



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: HM/B-20:64

SUBJECT PROPERTY: 1280 Rymal Rd. E & 385 Nebo Rd., Hamilton

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 Ed Fothergill
Owner 2531083 Ontario Inc.

PURPOSE OF APPLICATION: To create a mortgage/charge over a portion of the property to facilitate phased development.

To be heard in conjunction with HM/B-20:65, HM/B-20:66, and HM/B-20:67.

Mortgage/charge area: (Part 1)
135m[±] x 124m[±] and an area of 1.51 ha[±]

Retained area: (Parts 2-5)
184m[±] x 215m[±] and an area of 3.83 ha[±]

The Committee of Adjustment will hear this application on:

DATE: Thursday, November 19th , 2020

TIME: 2:35 p.m.

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

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

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: November 3rd, 2020

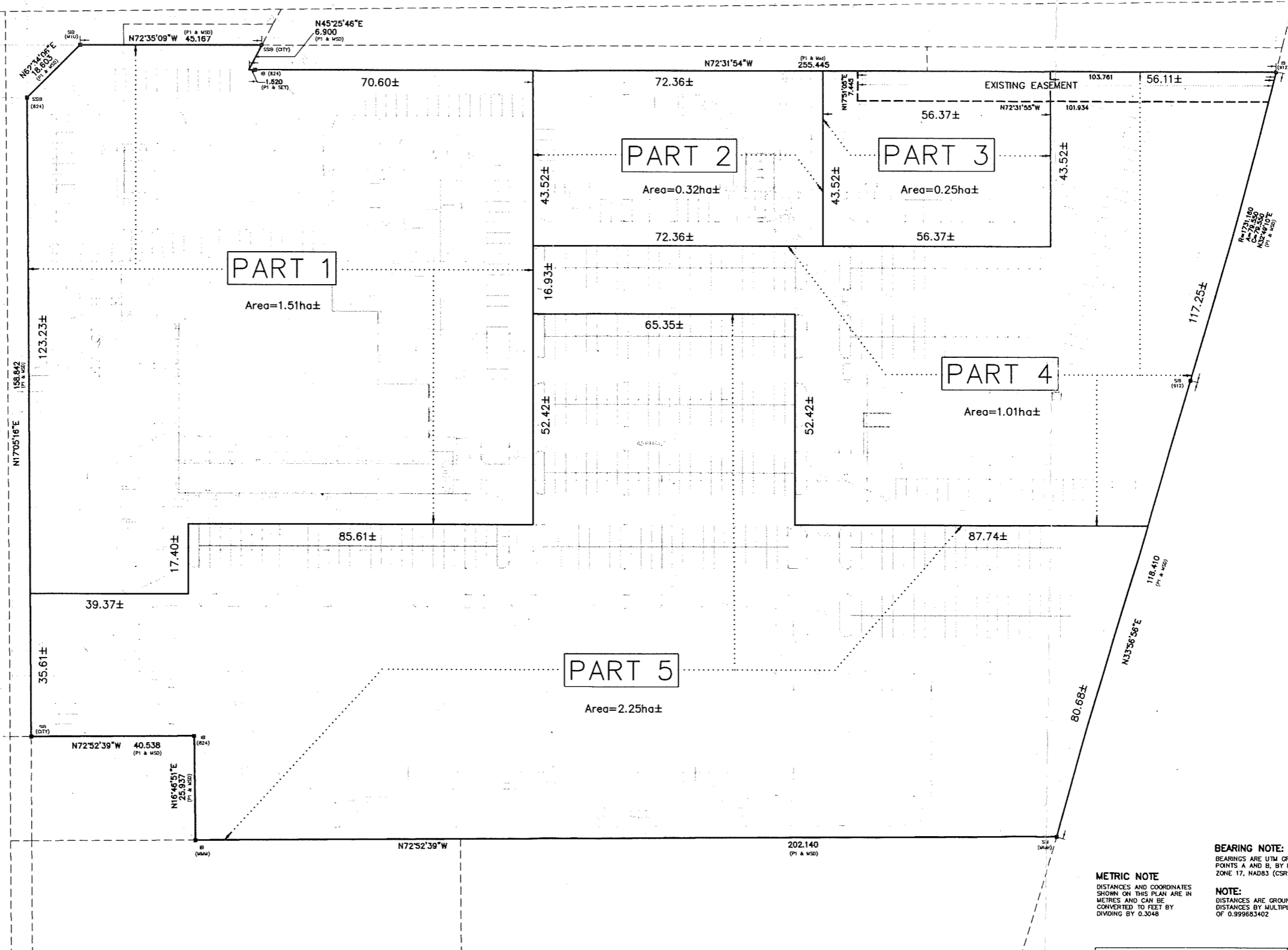
Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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.

SKETCH FOR SEVERANCE
 OF PART OF
LOT 14, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF GLANFORD
 IN THE
CITY OF HAMILTON
 SCALE 1:500 METRIC
 S.D. McLAREN, O.L.S. - 2020

RYMAL ROAD EAST
 (FORMERLY THE KING'S HIGHWAY NO. 53)

ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD



- LEGEND:**
- DEPICTS MONUMENT SET
 - MONUMENT FOUND
 - SB IRON BAR
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - SB ROUND IRON BAR
 - SB A.T. McLAREN, O.L.S.
 - SB A.J. CLARKE, O.L.S.
 - SB CITY OF HAMILTON
 - SB MARSHALL, MADSEN, MCKENNA
 - SB MINISTRY OF TRANSPORTATION, ONTARIO
 - SB MEASURED
 - SB PLAN 629-20293
 - SB DIAMETER

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

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

NOTE:
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999683402

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A.T. McLaren Limited
 LEGAL AND ENGINEERING SURVEYS
 66 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L9M 2S6
 PHONE (905) 527-6556 FAX (905) 527-0032

DATE: SEPTEMBER 11, 2020
 S.D. McLAREN, O.L.S.

Drawn: [Signature]
 Scale: 1:500
 Dwg. No. 35254-00

REQUIRED PARKING CALCULATION FACTORS table with columns: Level, Name, BUILDING, Area SM, By AREA, By UNIT, ZONE, Department

REQUIRED PARKING CALCULATION FACTORS table (continued) and INTERNAL TRAFFIC CONTROL SIGNALING table

Site Statistics Chart: 385 Nebo Road - HAMILTON, ON. Table with columns: ZONING REGULATIONS, ALLOWED/REQUIRED, EXISTING, PROPOSED, TOTAL, COMPLIANCE

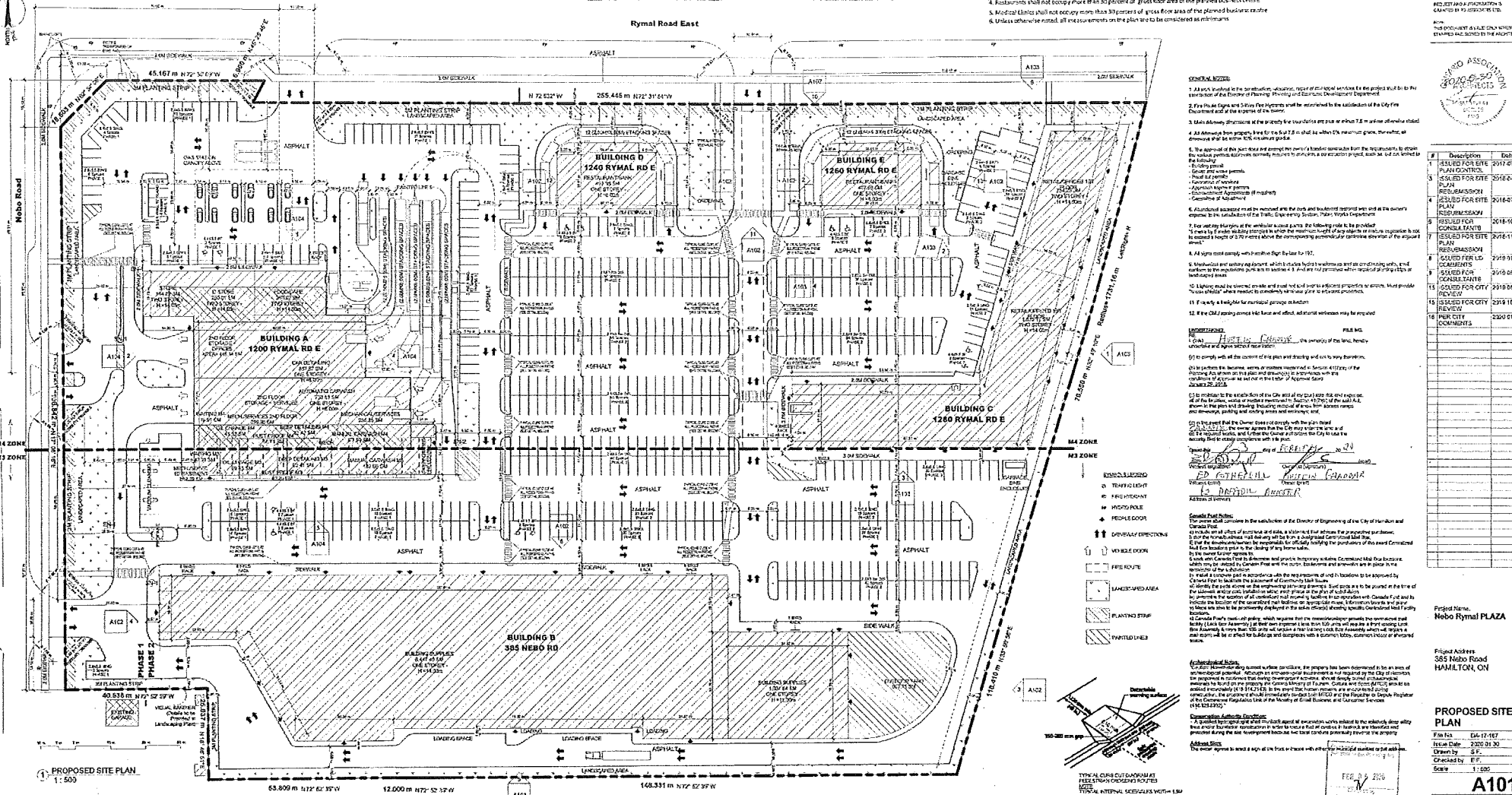


Table with columns: #, Description, Date. Lists site plan submissions and approvals from 2017-05-15 to 2018-11-10.

PREPARED BY: DESIGN GROUP INC. PROJECT NO: 2018-0428. DESIGNER: MARK A. BERGER, P. ENGINEER.

PROPOSED SITE PLAN information box containing site name (Neo Nymal PLAZA), address (385 Nebo Road), and scale (1:500).



FOTHERGILL PLANNING & DEVELOPMENT INC.

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

October 7, 2020

Jamila Sheffield
City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Dear Ms. Sheffield:

**Re: Applications for Consent for Financing
1280 Rymal Road East and 385 Nebo Road**

Please find enclosed four applications for Consent for the purposes of financing to create 5 parts within a 5.5 hectare parcel of land at the corner of Nebo Road and Rymal Road East. I am assuming that with the approval of each of the four applications, the fifth parcel will be created essentially as a retained parcel. Can you please confirm. The intent of the owner is to retain ownership of the entire site but arrange for financing to be placed on the property on a staged basis as the project unfolds.


I have attached with each application a sketch to illustrate the size and location of each of the five parcels along with a copy of the approved site plan.

I have included a chain of emails between myself, yourself and Emily Coe which took place prior to submitting the applications to confirm that there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

We look forward to this application being brought forward to the first available meeting of the Committee of Adjustment.

Thank you very much.

Sincerely,
FOTHERGILL PLANNING & DEVELOPMENT INC.



E.J. Fothergill, MCIP, RPP
President

encl.

cc. Mohammed Ghaddar
Hussein Ghaddar
Saad Faraj
Councillor Tom Jackson



Hamilton

Planning and Economic Development Department
Planning Division

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

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

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

Office Use Only

| | | | |
|----------------------------|-----------------------------------|-----------------|-----------|
| Date Application Received: | Date Application Deemed Complete: | Submission No.: | File No.: |
|----------------------------|-----------------------------------|-----------------|-----------|

1 APPLICANT INFORMATION

| 1.1, 1.2 | NAME | ADDRESS | PHONE/FAX |
|-----------------------------|--|------------|--|
| Registered Owners(s) | 2531083 ONTARIO INC. c/o HUSSEIN GHADDAR | [REDACTED] | Business [REDACTED] Fax: () E-mail: [REDACTED] |
| Applicant(s)* | | | Business () Fax: () E-mail: |
| Agent or Solicitor | ED FOTHERGILL FOTHERGILL PLANNING & DEVELOPMENT INC. | [REDACTED] | Business [REDACTED] Fax: () E-mail: [REDACTED] |

* 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 | Concession | Former Township |
| HAMILTON | 14 | 1 | GLANFORD |
| Registered Plan N°. | Lot(s) | Reference Plan N°. | Part(s) |
| | | 62R-20293 | 1, 2, 3, 5 |
| Municipal Address | | | Assessment Roll N°. |
| 1280 RYMAL ROAD EAST AND 385 NEBO ROAD | | | |

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: SERVICING

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 FINANCIAL INSTITUTIONS

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: **PART 1 OF 4**

| Frontage (m) | Depth (m) | Area (m ² or ha) |
|---|------------|-----------------------------|
| 128 +/- Rymal 135 - Nebo | 135 | 1.51 ha |

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: UNDER CONSTRUCTION

Proposed: SEE APPROVED SITE PLAN

Type of access: (check appropriate box)

- provincial highway
 municipal road, seasonally maintained
 municipal road, maintained all year
- right of way
 other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 privately owned and operated individual well
- lake or other water body
 other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
 privately owned and operated individual septic system
 other means (specify) _____

4.2 Description of land intended to be **Retained**:

| Frontage (m) | Depth (m) | Area (m ² or ha) |
|--|------------|-----------------------------|
| 184.84 Rymal 35.61 Nebo | 215 | 3.83 ha |

Existing Use of Property to be retained:

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

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: UNDER CONSTRUCTION

Proposed: SEE ATTACHED PLAN

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road

Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
- privately owned and operated individual well
- lake or other water body
- other means (specify) _____

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify) _____

4.3 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): Urban Hamilton Official Plan designation (if applicable) EMPLOYMENT - BUSINESS PARK

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

ALLOWS FOR FINANCING TO IMPLEMENT APPROVED SITE PLAN

5.2 What is the existing zoning of the subject land? M3 AND M4

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? NO

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

| Use or Feature | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|--|--------------------------|---|
| An agricultural operation, including livestock facility or stockyard | <input type="checkbox"/> | |

| | | |
|--|-------------------------------------|-------------------|
| A land fill | <input type="checkbox"/> | |
| A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | |
| A provincially significant wetland | <input type="checkbox"/> | |
| A provincially significant wetland within 120 metres | <input type="checkbox"/> | |
| A flood plain | <input type="checkbox"/> | |
| An industrial or commercial use, and specify the use(s) | <input checked="" type="checkbox"/> | <u>COMMERCIAL</u> |
| 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 PIPE MANUFACTURING
- 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?
OWNER, PREVIOUS REPORTS
- 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 CLEAN UP OF SITE IS ONGOING

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)

HELPS TO IMPLEMENT APPROVED SITE PLAN

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

HELPS TO IMPLEMENT APPROVED SITE PLAN

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)
 Yes No

- e) Are the subject lands subject to the Niagara Escarpment Plan?
 Yes No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?
 Yes No
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?
 Yes No

If yes, is the proposal in conformity with the Parkway Belt West Plan?
 Yes No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?
 Yes No

If yes, does this application conform with the Greenbelt Plan?
 Yes No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

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

- Yes No Unknown

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

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

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No

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

8.4 How long has the applicant owned the subject land?
NOVEMBER 20, 2016

8.5 Does the applicant own any other land in the City? Yes No
If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown

If YES, and if known, specify file number and status of the application.

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? Yes No Unknown

If YES, and if known, specify file number and status of the application(s).

File number HM/A-19:368 Status APPROVED

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.

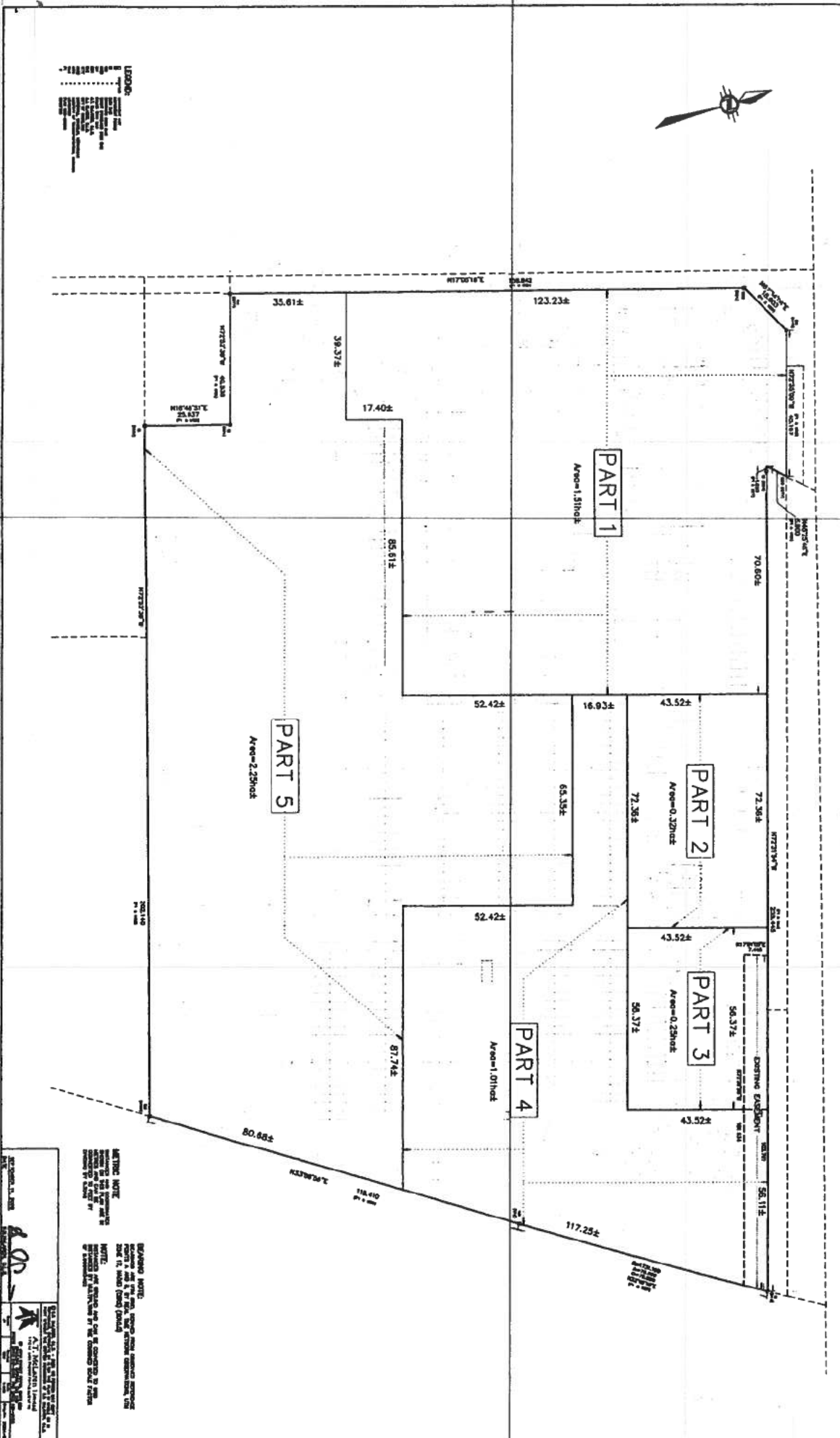
10.2 Type of Application (select type and complete appropriate sections)

- 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)

SECTION FOR SUBDIVISION
 LOT 15, CONCESSION 1
 DIVISION OF LANDS
 CITY OF HAMILTON
 PLAN 1/1000
 S.L. MILLER O.L.E. - 2020



RYVAL ROAD EAST
 (FORMERLY THE FIRST HIGHWAY IN 53)
 NORTH ROAD ALLOWING REMOVED GEOMETRIC TORSIONS OF RATION AND QUARTER



LEGEND:
 --- PROPERTY LINE
 --- EXISTING EASEMENT
 --- EXISTING ROAD
 --- EXISTING UTILITY
 --- EXISTING FENCE
 --- EXISTING CURB
 --- EXISTING DRIVEWAY
 --- EXISTING SIDEWALK
 --- EXISTING CONCRETE DRIVEWAY
 --- EXISTING CONCRETE SIDEWALK
 --- EXISTING ASPHALT DRIVEWAY
 --- EXISTING ASPHALT SIDEWALK
 --- EXISTING GRAVEL DRIVEWAY
 --- EXISTING GRAVEL SIDEWALK
 --- EXISTING DIRT DRIVEWAY
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 --- EXISTING WOOD DRIVEWAY
 --- EXISTING WOOD SIDEWALK

NOTICE:
 THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE DIVISION OF LANDS AND THE CITY OF HAMILTON. THE DIVISION OF LANDS AND THE CITY OF HAMILTON ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE INFORMATION PROVIDED IN THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED AS A BASIS FOR ANY DECISIONS. THE INFORMATION PROVIDED IN THIS PLAN IS NOT GUARANTEED AND SHOULD BE VERIFIED BY THE USER. THE INFORMATION PROVIDED IN THIS PLAN IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE INFORMATION PROVIDED IN THIS PLAN IS NOT GUARANTEED AND SHOULD BE VERIFIED BY THE USER.

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S.L. MILLER O.L.E.
 PROFESSIONAL ENGINEER
 1000 BAYVIEW AVE. #1000
 SCARBOROUGH, ONT. M1B 2W1
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 WWW.SLMILLER.COM

From: Coe, Emily <Emily.Coe@hamilton.ca>
Sent: September 10, 2020 12:10 PM
To: Sheffield, Jamila; 'Ed Fothergill'
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren; Romano, Maria
Subject: RE: Nebo & Rymal - Ghaddar

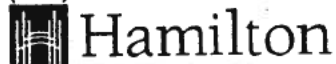
Thanks Jamila,

As long as the parcels are still held in identical ownership, then the consolidated lot development regulation in the Zoning By-law can be used. As such, there is no need for a variance to consider the lot to be one parcel of land for the purposes of development.

If the parcels are held in different ownership, then yes, the variance would be required.

Emily Coe, BA, CPT

Supervisor of Zoning
Planning and Economic Development
Building Division, City of Hamilton
(905) 546-2424 Ext.2575



From: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>
Sent: September 10, 2020 11:44 AM
To: 'Ed Fothergill' <edf@nas.net>; Coe, Emily <Emily.Coe@hamilton.ca>
Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Romano, Maria <Maria.Romano@hamilton.ca>
Subject: RE: Nebo & Rymal - Ghaddar

Good Morning,

The mortgage parcels are kind of a cross between an easement and a long term lease (from my understanding) the mortgage parcels are not able to be sold as legally conveyable lots, but the mortgage interest is (I don't know if I'm explaining this well enough). So, I believe they could be treated as one lot for development purposes, Emily please correct me if this is not correct.

The application for the creation would follow the same process for a consent for a new lot as a consent for mortgage purposes, one severed parcel is created for each application. So, you will need more than 1 application, but likely not 5, depending on how the mortgage parcels are configured.

These can be fairly tricky to wrap your head around, so I would suggest contacting the City's planner for this file, if it is part of an active site plan file. This would give them the opportunity to clarify things before the consent process and ensure everyone is on the same page.

If you need further clarification, just let me know.

Jamila

From: Ed Fothergill <edf@nas.net>
Sent: September 9, 2020 3:59 PM
To: Coe, Emily <Emily.Coe@hamilton.ca>
Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>; Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Romano, Maria <Maria.Romano@hamilton.ca>
Subject: RE: Nebo & Rymal - Ghaddar

Dear Emily,

Thank you for your quick reply.

If we pursue a consent for the purposes of financing, technically we are not creating separate properties, but rather simply allowing financing to be put on each of the 5 parcels separately. I am not sure if that makes a difference from a zoning perspective.

I like your option of applying for a variance to consider the entire property as one lot for the purposes of development, as that is essentially what will happen as the development unfolds. That would address a number of matters all at once.

I look forward to comments from Maria and Jamila.

Ed Fothergill
Fothergill Planning & Development Inc.
62 Daffodil Cres., Ancaster, ON L9K 1E1
T: 905-577-1077 E: edf@nas.net

From: Coe, Emily [<mailto:Emily.Coe@hamilton.ca>]
Sent: September 9, 2020 3:22 PM
To: Ed Fothergill; Sheffield, Jamila; Romano, Maria
Cc: Mohammed Ghaddar; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.; Dan McLaren
Subject: RE: Nebo & Rymal - Ghaddar

Hi Ed,

If you are creating separate properties, in separate ownership, each would need to comply with zoning requirements. The other option is to apply for a variance to consider all of the properties to be one for the purposes of development (and then zoning would apply as it would have if it remained one property).

Otherwise if these are just long-term leases (?) then it would remain one parcel.

By way of this email, I will ask Maria to answer your zoning questions, as she is the one who reviewed the site plan file.

Maria, please see below – could you please assist Ed?

Thank you,

Emily

Emily Coe, BA, CPT

Supervisor of Zoning
Planning and Economic Development
Building Division, City of Hamilton
(905) 546-2424 Ext.2575



Due to concerns related to COVID-19, only the 1st and 2nd floors of City Hall are open to the public. Although the Building Division offices remain closed to the public, the Building Division continues to operate as many of our services can still be accessed, including building permit inspections.

We can receive building permit applications and requests for Zoning Verifications (regular service only) by mail/courier delivery or online. Online building permit applications can be completed at www.hamilton.ca/eplans and Zoning Verifications at <https://zoningverification.hamilton.ca/>. In addition to the drop box outside of City Hall at the rear of the building (for letters and small parcels), items can also be dropped off at the 1st floor of City Hall during business hours of 8:30 AM to 4:30 PM. Please kindly note, the 1st floor is a drop-off/pick-up only and staff are not available to discuss or consult on Building Division-related matters.

Under these unprecedented service delivery constraints, we are doing our best to maintain timeframes for building permit applications, responding information, building inspections, Zoning Verifications, and other requests for information/compliance.

From: Ed Fothergill <edf@nas.net>

Sent: September 9, 2020 3:13 PM

To: Sheffield, Jamila <Jamila.Sheffield@hamilton.ca>; Coe, Emily <Emily.Coe@hamilton.ca>

Cc: Mohammed Ghaddar <mghammer8@yahoo.ca>; husein-ghaddar@hotmail.com; 7D ASSOCIATES LTD.

<7dassociates@gmail.com>; Dan McLaren <dmclaren@atmclaren.com>

Subject: Nebo & Rymal - Ghaddar

Dear Jamila and Emily:

Enclosed is a marked up copy of a site plan drawing for a site at 1280 Rymal Road East and 385 Nebo Road, which was approved under application DA-17-187.

The owner would like to consider submitting an application for consent for five separate parcels as shown on the attached plan for the purposes of financing. I understand that we can submit an application that will not create individual lots, but can be used for financing purposes only such that the owner can place separate financing on each of the 5 parcels. Can this be done with one application, or do we need to submit 5 separate applications with 5 separate fees?

If this is the case, does each parcel have to comply with zoning requirements, including parking?

Through a review of the site plan, it was determined that the stacking spaces for the car wash and detailing use could be considered as required parking. **Emily**, in terms of providing parking spaces, you will note that each of the buildings and parcels 2 and 3 which are drive through restaurants, provide 12 stacking spaces. Can these stacking spaces be applied to parking requirements of the by-law?

Can you have someone review the attached parking calculation chart I have prepared? It was agreed through the processing of the application that parking requirements for Parcel 1 will be based on the individual uses within that parcel. Parking requirements for the balance of the site will be based on the planned Business Centre at a ratio of 1 space for each 30 sq.m. of gross floor area.