



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: HM/B-20:66

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

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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 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-20:64, HM/B-20:66, and HM/B-20:67.

**Mortgage/charge area: (Part 3)**  
56m<sup>±</sup> x 43m<sup>±</sup> and an area of 0.25 ha<sup>±</sup>

**Retained area: (Parts 4-5)**  
56m<sup>±</sup> x 197m<sup>±</sup> and an area of 3.26 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

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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](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: November 3rd, 2020

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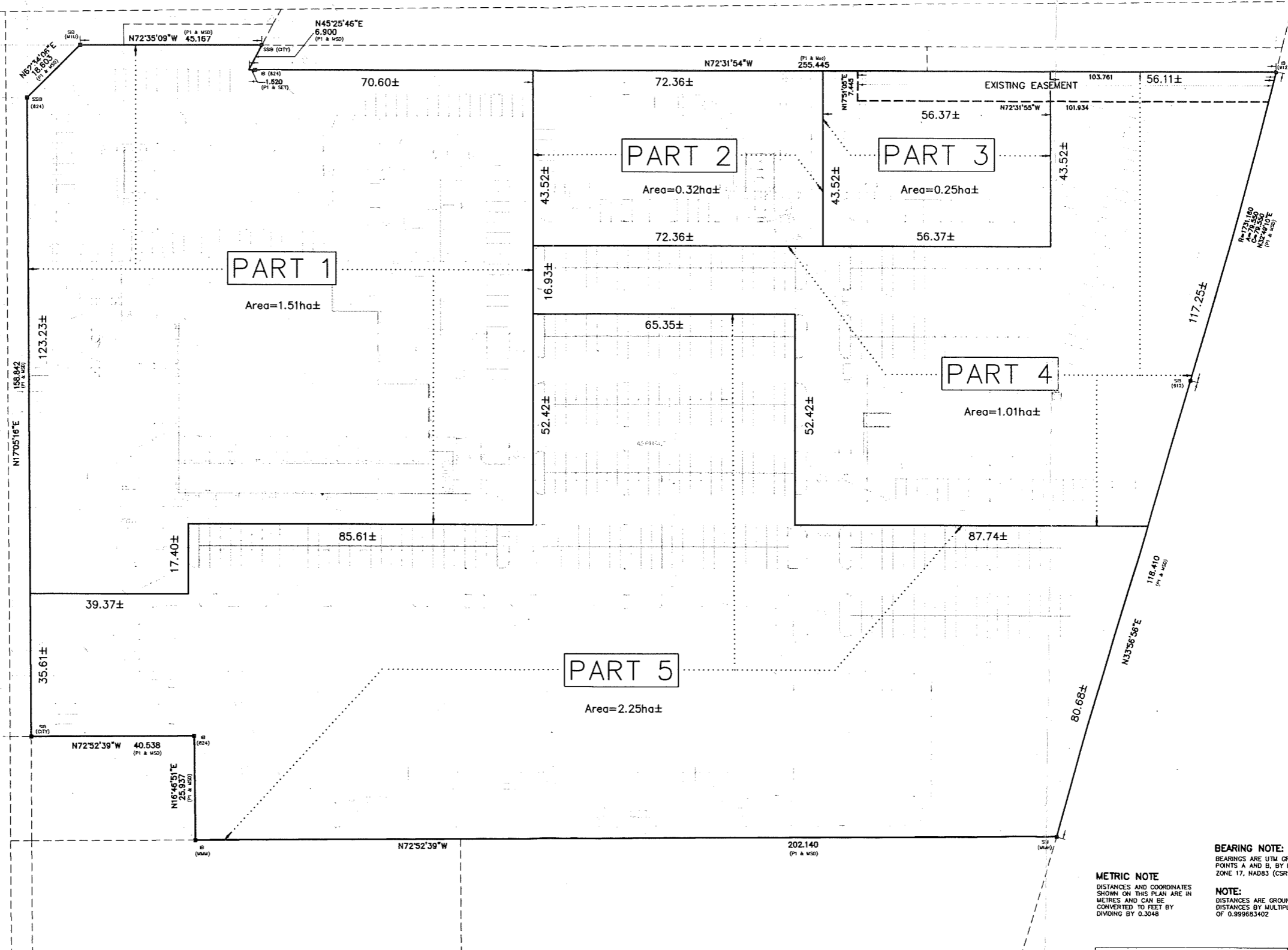
Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***

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, MOKRUSHAN
  - 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

SEPTEMBER 11, 2020  
 DATE

S.D. McLAREN, O.L.S.

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**A.T. McLaren Limited**  
 LEGAL AND ENGINEERING SURVEYS  
 66 JOHN STREET SOUTH, SUITE 230  
 HAMILTON, ONTARIO, L9M 2S8  
 PHONE (905) 527-6556 FAX (905) 527-0032

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

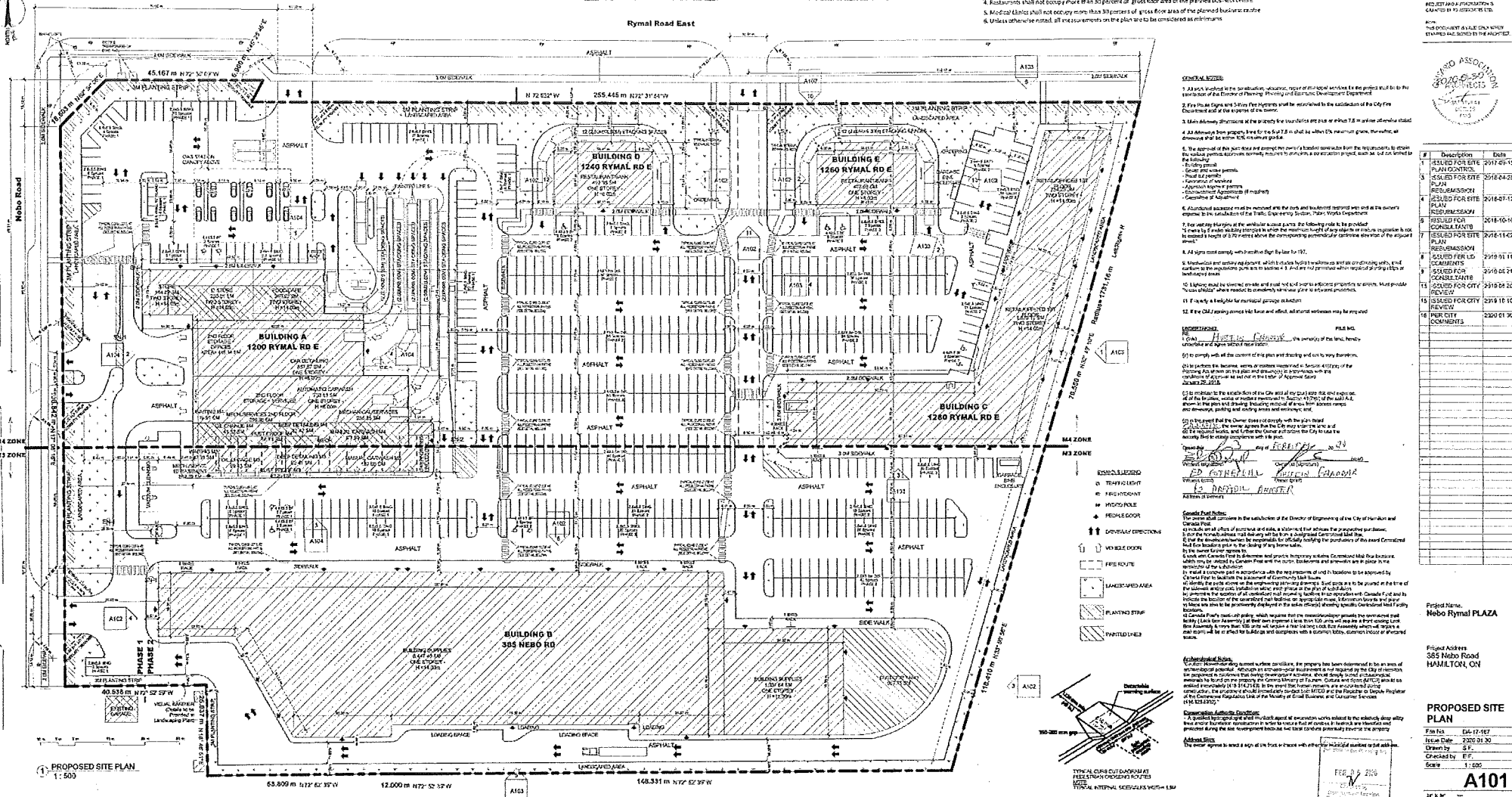
REQUIRED PARKING CALCULATION FACTORS						
Level	Name	BUILDING	Area SM	By AREA	By UNIT	Department
Level 1	AUTOMATIC CARWASH	A	7,383 sq ft	0.00 sq ft	3	M4 AUTOMOTIVE
Level 1	FRODOFARE	A	2,072 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	CS STORE	A	2,052 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	CAR RETAILING	A	692.87 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	MECHANICAL SERVICES	A	236.35 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	RUST PROOF M4	A	16.71 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	DS CHANGE M4	A	11.22 sq ft	0.00 sq ft	12	M4 AUTOMOTIVE
Level 1	DEEP DETAILING M4	A	34.42 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	MANUAL CARWASH M4	A	17.83 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	WAXING M4	A	18.51 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	STORAGE	A	16.22 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	TOILETS	A	75.52 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level M	OFFICE SERVICES	A	423.43 sq ft	30.00 sq ft	0	M4 AUTOMOTIVE
Level 10	MECHANICAL SERVICES	A	547.97 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 14	AUTOMOTIVE		33,900 sq ft			
Level 1	RETAIL OFFICES 1ST FLOOR	D	18,519 sq ft	10.00 sq ft	0	M4 BUSINESS CENTRE
Level 1	RETAIL OFFICES 1ST FLOOR	D	754.29 sq ft	33.00 sq ft	0	M4 BUSINESS CENTRE
Level 1	RETAIL OFFICES 2ND FLOOR	D	447.59 sq ft	33.00 sq ft	0	M4 BUSINESS CENTRE
Level 1	RETAIL OFFICES 2ND FLOOR	D	447.59 sq ft	33.00 sq ft	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	D	1,121.00 sq ft	20.00 sq ft	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	D	725.58 sq ft	20.00 sq ft	0	M4 BUSINESS CENTRE
Level 2	OFFICES 2ND FLOOR	D	695.95 sq ft	20.00 sq ft	0	M4 BUSINESS CENTRE
Level 2	BUSINESS CENTRE 2	D	614.52 sq ft	20.00 sq ft	0	M4 BUSINESS CENTRE
Level 10	MECHANICAL SERVICES	A	204.89 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE

REQUIRED PARKING CALCULATION FACTORS						
Level	Name	BUILDING	Area SM	By AREA	By UNIT	Department
Level 1	CS CHANGE M4	A	19,433 sq ft	2.00 sq ft	0	M4 AUTOMOTIVE
Level 1	MANUAL CARWASH M4	A	197.65 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	WAXING M4	A	59.41 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	DEEP RETAILING M4	A	59.41 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	MECH	A	23.48 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	RUST PROOF M4	A	42.22 sq ft	0.00 sq ft	0	M4 AUTOMOTIVE
Level 1	AUTOMOTIVE 7		183.00 sq ft			
Level 1	BUILDING SUPPLIES	B	6447.43 sq ft	30.00 sq ft	0	M3 BUILDING SUPPLY
Level 1	BUILDING SUPPLIES	B	1,031.64 sq ft	30.00 sq ft	0	M3 BUILDING SUPPLY
Level 1	BUILDING SUPPLIES 2		1,419.24 sq ft			
Level 30			1,974.22 sq ft			

PARKING PROVIDED BY PHASE			
Type	Spaces	Count	Zone
2.6x5.5 SING.	130		PHASE 1
2.6x5.5 SING. W ISLAND	4		PHASE 1
4.4X5.5 BF	4		PHASE 1
- 17	126		
2.6x5.5 SING.	145		PHASE 2
2.6X5.5m DDL	300		PHASE 2
4.4X5.5 BF	8		PHASE 2
- 22	459		
Grand total	39	605	

Site Statistics Chart: 385 Nebo Road - HAMILTON, ON					
ZONING REGULATIONS	ALLOWED/REQUIRED	EXISTING	PROPOSED	TOTAL	COMPLIANCE
Spotting Driveway, M3 and M4				29,347.59 SQ FT	
Lot Area M3				21,852.89 SQ FT	
Lot Area M4				53,290.58 SQ FT	YES
Lot Area (Minimum)	4,000.00 SQ FT			185,844.00	YES
Lot Length (Minimum)	100.00 FT			300.00 FT	YES
Lot Width (Minimum)	30.00 FT			205.00 FT	YES
Open Area	0.00 SQ FT	17,974.22 SQ FT		17,974.22 SQ FT	
Open Area (Building Coverage)	0.00 SQ FT	14,315.33 SQ FT		14,315.33 SQ FT	
Lot Coverage	0.00%	25.67%		25.67%	YES
Setback (Street front) (Minimum)	6.00 FT	6.00 FT	6.00 FT	6.00 FT	YES
Setback (Street side) (Minimum)	6.00 FT	6.00 FT	6.00 FT	6.00 FT	YES
Open Area (Minimum)	27.00 FT	6.00 FT		6.00 FT	YES
Minimum Side Yard Setback (M3/M4)	0.00 FT	10.56 FT		10.56 FT	YES
Unenclosed Area	0.00 SQ FT	7,841.74 SQ FT		7,841.74 SQ FT	YES
Enclosed Area (Minimum)	0.00 FT	11.25 FT		11.25 FT	YES
Maximum Gross Floor Area for Motor Cars - 3,000 SQ FT					YES
Maximum Gross Floor Area for Office use within a residential building, exclusive of accessory office, shall be limited to 3,000 SQ FT					YES
Restaurants shall not occupy more than 10 percent of gross floor area of the proposed building, but shall be limited to 3,000 SQ FT					YES
Restaurants shall not occupy more than 10 percent of gross floor area of the proposed building, but shall be limited to 3,000 SQ FT					YES
Unless otherwise noted, all measurements on this plan are to be considered as minimums.					



#	Description	Date
1	ISSUED FOR ETE PLAN CONTROL	2017-04-15
2	ISSUED FOR ETE PLAN REVISION/REWORK	2016-04-29
3	ISSUED FOR ETE PLAN REVISION/REWORK	2016-07-12
4	ISSUED FOR ETE PLAN REVISION/REWORK	2016-10-16
5	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-02
6	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
7	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
8	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
9	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
10	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
11	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
12	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
13	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
14	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
15	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11
16	ISSUED FOR ETE PLAN REVISION/REWORK	2016-11-11

**PROPOSED SITE PLAN**  
 Plan No: 164-167  
 Issue Date: 2017-01-30  
 Prepared by: S.F.  
 Checked by: E.F.  
 Scale: 1:500  
**A1017**



**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

PART 3 OF 4

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
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 3 OR 4**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
<b>56.37</b>	<b>43.52</b>	<b>0.25</b>

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 <sup>2</sup> or ha)
<b>Rymal 256.47</b> <b>Nebo 170</b>	<b>215</b>	<b>5.09 ha</b>

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  
 Agriculture (includes a farm dwelling)  
 Other (specify) \_\_\_\_\_
- Industrial  
 Agricultural-Related
- 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"/>	COMMERCIAL
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

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

HELPS TO IMPLEMENT APPROVED SITE PLAN

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

HELPS TO IMPLEMENT APPROVED SITE PLAN

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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

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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)

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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)

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**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.

\_\_\_\_\_

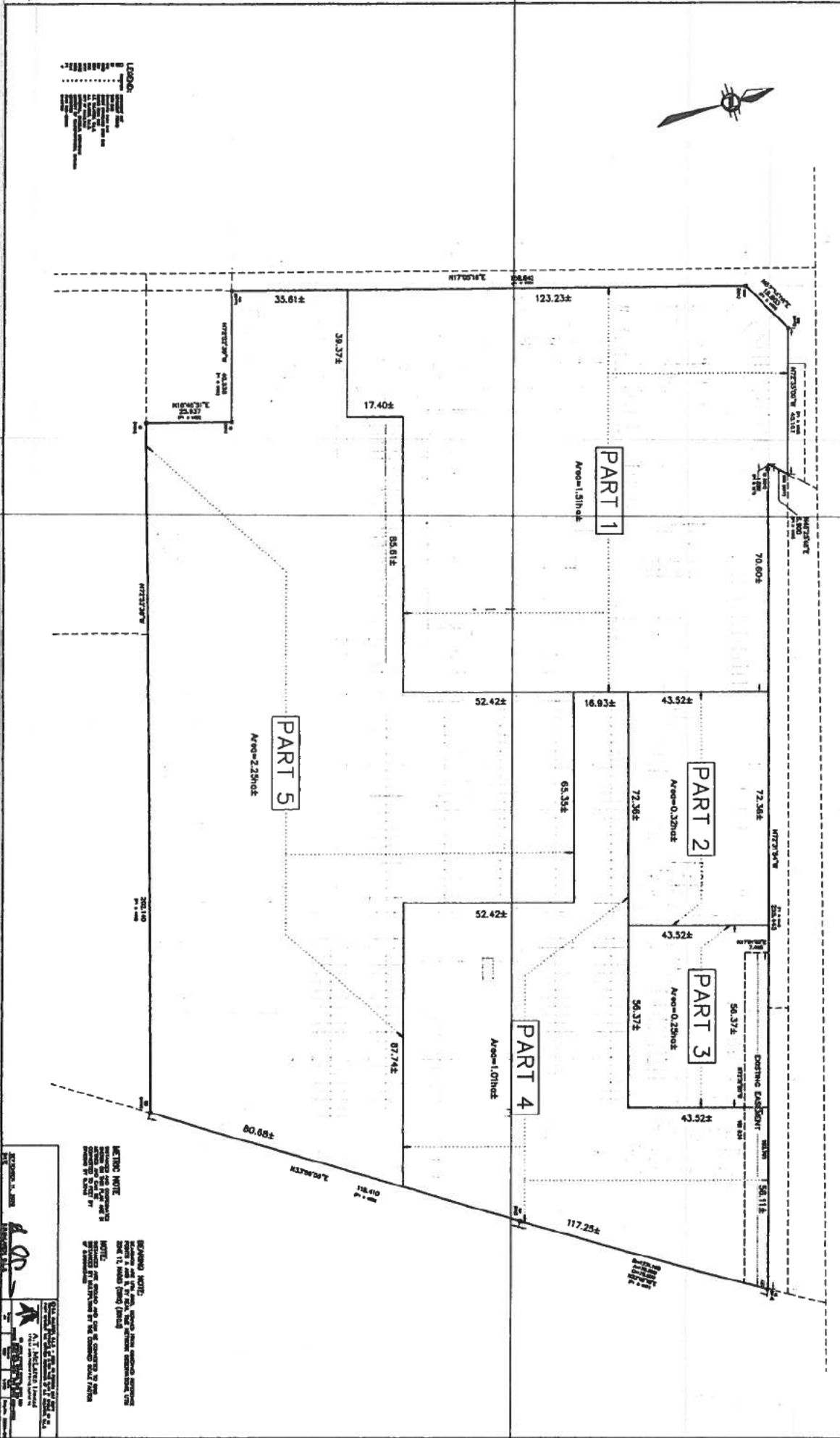
10.2 Type of Application (select type and complete appropriate sections)

- 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 SEPARATE  
 OF PART 1  
 LOT 14, CONCESSION 1  
 (FORMERLY, THE BIRCH HOLLOW NO 23)  
 CITY OF HAMILTON  
 SCALE: 1:1000 - METRIC  
 EA 804888 01A - 2020

**RYMAL ROAD EAST**  
 (FORMERLY, THE BIRCH HOLLOW NO 23)  
 ORIGINAL ROAD - ALIGNED WITH ORIGINAL GEOMETRIC TOWNSHIP OF RATION AND SURVEY



**LEGEND:**  
 --- Dotted line  
 --- Dashed line  
 --- Solid line  
 --- Thick solid line  
 --- Thin solid line  
 --- Dotted line with dots  
 --- Dotted line with crosses  
 --- Dotted line with squares  
 --- Dotted line with triangles  
 --- Dotted line with circles  
 --- Dotted line with diamonds  
 --- Dotted line with stars  
 --- Dotted line with pluses  
 --- Dotted line with crosses  
 --- Dotted line with squares  
 --- Dotted line with triangles  
 --- Dotted line with circles  
 --- Dotted line with diamonds  
 --- Dotted line with stars  
 --- Dotted line with pluses

**NOTICE:**  
 THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS EVIDENCE IN COURT.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY DAMAGES OR LOSSES.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY COSTS OR FEES.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY DELAYS OR INCONVENIENCES.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY INJURIES OR DEATHS.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY PROPERTY DAMAGE.  
 THE CITY OF HAMILTON IS NOT RESPONSIBLE FOR ANY OTHER DAMAGES OR LOSSES.



Ed Fothergill

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**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

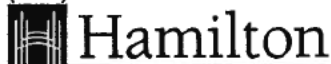
Thanks Jamila,

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



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**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

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**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](mailto:edf@nas.net)

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**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 1<sup>st</sup> and 2<sup>nd</sup> 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](http://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 1<sup>st</sup> floor of City Hall during business hours of 8:30 AM to 4:30 PM. Please kindly note, the 1<sup>st</sup> 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.

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**From:** Ed Fothergill <[edf@nas.net](mailto:edf@nas.net)>

**Sent:** September 9, 2020 3:13 PM

**To:** Sheffield, Jamila <[Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca)>; Coe, Emily <[Emily.Coe@hamilton.ca](mailto:Emily.Coe@hamilton.ca)>

**Cc:** Mohammed Ghaddar <[mghammer8@yahoo.ca](mailto:mghammer8@yahoo.ca)>; hussein-ghaddar@hotmail.com; 7D ASSOCIATES LTD. <[7dassociates@gmail.com](mailto:7dassociates@gmail.com)>; Dan McLaren <[dmclaren@atmclaren.com](mailto: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.