



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-20:54

SUBJECT PROPERTY: 54 Dundas St. 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): Agent John Vitulli
Owner Waterdown Mini Storage Inc. c/o S. Manchia

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for a self-storage facility and to retain a parcel of land for future industrial development.

Severed lands:

66.37 m[±] x 125.25 m[±] and an area of 10,562.48 m^{2±}

Retained lands:

4.11 m[±] x varies and an area of 12,194.32 m^{2±}

DATE: Thursday, September 10th, 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

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

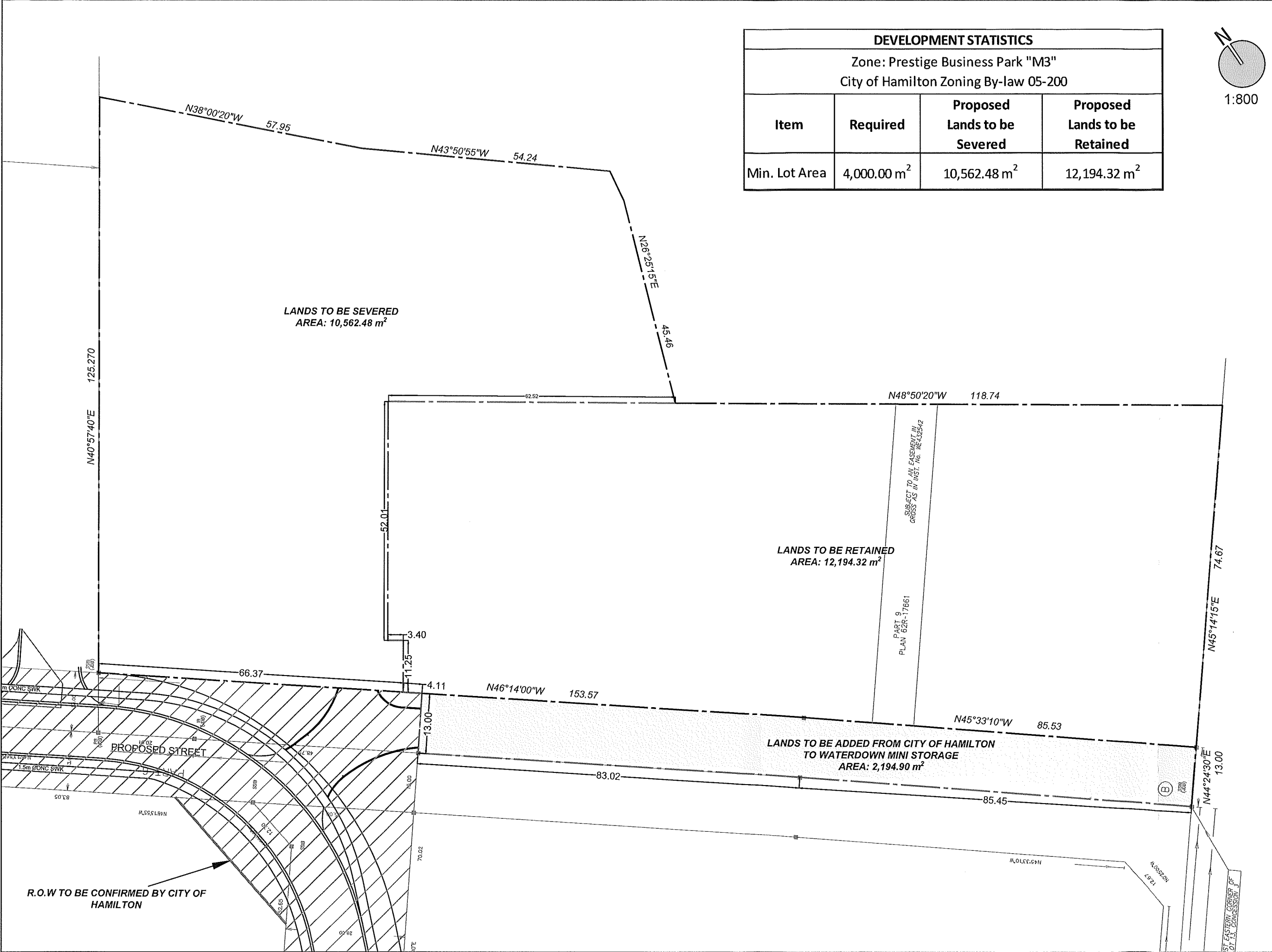
For more information on this matter, including access to drawings illustrating this request:

- 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

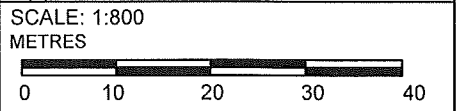
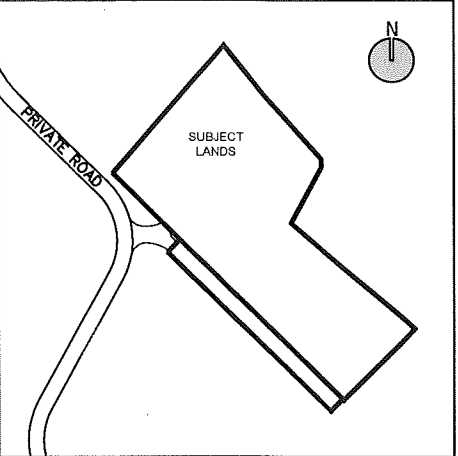
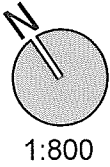
DATED: August 25th, 2020.

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			
Zone: Prestige Business Park "M3"			
City of Hamilton Zoning By-law 05-200			
Item	Required	Proposed Lands to be Severed	Proposed Lands to be Retained
Min. Lot Area	4,000.00 m ²	10,562.48 m ²	12,194.32 m ²




- LEGEND:
- PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - PROPOSED LANDS TO BE ADDED

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: AUGUST 12, 2020



**WATERDOWN
MINI STORAGE**
INC.

3 STUDEBAKER PLACE, UNIT 1
HAMILTON, ON
L8L 0C8

PROJECT:

54 DUNDAS ROAD
CITY OF HAMILTON

CLIENT:

WATERDOWN MINI STORAGE INC.
C/O SERGIO MANCHIA

TITLE:

**CONSENT TO SEVER
SKETCH**

U/S FILE NUMBER:	SHEET NUMBER:
326-19	1



Hamilton

Planning and Economic Development Department
Planning Division

RECEIVED
AUG 4 2020
COM OF ADJUSTMT

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**

20179080
Office Use Only

Date Application Received: Aug 14 2020	Date Application Deemed Complete:	Submission No.: FL/B-20-54	File No.:
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1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	Waterdown Mini Storage Inc. c/o Sergio Manchia		
Applicant(s)*	Same as Agent		
Agent or Solicitor	Vitulli Law Group c/o John Vitulli		

* 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	Lot Part of Lot 12	Concession 3	Former Township Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 54 Dundas Street 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:

Existing easement for storm drainage through the site as in inst. WE432542

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: Unknown

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)
+/-66.37 m	+/-125.25 m	+/-10,562.48 sq. m

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: Vacant

Proposed: N/A

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:

Frontage (m)	Depth (m)	Area (m ² or ha)
+/- 4.11 m	varies	+/- 12,194.32 sq. m

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: Vacant

Proposed: N/A

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): Business Park

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

The lands to be severed are proposed to be a self storage facility and the lands to be severed are

proposed to be a multi-unit contractor's establishment which are both permitted uses in the Business

Park designation.

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? Prestige Business Park (M3) in the City of Hamilton Zoning By-law No. 05-200

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"/>	N/A

A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A
A provincially significant wetland within 120 metres	<input type="checkbox"/>	N/A
A flood plain	<input type="checkbox"/>	N/A
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Future L3 WesCAM Office
An active railway line	<input type="checkbox"/>	N/A
A municipal or federal airport	<input type="checkbox"/>	N/A

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?
Consultation 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

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

☒ Yes ☐ No (Provide explanation)

The proposed Severance represents appropriate intensification within the Designated Greenfield

Area boundary of the municipality where adequate infrastructure and public service facilities are available.

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

☒ Yes ☐ No (Provide explanation)

Subject lands is located outside the Built Boundary within the Designated Greenfield Area where new development is permitted in an appropriate manner.

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

N/A

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)

Subject lands is designated as Urban Area where development is permitted.

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)

Subject lands is designated Niagara Escarpment Plan Area

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.

N/A

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.

N/A

8.4 How long has the applicant owned the subject land?

Approx. 2007

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.

N/A

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.

N/A

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 _____ Status _____

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)

☐ 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:

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)
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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)
----------------------------------	---

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):
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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 (m2 or ha): (from Section 4.1)
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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 enclosed cover letter for additional information.

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:

- the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- 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;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- 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,
 - are located on the subject land and on land that is adjacent to it, and
 - in the applicant's opinion, may affect the application;
- the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- 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



RECEIVED
AUG 17
COM OF ADJUSTMT

August 12, 2020

326-19

Via Courier

Jamila Sheffield
Secretary Treasurer, Committee of Adjustment

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

Dear Ms. Sheffield:

**RE: 54 Dundas Road, Hamilton
Site Plan (SPA-17-202)
Building Permit No. 14-135385-00 I3
Consent to Sever Application**

Waterdown Mini Storage Inc. is the owner of the lands municipally known as 54 Dundas Road, in the City of Hamilton (Subject Lands). Vitulli Law Group c/o John Vitulli are the applicant and agent representing Waterdown Mini Storage for the enclosed application. In keeping with ongoing liaison and discussions with the abutting land owners (First Gulf and L3Harris WESCAM), we are pleased to submit the enclosed Consent to Sever application as it relates to our updated development as a result of the changes proposed to Street 'C' known as Leavitt Boulevard by First Gulf/L3Harris WESCAM.

The Subject Lands are designated Business Park in the Urban Hamilton Official Plan (UHOP) and are located in the Prestige Business Park (M3) Zone of the City of Hamilton Zoning By-law No. 05-200. The Subject Lands are currently vacant.

The purpose of this application is to separate the subject lands in to two (2) separate parcels. The lands to be severed are proposed to be a self-storage facility with a total area of 10,562.48 m². The lands to be retained are proposed to be industrial condominiums with a total area of 12,194.32 m². In addition, a previous 13.00 m Right-of-Way dedication as made across the entire frontage of the subject lands that is to be transferred back from the City of Hamilton as the proposed municipal Right-of-Way is no longer extending across the entire frontage of the subject lands. These lands that are to be transferred back to Waterdown Mini Storage Inc. (approximately 2,194.90 m²) from the City of Hamilton are to be merged with the lands to be retained and are highlighted on the enclosed Consent to Sever Sketch.

The Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The subject lands will have full access to municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision. In addition, the Consent to Sever application implements the intent of the UHOP and the Provincial Policy Plan, Greenbelt Plan and Niagara Escarpment Plan. Based on the above analysis, we hold 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;
- Two (2) copies of Severance Sketch;
- One (1) copy of the cover letter prepared by the applicant, Vitulli Law Group; and,
- One (1) cheque in the amount of **\$2,845.00** made 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,

Waterdown Mini Storage



Spencer McKay, CPT
Project Manager

Cc: Mr. Sergio Manchia, Waterdown Mini Storage Inc.
Mr. Steve Robichaud, Chief Planner, City of Hamilton (cover letter and sketch only)
Mr. Tony Sergi, Senior Director, City of Hamilton (cover letter and sketch only)
Mr. Binu Korah, Manager, City of Hamilton (cover letter and sketch only)
Mr. John Vitulli, Vitulli Law Group