



City of Hamilton
DELEGATED CONSENT AUTHORITY
AGENDA

Date: March 12, 2024

Time: 1:00 p.m.

Location: Meet as per their delegated authority –
Meetings are not livestreamed

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144
cofa@hamilton.ca

Pages

1. Delegated Consent Authority

1.1 N/A HM/B-24:09 246 Jackson Street West, Hamilton (Ward 1)

3

Agent Bousfields Inc. – A. Paton
Applicant Coletara Development – M. Krasic
Owner 235 Main Holdings Inc. – D. Kemper



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.:	HM/B-24:09	SUBJECT PROPERTY:	246 JACKSON STREET W, HAMILTON
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APPLICANTS: Owner: 235 MAIN HOLDINGS INC. (DAVID KEMPER)
Agent: BOUSFIELDS INC. (ASHLEY PATON)
Applicant: COLETARA DEVELOPMENT (MICHAEL KRASIC)

PURPOSE & EFFECT: To permit the creation of an easement for access purposes in favour of 250 Jackson St. W., existing easement will be abandoned.

	Frontage	Depth	Area
SEVERED LANDS (Parts 2, 4, 6, 7 & 8): (for Easement/Lease)	1.4 m [±]	30.5 m [±]	42.7 m ² ±
RETAINED LANDS:	6.7 m [±]	30.5 m [±]	203.4 m ² ±

Associated Planning Act File(s): N/A

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

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

Tuesday, March 12, 2024

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

- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

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 Date of Decision.**

Comments will be available on **March 8, 2024** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



 **Subject Lands**

DATED: February 22, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

HM/B-24:09

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. A copy of the Decision will only be sent to those who request.

PLAN OF SURVEY

OF PART OF
LOTS 6 & 8
BLOCK 1, RANGE 1
JAMES MILLS SURVEY

IN THE BLOCK BOUNDED BY
 BETWEEN RAY ST, JACKSON ST, QUEEN ST & MAIN ST
 IN THE

CITY OF HAMILTON

SCALE 1:100 METRIC

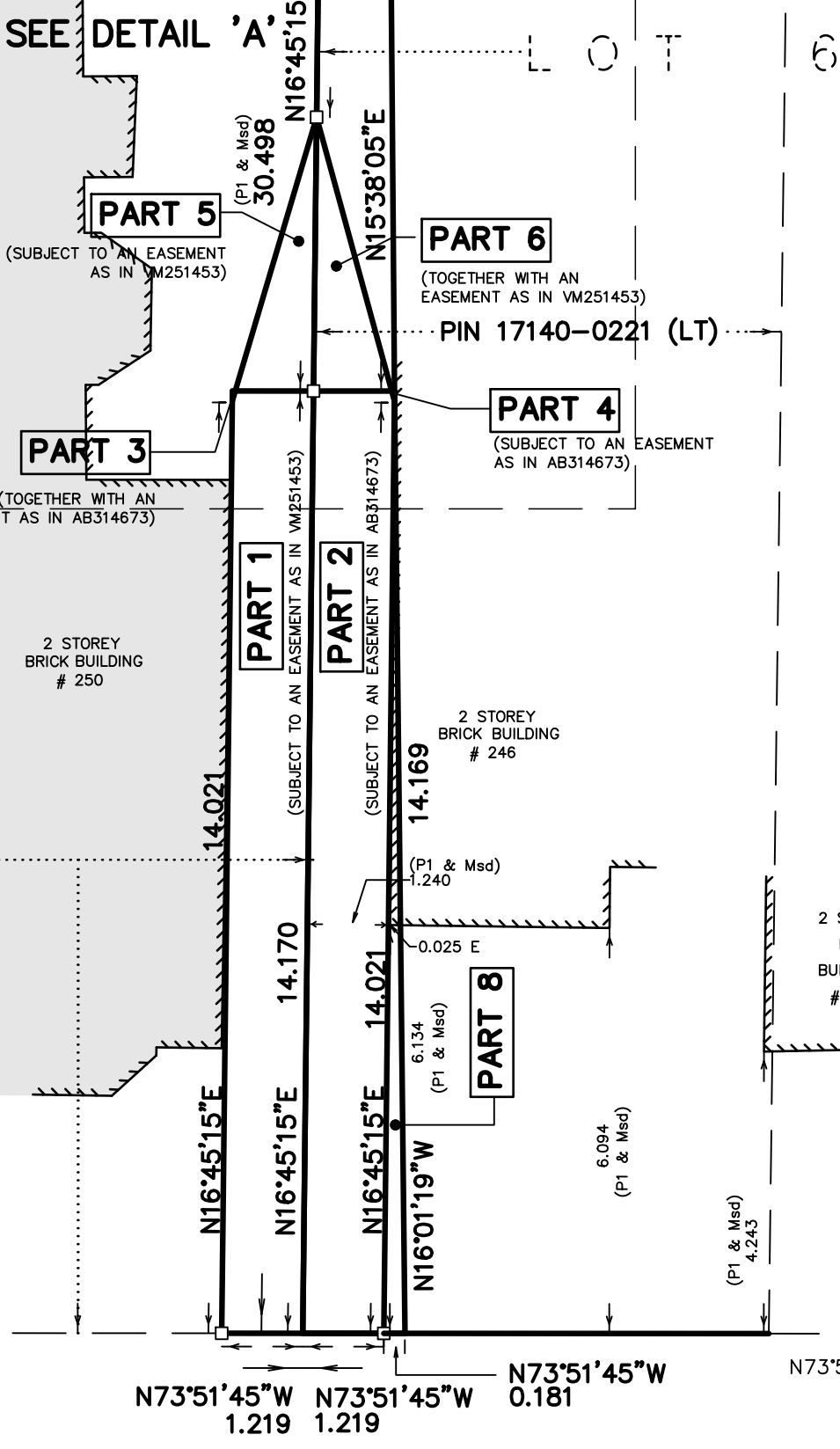
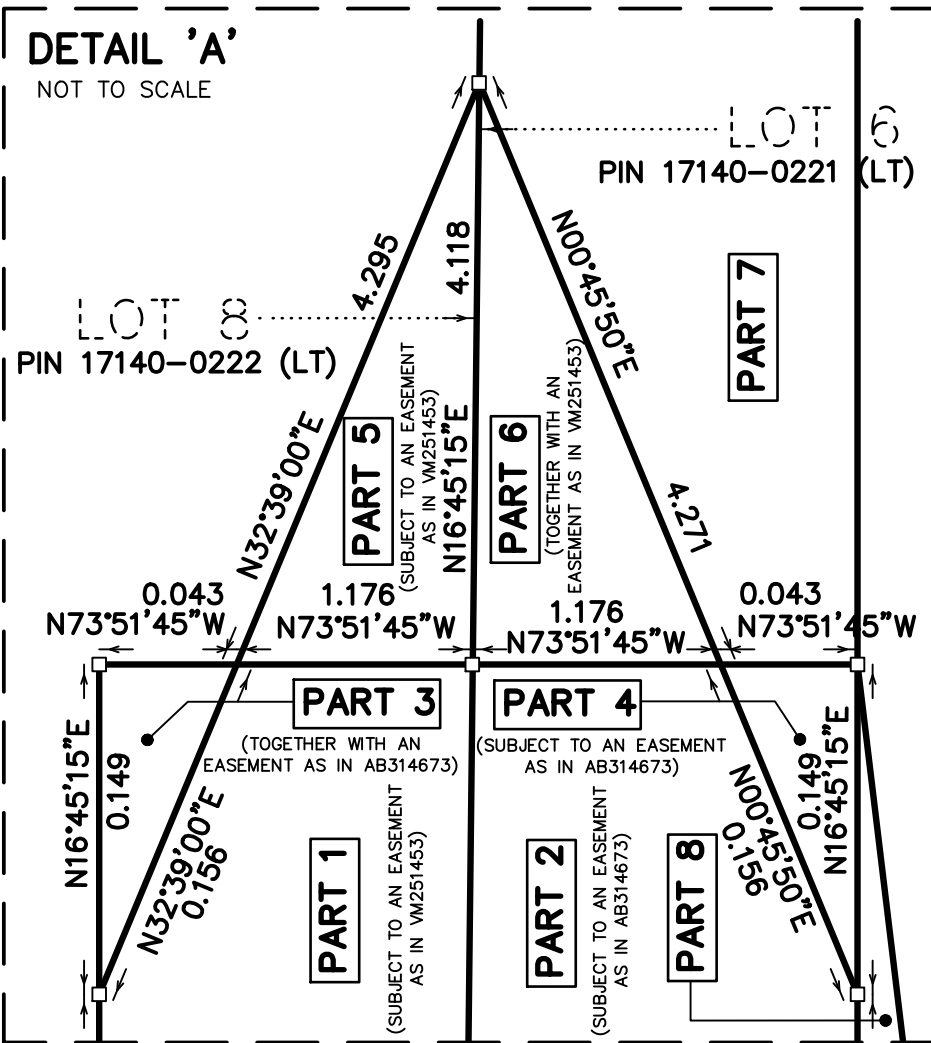
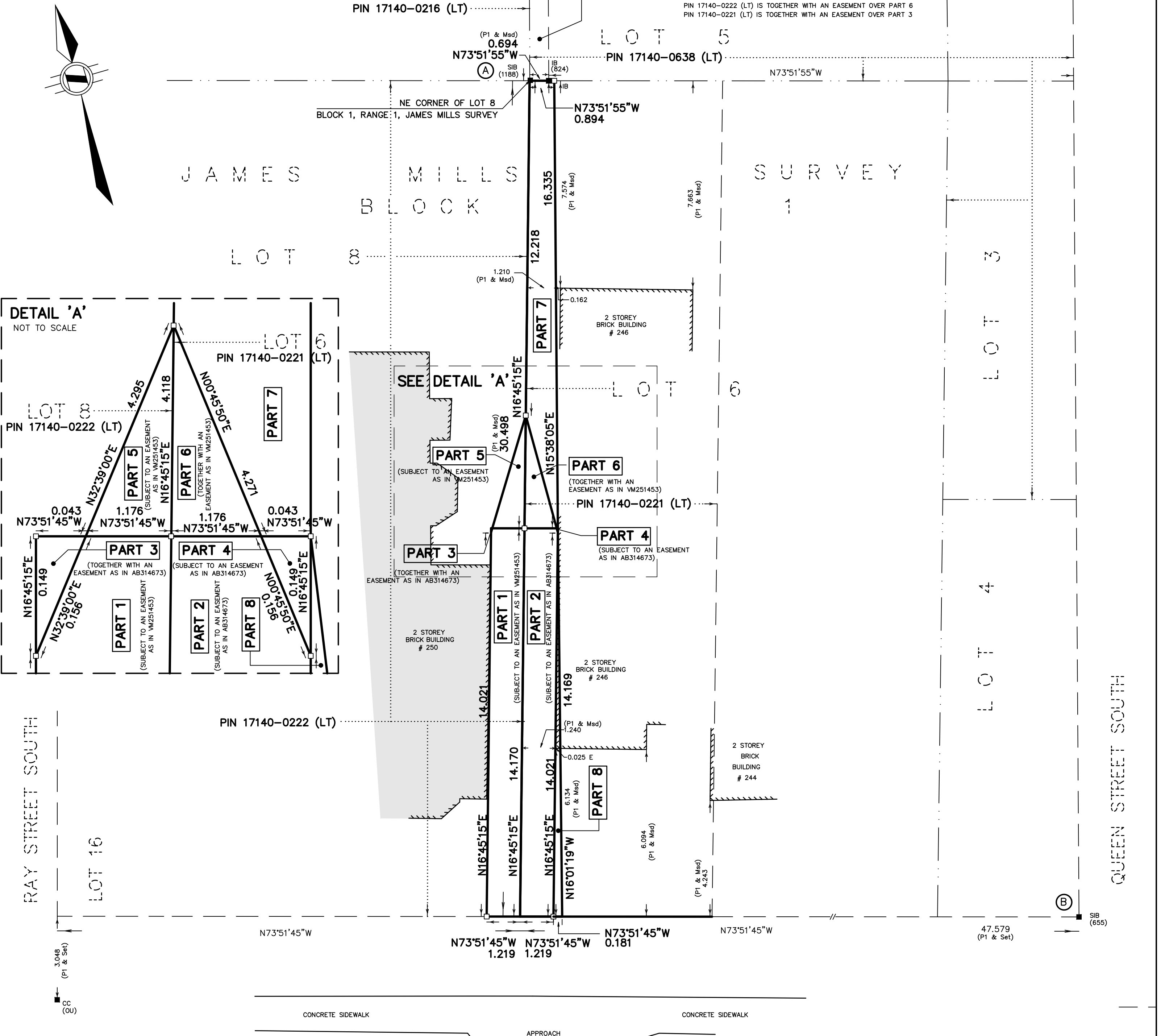


R.A. McLAREN, O.L.S. - 2023

SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
1	PART OF LOT 8	BLOCK 1, RANGE 1, JAMES MILLS SURVEY	PART OF PIN 17140-0222(LT)
2	PART OF LOT 6		PART OF PIN 17140-0221 (LT)
3	PART OF LOT 8		PART OF PIN 17140-0222(LT)
4	PART OF LOT 6		PART OF PIN 17140-0221 (LT)
5	PART OF LOT 8		PART OF PIN 17140-0222(LT)
6	PART OF LOT 6		PART OF PIN 17140-0221 (LT)
7	PART OF LOT 6		PART OF PIN 17140-0221 (LT)
8	PART OF LOT 6		PART OF PIN 17140-0221 (LT)

PLAN 62 R- _____
 RECEIVED AND DEPOSITED
 Date _____
 REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
 I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
 Date _____
DRAFT
 ROBERT A. McLAREN, O.L.S.

PARTS 1 & 5 ARE SUBJECT TO AN EASEMENT AS IN VM251453
 PARTS 2 & 4 ARE SUBJECT TO AN EASEMENT AS IN AB314673
 PIN 17140-0222 (LT) IS TOGETHER WITH AN EASEMENT OVER PART 6
 PIN 17140-0221 (LT) IS TOGETHER WITH AN EASEMENT OVER PART 3



JACKSON STREET WEST

(JAMES MILLS SURVEY BETWEEN RAY STREET SOUTH & QUEEN STREET SOUTH)

PIN 17140-0301 (LT)

BEARING NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999640043

INTEGRATION DATA

POINT ID	NORTHING	EASTING
ORP A	4790013.721	590886.499
ORP B	4789971.311	590923.387

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

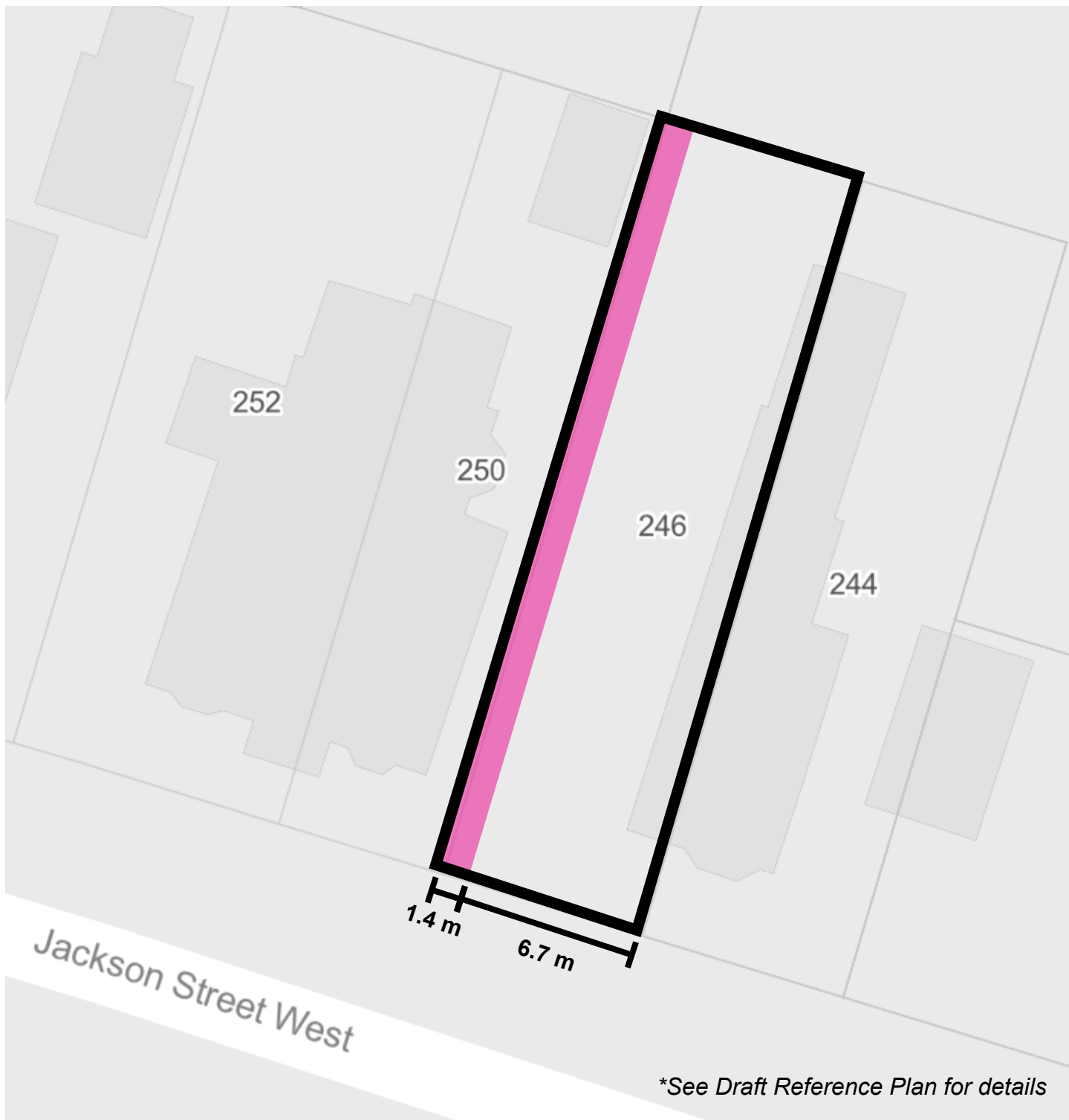
METRIC NOTE
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____
 DATE _____
 ROBERT A. McLAREN, O.L.S.



A.T. McLaren
 LEGAL AND ENGINEERING SURVEYS
 69 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2B9
 PHONE (905) 527-8559 FAX (905) 527-0032



Subject Site



Requested Easement on 246 Jackson Street West in favour of 250 Jackson Street West



BOUSFIELDS INC.

January 25, 2024

Project Number: 23306

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

SENT VIA EMAIL TO: cofa@hamilton.ca

**Re: Consent to Sever Application - Easement
246 Jackson Street West
Hamilton, ON**

Bousfields Inc. is the planning consultant for 235 Main Holdings Inc., the registered owner of the property municipally addressed as 246 Jackson Street West in the City of Hamilton (the "subject site"). This letter has been prepared in support of the enclosed severance application to establish an exclusive-use easement on the subject site in favour of 250 Jackson Street West as well as to assist the Committee in making an informed decision and provide an analysis of how the proposed consent applications satisfy the requirements for severance under the *Planning Act*.

In support of the consent application, please see enclosed the following materials:

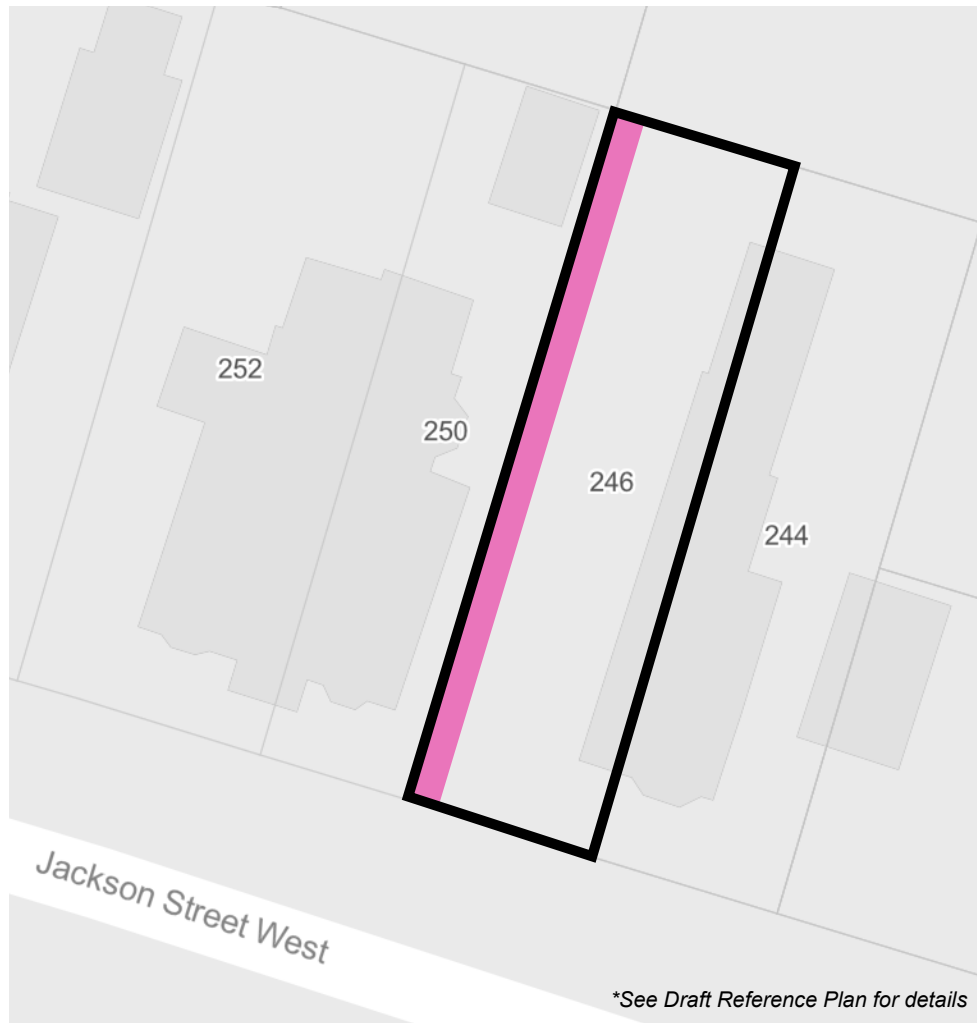
- Draft Reference Plan prepared by A.T. McLaren (Robert McLaren, O.L.S.) (no date);
- Signed and Commissioned Consent Application Form.

The required City Application fee of \$2,080.00 representing the 2024 Land Division Consent fee (for a lease or easement) will be mailed to the City separately. A scanned copy of the cheque is enclosed in the submission material.

Existing Easements

There is an existing mutual easement on 250 Jackson Street in favour of the subject site (Parts 1, 3 and 5 on the Draft Reference Plan, subject to an easement as in VM251453 dated July 2001) and on the subject site in favour of 250 Jackson Street West (Parts 2, 4 and 6 on the Draft Reference Plan, subject to an easement as in AB314673 dated October 1973) which allows both properties to use the mutual driveway for ingress, egress and regress as a footway or driveway.

With the consent of the owner of 250 Jackson Street West, the mutual easement (VM251453 and AB314673) is proposed to be abandoned prior to the proposed easement being registered.





-  Subject Site
-  Requested Easement on 246 Jackson Street West in favour of 250 Jackson Street West

Figure 1: Easement Sketch

Proposed Easements Requested through Consent Application

The proposed severance application seeks to establish an exclusive-use access easement over a strip of land on the subject site, between approximately 0.9 m and 1.4 m in width in favour of 250 Jackson Street West (Parts 2, 4, 6, 7, and 8 on the Draft Reference Plan). The proposed easement will allow the owner of 250 Jackson Street to use this area for ingress, egress, and regress as a footway or driveway. 235 Main Holdings Inc. will retain access rights for maintenance purposes, as well as to build below-grade within the proposed easement land (including installation of construction shoring). A simplified sketch has been provided below in **Figure 1**.

Planning Analysis - Section 51 of the *Planning Act* (Land Division)

Section 51 of the *Planning Act* authorizes the Committee of Adjustment to make decisions on the division of land including the creation of easements. The *Planning Act* sets the standards to which provincial interests, and provincial and local policies and goals are implemented. Accordingly, to assess whether the Consent Applications are based on sound planning principles, regard must be had for the criteria listed in subsection 51(24) of the *Planning Act*.

In my opinion, given the requested easement is for access purposes only and will not result in any physical changes on the subject site or 250 Jackson Street West, the application has appropriate regard for the criteria in subsection 51(24) of the *Planning Act*, notably:

- The requested easement will not affect matters of provincial interest referred to in section 2 (Section 51(24)(a));
- The requested easement is in the public interest as it would allow for the optimized use of an existing parking space at the rear of 250 Jackson Street West (Section 51(24)(b));
- The requested easement is suitable for the purposes of access given the requested easement represents an extension of an easement that has existed since 1973 (Section 51(24)(d)); and
- The requested easement will not impact the existing municipal services or the delivery of utilities to either property as both the subject site and 250 Jackson Street West will maintain their independent servicing connections (Section 51(24)(i)).

Conclusion

Based on the above analysis, the requested severance to establish an exclusive-use easement over 246 Jackson Street West in favour of 250 Jackson Street West is appropriate, satisfies the requirements under subsection 51(24) of the *Planning Act*, and represents good planning.

We trust the foregoing is satisfactory, however, should you require any additional information or clarification, please do not hesitate to contact the undersigned.

Respectfully submitted,

Bousfields Inc.



Ashley Paton, MCIP, RPP

SCHEDULE "A"

OWNERSHIP OF LANDS

235 MAIN STREET WEST, HAMILTON, L8P 1J5

OWNER: 235 MAIN HOLDINGS INC.

LTS 1 & 5 BLK 1 RANGE 1 JAMES MILLS SURVEY SAVE & EXCEPT PTS 1 & 2 ON 62R19371; LT 2 BLK 1 RANGE 1 JAMES MILLS SURVEY; LT 3 BLK 1 RANGE 1 JAMES MILLS SURVEY, (BTN RAY ST, JACKSON ST, QUEEN ST, MAIN ST); CITY OF HAMILTON; SUBJECT TO AN EASEMENT OVER PART 1 62R21954 IN FAVOUR OF LOT 7, BLOCK 1, RANGE 1, JAMES MILLS SURVEY (BETWEEN RAY ST, JACKSON ST, QUEEN ST, MAIN ST) AS IN WE1659362

74 QUEEN STREET SOUTH, HAMILTON, L8P 3R7

OWNER: 235 MAIN HOLDINGS INC. (99.999%), DAVID KEMPER (0.001%)

LT 4 BLK 1 RANGE 1 JAMES MILLS SURVEY (BTN RAY ST, JACKSON ST, QUEEN ST, MAIN ST); CITY OF HAMILTON

244 JACKSON STREET WEST, HAMILTON, L8P 1M5

OWNER: 235 MAIN HOLDINGS INC. (99.999%), RICHARD KENNEDY (0.001%)

PT LT 6 BLK 1 RANGE 1 JAMES MILLS SURVEY (BTN RAY ST, JACKSON ST, QUEEN ST, MAIN ST) AS IN CD497000, S/T INTEREST IN VM241054; CITY OF HAMILTON

246 JACKSON STREET WEST, HAMILTON, L8P 1M5

OWNER: 235 MAIN HOLDINGS INC. (99.999%), DAVID KEMPER (0.001%)

PT LT 6 BLK 1 RANGE 1 JAMES MILLS SURVEY (BTN RAY ST, JACKSON ST, QUEEN ST, MAIN ST) AS IN AB314673, S/T & T/W AB314673, S/T INTEREST IN AB314673; CITY OF 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



Hamilton

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

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

1. APPLICANT INFORMATION

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

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

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

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

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

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

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

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	246 Jackson Street West		
Assessment Roll Number	251801009403170, 251801009403200		
Former Municipality	Hamilton		
Lot		Concession	N/A
Registered Plan Number		Lot(s)	N/A
Reference Plan Number (s)	N/A	Part(s)	N/A

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:

Shared driveway access easement between 246 and 250 Jackson Street West, as in

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

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

N/A

3.4 Certificate Request for Retained Lands: Yes*

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

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

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Remainder of 246 Jackson St	Parts 2, 4, 6, 7 and 8			
Type of Transfer	N/A				
Frontage	6.7 m	1.4 m			
Depth	30.5 m	30.5 m			
Area	+/- 203.4 m ²	+/- 42.7 m ²			
Existing Use	Residential	Driveway			
Proposed Use	Residential	Driveway			
Existing Buildings/ Structures	Existing detached dwelling	Existing detached dwelling on Part 8			
Proposed Buildings/ Structures	N/A	N/A			
Buildings/ Structures to be Removed	Existing detached dwelling to be demolished	Existing detached dwelling on Part 8 to be demolished			

* Additional fees apply. demolished

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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) _____

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

publicly owned and operated sanitary sewage system

privately owned and operated individual septic system

other means (specify) _____

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

electricity

telephone

school bussing

garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

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

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

See enclosed covering letter.

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

UHOPA-139, approved December 9, 2020.

5.3 What is the existing zoning of the subject land? C5 Zone (Mixed Use Medium Density) - 736

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

ZAC-18-012, approved as By-law 20-230, Exception 736 on October 28, 2020.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Commercial/Retail
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 HISTORY OF THE SUBJECT LAND

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

Yes No Unknown

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

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

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

6.4 How long has the applicant owned the subject land?

6.5 Does the applicant own any other land in the City? Yes No

If YES, describe the lands below or attach a separate page.

See Schedule "A" attached.

7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes No (Provide explanation)

See enclosed covering letter.

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

Yes No (Provide explanation)

See enclosed covering letter.

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

Yes No (Provide explanation)

See enclosed covering letter.

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

Yes No (Provide explanation)

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
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Front yard set back: _____

a) Date of construction:

- Prior to December 16, 2004 After December 16, 2004

b) Condition:

- Habitable Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

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

11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study



Hamilton

HM/B-24:09 – 246 Jackson Street West, Hamilton

Recommendation

Staff recommend that Consent Application HM/B-24:09 be approved.

Proposed Conditions

N/A

Proposed Notes

N/A



Hamilton

Background

	Frontage	Depth	Area
SEVERED LANDS (PARTS 2, 4, 6, 7 & 8): (For Easement/Lease)	1.4 m [±]	30.5 m [±]	42.7 m ^{2±}
RETAINED LANDS:	6.7 m [±]	30.5 m [±]	203.4 m ^{2±}

The purpose of this application is to create an easement on the subject lands municipally known as 246 Jackson Street West, to the benefit of 250 Jackson Street West, for access purposes. Staff note that, as stated in the submitted cover letter and application form, an existing mutual easement is currently in place on 250 Jackson Street West in favour of 246 Jackson Street West, being Parts 1, 3 and 5 as shown on submitted Draft Reference Plan (as in VM251453 dated July 2001) and on 246 Jackson Street West in favour of 250 Jackson Street West, being Parts 2, 4 and 6 on the Draft Reference Plan (as in AB314673 dated October 1973). The easement allows for both properties to utilize a shared driveway for access purposes.

This application is to abandon the existing easement in favour of the proposed easement, which would establish an exclusive-use access easement between 0.9 metres and 1.4 metres on the subject property in favour of 250 Jackson Street West for access purposes, with the owner of 246 Jackson Street West retaining access rights for maintenance and below grade construction purposes.

Analysis

Urban Hamilton Official Plan

The Urban Hamilton Official Plan designates the subject lands as “Mixed Use – Medium Density” in Schedule E-1 – Urban Land Use Designations. Policies found in Sections E.4.6.5 and F.4.2, amongst others, are applicable and permit the existing residential use and proposed easement

Strathcona Secondary Plan

The subject lands are designated “Mixed Use – Medium Density” and “Site Specific Policy Area - M” in Map B.6.6-1 – Land Use Plan within the Strathcona Secondary Plan. Policies found in Section 6.6.6.1, amongst others, are applicable and permit the existing residential use.

Archeology

No comments.

Cultural Heritage

No comments.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Used Medium Density (C5, 736) Zone in City of Hamilton Zoning



Hamilton

STAFF COMMENTS

HEARING DATE: March 12, 2024

By-law No. 05-200. The existing residential uses are permitted.

Zoning:

Recommendation:	
Proposed Conditions:	
Comments:	No comments.
Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Notes:	

Transportation Planning:

Recommendation:	No comments.
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Legislative Approvals:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.



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 DECISION CONSENT

APPLICATION NO.:	HM/B-24:09	SUBJECT PROPERTY:	246 JACKSON ST. W., HAMILTON
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APPLICANTS: Owner: 235 MAIN HOLDINGS INC. (DAVID KEMPER)
Agent: BOUSFIELDS INC. (ASHLEY PATON)
Applicant: COLETARA DEVELOPMENT (MICHAEL KRASIC)

PURPOSE & EFFECT: To permit the creation of an easement for access purposes in favour of 250 Jackson St. W., existing easement will be abandoned.

	Frontage	Depth	Area
EASEMENT LANDS (Parts 2, 4, 6, 7 & 8):	1.4 m [±]	30.5 m [±]	42.7 m ^{2±}
RETAINED LANDS:	6.7 m [±]	30.5 m [±]	203.4 m ^{2±}

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

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

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

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):


1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be

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submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

DATED AT HAMILTON, March 13, 2024.



Steve Robichaud,
Director of Planning and Chief Planner
Consent Authority

The date of the giving of this Notice of Decision is **March 14, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (March 14, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **April 4, 2024**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.