



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 APPLICATION **CONSENT**

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/B-22:92	SUBJECT PROPERTY:	110 MARTINDALE CRESCENT, ANCASTER
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APPLICANTS: Owner: Canadian Commercial (Ancaster) Inc.
Agent: WEBB Planning Consultants

PURPOSE & EFFECT: To facilitate the creation of an easement for servicing purposes for a period of greater than 21 years.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement)	18.47 m [±]	44.1 m [±]	2,572 m ² / ha [±]
REMAINDER LANDS:	40.9 m [±]	44.1 m [±]	2,009.3 m ² / ha [±]

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Thursday, October 6, 2022

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

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

PUBLIC INPUT

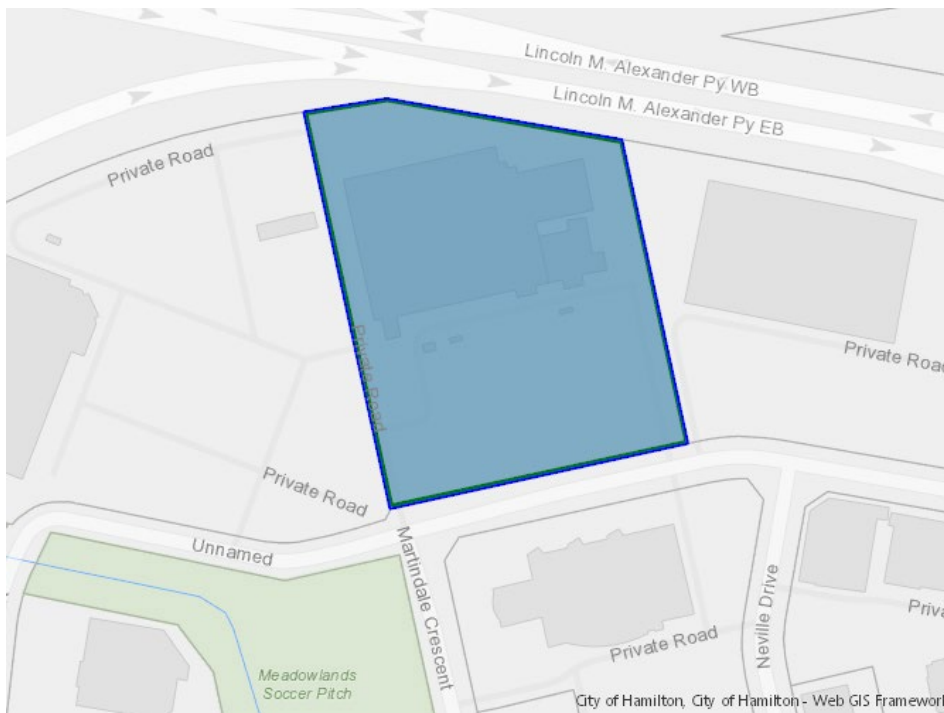
Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments will be available on [Click or tap to enter a date.](#) on our website:

www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



 **Subject Lands**

DATED: September 20, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.

INTEGRATION:

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00.

DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999660384.

ALL COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00 TO AN URBAN ACCURACY IN ACCORDANCE WITH SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4786784.76	585668.72
ORP B	4786822.42	585831.45

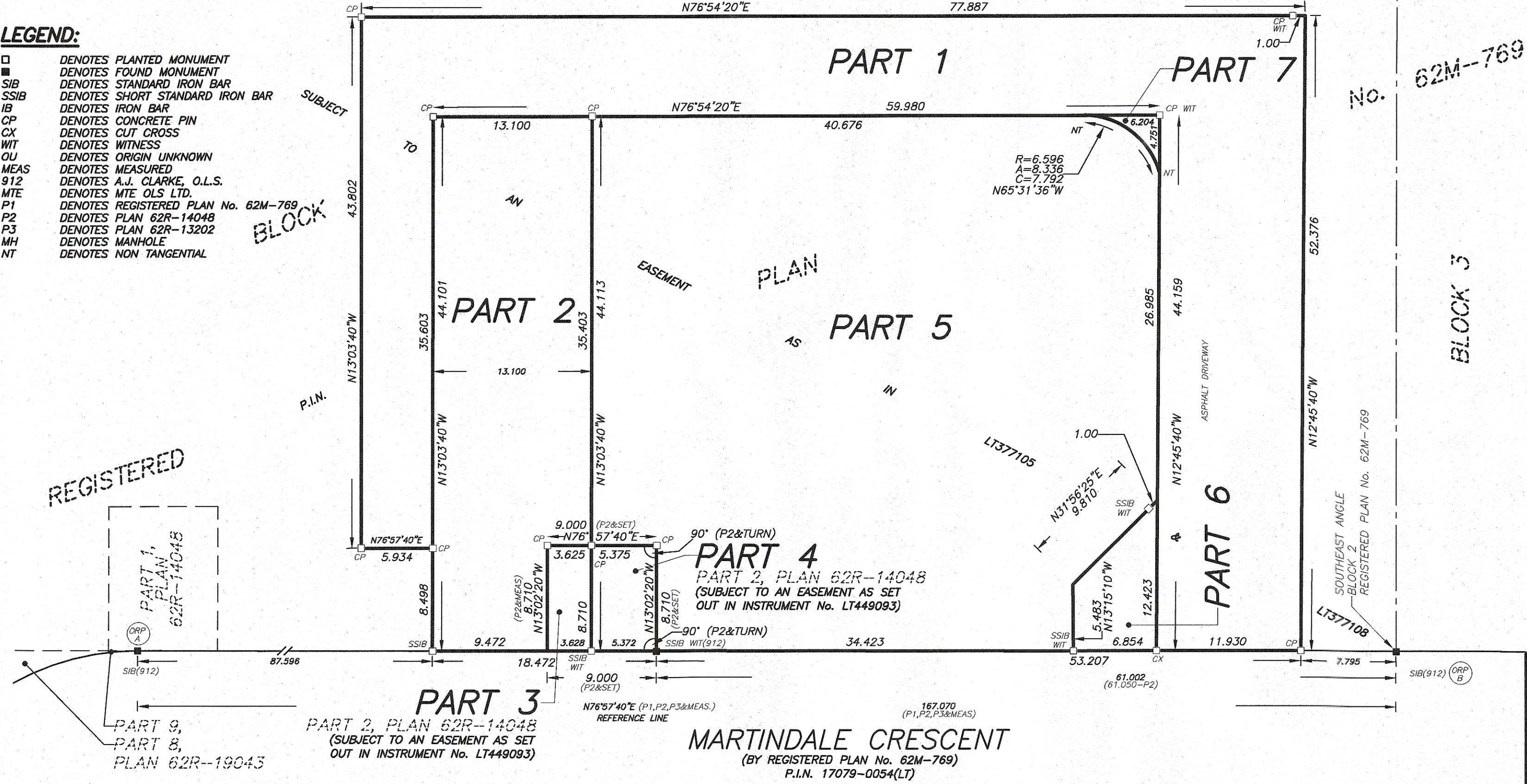
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

FOR BEARING COMPARISON, ROTATIONS HAVE BEEN APPLIED TO THE FOLLOWING PLANS TO CONVERT THEM TO GRID BEARINGS

PLAN ID	ROTATION AMOUNT	DIRECTION
P1,P2&P3	1°1'10"	COUNTER-CLOCKWISE

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- CX DENOTES CUT CROSS
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- MEAS DENOTES MEASURED
- 912 DENOTES A.J. CLARKE, O.L.S.
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN No. 62M-769
- P2 DENOTES PLAN 62R-14048
- P3 DENOTES PLAN 62R-13202
- MH DENOTES MANHOLE
- NT DENOTES NON TANGENTIAL



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

DATE MAY 31st, 2022

M. TAVALLAE, O.L.S.

PLAN 62R-21908

RECEIVED AND DEPOSITED

DATE June 13, 2022

"E. Noble"

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

SCHEDULE

PART	BLOCK	PLAN	P.I.N.	AREA (m²)
1	PART OF 2	62M-769	PART OF 17079-0111(LT)	1377.0
2				548.2
3				31.6
4				46.8
5				1947.5
6				61.7
7				8.0

PARTS 1, 2, 3, 4, 5, 6, AND 7 COMPRISE PART OF P.I.N. 17079-0111(LT). PARTS 3 AND 4 ARE SUBJECT TO AN EASEMENT AS SET OUT IN INSTRUMENT No. LT449093. PARTS 1, 2, 3, 4, 5, 6, AND 7 ARE SUBJECT TO EASEMENTS AS SET OUT IN INSTRUMENTS No. LT377105 & LT377108.

PLAN OF SURVEY

PART OF BLOCK 2
REGISTERED PLAN No. 62M-769
CITY OF HAMILTON

SCALE 1:300
0 5 10 20 METRES

MTE OLS LTD.
ONTARIO LAND SURVEYORS

METRIC:

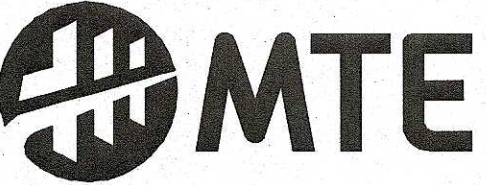
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE:

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 18th DAY OF MAY, 2022.

MAY 31st, 2022
DATE

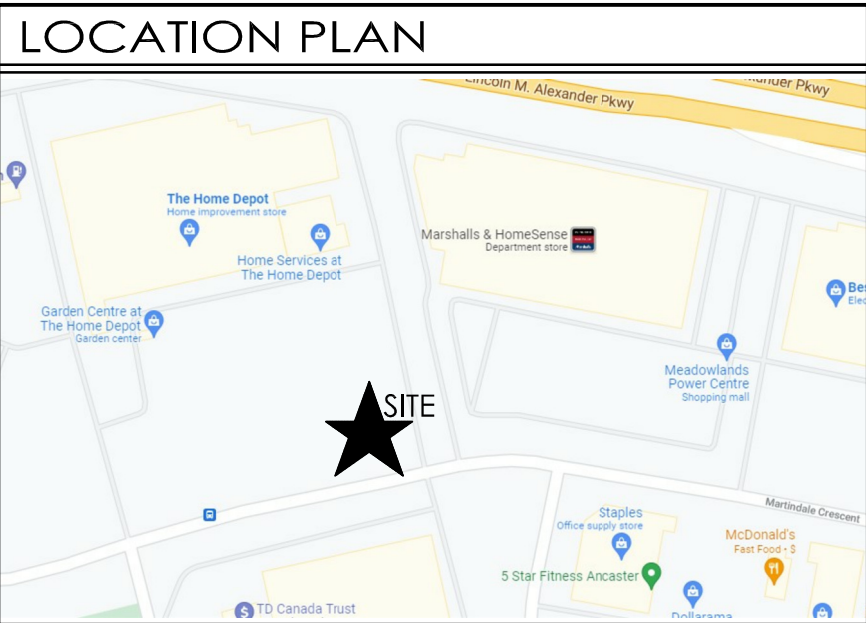
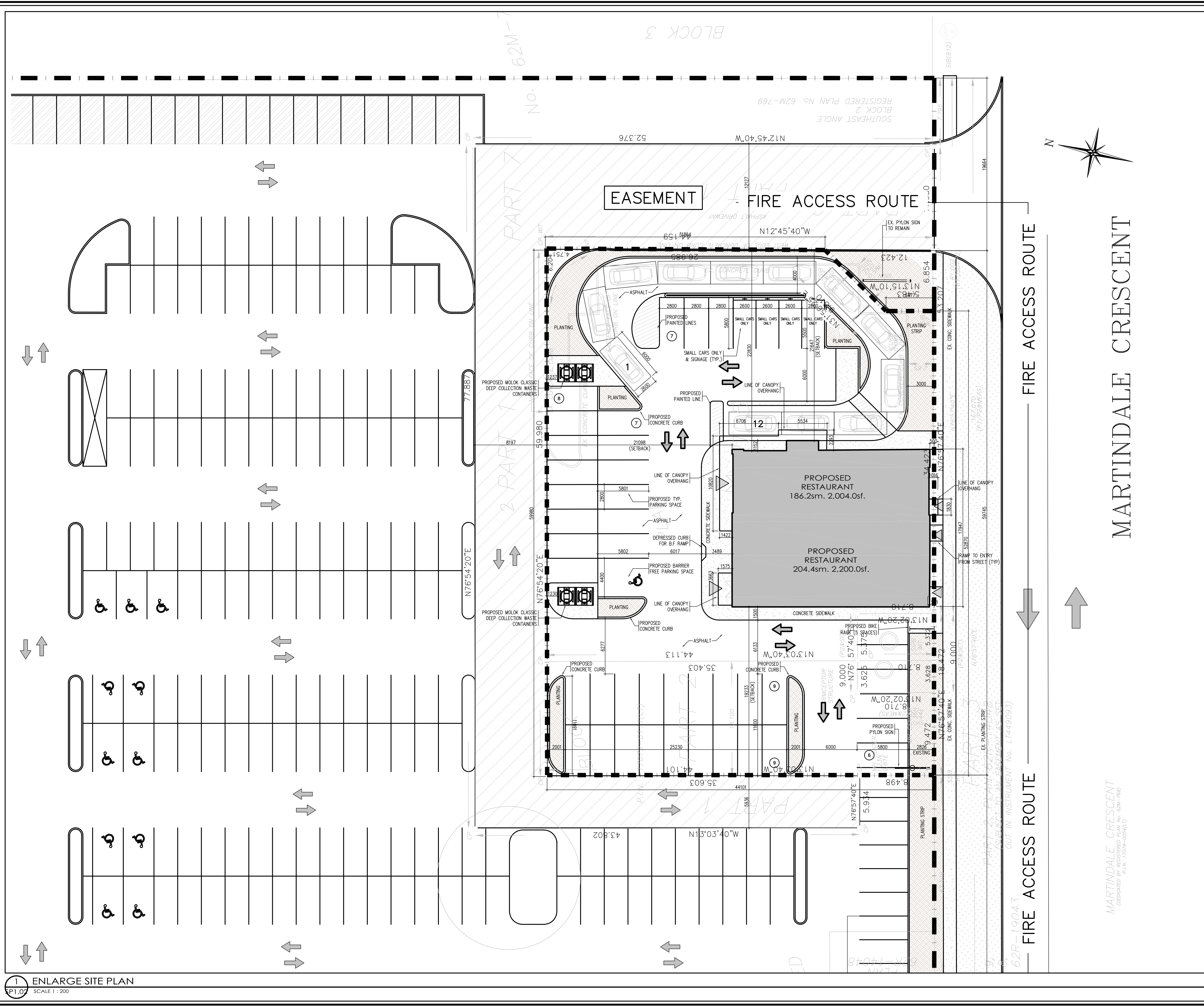
Moe Tavallae
O.L.S.
M. TAVALLAE
ONTARIO LAND SURVEYOR



MTE ONTARIO LAND SURVEYORS LTD.
1016 SUTTON DRIVE, UNIT A
BURLINGTON, ONTARIO, L7L 6B8
TEL: 905-639-2552

Cad File: P:\37661\200\37661-200-R1.DWG	COGO: 37661-200-UTMGROUND.CSV
Drawn By: D. FERKO	Checked By: M. TAVALLAE
File No: 37661-200-R1	

LAST PLOT DATE: May 31, 2022



SITE STATISTICS	
LOT AREA	2580m ²
LOT COVERAGE	390.6 / 2580 = 15%
GROSS FLOOR AREA (GFA)	390.6m ²
REQUIRED PROVIDED	
Zone - Mixed Use Medium Density, Exception - 602	
Building Height	6.0m min. 5.9m
Parking Spaces	48 46
REQUIRED PROVIDED	
Setbacks	
Street Front Yard	4.5m max. 0.5m
Street Rear Yard	7.5m min. 21.1m
Interior Yard	0.0 19.2m
Facade facing street: 34.0%	

UNDERTAKING

RE: 122 MARTINDALE CRESCENT, ANCASTER FILE No. SPA-21-154

I (WE) _____, THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION,

(a) TO COMPLY WITH ALL THE CONTENTS OF THIS PLAN AND DRAWING AND NOT TO VARY THEREFROM.

(b) TO PERFORM THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 417(A) OF THE PLANNING ACT SHOWN ON THIS PLAN AND DRAWINGS IN ACCORDANCE WITH THE CONDITIONS OF THE APPROVAL AS SET OUT IN THE LETTERS OF APPROVAL, DATED _____.

(c) TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 417(B) OF THE PLANNING ACT SHOWN IN THIS PLAN AND DRAWINGS, INCLUDING REMOVAL OF SHOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS.

(d) OBTAIN CONFIRMATION OF THE LOCATION OF ENBRIDGE GAS INC. NATURAL GAS PIPELINE SHOULD BE MADE THROUGH ONTARIO ONE CALL 1-800-460-2255 FOR LOCATES PRIOR TO ANY ACTIVITY.

(e) AGREE TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER TO THE BUILDING AND ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW NEAR THE DRIVEWAY AT THE ROAD WITH EITHER THE MUNICIPAL NUMBER OR FULL ADDRESS INDICATED.

(f) IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED _____, THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FLEET TO OBTAIN COMPLIANCE WITH THIS PLAN.

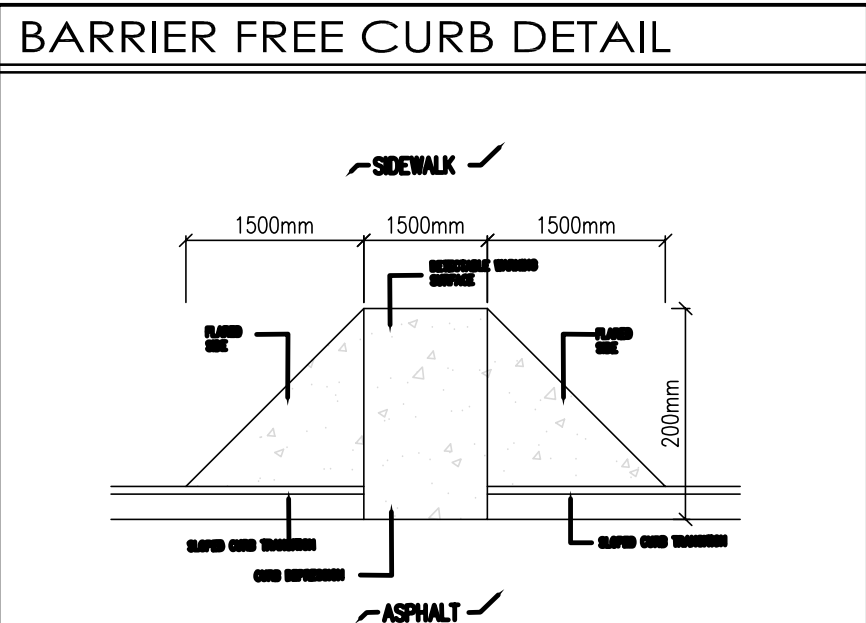
DATED THIS _____ DAY OF _____ 20____

WITNESS (SIGNATURE) _____ OWNER(S) (SIGNATURE) _____

WITNESS (PRINT) _____ OWNER (PRINT) _____

ADDRESS OF WITNESS _____

- SITE PLAN NOTES
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR PLANNING, PLANNING AND DEVELOPMENT DEPARTMENT.
 - FIRE ROUTE SIGN AND 3-WAY FIRE HYDRANT SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
 - MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.
 - ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN SIX MAXIMUM GRADES, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN FOUR MAXIMUM GRADES.
 - THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS / APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
 - BUILDING PERMIT
 - SEWER AND WATER PERMIT
 - ROAD CUT PERMIT
 - RELOCATION OF SERVICES
 - APPROACH APPROVALS PERMIT
 - ENCROACHMENT AGREEMENTS (IF REQUIRED)
 - COMMITTEE OF ADJUSTMENT
 - ABANDONED ACCESSORIES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED TO SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
 - FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOT TO BE PROVIDED:
 - 7.0 METRE X 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECT OR MATING VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
 - PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW No. 10-197.
 - LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.



LINTACK ARCHITECTS
INCORPORATED

244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: info@lintack.com
www.lintack.com

FOR SITE PLAN APPROVAL
OF
ARCHITECTS
RICHARD F. LINTACK
LICENCE
4148

This drawing must not be scaled.
General Contractor shall verify all dimensions, details and levels prior to commencement of all work.
All errors and omissions are to be reported immediately to the Architect.

No.	Revisions	Date
4	ISSUED FOR MINOR VARIANCE	MAY 16, 2022
3	ISSUED IN RESPONSE TO SPA COMMENTS	MAY 13, 2022
2	ISSUED FOR SPA RESPONSE	APR 8, 2022
1	ISSUED FOR SPA	FEB 4, 2022

PROPOSED
MARTINDALE RETAIL PAD

123 MARTINDALE CRESCENT
ANCASTER, ON

job no. 21.064

dwg. file

dwn. by AT

scale 1:200

date SPET 2021

dwg. title
ENLARGED SITE PLAN

dwg. SP1.02



Hamilton

Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR CONSENT TO SEVER LAND

UNDER SECTION 53 OF THE *PLANNING ACT*

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*	Not Applicable	
Registered Owners(s)	Canadian Commercial (Ancaster) Inc.	
Applicant(s)**	Same as above	
Agent or Solicitor	WEBB Planning Consultants	

***Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)**

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

1.3 All correspondence should be sent to

☐ Purchaser

☐ Applicant

☐ Owner

☒ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot	Concession	Former Township Ancaster
Registered Plan N°. 62M-769	Lot(s) Part Block 2	Reference Plan N°. 62R-21908	Part(s) 2, 3 & 4
Municipal Address 110 Martindale Crescent			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

Other: ☐ a charge

☐ addition to a lot

☐ a lease

☒ an easement

☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also be completed):

☐ creation of a new lot

Other: ☐ a charge

☐ creation of a new non-farm parcel

☐ a lease

(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)

☐ a correction of title

☐ an easement

☐ addition to a lot

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

122 Martindale, Home Depot Holdings Inc

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 (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m ² or ha)
52.895	44.1	2,572.1 sq. metres

Existing Use of Property to be severed:

☐ Residential

☐ Industrial

☒ Commercial

☐ Agriculture (includes a farm dwelling)

☐ Agricultural-Related

☐ Vacant

☐ Other (specify) _____

Proposed Use of Property to be severed:

☐ Residential

☐ Industrial

☒ Commercial

☐ Agriculture (includes a farm dwelling)

☐ Agricultural-Related

☐ Vacant

☐ Other (specify) _____

Building(s) or Structure(s):

Existing: None - parcel is vacant

Proposed: Single storey commercial building for two restaurant tenants

Existing structures to be removed: None

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)

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
N/A		

Certificate Request for Retained Lands: ☐ Yes*

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

Existing Use of Property to be retained:

- ☐ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Proposed Use of Property to be retained:

- ☐ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: _____

Proposed: _____

Existing structures to be removed: _____

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): N/A

Urban Hamilton Official Plan designation (if applicable): Mixed Use Medium Density

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

Application will facilitate development of the subject land for intended commercial uses on basis of full municipal services with servicing easement granted in favour of the abutting lands.

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? C5- 602 - Mixed Use Medium Density, Exception 602

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 type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Within major retail node
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- ☐ Residential
 ☐ Industrial
 ☒ Commercial
☐ Agriculture
 ☐ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use Retail
- 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?
Site inspection, 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
PPS - property is within designated settlement area and developed on basis of full municipal services, no conflicts with natural or cultural heritage resources
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
☒ Yes ☐ No (Provide explanation)
See above
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
☒ Yes ☐ No (Provide explanation)
Property is within a designated settlement area and within the Built-Up area, lands being developed on basis of full municipal services, intended use will intensify commercial area with appropriate design that supports alternative transportation
- 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)

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.

Application for Consent, AN/B-21:82, approved June 9, 2022

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

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?

Purchase closed on August 23, 2022

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 AN/A-22:145

Status Approved June 9, 2022

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.

10.2 Type of Application (select type and complete appropriate sections)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| | | |
| <input type="checkbox"/> 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)
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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):
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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)
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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)
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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 (m ² or ha):
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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)
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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.

Purpose of Application is to facilitate a long term easement over the subject parcel in favour of the abutting lands (122 Martindale Crescent) with respect to municipal service laterals.

Please refer to accompanying cover letter for broader description of the proposal.

12 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.

Aug, 30, 2022

Date



Signature of Owner



September 1, 2022

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Consent (Easement)
110 Martindale Crescent, Ancaster, City of Hamilton

WEBB Planning Consultants are retained by the owner and applicant – Canadian Commercial (Ancaster) Inc., to provide land use planning services in association with their proposed commercial development on the property located at 110 Martindale Crescent.

As illustrated by the conditionally approved Site Plan, a commercial development is proposed on a vacant parcel of land that was recently severed from the abutting Home Depot property, 122 Martindale Crescent. The development is comprised of a single storey commercial building having a floor area of 390 square metres, intended for two restaurant tenants. The new building is sited close to the Martindale Crescent street frontage with entrances oriented to the public sidewalk, the massing and orientation enhancing the existing streetscape and pedestrian environment.

The additional Planning Approvals to implement the development have included an Application for Minor Variance, File No. AN/A-22:145, and the Application for Consent, File No. AN/B-21:82. The Application for Consent facilitated both creation of the severed parcel and the establishment of an easement over the adjoining lands for the purpose of access.

An implication of the development layout is that servicing laterals and storm drains for the existing Home Depot are located the severed parcel. The City's Development Engineering Division has reviewed and approved the proposed servicing layout and required as a Condition of Consent the Registration of Joint Use Agreements for both 110 and 122 Martindale Crescent. These agreements have subsequently been completed and Registered on title to the satisfaction of City Staff.

As illustrated by the accompanying deposited Reference Plan, the servicing laterals and storm drains for 122 Martindale Cres are located within Parts 2, 3 and 4 of the subject lands and subject to easements in favour of 122 Martindale Cres. As the term for the easements is intended to exceed 21 years, it is necessary to obtain Consent Approval

pursuant to an Application to the Committee of Adjustment under Section 53 of the Planning Act.

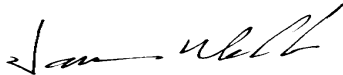
On behalf of the owner we are therefore proceeding to submit the attached Application and accompanying materials in support of the request for Consent to enter into long term easements. In keeping with the City's requirements for the submission, the following materials are enclosed:

- Application for Consent;
- Application Fee of \$2,985.00.00 (to be paid via credit card); \$2,985
- Deposited Reference Plan 62R-21908
- Conditionally Approved Site Plan, prepared by Lintack Architects;

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Consent. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

cc: Lee Greenwood, CCD