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: SC/B-20:95

SUBJECT PROPERTY: 136 Upper Mt. Albion, Stoney Creek

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 Bousfields Inc. c/o D. Falletta Owner 2178872 Ontario Inc. c/o L. Kelso
PURPOSE OF APPLICATION:	To permit the conveyance of a parcel of land (shown as Part 5) on the attached survey and the establishment of two (2) access and servicing easements (shown as Parts 2 and 3) on the attached survey. **Severed lands:** 90.03m± x 57.92m± and an area of 5,150.4m$^{2\pm}$ **Retained lands:** 46m± x 57.8m± and an area of 2,792m$^{2\pm}$

The Committee of Adjustment will hear this application on:

DATE:	**Thursday, May 20th , 2021**
TIME:	**1:15 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.

…/2

MORE INFORMATION

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

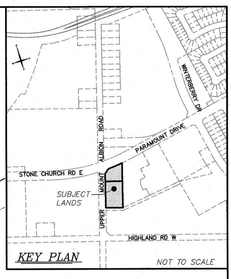
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: May 4th, 2021

_____
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.

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UPPER MOUNT ALBION ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 32 AND 33)
FORMERLY MOUNT ALBION ROAD NAME CHANGED BY BY-LAW No R80-079

BLOCK 1
PLAN 62M - 1107

BLOCK 9 PLAN 62M-1107 (STREET WIDENING)

BLOCK 5 PLAN 62M-1107 (0.30 RESERVE STREET WIDENING)

GEOGRAPHIC TOWNSHIP OF SALTFLEET
LOT 32 CONCESSION 7
PART 4 PLAN 62R - 4071
PARAMOUNT DRIVE
(CONSOLIDATING BY-LAW No R-92-040)
(ESTABLISHED BY BY-LAW No 930-80, REGISTERED AS INST. No LT95051)
PART 3 PLAN 62R - 4071
PIN 17094 - 0017

33.53

ARC=5.02
CHORD=5.02
1.22
ARC=12.31
CHORD=12.31
RAD=591.41ARC=49.94 CHORD=49.92
ARC=32.61 CHORD=32.60
RAD=2.50
ARC=2.38
CHORD=2.29
0.65
10.95
19.82

SKETCH TO ACCOMPANY AN APPLICATION FOR CONSENT
PART OF LOT 32
CONCESSION 7
IN THE
GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
SCALE 1:300
0 5 10 15 metres

PART 1
PART 3 PLAN 62R - 11715
PIN 17093 - 0005

PART 4 PLAN 62R-11715 PIN 17093-0456

17.46
26.58
16.44
PART 2
9.12
9.10
EDGE OF PAVEMENT
3.05
16.43
30.93
57.91
42.34
EDGE OF PAVEMENT
PART 3
57.99
61.23
PART 4
5.91
4.64

CONCESSION 7
"COMMERCIAL"
SALTFLEET

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

NOTE:
THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE 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 SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

CONSENT SCHEDULE:
PART 5 - LANDS TO BE SEVERED
PARTS 1 TO 4 INCLUSIVE - LANDS TO BE RETAINED
PARTS 2 & 3 - PROPOSED EASEMENT FOR ACCESS IN FAVOUR OF THE SEVERED LANDS
PART 3 - PROPOSED SEWER MAINTENANCE EASEMENT IN FAVOUR OF THE SEVERED LANDS

NOVEMBER 13, 2020
DATE

PROVINCE OF ONTARIO
2020
SPENCER JAMES HILLIARD
ONTARIO LAND SURVEYOR

UPPER MOUNT ALBION ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 32 AND 33)
FORMERLY MOUNT ALBION ROAD NAME CHANGED BY BY-LAW No R80-079

PART 1 PLAN 62R-20585
PIN 17093-1104

PART 5
LOT 32 CONCESSION 7
GEOGRAPHIC TOWNSHIP OF SALTFLEET
ZONED-C3 "DISTRICT COMMERCIAL"
EXCEPTION: 394,579 HOLDING PROVISION (H2)
PIN 17093 - 1105

90.03
152.18
90.95

BLOCK 18295
WENTWORTH CONDOMINIUM PLAN No 295

26.22 WIDE

PART 1 PLAN 62R-20585

PART 1 PLAN 62R-13095

3.05
57.92

PART 1 PLAN 62R-13095
PIN 17093 - 0453

LOT 32 CONCESSION 7
PART 1 PLAN 62R - 541
GEOGRAPHIC TOWNSHIP OF SALTFLEET
ZONED-I3 "MAJOR INSTITUTIONAL"

PART 5 PLAN 62R-11715
83.14

SOUTHWEST CORNER LOT 32 CONCESSION 7 GEOGRAPHIC TOWNSHIP OF SALTFLEET

BLOCK 33 PLAN 62M - 1202
(STREET WIDENING)

HIGHLAND ROAD WEST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)

A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

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PROJECT No 178129

T-.3192

H:\Land\In-to-S\Saltfleet\CON07\LOT32\Lot Upper Mt Albion - Mr. Lusk\CURRENT\T-3192.dwg

BOUSFIELDS INC.

Project No. 16228

December 8, 2020

Morgan Evans
Committee of Adjustment
City of Hamilton – Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Evans:

Re: Consent Application
136, 144, and 146 Upper Mount Albion Road, Hamilton

Overview

On behalf of our client, 2178872 Ontario Inc., the owners of the property municipally known as 136, 144, and 146 Upper Mount Albion Road (the "subject site"), we are pleased to submit this Consent application to slit the existing lot into two, as well as to grant one access easement and one maintenance easement. The purpose of this letter is to provide a brief planning justification for the consent application which will facilitate the creation of two lots, one being severed, and one being retained.

Site and Surroundings

The subject site is generally comprised of a rectangular shaped parcel of land with an area of approximately 5,665 square metres (0.56 hectares) located at the southwest corner of Paramount Drive and Upper Mount Albion Road. The subject site has frontage of 116.61 metres along Upper Mount Albion Road and approximately 50 metres of frontage along Paramount Drive and a depth of approximately 58 meters. The northern portion of the subject site is currently occupied by a 1- storey motor vehicle service station (Mr. Lube).

The subject site is surrounded by existing low-rise local commercial establishments to the north and west. To the east of the subject site is an existing townhouse development containing 2- storey townhouse dwellings and to the south is vacant land. The subject site is also designated "Neighbourhoods" as

shown in Schedule E-1 Urban Land Use Designations of the Urban Hamilton Official Plan and is zoned C3 – District Commercial, Exception 304 and 579, Holding 82 within the Hamilton Zoning By-law 05-200.

Proposal

As noted above, the consent application is to facilitate the subdivision of the subject site into two parcels of land, as well as the creation of two easements. As shown on the attached sketch (see **Attachment 1**), prepared by A.J. Clarke and Associates and dated November 13, 2020, Parts 1 – 4 are the lands to be retained, with Part 5 to be the lands to be severed. Parts 2 and 3 shown on the survey are proposed easements for access and servicing in favour of the severed lands.

Planning Opinion of Proposed Consent

We have reviewed the proposed consent application in the context of the relevant provisions of Section 51(24) of the *Planning Act* that the proposal conforms to and does not conflict with the criteria set out in 51(24) of the *Planning Act* regarding a consent. In my opinion, the proposed consent application complies to the following Section 51(24) provisions of the *Planning Act* as follows:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Response: The proposal has regard for the matters of provincial interest as it is an appropriate location of growth and development. The consent application is to allow for the retention of the existing Mr. Lube on a separate lot and the creation of a new lot for a future development. In this regard, the existing Mr. Lube is a permitted use, and the future development of the new lot will be provided in conformity with the applicable provincial and local policy planning framework.

(b) Whether the proposed subdivision is premature or in the public interest;

Response: The proposal is in the public interest and will allow for the development of a vacant and underutilized site within the City's built boundary.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Response: The proposed consent application conforms to the Urban Hamilton Official Plan (the "UHOP"), in particular the policies related to lot creation set out in F.1.14.3.3 and policy 7.6.3.2 of the West Mountain/Heritage Green Secondary Plan (the "Secondary Plan").

(d) the suitability of the land for the purposes for which it is to be subdivided;

Response: The proposed severed lot is approximately 5,211 square metres (1.3 acres) in size with a frontage of approximately 90.03 metres, which is suitable for the range of commercial and mixed uses permitted in the applicable official plan policies and zoning. Furthermore, the existing Mr. Lube shop and its operational requirements fit comfortably on the lands to be retained.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Response: Not applicable

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Response: The subject site was reviewed as part of site plan application DA-16-139, where detailed engineering related to, among other elements, the existing street network and connections and the adequacy of them. In this regard, site plan approval was obtained for the Mr. Lube (Phase 1) and the redevelopment of the remainder of the site (Phase 2) received conditional site plan approval, which confirmed the feasibility of development related to the transportation network.

(f) the dimensions and shapes of the proposed lots;

Response: The proposed severed and retained lots are suitable for local commercial establishments and are in keeping with the surrounding lot fabric.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

Response: Easements are proposed to allow for the orderly development of both parcels, which will include vehicular, pedestrian and servicing connections between both parcels.

(h) conservation of natural resources and flood control;

Response: The subject site is not regulated by any natural resources or floor control. Furthermore, through the review and approval of site plan application DA-16-139, a stormwater management report and grading plan were prepared to ensure stormwater management is provided in accordance with the City's standards.

(i) the adequacy of utilities and municipal services;

Response: The subject site is fully serviced by municipal services. A functional servicing report was prepared as part of site plan application DA-16-139, which confirmed that the existing utilities and municipal services are adequate to accommodate the redevelopment of the severed lands.

(j) the adequacy of school sites;

Response: There are several schools nearby. As part of the redevelopment of the severed lands, the local school boards will be engaged to ensure the adequacy of schools as part of any redevelopment plans.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Response: Not applicable

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use, and conservation of energy; and

Response: The proposal seeks to create a separate lot for the undeveloped portion of the subject site to facilitate its future redevelopment. In this regard, the redevelopment of the vacant portion of the subject site optimizes land within the urban boundary and built boundary.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is

also located within a site plan control area designated under subsection 41 (2) of this Act

Response: The development of the proposed severed parcel will be subject to site plan control, where site plan matters will be addressed.

Planning Analysis

From a land use perspective, the proposed consent is conforms with the urban structure policies related to "Community Nodes" and "Neighbourhoods" of the UHOP and will allow for the development of the vacant portion of the subject site within a developed neighbourhood. In this regard, the proposed consent is appropriate and a desirable use for the subject site as it will provide additional opportunity for intensification within the Built-up Area and on underutilized land. The proposed consent meets the criteria for lot creation for mixed uses, commercial, institutional or open space in the Neighbourhoods designation as per Policy 1.14.3.3 as follows:

a) the lots comply with the policies of this Plan including secondary plans, where one exists;

Response: The lots will comply with the policies set out in the UHOP, since they will facilitate the maintenance of the existing commercial building (Mr. Lube) and the future development of the vacant portion of the site in accordance with the applicable UHOP policies. In this regard, there are no policies related to minimum lot sizes for the subject site.

b) The lots are in conformity with the Zoning By-law or a minor variance is approved;

Response: The lots will comply with the Zoning By-law. In this regard, there is no minimum lot frontage or area for the subject site in the C3, Exceptions 304, 579 Zone.

c) the lots are fully serviced by municipal water and wastewater systems; and,

Response: The lots are fully serviced by municipal services.

d) the lots have frontage on a public road.

Response: The retained lot will have frontage on Paramount Drive and Upper Mount Albion Road and the severed lot has frontage on Upper Mount Albion Road.

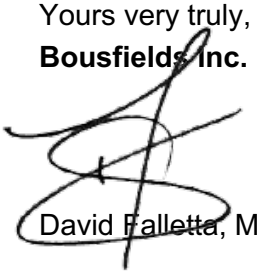
Summary Opinion

Based on the foregoing, it is our opinion that the requested consent is appropriate and desirable, satisfies Section 51(24) of the *Planning Act* as well as the policy for consents found within the UHOP and we respectfully respect that the Committee of Adjustment to approve the application.

A completed application form with signatures and the application fee are provided in **Attachment 2**.

We trust that the foregoing is satisfactory. However, if you have any questions or require additional information, please do not hesitate to contact the undersigned or Joe Buordolone of our office at 905-549-3005.

Yours very truly,
Bousfields Inc.



David Falletta, MCIP, RPP

jb/DF:jobs

Attachments (2)

Cc: Y. Rybensky, City of Hamilton (via e-mail)

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)	2178872 Ontario Inc. c/o Lorraine Kelso	[redacted]	**Business ( )** **Fax: ( )** **E-mail:**
Applicant(s)*			**Business ( )** **Fax: ( )** **E-mail:**
Agent or Solicitor	Bousfields Inc. c/o David Falletta	[redacted]	**Business ( )** **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
Stoney Creek	32	7	
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
			1-5
Municipal Address 136, 144, 146 Upper Mount Albion Road			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:

Restrictive covenant to the lands as shown as Part 1 and 2 on the submitted survey

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:

_____

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**:

Frontage (m)	Depth (m)	Area (m² or ha)
90.03 m	57.92 m	5,150.4 m2

Existing Use of Property to be severed:

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

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: None

Proposed: _____

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 (m² or ha)
46 m	57.8 m	2,792 m2

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 ☒ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: Mr Lube

Proposed: No change

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

☒ publicly owned and operated sanitary sewage system
☐ privately owned and operated individual septic system
☐ other means (specify)

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

☐ electricity ☐ telephone ☐ school bussing ☐ garbage collection

5 CURRENT LAND USE

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

Rural Hamilton Official Plan designation (if applicable): _____

Urban Hamilton Official Plan designation (if applicable) Local Commercial - West Mountain Area SP

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

Please refer to planning letter

5.2 What is the existing zoning of the subject land?
If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? C3, Exception 304, 579, H82

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	☐	

A land fill	☐	
A sewage treatment plant or waste stabilization plant	☐	
A provincially significant wetland	☐	
A provincially significant wetland within 120 metres	☐	
A flood plain	☐	
An industrial or commercial use, and specify the use(s)	☐	
An active railway line	☐	
A municipal or federal airport	☐	

6 PREVIOUS USE OF PROPERTY

☐ Residential ☐ Industrial [*] Commercial
☐ Agriculture ☐ Vacant ☐ Other (specify)

6.1 If Industrial or Commercial, specify use Mr. Lube/vacant land

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?
Owners knowledge and Phase 2 environmental report and record site condition

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 Grading on the Subject site was due to site plan control application for Mr. Lube

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 planning letter

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

Please refer to planning letter

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

Please refer to planning letter

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

Please refer to planning letter

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.

No

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?

July 31, 2008

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 _____ Status _____

10 RURAL APPLICATIONS

10.1 **Rural Hamilton Official Plan Designation(s)**

☐ Agricultural ☐ Rural ☐ Specialty Crop

☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities

☐ Rural Settlement Area (specify) _____ _____

Settlement Area Designation

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

_____

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

☐ Agricultural Severance or Lot Addition
☐ Agricultural Related Severance or Lot Addition
☐ Rural Resource-based Commercial Severance or Lot Addition
☐ Rural Institutional Severance or Lot Addition

(Complete Section 10.3)

☐ Rural Settlement Area Severance or Lot Addition

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m^2 or ha): (from in Section 4.1)

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)

Existing Land Use: _____ Proposed Land Use: _____

10.4 **Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

_____

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m2 or ha):

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 (m2 or ha):

Existing Land Use: _____ Proposed Land Use: _____

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

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)

Front yard set back: _____

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004 ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)

Existing Land Use: _____ Proposed Land Use: _____

10.5 **Description of Lands (Non-Abutting Farm Consolidation)**

a) Location of non-abutting farm

_____

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):

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)

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.

_____

_____

_____

_____

_____

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 an 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

road or a right of way;

(h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Nov 26, 2020
Date

Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

I, David Falletta of the Province of Ontario make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the City of Hamilton this 8 day of December, 2020

Joseph Robert Buerdolone, a Commissioner, etc., Province of Ontario, for Bousfields Inc. Expires February 4, 2023
A Commissioner, etc.

Applicant's Signature

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, 2178872 Ontario Inc., am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize Bousfields Inc., as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Nov 26/2020
Date

Signature of Owner

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, 2178872 Ontario Inc., the Owner, hereby agree and acknowledge
(Print name of Owner)
that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Nov 26/2020 — Date

Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- ☐ Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- ☐ Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- ☐ The required fee. **(A cheque or money order payable to the City of Hamilton)**

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this _____day of _____, 20____.

BETWEEN:

_____
Applicant's name(s)
hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars ($2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:

   (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____with respect to the lands described in Schedule "A" hereto.

   (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses

2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.

3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.

4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.

6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.

7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.

8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.

9 In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.

10. Within 60 days of: (a) a decision being rendering in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.

11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.

12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.

13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.

14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,

15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,

16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.

17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer’s obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule “B” to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at _____this _____day of _____, 20 ___.

_____ _____
WITNESS Per:
I have authority to bind the corporation.

_____ _____
WITNESS Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ___day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the_____ day of _____, 20____ .

BETWEEN

_____
(hereinafter called the "Owner)

OF THE FIRST PART

-and-

_____
(hereinafter called the "Assignee")

-and-

OF THE SECOND PART

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.

2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledge Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.

3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

_____c/s
Owner:
Title:
I have authority to bind the corporation

_____c/s
Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

_____
Mayor

_____
Clerk

Sketch Sheet

