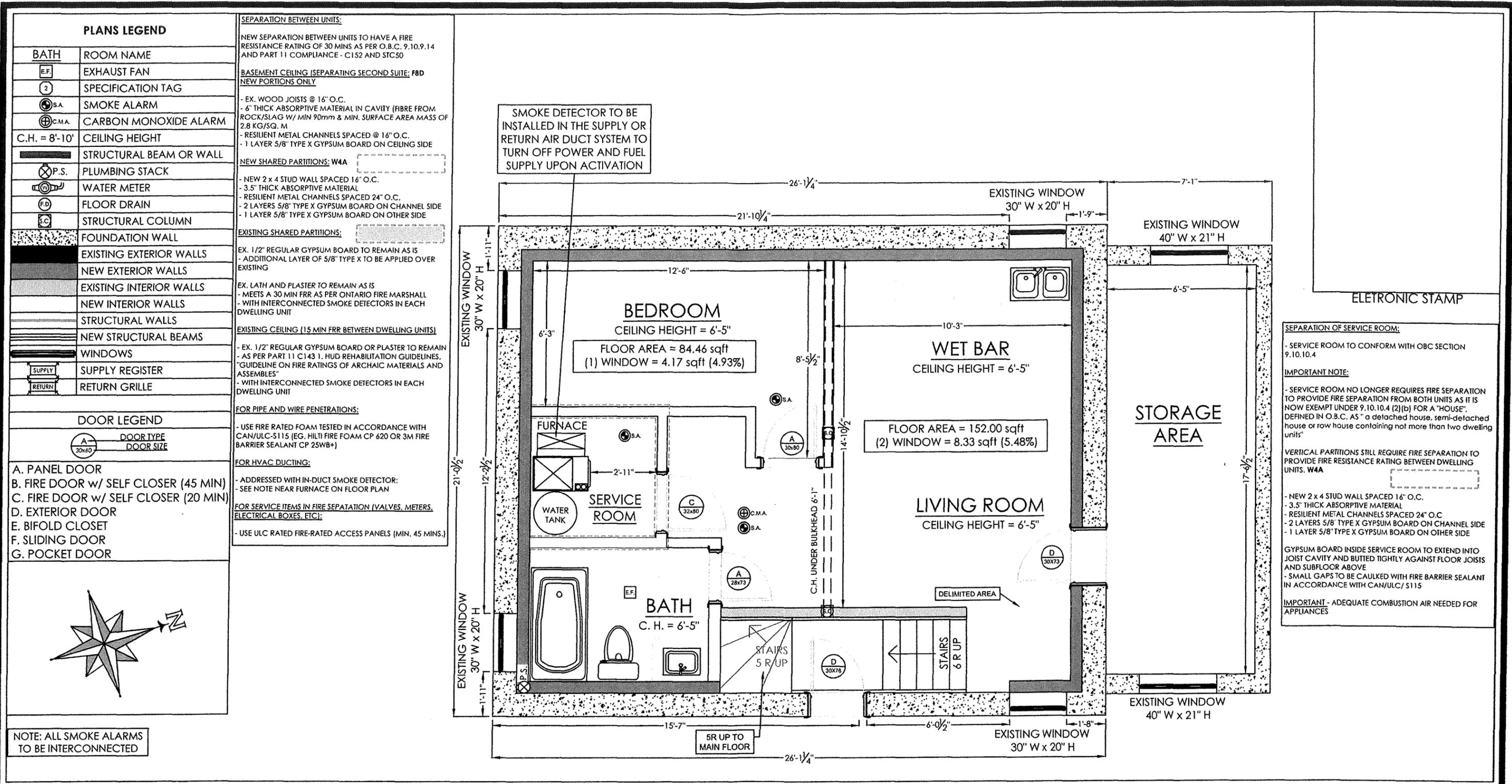
**EXISTING / PROPOSED
 THIRD FLOOR**

SCALE: **1/4" = 1'**

PROJECT: **2 UNIT
 CONVERSION**

DATE: **APR 2020**

SHEET#: **A1.04**

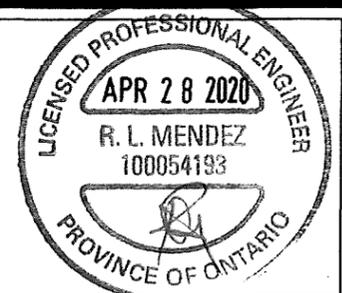


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KEN BEKENDAM
 kenbekendam@gmail.com
 C: (905)-961-0647
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LEAD ENGINEER
ROBERT MENDEZ P.ENG. 100054193
 robertmendez@yahoo.com
 C: (416) - 807-1572
 www.legalsecondsuites.com



ADDRESS:
574 CANNON ST. E.
HAMILTON, ON.

PROPOSED BASEMENT

SCALE:
1/4" = 1'

PROJECT:
2 UNIT CONVERSION

DATE:
APR 2020

SHEET#:
A1.05

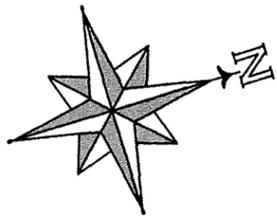
PLANS LEGEND

BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
SA	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
P.S.	PLUMBING STACK
[Symbol]	WATER METER
F.D.	FLOOR DRAIN
SC	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
SUPPLY	SUPPLY REGISTER
RETURN	RETURN GRILLE

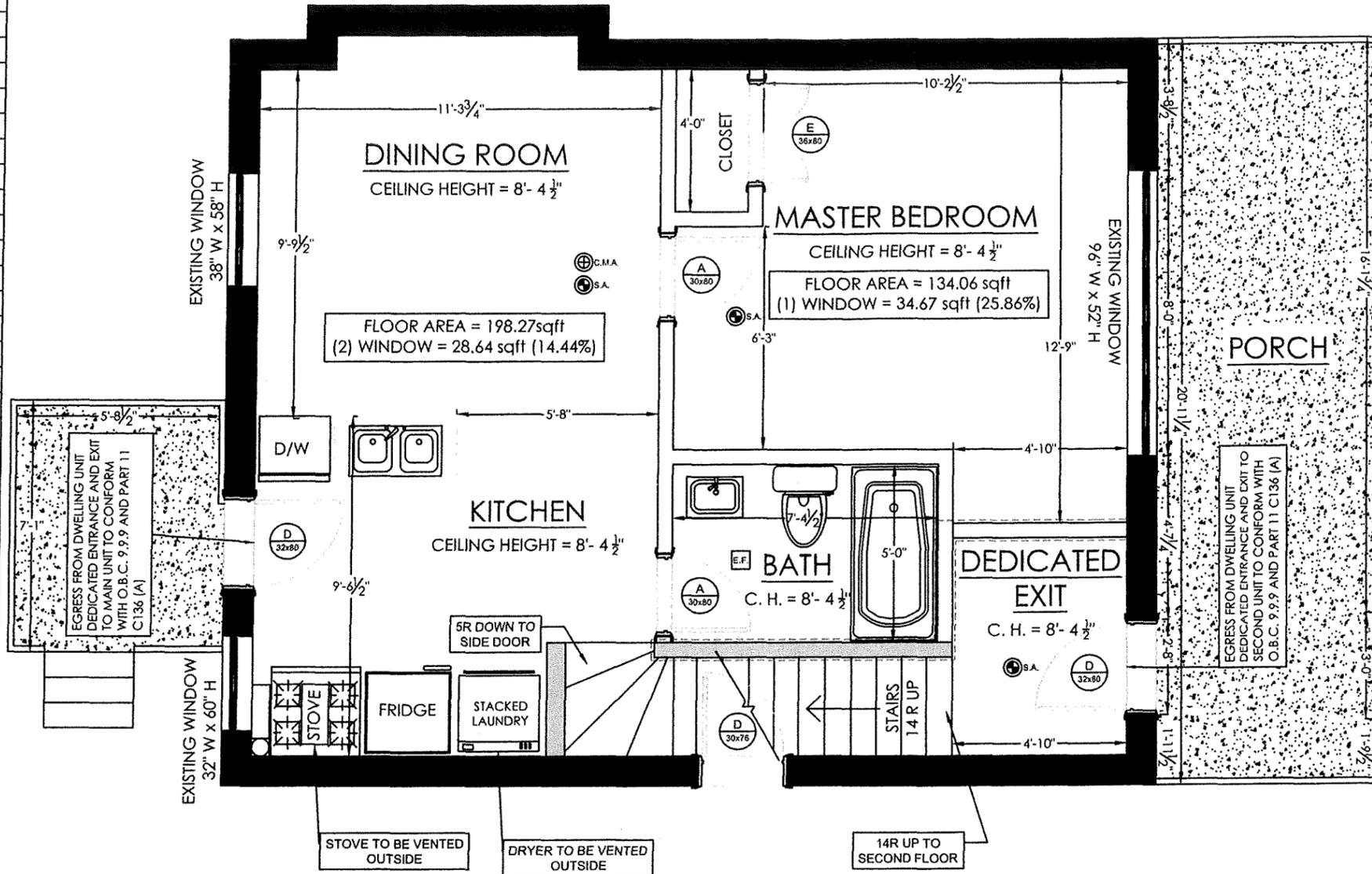
DOOR LEGEND

DOOR TYPE	DOOR SIZE
A	30x80

- A. PANEL DOOR
- B. FIRE DOOR w/ SELF CLOSER (45 MIN)
- C. FIRE DOOR w/ SELF CLOSER (20 MIN)
- D. EXTERIOR DOOR
- E. BIFOLD CLOSET
- F. SLIDING DOOR
- G. POCKET DOOR



NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED



UNIT #1 - GFA = 882.82 SQFT
 MAIN FLOOR = 396.86 SQFT
 BASEMENT = 485.96 SQFT
 EXIT = 29.50 SQFT

ELECTRONIC STAMP

SEPARATION BETWEEN UNITS:
 NEW SEPARATION BETWEEN UNITS TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 AND PART 11 COMPLIANCE - C152 AND STC50

BASEMENT CEILING (SEPARATING SECOND SUITE: F8D NEW PORTIONS ONLY)
 - EX. WOOD JOISTS @ 16" O.C.
 - 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M
 - RESILIENT METAL CHANNELS SPACED @ 16" O.C.
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

NEW SHARED PARTITIONS: W4A
 - NEW 2 x 4 STUD WALL SPACED 16" O.C.
 - 3.5" THICK ABSORPTIVE MATERIAL
 - RESILIENT METAL CHANNELS SPACED 24" O.C.
 - 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

EXISTING SHARED PARTITIONS:
 EX. 1/2" REGULAR GYPSUM BOARD TO REMAIN AS IS
 - ADDITIONAL LAYER OF 5/8" TYPE X TO BE APPLIED OVER EXISTING

EXISTING CEILING (15 MIN FRR BETWEEN DWELLING UNITS)
 EX. LATH AND PLASTER TO REMAIN AS IS
 - MEETS A 30 MIN FRR AS PER ONTARIO FIRE MARSHALL
 - WITH INTERCONNECTED SMOKE DETECTORS IN EACH DWELLING UNIT

FOR PIPE AND WIRE PENETRATIONS:
 - USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILT FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

FOR HVAC DUCTING:
 - ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
 - SEE NOTE NEAR FURNACE ON FLOOR PLAN

FOR SERVICE ITEMS IN FIRE SEPARATION (VALVES, METERS, ELECTRICAL BOXES, ETC):
 - USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)



LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
 kenbekendam@gmail.com
 C: (905)-961-0647
 (855) - KINGHMS (546-4467)

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 robertmendez@yahoo.com
 C: (416) - 807-1572
 www.legalsecondsuites.com



ADDRESS: **574 CANNON ST. E. HAMILTON, ON.**

PROPOSED MAIN FLOOR

SCALE: **1/4" = 1'**

PROJECT: **2 UNIT CONVERSION**

DATE: **APR 2020**

SHEET#: **A1.06**

PLANS LEGEND	
BATH	ROOM NAME
E.F.	EXHAUST FAN
2	SPECIFICATION TAG
S.A.	SMOKE ALARM
C.M.A.	CARBON MONOXIDE ALARM
C.H. = 8'-10"	CEILING HEIGHT
[Symbol]	STRUCTURAL BEAM OR WALL
P.S.	PLUMBING STACK
[Symbol]	WATER METER
F.D.	FLOOR DRAIN
S.C.	STRUCTURAL COLUMN
[Symbol]	FOUNDATION WALL
[Symbol]	EXISTING EXTERIOR WALLS
[Symbol]	NEW EXTERIOR WALLS
[Symbol]	EXISTING INTERIOR WALLS
[Symbol]	NEW INTERIOR WALLS
[Symbol]	STRUCTURAL WALLS
[Symbol]	NEW STRUCTURAL BEAMS
[Symbol]	WINDOWS
SUPPLY	SUPPLY REGISTER
RETURN	RETURN GRILLE
DOOR LEGEND	
A	DOOR TYPE
30x60	DOOR SIZE
A. PANEL DOOR	
B. FIRE DOOR W/ SELF CLOSER (45 MIN)	
C. FIRE DOOR W/ SELF CLOSER (20 MIN)	
D. EXTERIOR DOOR	
E. BIFOLD CLOSET	
F. SLIDING DOOR	
G. POCKET DOOR	

SEPARATION BETWEEN UNITS:
 NEW SEPARATION BETWEEN UNITS TO HAVE A FIRE RESISTANCE RATING OF 30 MINS AS PER O.B.C. 9.10.9.14 AND PART 11 COMPLIANCE - C152 AND STCS0

BASEMENT CEILING (SEPARATING SECOND SUITE; F8D NEW PORTIONS ONLY)
 - EX. WOOD JOISTS @ 16" O.C.
 - 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/ MIN 90mm & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M)
 - RESILIENT METAL CHANNELS SPACED @ 16" O.C.
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

NEW SHARED PARTITIONS: W4A
 - NEW 2 x 4 STUD WALL SPACED 16" O.C.
 - 3.5" THICK ABSORPTIVE MATERIAL
 - RESILIENT METAL CHANNELS SPACED 24" O.C.
 - 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
 - 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

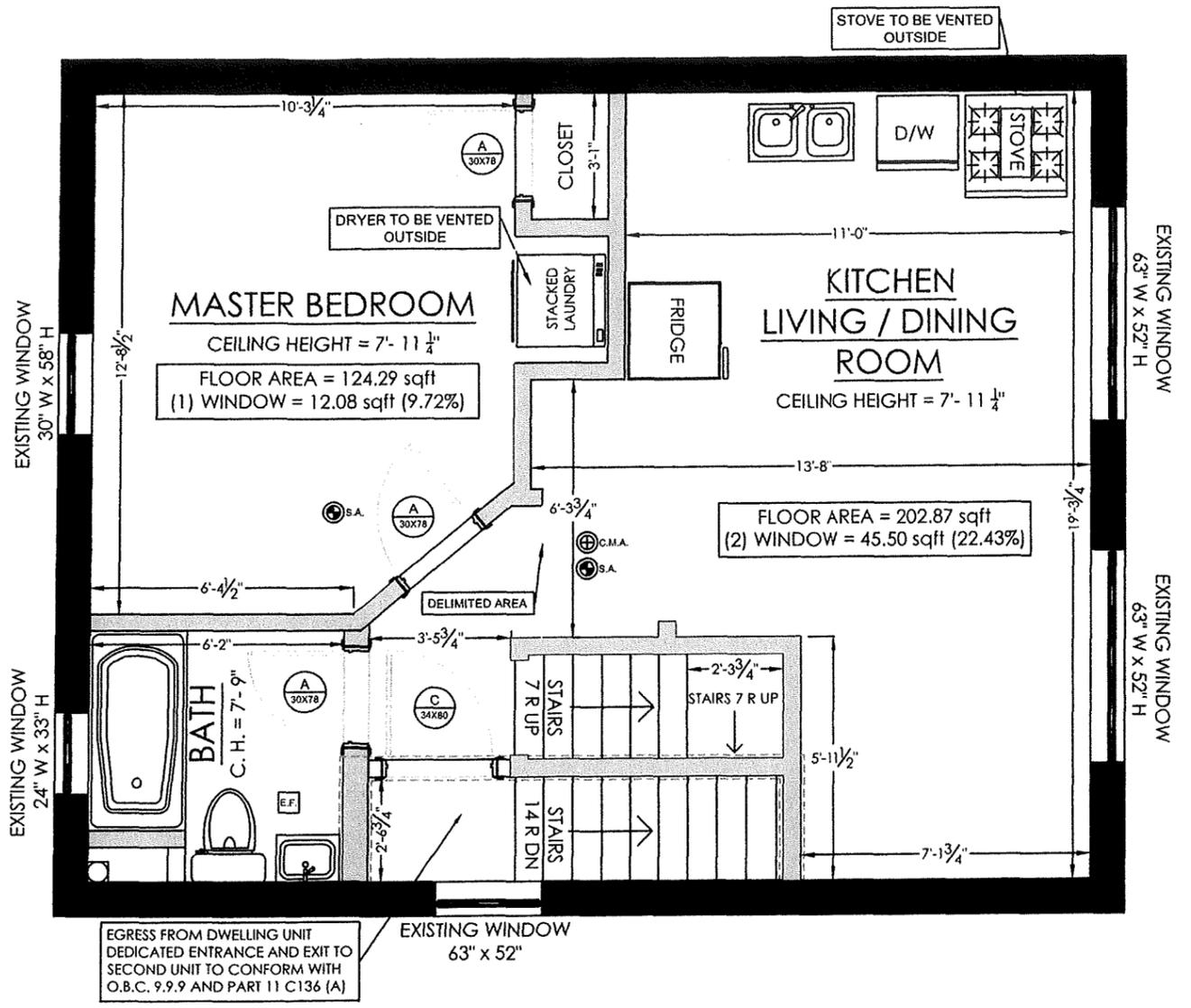
EXISTING SHARED PARTITIONS:
 EX. 1/2" REGULAR GYPSUM BOARD TO REMAIN AS IS
 - ADDITIONAL LAYER OF 5/8" TYPE X TO BE APPLIED OVER EXISTING

EXISTING CEILING (15 MIN FRR BETWEEN DWELLING UNITS)
 - EX. 1/2" REGULAR GYPSUM BOARD OR PLASTER TO REMAIN
 - AS PER PART 11 C143 1. HUD REHABILITATION GUIDELINES, "GUIDELINE ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLES"
 - WITH INTERCONNECTED SMOKE DETECTORS IN EACH DWELLING UNIT

FOR PIPE AND WIRE PENETRATIONS:
 - USE FIRE RATED FOAM TESTED IN ACCORDANCE WITH CAN/ULC-S115 (EG. HILTI FIRE FOAM CP 620 OR 3M FIRE BARRIER SEALANT CP 25WB+)

FOR HVAC DUCTING:
 - ADDRESSED WITH IN-DUCT SMOKE DETECTOR:
 - SEE NOTE NEAR FURNACE ON FLOOR PLAN

FOR SERVICE ITEMS IN FIRE SEPARATION (VALVES, METERS, ELECTRICAL BOXES, ETC.):
 - USE ULC RATED FIRE-RATED ACCESS PANELS (MIN. 45 MINS.)



ELECTRONIC STAMP

NOTE: ALL SMOKE ALARMS TO BE INTERCONNECTED

UNIT #2 - GFA = 558.81 SQFT
 SECOND FLOOR = 412.34 SQFT
 THIRD FLOOR = 146.47 SQFT

LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
 kenbekendam@gmail.com
 C: (905)-961-0647
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 robertmendez@yahoo.com
 C: (416) - 807-1572
 www.legalsecondsuites.com

**LEGAL
SECOND
SUITES**

LICENSED PROFESSIONAL ENGINEER
APR 28 2020
R. L. MENDEZ
100054193
PROVINCE OF ONTARIO

ADDRESS: **574 CANNON ST. E.
HAMILTON, ON.**

PROPOSED SECOND FLOOR

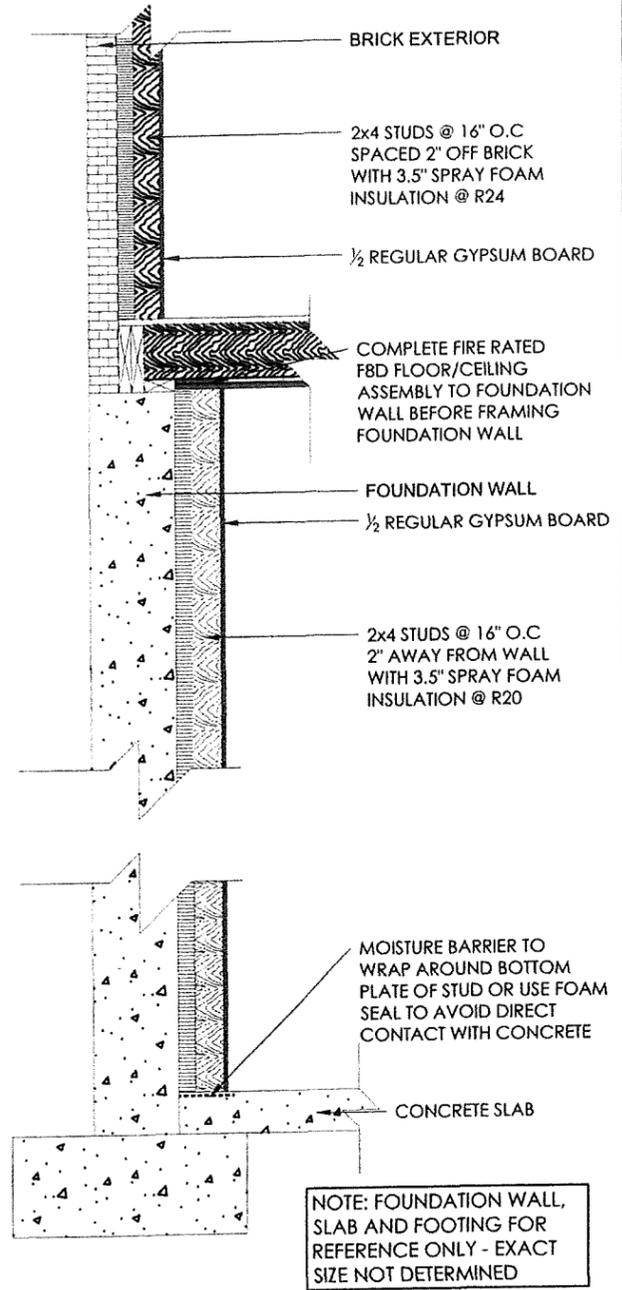
SCALE: **1/4" = 1'**

PROJECT: **2 UNIT
CONVERSION**

DATE: **APR 2020**

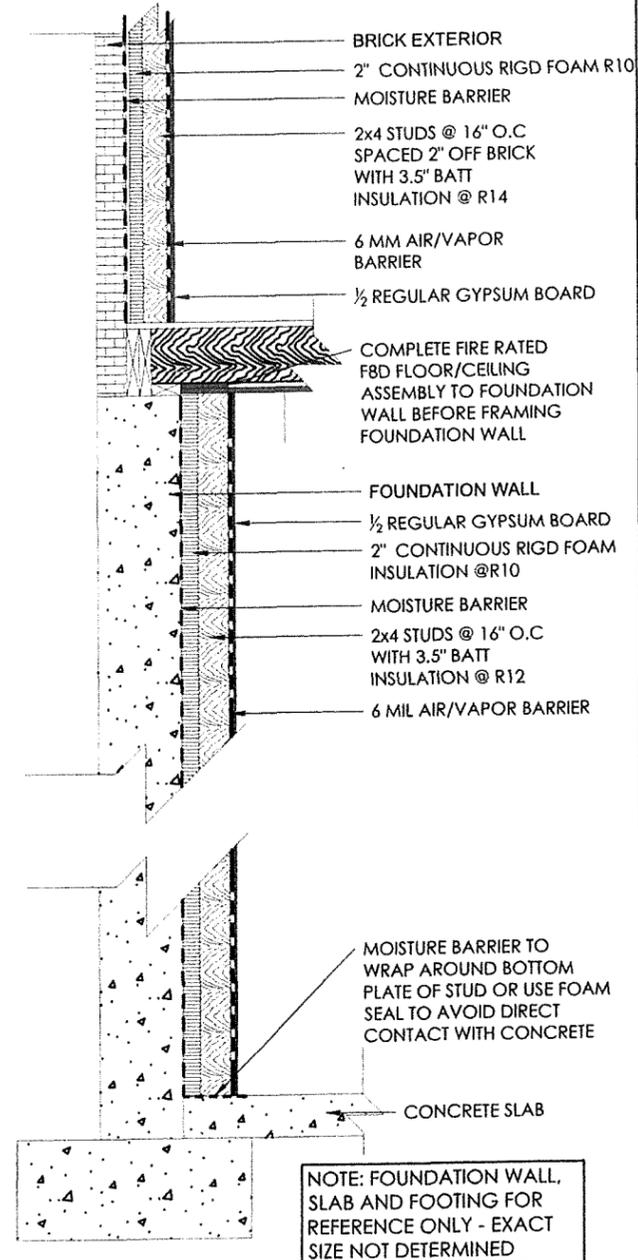
SHEET#: **A1.07**

SPRAY FOAM DETAIL

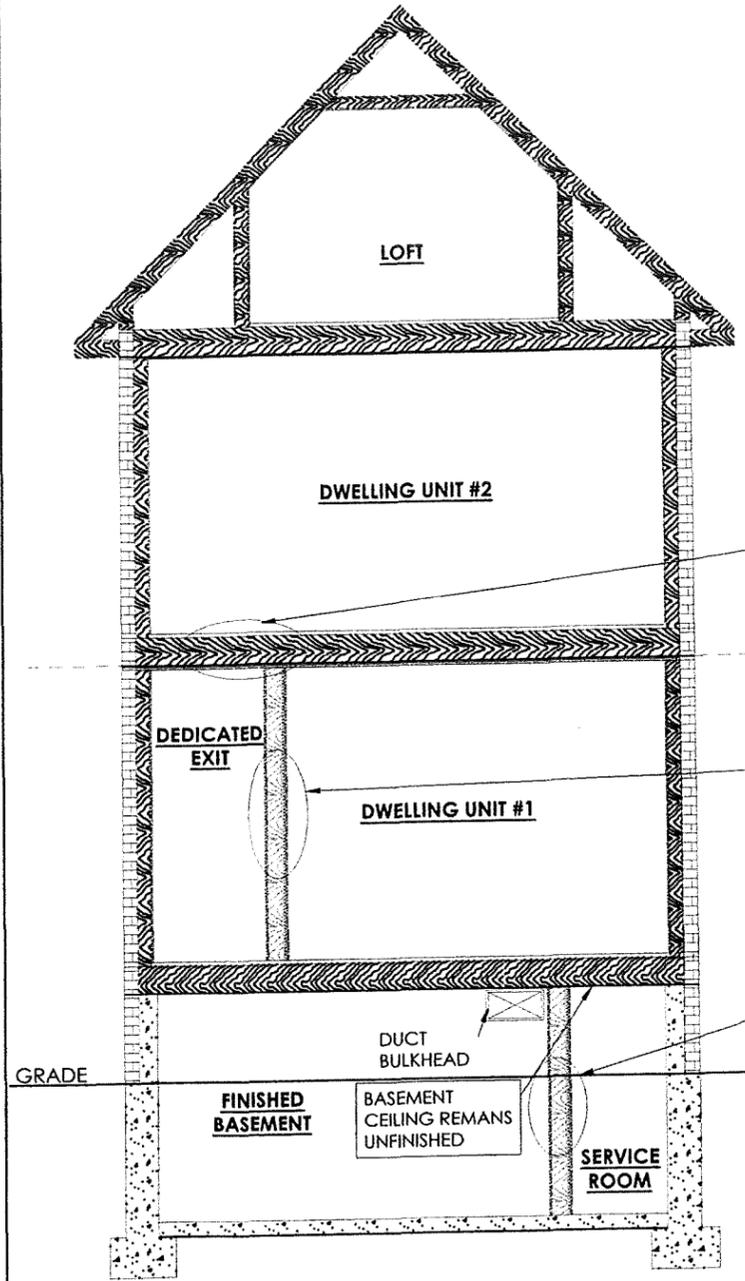


EXTERIOR FOUNDATION WALL DETAIL FOR NEW PORTIONS ONLY

BATT INSULATION DETAIL



EXTERIOR FOUNDATION WALL DETAIL FOR NEW PORTIONS ONLY



CROSS SECTION 1 OF 2

ELECTRONIC STAMP

DWELLING UNIT

FLOOR ASSEMBLY (WITH METAL CHANNELS SPACED 16" O.C TO ACHIEVE STC50) : F&D

- Ex. WOOD JOISTS @ 16" O.C
- 6" THICK ABSORPTIVE MATERIAL IN CAVITY (FIBRE FROM ROCK/SLAG W/MIN. 90MM & MIN. SURFACE AREA MASS OF 2.8 KG/SQ. M)
- RESILIENT METAL CHANNELS SPACED @ 16" O.C
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON CEILING SIDE

SERVICE ROOM

WALL ASSEMBLY : W4A

- NEW 2x4 STUD WALL SPACED 16" O.C
- 3.5" THICK ABSORPTIVE MATERIAL
- RESILIENT METAL CHANNELS SPACED 16" O.C
- 2 LAYERS 5/8" TYPE X GYPSUM BOARD ON CHANNEL SIDE
- 1 LAYER 5/8" TYPE X GYPSUM BOARD ON OTHER SIDE

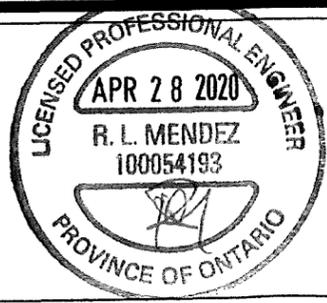
FIRE RESISTANCE RATING FOR NEW PORTIONS OF CEILING (THROUGHOUT) AND SERVICE ROOM WALL



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 kenbekendam@gmail.com
 C: (905)-961-0647
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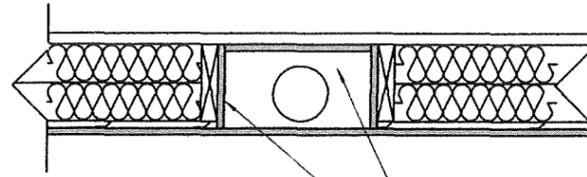
SCALE: -

DATE: **APR 2020**

CROSS SECTION 1 OF 2

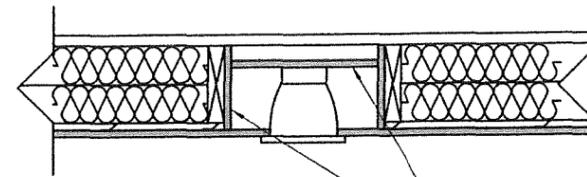
PROJECT: **2 UNIT CONVERSION**

SHEET#: **A4.01**



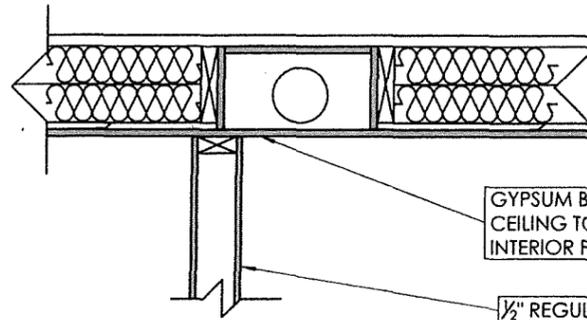
1 LAYER 5/8" TYPE X GYPSUM BOARD SURROUNDING VENT PIPE
 NOTE: OPTION OF USING FIRE DAMPER FOR BATH FANS

FOR VENTS (BATH FANS, KITCHEN EXHAUSTS, & CLOTHES DRYERS)



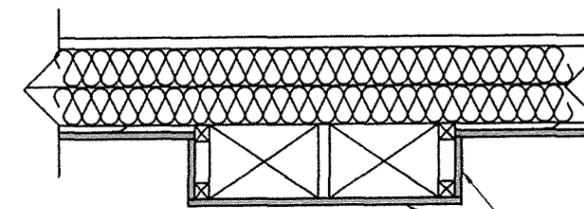
1 LAYER 5/8" TYPE X GYPSUM BOARD SURROUNDING RECESSED LIGHTING (POTLIGHTS)

FOR RECESSED LIGHTS



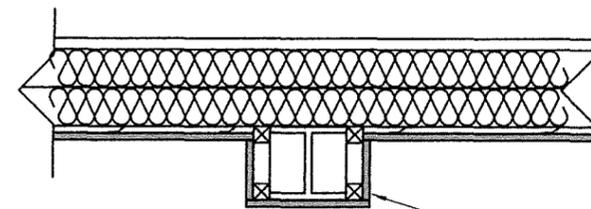
GYPSUM BOARD OF FIRE RATED CEILING TO BE CONTINUOUS ABOVE INTERIOR FRAMED WALLS
 1/2" REGULAR GYPSUM BOARD

FOR INTERIOR PARTITIONS



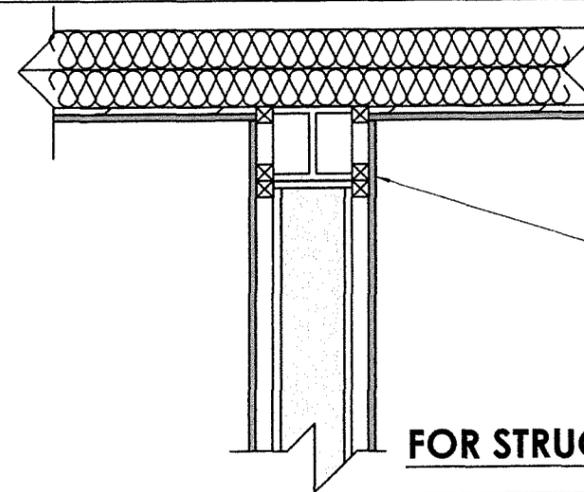
1 LAYER OF 5/8" TYPE X GYPSUM BOARD BELOW AND AROUND DUCTS

FOR DUCTS



1 LAYER OF 5/8" TYPE X GYPSUM BOARD AROUND BEAM

FOR BEAM



1 LAYER OF 5/8" TYPE X GYPSUM BOARD AROUND BEAM AND COLUMN CONNECTION

FOR STRUCTURAL BEAMS, COLUMNS & WALLS

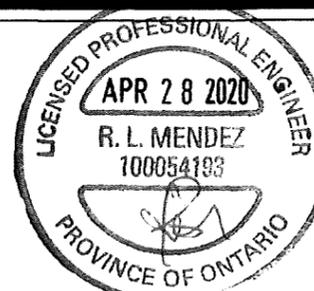
ELETRONIC STAMP



LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
 kenbekendam@gmail.com
 C: (905)-961-0647
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ADDRESS: **574 CANNON ST. E.
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CROSS SECTION 2 OF 2

SCALE: -

PROJECT: **2 UNIT
 CONVERSION**

DATE: **APR 2020**

SHEET#: **A4.02**

GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH THE CURRENT ONTARIO BUILDING CODE (REVISED 2012 OBC - DEC 19, 2017).
- ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING, MASONRY, OR CONCRETE SURFACES U.O.N.
- ALL DOORS AND WINDOW OPENINGS ARE MEASURED TO ROUGH FRAMING OR MASONRY OPENING.
- CONTRACTOR SHALL VERIFY WINDOW OPENINGS WITH THE MANUFACTURER PRIOR TO WORK.
- READ ARCHITECTURAL DRAWINGS IN CONJUNCTION WITH ELECTRICAL PLANS SUPPLIED BY LICENSED ELECTRICAL CONTRACTOR.
- ALL DIMENSIONS MUST BE CHECKED AGAINST THE ARCHITECTURAL DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING FABRICATION.
- THE CONTRACTOR SHALL PROPERLY SUPERVISE THE WORK AND ENSURE THAT THE WORK IS INSTALLED TO THE CORRECT LINES AND LEVELS, THAT THE CONNECTIONS AND DETAILS CONFORM TO THE DRAWING DETAILS AND SHALL COORDINATE THE INTERFACING OF ALL WORK WITH ALL SUB-TRADES.
- PROVIDE POSITIVE FRONT YARD SLOPE TO MUNICIPAL SEWER FOR WATER RUN-OFF.
- CONTRACTOR TO BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL EXISTING UNDERGROUND AND ABOVE UTILITIES AND SERVICES. VARIOUS UTILITIES CONCERNED TO BE GIVEN REQUIRED ADVANCE NOTICE PRIOR TO ANY DIGGING, FOR STAKE OUT.
- THE CONTRACTOR IS NOT RESPONSIBLE FOR ACCURACY OF SURVEY DRAWING.
- EXISTING DRAINAGE PATTERNS TO REMAIN. ANY NEW SUMP PUMP INSTALLATIONS TO DISCHARGE IN REAR YARD. BUILDING FROM THESE SHALL PROCEED ONLY WHEN MARKED "ISSUED FOR CONSTRUCTION."
- EXISTING STRUCTURE NOTE:
- OWNER AND CONTRACTOR ARE FULLY RESPONSIBLE FOR VERIFYING ALL EXISTING GENERAL AND STRUCTURAL CONDITIONS PRIOR TO ANY WORK. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO SUITE ADDITIONS INC. PRIOR TO ANY WORK.
- OWNER AND CONTRACTOR IS FULLY RESPONSIBLE FOR SHORING EXISTING STRUCTURE PRIOR TO ANY WORK IF REQUIRED.

CODE REFERENCES AND SPECIFICATIONS

1. FIRE PROTECTION MEASURES

ALL FIRE PROTECTION MEASURES MUST COMPLY WITH OBC 9.10. (U.O.N.)

2. CEILING HEIGHTS

CEILING HEIGHTS SHALL COMPLY WITH OBC 9.5.3.1. AND PART 11 - C102 OF TABLE 11.5.1.1.C.

PART 9:

BASEMENT SPACE - 2 100 mm (6'-10 3/4") over at least 75% of the basement area except that under beams and ducts the clearance is permitted to be reduced to 1 950 mm (6'-4 7/8")

PART 11 (COMPLIANCE ALTERNATIVE):

In a house,

- (a) minimum room height shall not be less than 1 950 mm (6'-4 7/8") over the required floor area and in any location that would normally be used as a means of egress, or
- (b) minimum room height shall not be less than 2 030 mm (6'-8") over at least 50% of the required floor area, provided that any part of the floor having a clear height of less than 1 400 mm (4'-7 1/8") shall not be considered in computing the required floor area.

3. EGRESS FROM DWELLING UNIT

EGRESS FROM DWELLING UNIT SHALL COMPLY WITH OBC 9.9.9 AND PART 11 COMPLIANCE - C136 OF TABLE 11.5.1.1.C.

PART 9:

9.9.9.1. Travel Limit to Exits or Egress Doors

- (1) Except as provided in Sentences (2) and (3), every dwelling unit containing more than 1 storey shall have exits or egress doors located so that it shall not be necessary to travel up or down more than 1 storey to reach a level served by,
 - (a) an egress door to a public corridor, enclosed exit stair or exterior passageway, or
 - (b) an exit doorway not more than 1 500 mm above adjacent ground level.
 - (2) Where a dwelling unit is not located above or below another suite, the travel limit from a floor level in the dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level is served by an openable window or door,
 - (a) providing an unobstructed opening of not less than 1 000 mm in height and 550 mm in width, and
 - (b) located so that the sill is not more than,
 - (i) 1 000 mm above the floor, and
 - (ii) 7 m above adjacent ground level.
 - (3) The travel limit from a floor level in a dwelling unit to an exit or egress door is permitted to exceed 1 storey where that floor level has direct access to a balcony.
- 9.9.9.2. Two Separate Exits**
- (1) Except as provided in Sentence 9.9.7.3.(1), where an egress door from a dwelling unit opens onto a public corridor or exterior passageway it shall be possible from the location where the egress door opens onto the corridor or exterior passageway to go in opposite directions to two separate exits unless the dwelling unit has a second and separate means of egress.

9.9.9.3. Shared Egress Facilities

- (1) A dwelling unit shall be provided with a second and separate means of egress where an egress door from the dwelling unit opens onto,
 - (a) an exit stairway serving more than one suite,
 - (b) a public corridor,
 - (i) serving more than one suite, and
 - (ii) served by a single exit,
 - (c) an exterior passageway,
 - (i) serving more than one suite,
 - (ii) served by a single exit stairway or ramp, and
 - (iii) more than 1.5 m above adjacent ground level, or
 - (d) a balcony,
 - (i) serving more than one suite,
 - (ii) served by a single exit stairway or ramp, and
 - (iii) more than 1.5 m above adjacent ground level.

PART 11 (COMPLIANCE ALTERNATIVE):

In a house, exit requirements are acceptable if at least one of the following conditions exists:

- (a) a door, including a sliding door, that opens directly to the exterior from a dwelling unit, serves only that dwelling unit and has reasonable access to ground level, and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.,
- (b) an exit that is accessible to more than one dwelling unit and provides the only means of egress from each dwelling unit, provided that the means of egress is separated from the remainder of the building and common areas by a fire separation having a 30 min fire-resistance rating and provided further that the required access to exit from any dwelling unit cannot be through another dwelling unit, service room or other occupancy, and both dwelling units and common areas are provided with smoke alarms that are installed in conformance with Subsection 9.10.19. and are interconnected, or
- (c) access to an exit from one dwelling unit which leads through another dwelling unit where,
 - (i) an additional means of escape is provided through a window that conforms to the following:
 - (A) the sill height is not more than 1 000 mm above or below adjacent ground level,
 - (B) the window can be opened from the inside without the use of tools,
 - (C) the window has an individual unobstructed open portion having a minimum area of 0.38 m² with no dimension less than 460 mm,
 - (D) the sill height does not exceed 900 mm above the floor or fixed steps,
 - (E) where the window opens into a window well, a clearance of not less than 1 000 mm shall be provided in front of the window, and
 - (F) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected,
 - (ii) an additional means of escape is provided through a window that conforms to the following:
 - (A) the window is a casement window not less than 1 060 mm high, 560 mm wide, with a sill height not more than 900 mm above the inside floor,
 - (B) the sill height of the window is not more than 5 m above adjacent ground level, and
 - (C) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19. and are interconnected, or (iii) the building is sprinklered and the dwelling units are equipped with smoke alarms installed in conformance with Subsection 9.10.19.

4. EGRESS FROM BEDROOMS

EGRESS FROM BEDROOMS SHALL COMPLY WITH OBC 9.9.10.1

PART 9:

- (1) Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with at least one outside window that,
 - (a) is openable from the inside without the use of tools,
 - (b) provides an individual, unobstructed open portion having a minimum area of 0.35 m² with no dimension less than 380 mm, and
 - (c) maintains the required opening described in Clause (b) without the need for additional support.
- (2) Except for basement areas, the window required in Sentence (1) shall have a maximum sill height of 1000 mm above the floor.
- (3) When sliding windows are used, the minimum dimension described in Sentence (1) shall apply to the openable portion of the window.
- (4) Where the sleeping area within a live/work unit is on a mezzanine with no obstructions more than 1 070 mm above the floor, the window required in Sentence (1) may be provided on the main level of the live/work unit provided the mezzanine is not more than 25% of the area of the live/work unit or 20 m², whichever is less, and an unobstructed direct path of travel is provided from the mezzanine to this window.
- (5) Where a window required in Sentence (1) opens into a window well, a clearance of not less than 550 mm shall be provided in front of the window.
- (6) Where the sash of a window referred to in Sentence (5) swings towards the window well, the operation of the sash shall not reduce the clearance in a manner that would restrict escape in an emergency.
- (7) Where a protective enclosure is installed over the window well referred to in Sentence (5), such enclosure shall be openable from the inside without the use of keys, tools or special knowledge of the opening mechanism.

5. SMOKE ALARMS

SMOKE ALARMS SHALL COMPLY WITH OBC 9.10.19. AND PART 11 COMPLIANCE - C175 OF TABLE 11.5.1.1.C.

PART 9:

9.10.19.1. Required Smoke Alarms

- (2) Smoke alarms conforming to CAN/ULC-S531, "Smoke Alarms", shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit.
 - (3) Smoke alarms required in Sentence (1) shall have a visual signalling component conforming to the requirements in 18.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, "National Fire Alarm and Signaling Code".
 - (4) The visual signalling component required in Sentence (2) need not, (a) be integrated with the smoke alarm provided it is interconnected to it, (b) be on battery backup, or (c) have synchronized flash rates, when installed in a dwelling unit.
 - (5) The luminous intensity for visual signalling components required in Sentence (2) that are installed in sleeping rooms shall be a minimum of 175 cd.
 - (6) Smoke alarms required in Sentence (1) shall be installed on or near the ceiling.
- 9.10.19.3. Location of Smoke Alarms**
- (1) Within dwelling units, sufficient smoke alarms shall be installed so that,
 - (a) there is at least one smoke alarm installed on each storey, including basements, and
 - (b) on any storey of a dwelling unit containing sleeping rooms, a smoke alarm is installed,
 - (i) in each sleeping room, and
 - (ii) in a location between the sleeping rooms and the remainder of the storey, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
 - (2) Within a house that contains an interior shared means of egress or common area, a smoke alarm shall be installed in each shared means of egress and common area.
 - (3) A smoke alarm required in Sentences (1) and (2) shall be installed in conformance with CAN/ULC-S553, "Installation of Smoke Alarms".
- 9.10.19.4. Power Supply**
- (1) Except as provided in Sentences (2) and (3), smoke alarms required in Sentences 9.10.19.1.(1) and 9.10.19.3.(2) shall,
 - (a) be installed with permanent connections to an electrical circuit,
 - (b) have no disconnect switch between the overcurrent device and the smoke alarm, and
 - (c) in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of not less than 7 days in the normal condition, followed by 4 min of alarm.
- 9.10.19.5. Interconnection of Smoke Alarms**
- (1) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound.

PART 11 (COMPLIANCE ALTERNATIVE):

Smoke alarms may be battery operated.

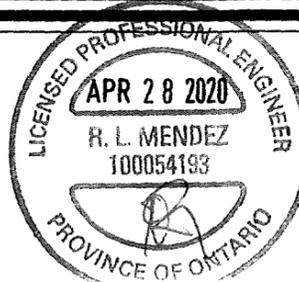
ELETRONIC STAMP



LEAD DESIGNER & CONSULTANT **KEN BEKENDAM**
 kenbekendam@gmail.com
 C: (905)-961-0647
 (855) - KINGHMS (546-4467)

LEAD ENGINEER **ROBERT MENDEZ P.ENG.** 100054193
 robertmendez@yahoo.com
 C: (416) - 807-1572

www.legalsecondsuites.com



ADDRESS: **574 CANNON ST. E.
 HAMILTON, ON.**

CONSTRUCTION NOTES 1 OF 2

SCALE: -

PROJECT: **2 UNIT
 CONVERSION**

DATE: **APR 2020**

SHEET#: **A0.02**

6. CARBON MONOXIDE ALARMS

CARBON MONOXIDE ALARMS SHALL COMPLY WITH OBC 9.33.4. AND PART 11 COMPLIANCE - C197 OF TABLE 11.5.1.1.C.

PART 9:

9.33.4.1. Application

- (1) This Subsection applies to every building that,
 - (a) contains a residential occupancy, and
 - (b) contains a fuel-burning appliance or a storage garage.

9.33.4.2. Location of Carbon Monoxide Alarms

- (1) Where a fuel-burning appliance is installed in a suite of residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the suite.
- (2) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a carbon monoxide alarm shall be installed,
 - (a) adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the service room, and
 - (b) in the service room.
- (3) Where a storage garage is located in a building containing a residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.
- (4) Where a storage garage serves only the dwelling unit to which it is attached or built in, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the dwelling unit.
- (5) A carbon monoxide alarm shall be mechanically fixed,
 - (a) at the manufacturer's recommended height, or
 - (b) in the absence of specific instructions, on or near the ceiling.

9.33.4.3. Installation and Conformance to Standards

- (1) The carbon monoxide alarm required by Article 9.33.4.2. shall,
 - (a) except as permitted in Sentence (2), be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide alarm,
 - (b) be wired so that its activation will activate all carbon monoxide alarms within the suite, where located within a suite of residential occupancy,
 - (c) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located adjacent to a sleeping area, and
 - (d) conform to,
 - (i) CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices", or
 - (ii) UL 2034, "Single and Multiple Station Carbon Monoxide Alarms".
- (2) Where the building is not supplied with electrical power, carbon monoxide alarms are permitted to be battery operated.

PART 11 (COMPLIANCE ALTERNATIVE):

Carbon monoxide alarms may be battery operated or plugged into an electrical outlet.

7. FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES

FIRE-RESISTANCE RATINGS FOR WALLS, COLUMNS AND ARCHES SHALL COMPLY WITH OBC 9.10.8.3 AND PART 11 COMPLIANCE - C147 OF TABLE 11.5.1.1.C.

PART 9:

- (1) Except as otherwise provided in this Subsection, all load bearing walls, columns and arches in the storey immediately below a floor or roof assembly shall have a fire-resistance rating of not less than that required for the supported floor or roof assembly.

PART 11 (COMPLIANCE ALTERNATIVE):

- (a) Except as provided in (b) and (c), 30 min rating is acceptable.
- (b) In a house, 15 min horizontal fire separation is acceptable where,
 - (i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
 - (ii) smoke alarms are interconnected.
- (c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

8. SEPARATION OF SERVICE ROOMS

SEPARATION OF SERVICE ROOMS SHALL COMPLY WITH OBC 9.10.10.4

PART 9:

9.10.10.1. Appliances and Equipment to be Located in a Service Room

- (1) Except as provided in Sentences (2) and (3) and Article 9.10.10.5., fuel-fired appliances shall be located in a service room separated from the remainder of the building by a fire separation having not less than a 1 h fire-resistance rating.
- (2) Except as required in the appliance installation standards referenced in Sentences 6.2.1.4.(1) and 9.33.1.2.(1), fuel fired space heating appliances, space-cooling appliances and service water heaters need not be separated from the remainder of the building as required in Sentence (1) where the equipment serves,
 - (a) not more than one room or suite,
 - (b) a house, or
 - (c) a building, other than a house, with a building area of not more than 400 m² and a building height of not more than 2 storeys.
- (3) Sentence (1) does not apply to fireplaces and cooking appliances.

9. SEPARATION OF RESIDENTIAL SUITES

SEPARATION OF RESIDENTIAL SUITES SHALL COMPLY WITH OBC 9.10.9.14 AND PART 11 COMPLIANCE - C152 OF TABLE 11.5.1.1.C.

PART 9:

- (1) Except as provided in Sentences (2) and (3) and Article 9.10.21.2., suites in residential occupancies shall be separated from adjacent rooms and suites by a fire separation having a fire-resistance rating of not less than 45 min.
- (2) Sleeping rooms in boarding, lodging or rooming houses where sleeping accommodation is provided for not more than 8 boarders or lodgers shall be separated from the remainder of the floor area by a fire separation having a fire-resistance rating of not less than 30 min where the sleeping rooms form part of the proprietor's residence and do not contain cooking facilities.
- (3) Except as provided in Sentences (4) and (5), dwelling units that contain 2 or more storeys including basements shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 h.
- (4) Except as provided in Sentence (5), dwelling units in a house shall be separated from each other and common areas by a fire separation having a fire-resistance rating of not less than 45 min.
- (5) The fire-resistance rating of the fire separation required in Sentence (4) is permitted to be waived where the house is sprinklered.

PART 11 (COMPLIANCE ALTERNATIVE):

- (a) Except as provided in (b) and (c), 30 min fire separation is acceptable.
- (b) In a house, 15 min horizontal fire separation is acceptable where,
 - (i) smoke alarms are installed in every dwelling unit and in common areas in conformance with Subsection 9.10.19., and
 - (ii) smoke alarms are interconnected.
- (c) In a house, the fire-resistance rating of the fire separation is waived where the building is sprinklered.

10. CLOSURES (DOORS):

CLOSURES SHALL COMPLY WITH OBC 9.10.13.1 AND PART 11 COMPLIANCE - C155 OF TABLE 11.5.1.1.C.

PART 9:

- (1) Except as provided in Article 9.10.13.2., openings in required fire separations shall be protected with a closure conforming to Table 9.10.13.1. and shall be installed in conformance with NFPA 80, "Fire Doors and Other Opening Protectives", unless otherwise specified in this Part.

PART 11 (COMPLIANCE ALTERNATIVE):

Existing functional closures are acceptable subject to C.A.'s C8 and C156.

- (a) Existing functional and sound doors in existing buildings that are either hollow metal or kalamein and containing wired glass of least 6 mm thick and conforming to Sentence 3.1.8.14.(2) are permitted in lieu of doors not required to exceed 45 min.
- (b) all existing functional and sound hollow metal or kalamein doors which carry existing 1.5 h labels are acceptable in lieu of current 1.5 h labels and may contain wired glass panels not exceeding 0.0645 m², at least 6 mm thick and conforming to Sentence 3.1.8.14.(2), and
- (c) every fire door, window assembly or glass block used as a closure in a required fire separation shall be installed in conformance with good engineering practice. In a house, existing unlabelled doors at least 45 min solid core wood or metal clad are acceptable. For existing closures, ratings of 20 min will not be required where the entire floor area is sprinklered.

11. LAUNDRY FIXTURES

LAUNDRY FIXTURES SHALL COMPLY WITH OBC 9.31.4.2.

PART 9:

- (1) Laundry facilities or a space for laundry facilities shall be provided in every dwelling unit or grouped elsewhere in the building in a location conveniently accessible to occupants of every dwelling unit.

12. NATURAL VENTILATION

NATURAL VENTILATION SHALL COMPLY WITH OBC 9.32.2.1 AND PART 11 COMPLIANCE - C194 OF TABLE 11.5.1.1.C.

PART 9:

- (1) The unobstructed openable ventilation area to the outdoors for rooms and spaces in a residential occupancy ventilated by natural means shall conform to Table 9.32.2.1.

PART 11 (COMPLIANCE ALTERNATIVE):

In a house, rooms or spaces to be ventilated by natural means in accordance with Subsection 9.32.2. or by providing adequate mechanical ventilation.

13. ELECTRICAL FACILITIES

ELECTRICAL FACILITIES SHALL COMPLY WITH OBC 9.34.

14. INTERCONNECTION OF SYSTEMS

INTERCONNECTION OF SYSTEMS SHALL COMPLY WITH OBC 6.2.3.9 AND PART 11 COMPLIANCE - C91 OF TABLE 11.5.1.1.C.

PART 6:

- (1) In a residential occupancy, air from one suite shall not be circulated to any other suite or to a public corridor or public stairway.

PART 11 (COMPLIANCE ALTERNATIVE):

In a building containing not more than four dwelling units or residential suites, the existing heating or air-conditioning system may be altered to serve more than one dwelling unit or suite, provided smoke alarms are installed in each dwelling unit or suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.

15. PENETRATIONS

PIPING, TUBING, DUCTS, CHIMNEYS, WIRING, CONDUIT, ELECTRICAL OUTLET BOXES AND OTHER SIMILAR SERVICE EQUIPMENT THAT PENETRATE A FIRE SEPARATION MUST BE NON COMBUSTIBLE AND FIRE STOPPED.

16. PLUMBING

ALL PLUMBING MUST CONFORM TO O.REG.332/12, DIV. B PART 7 OF THE BUILDING CODE

17. HANDRAILS AND GUARDRAILS

INSTALL HANDRAILS AND GUARDRAILS IN ACCORDANCE WITH 9.8.7. AND 9.8.8 OF THE BUILDING CODE RESPECTIVELY

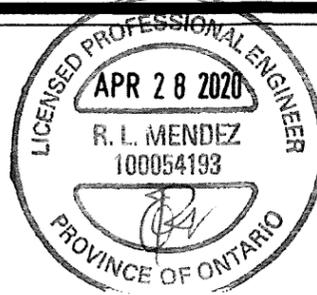
ELECTRONIC STAMP



LEAD DESIGNER & CONSULTANT KEN BEKENDAM
 kenbekendam@gmail.com
 C: (905)-961-0647
 (855) - KINGHMS (546-4467)

LEAD ENGINEER ROBERT MENDEZ P.ENG. 100054193
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www.legalsecondsuites.com



ADDRESS: **574 CANNON ST. E.
HAMILTON, ON.**

CONSTRUCTION NOTES 2 OF 2

SCALE: -

PROJECT: **2 UNIT CONVERSION**

DATE: **APR 2020**

SHEET#: **A0.03**



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment

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

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20:102</u>	DATE APPLICATION RECEIVED <u>May 6 2020</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Emanuel & Maria Salem Telephone
-
- Name of Agent Ken Bekendam Telephone
-

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
574 Cannon Street East, Hamilton, Ontario, L8L-2G4
ScotiaBank Mortgage _____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:
Lot area reduction from 270m² to 182m²
Tandem Parking in rear yard
Unit size reduction from 65m² to 36.78m² for Unit #1
Unit size reduction from 65m² to 51.91m² for Unit #2

7. Why it is not possible to comply with the provisions of the By-law?
existing lot area is too small
lot slope off laneway is outward
Building envelope is smaller

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
574 Cannon Street East, Hamilton, Ontario, L8L-2G4
PT LT 51, PL 219, AS IN CD246086, T/W & S/T CD246086 ; HAMILTON

9. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial
 Agricultural Vacant
 Other _____

9.1 If Industrial or Commercial, specify use
NA

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
 Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?
 Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
 Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
 Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
 Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
 Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Visual geographical location of subject property and surrounding properties. All was asked when purchasing the subject property and nothing more was disclosed to us.

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No _____

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

04/28/2020

Date

Signature Property Owner

Emanuel Salem & Maria Salem

Print Name of Owner

10. Dimensions of lands affected:

Frontage 24.02 Feet
Depth 100.00 Feet
Area 1,969.79 SF (0.045 Acres)
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: The current structure is a 2.5 storey detached brick home. The ground floor area or footprint is 685.14 SF and the gross floor area is 1256.85 SF

Proposed: proposed exterior structure is to remain the same

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

Existing: see site plan

Proposed: see site plan

- 13. Date of acquisition of subject lands:
March 5th 2020

- 14. Date of construction of all buildings and structures on subject lands:
unknown

- 15. Existing uses of the subject property: Single Family Residential Dwelling

- 16. Existing uses of abutting properties: Single Family Residential Dwelling

- 17. Length of time the existing uses of the subject property have continued:
Dating back prior to 1983

- 18. Municipal services available: (check the appropriate space or spaces)

Water <input checked="" type="checkbox"/>	Connected <input checked="" type="checkbox"/>
Sanitary Sewer <input checked="" type="checkbox"/>	Connected <input checked="" type="checkbox"/>
Storm Sewers <input checked="" type="checkbox"/>	

- 19. Present Official Plan/Secondary Plan provisions applying to the land:

- 20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D - one and two family dwelling

- 21. Has the owner previously applied for relief in respect of the subject property?
Yes No

If the answer is yes, describe briefly.

- 22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes No

- 23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: HM/A-20:96

APPLICANTS: Owner: Butty Property Management
 Agent: Paul Mariutti

SUBJECT PROPERTY: Municipal address **75 Woodman Dr. S., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: DE (Low Density Multiple Dwellings)district

PROPOSAL: To permit the conveyance of land in accordance with land severance application HM/B-19:99 notwithstanding that:

Lands to be Conveyed:

1. 55 parking spaces shall be provided instead of the minimum required 63 parking spaces.
2. A minimum parking space size of 2.5m x 5.3m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
3. The boundary of the parking area shall be 1.2m from the adjoining residential district to the east (retained lands) whereas the by-law requires parking areas which contain five (5) or more parking spaces to be a minimum distance of 1.5m from an adjoining residential district.
4. A planting strip being 1.2m in width shall be provided along the easterly property line instead of the minimum 1.5m wide planting strip required between the parking area and an adjoining residential district.
5. No visual barrier shall be provided along the easterly property line whereas the by-law requires a visual barrier to be provided between the parking area and an adjoining residential district.
6. No loading space shall be provided instead of the one (1) required loading space.

Notes for lands to be Conveyed:

- i. The lands to be conveyed through land severance application HM/B-19:99 include the existing buildings known as 69 and 75 Woodman Drive South and 20, 22 and 26 Glen Echo Drive.

HM/A-20:96

Page 2

- ii. At least 13 of the provided 55 parking spaces onsite are required to be reserved and dedicated as being for visitors. Insufficient information has been provided respecting visitor parking spaces in order to confirm zoning compliance. If compliance with the provision cannot be achieved, further variances will be required.

Lands to be Retained:

1. A minimum rear yard depth (west) of 5.5m shall be provided instead of the minimum required rear yard depth of 7.5m.
2. A minimum parking space size of 2.5m x 5.3m shall be provided instead of the minimum required parking space size of 2.7m x 6.0m.
3. The boundary of the parking area shall be 1.2m from the adjoining residential district to the west (conveyed lands) whereas the by-law requires parking areas which contain five (5) or more parking spaces to be a minimum distance of 1.5m from an adjoining residential district.
4. A planting strip being 1.2m in width shall be provided along the westerly property line instead of the minimum 1.5m wide planting strip required between the parking area and an adjoining residential district.
5. No visual barrier shall be provided along the westerly property line whereas the by-law requires a visual barrier to be provided between the parking area and an adjoining residential district.
6. No loading space shall be provided instead of the one (1) required loading space.

Notes for lands to be Retained:

- i. The lands to be retained through land severance application HM/B-19:99 include the existing buildings known as 10 Glen Echo Drive and 42 Nash Road South.
- ii. At least 16 of the provided 87 parking spaces onsite are required to be reserved and dedicated as being for visitors. Insufficient information has been provided respecting visitor parking spaces in order to confirm zoning compliance. If compliance with the provision cannot be achieved, further variances will be required.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:30 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

HM/A-20:96

Page 3

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.

GEOGRAPHIC LOCATION NOTE
**LOTS 9,10,11,
 AND PART OF
 REGISTERED PI**
 BEING IN THE
CITY OF HAMILTON
 SCALE 1 : 400
 MacKAY, MacKAY & PETERS LI
 © 2020



KEYPLAN

- LEGEND**
- # DENOTES ROUND
 - PIN DENOTES PROPERTY IDENTIFICATION
 - HP DENOTES HYDRO POLE
 - BPED DENOTES BELL PEDESTAL
 - GW DENOTES GUY WIRE
 - LS DENOTES LIGHT STANDARD
 - GM DENOTES GAS METER
 - UCP DENOTES UTILITY CABLE PEDESTAL
 - * DENOTES CONIFEROUS TREE SCALE

NOTE
 BUILDING HEIGHT AS DEFINED BY

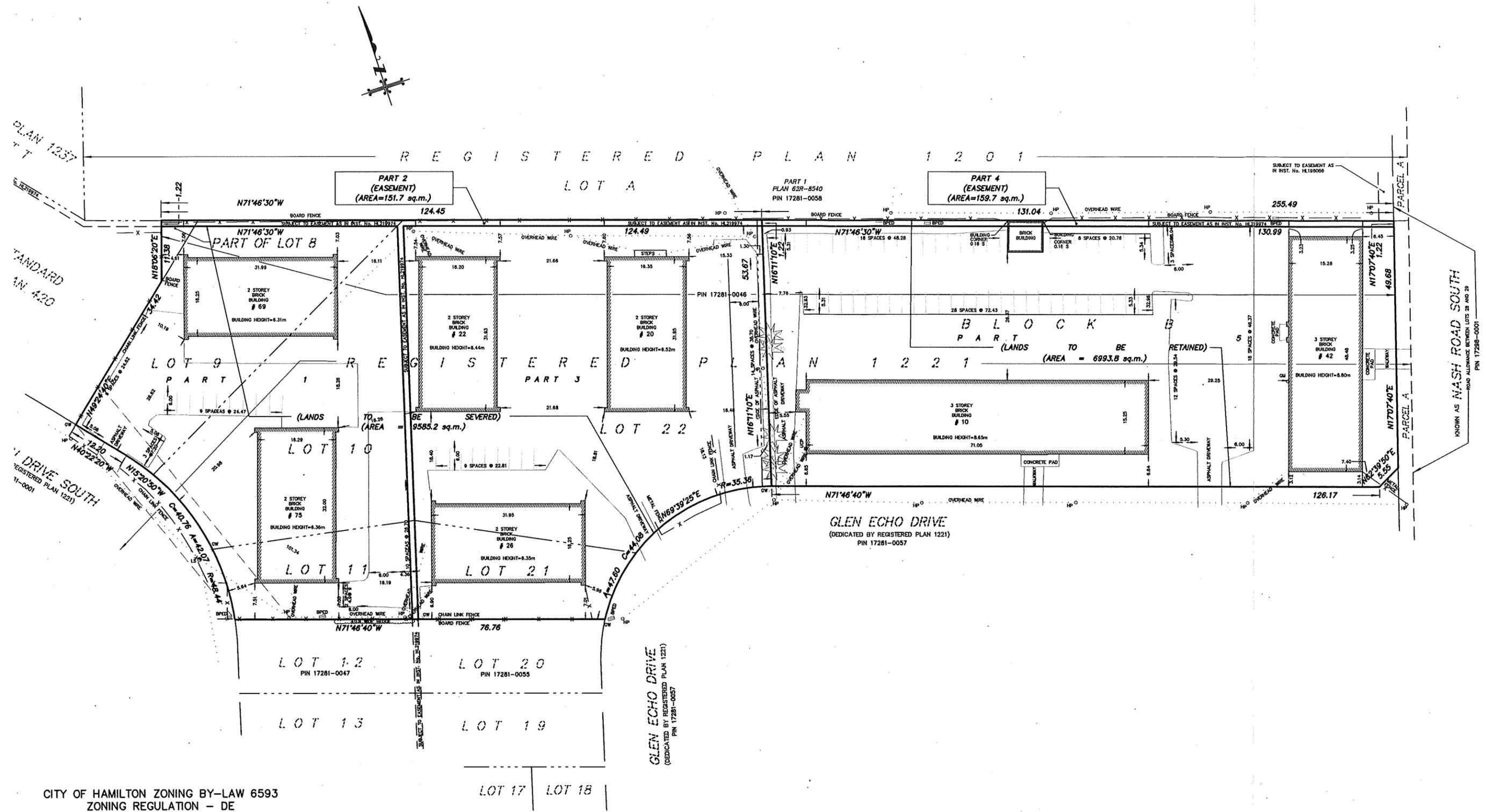
CERTIFICATION NOTE
 BOUNDARY DATA SHOWN HEREON
 MACKEY, MACKEY & PETERS, D.

MARCH 18, 2020
 DATE

CAUTION : THIS IS NOT AN OR
CAUTION : THIS IS NOT A PLAN
 FOR TRANSACTION

MARCH 6, 2020	REVISED PER CLIENT'S COMMENT
JANUARY 16, 2020	ADDED GRADING AND SITE PLAN
MAY 30, 2019	PREPARED PLAN
DATE	REVISIONS

MMP
 MacKay, MacKay & Peters Limited
 LAND SURVEYORS & MAPPERS
 SINCE 1906



**CITY OF HAMILTON ZONING BY-LAW 6593
 ZONING REGULATION - DE**

REQUIRED	SEVERED	RETAINED
27.0 m (min)	62.62 m	54.86 m
140 sq.m. (min)	9736.9 sq.m.	7153.5 sq.m.
6.0 m (min)	26.62m #69 WOODMAN DRIVE SOUTH 5.64 m #75 WOODMAN DRIVE SOUTH 18.13 m #20 GLEN ECHO DRIVE 5.96 m #26 GLEN ECHO DRIVE	6.45 m #42 NASH ROAD 6.64 m #10 GLEN ECHO DRIVE
7.5 m (min)	7.03 m #69 WOODMAN DRIVE SOUTH 7.56 m #20 GLEN ECHO DRIVE 7.54 m #22 GLEN ECHO DRIVE	32.93 m #10 GLEN ECHO DRIVE
3.0 m (min)	4.61 m #69 WOODMAN DRIVE SOUTH 7.51 m #75 WOODMAN DRIVE SOUTH 15.33m #20 GLEN ECHO DRIVE 6.90 m #26 GLEN ECHO DRIVE (EXISTING STRUCTURES)	3.12 m #42 NASH ROAD 5.55 m #10 GLEN ECHO DRIVE (EXISTING STRUCTURES) 47.1 (EXISTING ACCESSORY) 1883.1 sq.m. (TOTAL AREA)
3 STOREY & 11.0 m (max)	26.8%	26.3%
1/4 OF LOT AREA	AS NOTED 4864.2 sq.m.	AS NOTED 2914.4 sq.m.
	55	87



Hamilton

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department
Planning Division

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

RECEIVED
APR 15 2020
CITY OF HAMILTON

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20: 96</u>	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

- Name of Owner Butty Property Management Inc
- [Redacted]
- Name of Agent Paul Mariutti
- [Redacted]

Note: Unless otherwise requested all communications will be sent to the agent, if any.

- Names and addresses of any mortgagees, holders of charges or other encumbrances:
TD Bank

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

Relief of Minimum parking required: 63 spaces actual:55 spaces

Set Back from side yard required: 1.5m actual: 1.2m

Minimum planting strip required: 1.5m actual: 1.2m

Relief of side yard set back for 10 Glen Echo required 7.5m actual 5.55m

Loading space required: 2 actual: 0

Relief on parking space sizes Required 2.7m x 6m Actual varying from 2.58m x 5.31m to 2.68m x 5.32m

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

The property was developed in the early 60's and it would be difficult to take away the existing green-space from the residents who have enjoyed the open area of the development

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

Lots 9, 10, 11, 21, 22, Block B and Part of Lot 8 Registered Plan 1221

9. PREVIOUS USE OF PROPERTY

Residential X Industrial _____ Commercial _____

Agricultural _____ Vacant _____

Other _____

- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No X Unknown _____

- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No X Unknown _____

- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No X Unknown _____

- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No X Unknown _____

- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No X Unknown _____

- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No X Unknown _____

- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No X Unknown _____

- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No X Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes _____ No X Unknown _____

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Personal knowledge of history of the property since ownership

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes _____ No X

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

April 9th 2020
Date



Signature Property Owner

Julius Butty
Print Name of Owner

10. Dimensions of lands affected:

Frontage 55.86m 42 Nash Road 62.62m 75 Woodman Drive South
Depth 131.04 42 Nash Road 53.67m 75 Woodman Drive South
Area 7153.5sqm 42 Nash Road 9736.9sqm 75 Woodman Drive South
Width of street 15.0m Nash Road 8.5m Woodman Drive South

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: 42 Nash 2 Bldgs ground floor area 2,736.5m2, Total area 5472.9m2, 3 storeys 15.28mx48.48m height 8.8m, 15.25m x 71.05m, height 8.65m

75 Woodman ground floor area 2600.5m2, total area 5201m2, 2 stories widths 16.29m x32.m, 16.25mx31.99m 16.2mx31.93m, 16.35mx31.95m, 16.25mx31.95m, Heights 6.31m, 6.35m, 6.36m, 6.44m, 6.52m

Proposed: No Changes proposed

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

Existing: See attached Schedule

Proposed: No Changes proposed

13. Date of acquisition of subject lands:
 June 2012
-
14. Date of construction of all buildings and structures on subject lands:
 early 1960's
-
15. Existing uses of the subject property: Multi Unit Residential
-
16. Existing uses of abutting properties: Residential and Commercial
-
17. Length of time the existing uses of the subject property have continued:
 50+years
-
18. Municipal services available: (check the appropriate space or spaces)
- | | | | |
|----------------|--------------|-----------|--------------|
| Water | <u> X </u> | Connected | <u> X </u> |
| Sanitary Sewer | <u> X </u> | Connected | <u> X </u> |
| Storm Sewers | <u> X </u> | | |
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Medium Density Residential
-
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 DE
-
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
- If the answer is yes, describe briefly.
-
-
-
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.

**CITY OF HAMILTON ZONING BY-LAW 6593
ZONING REGULATION – DE**

ZONE	REQUIRED	SEVERED	RETAINED
LOT WIDTH	27.0 m (min)	62.62 m	54.86 m
LOT AREA	140 sq.m. (min)	9736.9 sq.m.	7153.5 sq.m.
FRONT YARD	6.0 m (min)	26.62m #69 WOODMAN DRIVE SOUTH 5.64 m #75 WOODMAN DRIVE SOUTH 18.13 m #20 GLEN ECHO DRIVE 5.96 m #26 GLEN ECHO DRIVE	6.45 m #42 NASH ROAD 6.64 m #10 GLEN ECHO DRIVE
REAR YARD	7.5 m (min)	7.03 m #69 WOODMAN DRIVE SOUTH 7.56 m #20 GLEN ECHO DRIVE 7.54 m #22 GLEN ECHO DRIVE	32.93 m #10 GLEN ECHO DRIVE
SIDE YARD	3.0 m (min)	4.61 m #69 WOODMAN DRIVE SOUTH 7.51 m #75 WOODMAN DRIVE SOUTH 15.33m #20 GLEN ECHO DRIVE 6.90 m #26 GLEN ECHO DRIVE	3.12 m #42 NASH ROAD 5.55 m #10 GLEN ECHO DRIVE
BUILDING AREA		5201sq.m (EXISTING STRUCTURES)	5273sq.m. (EXISTING STRUCTURES)
			47.1 (EXISTING ACCESSORY)
			1883.1 sq.m. (TOTAL AREA)
LOT COVERAGE		26.8%	26.3%
BUILDING HEIGHT	3 STOREY & 11.0 m (max)	AS NOTED	AS NOTED
LANDSCAPED AREA	1/4 OF LOT AREA	4864.2 sq.m.	2914.4 sq.m.
PARKING SPACES		55	87



Hamilton

Committee of Adjustment
 Clearance of Building Division Conditions
 Building Division Staff Review Sheet

February 19, 2019

FILE: HM/B-19:99
 FOLDER: 20-149376 ALR
 ATTENTION OF: Matthew Stavroff
 TELEPHONE NO: (905) 546-2424
 EXTENSION: 5716

JOHN MACNAMARA
 9 WESTVIEW CRES.
 WATERDOWN, ON L8B 0E4

Re: **Zoning District:** 'DE' District
File Number: HM/B-19:99
Address: 75 Woodman Drive South, Hamilton

The following comments are provided respecting the Building Division conditions for the above noted application:

COMMENTS:

Based on the submitted survey, it appears that a number of zoning requirements have not been complied with including the following;

- a. A minimum of 63 parking spaces are required on the lands to be retained (13 of which shall be reserved as visitor parking) whereas a total of only 55 parking spaces are provided.
- b. 16 of the 87 parking spaces on the lands to be conveyed shall be dedicated and reserved as visitor parking.
- c. Every parking space is required to be at least 2.7m in width and 6.0m in length. The parking spaces appear to be smaller than required.
- d. The extent of the parking area on both the lands to be retained and the lands to be conveyed are required to be at least 1.5m from the newly created lot line. This distance has not been indicated. Furthermore, a 1.5m wide planting strip is required to be provided within this area on both properties.
- e. A visual barrier (i.e fence) is required to be provided along the newly created lot line.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: HM/A-20:98

APPLICANTS: Manco Design c/o Julia Mancini on behalf of the owner Angelo Costanzo

SUBJECT PROPERTY: Municipal address **72 Parkside Dr., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-laws 96-125 & 19-307

ZONING: "C/S-1364 & C/S-1788" (Urban Protected Residential, etc.) district

PROPOSAL: To permit the construction of a second-storey addition to the existing single family dwelling, notwithstanding that:

1. A maximum floor area ratio factor of 0.62 shall be permitted, permitting a maximum gross floor area of 194.31 square metres, instead of the permitted maximum floor area ratio factor of 0.45, allowing a maximum gross floor area of 140.90 square metres.
2. A minimum northerly side yard width of 0.64 metres shall be permitted, instead of a minimum required northerly side yard width of ten percent of the width of the lot, but no less than 0.9 metres.
3. To permit the eave and gutter to encroach into the entire width of the northerly side yard instead of the maximum permitted encroachment of one-third its width.

NOTE:

1. Specific details have not been provided regarding proposed yard encroachments. Further variances may be required if compliance with Section 18(3)(vi) cannot be achieved.
2. Construction of the proposed addition is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setbacks and construction types.
3. With respect to Variance No. 2, as the subject lot is a lot of record as defined, a variance is required to Section 18(3)(v) as opposed to Section 9(3)(ii).

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020
TIME: 2:35 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-20:98

Page 2

PUBLIC INPUT

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Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

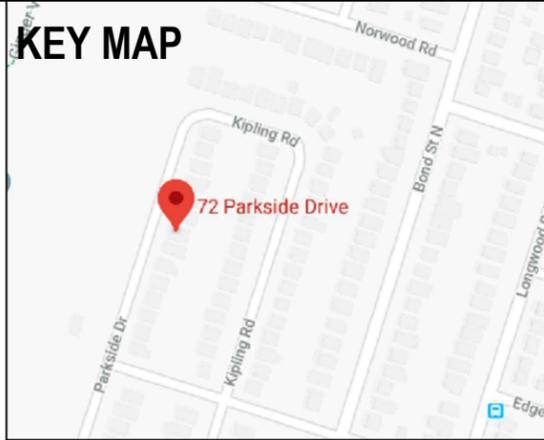
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- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.



72 PARKSIDE DRIVE HAMILTON, ONTARIO

SCOPE OF WORK:

-NEW SECOND FLOOR ADDITION

AREA OF WORK (FT²)

NEW 2ND FLOOR ADDITION: 907 FT²

SHEET INDEX

- A001..... COVER PAGE
- A002..... SCHEDULE
- SP101..... SITE PLAN
- A101..... AS FOUNDS/ DEMO PLAN
- A102..... PROPOSED MAIN FLOOR
- A103..... PROPOSED SECOND FLOOR
- A104..... PROPOSED ROOF PLAN
- A201..... ELEVATIONS
- A202..... ELEVATIONS
- A301..... BUILDING SECTIONS

DO NOT SCALE DRAWINGS

- NOTE:
- 1) CONTRACTOR TO CHECK ALL DIMENSIONS, SPECIFICATIONS, ECT.ON SITE AND SHALL BE RESPONSIBLE FOR REPORTING ANY DISCREPANCY TO THE ENGINEER AND/ OR DESIGNER
 - 2) ALL WORKS TO BE IN ACCORDANCE WITH THE ONTARIO BUILDING CODE.



 Ontario
Ministry of Municipal Affairs & Housing

Qualification Information
The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature Julia Mancini

Julia Mancini, Manco Design
BCIN 113168

MANCO ARCHITECTURAL DESIGN

905-537-9578
julia@mancodesign.com



DRAWING SUBMISSIONS	
DATE	TYPE
20-03-26	PERMIT SET

72 PARKSIDE DRIVE
HAMILTON, ONTARIO

DRAWN BY: JM
PLOT DATE: 2020-03-26

PAGE
COVER PAGE

A001

WALL SCHEDULE

W1 NEW SIDING PER PLANS
 NEW 1" STYROFOAM RB CONTINUOUS
 NEW TYVEK BUILDING WRAP
 NEW 3/8" OSB @-2 SHEATHING
 NEW 2x6 @ 16" O.C.
 NEW R13 BATT INSULATION
 NEW POLY AIR/VB-CAN/CGSB-51.34-M-SEAL JOINTS W/TREMO ACOUSTICAL SEALANT
 NEW 1/2" DRYWALL

W2 NEW INTERIOR PARTITION
 NEW 1/2" GYPSUM WALL BOARD
 NEW 2x4 @ 16" O.C.
 NEW 1/2" GYPSUM WALL BOARD

W3 NEW BRICK VENEER PER 9.20 O.B.C.
 AND CSA A311 OR BMEC 01-04-256 AND O.B.C. 9.20. f O.B.C. 9.20.
 - FLASHING FOR WEEPHOLES PER 9.20.13.6
 - FLASHING JOINTS PER 9.20.13.1
 - WEEP HOLES PER 9.20.13.6
 - STEEL LINTELS PER 9.20.5.2
 1" AIRSPACE
 NEW WALL SHEATHING MEMBRANE - CAN/CGSB-51.32-M
 NEW 7/16" OSB @-2 SHEATHING
 NEW 2x6 @ 16" O.C.
 NEW R24 BATT INSULATION
 NEW POLY AIR/VB-CAN/CGSB-51.34-M-SEAL JOINTS W/TREMO ACOUSTICAL SEALANT
 NEW 1/2" GYPSUM

FLOOR SCHEDULE

F1 NEW FINISHED FLOOR T.B.D.
 NEW 3/4" T&G OSB @-2 SUBFLOOR
 NEW FLOOR JOISTS PER SUPPLIER
 NEW 1/2" GYPSUM

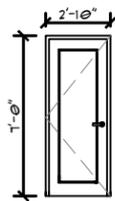
ROOF SCHEDULE

R1 NEW 30 YEAR ASPHALT ROOFING SHINGLES C/W EAVE PROTECTION METAL DRIP EDGE
 NEW 30LB ROOFING FELT
 NEW 1/2" PLYWOOD ROOF SHEATHING C/W H CLIPS
 NEW TRUSSES PER SUPPLIER C/W R60 INSULATION
 NEW POLY AIR V.B. - CAN/CGSB 51.34-M- SEAL JOINTS W. TREMCO ACOUSTICAL SEALANT
 NEW 1x FURRING @ 16" O.C.
 NEW 1/2" GYPSUM/VENTED METAL SOFFIT @ EAVES
 C/W MIN. 3/8" VENTING

R2 NEW 2 FLY TORCH ON ROOFING MEMBRANE
 NEW 1/2" PLYWOOD ROOF SHEATHING
 NEW 2x10 ROOF JOISTS @ 16" O.C.
 NEW 1/2" ALUMINUM SOFFIT

DOOR SCHEDULE ** BUILDER TO VERIFY EXISTING DOOR SIZE ON SITE **

D1 QUANTITY: 001
 TYPE: ALUMINUM EXT.
 OPERATION: INSULING
 LOCATION: ENTRY
 RSI 0.1



LINTEL SCHEDULE

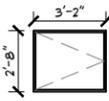
L1 EXISTING (2) 2x10
L2 NEW (2) 2x10

STEEL LINTEL SCHEDULE

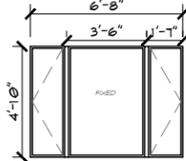
S1 EXISTING 89x89x6.4MM (MAX SPAN: 2.47M/8.10FT)
S2 NEW 89x89x6.4MM (MAX SPAN: 2.47M/8.10FT)

WINDOW SCHEDULE ** BUILDER TO VERIFY EXISTING WINDOW SIZES ON SITE **

W1 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: ENTRY/STAIRS
 RSI 0.1



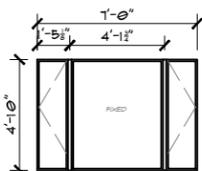
W2 QUANTITY: 002
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: LIVING ROOM, LOFT



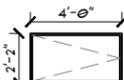
W3 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: FIXED
 LOCATION: STAIRS



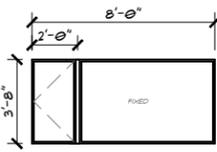
W4 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: LOFT



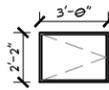
W5 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: ENSUITE



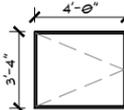
W6 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: MASTER



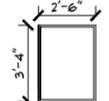
W7 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: MASTER



W8 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: CASEMENT
 LOCATION: BEDROOM 1



W9 QUANTITY: 001
 BLACK EXTERIOR
 OPERATION: FIXED
 LOCATION: STAIRS



MANCO ARCHITECTURAL DESIGN

905-537-9578
 julia@mancodesign.com



MANCO

DRAWING SUBMISSIONS

DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY: JM
 PLOT DATE: 2020-03-26

PAGE
SCHEDULE

A002



Ontario
 Ministry of Municipal Affairs & Housing

Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature *Julia Mancini*
 Julia Mancini, Manco Design
 BCIN 113168

Ontario
 Ministry of Municipal Affairs & Housing

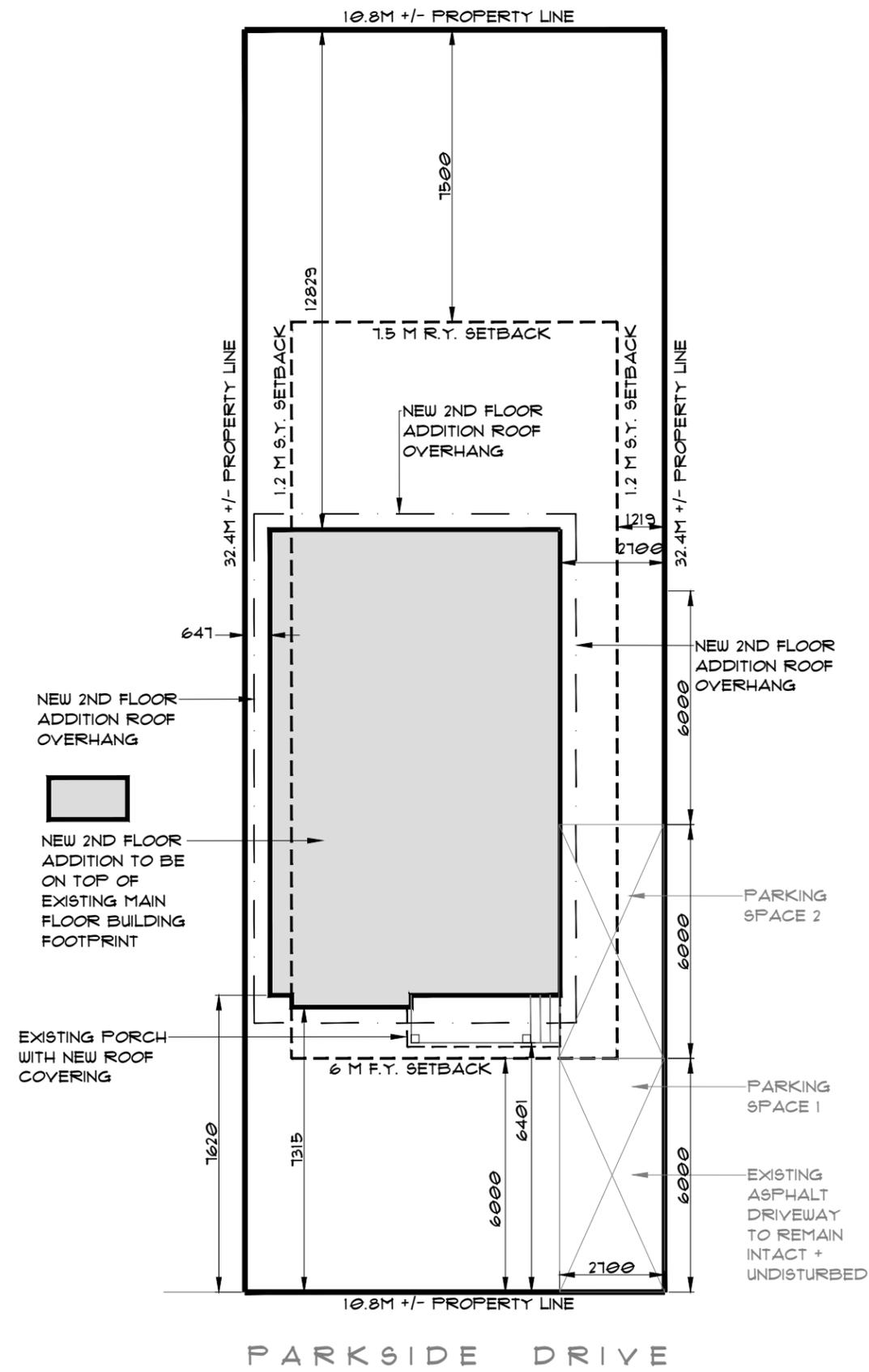
Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature Julia Mancini

Julia Mancini, Manco Design
 BCIN 113168

MANCO
 ARCHITECTURAL DESIGN

905-537-9578
 julia@mancodesign.com



ZONING CODE: C/S-1364

ZONING DESCRIPTION: URBAN PROTECTED RESIDENTIAL (SITE SPECIFICS S-1364)

FORMER CITY OF HAMILTON

REQUIRED BUILDING HEIGHT = 9M (2 STORIES) (S-1364)

REQUIRED SIDE YARD SETBACK= 1.2M ; PROPOSED 2.1M \neq 0.64M *VARIANCE REQUIRED*

REQUIRED FRONT YARD SETBACK= 6M; PROPOSED 1.6M

PROPOSED PORCH FRONT YARD= 6.4M

REQUIRED REAR YARD SETBACK= 1.5M; PROPOSED 12.82M

LOT COVERAGE

SITE SPECIFIC S-1364, PERMITTED TO HAVE A MAXIMUM GROSS FLOOR AREA OF 45% OF THE LOT AREA.

TOTAL GROSS FLOOR AREA= 2,091.54 SQ. FT (NOT INCLUDING LAUNDRY+MECHANICAL ROOM)

TOTAL LOT AREA= 3310.06 SQ.FT

LOT COVERAGE %= 45 % ; PROPOSED IS 62 %

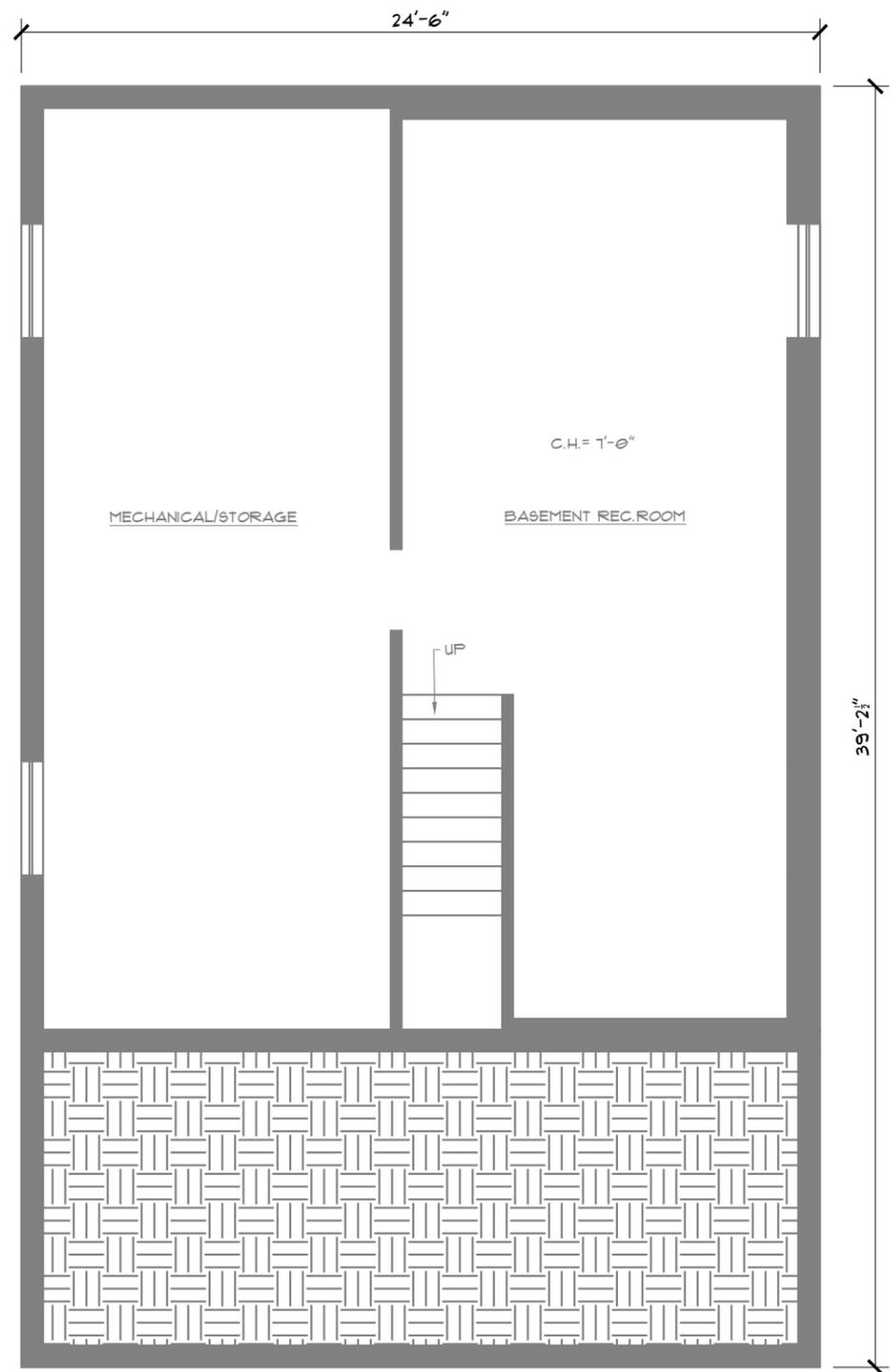
DRAWING SUBMISSIONS	
DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY:	JM
PLOT DATE:	2020-03-26

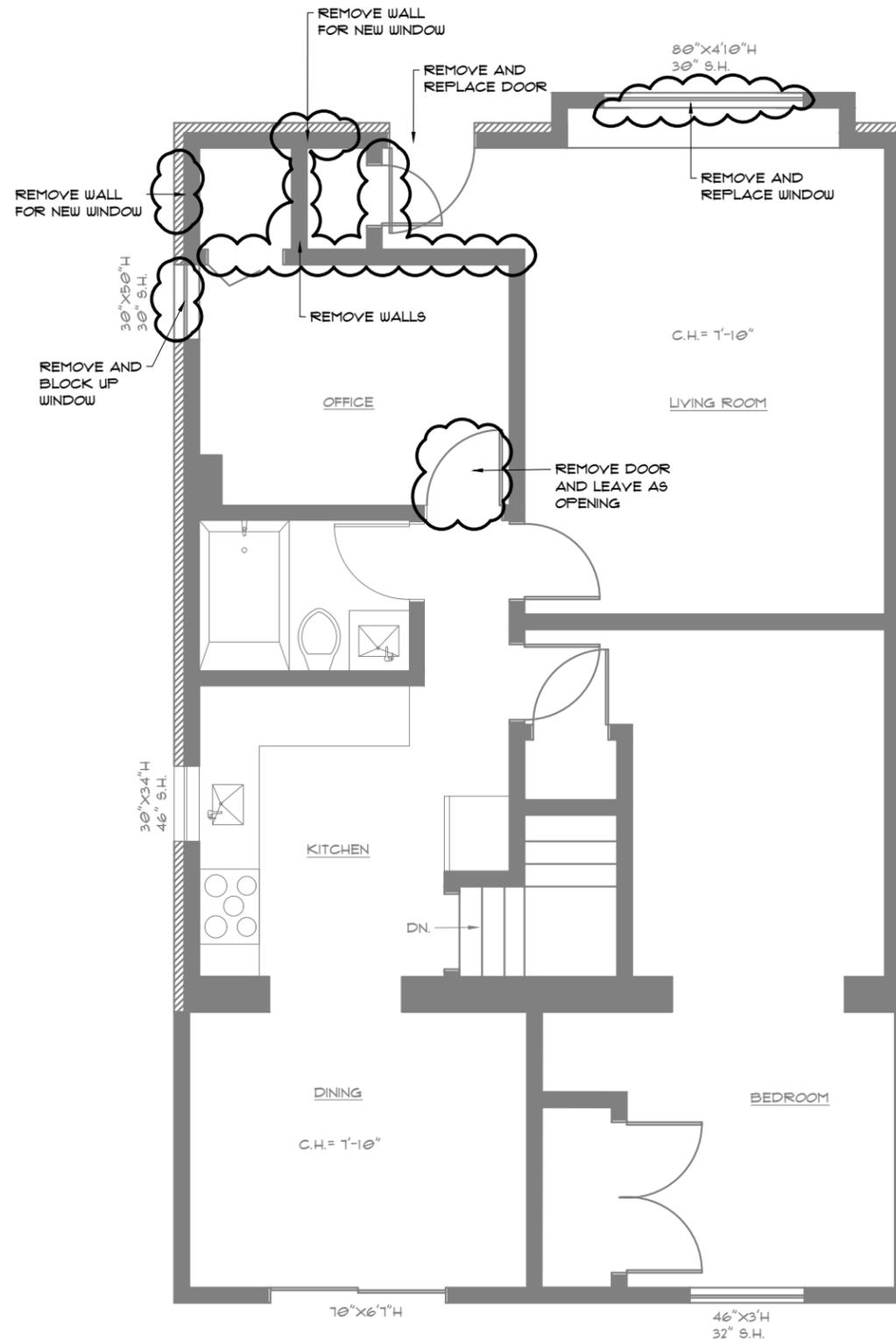
PAGE

SITE PLAN

SP101



1 AS FOUND BASEMENT PLAN
 Scale $\frac{3}{16}'' = 1'-0''$



2 AS FOUND MAIN FLOOR
 Scale $\frac{3}{16}'' = 1'-0''$

Ontario
 Ministry of Municipal Affairs & Housing

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 julia@mancodesign.com

MANCO

DRAWING SUBMISSIONS	
DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY: JM
 PLOT DATE: 2020-03-26

PAGE
**AS FOUNDS/
 DEMO PLAN**

A101

Ontario
 Ministry of Municipal Affairs & Housing

Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature Julia Mancini

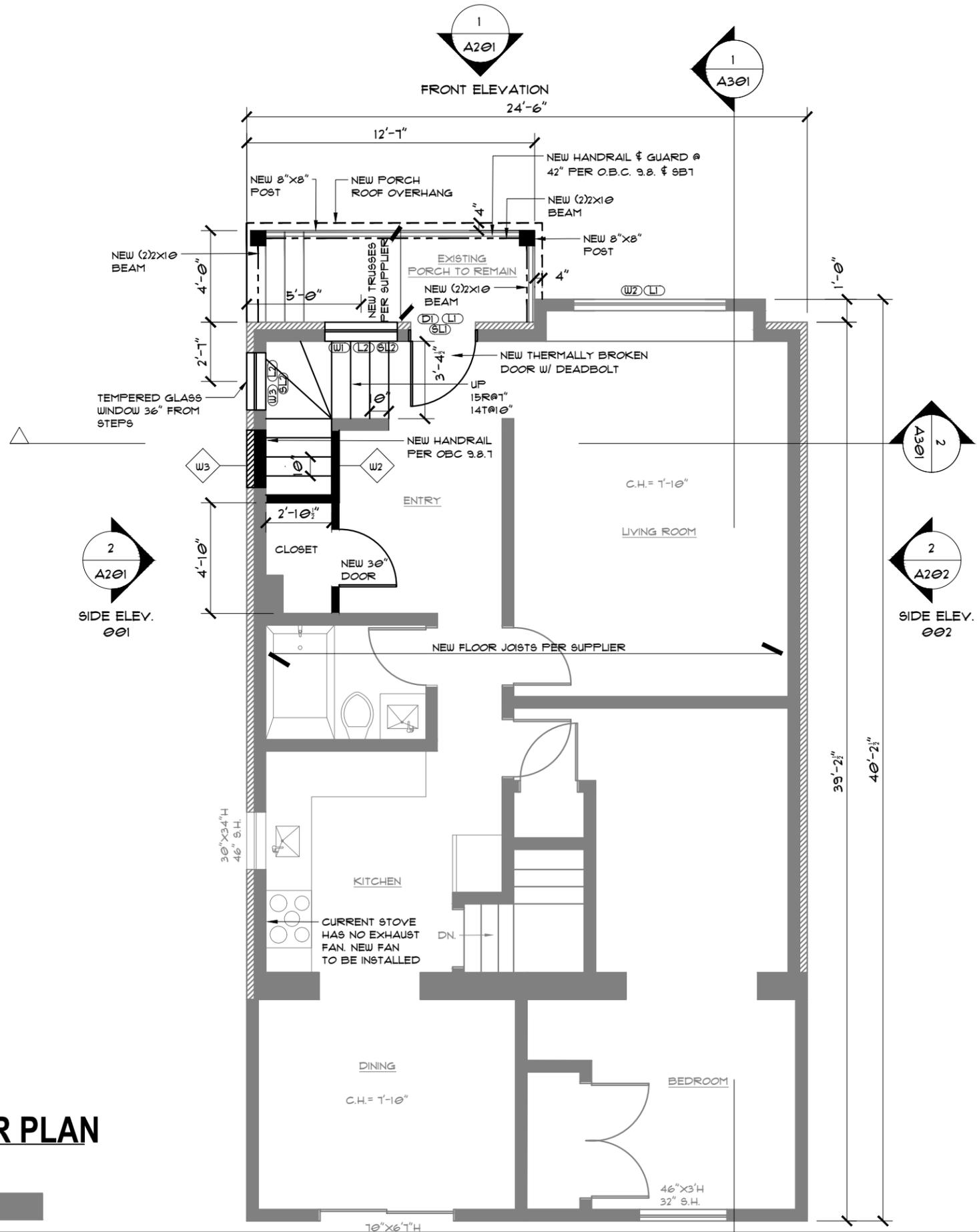
Julia Mancini, Manco Design
 BCIN 113168

MANCO ARCHITECTURAL DESIGN

905-537-9578
 julia@mancodesign.com



MANCO



DRAWING SUBMISSIONS

DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY: JM
PLOT DATE: 2020-03-26

PAGE
PROPOSED MAIN FLOOR

A102

1
A102
PROPOSED MAIN FLOOR PLAN
 Scale $\frac{3}{16}'' = 1'-0''$
NEW WALLS **EXISTING WALLS**


Ontario
 Ministry of Municipal Affairs & Housing
Qualification Information
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 Signature Julia Mancini
 Julia Mancini, Manco Design
 BCIN 113168

MANCO
ARCHITECTURAL DESIGN
 905-537-9578
 julia@mancodesign.com

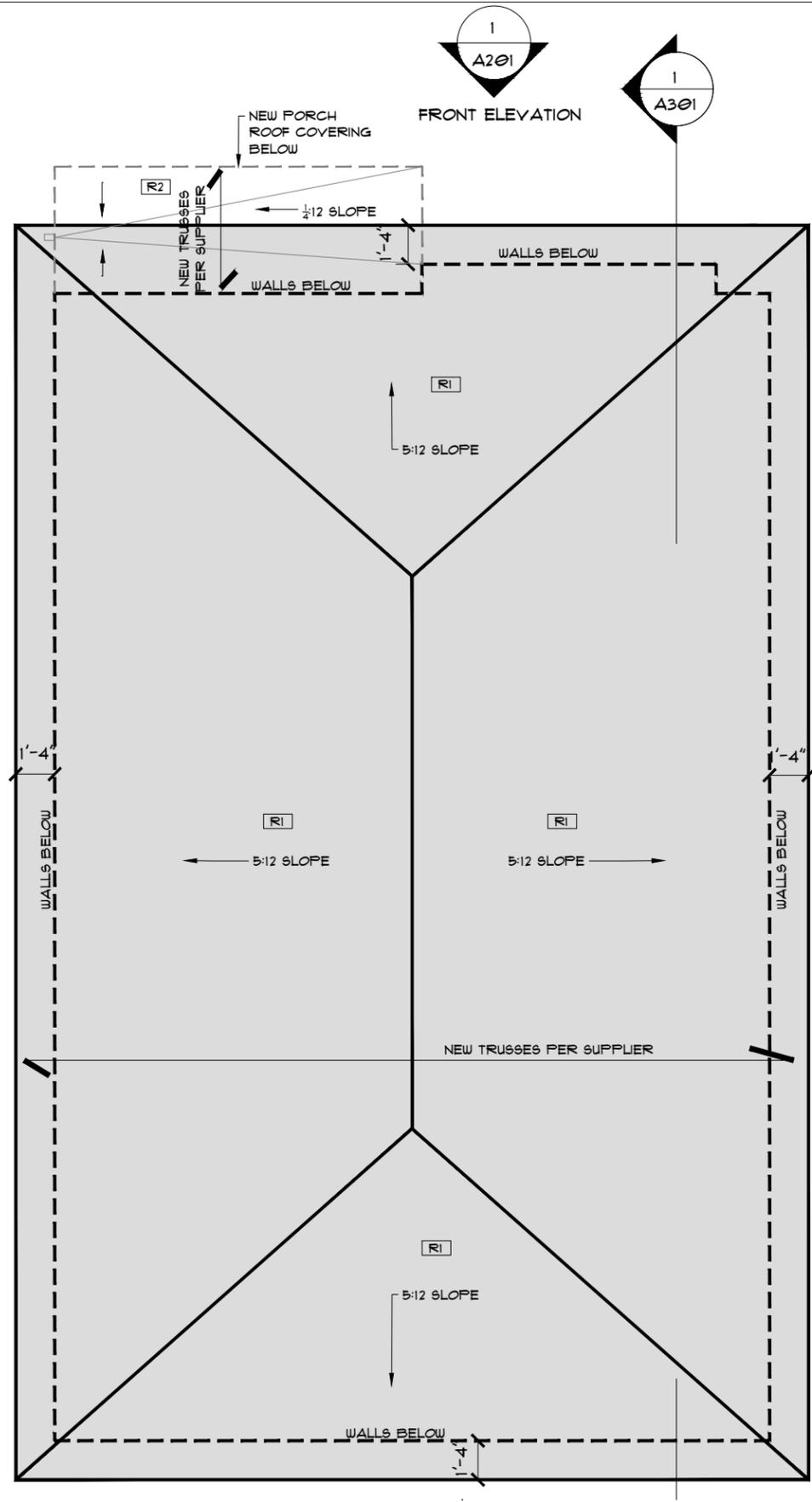


DRAWING SUBMISSIONS	
DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY: JM
 PLOT DATE: 2020-03-26

PAGE
**PROPOSED
 2ND FLOOR**

A103



2
 A2@1
 SIDE ELEV.
 @@1

2
 A2@2
 SIDE ELEV.
 @@2

1
A104

PROPOSED ROOF PLAN

Scale $\frac{3}{16}'' = 1'-0''$



Ontario
Ministry of Municipal Affairs & Housing

Qualification Information
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Signature *Julia Mancini*

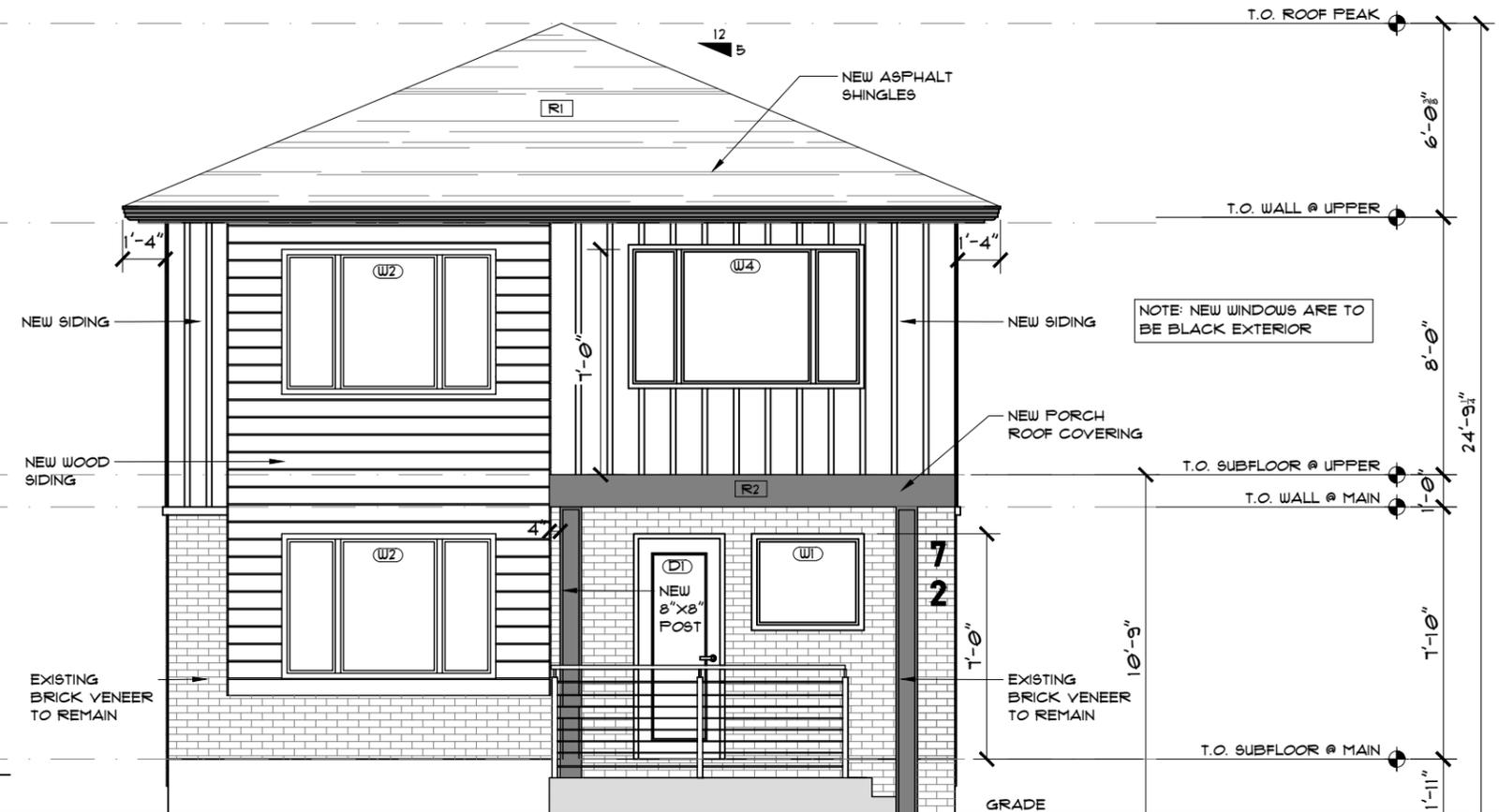
Julia Mancini, Manco Design
BCIN 113168

MANCO
ARCHITECTURAL DESIGN

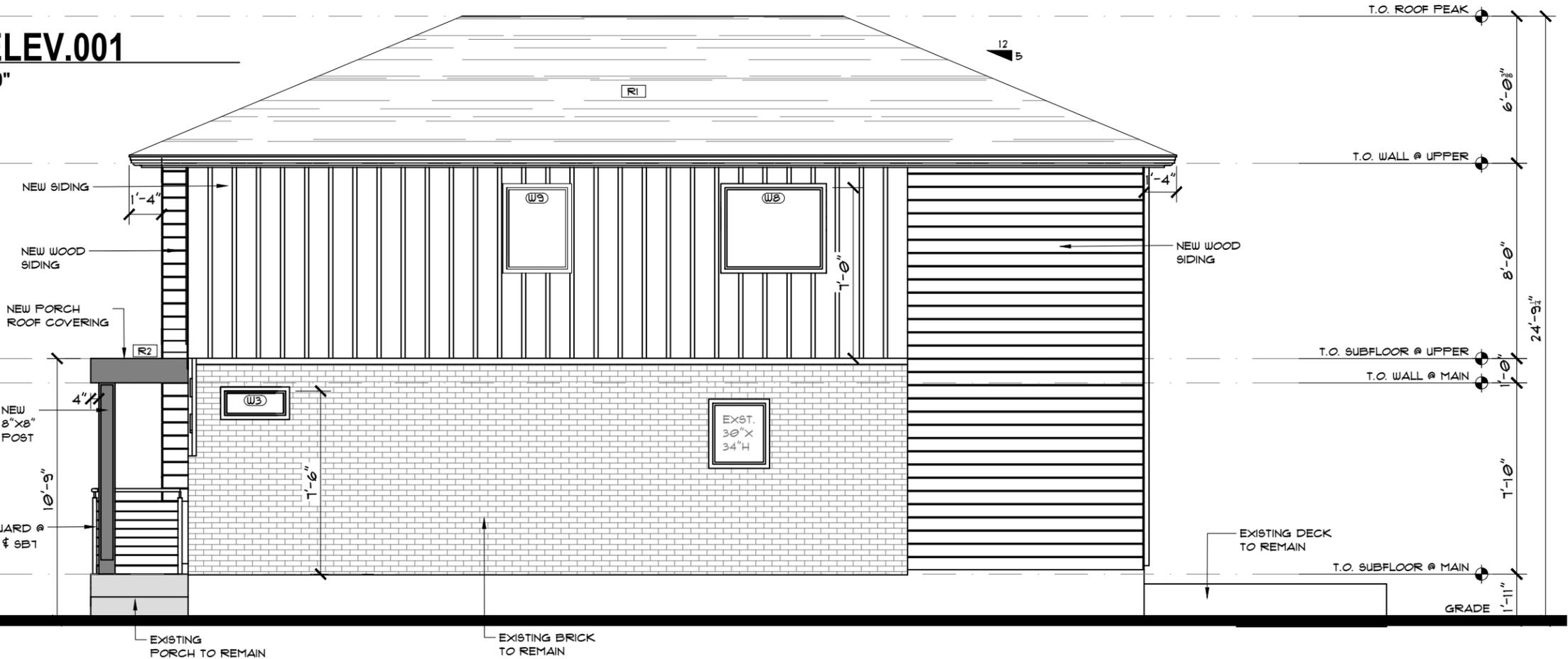
905-537-9578
julia@mancodesign.com



1 FRONT ELEVATION
Scale $\frac{3}{16}'' = 1'-0''$



2 SIDE ELEV.001
Scale $\frac{3}{16}'' = 1'-0''$



DRAWING SUBMISSIONS	
DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY: JM
PLOT DATE: 2020-03-26

PAGE
ELEVATIONS

A201

Ontario
 Ministry of Municipal Affairs & Housing

Qualification Information
 The undersigned has reviewed and takes responsibility for this design and has qualifications and meets the requirements set out in the Ontario Building Code to be a Designer.

Signature *Julia Mancini*

Julia Mancini, Manco Design
 BCIN 113168

MANCO
 ARCHITECTURAL DESIGN

905-537-9578
 julia@mancodesign.com



DRAWING SUBMISSIONS	
DATE	TYPE
20-03-26	PERMIT SET

DRAWN BY: JM
 PLOT DATE: 2020-03-26

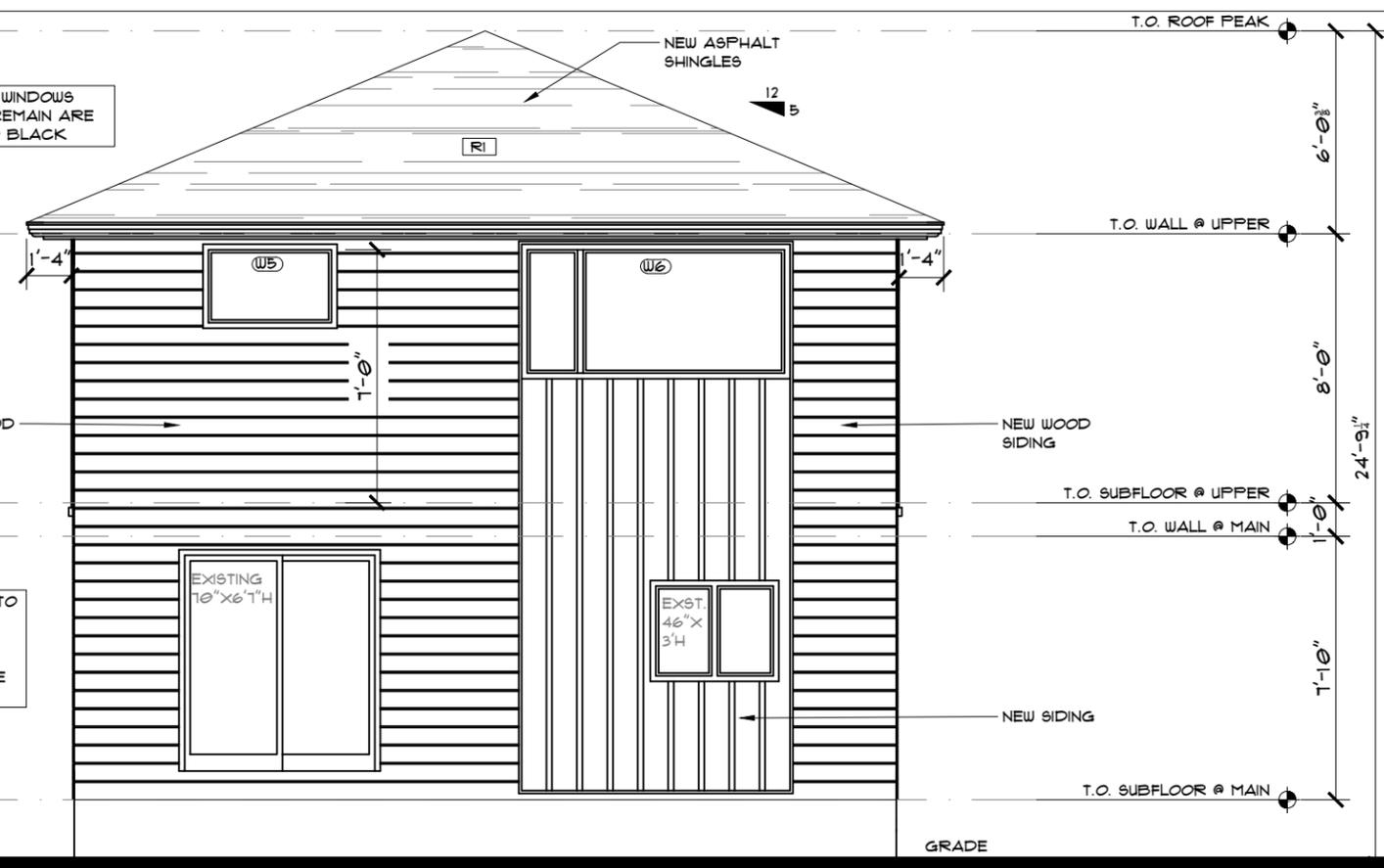
PAGE
ELEVATIONS

A202

NOTE: EXISTING WINDOWS THAT ARE TO REMAIN ARE TO BE PAINTED BLACK

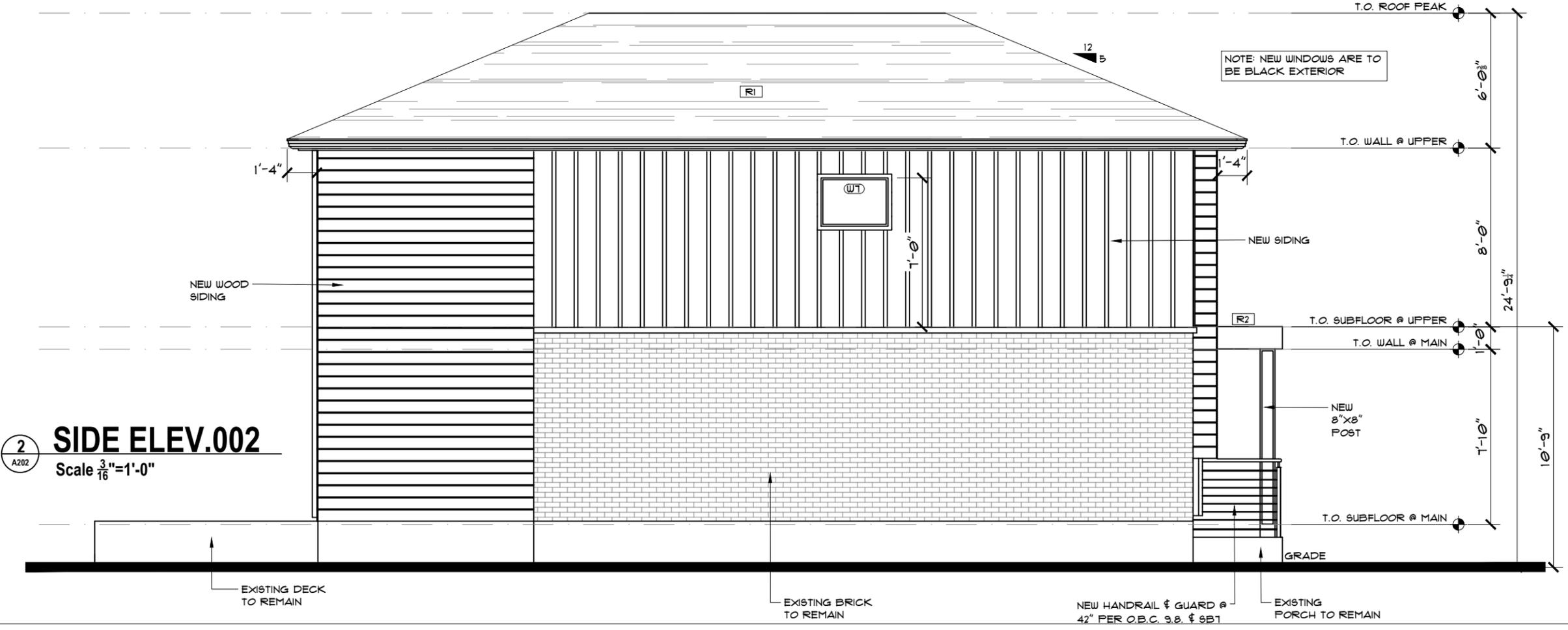
NOTE: NEW WINDOWS ARE TO BE BLACK EXTERIOR
 EXISTING WINDOWS THAT ARE TO REMAIN ARE TO BE PAINTED BLACK

1 REAR ELEVATION
 Scale $\frac{3}{16}''=1'-0''$

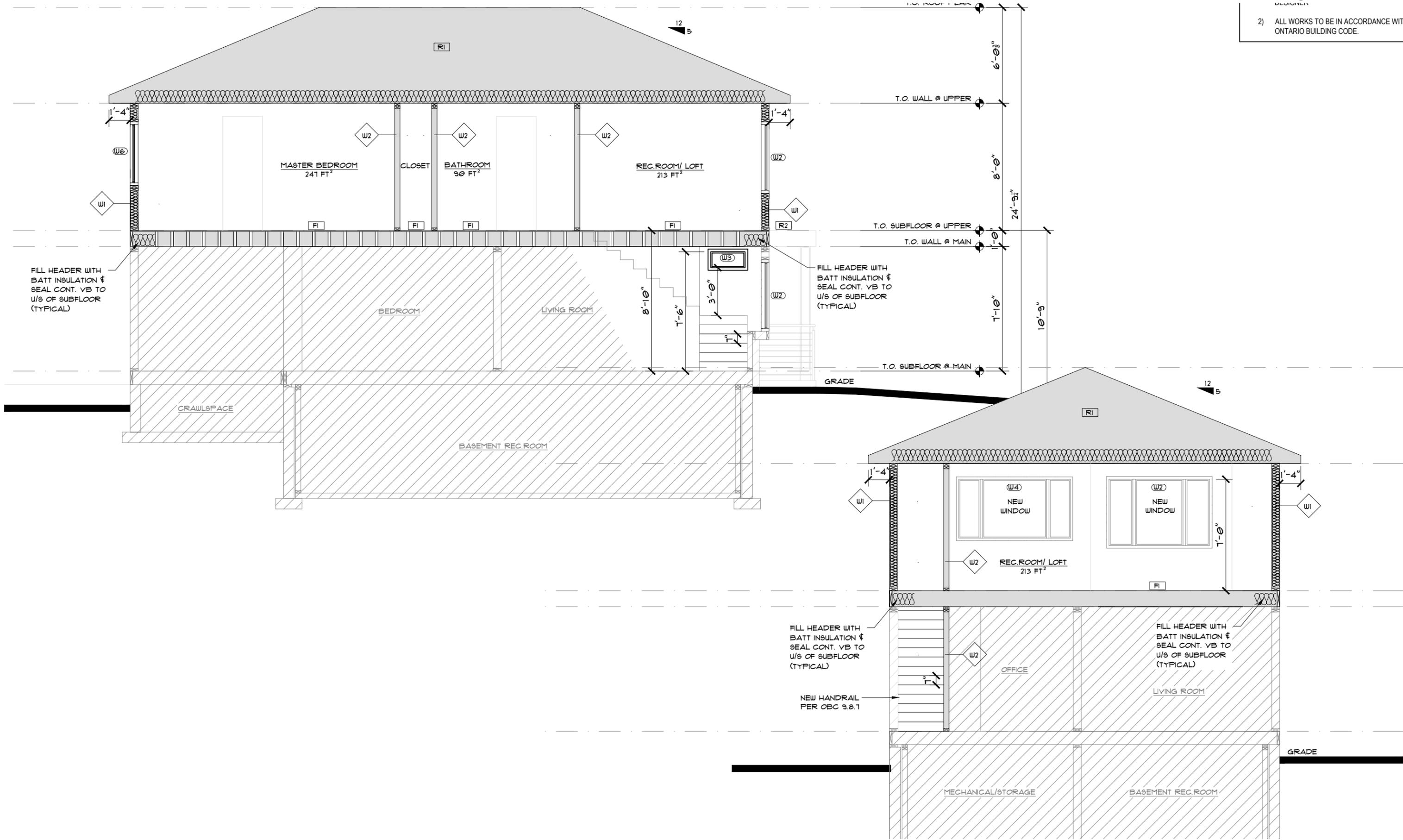


2 SIDE ELEV.002
 Scale $\frac{3}{16}''=1'-0''$

NOTE: NEW WINDOWS ARE TO BE BLACK EXTERIOR



2) ALL WORKS TO BE IN ACCORDANCE WITH ONTARIO BUILDING CODE.



To Whom It May Concern,

I am submitting 72 Parkside Drive for a Minor Variance. The client is adding a second floor addition on top of their existing building footprint. Their side yard does not meet the required 1.2 meters. I spoke to a plans examiner at the City through email and she mentioned that I may need a variance for the parking as well. I do have an approved permit and site plan from the client's previous permit years ago (it is printed in this package). I was submitting for building permit using those site plan dimensions but the plans examiner said that the older approved site plan is not valid because the City has different numbers on file. The new addition fit on the property without needing a Minor Variance when using the approved site plan.

RECEIVED
APR 17 2020
CITY OF AMHERST

Attached in this package is;

- 1) Site Plan 11x17
- 2) Minor Variance Application
- 3) Minor Variance Cheque (\$)
- 4) Building Permit Plans
- 5) Client's previous building permit / site plan
- 6) Email / communication with plans examiner

I apologize if the application isn't filled out properly or information is missing. Normally I go and get assistance at the City or my client's fill out the application at the City. If you need anything else please contact me.

Thanks so much & stay safe !

Julia Mancini
Manco Design
905-537-9578
julia@mancodesign.com

H11/A-20:98



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20:08</u>	DATE APPLICATION RECEIVED <u>Apr. 17/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Angelo Costanzo Telephone No. _____

2. _____

3. Name of Agent Julia Mancini Telephone No. _____

4. _____

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:
A Minor Variance is needed for the side yard as it does not comply with the required side yard setback. The side yard is 0.647m and required is 1.2m.
I also spoke to a plans examiner and she mentioned I may need a variance for the parking.
-
7. Why it is not possible to comply with the provisions of the By-law?
The new addition is built on top of the existing main floor which is under the required setback of 1.2m. All other setbacks I believe do comply with the zoning by law.
-
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
72 Parkside Drive
-
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
Agricultural Vacant
Other _____
- 9.1 If Industrial or Commercial, specify use

- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes No Unknown
- 9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
property research, land has been used for residential only.

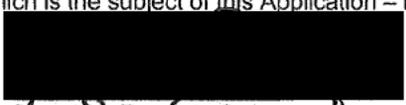
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

April 2, 2020
 Date


 Signature Property Owner
Angelo Costanzo
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 10.8m
 Depth 32.4m
 Area 350.25 sq.m
 Width of street approx. 6m

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: floor area = 1,779.08 , 1 storey (bungalow)
width= 24'6" , length= 40'2" , height = approx. 16'
main floor = 889.54 sq.ft, basement= 889.54 sq.ft

Proposed: floor area= 2,091.54 sq.ft (not including laundry + mechanical room)
width= 24'6" , length= 40'2" , height = 24'9-1/4"
main floor= 889.54 sq.ft, basement= 889.54 sq.ft, new 2nd floor= 889.54 sq.ft

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

Existing: front yard = 7.31m
rear yard= 12.82.
side yard= 0.647.
side yard= 2.7m
 Proposed: same as above (2nd floor addition is built directly on top of existing building footprint so setbacks are the same)

13. Date of acquisition of subject lands:

14. Date of construction of all buildings and structures on subject lands:

15. Existing uses of the subject property: residential

16. Existing uses of abutting properties: residential

17. Length of time the existing uses of the subject property have continued:

18. Municipal services available: (check the appropriate space or spaces)
Water yes _____ Connected yes _____
Sanitary Sewer yes _____ Connected yes _____
Storm Sewers yes _____
19. Present Official Plan/Secondary Plan provisions applying to the land:

20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:

21. Has the owner previously applied for relief in respect of the subject property?
Yes _____ No
- If the answer is yes, describe briefly.

22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
Yes _____ No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: HM/A-20:111

APPLICANTS: Carrothers & Associates c/o Jennifer Concelos on behalf of the owner Matthew Jackson

SUBJECT PROPERTY: Municipal address **49 Murray St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings and etc.) district

PROPOSAL: To permit the construction of a 39.8m² one storey westerly addition and a 6.1m² uncovered rear porch (deck) at the first storey onto the existing single family dwelling notwithstanding that:

1. A minimum westerly side yard width of 1.0m shall be provided instead of the minimum required side yard width of 2.7m.
2. Two (2) parking spaces shall be provided instead of the minimum required three (3) parking spaces.
3. No front yard landscaping shall be provided instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

NOTE:

- i) Based on the plans submitted, there are 10 habitable rooms within the building (including the addition) which requires three (3) parking spaces.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020
TIME: 2:40 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-20:111

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

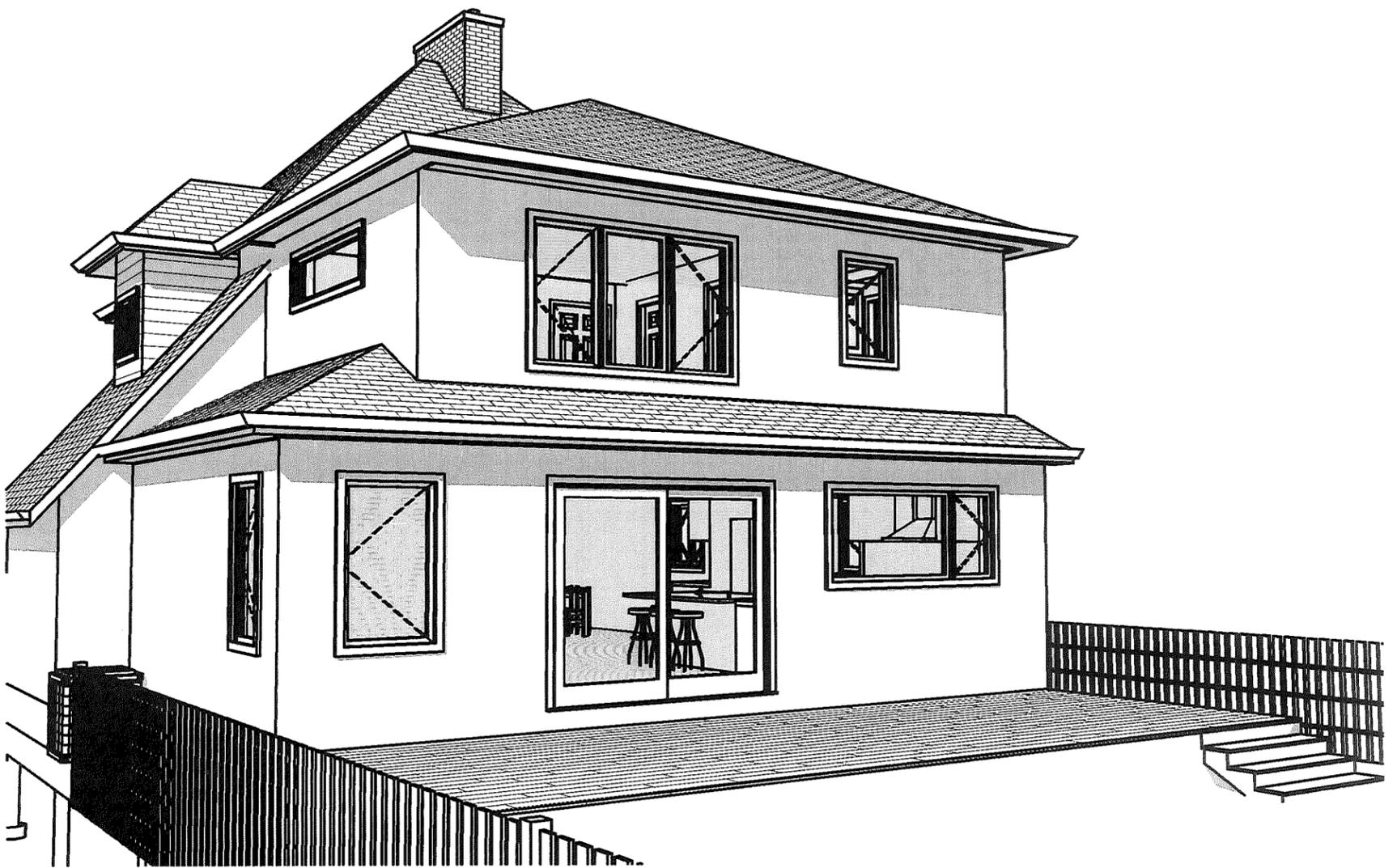
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

ISSUED FOR VARIANCE:

LJUBICIC

156 GLEN ROAD HAMILTON ON L8S 3N1



HM/A-20:112

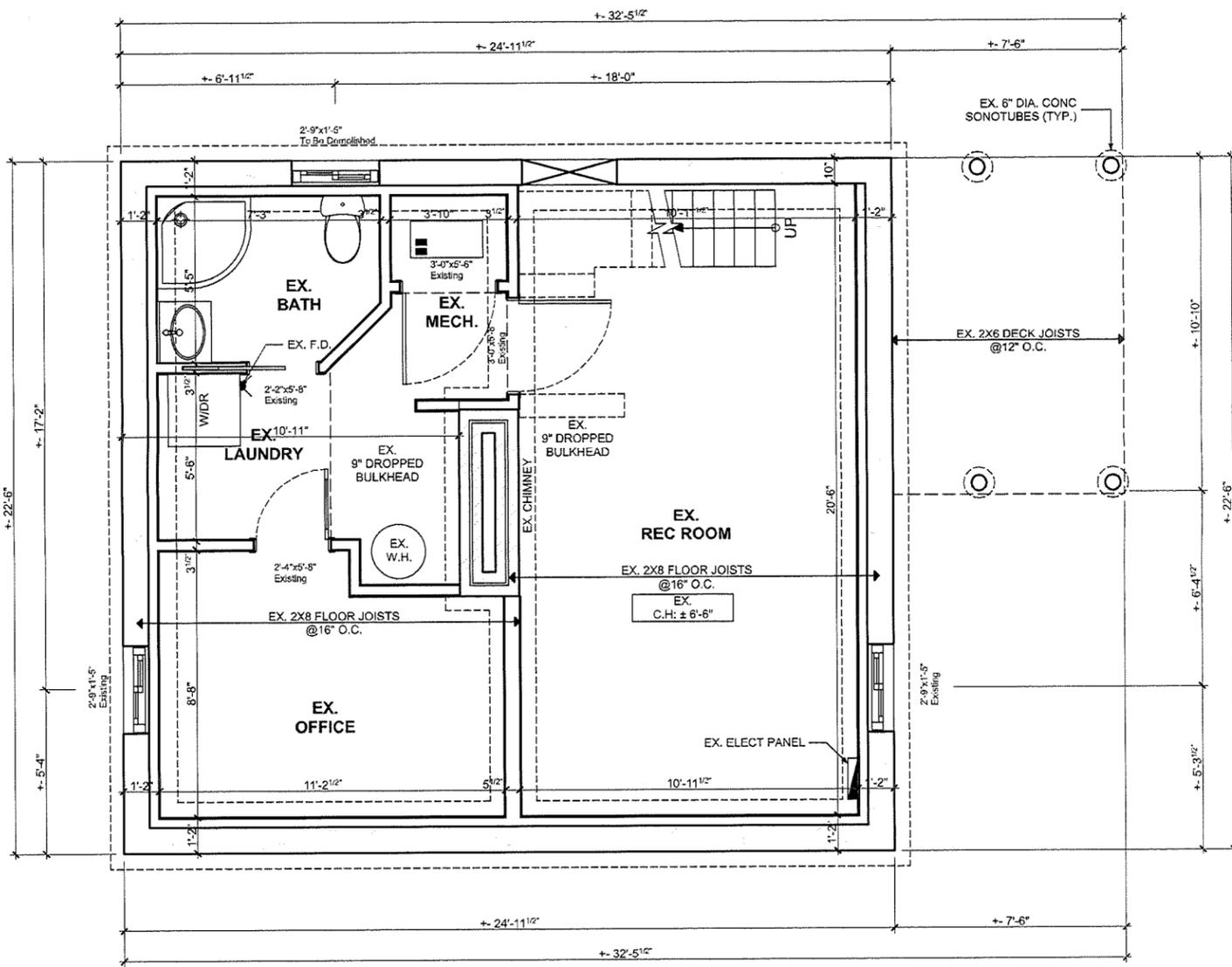


COVER SHEET

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

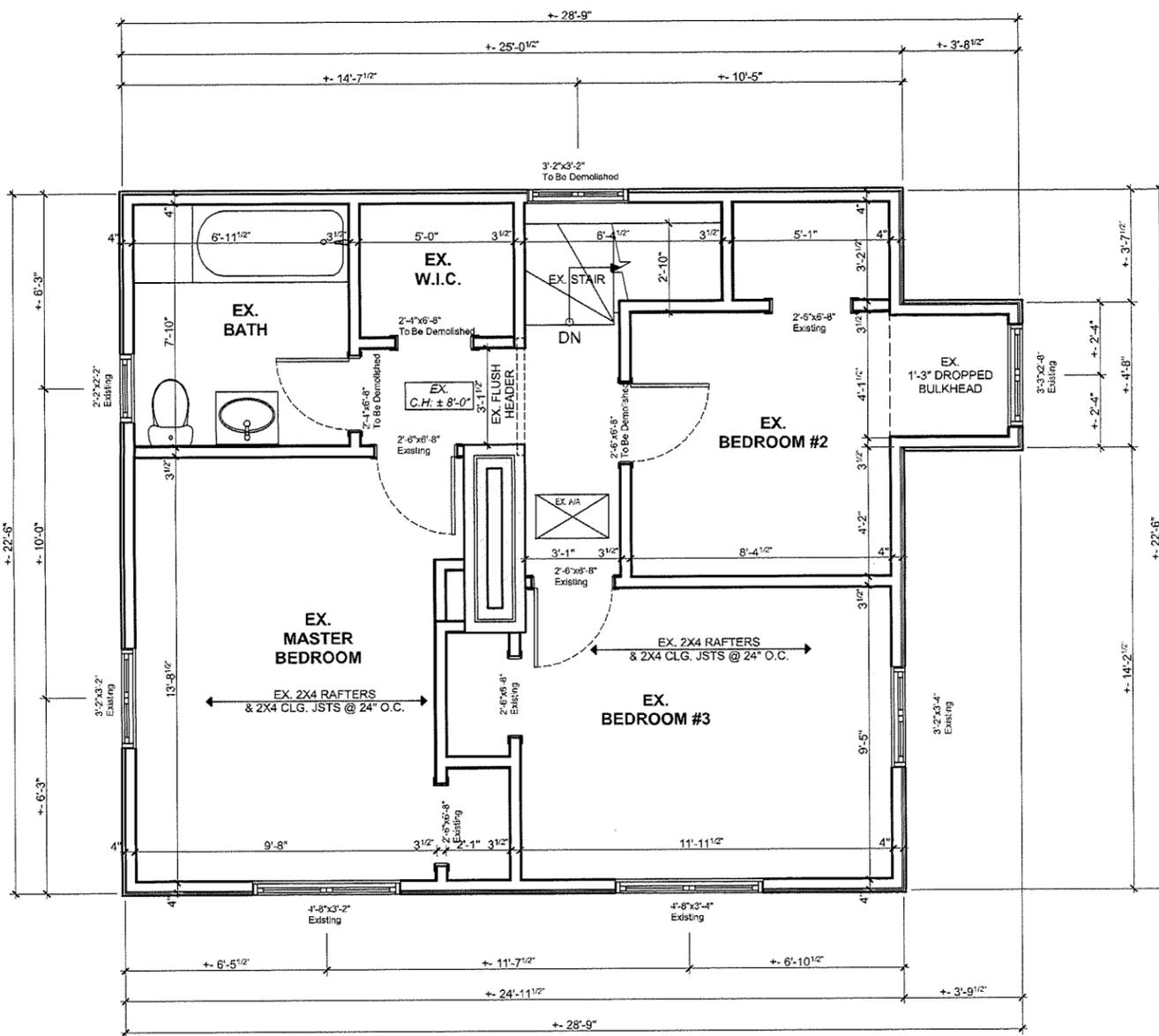
2020-05-14
1/8" = 1'-0"



EXISTING BASEMENT PLAN

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1



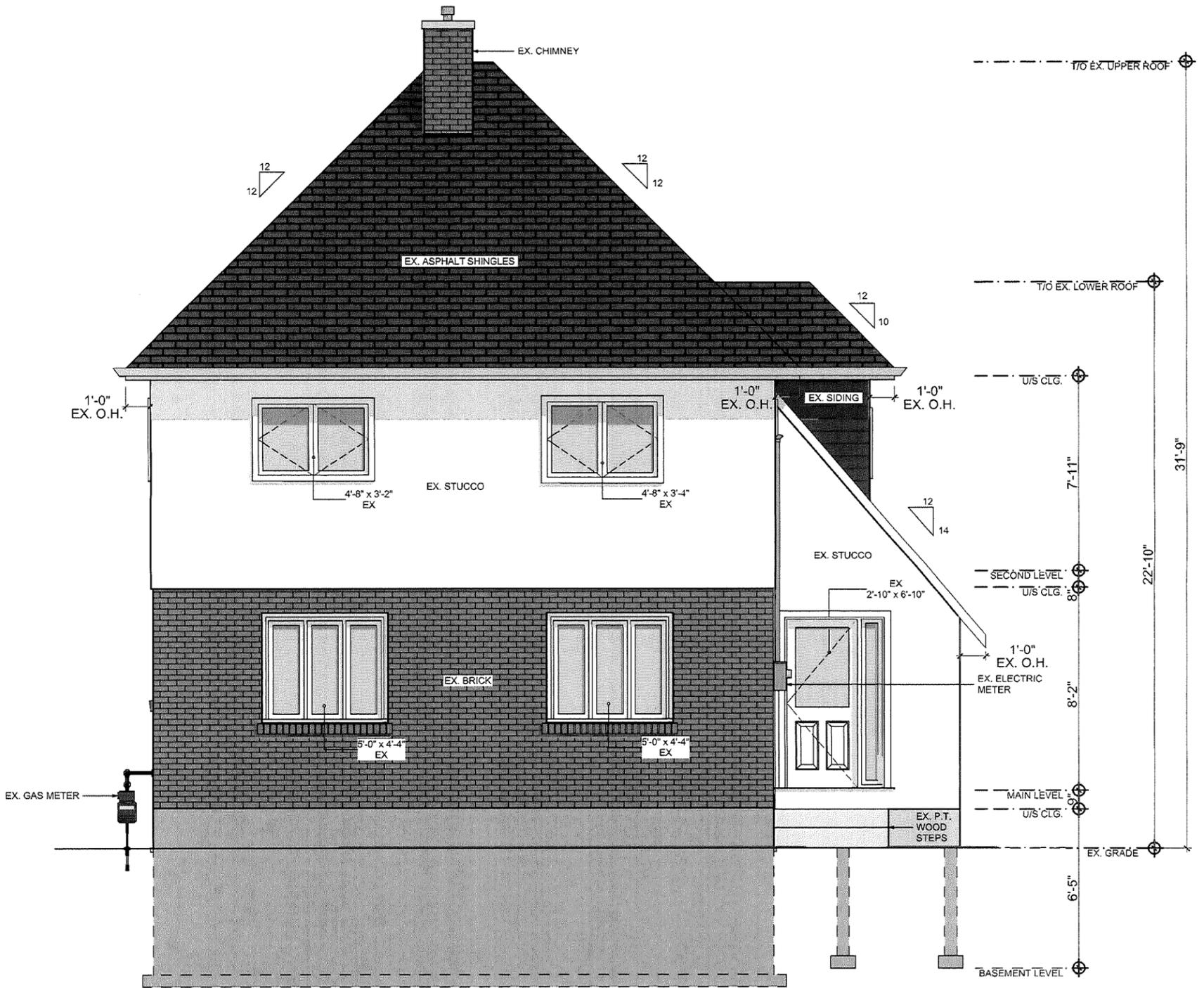
EXISTING SECOND FLOOR PLAN

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

2020-05-14
1" = 5'

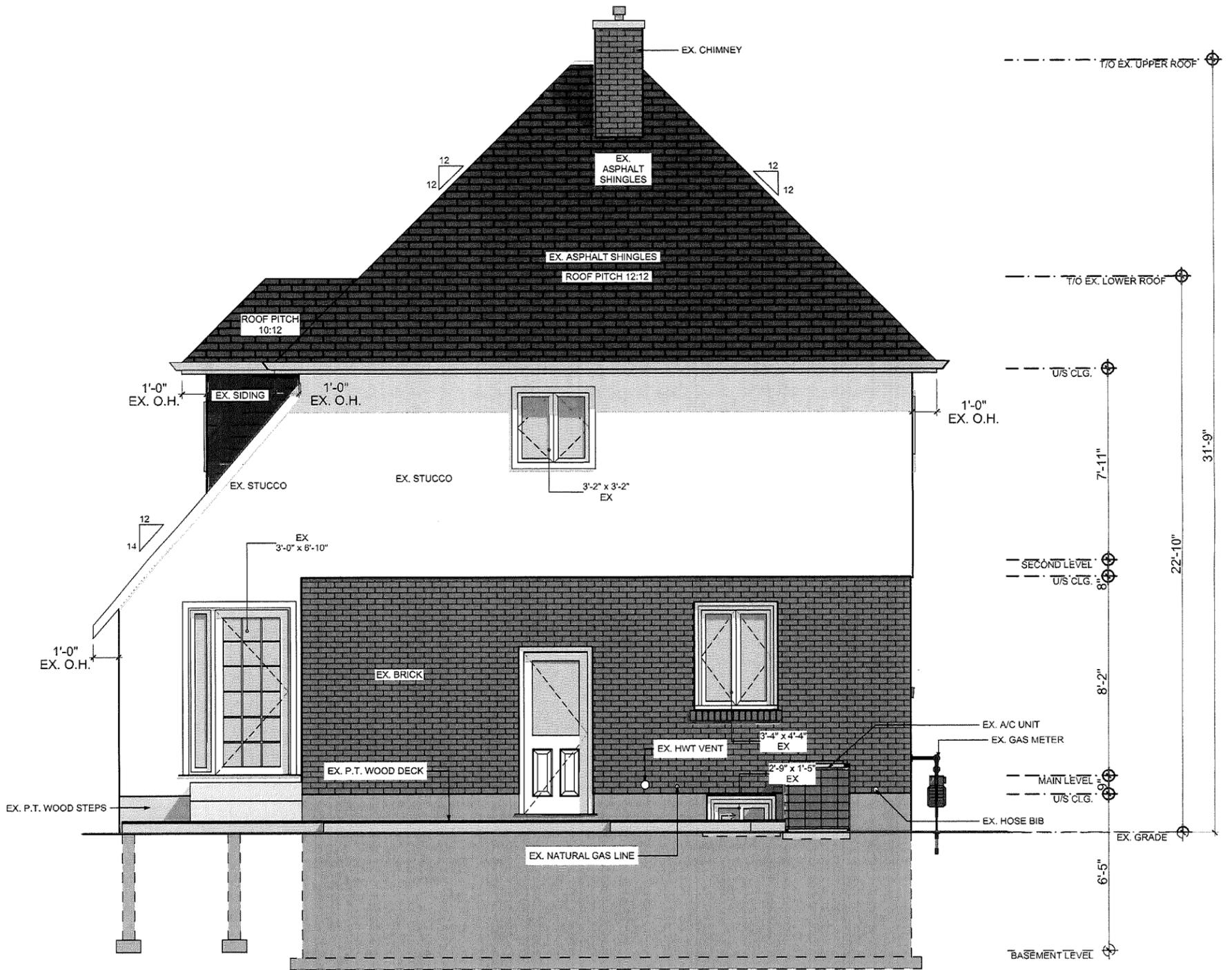




EXISTING FRONT ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

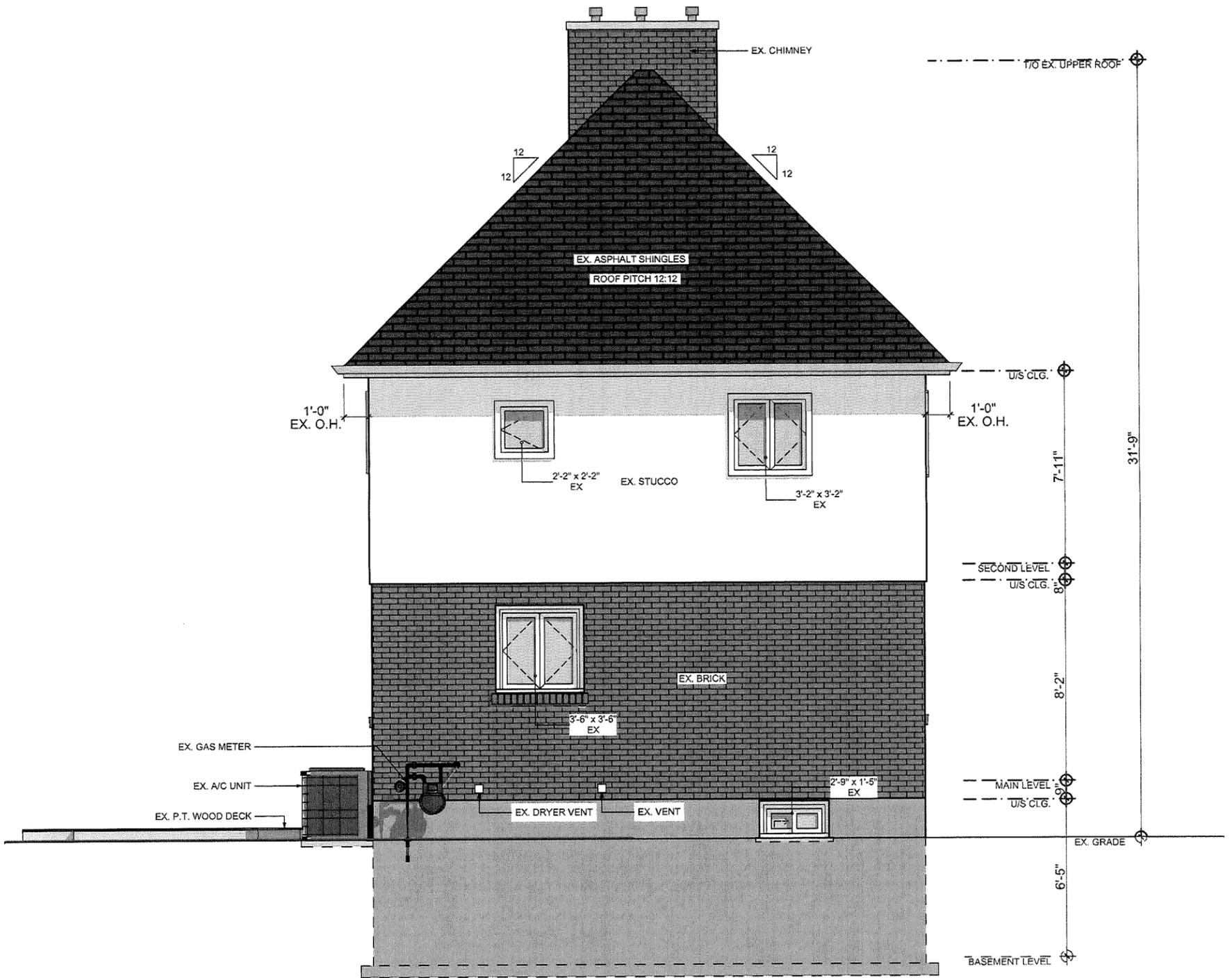


EXISTING REAR ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1



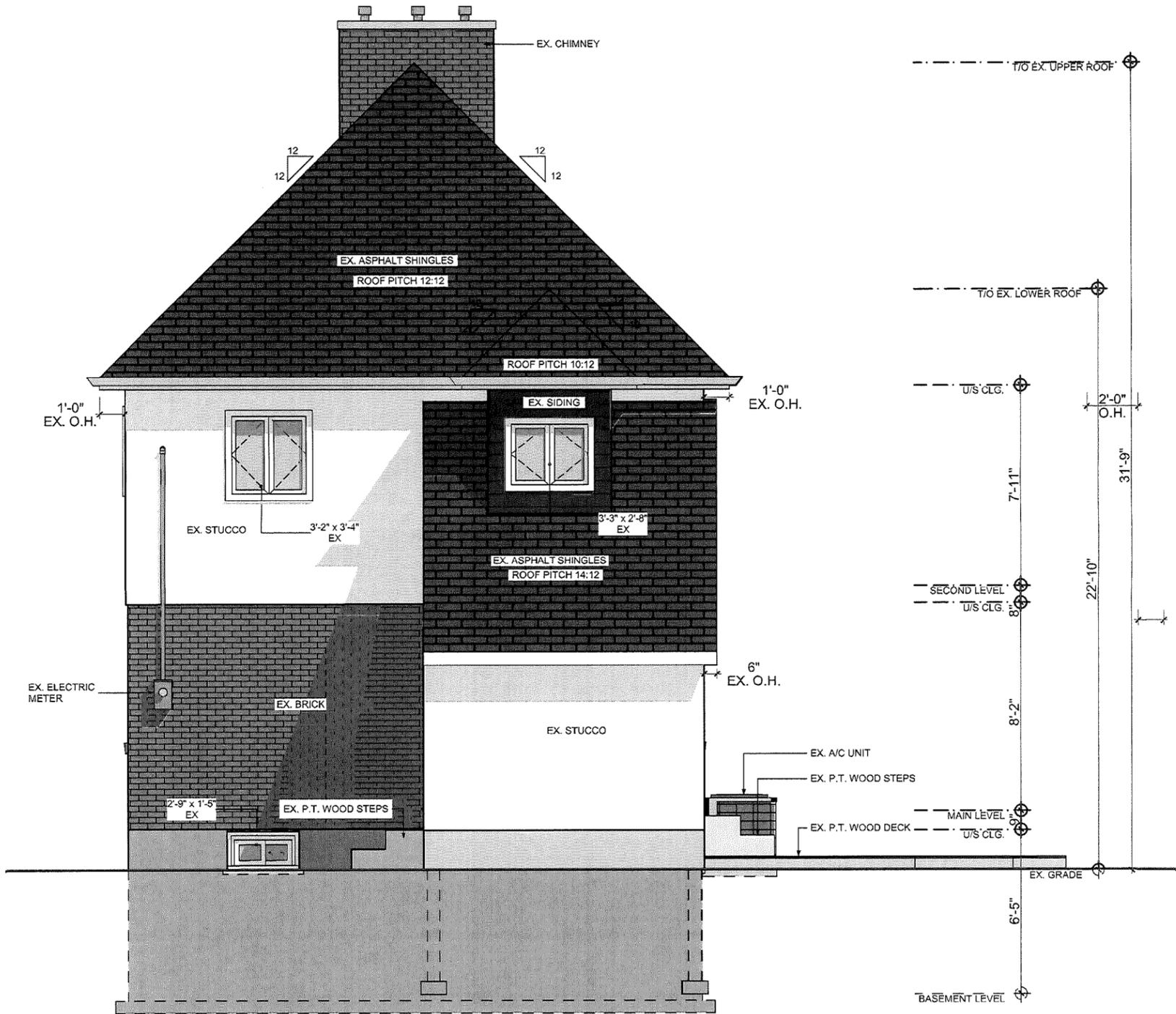


EXISTING LEFT ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1



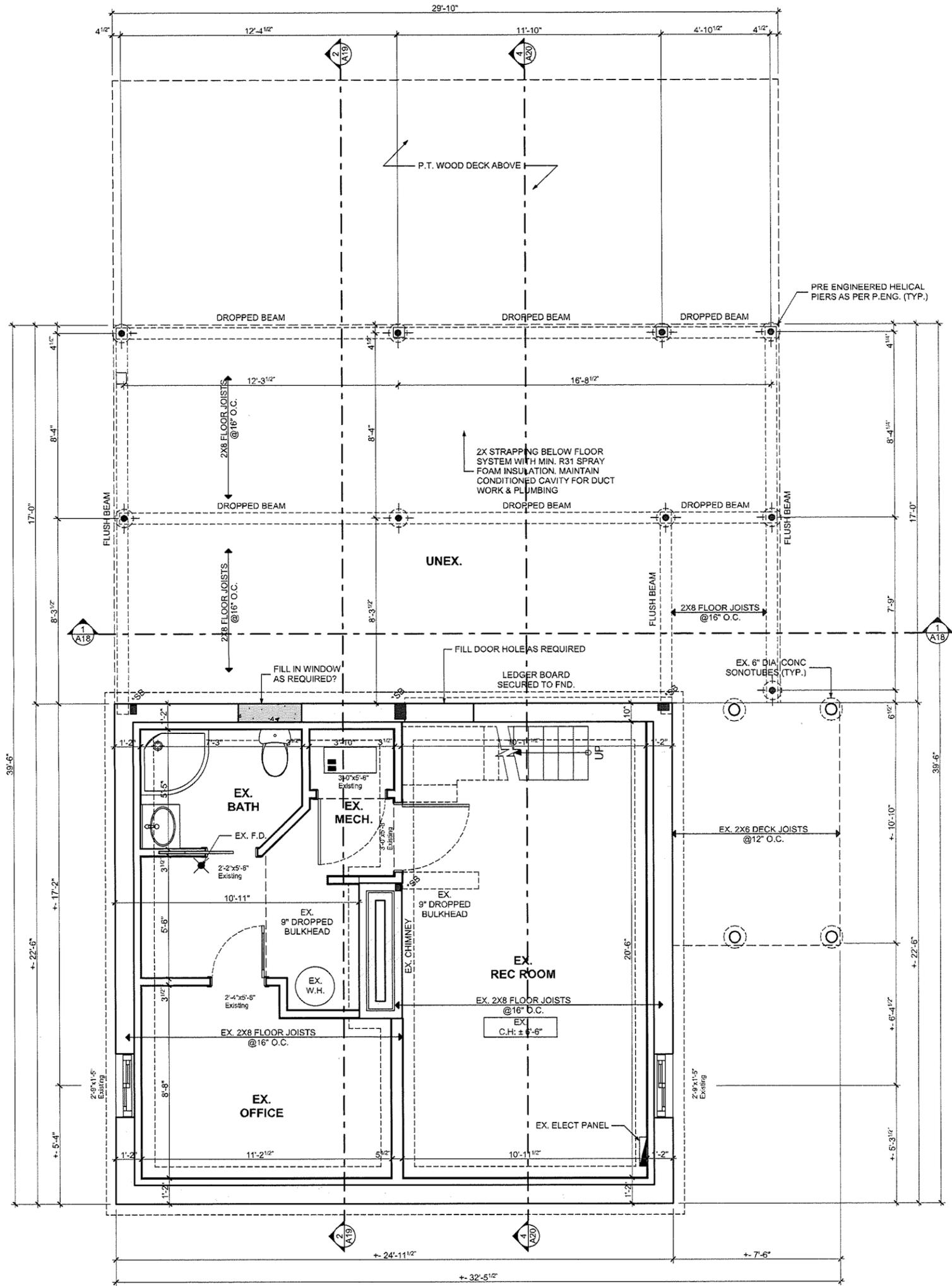


EXISTING RIGHT ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1



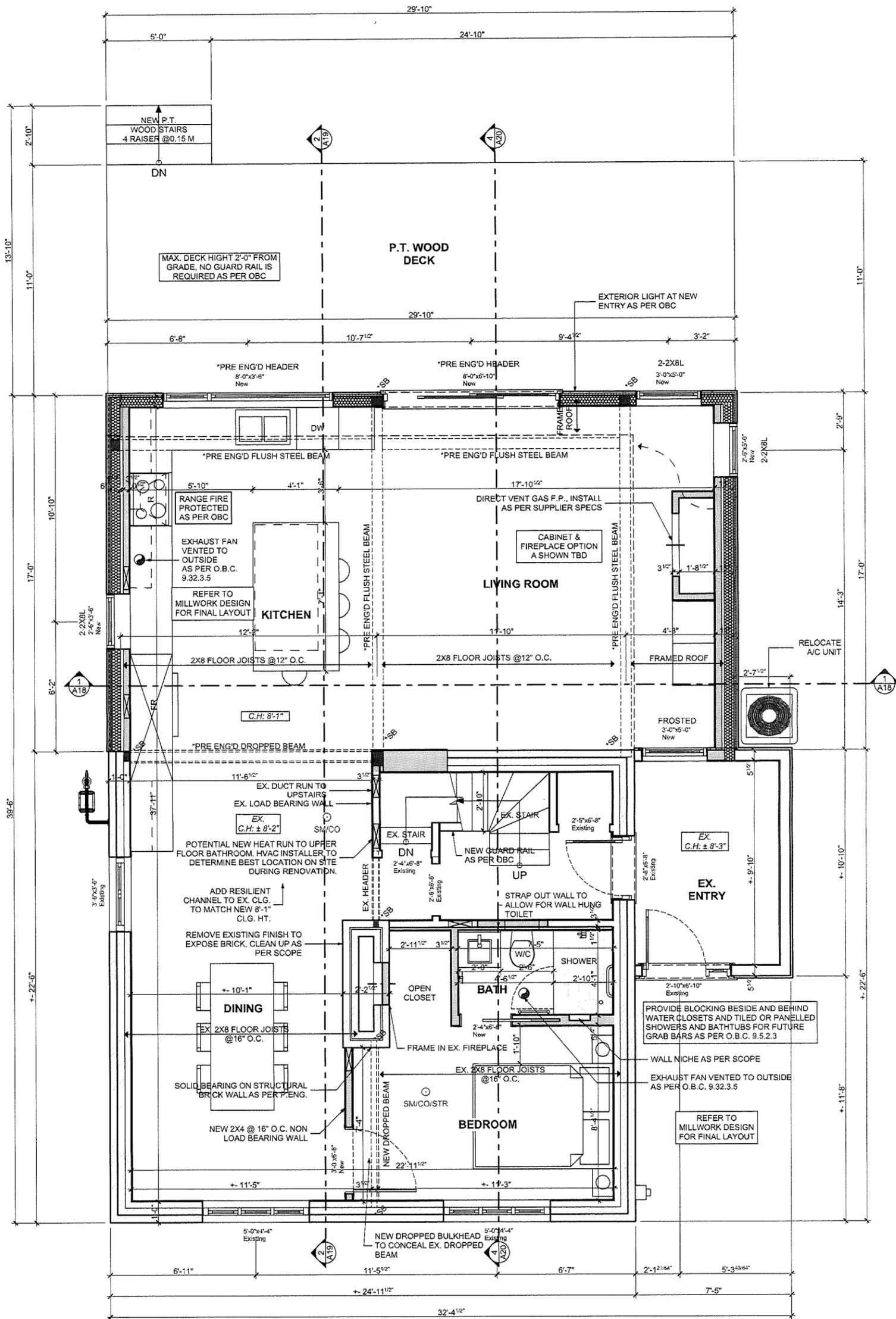


PROPOSED BASEMENT PLAN

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

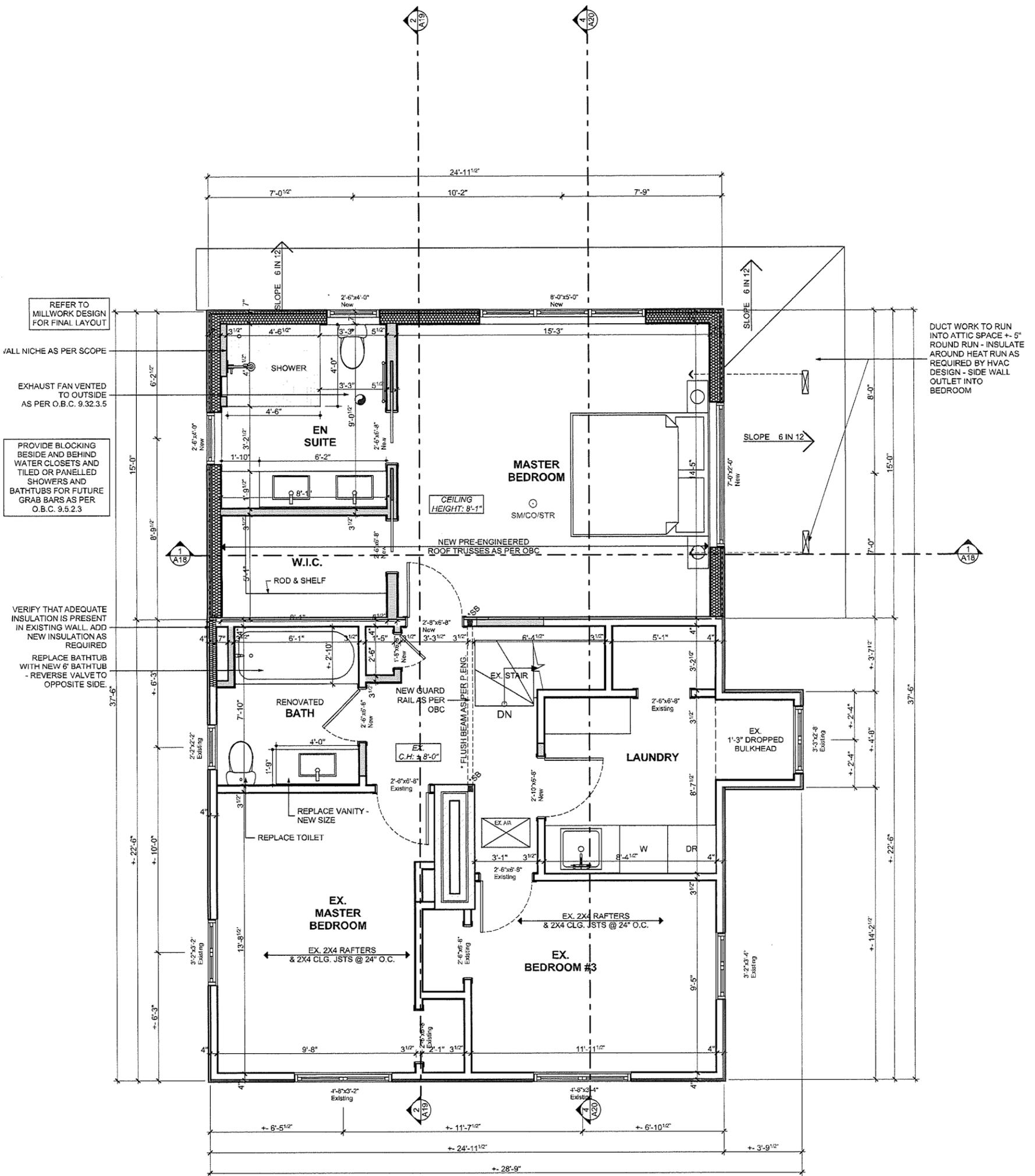




PROPOSED MAIN FLOOR PLAN

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

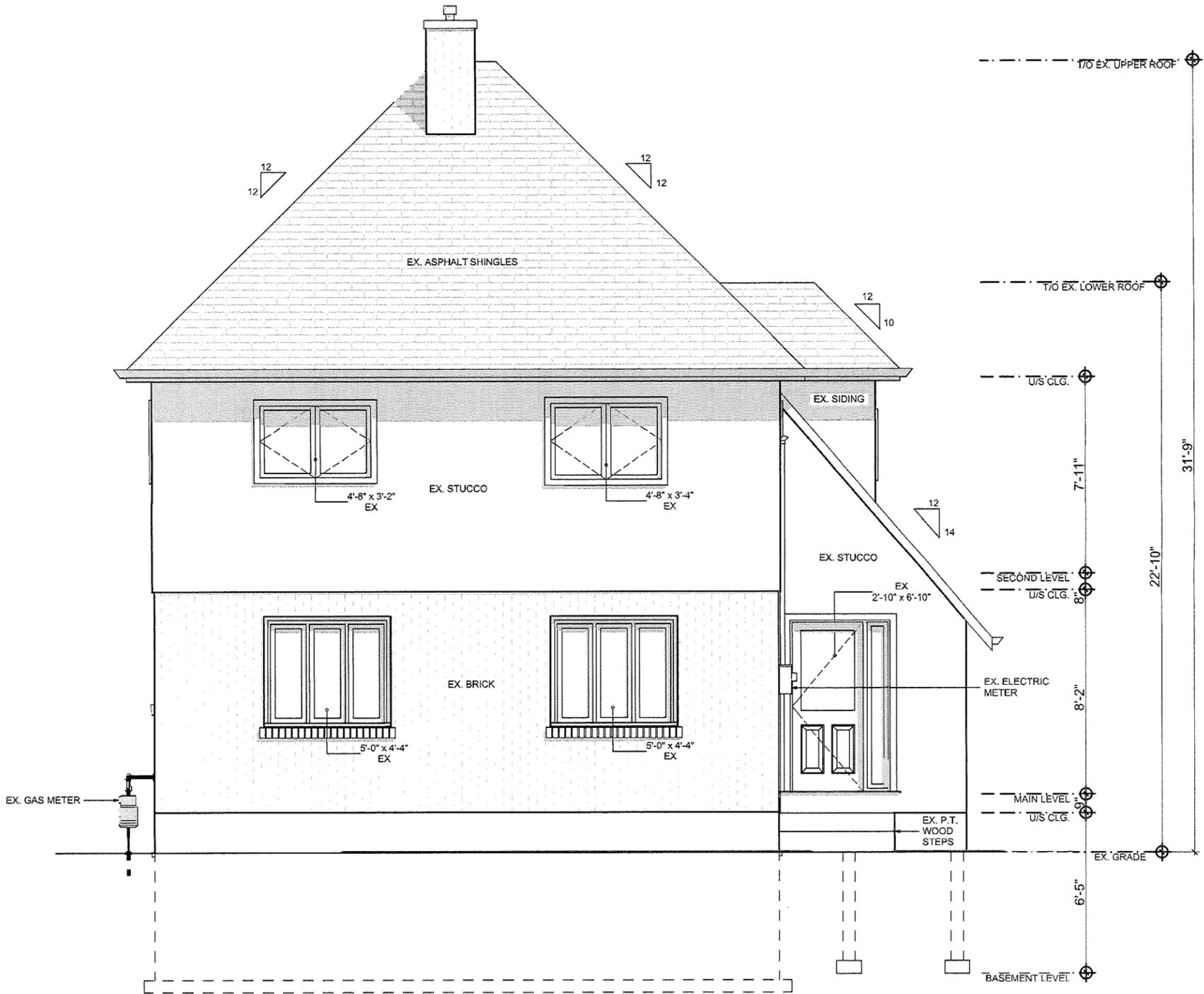


PROPOSED SECOND FLOOR PLAN

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

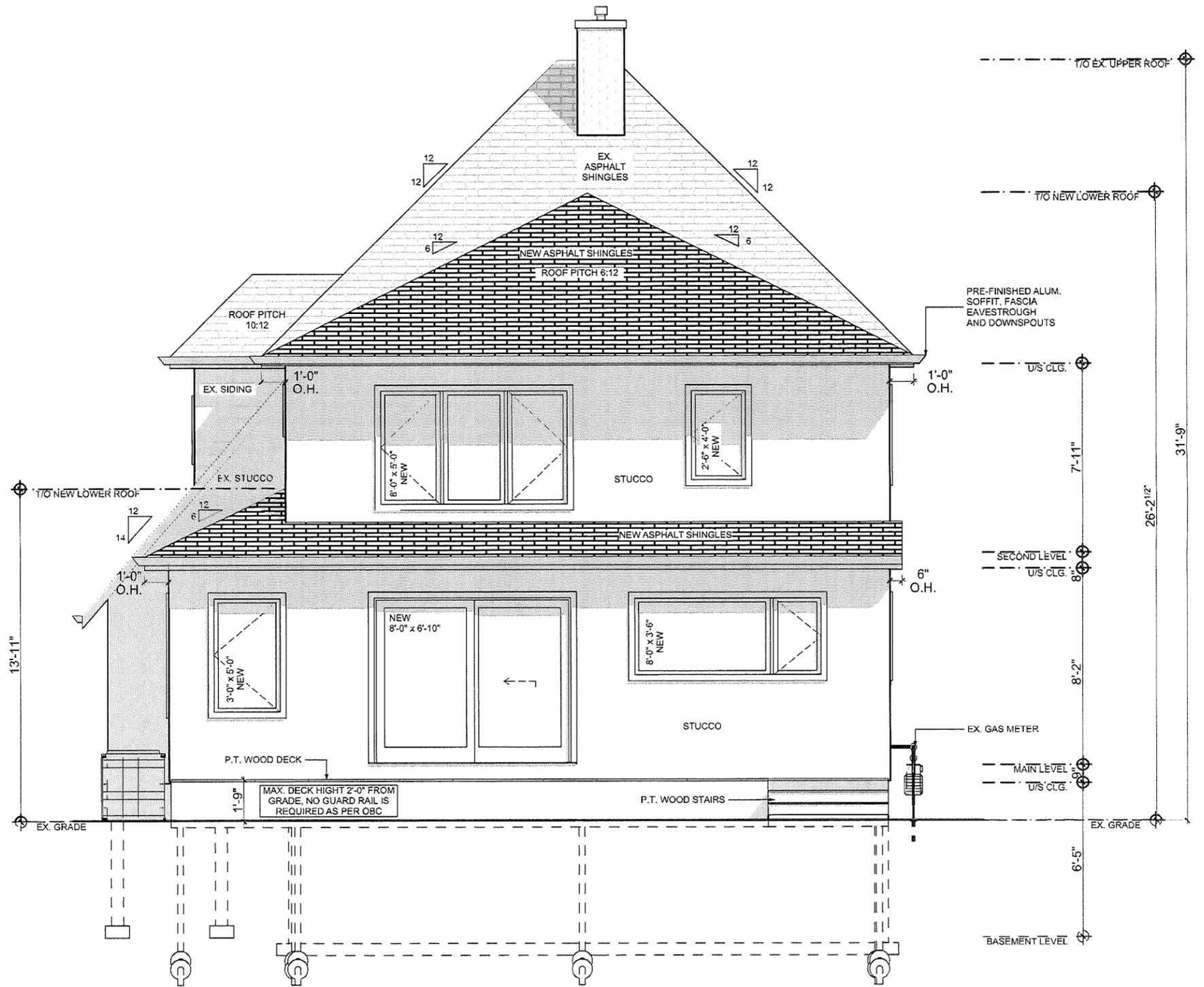




PROPOSED FRONT ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

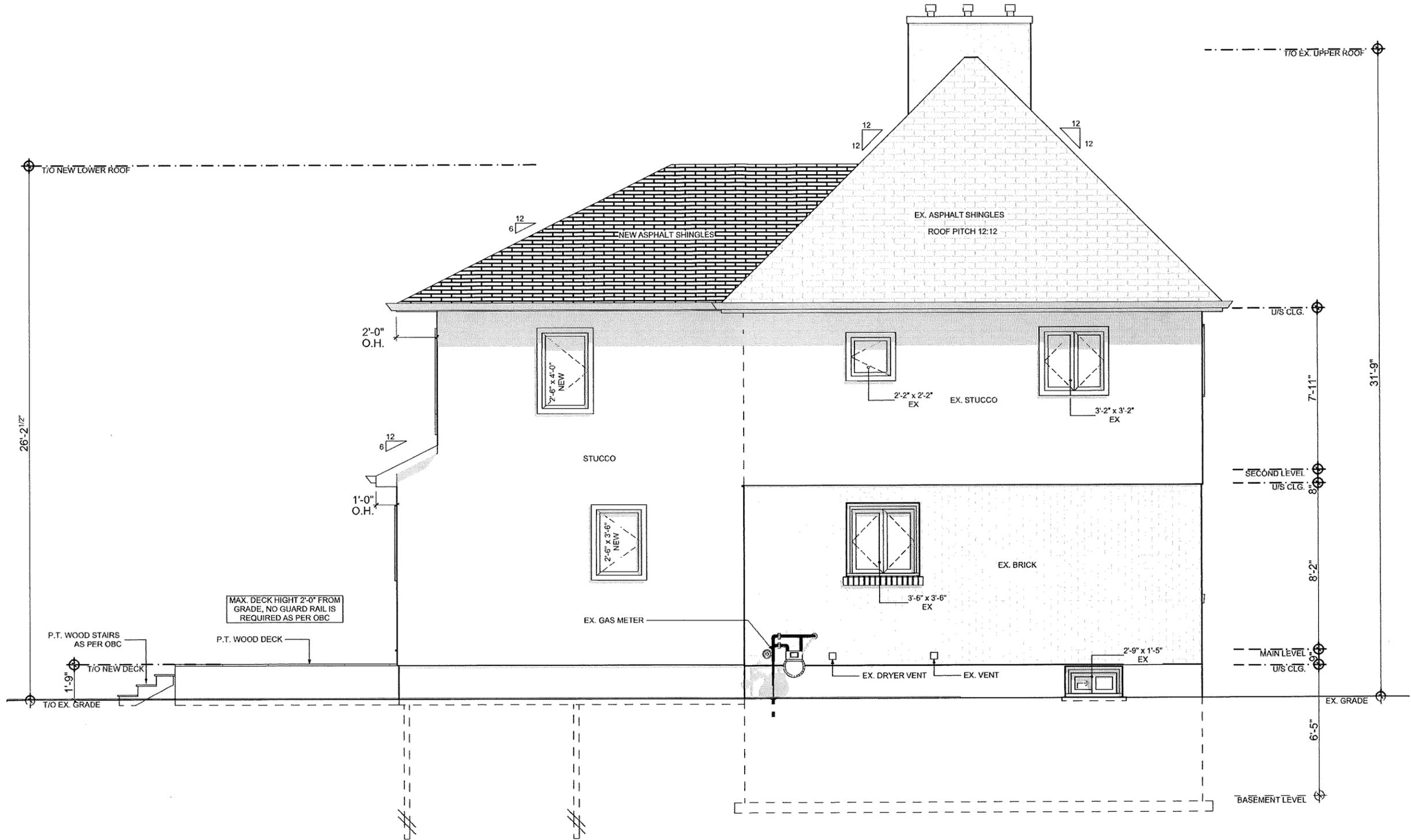


PROPOSED REAR ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1



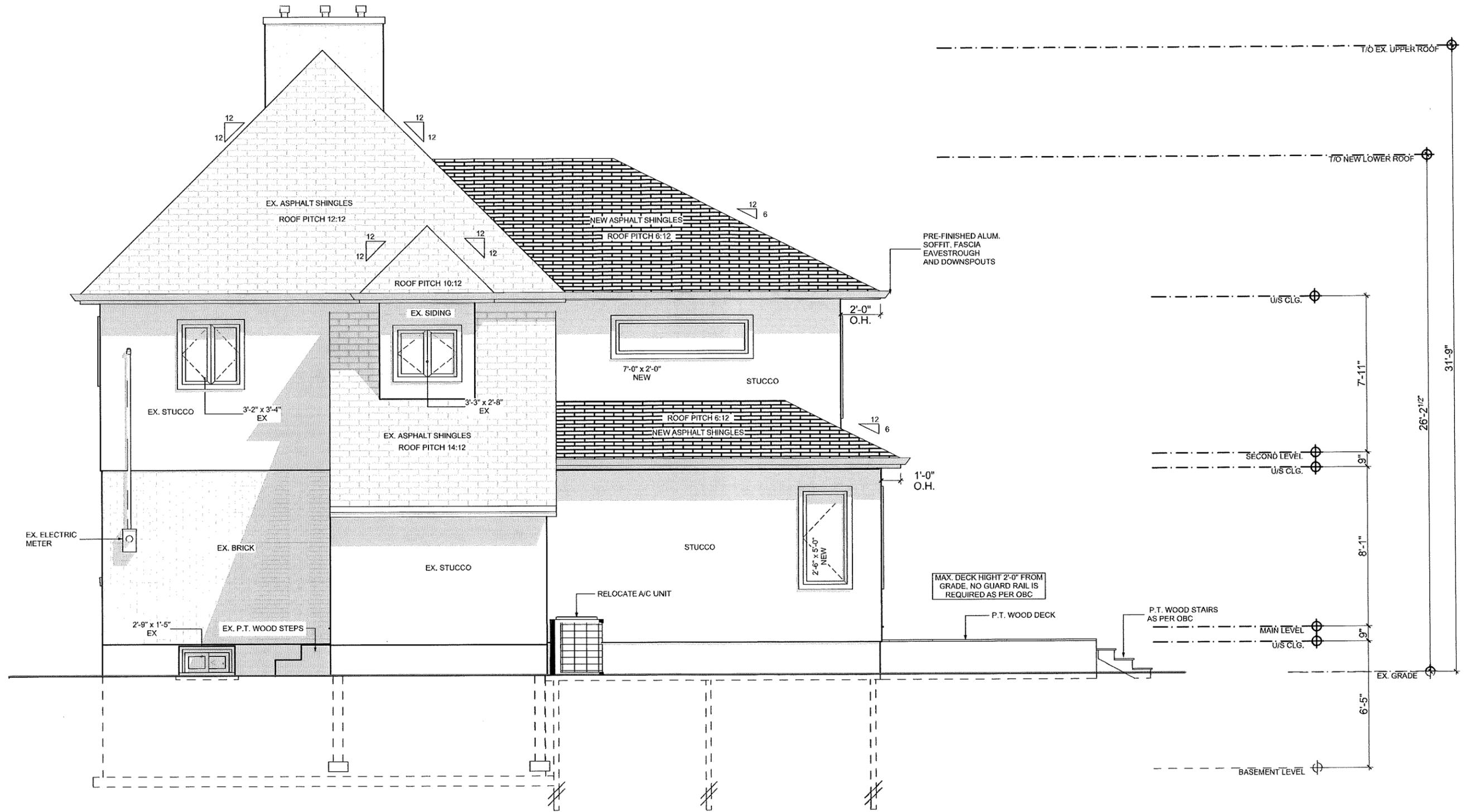


PROPOSED LEFT ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1



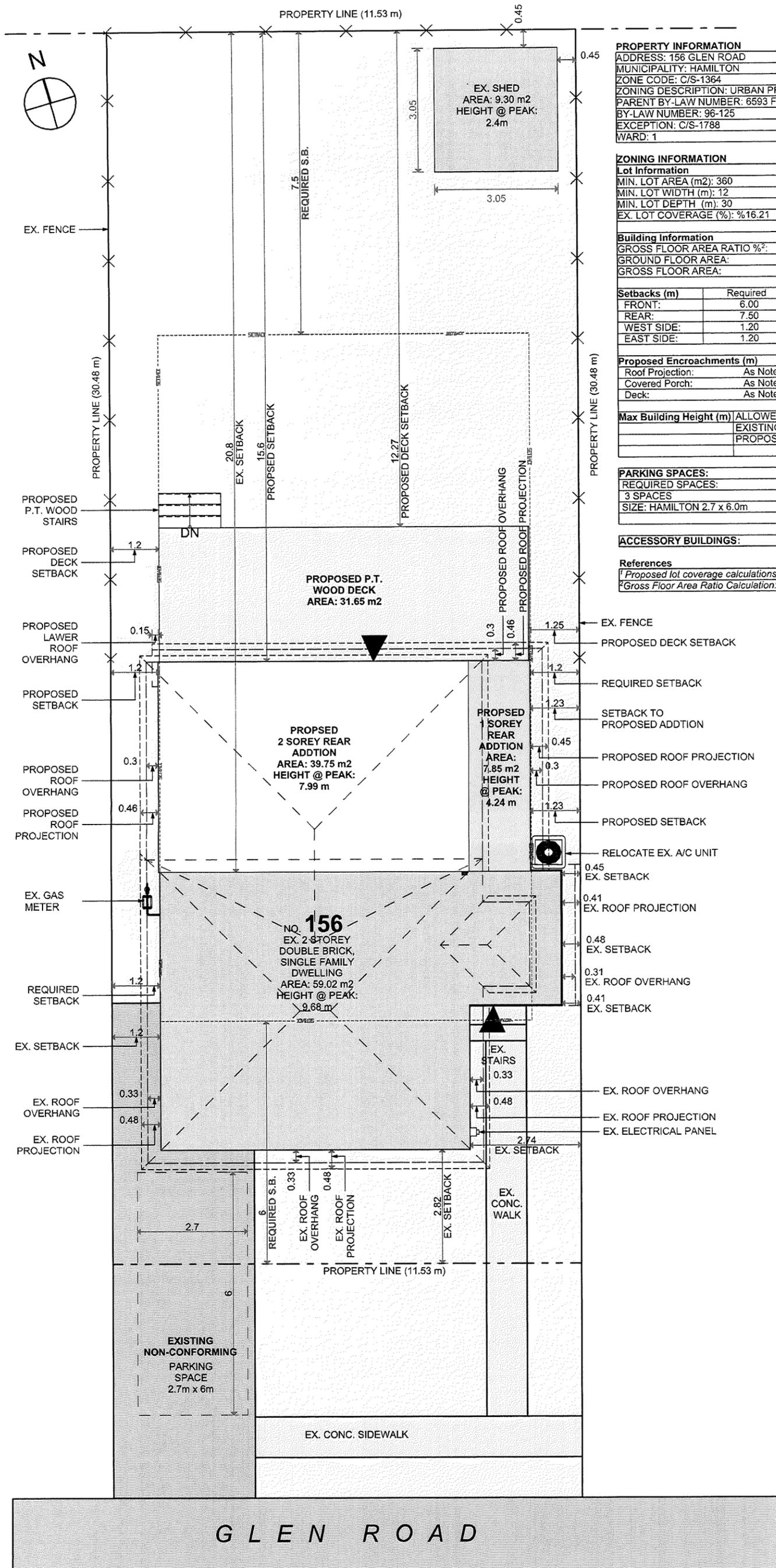


PROPOSED RIGHT ELEVATION

LJUBICIC - VARIANCE SET.pln

LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1





PROPERTY INFORMATION

ADDRESS: 156 GLEN ROAD	POSTAL CODE: L8S 3N1
MUNICIPALITY: HAMILTON	
ZONE CODE: C/S-1364	
ZONING DESCRIPTION: URBAN PROTECTED RESIDENTIAL, ETC.	
PARENT BY-LAW NUMBER: 6593 FORMER HAMILTON	
BY-LAW NUMBER: 96-125	
EXCEPTION: C/S-1788	
WARD: 1	

ZONING INFORMATION

Lot Information

MIN. LOT AREA (m ²): 360	LOT AREA (m ²): 364.2
MIN. LOT WIDTH (m): 12	ACTUAL LOT WIDTH (m): 11.53
MIN. LOT DEPTH (m): 30	ACTUAL LOT DEPTH (m): 30.48
EX. LOT COVERAGE (%): %16.21	NEW LOT COVERAGE (%): %25.20

Building Information

	Existing	Proposed
GROSS FLOOR AREA RATIO % ² :	45.43%	69.42%
GROUND FLOOR AREA:	59.02 m ²	91.77 m ²
GROSS FLOOR AREA:	165.46 m ²	252.81 m ²

Setbacks (m)

	Required	Existing	Proposed
FRONT:	6.00	2.82	2.82
REAR:	7.50	20.80	15.60
WEST SIDE:	1.20	1.20	1.20
EAST SIDE:	1.20	0.41	1.23

Proposed Encroachments (m)

Roof Projection:	As Noted
Covered Porch:	As Noted
Deck:	As Noted

Max Building Height (m)

ALLOWED:	2.5 STOREYS 11m
EXISTING:	2 STOREYS 9.68
PROPOSED:	2 STOREYS 9.68m (EXISTING)

PARKING SPACES:

REQUIRED SPACES:	PROVIDED SPACES:
3 SPACES	ONE SPACE (EXISTING NON-CONFORMING)
SIZE: HAMILTON 2.7 x 6.0m	SIZE: HAMILTON 2.7 x 6.0m

ACCESSORY BUILDINGS: ONE AS PER SITE PLAN

References

¹ Proposed lot coverage calculations = Proposed Footprint area / Lot Area
² Gross Floor Area Ratio Calculation: Total Gross Floor Area / Lot Area

G L E N R O A D

SITE PLAN

LJUBICIC - VARIANCE SET.pln

LJUBICIC
 156 GLEN ROAD HAMILTON
 ON L8S 3N1



PLAN

SHOWING

PARTS OF LOTS 301, 302 & 305

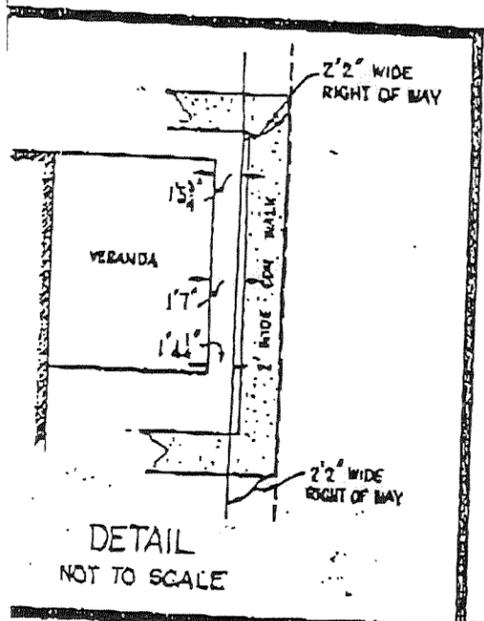
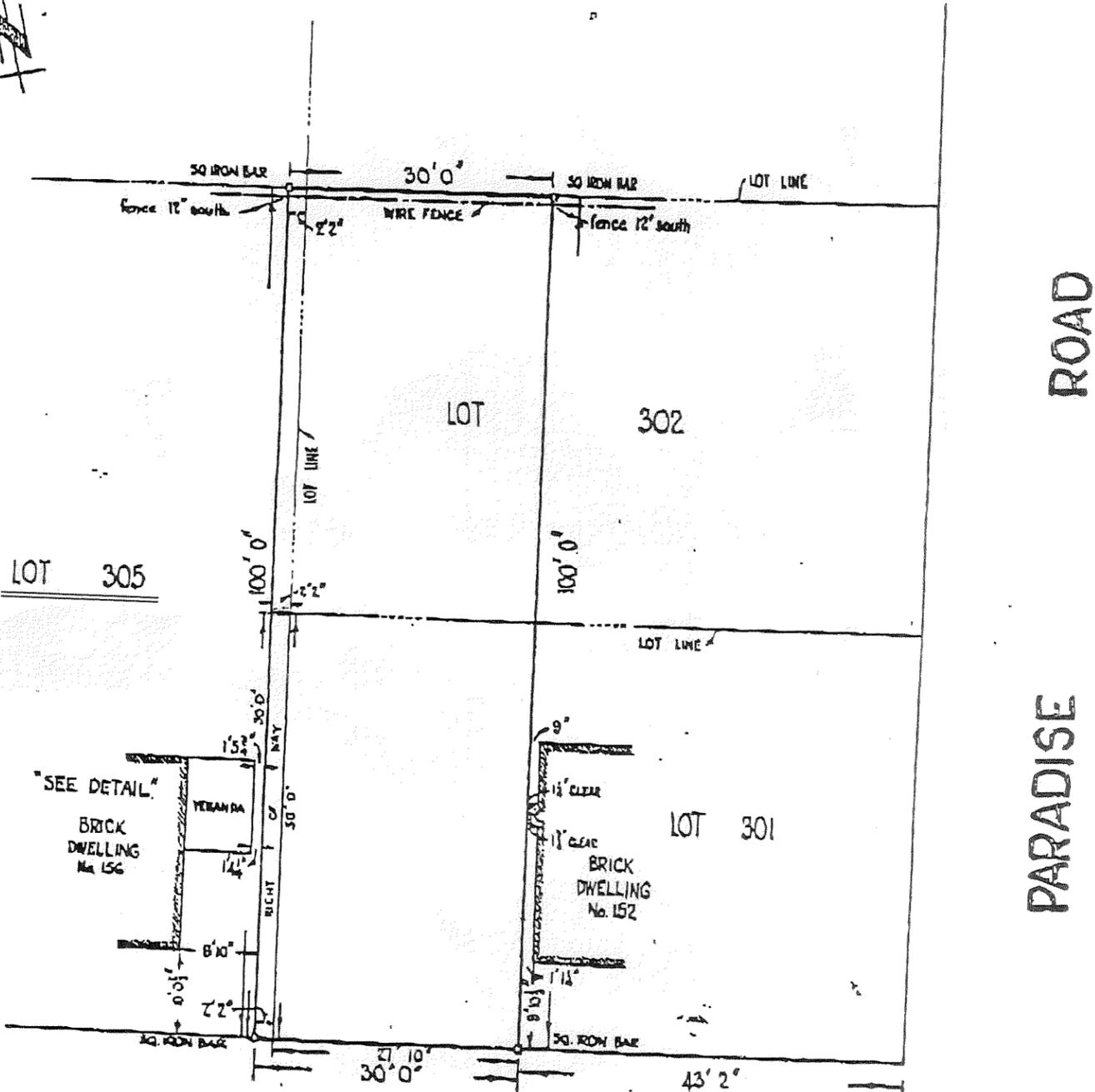
WOODLAWN SURVEY

REG'D. PLAN No. 634

IN THE

CITY OF HAMILTON

SCALE: 1" = 20'



GLEN ROAD

MackAY & MackAY & PETERS
ENGINEERS & SURVEYORS
HAMILTON, ONTARIO

John W. Peters
ONTARIO LAND SURVEYOR
JULY 24TH 1963



SURVEY
LJUBICIC - VARIANCE SET.pln
LJUBICIC
156 GLEN ROAD HAMILTON
ON L8S 3N1

20-167750



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

RECEIVED

JUN 08 2020

COM OF ADJUSTMT

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20:112</u>	DATE APPLICATION RECEIVED <u>June 8/20</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner VLADIMIR LJUBICIC

2.

3. Name of Agent SHANE VANBARNEVELD

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

SCOTIABANK

99 KING ST. W. HAMILTON

Postal Code

L8S 1K9

Postal Code _____

6. Nature and extent of relief applied for:

1. TO PERMIT GFA RATIO OF 0.70 INSTEAD OF MAXIMUM PERMITTED 0.45 FOR THE PROPOSED TWO STOREY ADDITION.
2. TO PERMIT NO PARKING SPACE INSTEAD OF THE MIN. REQ. 3 PARKING SPACES. PLEASE NOTE THE EXISTING NON-CONFORMING PARKING SPACE IS REMAINING.

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

S-1361 BY-LAW REQUIREMENTS ARE RESTRICTIVE ON ADDITIONS WHEN IT COMES GFA RATIO, THE PROPOSED REAR ADDITION IS MINOR IN NATURE AS IT WILL ADD 87.35 m² TO THE EX. NON-CONFORMING SINGLE FAMILY DWELLING GFA RATIO, THE EXISTING PARKING SPACE IS THE ONLY PARKING SPACE THAT CAN BE PROVIDED ON THE EXISTING LOT.

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

LOT 305
156 GLEN ROAD, HAMILTON, L8S 3N1.

9. PREVIOUS USE OF PROPERTY

Residential Industrial _____ Commercial _____
Agricultural _____ Vacant _____
Other _____

9.1 If Industrial or Commercial, specify use

N/A

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes _____ No Unknown _____

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes _____ No Unknown _____

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes _____ No Unknown _____

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes _____ No Unknown _____

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes _____ No Unknown _____

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes _____ No Unknown _____

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes _____ No Unknown _____

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
 Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?
PREVIOUS USES OF THE SUBJECTED PROPERTY.

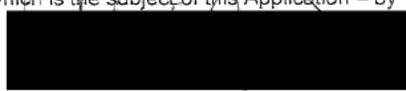
9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 14, 2020
 Date



Signature Property Owner

Vladimir Kubicic
 Print Name of Owner

10. Dimensions of lands affected:
 Frontage 11.53 m
 Depth 30.48 m
 Area 364.2 m²
 Width of street 7.2 m (TO BE CONFIRMED BY PUBLIC WORKS)

11. Particulars of all buildings and structures on or proposed for the subject lands:
 (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
 Existing: GROUND FLOOR AREA: 59.02 m²
GROSS FLOOR AREA: 165.46 m², GFA RATIO: 0.4543
NUMBER OF STORIES: 2
WIDTH: 9.87m , LENGTH: 6.86m
 Proposed: GROUND FLOOR AREA: 91.77 m²
GROSS FLOOR AREA: 252.81 m², GFA RATIO: 0.6942
NUMBER OF STORIES: 2
WIDTH: 9.87m , LENGTH: 12.04m

12. Location of all buildings and structures on or proposed for the subject lands:
 (Specify distance from side, rear and front lot lines)
 Existing: FRONT (SOUTH) SIDE: 2.82 m
SIDE (WEST) SIDE: 1.20 m
SIDE (EAST) SIDE: 0.41 m
REAR (NORTH) SIDE: 20.80 m
 Proposed: FRONT (SOUTH) SIDE: 2.82 m (SAME AS EXISTING)
SIDE (WEST) SIDE: 1.20 m (SAME AS EXISTING)
SIDE (WEST) SIDE: 1.23 m
REAR (NORTH) SIDE: 15.60 m (SAME AS EXISTING)

13. Date of acquisition of subject lands:
2013
14. Date of construction of all buildings and structures on subject lands:
1930 's
15. Existing uses of the subject property: RESIDENTIAL
16. Existing uses of abutting properties: RESIDENTIAL
17. Length of time the existing uses of the subject property have continued:
SINCE BUILT
18. Municipal services available: (check the appropriate space or spaces)
 Water YES Connected -
 Sanitary Sewer YES Connected -
 Storm Sewers YES
19. Present Official Plan/Secondary Plan provisions applying to the land:
N/A
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
N/A
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
N/A
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps referred to in Section 5 and be accompanied by the appropriate fee in cash or by cheque made payable to the City of Hamilton.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: HM/A-20:108

APPLICANTS: Emma Cubitt, owner

SUBJECT PROPERTY: Municipal address **220 Charlton Ave. W., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "D/S-1787" (Urban Protected Residential – One and Two Family Dwellings, etc. – Special Exception) district

PROPOSAL: To permit the construction of a detached one and a half storey accessory building to be used as a garage and workshop for an existing two family dwelling, notwithstanding that:

1. The building height shall be a maximum of 6.0m instead of the required 4.0m maximum height for an accessory building.

NOTES:

1. The zoning by-law requires that any projection of eaves into the side yard not exceed the lesser of 1.0 metre or one half of the width of the side yard. Therefore, the eaves for the proposed accessory building shall not project more than 0.53 metres into the westerly side yard.

2. The zoning by-law requires that the surface elevation of the floor for an accessory building shall not exceed 0.5m above the mean elevation of the nearest portion of the roadway opposite. As this information has not been confirmed, variances would be required if the surface elevation of the garage exceeds the 0.5m requirement.

3. The existing dwelling was constructed around 1915 and is recognized as legal non-complying in terms of the front yard and easterly side yard.

4. Exception 1787 is a temporary zoning created by amending by-law 10-307 to allow for the creation of second dwelling units under Section 19 of Zoning By-law 6593 through modified regulations.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020

TIME: 2:45 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-20:108
Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

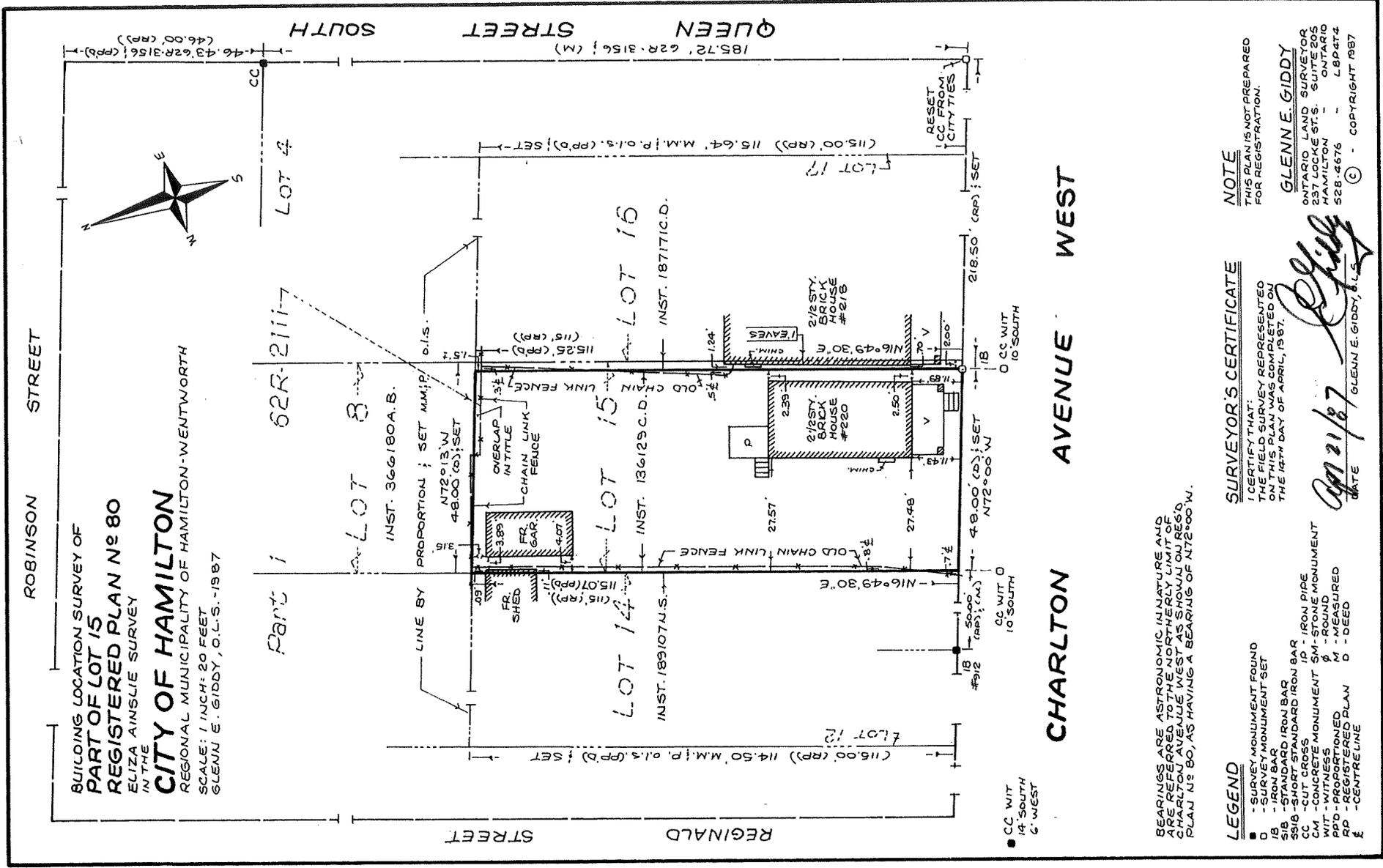
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.



BUILDING LOCATION SURVEY OF
PART OF LOT 15
REGISTERED PLAN N^o 80
 IN THE
CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE: 1 INCH = 20 FEET
 GLENNE E. GIDDY, O.L.S. - 1987

NOTE
 THIS PLAN IS NOT PREPARED
 FOR REGISTRATION.
GLENNE E. GIDDY
 ONTARIO LAND SURVEYOR
 237 LOCKE ST.S. SUITE 205
 HAMILTON ONTARIO
 528-4676 - L8P474
 © - COPYRIGHT 1987

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 THE FIELD SURVEY REPRESENTED
 ON THIS PLAN WAS COMPLETED ON
 THE 21ST DAY OF APRIL, 1987.
 DATE *Apr 21/87*
 GLENNE E. GIDDY, L.S.

BEARINGS ARE ASTRONOMIC IN NATURE AND
 DISTANCES ARE MEASURED TO THE ONLY LIMIT OF
 CHARLTON AVENUE WEST AS SHOWN ON REG^d
 PLAN N^o 80, AS HAVING A BEARING OF N72°00'W.

- LEGEND**
- - SURVEY MONUMENT FOUND
 - - SURVEY MONUMENT SET
 - IB - IRON BAG
 - SIB - STANDARD IRON BAR
 - SBIB - SHORT STANDARD IRON BAR
 - CC - CUT CROSS
 - WM - CONCRETE MONUMENT
 - WIT - WITNESSES
 - RPD - PROPORTIONED
 - RP - PROPORTIONED PLAN
 - £ - CENTRELINE
 - - IRON PIPE
 - SM - STONE MONUMENT
 - Ø - ROUND
 - M - MEASURED
 - - DEED

● CC WIT
 14" SOUTH
 C. WEST

○ CC WIT
 10" SOUTH

ROBINSON STREET
 QUEEN STREET SOUTH
 REGINALD STREET
 CHARLTON AVENUE WEST



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

RECEIVED

FOR OFFICE USE ONLY.		MAY 5 2020
APPLICATION NO. <u>HM/A-20-108</u>	DATE APPLICATION RECEIVED	COM OF ADJUSTMT
PAID _____	DATE APPLICATION DEEMED COMPLETE	_____
SECRETARY'S SIGNATURE _____		

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner Emma Cubitt

2.

3.

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

_____ Postal Code _____

_____ Postal Code _____

6. Nature and extent of relief applied for:
- Replace existing detached garage with a 1 1/2 storey detached garage & workshop. (meets zoning)
- New accessory building to be located in the rear yard. (meets zoning)
- Building height to exceed 4m maximum height but will not exceed 6m. (variance required)
- Rear yard is 267m², maximum accessory building area = 51.1m². (19% coverage). Does this meet zoning?
7. Why it is not possible to comply with the provisions of the By-law?
- We would like to have additional storage area above the garage/ workshop which requires a second floor (partially in the roof). We would also like to match the historic character of other older garages which requires a higher roof pitch than the 4m max accessory building height allows.
8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):
- 220 Charlton Ave. West, Hamilton
- Part of Lot 15 registered plan no. 80, Eliza Ainslie Survey in the City of Hamilton
9. PREVIOUS USE OF PROPERTY
- Residential Industrial Commercial
- Agricultural Vacant
- Other _____
- 9.1 If Industrial or Commercial, specify use
- _____
- 9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
- Yes No Unknown
- 9.3 Has a gas station been located on the subject land or adjacent lands at any time?
- Yes No Unknown
- 9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
- Yes No Unknown
- 9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
- Yes No Unknown
- 9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
- Yes No Unknown
- 9.7 Have the lands or adjacent lands ever been used as a weapon firing range?
- Yes No Unknown
- 9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
- Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Visual inspection

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 12, 2020
 Date


 Signature Property Owner

Emma Cubitt
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 48.00'
 Depth 114.50'
 Area 5496 ft2 = 510.78m2
 Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: House: 58.0 ground floor area, 160m2 GFA. 5.5m wide, 10.2m long. 2 1/2 storeys.
Garage: 20.4m2 ground floor area, 4m high.

Proposed: House: no change
Garage: 51.1m2 ground floor area, 80m2 GFA. 6m high. 1 1/2 storeys. 25' wide x 22' long

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

Existing: Garage: 3.89' (1.2m) to side yard, 3.15' (0.96m) to rear yard

Proposed: Garage: 3'-6" (1.07m) to side yard, 4'-7" (1.4m) to rear yard

13. Date of acquisition of subject lands:
2005
14. Date of construction of all buildings and structures on subject lands:
House: 1915, Garage: unknown
15. Existing uses of the subject property: Two family dwelling
16. Existing uses of abutting properties: Single detached dwelling
17. Length of time the existing uses of the subject property have continued:
>100 years
18. Municipal services available: (check the appropriate space or spaces)
 Water x Connected x
 Sanitary Sewer x Connected x
 Storm Sewers x
19. Present Official Plan/Secondary Plan provisions applying to the land:
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
D-S 1787
21. Has the owner previously applied for relief in respect of the subject property?
 Yes No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.

NOTE: It is required that two copies of this application be filed with the secretary-treasurer of the Committee of Adjustment together with the maps



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
 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.: HM/A-20:111

APPLICANTS: Carrothers & Associates c/o Jennifer Concelos on behalf of the owner Matthew Jackson

SUBJECT PROPERTY: Municipal address **49 Murray St. E., Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended

ZONING: "D" (Urban Protected Residential - One and Two Family Dwellings and etc.) district

PROPOSAL: To permit the construction of a 39.8m² one storey westerly addition and a 6.1m² uncovered rear porch (deck) at the first storey onto the existing single family dwelling notwithstanding that:

1. A minimum westerly side yard width of 1.0m shall be provided instead of the minimum required side yard width of 2.7m.
2. Two (2) parking spaces shall be provided instead of the minimum required three (3) parking spaces.
3. No front yard landscaping shall be provided instead of the requirement that not less than 50% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

NOTE:

- i) Based on the plans submitted, there are 10 habitable rooms within the building (including the addition) which requires three (3) parking spaces.

This application will be heard by the Committee as shown below:

DATE: Thursday, July 23rd, 2020
TIME: 2:50 p.m.

PLACE: Via video link or call in (see attached sheet for details)
 To be streamed at www.hamilton.ca/committeeofadjustment
 for viewing purposes only

HM/A-20:111

Page 2

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, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

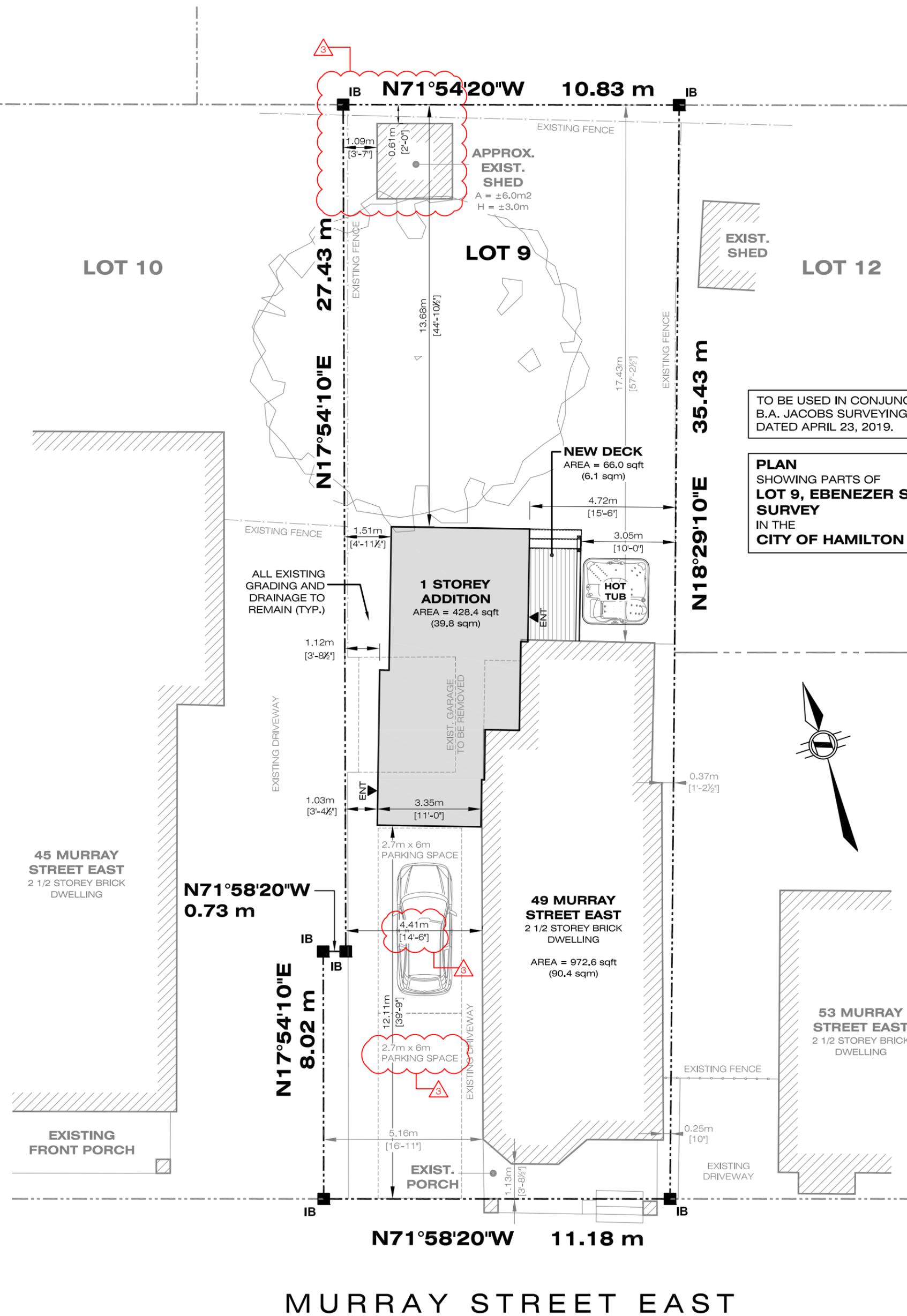
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- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: July 7th, 2020.

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.



TO BE USED IN CONJUNCTION WITH
B.A. JACOBS SURVEYING LTD.
DATED APRIL 23, 2019.

PLAN
SHOWING PARTS OF
LOT 9, EBENEZER STINSON SURVEY
IN THE
CITY OF HAMILTON



ISSUED FOR COMMITTEE OF ADJUSTMENT

Project Name:
JACKSON RESIDENCE
MAIN FLOOR GARAGE AND MUD ROOM ADDITION
49 MURRAY STREET EAST
HAMILTON, ON. L8L 3E8

Sheet Title:
SITE PLAN

No.	Date:	Issue/Revision	By:
1	MAY 04/20	ISSUED FOR REVIEW	JC
2	MAY 16/20	ISSUED FOR C. OF A	JC
3	JUN 24/20	REVISED FOR C. OF A	JC

Drawn By: JC
Checked By: DC
Scale: 1:125
Date: JUNE 2020
Project No. 2020-07

SP

JACKSON RESIDENCE

MAIN FLOOR GARAGE AND MUD ROOM ADDITION

49 MURRAY STREET EAST, HAMILTON, ON. L8L 3E8



LOCATION MAP:

ZONING AND PROPERTY STATISTICS			
DESCRIPTION:	LOT 9, EBENEZER STINSON SURVEY IN THE CITY OF HAMILTON		
ADDRESS:	49 MURRAY STREET EAST, HAMILTON, ON.		
	REQUIRED:	PROPOSED:	
ZONING DESIGNATION:	D	D	(EXISTING)
LOT AREA:	360.0 m2	383.9 m2	(EXISTING)
LOT WIDTH:	12.0 m	11.18 m	(EXISTING)
FRONT YARD TO HOUSE:	6.0 m	1.13 m	(EXISTING)
FRONT YARD TO ADDITION:	6.0 m	12.11 m	(PROPOSED)
REAR YARD TO HOUSE:	7.5 m	17.43 m	(EXISTING)
REAR YARD TO ADDITION:	7.5 m	13.68 m	(PROPOSED)
RIGHT YARD TO HOUSE:	1.2 m	0.25 m	(EXISTING)
RIGHT YARD TO ADDITION:	1.2 m	4.72 m	(PROPOSED)
RIGHT YARD TO DECK:	0.5 m	3.05 m	(PROPOSED)
LEFT YARD TO HOUSE:	1.2 m	5.16 m	(EXISTING)
LEFT YARD TO ADDITION:	1.2 m	*1.00 m	(PROPOSED)
BUILDING HEIGHT:	3 STOREYS 14.0 m	2 1/2 STOREYS 10.4 m	(EXISTING) (EXISTING)
ADDITION HEIGHT:	3 STOREYS 14.0 m	1 STOREYS 4.6 m	(PROP.) (PROP.)
PARKING SPACES:	3	*2	(PROPOSED)
HABITABLE ROOMS:	N/A	10	(PROPOSED)
FRONT YARD LANDSCAPING:	50%	0%	(EXISTING)
*** VARIANCE REQUIRED			

LIST OF PAGES:

- A1 - COVER PAGE & ZONING STATS
- SP - SITE PLAN
- A2 - BASEMENT / FOUNDATION PLAN
- A3 - MAIN FLOOR PLAN
- A4 - SECOND FLOOR PLAN
- A5 - FRONT ELEVATION
- A6 - RIGHT SIDE ELEVATION
- A7 - REAR ELEVATION



EXISTING ELEVATION (FOR REFERENCE ONLY):



NEW ELEVATION RENDERING (FOR REFERENCE ONLY):

ISSUED FOR COMMITTEE OF ADJUSTMENT

Project Name:
JACKSON RESIDENCE
 MAIN FLOOR GARAGE AND MUD ROOM ADDITION
 49 MURRAY STREET EAST
 HAMILTON, ON. L8L 3E8

Sheet Title:
 COVER PAGE
 AND ZONING STATS

No.	Date:	Issue/Revision	
1	MAY 04/20	ISSUED FOR REVIEW	JC
2	MAY 16/20	ISSUED FOR C OF A	JC
3	JUN 24/20	REVISED FOR C OF A	JC

Drawn By:	JC
Checked By:	DC
Scale:	N.T.S.
Date:	JUNE 2020
Project No.:	2020-07

A1

JACKSON RESIDENCE

MAIN FLOOR GARAGE AND MUD ROOM ADDITION

49 MURRAY STREET EAST, HAMILTON, ON. L8L 3E8



LOCATION MAP:

LIST OF PAGES:

- A1 - COVER PAGE & ZONING STATS
- SP - SITE PLAN
- A2 - BASEMENT / FOUNDATION PLAN
- A3 - MAIN FLOOR PLAN
- A4 - SECOND FLOOR PLAN
- A5 - FRONT ELEVATION
- A6 - RIGHT SIDE ELEVATION
- A7 - REAR ELEVATION

ZONING AND PROPERTY STATISTICS			
DESCRIPTION:	LOT 9, EBENEZER STINSON SURVEY IN THE CITY OF HAMILTON		
ADDRESS:	49 MURRAY STREET EAST, HAMILTON, ON.		
	REQUIRED:	PROPOSED:	
ZONING DESIGNATION:	D	D	(EXISTING)
LOT AREA:	360.0 m ²	383.9 m ²	(EXISTING)
LOT WIDTH:	12.0 m	11.18 m	(EXISTING)
FRONT YARD TO HOUSE:	6.0 m	1.13 m	(EXISTING)
FRONT YARD TO ADDITION:	6.0 m	12.11 m	(PROPOSED)
REAR YARD TO HOUSE:	7.5 m	17.43 m	(EXISTING)
REAR YARD TO ADDITION:	7.5 m	13.68 m	(PROPOSED)
RIGHT YARD TO HOUSE:	1.2 m	0.25 m	(EXISTING)
RIGHT YARD TO ADDITION:	1.2 m	4.72 m	(PROPOSED)
RIGHT YARD TO DECK:	0.5 m	3.05 m	(PROPOSED)
LEFT YARD TO HOUSE:	1.2 m	5.16 m	(EXISTING)
LEFT YARD TO ADDITION:	1.2 m	*1.00 m	(PROPOSED)
BUILDING HEIGHT:	3 STOREYS 14.0 m	2 1/2 STOREYS 10.4 m	(EXISTING) (EXISTING)
ADDITION HEIGHT:	3 STOREYS 14.0 m	1 STOREYS 4.6 m	(PROP.) (PROP.)
PARKING SPACES:	3	*1	(PROPOSED)
HABITABLE ROOMS:	N/A	10	(PROPOSED)
*** VARIANCE REQUIRED			



EXISTING ELEVATION (FOR REFERENCE ONLY):



NEW ELEVATION RENDERING (FOR REFERENCE ONLY):

ISSUED FOR COMMITTEE
OF ADJUSTMENT

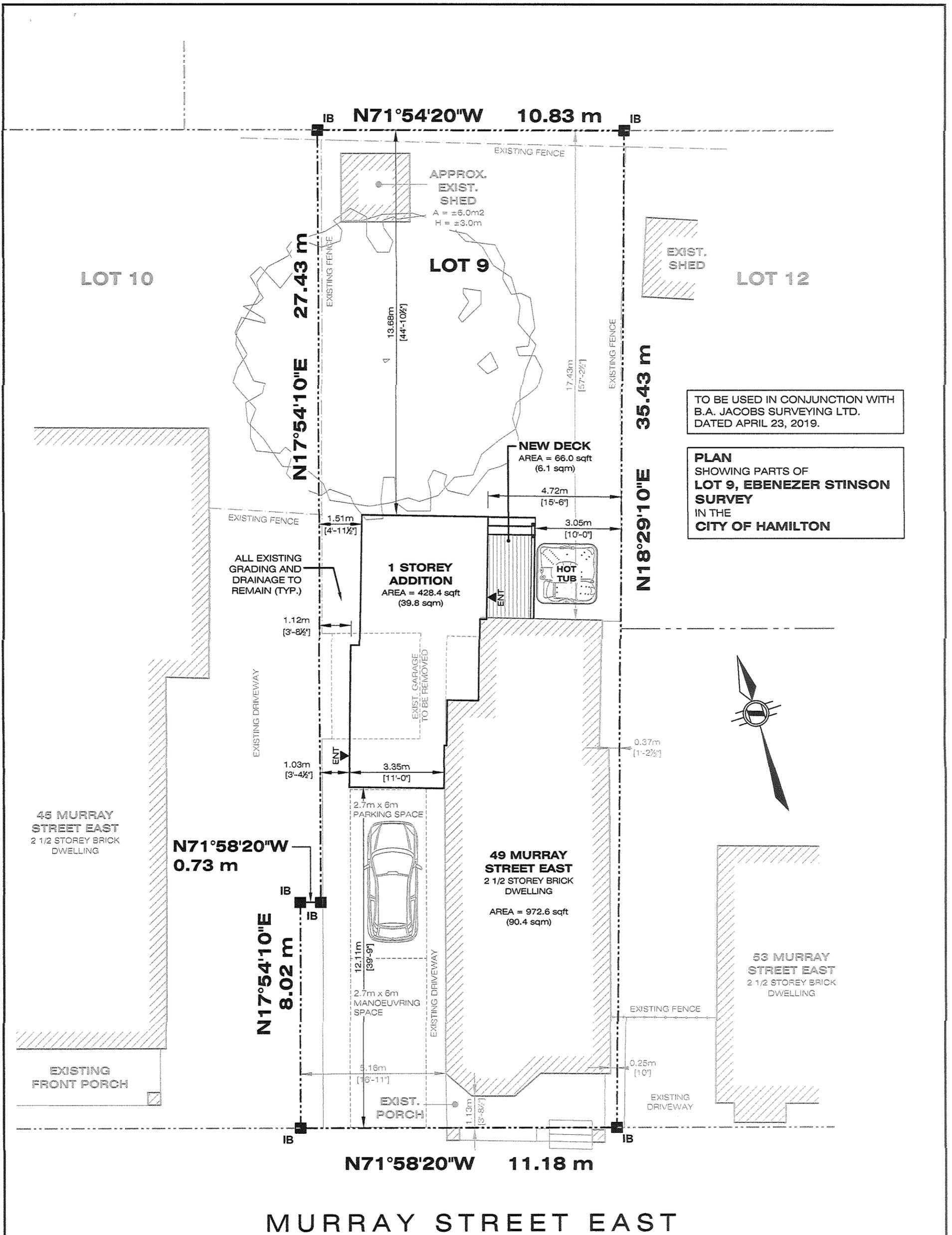
Project Name:
JACKSON RESIDENCE
 MAIN FLOOR GARAGE AND
 MUD ROOM ADDITION
 49 MURRAY STREET EAST
 HAMILTON, ON. L8L 3E8

Sheet Title:
 COVER PAGE
 AND ZONING STATS

No.	Date:	Issue/Revision	By:
2	MAY 16/20	ISSUED FOR C OF A	JC
1	MAY 04/20	ISSUED FOR REVIEW	JC

Drawn By:	JC
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Scale:	N.T.S.
Date:	MAY 2020
Project No.:	2020-07

A1



TO BE USED IN CONJUNCTION WITH
B.A. JACOBS SURVEYING LTD.
DATED APRIL 23, 2019.

PLAN
SHOWING PARTS OF
LOT 9, EBENEZER STINSON
SURVEY
IN THE
CITY OF HAMILTON



**ISSUED FOR COMMITTEE
OF ADJUSTMENT**

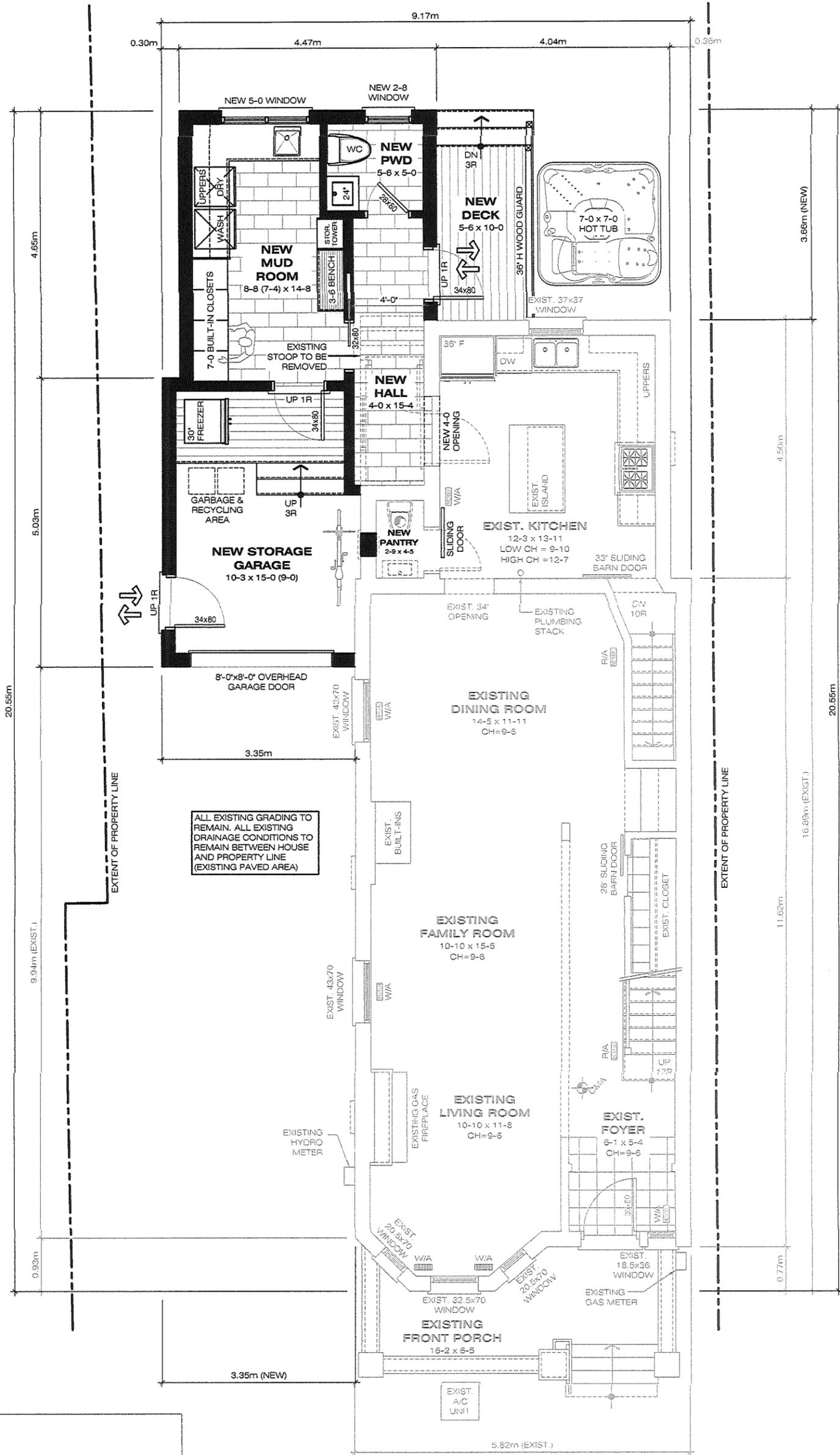
Project Name:
JACKSON RESIDENCE
MAIN FLOOR GARAGE AND
MUD ROOM ADDITION
49 MURRAY STREET EAST
HAMILTON, ON. L8L 3E8

Sheet Title:
SITE PLAN

No.	Date:	Issue/Revision	By:
2	MAY 16/20	ISSUED FOR C OF A	JC
1	MAY 04/20	ISSUED FOR REVIEW	JC

Drawn By:	JC
Checked By:	DC
Scale:	1:125
Date:	MAY 2020
Project No.:	2020-07

SP



ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE (EXISTING PAVED AREA)

WALL LEGEND

- EXISTING WALLS TO REMAIN
- NEW INTERIOR / EXTERIOR WALLS
- EXISTING WALLS TO BE REMOVED

MAIN FLOOR PLAN

EXISTING AREA = 972.6 sqft (90.4 sqm)
 NEW ADDITION AREA = 428.4 sqft (39.8 sqm)
 TOTAL NEW AREA = 1401.0 sqft (130.2 sqm)
 CEILING HEIGHT = AS NOTED
 HABITABLE ROOMS = 4

ISSUED FOR COMMITTEE OF ADJUSTMENT

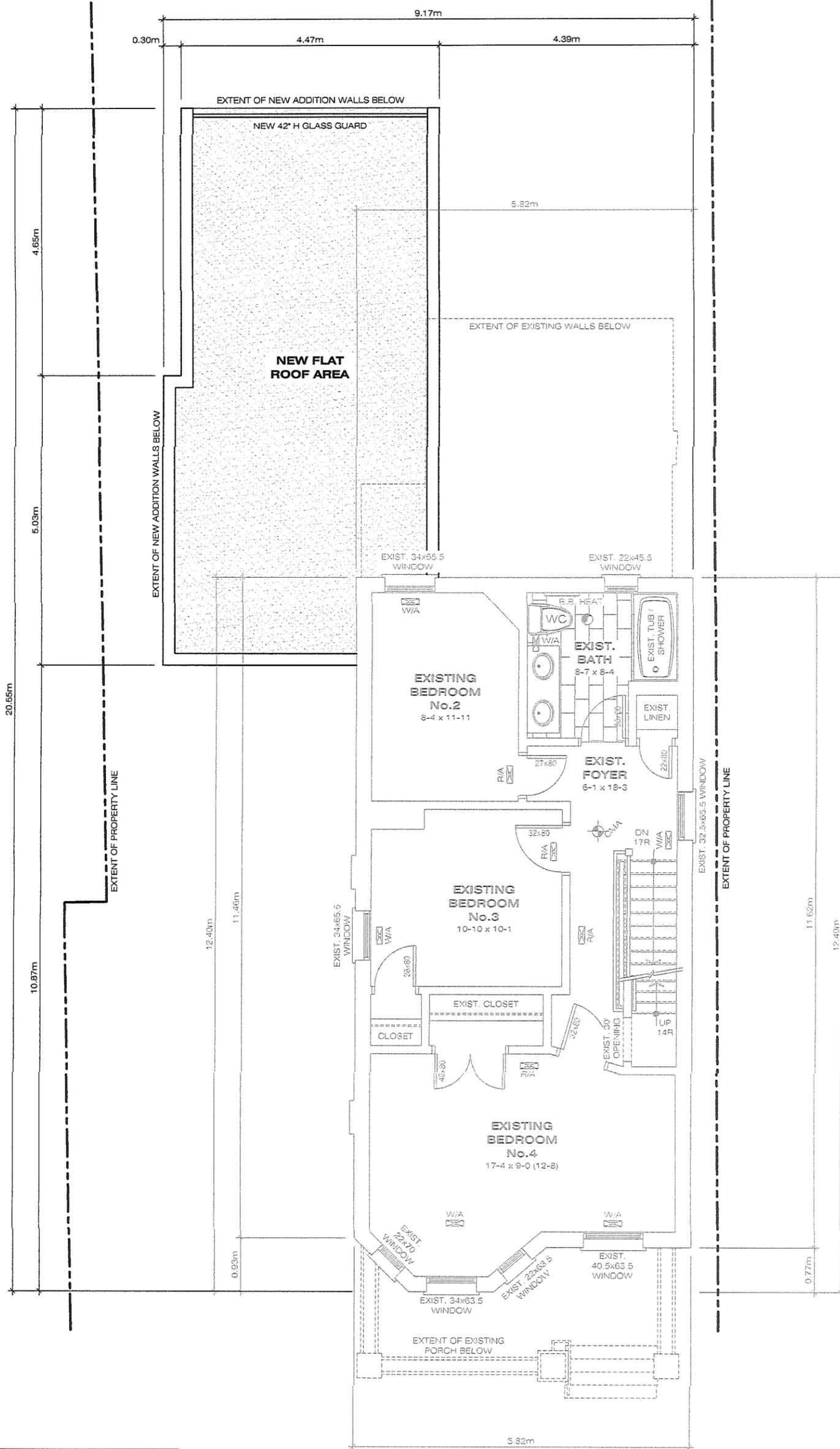
Project Name:
JACKSON RESIDENCE
 MAIN FLOOR GARAGE AND MUD ROOM ADDITION
 49 MURRAY STREET EAST
 HAMILTON, ON. L8L 3E8

Sheet Title:
MAIN FLOOR PLAN

2	MAY 16/20	ISSUED FOR C OF A	JC
1	MAY 04/20	ISSUED FOR REVIEW	JC
No.	Date:	Issue/Revision	By:

Drawn By:	JC
Checked By:	DC
Scale:	1:75
Date:	MAY 2020
Project No.:	2020-07

A3



WALL LEGEND

	EXISTING WALLS TO REMAIN
	NEW FLAT ROOF SURFACE

**EXISTING SECOND FLOOR PLAN
(FOR REFERENCE ONLY - NO CHANGES)**

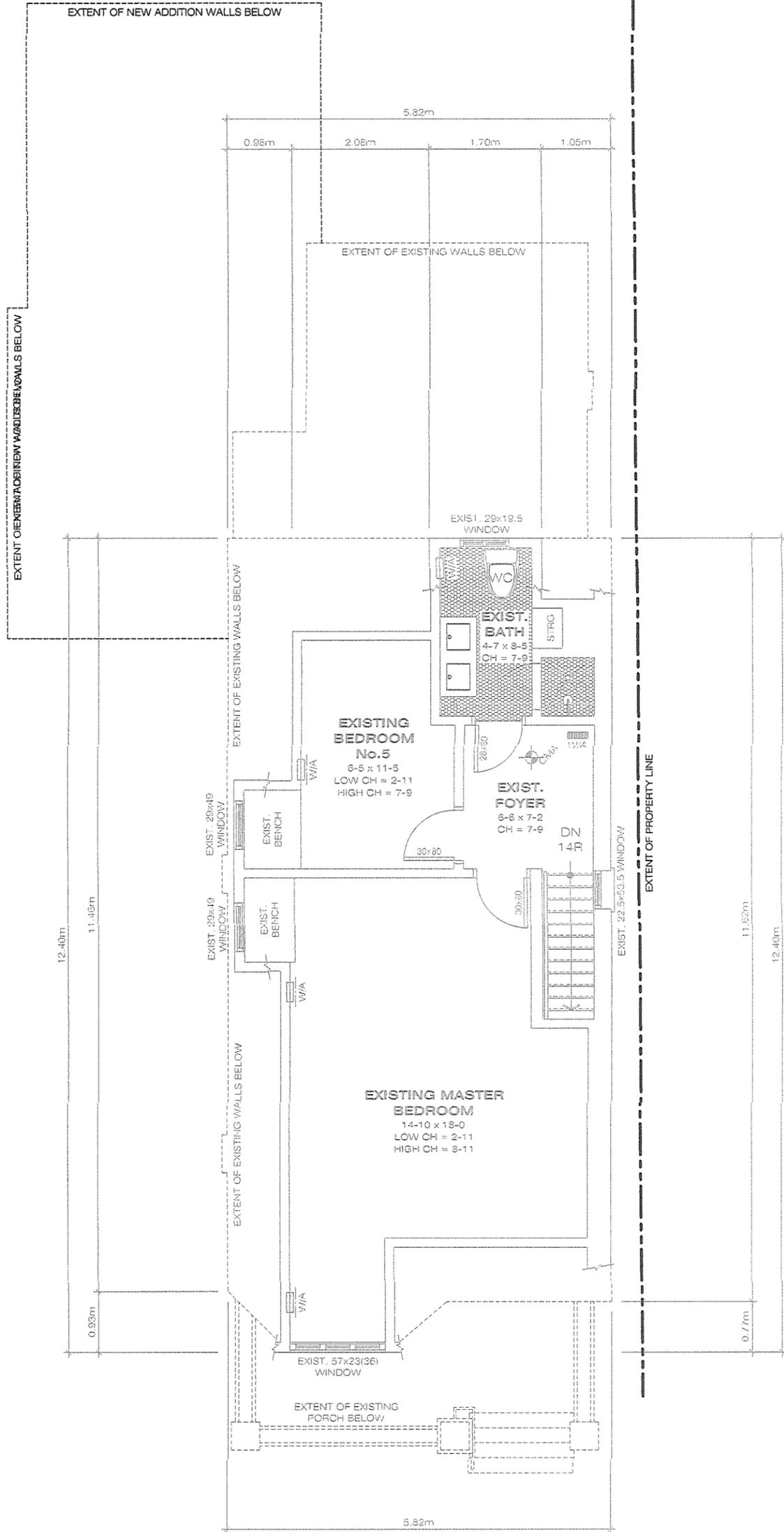
AREA = 747.7 sqft (69.5 sqm)
 CEILING HEIGHT = 8'-6"
 HABITABLE ROOMS = 3

**ISSUED FOR COMMITTEE
OF ADJUSTMENT**

Project Name:
JACKSON RESIDENCE
 MAIN FLOOR GARAGE AND
 MUD ROOM ADDITION
 49 MURRAY STREET EAST
 HAMILTON, ON. L8L 3E8

Sheet Title:
SECOND FLOOR PLAN

Drawn By:	JC		
Checked By:	DC		
Scale:	1:75		
Date:	MAY 2020		
Project No.:	2020-07		
A4			
No.	Date:	Issue/Revision	By:
2	MAY 18/20	ISSUED FOR C OF A	JC
1	MAY 04/20	ISSUED FOR REVIEW	JC

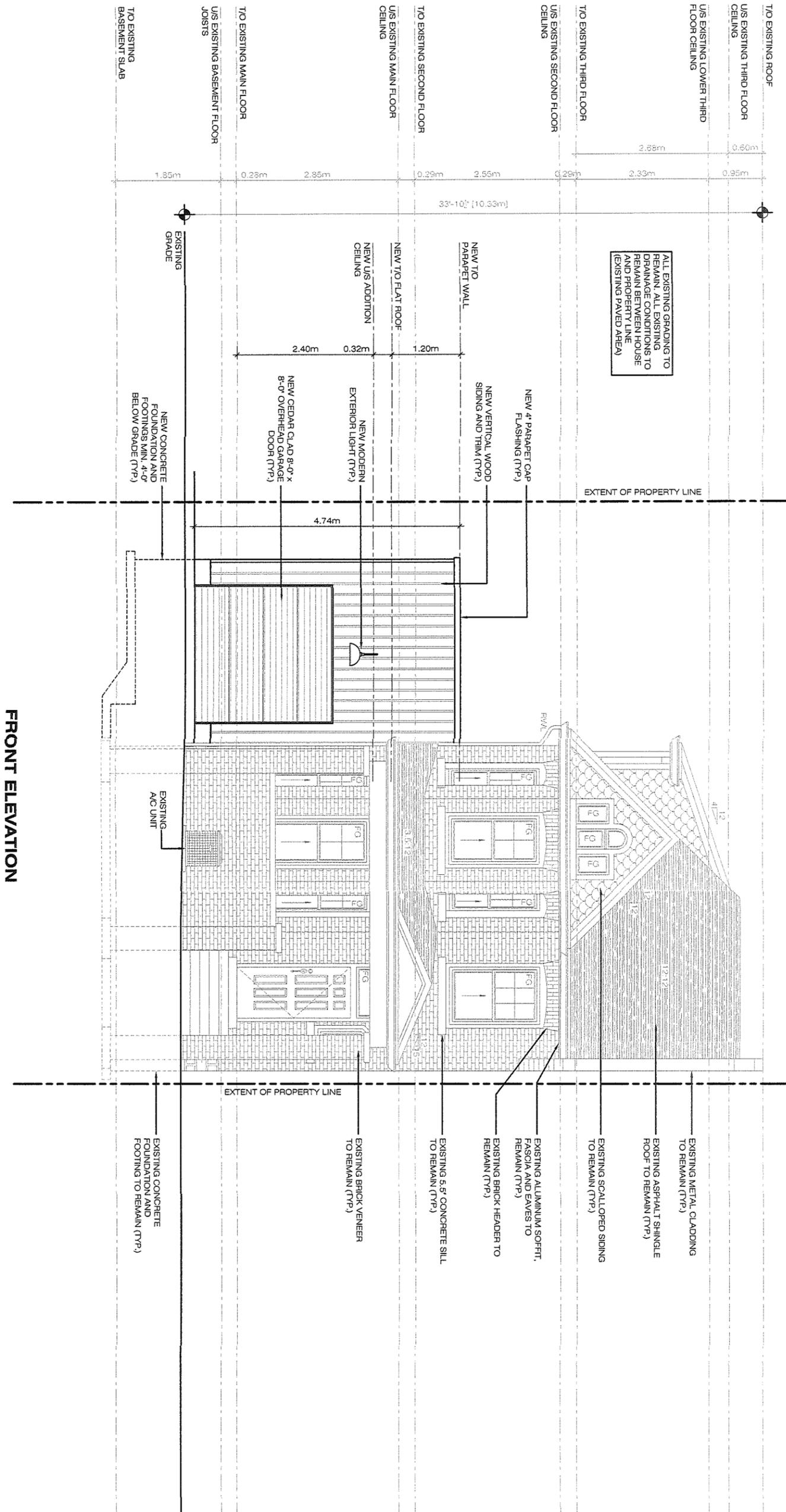


WALL LEGEND	
	EXISTING WALLS TO REMAIN

**EXISTING THIRD FLOOR PLAN
(FOR REFERENCE ONLY - NO CHANGES)**

AREA = 576.9 sqft (53.6 sqm)
CEILING HEIGHT = AS NOTED
HABITABLE ROOMS = 2

ISSUED FOR COMMITTEE OF ADJUSTMENT	Project Name:	JACKSON RESIDENCE MAIN FLOOR GARAGE AND MUD ROOM ADDITION	Drawn By:	JC	
	49 MURRAY STREET EAST HAMILTON, ON. L8L 3E8	Sheet Title:	THIRD FLOOR PLAN	Checked By:	DC
	No.	Date:	Issue/Revision	By:	JC
			Scale:	1:75	
			Date:	MAY 2020	
			Project No.:	2020-07	
A5					



FRONT ELEVATION

ISSUED FOR COMMITTEE OF ADJUSTMENT

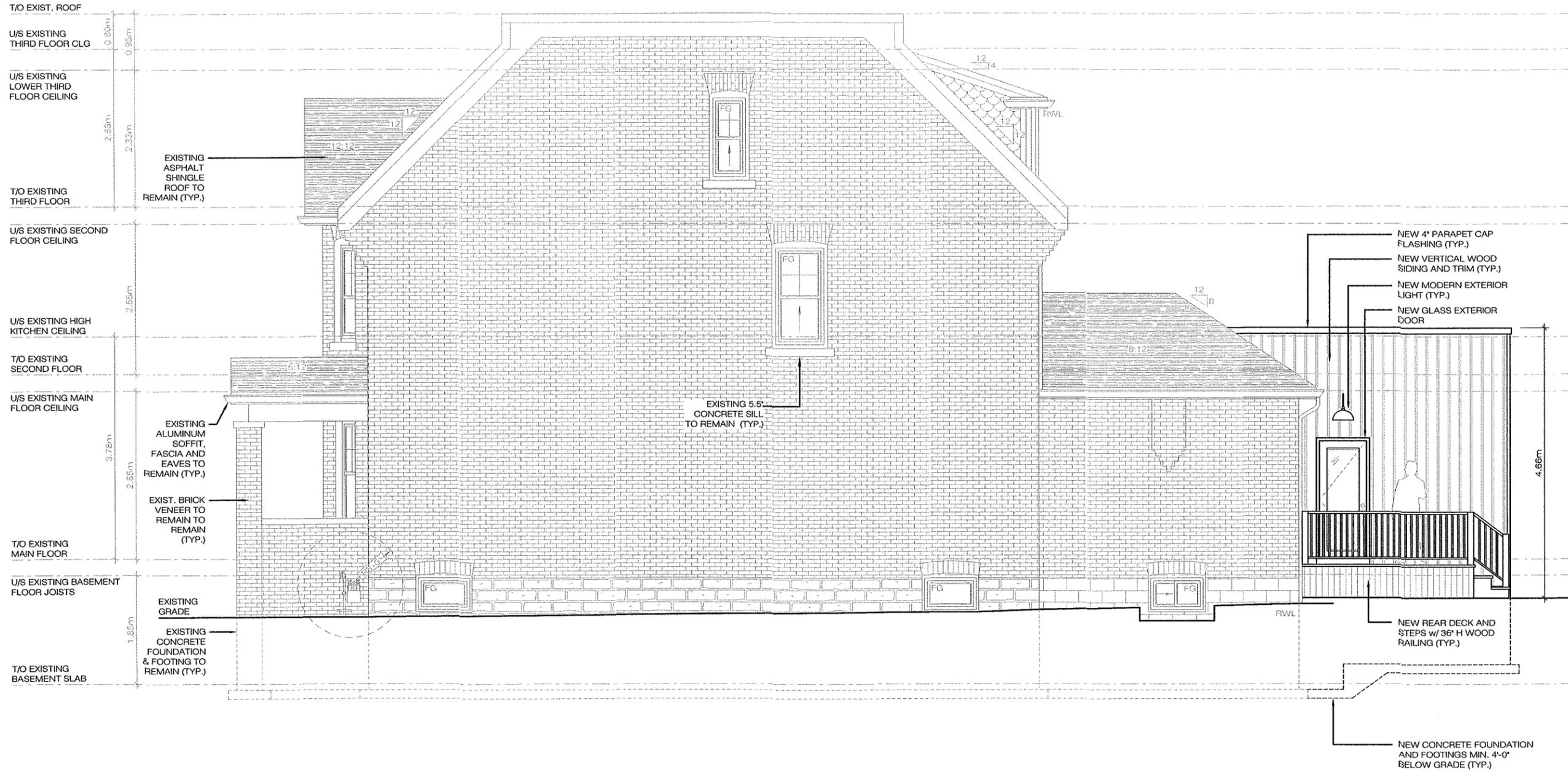
Project Name:
JACKSON RESIDENCE
 MAIN FLOOR GARAGE AND MUD ROOM ADDITION
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Sheet Title:
FRONT ELEVATION

No.	Date:	Issue/Revision	By:
2	MAY 16/20	ISSUED FOR C OF A	JC
1	MAY 04/20	ISSUED FOR REVIEW	JC

Drawn By:	JC
Checked By:	DC
Scale:	1:75
Date:	MAY 2020
Project No.	2020-07

A6



RIGHT SIDE ELEVATION

Drawn By:	JC
Checked By:	DC
Scale:	1:75
Date:	MAY 2020
Project No.:	2020-07

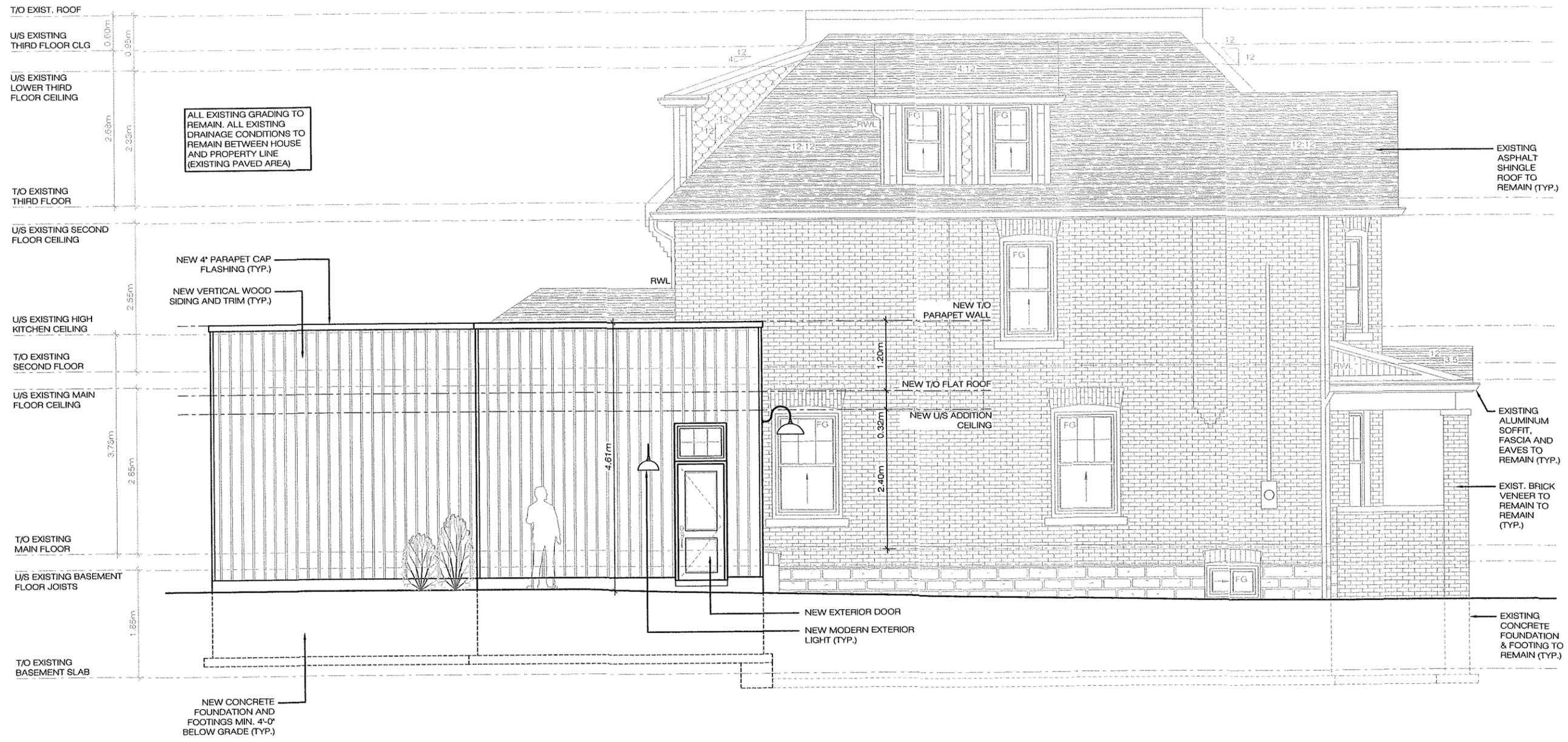
A7

No.	Date	Issue/Revision	JC	DC	By:
2	MAY 16/20	ISSUED FOR C O F A	JC		
1	MAY 04/20	ISSUED FOR REVIEW	JC		

Project Name:
JACKSON RESIDENCE
 MAIN FLOOR GARAGE AND
 MUD ROOM ADDITION
 49 MURRAY STREET EAST
 HAMILTON, ON. L8L 3E8

Sheet Title:
RIGHT SIDE ELEVATION

**ISSUED FOR COMMITTEE
 OF ADJUSTMENT**



ALL EXISTING GRADING TO REMAIN. ALL EXISTING DRAINAGE CONDITIONS TO REMAIN BETWEEN HOUSE AND PROPERTY LINE (EXISTING PAVED AREA)

EXISTING ASPHALT SHINGLE ROOF TO REMAIN (TYP.)

EXISTING ALUMINUM SOFFIT, FASCIA AND EAVES TO REMAIN (TYP.)

EXIST. BRICK VENEER TO REMAIN (TYP.)

EXISTING CONCRETE FOUNDATION & FOOTING TO REMAIN (TYP.)

NEW CONCRETE FOUNDATION AND FOOTINGS MIN. 4'-0" BELOW GRADE (TYP.)

LEFT SIDE ELEVATION

Drawn By:	JC
Checked By:	DC
Scale:	1:75
Date:	MAY 2020
Project No.:	2020-07

A9

No.	Date	Issue/Revision	By
2	MAY 16/20	ISSUED FOR C OF A	JC
1	MAY 04/20	ISSUED FOR REVIEW	JC

Project Name: **JACKSON RESIDENCE**
MAIN FLOOR GARAGE AND MUD ROOM ADDITION
 49 MURRAY STREET EAST
 HAMILTON, ON. L8L 3E8

Sheet Title: **LEFT SIDE ELEVATION**

ISSUED FOR COMMITTEE OF ADJUSTMENT



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
5th floor 71 Main Street West
Hamilton, Ontario L8P 4Y5

Phone (905) 546-2424 ext.4221
Fax (905) 546-4202

**PLEASE FILL OUT THE FOLLOWING PAGES AND
RETURN TO THE CITY OF HAMILTON PLANNING
DEPARTMENT.**

FOR OFFICE USE ONLY.	
APPLICATION NO. <u>Hm/A-20-111</u>	DATE APPLICATION RECEIVED <u>JUN 03 2020</u>
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

**CITY OF HAMILTON
COMMITTEE OF ADJUSTMENT
HAMILTON, ONTARIO**

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1. Name of Owner MATT + ANNE JACKSON

2.

3. Name of Agent JENNIFER CONCELOS

4.

Note: Unless otherwise requested all communications will be sent to the agent, if any.

5. Names and addresses of any mortgagees, holders of charges or other encumbrances:

SCOTIA BANK

Postal Code _____

Postal Code _____

6. Nature and extent of relief applied for:

- Left side yard setback of 1.0m instead of required 1.2m
- 1 Parking space instead of the required 3 parking spaces

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

- Home owners need to maximize storage space in the new garage addition
- Driveway length does not allow for 3 parking spaces

8. Legal description of subject lands (registered plan number and lot number or other legal description and where applicable, street and street number):

- Part of Lot 9
- Ebenezer Stinson Survey
- 49 Murray Street East

9. PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
- Agricultural Vacant
- Other _____

9.1 If Industrial or Commercial, specify use

9.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

- Yes No Unknown

9.3 Has a gas station been located on the subject land or adjacent lands at any time?

- Yes No Unknown

9.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- Yes No Unknown

9.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- Yes No Unknown

9.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

- Yes No Unknown

9.7 Have the lands or adjacent lands ever been used as a weapon firing range?

- Yes No Unknown

9.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

- Yes No Unknown

9.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

9.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

9.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's information

9.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

ACKNOWLEDGEMENT CLAUSE

X I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

May 18, 2020
 Date



Signature Property Owner

MATTHEW JACKSON Anne Jackson
 Print Name of Owner

10. Dimensions of lands affected:

Frontage 11.18 m
 Depth 35.43 m
 Area 383.9 m²
 Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Ground floor area = 90.4 m² Gross floor area = 213.5 m²
Storeys = 2.5 Width = 5.82 m Length = 16.89 m
Height = 10.4 m

Proposed: Ground floor area = 130.2 m² Gross floor area = 253.3 m²
Storeys = 2.5 Width = 9.17 m Length = 20.55 m
Height = 10.4 m

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

Existing: Front setback = 1.13 m R. side setback = 0.25 m
L. side setback = 4.38 m Rear setback = 17.43 m

