



Hamilton

## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> 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](mailto:cofa@hamilton.ca)

# NOTICE OF PUBLIC HEARING

## Application for Consent/Land Severance

APPLICATION NUMBER: AN/B-20:57

SUBJECT PROPERTY: 1030 Sulphur Springs Rd., Ancaster

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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 A.J. Clarke & Associates c/o Spencer Skidmore

**PURPOSE OF APPLICATION:** Owner Persi Holdings Inc. c/o Adriano Persi  
To permit the conveyance of a vacant parcel of land to be added to the property known as 998 Sulphur Springs Rd., and to create appropriate access easements. No new construction is proposed.

**Severed lands (Part 1 on Severance Sketch):**  
varies x 153.7 m<sup>2</sup> and an area of 1.521 ha<sup>±</sup>

**Retained lands:**  
Varies x 486 m<sup>±</sup> and an area of 9.55 ha<sup>±</sup>

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**DATE:** Thursday, September 10th, 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](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### 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:

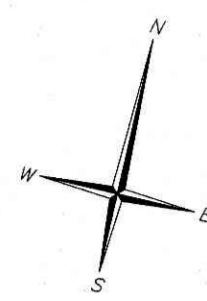
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: September 14<sup>th</sup>, 2020.

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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.***



REMAINING LANDS OF APPLICANT

PIN 17421 - 0031

PART 2 PLAN 62R - 4723

EXISTING AGRICULTURAL "A" ZONE

LOT 40

EXISTING AGRICULTURAL "A" ZONE

REMAINING LANDS OF APPLICANT

TO BE MERGED WITH ADJACENT LANDS TO THE SOUTH

PIN 17421 - 0031

CONCESSION 1

PART 1

PART 2 PLAN 62R - 4723

PROPOSED SEVERANCE  
AREA = 1.521 Hectares

PIN 17421 - 0031

PART 2 PLAN 62R - 4723

GEOGRAPHIC

TOWNSHIP

ANCASTER

PIN 17421 - 0039

EXISTING AGRICULTURAL "A" ZONE

**PART 3**  
PROPOSED EASEMENT FOR ACCESS  
AND UTILITIES FOR PART 1 LANDS

PART 3 PLAN 62R - 4723

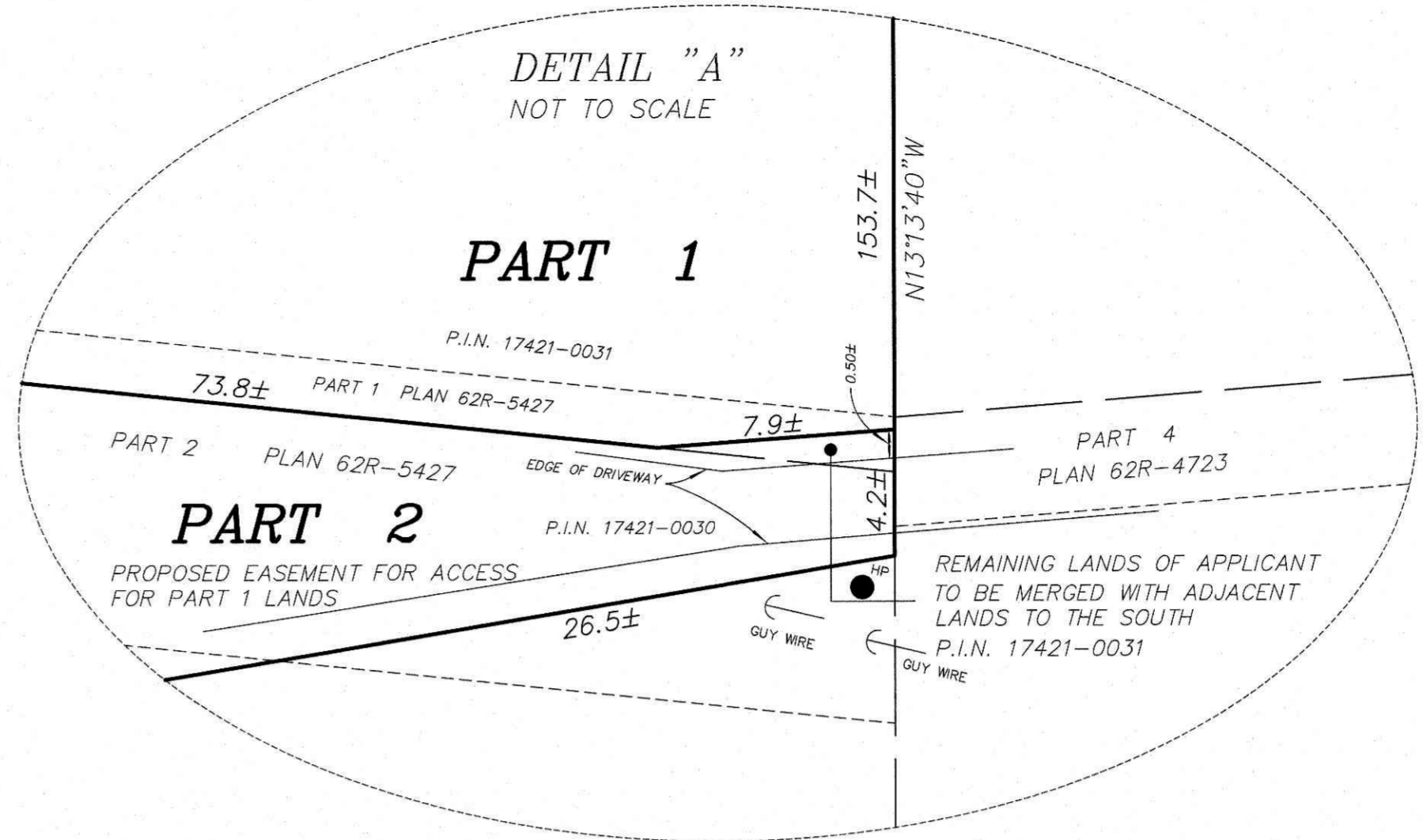
LOT 40

CONCESSION 1

GEOGRAPHIC TOWNSHIP OF ANCASTER

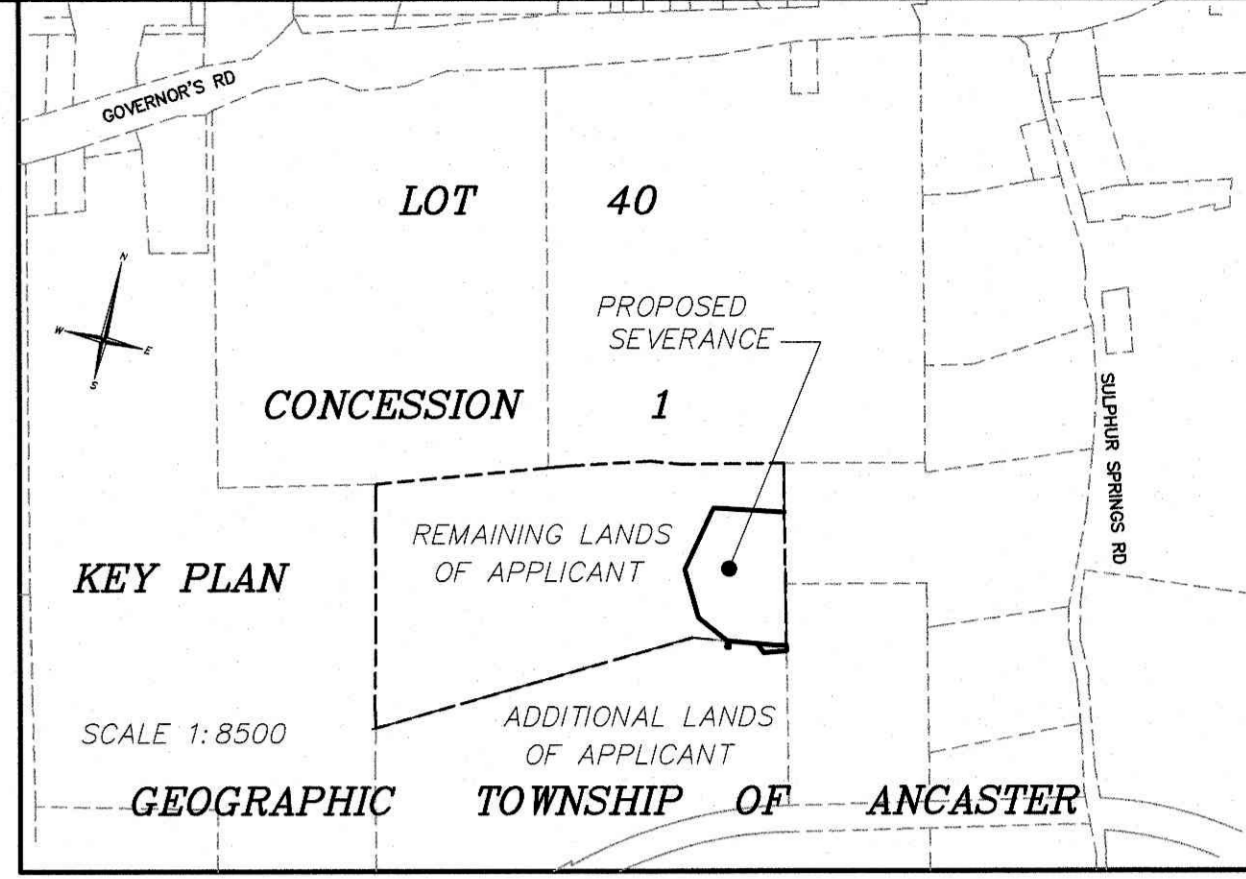
PIN 17421 - 0030

ADDITIONAL LANDS OF APPLICANT



PART 1  
PLAN 62R-13311

PIN 17421 - 0038



SKETCH FOR SEVERANCE APPLICATION FOR  
1030 SULPHUR SPRINGS ROAD  
CITY OF HAMILTON  
SCALE 1:400  
0 5 10 15 metres  
NICHOLAS P. MUTH O.L.S.

THE ABOVE NOTED LANDS ARE  
PART OF LOT 40 - CONCESSION 1  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
IN THE CITY OF HAMILTON

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

NOTES:  
THE EXISTING PARCEL BOUNDARIES SHOWN ON THIS SKETCH ARE  
COMPILED FROM PLANS ON FILE IN THIS OFFICE AND ARE NOT BASED  
ON AN ACTUAL FIELD SURVEY.  
FEATURES SHOWN ON THIS SKETCH ARE BASED ON A FIELD SURVEY  
COMPLETED SEPTEMBER 5, 2018.  
THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE  
COMMITTEE OF ADJUSTMENT FOR A CONSENT TO SEVER AND IS NOT  
INTENDED FOR REGISTRATION.  
THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL  
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR.

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

PART 1 AREA=1.521 Hectares  
MAY 19, 2020  
DATE  
N.P.M.  
NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

PART 4 PLAN 62R-5427  
SUBJECT TO A RIGHT-OF-WAY  
AS IN INST. No 180258 CD

**PART 2**  
PROPOSED EASEMENT FOR ACCESS  
FOR PART 1 LANDS

EXISTING AGRICULTURAL "A" ZONE

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-5761 FAX 905-528-2289  
email: ajc@ajclarke.com





PLAN 62R-4723  
 RECEIVED AND DEPOSITED  
 Mar 28 1979  
 M. W. Woodman  
 LAND REGISTRAR FOR THE REGISTRY DIVISION OF  
 HAMILTON-WENTWORTH (1979)  
 I REQUIRE THIS PLAN TO BE DEPOSITED UNDER  
 THE REGISTRY ACT.  
 FEBRUARY 13<sup>th</sup> 1979  
 J. W. Watson - C.S.T.

THE KING'S HIGHWAY N°99 (GOVERNOR'S ROAD)  
 (ROAD ALLOWANCE BETWEEN THE TOWNSHIPS OF ANCASTER & WEST LAMBOROUGH)

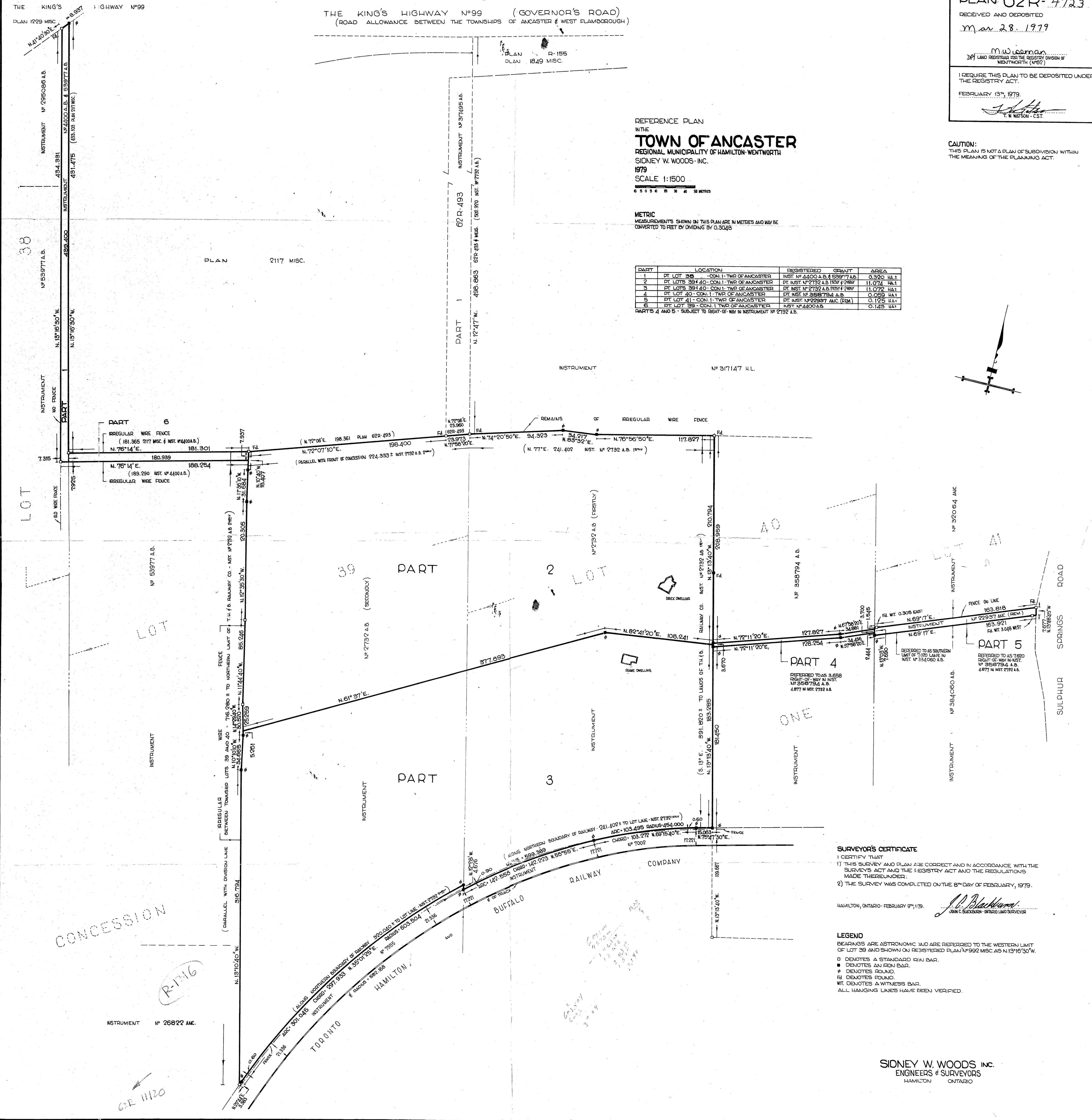
REFERENCE PLAN  
 IN THE  
**TOWN OF ANCASTER**  
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH  
 SIDNEY W. WOODS - INC.  
 1979  
 SCALE 1:1500  
 0 5 10 15 20 25 30 METRES

METRIC  
 MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND MAY BE  
 CONVERTED TO FEET BY DIVIDING BY 0.3048

PART	LOCATION	REGISTERED INSTRUMENT	GRANT	AREA
1	PT. LOT 38 - CONJ. TWP. OF ANCASTER	INST. N° 4400 A.B. & 53977 A.B.		0.320 HA ±
2	PT. LOTS 39 & 40 - CONJ. TWP. OF ANCASTER	PT. INST. N° 2732 A.B. INST. N° 2987		11.074 HA ±
3	PT. LOTS 39 & 40 - CONJ. TWP. OF ANCASTER	PT. INST. N° 2732 A.B. INST. N° 2987		11.072 HA ±
4	PT. LOT 40 - CONJ. TWP. OF ANCASTER	PT. INST. N° 355873 A.B.		0.029 HA ±
5	PT. LOT 41 - CONJ. TWP. OF ANCASTER	PT. INST. N° 22337 A.B. (REM.)		0.125 HA ±
6	PT. LOT 39 - CONJ. TWP. OF ANCASTER	INST. N° 4400 A.B.		0.145 HA ±

PARTS 4 AND 5 - SUBJECT TO RIGHT-OF-WAY IN INSTRUMENT N° 2732 A.B.

CAUTION:  
 THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN  
 THE MEANING OF THE PLANNING ACT.



**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT  
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.  
 2) THE SURVEY WAS COMPLETED ON THE 8<sup>th</sup> DAY OF FEBRUARY, 1979.  
 HAMILTON, ONTARIO - FEBRUARY 9<sup>th</sup> 1979.  
 J. D. Blackwood  
 JOHN C. BLACKWOOD - ONTARIO LAND SURVEYOR

**LEGEND**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF LOT 39 AND SHOWN ON REGISTERED PLAN N° 992 MISC. AS N 13°16'30"W.  
 □ DENOTES A STANDARD IRON BAR.  
 ■ DENOTES AN IRON BAR.  
 \* DENOTES ROUND.  
 R.I. DENOTES ROUND.  
 W. DENOTES A WITNESS BAR.  
 ALL HANGING LINES HAVE BEEN VERIFIED.

SIDNEY W. WOODS INC.  
 ENGINEERS & SURVEYORS  
 HAMILTON ONTARIO

R-1069



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.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
<b>Registered Owners(s)</b>	Persi Holdings Inc. c/o Adriano Persi		
<b>Applicant(s)*</b>			
<b>Agent or Solicitor</b>	A. J. Clarke and Associates Ltd. (c/o Spencer Skidmore)		

\* 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 Pt. 39 & 40	Concession Con. 1	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-4723	Part(s) 2
Municipal Address 1030 Sulphur Springs Road, Ancaster			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:

There is currently a mutual access easement between Parts 2 & 3 of Plan 62R-4723. This is described as Part 1 & 2 on Plan 62R-5427.

**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<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) | <input type="checkbox"/> a lease                |
| <input checked="" 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:

The lot line is to be adjusted. Part 1 on the severance sketch is to become the new limit of 1030 Sulphur Springs Road, the remainder of 1030 Sulphur Springs Road will be merged with 998 Sulphur Springs Road. No Lot creation.

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

Portion of 1030 Sulphur Springs Road to be added to 998 Sulphur Springs Road.

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be **Severed**: Part 1 on Severance Sketch

Frontage (m) N/A	Depth (m) ±153.7 metres	Area (m <sup>2</sup> or ha) ±1.521 hectares
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Existing Use of Property to be severed:

- |   |   |                                     |
|---|---|-------------------------------------|
| <input checked="" type="checkbox"/> Residential                 | <input type="checkbox"/> Industrial           | <input type="checkbox"/> Commercial |
| <input 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 checked="" type="checkbox"/> Residential                 | <input type="checkbox"/> Industrial           | <input type="checkbox"/> Commercial |
| <input 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: One Single Detached Dwelling.

Proposed: None. No construction or site alteration is proposed.

Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year

Easement across 1000 Sulphur Springs Road

- right of way  
 other public road

Type of water supply proposed: (check appropriate box)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body    |
| <input type="checkbox"/> privately owned and operated individual well              | <input type="checkbox"/> other means (specify) _____ |

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**: Parts 2 62R-4723 save & except for Part 1 of Sev. Sketch

Frontage (m) N/A	Depth (m) ±486	Area (m <sup>2</sup> or ha) ±9.553 hectares
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Existing Use of Property to be retained:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Residential                            | <input type="checkbox"/> Industrial           | <input type="checkbox"/> Commercial        |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____                  |   |  |



Proposed Use of Property to be retained:

- Residential
- Agriculture (includes a farm dwelling)
- Other (specify) To be merged with 998 Sulphur Springs Road (which contains an existing single detached dwelling.)
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Building(s) or Structure(s):

Existing: None

Proposed: None

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year

Easement across 1000 Sulphur Springs Road

- 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)

4.3 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 and Core Area (Niagara Escarpment Plan  
 Urban Hamilton Official Plan designation (if applicable) Area overlay

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

Please refer to the concurrently submitted covering letter and Planning Memo for a detailed description of how the proposed application conforms to the Rural Hamilton Official Plan.

\_\_\_\_\_

\_\_\_\_\_

5.2 What is the existing zoning of the subject land? "P6" Conservation Hazard Land Rural

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

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"/>	±200 metres (northwest)
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input checked="" 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?  
Aerial imagery and property owner's 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
- \_\_\_\_\_

Please refer to the concurrently submitted covering letter for more detail.

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- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)

Please refer to the concurrently submitted covering letter for more detail.

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- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)

Please refer to the concurrently submitted covering letter for more detail.

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- 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

Greenbelt Plan (2017) - Please refer to the concurrently submitted covering letter and Planning Memo

for more detail.

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- 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)

Please refer to the concurrently submitted covering letter and Planning Memo for more detail.

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- 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)

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- 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 the concurrently submitted covering letter and Planning Memo for more detail.

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- 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: Part 1 on Severance Sketch

Frontage (m): (from Section 4.1) N/A	Area (m <sup>2</sup> or ha): (from in Section 4.1) ±1.521 hectares
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Existing Land Use: Residential Proposed Land Use: Residential

b) Lands to be Retained: Parts 2 62R-4723 save & except for Part 1 of Sev. Sketch

Frontage (m): (from Section 4.2) N/A	Area (m <sup>2</sup> or ha): (from Section 4.2) ±9.553 hectares
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Existing Land Use: Vacant Proposed Land Use: Vacant (to be merged with 998 Sulphur Springs Road)

**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 <sup>2</sup> 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 <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> 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 <sup>2</sup> 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 (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)
----------------------------------	-------------------------------------

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)
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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.

Please refer to the concurrently submitted covering letter and Planning Memo for more information.

In addition to the lot line adjustment, the appropriate mutual access easements will be created through the subject submission.

**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



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

File No. 188147

August 24<sup>th</sup>, 2020

## **Memorandum**

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Attn: Ms. June Christy – Senior Project Manager (Rural)

**Re: 998 & 1030 Sulphur Springs Road, Ancaster, Lot Line Adjustment – Planning Memo**

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Dear Madam,

Further to our meeting and subsequent correspondence, please accept this Planning Memo, which discusses the planning policy implications of the proposed lot line adjustment at the subject address.

### **INTRODUCTION**

The subject lands consist of two abutting parcels on the west side of Sulphur Springs Road, known municipally as 998 & 1030 Sulphur Springs Road. The lands known as 998 Sulphur Springs Road have an approximate area of  $\pm 11.1$  hectares ( $\pm 27.4$  acres); and the lands known municipally as 1030 Sulphur Springs Road have an approximate area of 11.2 hectares (27.7 acres). Both parcels are currently used for residential purposes and a single detached dwelling is located on each parcel. Both parcels are currently accessed via a private right-of way across the lands to east, which connects to Sulphur Springs Road. The subject lands are described as Parts 2 & 3 on Reference Plan 62R-4723; which is attached hereto as Appendix A.

The subject application would consist of a lot line adjustment in order to re-align the existing mutual lot line between 998 & 1030 Sulphur Springs Road. This would result in 1030 Sulphur Springs Road being reduced to a  $\pm 4-5$  acre lot, while the size of 998 Sulphur Springs Road would be increased to  $\pm 50$  acres. The purpose of this lot line adjustment would be to facilitate the future transfer of 1030 Sulphur Springs Road with less acreage ( $\pm 4-5$  acres). Appropriate access easements are also proposed to be created through this application. It is important to note however, that there is no construction or lot creation proposed within this application.



The forthcoming sections serve to highlight the applicable land use planning policy as it relates to the proposal. The proposal has been evaluated with respect to the Greenbelt Plan, Niagara Escarpment Plan, Rural Hamilton Official Plan, and Zoning By-law.

### **GREENBELT PLAN (2017)**

The subject lands are identified on Map 107 of the Greenbelt Plan detailed mapping, which is attached hereto in Appendix B. The lands are designated as ‘Niagara Escarpment Plan Area’ on the applicable Greenbelt Plan Mapping. The Greenbelt Plan largely defers to the Niagara Escarpment Plan with respect to lands that are located within the Niagara Escarpment Plan Area. Please refer to the below excerpt from the Greenbelt Plan.

#### Section 2.2 Lands within the Niagara Escarpment Plan Area

*“The requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply and the Protected Countryside policies do not apply, with the exception of section 3.3.”*

Section 3.3 mentioned above, relates to parkland, open space and trails and is not considered pertinent to the proposal. As it relates to the subject lands, the Greenbelt Plan defers to the policies of the Niagara Escarpment Plan.

### **NIAGARA ESCARPMENT PLAN (2017)**

The subject lands can be located on Map No. 2 of the Niagara Escarpment Commission online mapping, which is attached hereto in Appendix B. The subject lands are designated as ‘Escarpment Protection Area’. The subject lands also fall within the Niagara Escarpment Development Control Area, indicating that they are subject to development regulation through the NEC (NEC Development Permit). Furthermore the lands are identified as being a ‘Buffer Area’ within the Niagara Escarpment Biosphere Reserve.

The Escarpment Protection Area designation aims to protect and enhance natural and hydrologic features and the open landscape character of the escarpment and lands in its vicinity.

Section 1.4.3 of the Plan outlines the uses permitted within the Niagara Escarpment Protection Area (NEPA). Please note that these uses are subject to Part 2, Development Criteria of the Plan, which will be discussed later herein. ‘Single dwellings’ are considered a permitted use within the NEPA. A ‘Single dwelling’ is described as “A separate building containing not more than one dwelling unit and may include a chalet,





*cottage, mobile home or group home*” within the Plan. The existing single detached dwellings on the subject lands are considered single dwellings under the NEP, and would therefore be considered a permitted use.

Section 1.4.4 of the Plan outlines the Lot Creation policies for lands located within the NEPA. This section states that new lots may be created subject to the following criteria:

1. Conformity with the policies of Section 1.4.4.
2. Conformity with the applicable policies in Part 2 of the NEP.
3. Conformity with local municipal official plans.
4. Conformity with zoning by-laws that are not in conflict with the NEP.

Policy 1.4.4.2 of the Plan states that provided that no new building lot(s) are created, a severance may be permitted:

b) for the purpose of enlarging existing lots.

The proposal would consist of a consent application for a lot line adjustment, where no new building lot(s) are created for the purposes of enlarging an existing lot. The proposal therefore complies with Section 1.4.4 of the NEP, satisfying criteria 1, above.

Section 2 of the NEP contains the development criteria, by which all development within the Plan area must abide. Further to Section 1.4.4, above, a proposed lot line adjustment would be required to comply with these development criteria in order to satisfy criteria 2, as listed above. A review has been completed of Section 2 of the NEP and it has been determined that the proposed lot line adjustment is in general conformity with the applicable policies of Section 2 of the NEP. Accordingly, criteria 2 of the lot creation polices, as listed above can be satisfied.

We respect to criteria 3 and 4, listed above; these criteria will be further evaluated through the subsequent Rural Official Plan and Zoning By-law sections of this report in order to determine conformity with the lot creation policies of the NEC.

### **RURAL HAMILTON OFFICIAL PLAN (2014)**

The subject lands are designated as ‘Natural Heritage Feature – Core Area’ and as ‘Niagara Escarpment Plan Area’ on Schedule B of the Rural Hamilton Official Plan. The lands are further identified as ‘Niagara Escarpment Protection Area’ on Schedule A of the Rural Hamilton Official Plan. Lastly, the lands are designated as ‘Rural’ on Schedule D of the RHOP. Schedule A, B & D of the RHOP are attached hereto in Appendix B.



Section C.1.1 of the Rural Hamilton Official Plan (RHOP) outlines the policy framework that applies to the lands identified as “Niagara Escarpment Plan Area” on Schedule A & B of the RHOP. Policy C.1.1.1 of the RHOP states that any development within the NEP Area shall meet the requirements of the Rural Hamilton Official Plan, The NEP, and the Parkland, Open Space and Trails policies of the Greenbelt Plan. Where there is a conflict of policy, the most restrictive policy shall apply.

Section C.1.1.3 contains the policies that apply to lands identified as ‘Niagara Escarpment Protection Area’ on Schedule A of the RHOP. Policy 1.1.3 c) of the RHOP states that where lands are designated as Rural on Schedule D of the RHOP, the policies of Section D.4, Rural Designation of the RHOP apply. Accordingly, the policies of Section D.4 of the RHOP are applicable to the subject lands and will be discussed later in this section.

Policy C.1.1.6 c) states that no new lots shall be created in the Escarpment Natural or Protection Areas, unless such lot creation is for the purposes of correcting conveyances, enlarging existing lots, or acquisition by a public body or authority, and to allow surplus farm dwelling severances.

As previously mentioned, the subject lands are designated as ‘Rural’ on Schedule D of the RHOP. Thus, the policies of Section D.4 of the RHOP apply. Permitted uses in the ‘Rural’ designation include a variety of agricultural and rural land uses in addition to those permitted within the ‘Agricultural’ designation. The permitted uses within the ‘Rural’ designation include one single detached dwelling per existing lot. Accordingly, the existing single detached dwellings are permitted uses within the ‘Rural’ designation.

The subject lands are also regulated by the ‘Core Area’ policies of the RHOP, as the subject lands are identified as a Core Natural Heritage Feature. Section C.2.3 of the RHOP contains the policies that are applicable to Core Areas. Policy C.2.3.3 states that any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions.

The subject lands are located outside of the Greenbelt’s Protected Countryside, and would therefore be governed by the Core Area policies for Core Areas - Outside of the Greenbelt Plan Area (Section C.2.5). Policy C.2.5.1 states that permitted uses within the ‘Core Area’ designation include a variety of conservation related uses and existing uses in accordance with Section F.1.12, Non-conforming and non-complying uses of this Plan. The two existing single detached dwellings would be considered an existing use, as defined by the RHOP. Section F.1.12 shall be discussed later herein as it relates to the existing residential use on the subject lands.

Many policies that are applicable to Core Areas state that no new development or site alteration shall be permitted within a Core Area (Pol. C.2.5.3) unless the ecological



function of the land has been evaluated and it has been demonstrated through an Environmental Impact Statement in accordance with Section F.3.2.1 that there will be no negative impacts on the natural features or their ecological functions. However, based on the RHOP definition of 'development' and 'site alteration', the proposed lot line adjustment is not considered development or site alteration as defined under the RHOP. Please refer to the definitions of development and site alteration below:

***'Development:*** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a) *Activities that create or maintain infrastructure used by a public body and authorized under an environmental assessment process; or*
- b) *Works subject to the Drainage Act; or*
- c) *The carrying out of agricultural practices on land that was being used for agriculture on or before December 16, 2004 unless the development entails the construction of buildings or structures. (Greenbelt, 2005, amended).*

***'Site Alteration:*** means activities, such as grading, excavation, and the placement of fill that would change the landform and natural vegetative characteristics of a site'

Section F.1.12 of the RHOP regulates 'non-conforming and non-complying uses'. The existing residential use would be considered a non-conforming use, as residential uses are not permitted within Core Areas. Policy F.1.12.1 of the RHOP states that an existing use, located outside of the Protected Countryside as identified on Schedule A – Provincial Plan, that does not comply with the land use designation and policies of the RHOP (Core Area Policies) that existed prior to December 16, 2004 may continue, provided that:

- a) *The non-complying use did not conflict with the Official Plan and Zoning Bylaw in effect at the time the use was established; and*
- b) *The non-complying use has not been interrupted subsequent to the approval of this Plan.*

The existing residential use on the subject lands appears to conform with the criteria above, and therefore should be permitted to continue. Based on the previous OMB Decision from June, 1979 and associated Reference Plan 62R-4723 it would appear that the residential use was legally established on both lots through the permitted



consent application. The owner would need to confirm that the use has not been interrupted subsequent to the approval of the RHOP.

Section F.1.14.2 contains the Lot Creation policies of the RHOP, which includes policies for lot additions and lot line adjustments. Section F.1.14.2.1 d) contains the policies that govern all proposed lot additions. All proposed lot additions shall:

- i) comply with the policies of this Plan including rural settlement area plans 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 lots will retain frontage on a public road;*
- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).*

Policy F.1.14.2.5 of the RHOP contains a further criterion that regulates lot additions in all designations. Lot additions for permitted uses may be considered provided the following conditions are met:

- a) No new lots shall be created;*
- b) All resulting lots shall be:*
  - i) 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; and,*
  - ii) be compatible with and not hinder surrounding agricultural operations.*
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).*
- d) For lands within the Specialty Crop designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 16.2 hectares (40 acres).*



- e) *For lands within the Rural designation where a lot addition will result in the creation of a non-agricultural lot, any existing building or structure for an established residential, commercial or industrial use shall be located on the proposed non-agricultural lot;*
- f) *The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.*
- g) *The maximum lot size for lot additions outside of designated Rural Settlement Areas, except 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.*
- h) *The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.*

Further discussion with Staff was required to confirm that the proposal conforms to Policy F.1.14.2.1 d), which states that all proposed lot additions shall only be permitted when both lots retain frontage on a public road. The intent of this policy is to avoid scenarios where a lot addition creates a land locked parcel or a parcel without access. As previously discussed herein, the subject lands are accessed via a right-of-way and do not have frontage on a public road. The proposed lot line adjustment will not change or exasperate the lack of existing frontage for the two existing residential lots. The two existing lots were legally established without frontage on a public road. Further discussions with City Staff have confirmed that since no new lots will be created, and no frontage exists today, that the lack of frontage will not be an issue and that Staff will be able to support the application as a lot line adjustment.

Based on the above, the proposed lot line adjustment does comply with the policies of the Rural Hamilton Official Plan. Further discussions with City Staff have confirmed that since no new lots will be created, and no frontage exists today, that the lack of frontage will not be an issue and that Staff will be able to support the application as a lot line adjustment. Accordingly, Policy F.1.14.2.1 d) iv), which requires the resultant lots of a proposed lot addition to retain frontage on a public road is being complied with. Furthermore, the policy in question specifies that both of the resultant lots should “retain” frontage on a public road; whereas in this instance, neither of the legally established lots have frontage to “retain”.



## **CITY OF HAMILTON ZONING BY-LAW 05-200**

The subject lands are located in the Niagara Escarpment Commission's Area of Development Control, meaning local municipal Zoning provisions are not applicable law. The Zoning provisions however, are useful for reference. The subject lands are zoned as Conservation Hazard land Rural (P6) under the City of Hamilton Zoning By-law 05-200. Please refer to the Zoning Mapping attached hereto in Appendix B. Single detached dwellings are a permitted use within the P6 Zone. New single detached dwellings on lots where one previously existed shall be developed in accordance with Sections 12.1.3.3 and 4.8.2 of the Zoning By-law. Section 12.1.3.3 includes a variety of lot standards, including minimum lot area, lot width, maximum building height, and yard setbacks. The ability of the resulting lots to meet these performance standards is contingent on the final lot layout and building design. Section 4.8.2 of the Zoning By-law regulates the location and size of accessory structures, conformity with this provision also depends on final lot layout and building design. It should also be noted that the proposed lots do not conform to Section 4.3 of the Zoning By-law, which requires all lands to have frontage on a street. However, it has been confirmed with City Staff that a Minor Variance will not be required as these lands fall within the Niagara Escarpment Commission's Area of Development Control, meaning local municipal Zoning provisions are not applicable law. They are however a useful tool for design guidance.

## **OTHER SURROUNDING APPROVALS**

A lot line adjustment was approved in 2006 on the lands at 1000 Sulphur Springs Road. The Notice of Decision for this severance is attached hereto as Appendix C.

## **CONCLUSION**

Based on the foregoing, the proposed lot line adjustment conforms to the Greenbelt Plan and conforms to the Niagara Escarpment Plan. Further discussion with City Staff was required in order to confirm that the proposal conforms to the Rural Hamilton Official Plan. This further discussion with City Staff has indicated that the lack of frontage on Sulphur Springs Road will not be an issue as both lots are existing without frontage, and no new lots will be created. The lots that exist today do not have frontage on Sulphur Springs Road. Furthermore, during further discussion with NEC Planning Staff, it has been determined that an NEC Development Permit will not be required as the proposed lot line adjustment does not constitute "development". The NEC will however, be circulated on the consent application for further confirmation. City Staff has also confirmed via email that they will be able support the proposal as a lot line adjustment.



How the existing servicing of the existing dwellings meets the requirements of Section C.5.1 of the Official will need to be determined through the provision of the appropriate materials through the application process.

The proposed lot line adjustment represents good planning and should be approved.

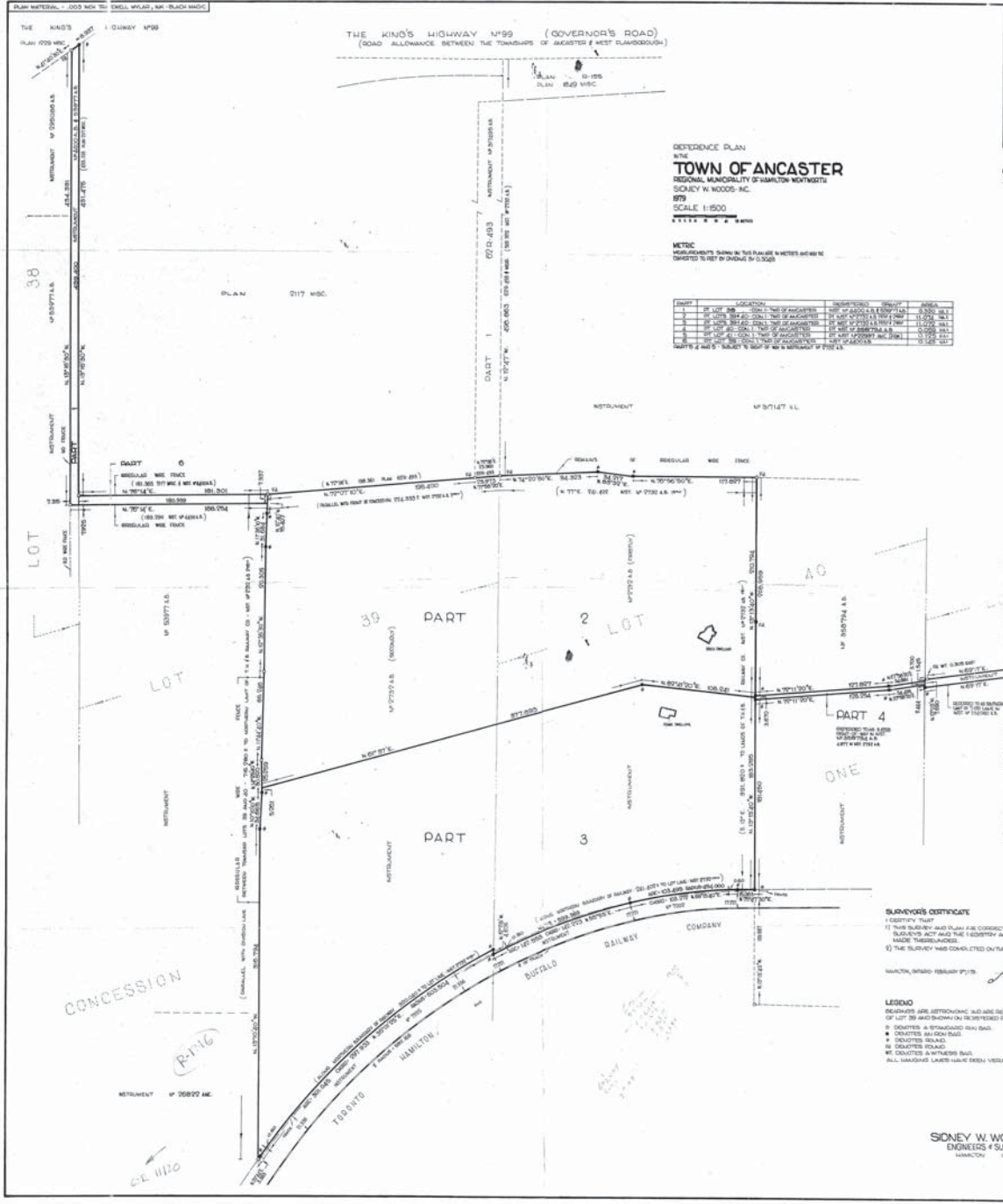
Sincerely,

Spencer Skidmore, MCIP, RPP  
**A.J. Clarke and Associates Ltd.**



**APPENDIX A: Reference Plan 62R-4723**





PLAN 62R-4723  
 RECEIVED AND DEPOSITED  
 MAY 23, 1979

M. W. WOODS INC.  
 ENGINEERS & SURVEYORS  
 HAMILTON, ONTARIO

BEFORE THIS PLAN IS DEPOSITED UNDER  
 THE REGISTRY ACT  
 FEBRUARY 15, 1979

*[Signature]*  
 M. W. WOODS

REFERENCE PLAN  
 N°76  
 TOWN OF ANCASTER  
 REGIONAL MUNICIPALITY OF HAMILTON NORTHWEST  
 SONEY W. WOODS INC.  
 879  
 SCALE 1:1500  
 METRIC

NO.	LOCATION	INSTRUMENT NO.	DATE
1	LOT 38	M 2000	1978
2	LOT 39	M 2000	1978
3	LOT 40	M 2000	1978
4	LOT 38	M 2000	1978
5	LOT 39	M 2000	1978
6	LOT 40	M 2000	1978

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT  
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE  
 SURVEY ACT AND THE REGISTRY ACT AND THE REGULATIONS  
 MADE THEREUNDER;  
 2) THE SURVEY WAS COMPLETED ON THE 8th DAY OF FEBRUARY, 1979

WALTER BRIDGES SURVEYOR P. 175  
*[Signature]*  
 WALTER BRIDGES

**LEGEND**  
 BEARINGS AND DISTANCES ARE REFERENCED TO THE MERIDIAN OF  
 LOT 38 AND SHOWN ON THIS PLAN IN ACCORDANCE WITH THE  
 SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.  
 1. DOTTED LINE AND STRAIGHTENED CURVE  
 2. DOTTED LINE AND STRAIGHTENED CURVE  
 3. DOTTED ISLAND  
 4. DOTTED ISLAND  
 5. DOTTED ISLAND  
 6. DOTTED ISLAND  
 ALL UNLINED LINES HAVE BEEN VERIFIED

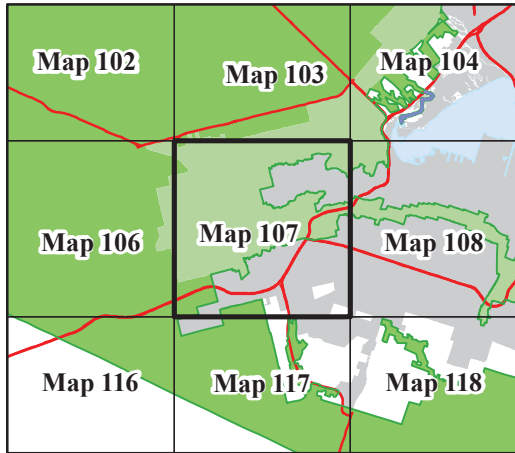
SONEY W. WOODS INC.  
 ENGINEERS & SURVEYORS  
 HAMILTON, ONTARIO

R-1069



## **APPENDIX B: Associated Mapping**

# greenbelt



**LEGEND**

- Greenbelt Area\*
- Protected Countryside
- Natural Heritage System
- Towns / Villages
- Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area
- External Connections
- Settlement Areas Outside the Greenbelt
- Upper Tier Municipal Boundaries
- Lower & Single Tier Municipal Boundaries
- Lots and Concessions
- Major Road or Highway
- Minor Road
- F.N. First Nations

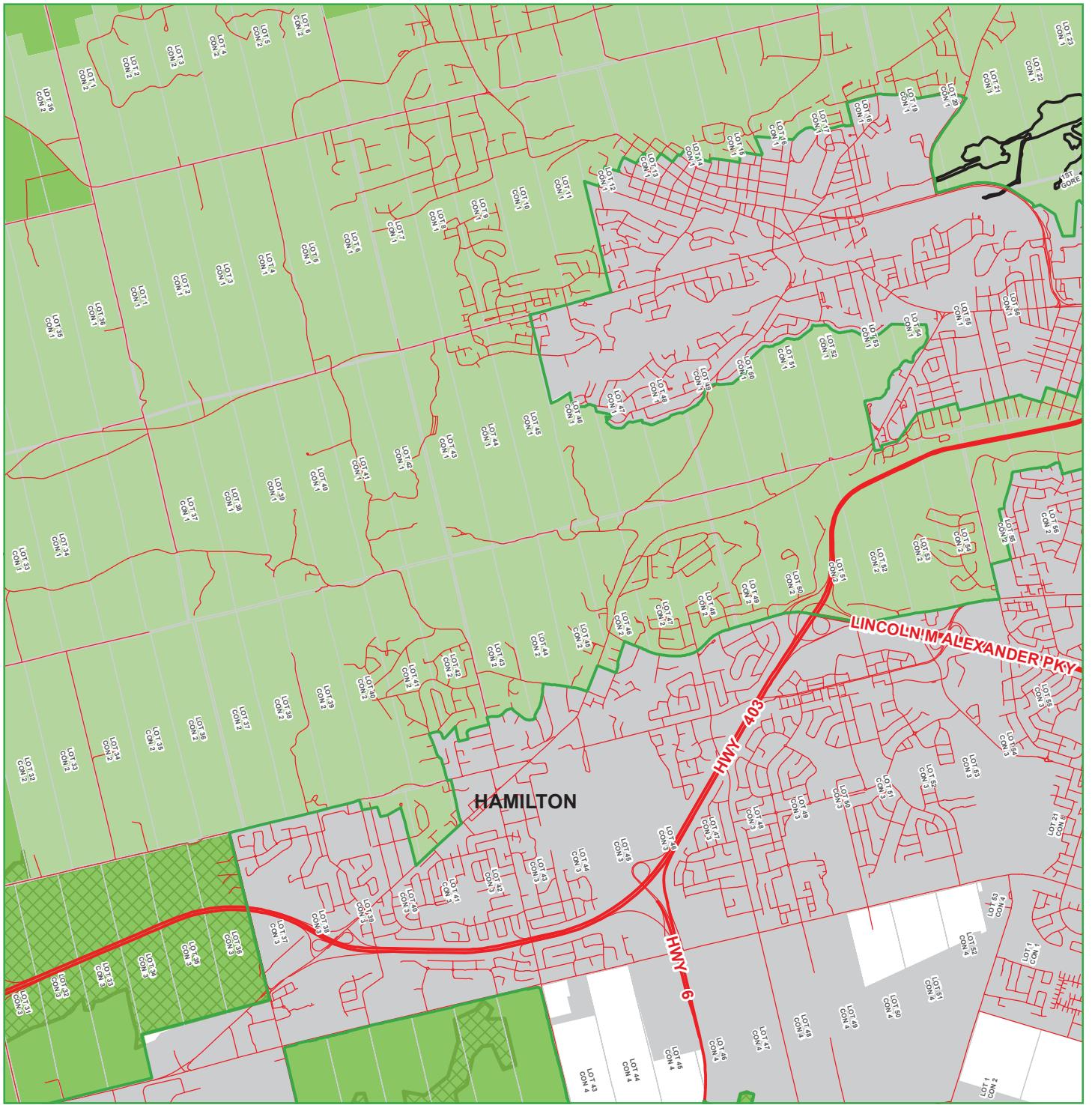
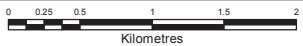
The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

Settlement boundaries generally reflect information provided by the relevant municipality. For precise boundaries and locations of Settlement Areas (Greenbelt Towns/Villages and Hamlets) the appropriate municipalities should be consulted.

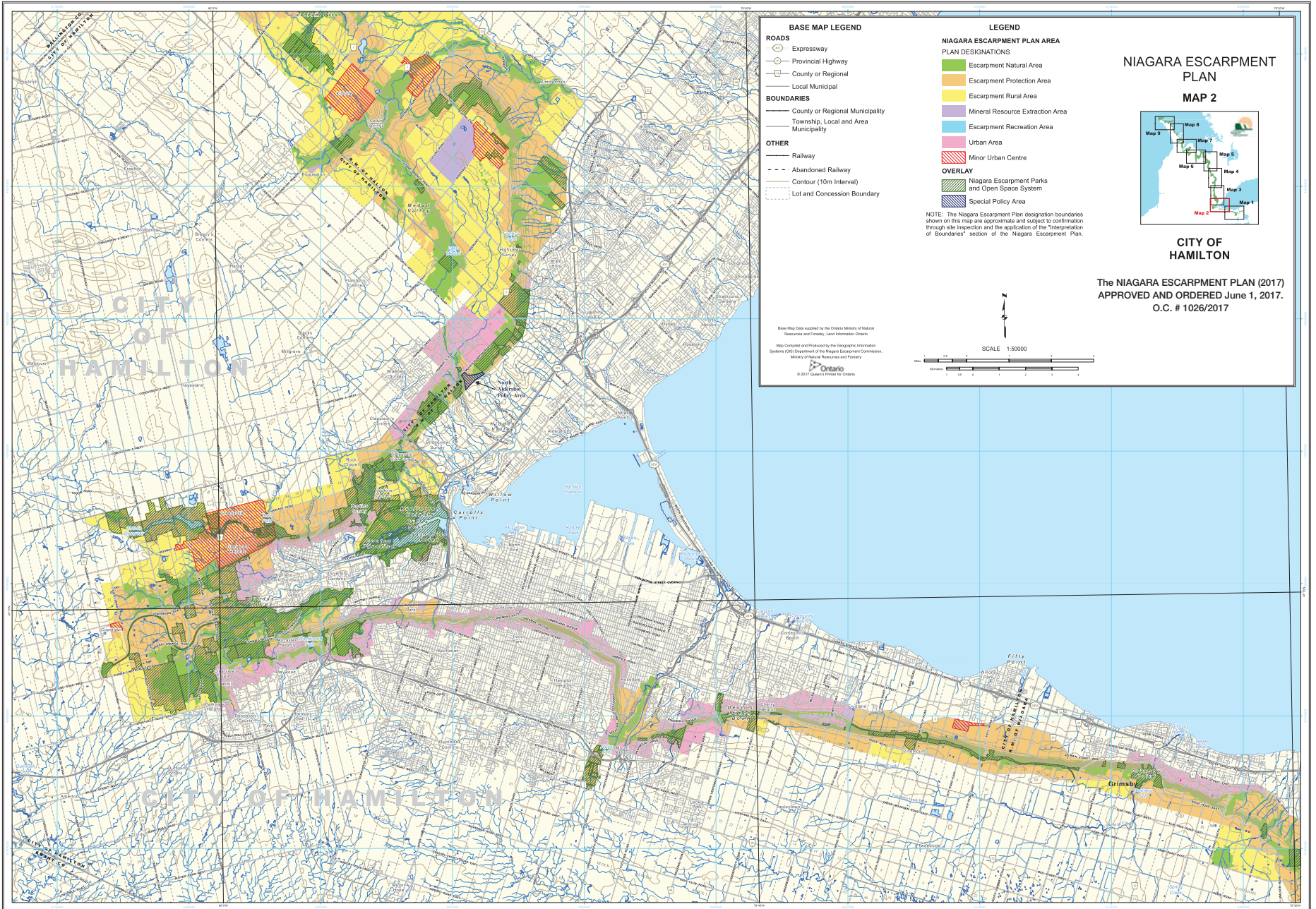
Source of Information:  
Produced by and using data sources from the Ministry of Municipal Affairs, Ministry of Natural Resources and Forestry and the Ministry of Agriculture, Food and Rural Affairs.

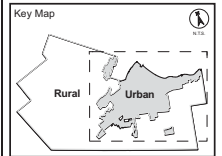
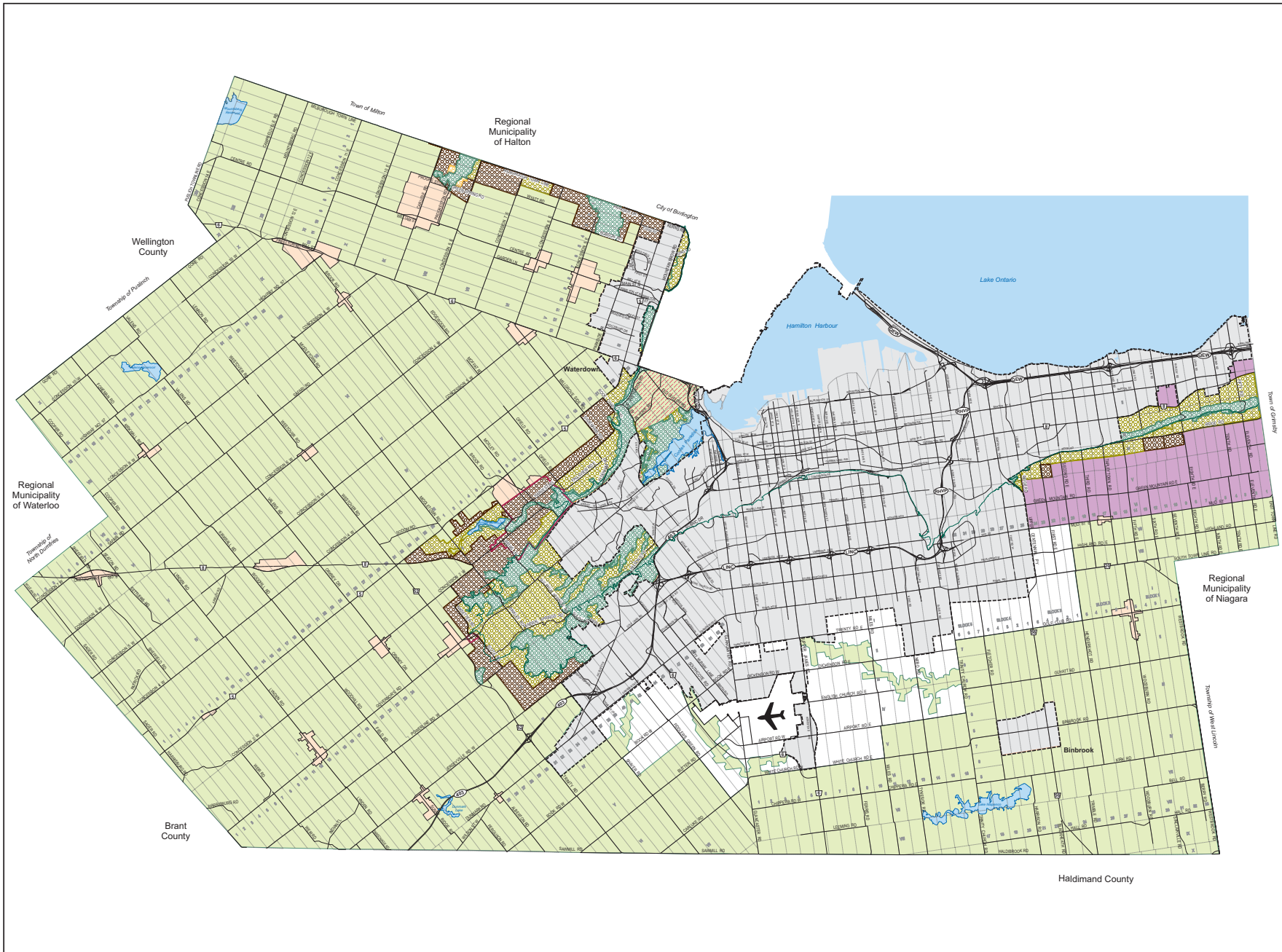
Projection: UTM Zone 17 NAD83  
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\* Ontario Regulation 59/05, as amended.



# City of Hamilton





Note: For Urban Provincial Plan Designations, refer to Schedule A of the Urban Hamilton Official Plan.

**Legend**

- Parkway Belt West Plan Area
- Greenbelt Plan Designations**
  - Protected Countryside
  - Hamlets (Rural Settlement Areas)
  - Towns and Villages
  - Speciality Crop
- Niagara Escarpment Plan Designations**
  - Natural Area
  - Protection Area
  - Mineral Resource Extraction Area
  - Rural Area
  - Urban Area
  - Minor Urban Centres
- Other Features**
  - Urban Area
  - John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - Urban Boundary
  - Municipal Boundary

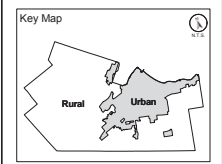
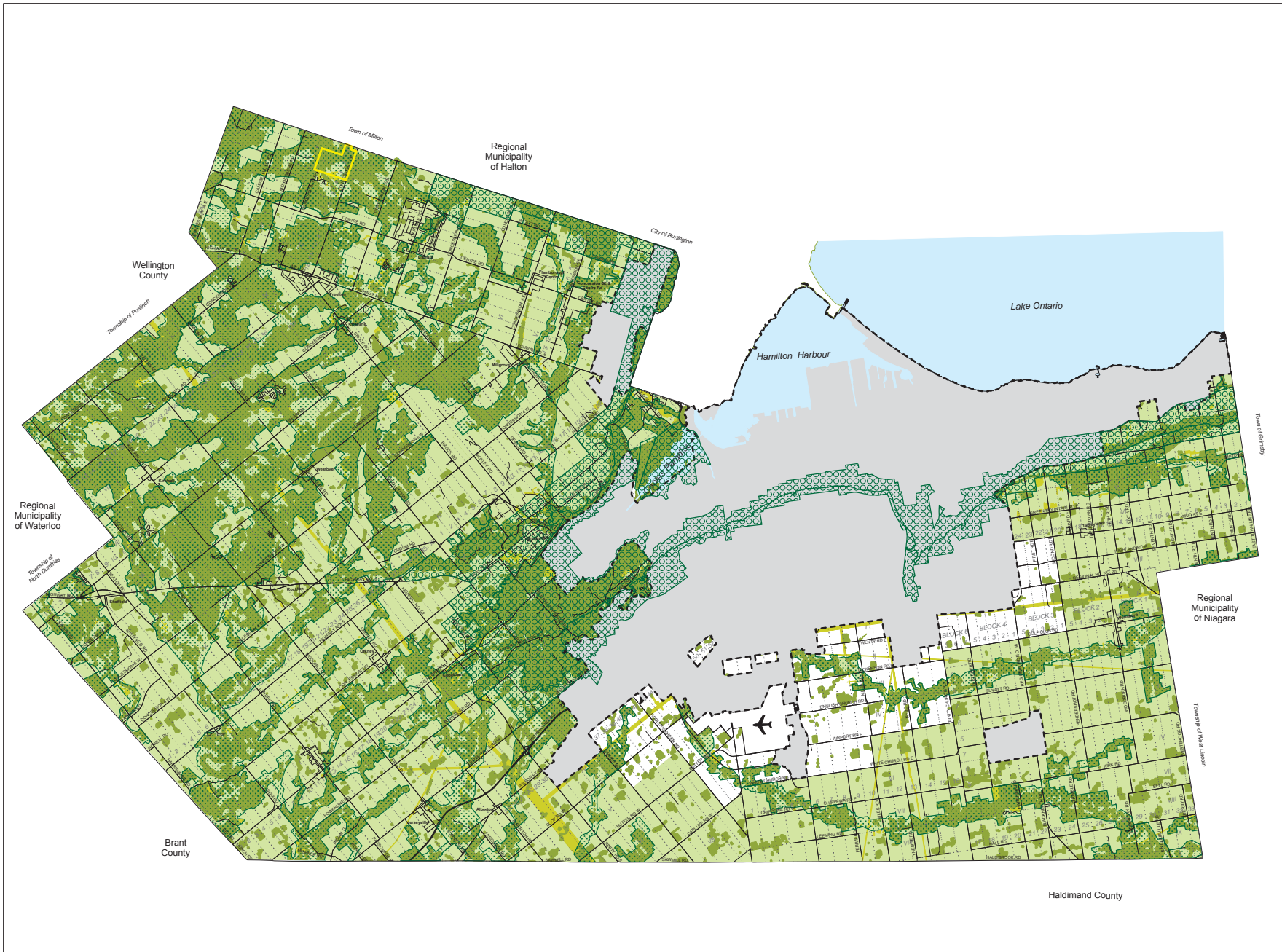
\* Note: Refer to the appropriate Provincial Plan for detailed mapping

Council Adoption: September 27, 2006  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan  
 Schedule A  
 Provincial Plans**



Date: April 10, 2015  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
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**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B of the Urban Hamilton Official Plan.

Deferral pending the resolution of the Official Plan Amendment application

**Legend**

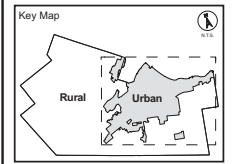
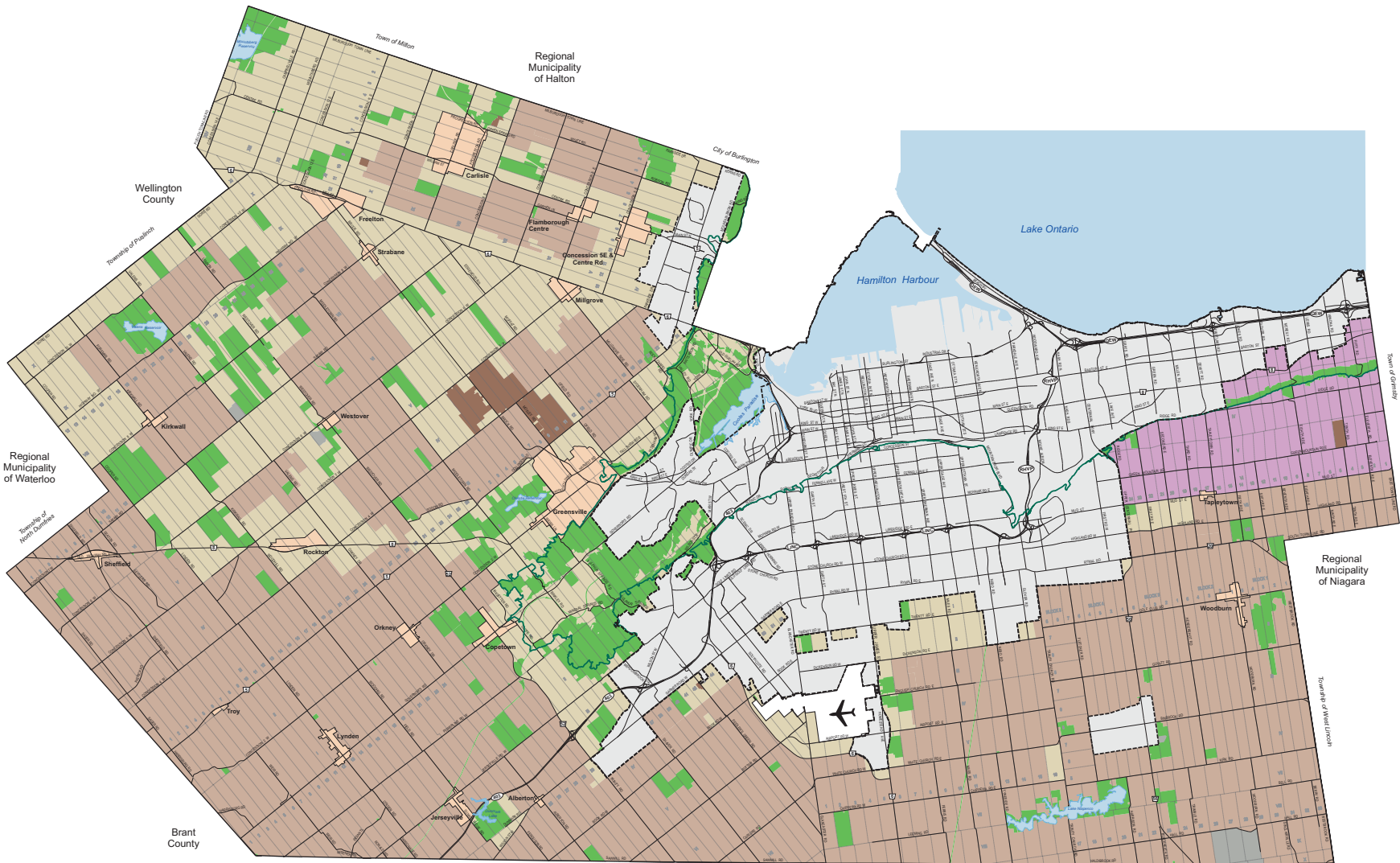
- Rural Settlement Areas
- Natural Heritage Features**
- Core Areas
- Linkages
- Greenbelt Protected Countryside
- Greenbelt Natural Heritage System
- Niagara Escarpment Plan Area
- Other Features**
- Urban Area
- John C. Munro International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: September 27, 2006  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan  
 Schedule B  
 Natural Heritage System**



Date: Feb. 27, 2018  
 Not To Scale  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
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Note: For Urban Land Use Designations, refer to Schedule E-1 of the Urban Hamilton Official Plan.

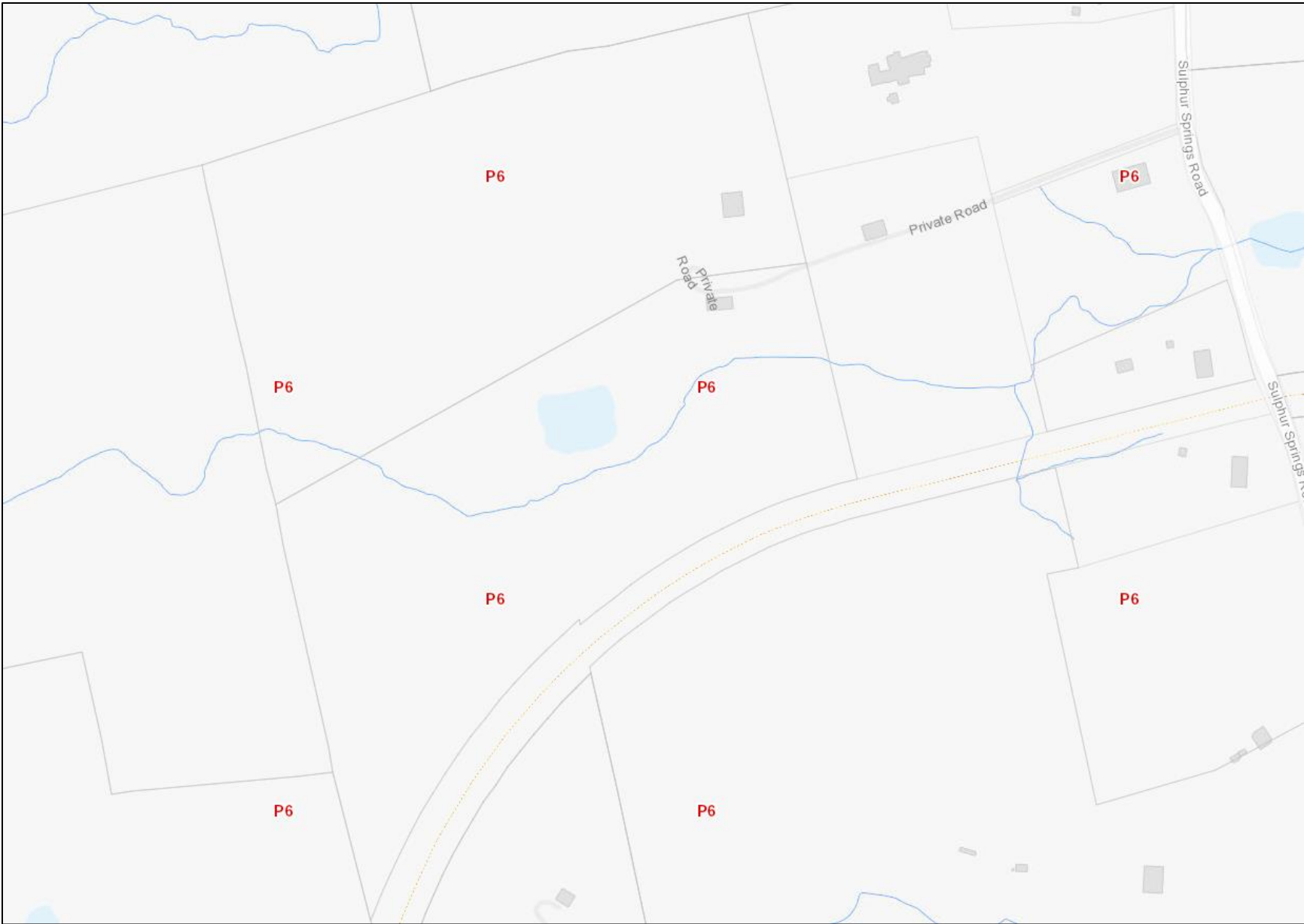
- Legend**
- Rural Settlement Areas
- Rural Land Use Designations**
- Agriculture
  - Specialty Crop
  - Rural
  - Mineral Aggregate Resource Extraction Areas
  - Open Space
  - Utility
- Other Features**
- Urban Area
  - John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - Urban Boundary
  - Municipal Boundary

Council Adoption: September 27, 2006  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan  
 Schedule D  
 Rural Land Use Designations**



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**APPENDIX C: Notice of Decision**



Committee of Adjustment  
City Hall  
7<sup>th</sup> floor, 71 Main Street West  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. AN/B-06:173**  
**SUBMISSION NO. B-173/06**

**IN THE MATTER OF** The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

**AND IN THE MATTER OF** the Premises known as Municipal number 1034 Sulphur Springs Road, formerly in the Town of Ancaster, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the agent Hicks-Pettes Architects Inc. on behalf of the owner J. Bruce DeLottinville, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular-shaped vacant parcel of land having a frontage of 96.77m± (317.49'±), and an area of 4.23ha.± (10.45ac.±) to be added to the lands to the south known municipally as 1000 Sulphur Springs Road for residential purposes, and to retain an irregular-shaped parcel of land having a frontage of 77.47m± (254'±), and an area of 1.35ha.± (3.32ac±) containing an existing single family dwelling for residential purposes.

**THE DECISION OF THE COMMITTEE IS:**

That the said application **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Ancaster Official Plans.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

**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 conditions.**

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.
2. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. That the owner/applicant applies for and receives a development permit as required under the Niagara Escarpment Planning and Development Act.
4. That the owner/applicant prepare and submit a Tree Preservation Plan, to be prepared by a licensed landscape architect (OALA) or a professional arborist, to the satisfaction of the City's Manager, Development Planning.
5. That the owner/applicant conduct an archaeological assessment for the area(s) of development; in particular, over the lands of the driveway location, dwelling location, and swimming pool location. Mitigation, through preservation or resource removal and documentation, shall be conducted to minimize adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

DATED AT HAMILTON this 6th day of December, 2006.

SIGNED:

\_\_\_\_\_  
F. Carrocci, Chairman

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
F. Jewell

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 13th, 2006.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS  
NOTICE OF DECISION (December 13th, 2007) OR THE APPLICATION SHALL BE DEEMED  
TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL  
BOARD MAY BE FILED IS January 2nd, 2007.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

August 24<sup>th</sup>, 2020

The City of Hamilton  
Committee of Adjustment  
Planning and Economic Development Department  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Attn: Ms. Jamila Sheffield - Secretary-Treasurer

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**Re: Lot Line Adjustment Application (Consent) for 1030 Sulphur Springs Road,  
Ancaster**

Dear Madam,

Please accept the attached materials in support of an application for municipal consent (lot line adjustment) on the subject lands. The subject application would consist of a lot line adjustment in order to re-align the existing mutual lot line between 998 & 1030 Sulphur Springs Road. This would result in 1030 Sulphur Springs Road being reduced to a  $\pm 4$ -5 acre lot, while the size of 998 Sulphur Springs Road would be increased to  $\pm 50$  acres. The purpose of this lot line adjustment would be to facilitate the future transfer of 1030 Sulphur Springs Road with less acreage ( $\pm 4$ -5 acres). Appropriate access easements are also proposed to be created through this application. It is important to note however, that there is no construction or lot creation proposed within this application.

The subject lands consist of two abutting parcels on the west side of Sulphur Springs Road, known municipally as 998 & 1030 Sulphur Springs Road. The lands known as 998 Sulphur Springs Road have an approximate area of  $\pm 11.1$  hectares ( $\pm 27.4$  acres); and the lands known municipally as 1030 Sulphur Springs Road have an approximate area of 11.2 hectares (27.7 acres). Both parcels are currently used for residential purposes and a single detached dwelling is located on each parcel. Both parcels are currently accessed via a private right-of way across the lands to the east, which connects to Sulphur Springs Road. The subject lands are described as Parts 2 & 3 on Reference Plan 62R-4723.

As required for the above-noted application, please find attached the following:

1. A cheque in the amount of \$3,219.00 made payable to the City of Hamilton in payment of the Severance Application Fee.
2. Two (2) copies of the completed and signed Application Form.
3. One (1) full sized copy of the Severance Sketch, prepared by A.J. Clarke and Associate Ltd.
4. Two (2) copies of the Severance Sketch, reduced to 11x17.
5. One (1) copy of Reference Plan 62R-4723.
6. One (1) copy of a Planning Memo that outlines the applicable planning policy considerations, prepared by A.J. Clarke and Associates Ltd.



Please note that the applicable policies and analyses as they relate to questions 5.1, 5.2 & 7.1 of the submitted Application Form are addressed in the concurrently submitted Planning Memo.

I would like to thank you for your cooperation in this matter, if you require anything further or have any questions, please do not hesitate to contact our office.

Sincerely,

Spencer Skidmore RPP, MCIP  
Planner  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy: Persi Holdings Inc. (Attn: Adriano Persi)





Committee of Adjustment  
City Hall  
7<sup>th</sup> floor, 71 Main Street West  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENT\LAND SEVERANCE**

**APPLICATION NO. AN/B-06:173**  
**SUBMISSION NO. B-173/06**

**IN THE MATTER OF** The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

**AND IN THE MATTER OF** the Premises known as Municipal number 1034 Sulphur Springs Road, formerly in the Town of Ancaster, now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the agent Hicks-Pettes Architects Inc. on behalf of the owner J. Bruce DeLottinville, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular-shaped vacant parcel of land having a frontage of 96.77m± (317.49'±), and an area of 4.23ha.± (10.45ac.±) to be added to the lands to the south known municipally as 1000 Sulphur Springs Road for residential purposes, and to retain an irregular-shaped parcel of land having a frontage of 77.47m± (254'±), and an area of 1.35ha.± (3.32ac±) containing an existing single family dwelling for residential purposes.

**THE DECISION OF THE COMMITTEE IS:**

That the said application **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and Town of Ancaster Official Plans.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

**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 conditions.**

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.
2. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.
3. That the owner/applicant applies for and receives a development permit as required under the Niagara Escarpment Planning and Development Act.
4. That the owner/applicant prepare and submit a Tree Preservation Plan, to be prepared by a licensed landscape architect (OALA) or a professional arborist, to the satisfaction of the City's Manager, Development Planning.
5. That the owner/applicant conduct an archaeological assessment for the area(s) of development; in particular, over the lands of the driveway location, dwelling location, and swimming pool location. Mitigation, through preservation or resource removal and documentation, shall be conducted to minimize adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

DATED AT HAMILTON this 6th day of December, 2006.

SIGNED:

\_\_\_\_\_  
F. Carrocci, Chairman

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
F. Jewell

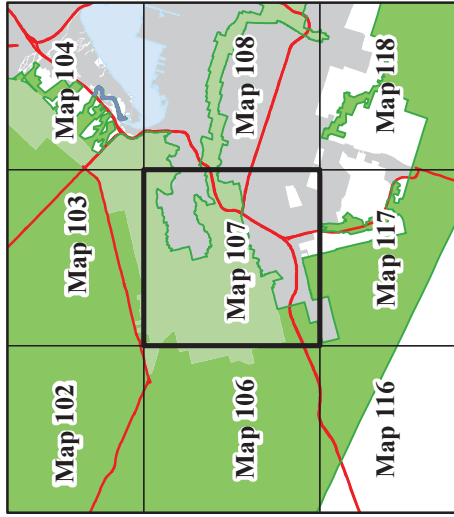
THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 13th, 2006.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS  
NOTICE OF DECISION (December 13th, 2007) OR THE APPLICATION SHALL BE DEEMED  
TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL  
BOARD MAY BE FILED IS January 2nd, 2007.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

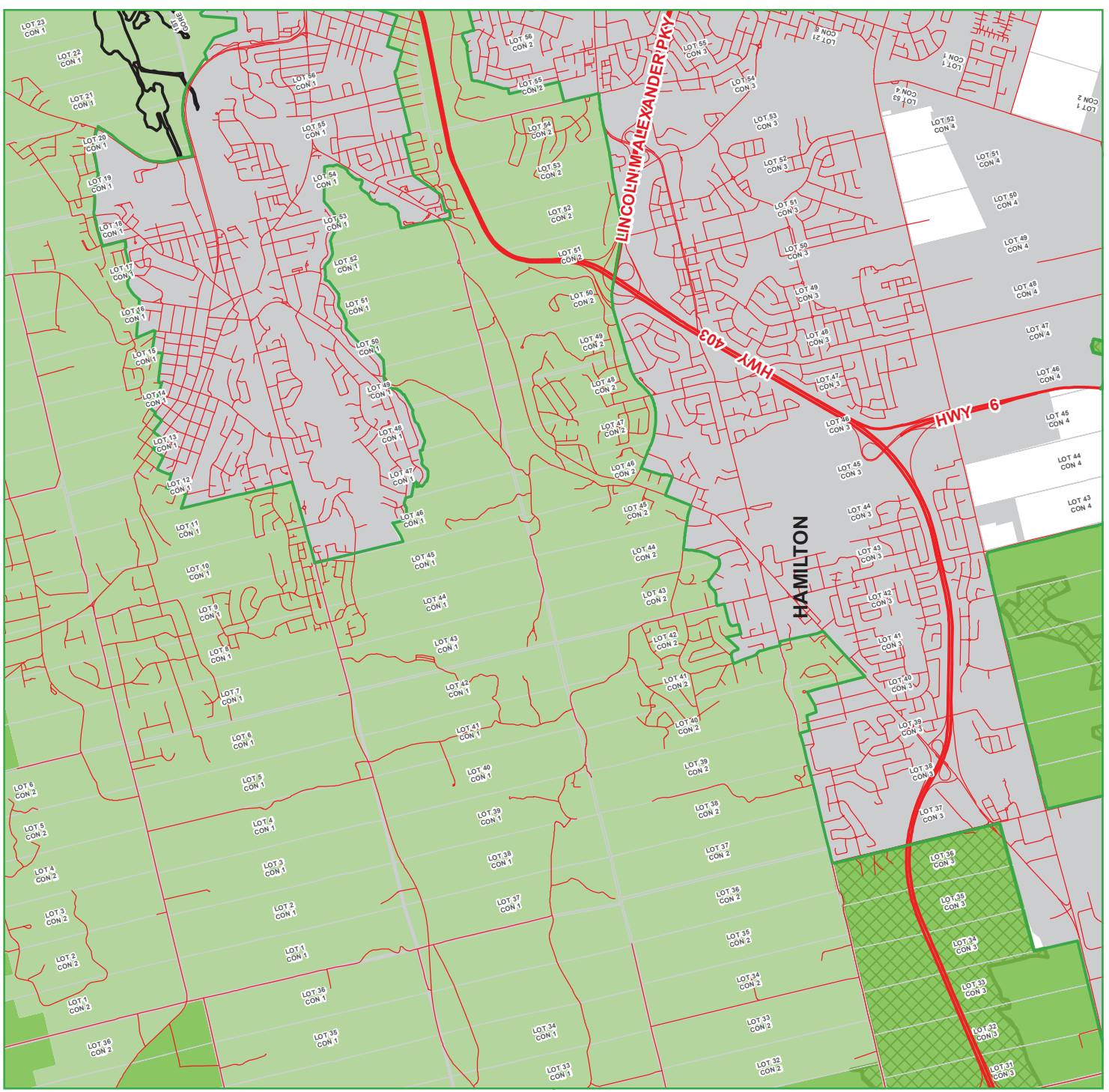


# greenbelt



Greenbelt Plan, map division and enlargement

Map 107



## LEGEND

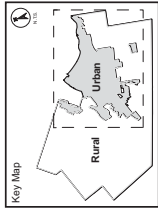
- Greenbelt Area\*
- Protected Countryside
- Natural Heritage System
- Towns / Villages
- Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area
- External Connections
- Settlement Areas Outside the Greenbelt
- Upper Tier Municipal Boundaries
- Lower & Single Tier Municipal Boundaries
- Lots and Concessions
- Major Road or Highway
- Minor Road
- F.N. First Nations

This information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

Settlement boundaries (especially reflect) information provided by the relevant municipality. For precise boundaries and locations of Settlement Areas (Greenbelt Towns/Villages and Hamlets) the appropriate municipalities should be consulted.

Source of Information:  
 Planning data sources from the Ministry of Municipal Affairs, Ministry of Natural Resources and Forestry and the Ministry of Agriculture, Food and Rural Affairs.

Projection: UTM\_Zone17 NAD83  
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 \* Ontario Regulation 59/05, as amended.



Note: For Urban Provincial Plan Designations, refer to Schedule A of the Urban Hamilton Official Plan.

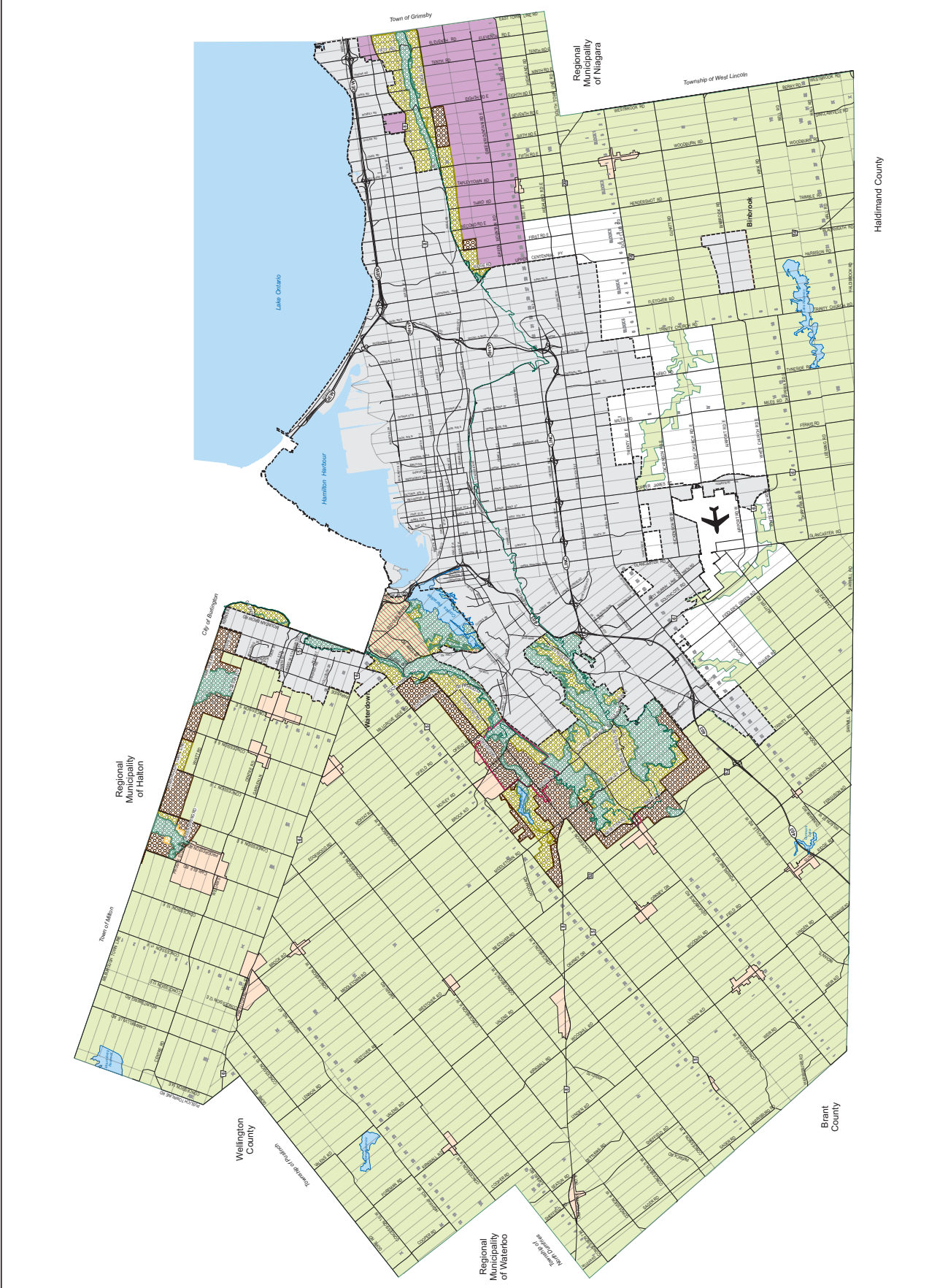
- Legend**
- Parkway East West Plan Area
  - Greenbelt Plan Designations**
    - Protected Countryside
    - Hamlets (Rural Settlement Areas)
    - Towns and Villages
    - Specialty Crop
  - Niagara Escarpment Plan Designations**
    - Natural Area
    - Protection Area
    - Mineral Resource Extraction Area
  - Other Features**
    - Rural Area
    - Urban Area
    - Minor Urban Centres
    - Urban Area
  - John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - Urban Boundary
  - Municipal Boundary
- \* Note: Refer to the appropriate Provincial Plan for detailed mapping

Council Adoption: September 27, 2006  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan**  
**Schedule A**  
 Provincial Plans

Not To Scale

DATE: April 12, 2015  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
 100 KING STREET WEST, 10TH FLOOR  
 HAMILTON, ONTARIO L8P 2K7



Haldimand County

Brant County

Wellington County

Regional Municipality of Waterloo

**Key Map**

**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B of the Urban Hamilton Official Plan.  
 Features refer to Schedule B of the Urban Hamilton Official Plan.  
 Deferral pending the resolution of the Official Plan Amendment application

**Legend**

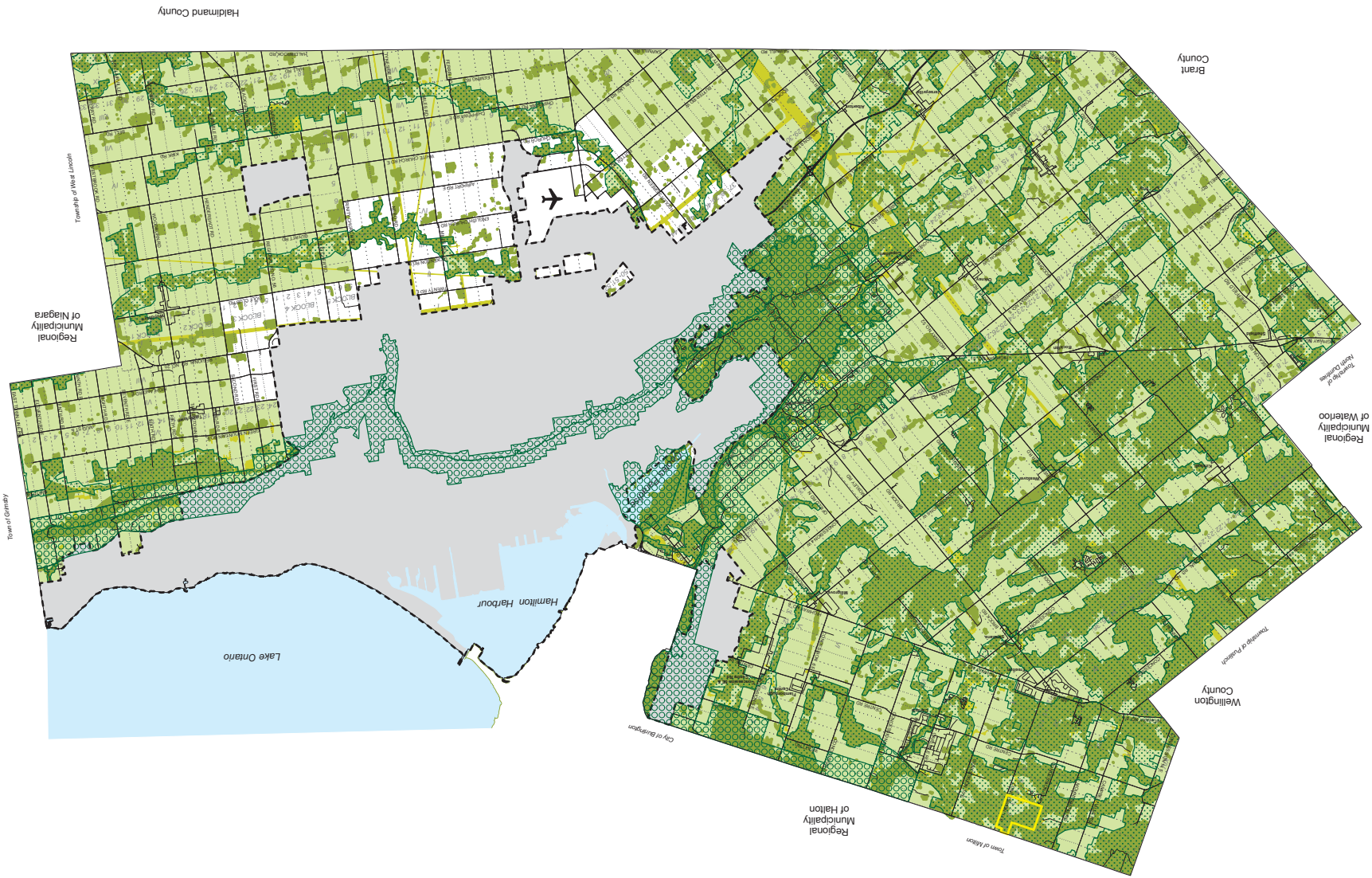
- Rural Settlement Areas
- Natural Heritage Features
- Core Areas
- Linkages
- Greenbelt Protected Countryside
- Greenbelt Natural Heritage System
- Niagara Escarpment Area
- Other Features
- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

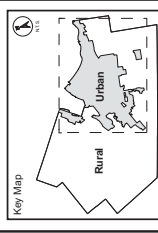
**Rural Hamilton Official Plan Schedule B**

Council Adoption: September 27, 2006  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
 Date: Feb. 27, 2018  
 Hamilton

Map To Scale  
 OF SURVEY  
 All data are reproduced without permission. THIS IS NOT A PLAN





Note: For Urban Land Use Designations, refer to Schedule C of the Urban Hamilton Official Plan.

**Legend**

**Rural Settlement Areas**

- Rural Settlement Areas

**Rural Land Use Designations**

- Agriculture
- Specialty Crop
- Rural
- Mineral Aggregate Resource Extraction Areas
- Open Space
- Utility

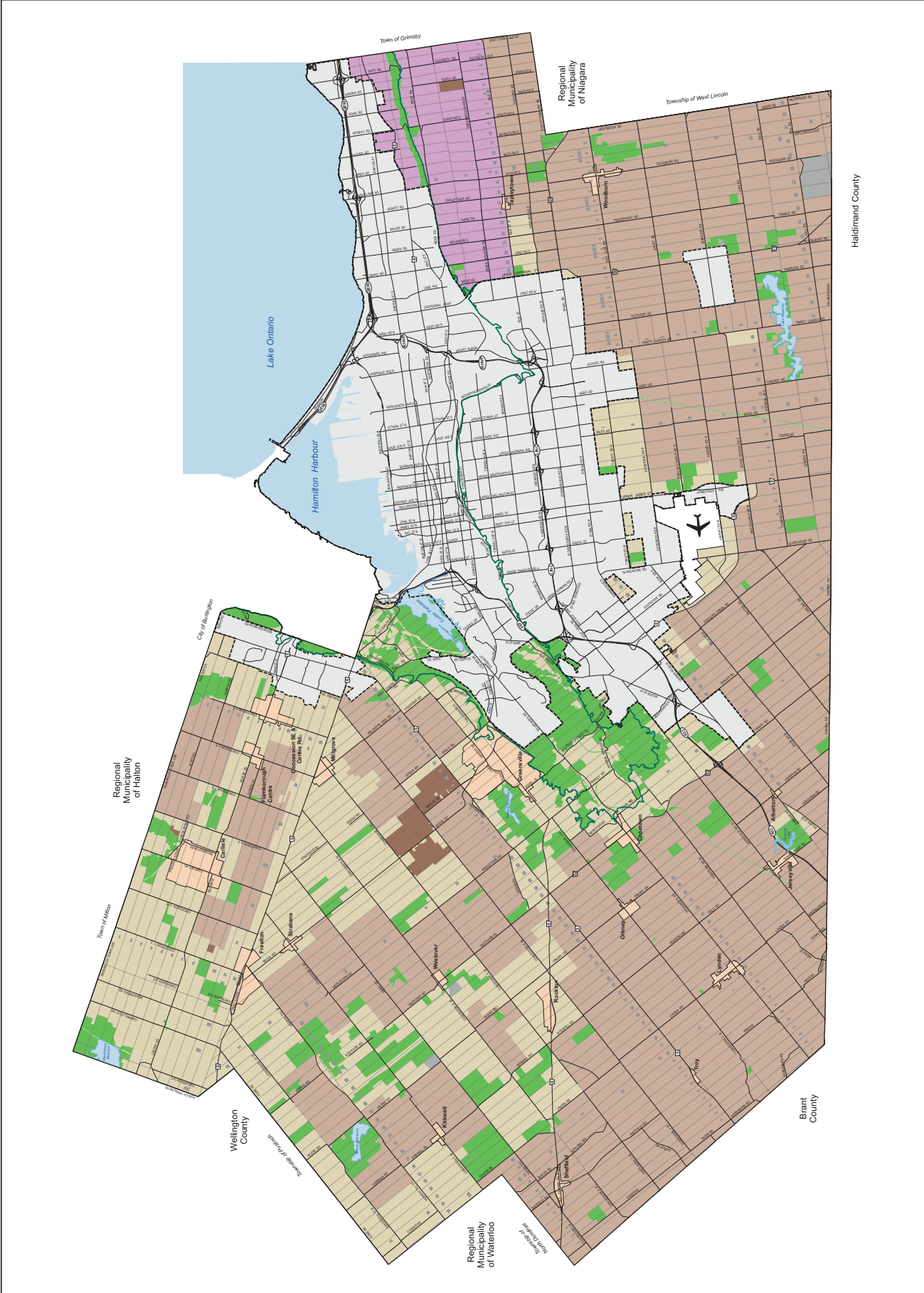
**Other Features**

- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: September 27, 2008  
 Ministerial Approval: December 24, 2008  
 Effective Date: March 7, 2012

**Rural Hamilton Official Plan**  
**Schedule D**  
**Rural Land Use Designations**

DATE: Dec. 2017  
 NTS SCALE  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
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Haldimand County

