



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-21:46

SUBJECT PROPERTY: 276 Dunsmure 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 A.J. Clarke & Associates
Owner Dunsmure Development Ltd.

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes.

Severed lands:
13.4m[±] x 29.59m[±] and an area of 398m^{2±}

Retained lands:
Frontage of 83.7m[±] and an area of 7,052m^{2±}

**This application will be heard in conjunction with
Minor Variance Application HM/A-21:212**

The Committee of Adjustment will hear this application on:

DATE: Thursday, July 8th , 2021
TIME: 3:00 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

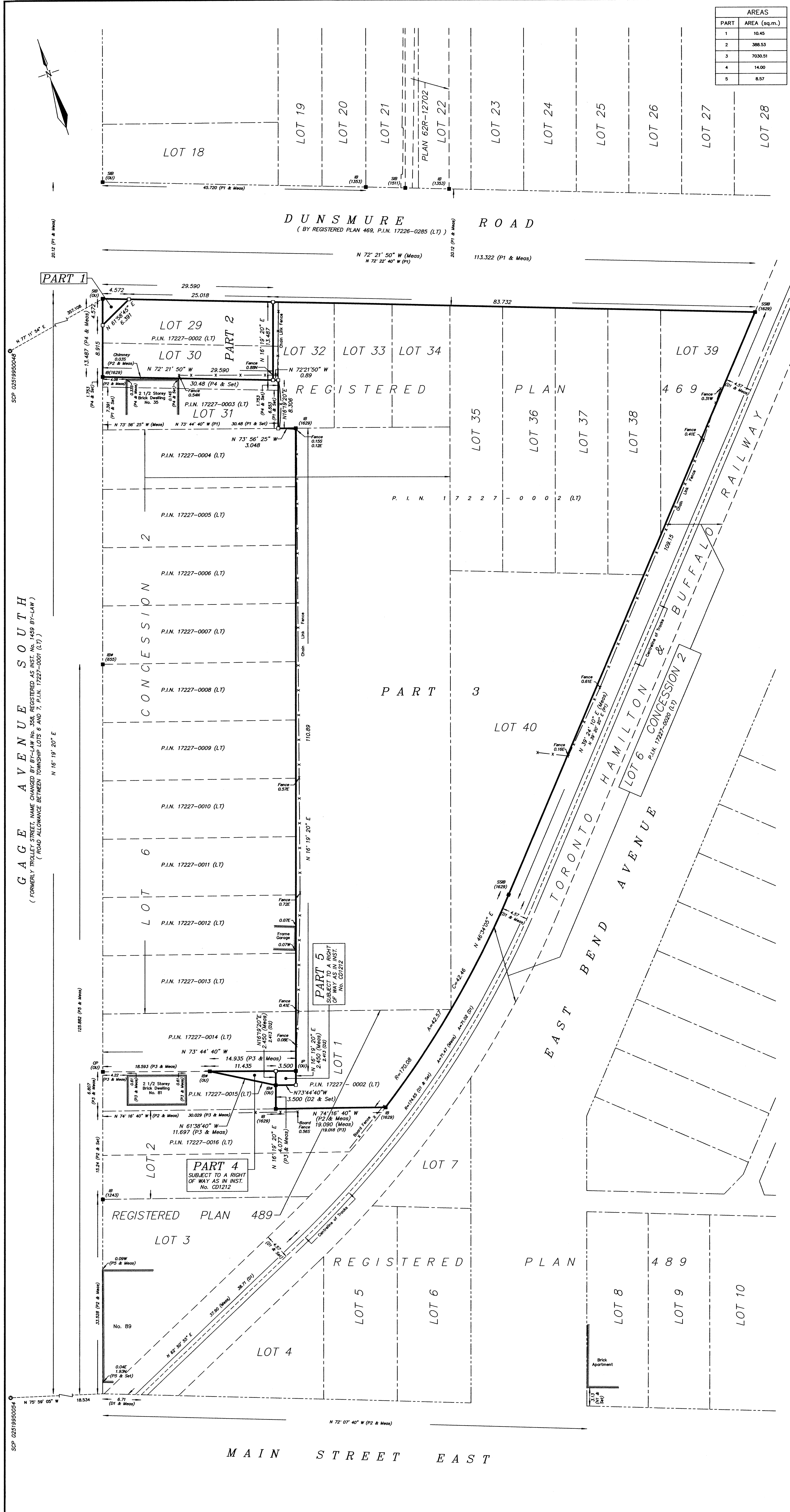
For more information on this matter, including access to drawings illustrating this request:

- 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: June 22nd, 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.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: _____

BRYAN JACOBS
ONTARIO LAND SURVEYOR

PLAN 62R-

RECEIVED AND DEPOSITED

DATE: _____

REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF MONTMARTIN (No. 62)

SCHEDULE			
PART	LOT	PLAN/CONCESSION	P.I.N.
1	PART OF LOT 29	REGISTERED PLAN 469	PART OF P.I.N. 17227-0002 (LT)
2	PART OF LOTS 29 & 30	REGISTERED PLAN 469	PART OF P.I.N. 17227-0002 (LT)
3	PART OF LOTS 29 & 30, LOTS 32, 33, 34, 35, 36, 37, 38, 39 & 40	REGISTERED PLAN 469	PART OF P.I.N. 17227-0002 (LT)
	PART OF LOT 6	CONCESSION 2	
4	PART OF LOT 1	REGISTERED PLAN 489	PART OF P.I.N. 17227-0002 (LT)
5	PART OF LOT 1	REGISTERED PLAN 489	PART OF P.I.N. 17227-0002 (LT)

PARTS 1, 2, 3, 4 & 5: COMPRISE ALL OF P.I.N. 17227-0002 (LT).
PARTS 4 & 5: SUBJECT TO A RIGHT OF WAY AS IN INST. No. CD1212

PLAN OF SURVEY OF
PART OF LOT 6
CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF BARTON)
AND
PART OF LOT 1
REGISTERED PLAN 489
AND
LOTS 29, 32, 33, 34, 35,
36, 37, 38, 39 & 40
PART OF LOT 30
REGISTERED PLAN 469
CITY OF HAMILTON

SCALE 1:300

0 5 10 15 20 25 METRES

B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

LEGEND & NOTES:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- SSIB DENOTES STANDARD IRON BAR
- IB DENOTES SHORT STANDARD IRON BAR
- IP DENOTES IRON PIPE
- CP DENOTES CONCRETE PIN
- IB# DENOTES ROUND IRON BAR
- WT. DENOTES WITNESS
- (OU) DENOTES ORIGIN UNKNOWN
- P1 DENOTES REGISTERED PLAN 469
- P2 DENOTES REGISTERED PLAN 489
- P3 DENOTES PLAN BY MACKAY & MACKAY (Y-5899)
- P4 DENOTES PLAN BY MACKAY & MACKAY (Y-6289)
- P5 DENOTES PLAN BY A.J. CLARKE LTD. (E-14158)
- D1 DENOTES INSTRUMENT No. BR9230
- D2 DENOTES INSTRUMENT No. CD1212
- N1 DENOTES CITY OF HAMILTON FIELD NOTES (AUG. 7, 2014)
- (1511) DENOTES G.V. CONSOLI O.L.S.
- (912) DENOTES A.J. CLARKE O.L.S.
- (655) DENOTES J.T. PETERS O.L.S.
- (1243) DENOTES E. BARICH O.L.S.
- (1353) DENOTES G.E. GIDDY O.L.S.
- (1629) DENOTES B.A. JACOBS O.L.S.

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

BEARINGS ARE UTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS 02519950048 AND 02519950054, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9997020.

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.R.G. 525/91.

FOR BEARING COMPARISONS, A ROTATION OF 1°40'40" COUNTER CLOCKWISE WAS APPLIED TO BEARINGS ON REGISTERED PLAN 469 AND REGISTERED PLAN 489.

POINT ID	NORTHING	EASTING
SCP 02519950048	4788797.407	594711.103
SCP 02519950054	4788699.692	594988.167

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON _____

DRAFT

DATE: _____

BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
152 JACKSON STREET EAST, SUITE 102
HAMILTON, ONTARIO (L8N 1J3)
PHONE: 905-521-1535 bjacobs@rogers.com

JOB No. 19978-RI

NO.	ISSUED	DATE
1	SPA COORDINATION	MAY 3 2021

CHAMBERLAIN ARCHITECT SERVICES LIMITED
ACKNOWLEDGE THAT THE PRELIMINARY DESIGN AND
CONCEPT FOR THE PROJECT WAS PROPOSED BY
THIER + CURRAN ARCHITECTS INC.

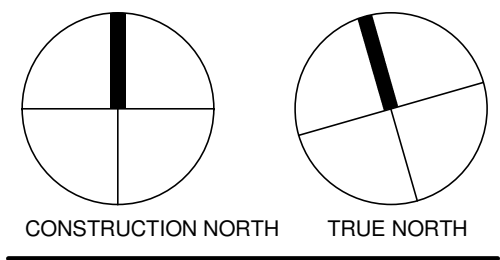
THIS SITE PLAN IS BASED UPON AND MUST BE READ IN
CONJUNCTION WITH THE REGISTERED PLAN.
CHAMBERLAIN ARCHITECT SERVICES LIMITED
ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY,
OR COMPLETENESS OF THE DATA SUPPLIED AND
SUCH DATA IS NOT INCLUDED UNDER SEALS OF
CERTIFICATION IF ANY.

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SEAL



DUNSMURE TOWNHOUSES

276 DUNSMURE RD.
HAMILTON, ONTARIO

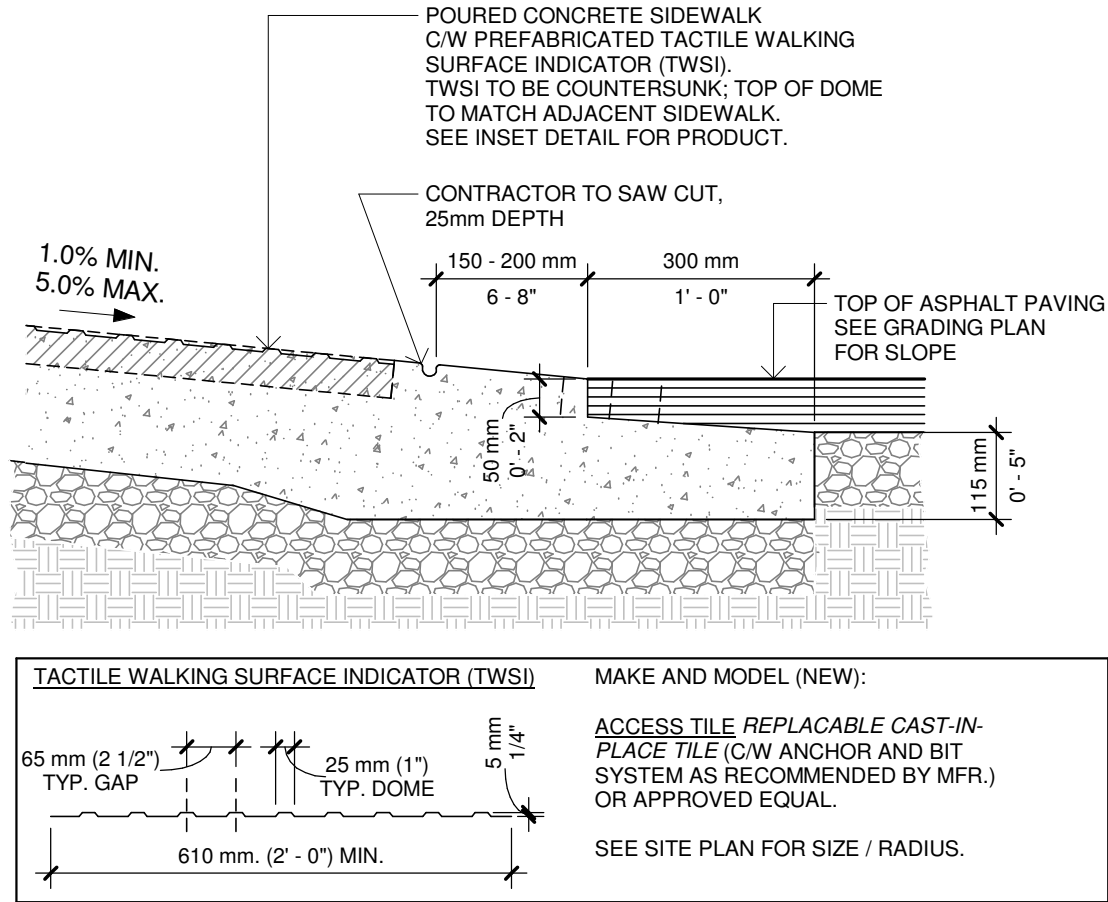
SHEET NAME

SITE DETAILS

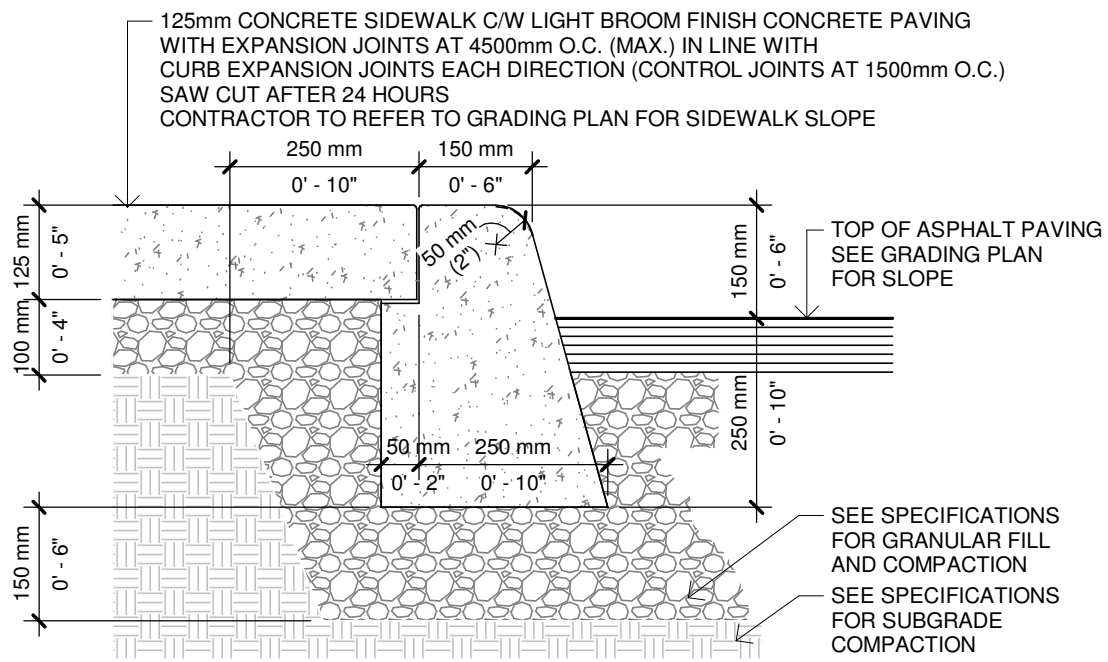
START DATE	FEB 2021
DRAWN BY	DM
CHECKED BY	JM
SCALE	As indicated
PROJECT NO.	121001

DRAWING

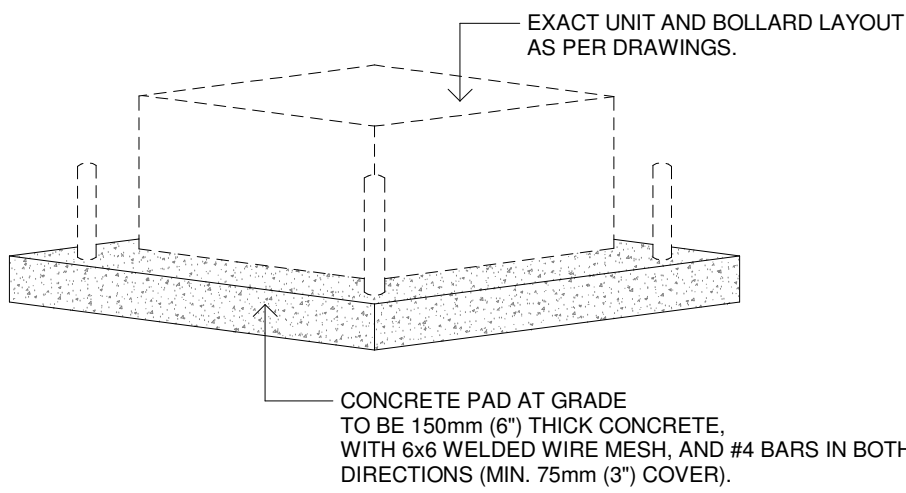
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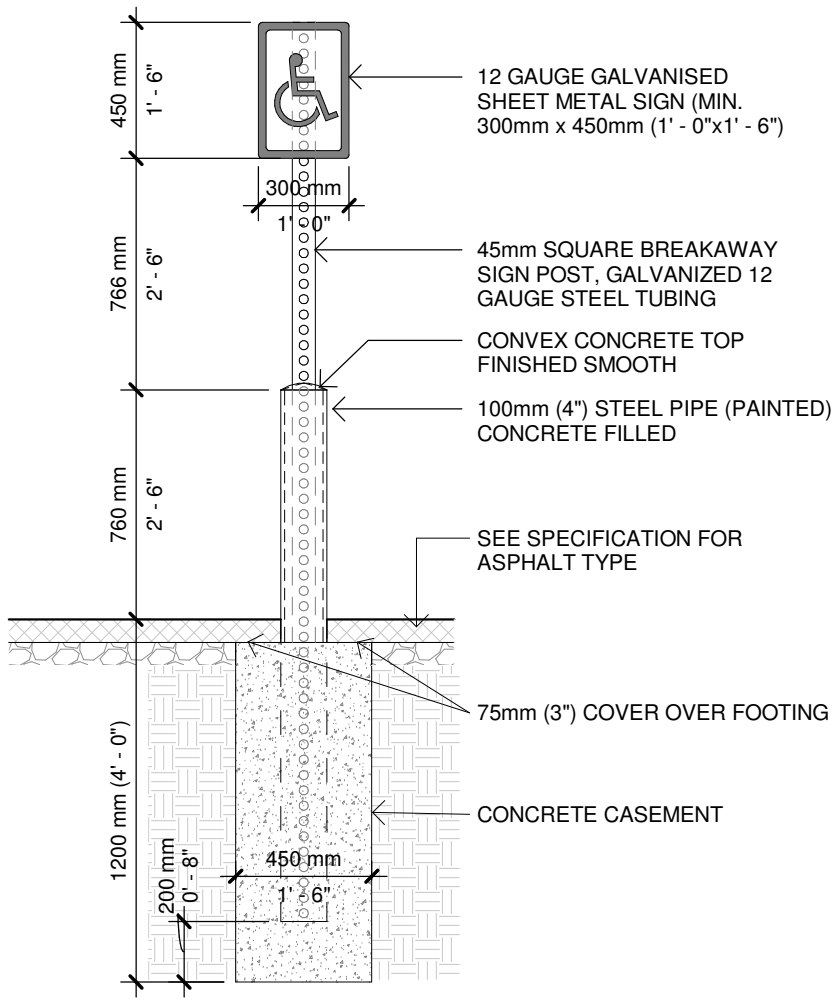
1 ACCESSIBLE DROPPED CURB
1 : 10



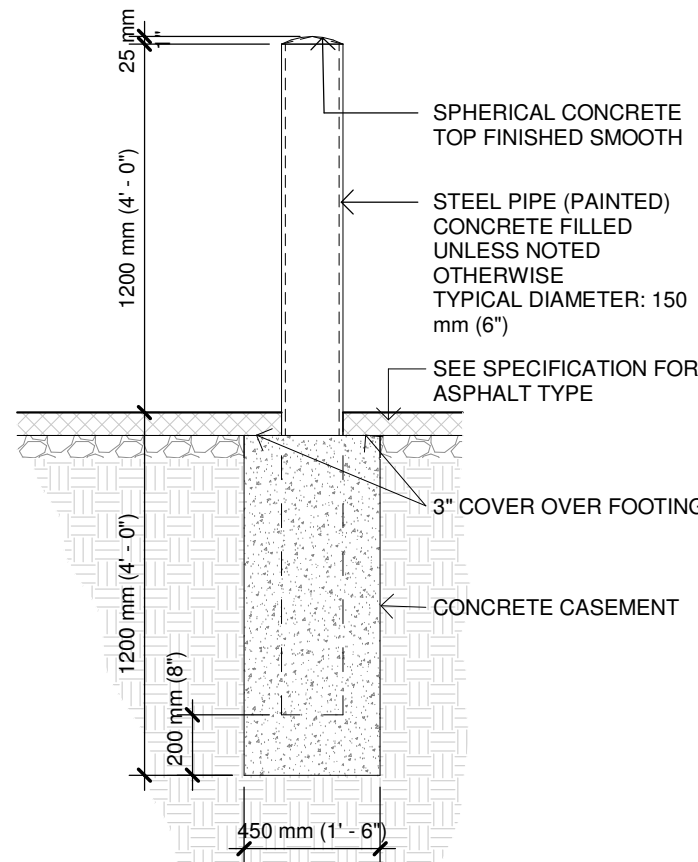
3 TYPICAL CONCRETE CURB
1 : 10



2 TRANSFORMER PAD DETAIL
1 : 25

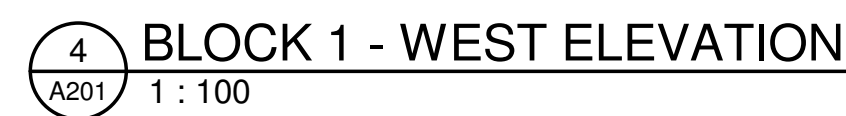
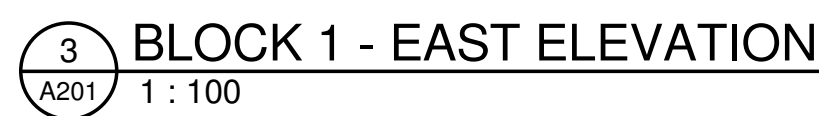


5 TYPICAL SIGNAGE BOLLARD
1 : 25



4 TYPICAL BOLLARD DETAIL
1 : 25

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1 BLOCK 2 - NORTH ELEVATION
A202 1 : 100



2 BLOCK 2 - SOUTH ELEVATION
A202 1 : 100



3 BLOCK 2 - EAST ELEVATION
A202 1 : 100



4 BLOCK 2 - WEST ELEVATION
A202 1 : 100



Chamberlain Architect
Services Limited
4671 Palladium Way (Unit 1)
Burlington, Ontario. L7M 0W9
CANADA
Phone: 905.631.7777
www.chamberlainIPD.com

NO.	ISSUED	DATE
1	SPA COORDINATION	2021-3-2

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DUNSMURE TOWNHOUSES

276 DUNSMURE RD.
HAMILTON, ONTARIO

SHEET NAME

EXTERIOR ELEVATION - BLOCK 2

START DATE	FEB 2021
DRAWN BY	ME
CHECKED BY	JM
SCALE	As indicated
PROJECT NO.	121001

DRAWING

A202

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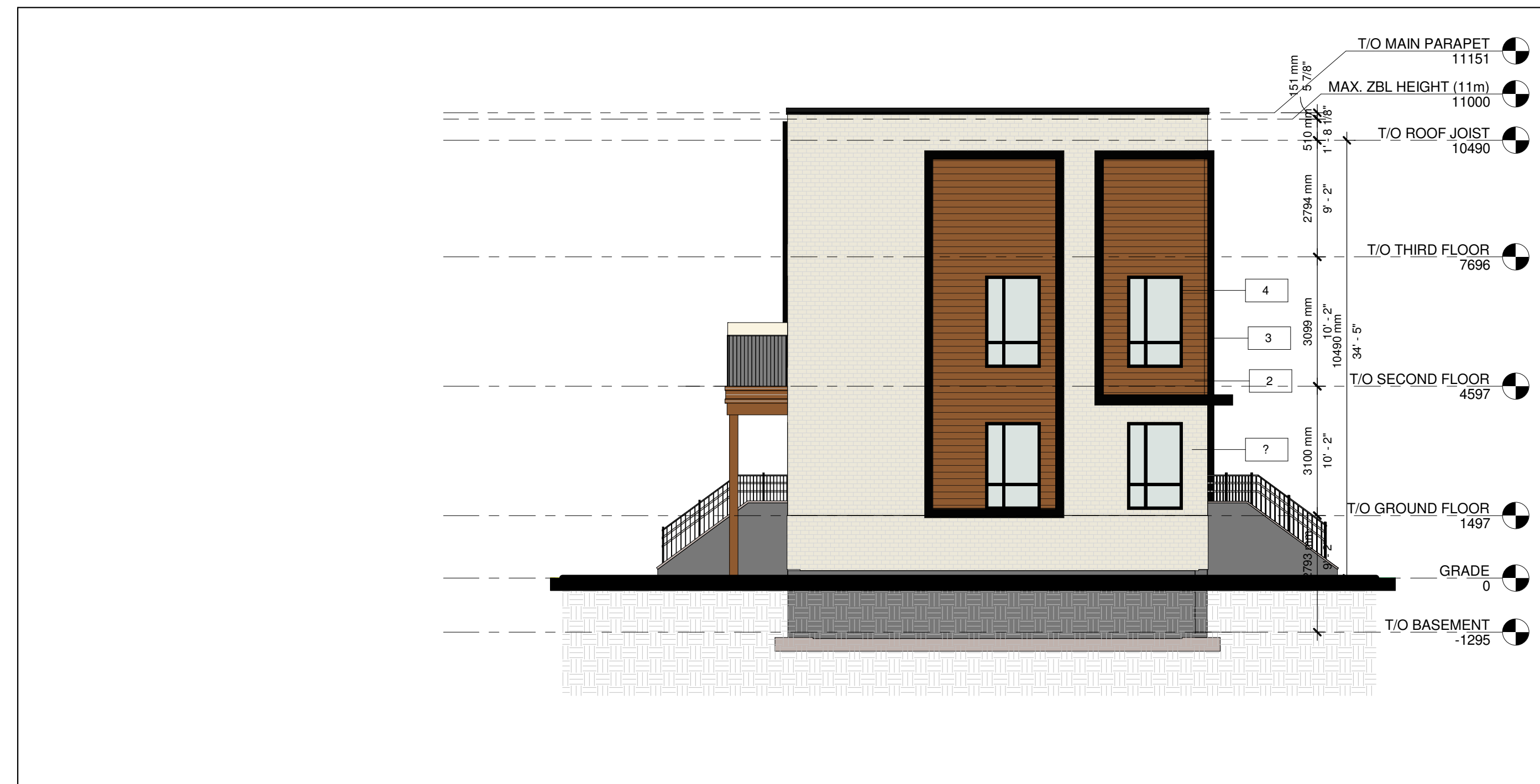
1 BLOCK 3 - EAST ELEVATION
A203 1:100



2 BLOCK 3 - WEST ELEVATION
A203 1:100



3 BLOCK 3 - NORTH ELEVATION
A203 1:100



4 BLOCK 3 - SOUTH ELEVATION
A203 1:100

NO.	ISSUED	DATE
1	SPA COORDINATION	2021-3-2

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DUNSMURE TOWNHOUSES

276 DUNSMURE RD.
HAMILTON, ONTARIO

SHEET NAME

EXTERIOR ELEVATIONS - BLOCK 3

START DATE	FEB 2021
DRAWN BY	ME
CHECKED BY	JM
SCALE	As indicated
PROJECT NO.	121001
DRAWING	

A203

NO.	ISSUED	DATE
1	CLIENT REVIEW	2021-02-09
2	SFA FOR CORPORATION	2021-3-2

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**DUNSMURE
TOWNHOUSES
2BD UNIT**

276 DUNSMURE ROAD
HAMILTON, ONTARIO

SHEET NAME

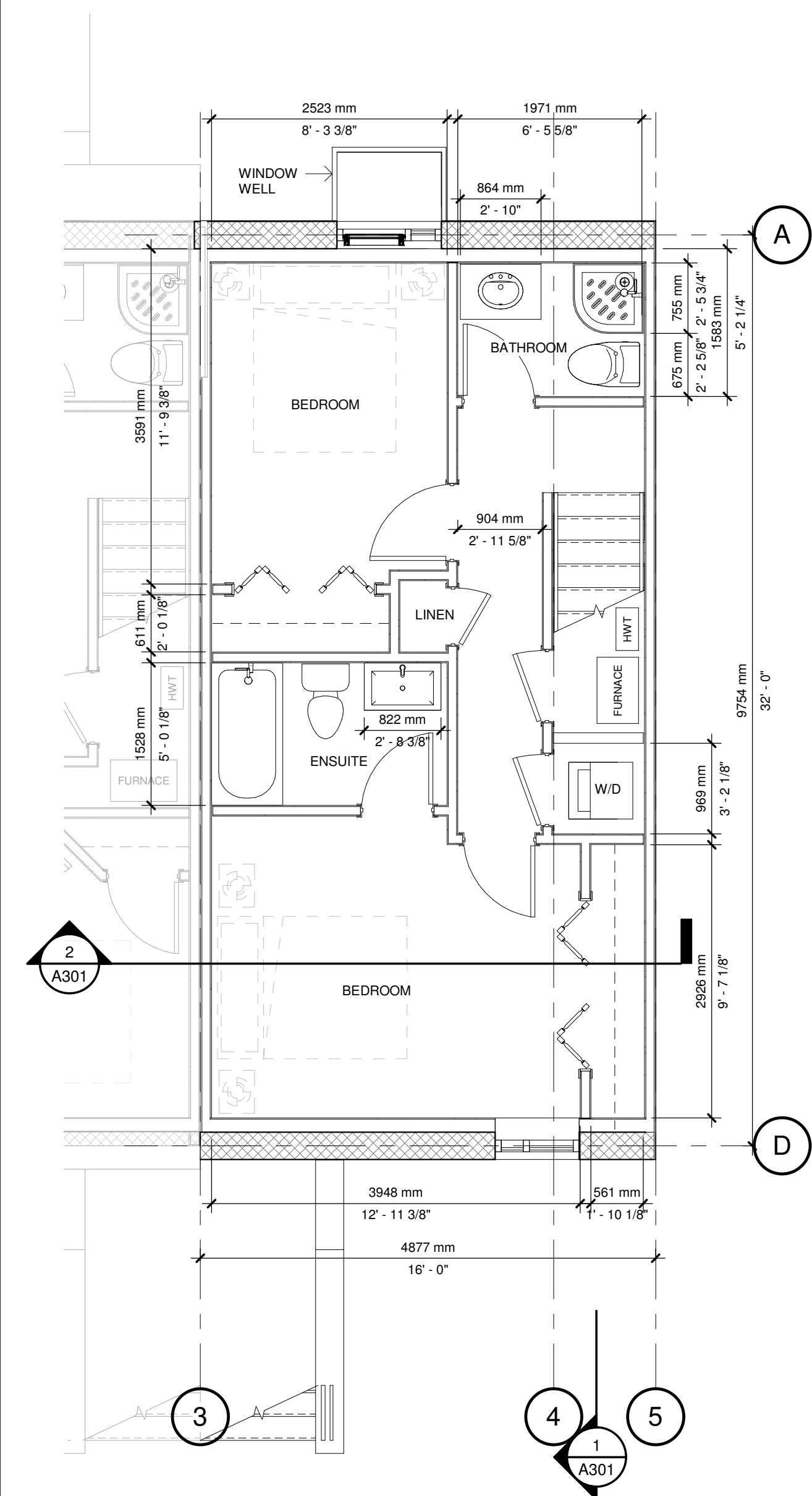
**OVERALL FLOOR
PLANS**

START DATE	FEB 2021
DRAWN BY	DMC, ME
CHECKED BY	JMC
SCALE	1 : 50
PROJECT NO.	121001

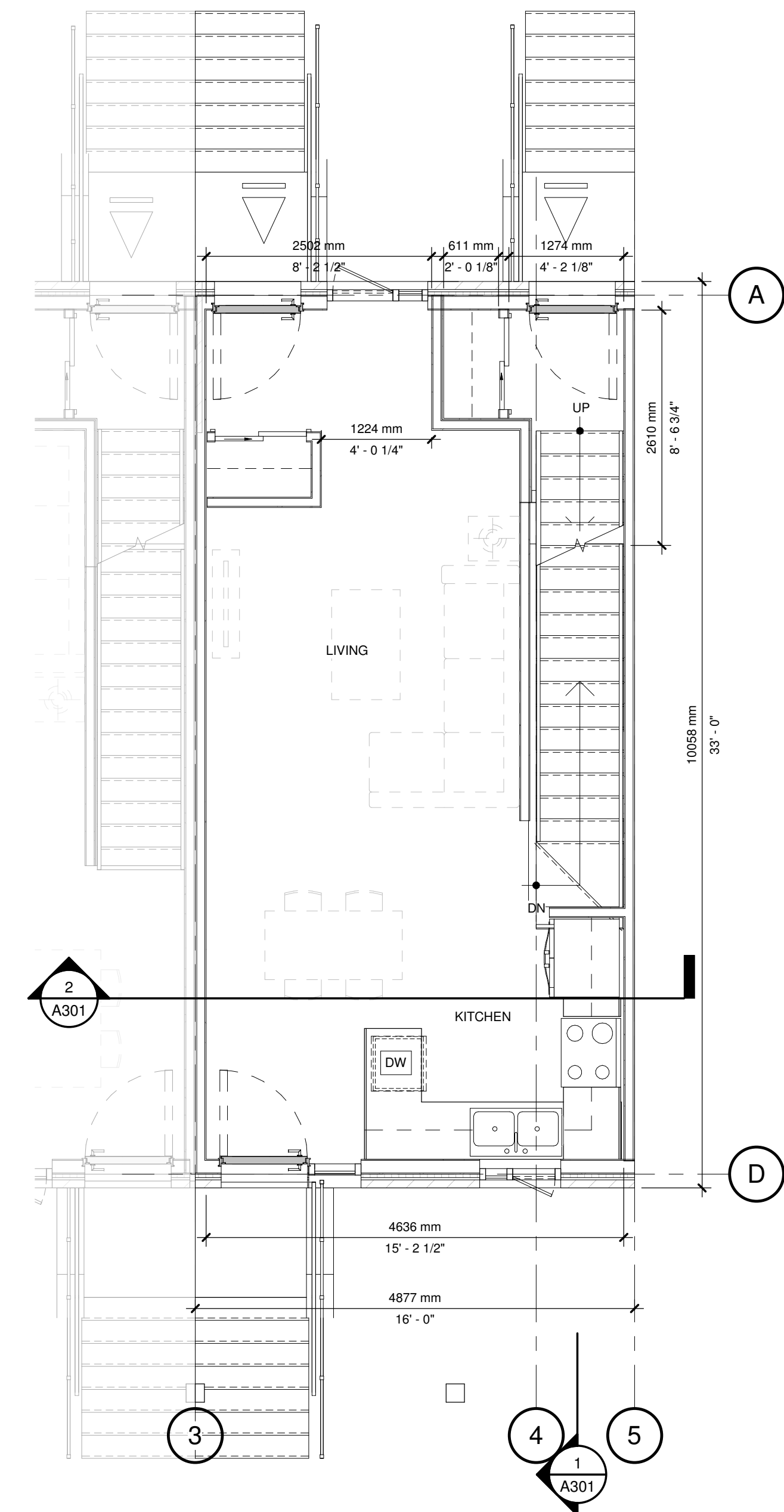
DRAWING

A100

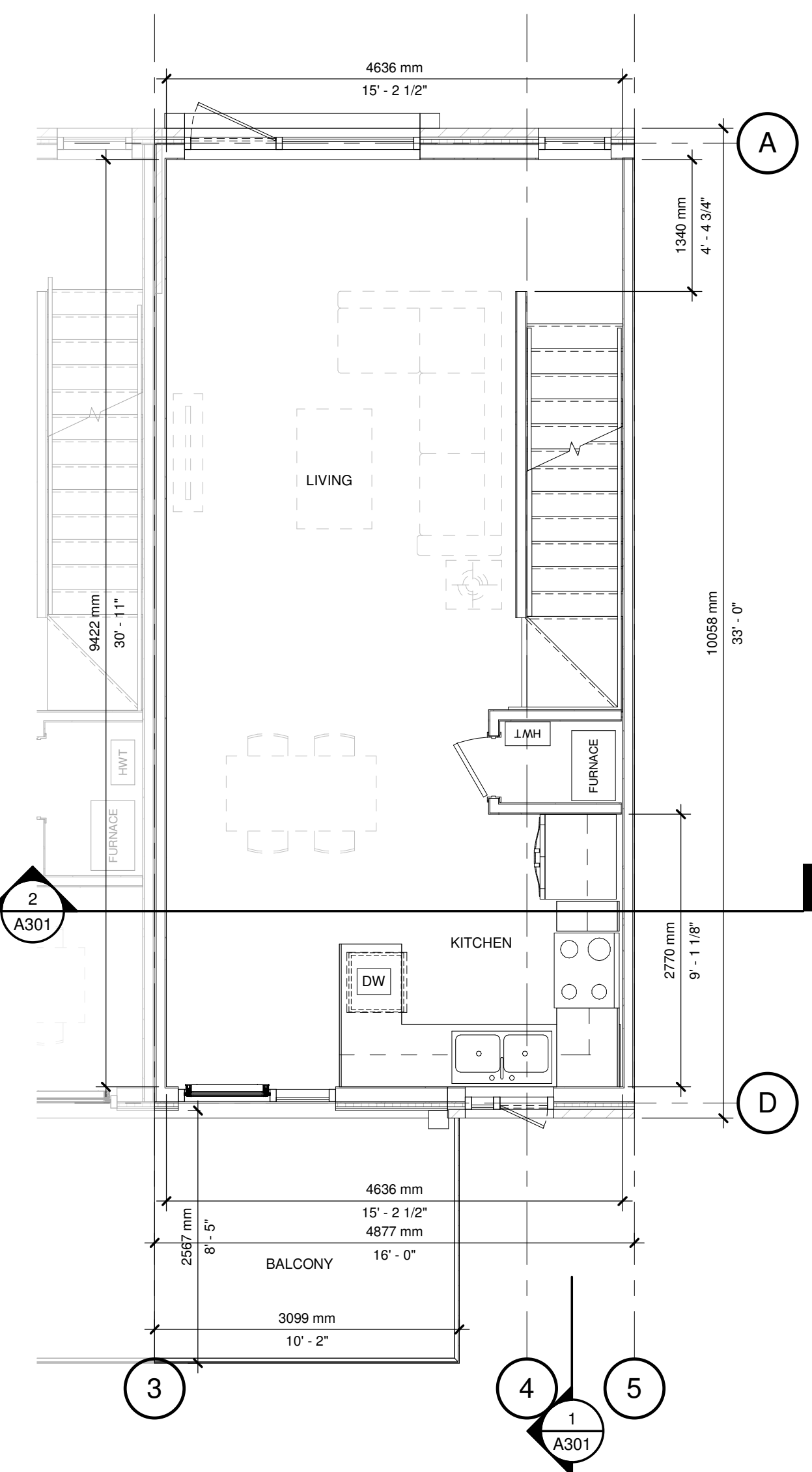
UNIT AREA		
Level	Area	AREA - SQ
LOWER UNIT		
T/O BASEMENT	46 m²	497 SF
T/O GROUND FLOOR	44 m²	473 SF
LOWER UNIT: 2	90 m²	970 SF
UPPER UNIT		
T/O GROUND FLOOR	5 m²	55 SF
T/O SECOND FLOOR	49 m²	528 SF
T/O THIRD FLOOR	48 m²	517 SF
UPPER UNIT: 3	102 m²	1099 SF



1 BASEMENT FLOOR PLAN
A100 1 : 50

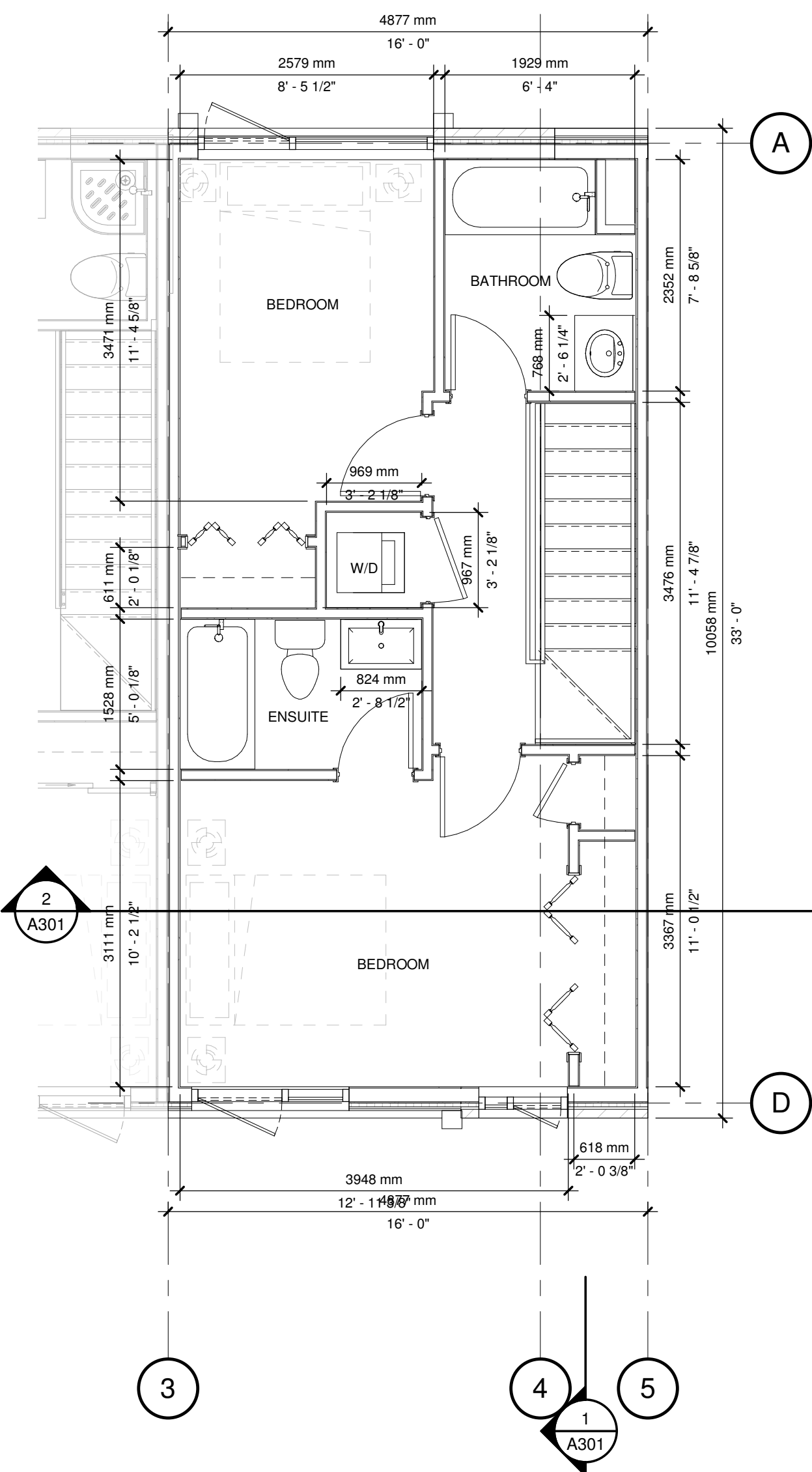


2 GROUND FLOOR PLAN
A100 1 : 50



1.5m BALCONIES - UNITS 21-30
1 : 50

3 SECOND FLOOR PLAN
A100 1 : 50



4 THIRD FLOOR PLAN
A100 1 : 50

NO.	ISSUED	DATE
1	SPA FOR COORDINATION	2021-3-2

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DUNSMURE
TOWNHOUSES
2BD UNIT

276 DUNSMURE ROAD
HAMILTON, ONTARIO

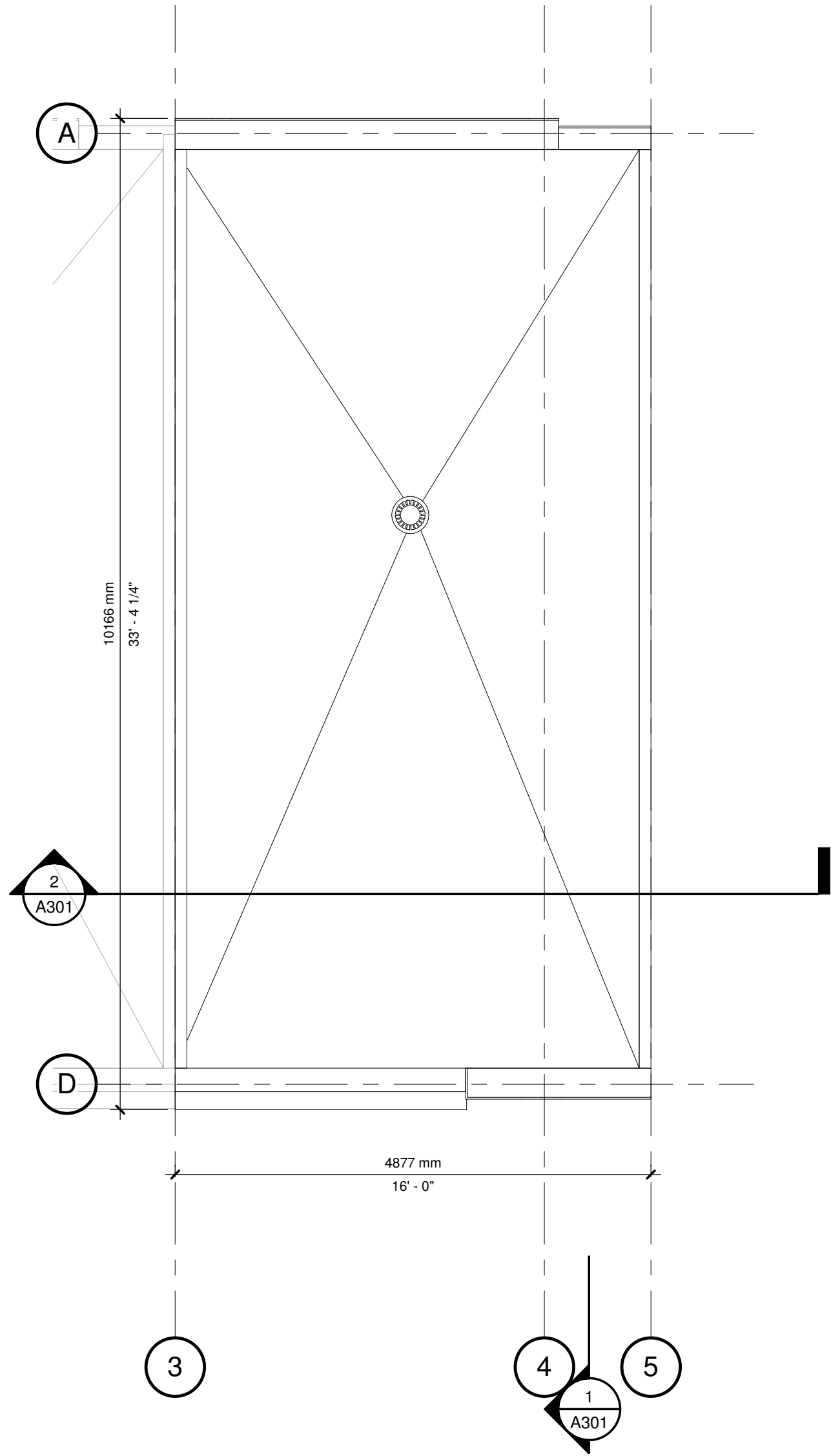
SHEET NAME

ROOF PLAN &
DETAILS

START DATE	FEB 2021
DRAWN BY	ME
CHECKED BY	JMC
SCALE	1 : 50
PROJECT NO.	121001

DRAWING

A105



1 ROOF PLAN
A105 1 : 50

C:\Users\dunsmure\Documents\2 BD RM - DMS\Arch\2BD WH1.rvt 2021-05-03 2:38:11 PM

NO.	ISSUED	DATE
1	CLIENT REVIEW	2021-02-09
2	SFA FOR CORPORATION	2021-3-2

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HAMILTON, ONTARIO

SHEET NAME

EXTERIOR
ELEVATION I

START DATE	FEB 2021
DRAWN BY	ME
CHECKED BY	JMC
SCALE	As indicated
PROJECT NO.	121001
DRAWING	

A201

- MATERIALS
- 1

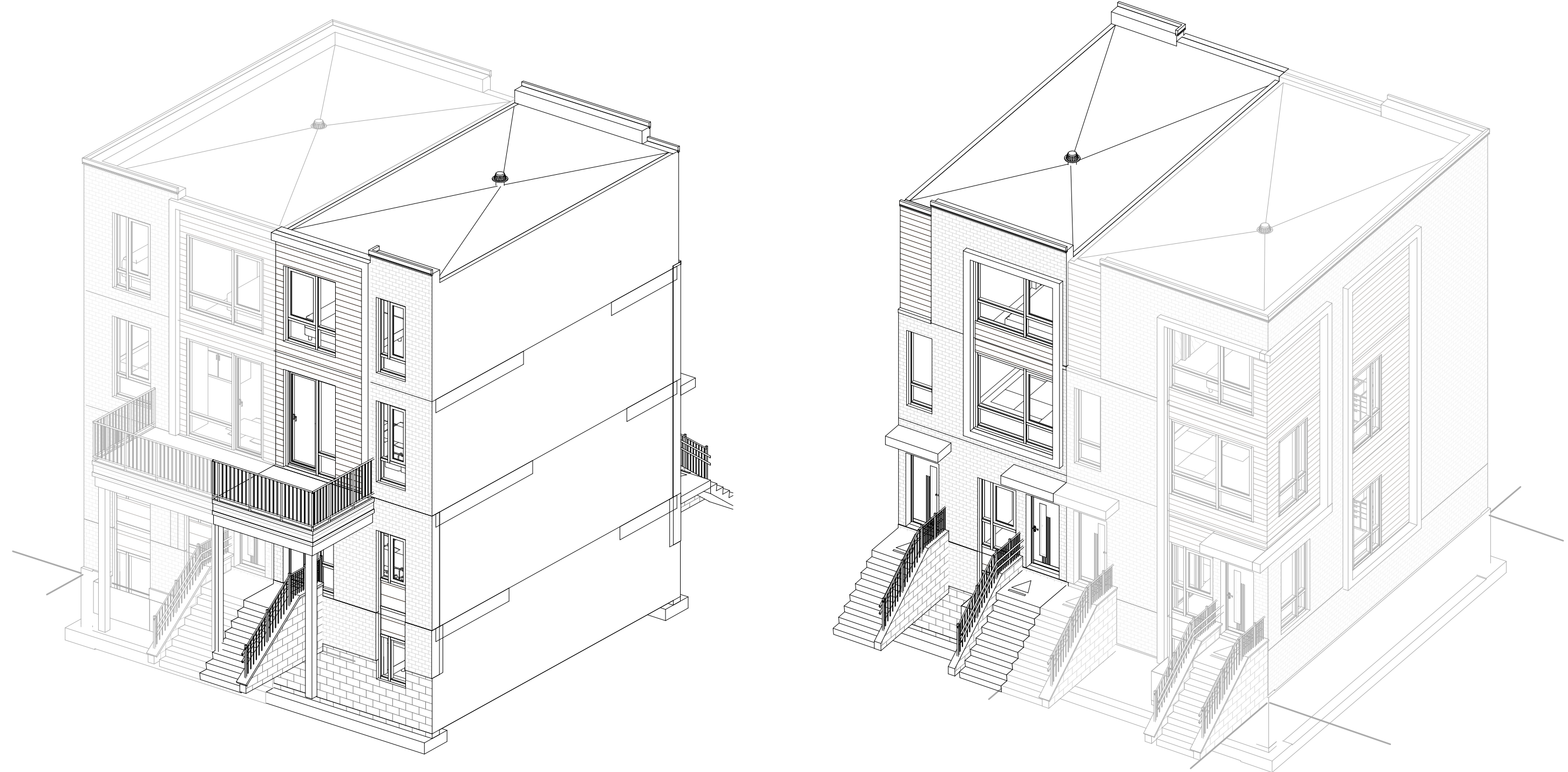
MASONRY FINISH
- 2

WOOD GRAIN FINISH
- 3

CHARCOAL FINISH
- 4

CHARCOAL MULLION
- 5

MASONRY FINISH



43D - AXO - REAR

A201

33D - AXO - FRONT

A201



NO.	ISSUED	DATE
1	SPA FOR COORDINATION	2021-3-2

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276 DUNSMURE ROAD
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SHEET NAME

BUILDING
SECTIONS

START DATE FEB 2021

DRAWN BY ME

CHECKED BY JMC

SCALE 1 : 50

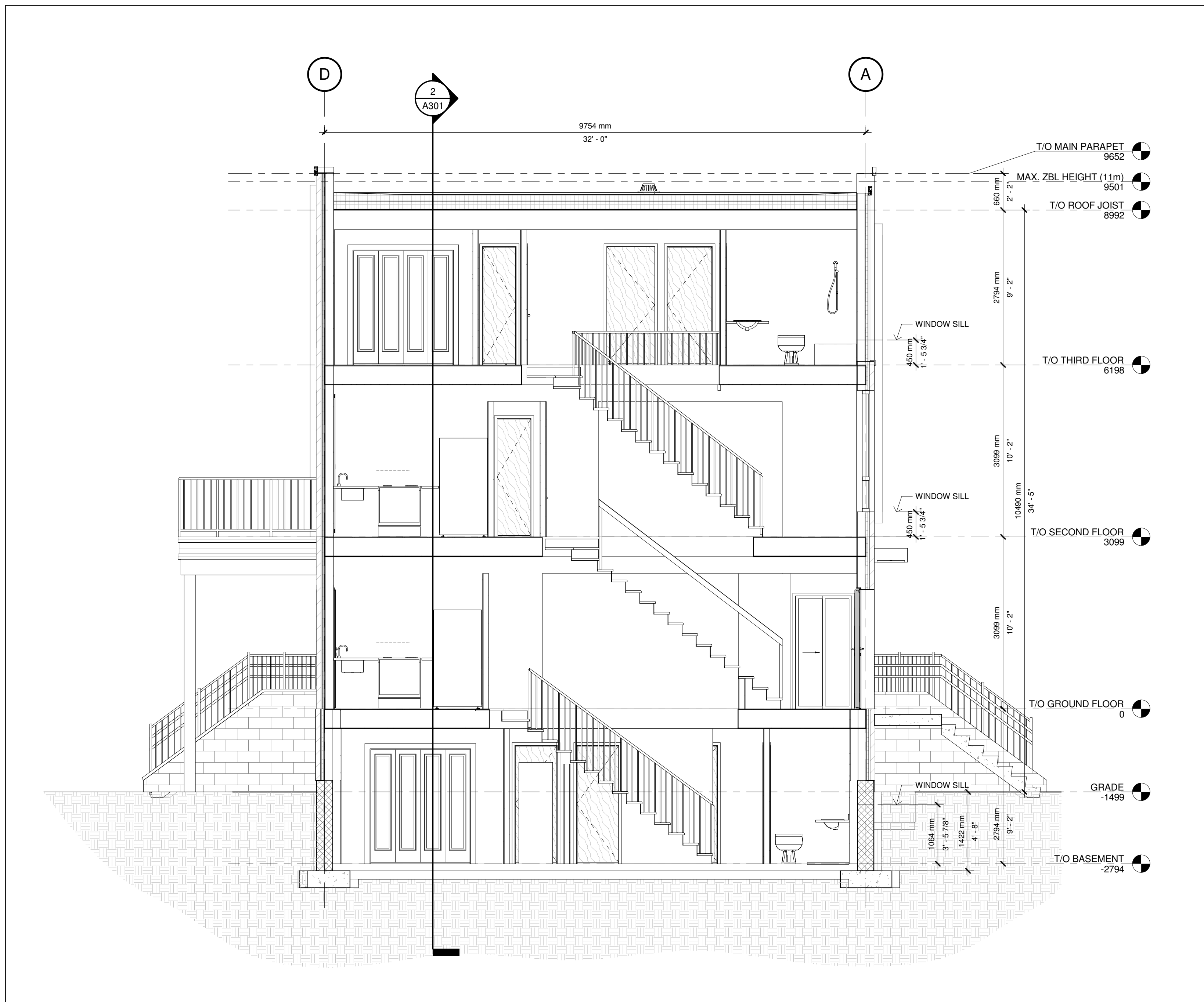
PROJECT NO. 121001

DRAWING

A301



2 Section 2
A301 1 : 50



1 Section 1
A301 1 : 50



FRONT PERSPECTIVE RENDER



CORNER PERSPECTIVE RENDER

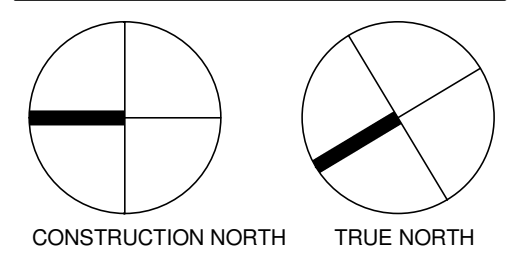
NO.	ISSUED	DATE
1	SPA FOR COORDINATION	2021-3-2

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TOWNHOUSES
2BD UNIT

276 DUNSMURE ROAD
HAMILTON, ONTARIO

SHEET NAME	
RENDERS	
START DATE	FEB 2021
DRAWN BY	DMC / ME
CHECKED BY	JMC
SCALE	
PROJECT NO.	121001
DRAWING	

A800

NO.	ISSUED	DATE
1	CLIENT REVIEW	2021-02-09
2	SFA FOR CORPORATION	2021-3-2

UNIT AREA		
Level	Area	AREA - SQ
LOWER FLOOR		
T/O BASEMENT	54 m²	580 SF
T/O GROUND FLOOR	53 m²	574 SF
LOWER FLOOR: 2	107 m²	1154 SF
UPPER FLOOR		
T/O THIRD FLOOR	58 m²	623 SF
T/O SECOND FLOOR	58 m²	627 SF
T/O GROUND FLOOR	5 m²	53 SF
UPPER FLOOR: 3	121 m²	1303 SF

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**DUNSMURE
TOWNHOUSES
3BD UNIT**

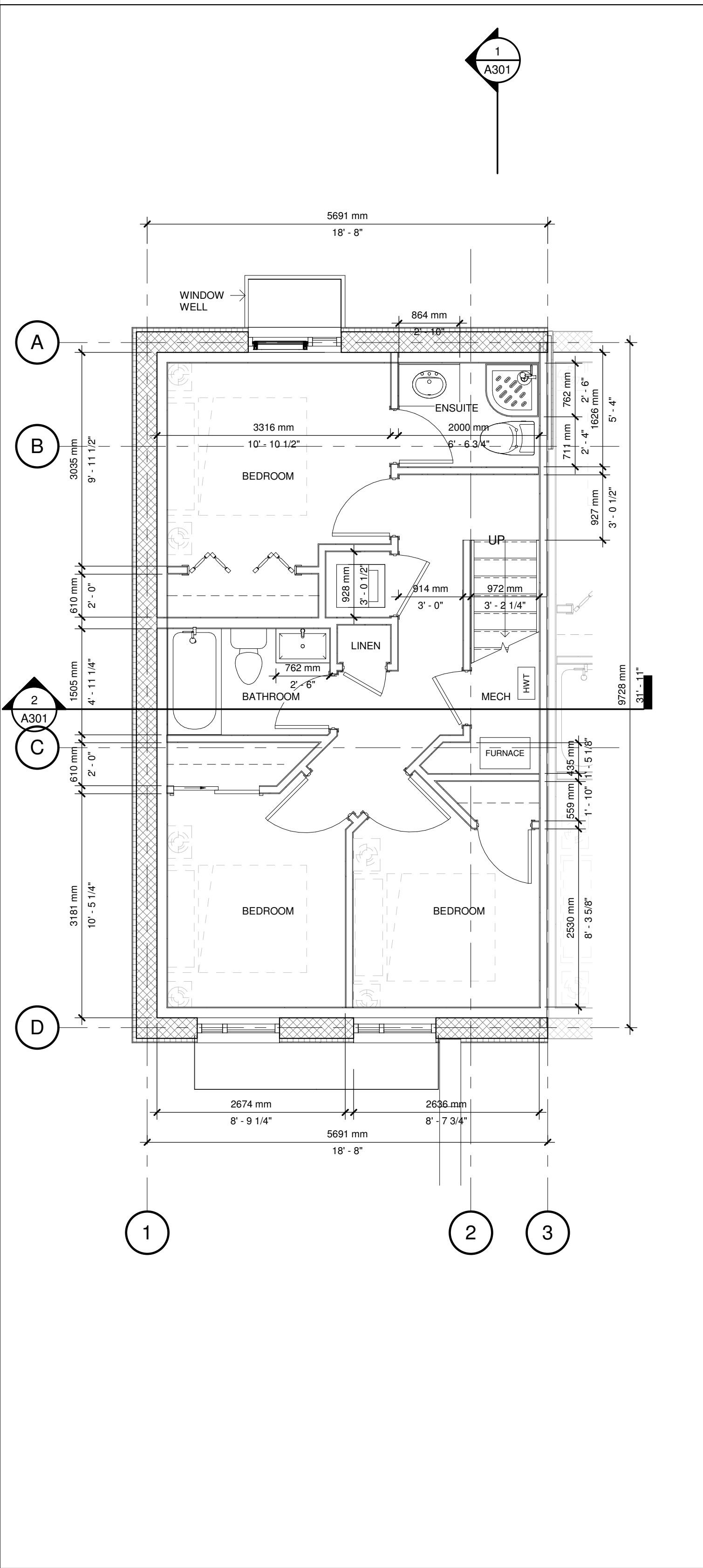
276 DUNSMURE ROAD
HAMILTON, ONTARIO

SHEET NAME

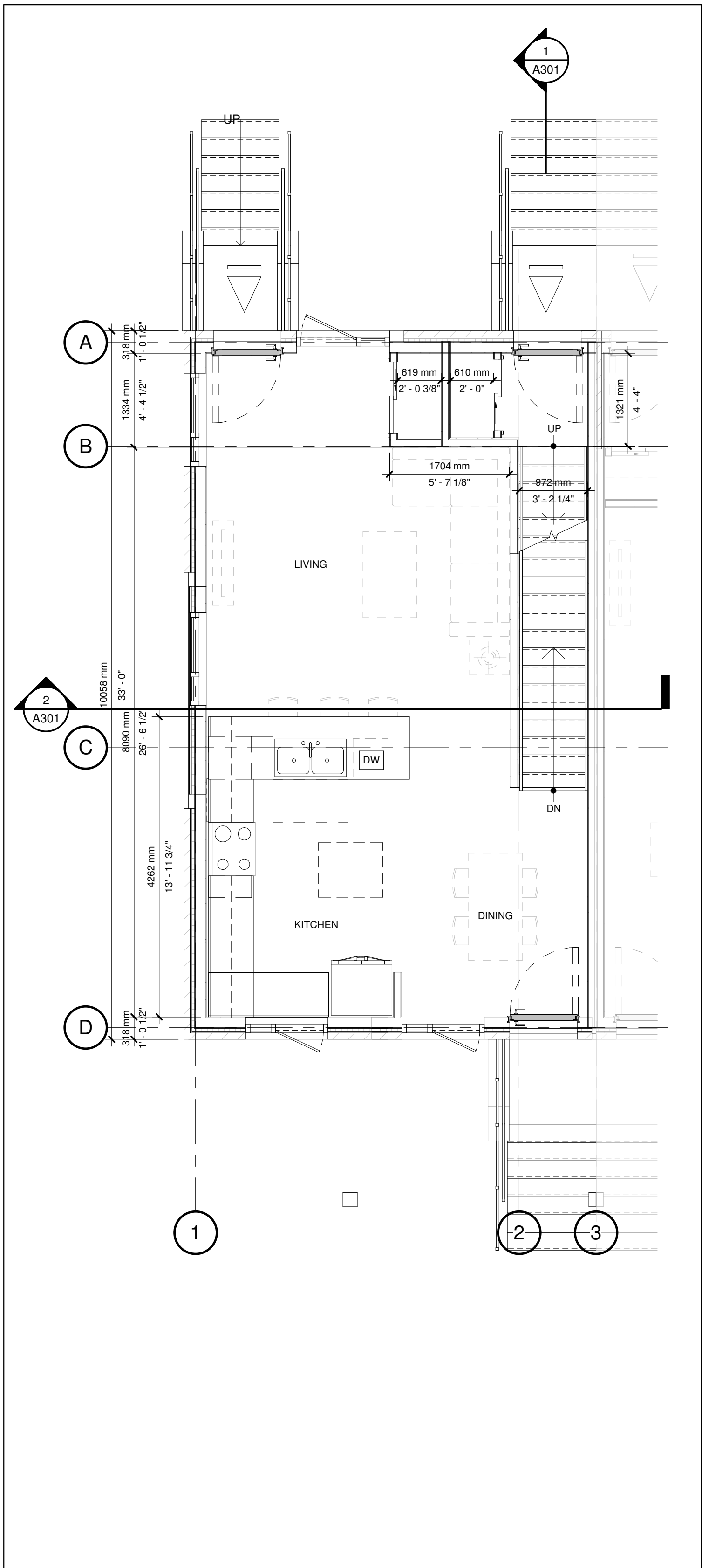
**OVERALL FLOOR
PLANS**

START DATE	FEB 2021
DRAWN BY	ME
CHECKED BY	JMC
SCALE	1 : 50
PROJECT NO.	121001
DRAWING	

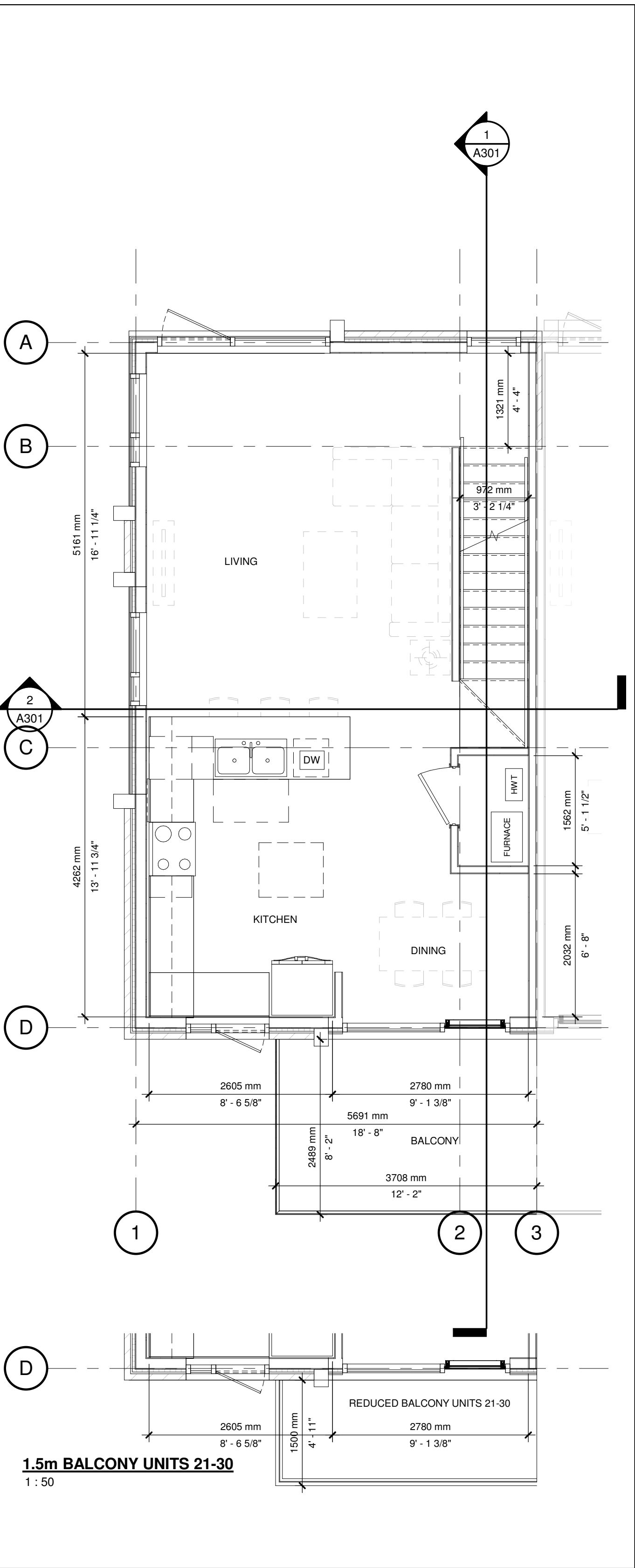
A100



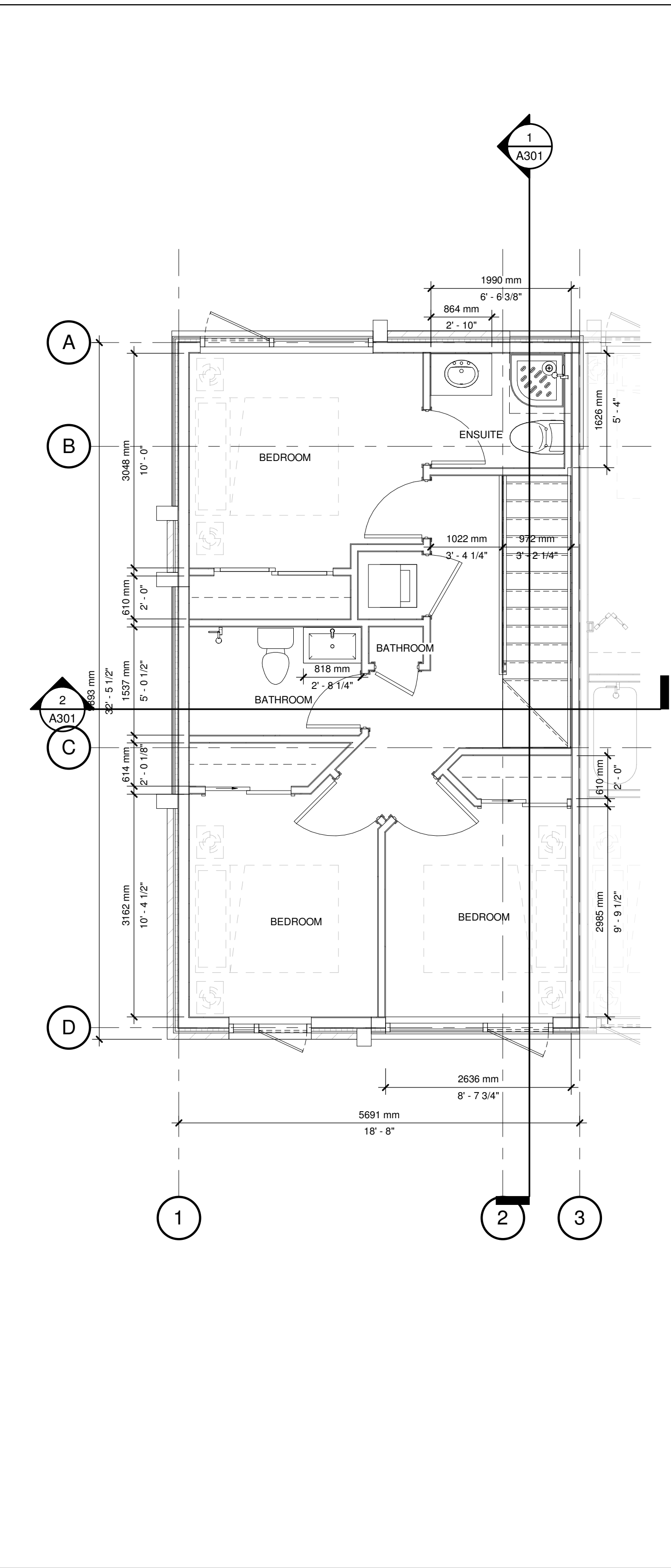
2 BASEMENT FLOOR PLAN
A100 1 : 50



1 GROUND FLOOR PLAN
A100 1 : 50



3 SECOND FLOOR PLAN
A100 1 : 50



4 THIRD FLOOR PLAN
A100 1 : 50

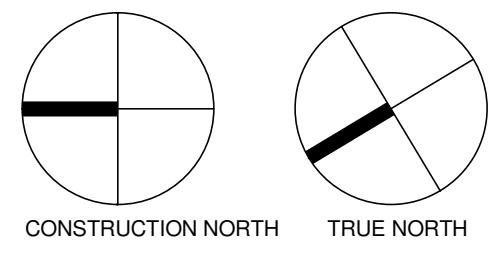
NO.	ISSUED	DATE
1	SPA FOR COORDINATION	2021-3-2

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SEAL



DUNSMURE
TOWNHOUSES
3BD UNIT

276 DUNSMURE ROAD
HAMILTON, ONTARIO

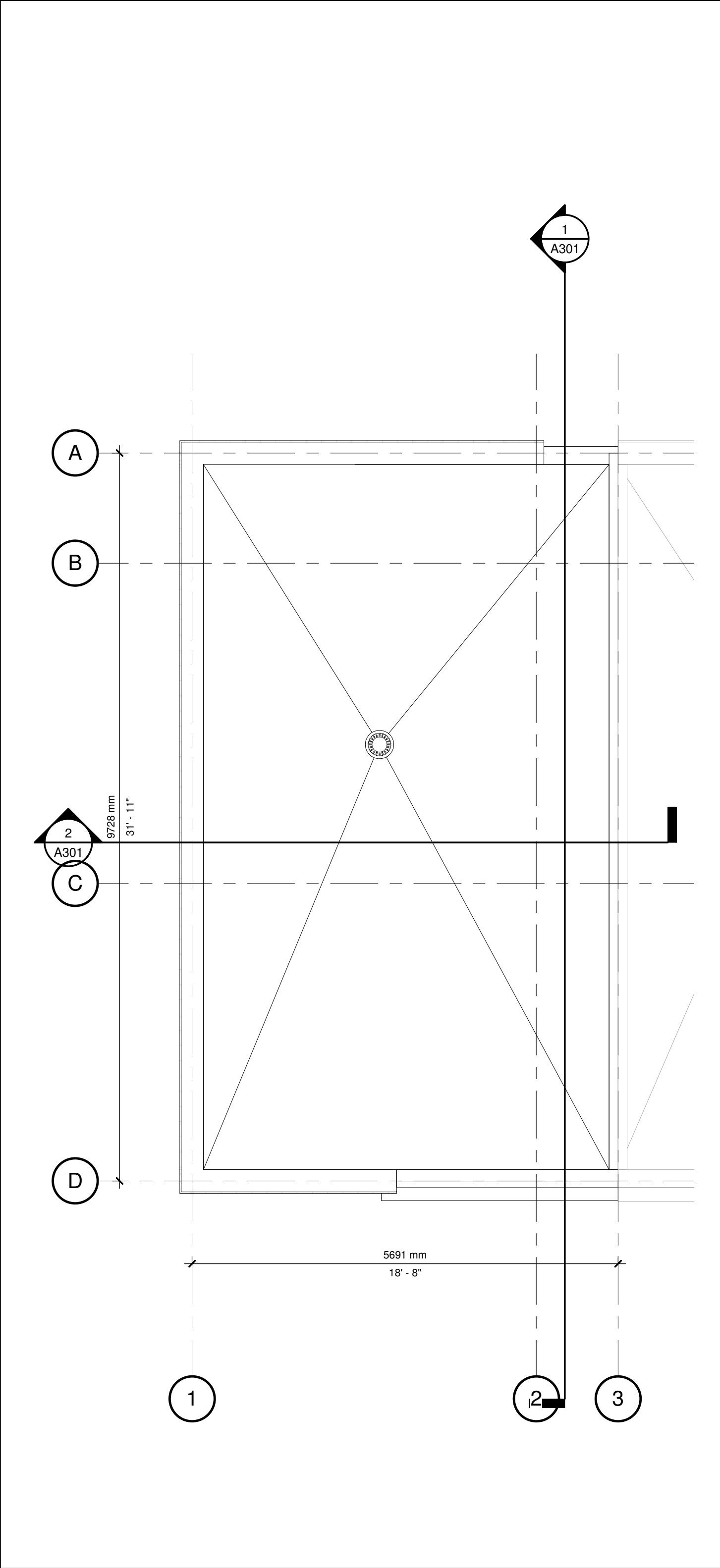
SHEET NAME

ROOF PLAN &
DETAILS

START DATE	FEB 2021
DRAWN BY	Author
CHECKED BY	Checker
SCALE	1 : 50
PROJECT NO.	121001

DRAWING

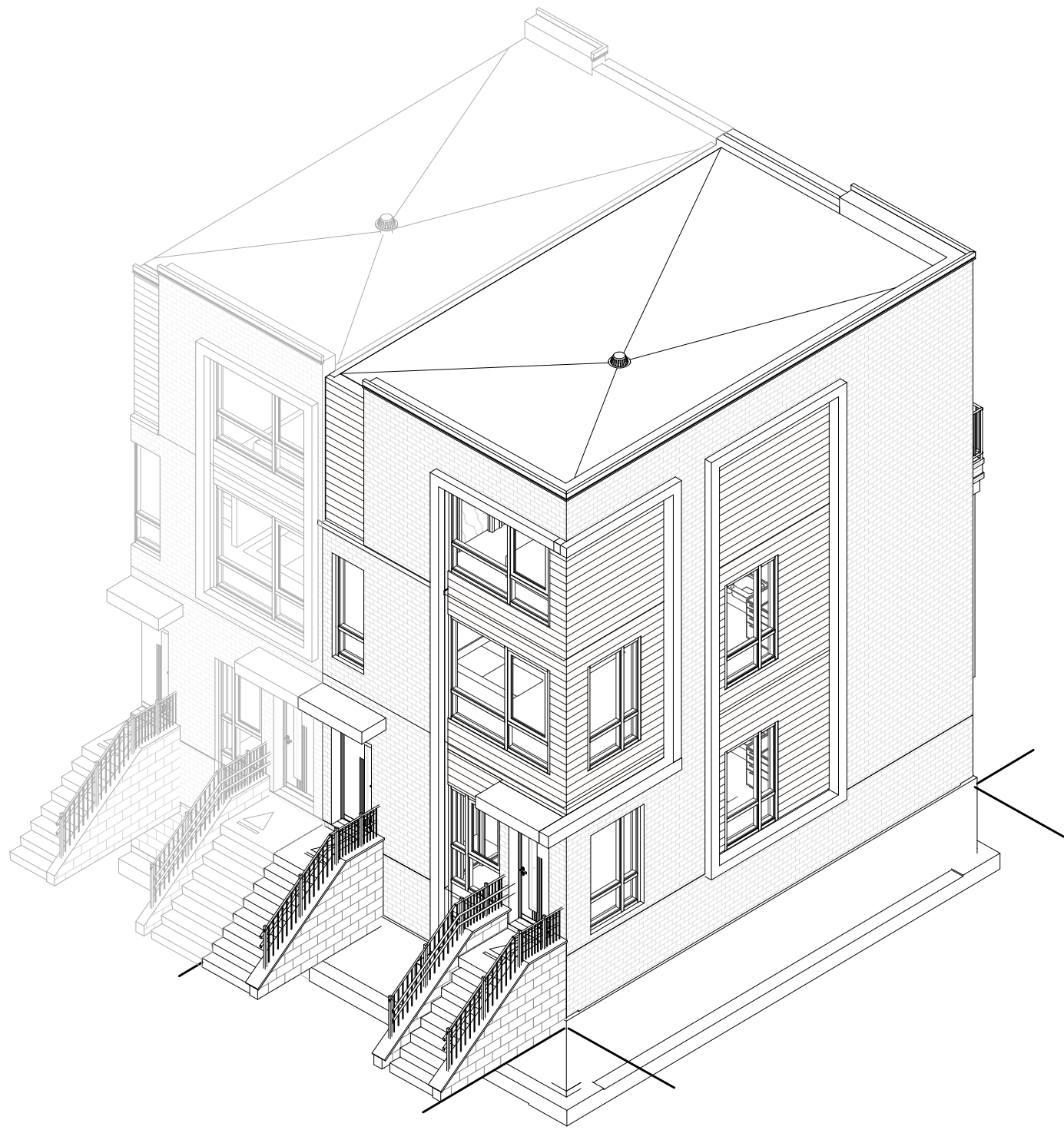
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1 ROOF PLAN
A105 1 : 50



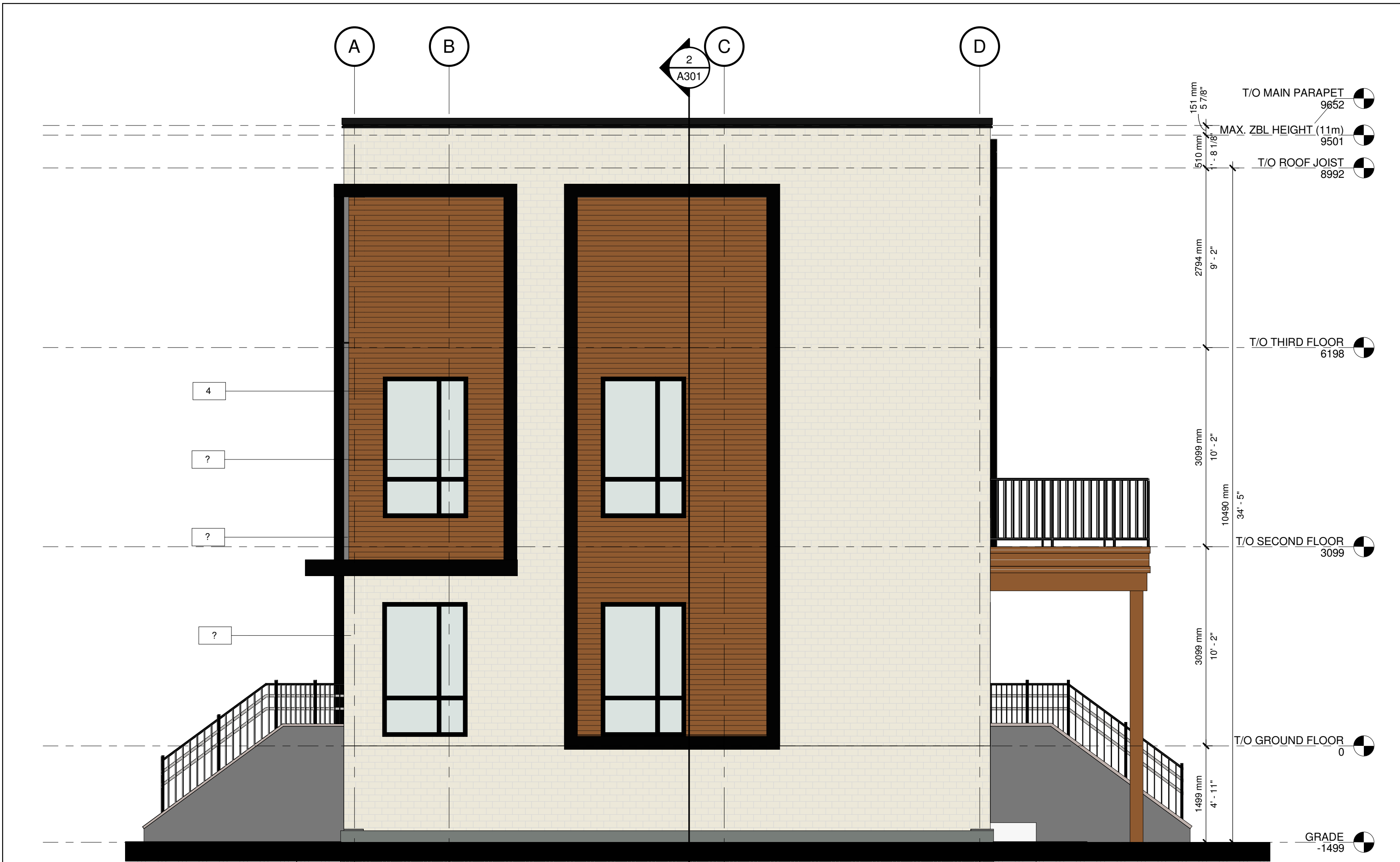
2 3D - AXO - REAR
A201



3 3D - AXO - FRONT
A201



10 SOUTH ELEVATION
A201 1 : 50



4 WEST ELEVATION
A201 1 : 50



1 NORTH ELEVATION
A201 1 : 50

NO.	ISSUED	DATE
1	CLIENT REVIEW	2021-02-09
2	SFA FOR CORROBORATION	2021-03-2

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SEAL

DUNSMURE TOWNHOUSES 3BD UNIT

276 DUNSMURE ROAD
HAMILTON, ONTARIO

SHEET NAME

EXTERIOR ELEVATION I

START DATE FEB 2021

DRAWN BY ME

CHECKED BY JMC

SCALE As indicated

PROJECT NO. 121001

DRAWING

A201

NO.	ISSUED	DATE
1	SPA FOR COORDINATION	2021-3-2

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SEAL

DUNSMURE
TOWNHOUSES
3BD UNIT

276 DUNSMURE ROAD
HAMILTON, ONTARIO

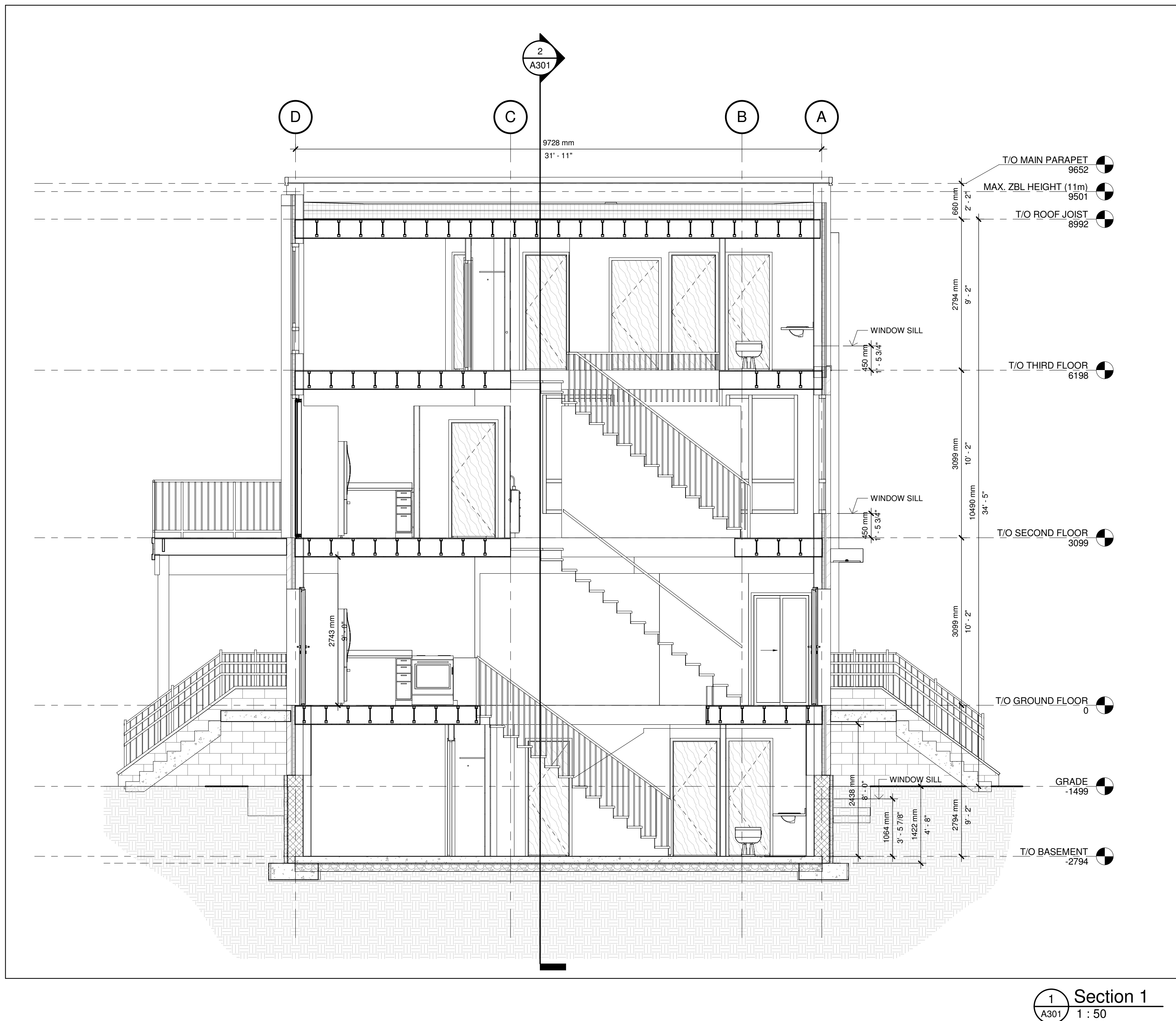
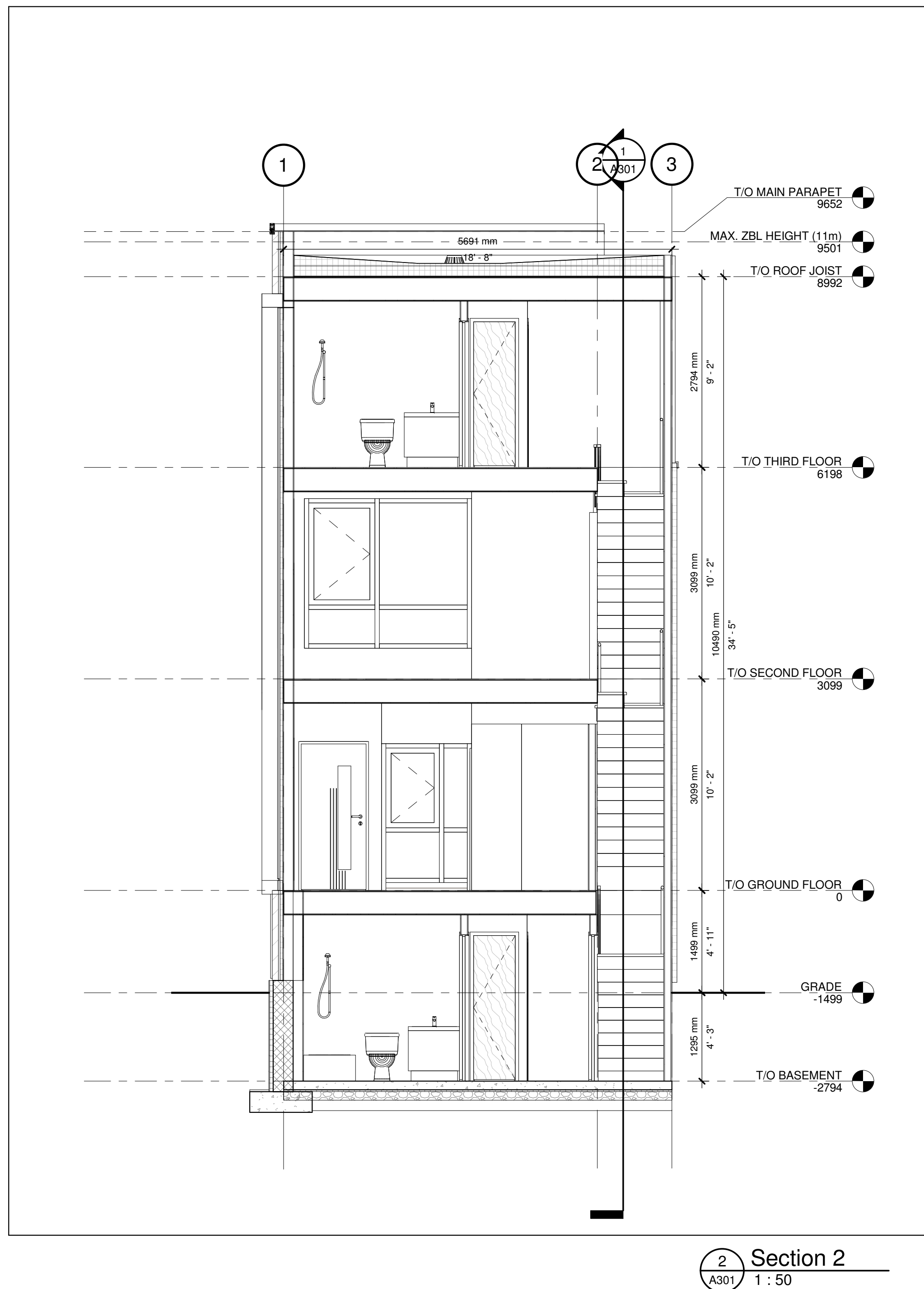
SHEET NAME

BUILDING
SECTIONS

START DATE	FEB 2021
DRAWN BY	ME
CHECKED BY	JMC
SCALE	1 : 50
PROJECT NO.	121001

DRAWING

A301





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

May 14, 2021

Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 260 & 276 Dunsmure Road
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Tibro Properties Ltd. for the purposes of submitting the enclosed Minor Variance and Consent Applications for the subject lands, municipally known as 276 Dunsmure Road. These applications will facilitate the approval of Site Plan Application File # DA-19-107, which was conditionally approved on July 9, 2020.

The subject lands are located southwest of Dunsmure Road and Gage Avenue South. The property known as 276 Dunsmure Road is proposed to be redeveloped for 60 Stacked Townhouse Units (defined as Multiple Dwellings as per the Zoning By-law). A number of variances are required to facilitate the desired built form for the development. The lands municipally known as 260 Dunsmure Road are proposed to be severed from the remainder of the 276 Dunsmure lands. An application for severance is required to facilitate conveyance of this portion of the subject lands. A general concept of the proposal is provided on page two, below.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) copy of the required filled and signed Severance Application Form;
- 3) One (1) digital copy of the Site Plan.
- 4) One (1) digital copy of the Draft Reference Plan.

Application fees will be paid over the phone, as per staff's instructions.

The subject lands are designated "Neighbourhoods" on Schedule E-1 in the Urban Hamilton Official Plan. The Neighbourhoods designation permits a range of residential uses.

The lands municipally known as 276 Dunsmure are zoned "DE" Urban Protected Residential Multiple Dwelling, Low Density District and the lands municipally known as 260 Dunsmure are zoned "D" (One and Two Family Dwellings) District in City of Hamilton Zoning By-law No. 6593.



Concept Plan



Minor Variance

A number of variances are requested to facilitate the built form that has been established through the Site Plan process. The variances are as follows:

1. To permit the proposed multiple dwelling (stacked townhouses) to have a maximum height of 4 storeys, whereas the By-law permits a maximum height of 3 storeys for Multiple Dwellings (Stacked Townhouses).



2. To permit a front yard setback of 3.3m whereas the By-law requires a minimum front yard setback of 6.0m
3. To permit a minimum lot area of 7056m² for 60 dwelling units on a lot whereas the By-law requires a minimum lot area of 8400m² for 60 dwellings units on a lot.
4. To permit a total of 64 parking spaces inclusive of visitor parking spaces which represents a parking ratio of 1.06 whereas the By-law requires a minimum of 90 parking spaces inclusive of 15 visitor spaces, representing a parking ratio of 1.5 per unit.
5. To permit no loading spaces to be provided on site, whereas the By-law requires a minimum of 1 loading space on site.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

The subject lands are located within a dense urban neighbourhood, with nearby amenities and services such as parks, a hospital, schools and the nearby Ottawa Street shopping district. Further, the proposed redevelopment represents the redevelopment of a Brownfield site. The proposed variances will facilitate the establishment of a desirable built form out of the former industrial site and will further allocate density to a neighbourhood with existing services and amenities. Accordingly, TDM measures such as short-term bicycle parking, nearby transit and the close proximity of a SoBi bike station make the property an ideal candidate for a parking reduction. The proposal fits into the established neighbourhood character and the proposed density is compatible with the existing neighbourhood. Accordingly, the proposed variances maintain the purpose and intent of the Urban Hamilton Official Plan.

2. Do the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law No. 6593.

The required variances to City of Hamilton Zoning By-law No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

Height

The proposed townhouses are three (3) storeys in height; however, a height variance is necessary as the proposed stacked townhouses contain units within a Basement as defined by the Zoning By-law. As the basement is considered a storey, the townhouses are considered to be four (4) storeys in height. It should also be noted that the maximum permitted height for a stacked townhouse is 11m, to which the proposed townhouses are 10.5m in height. The proposed stacked townhouses are in keeping with the height of existing dwellings in this neighbourhood, which range from 1.5 to 3 storeys in height.



Accordingly, the variances maintain the purpose and intent of the zoning by-law.

Front Yard

A variance is required to the minimum front yard setback for the Block of townhouses that directly front onto Dunsmure. Historically, the surrounding neighbourhood is characterized by dwellings which have minimal front yards and dwellings that face the street. The proposed built form will provide for a consistent streetscape of urban walk ups that are complimentary to the existing streetscape. Further, despite the reduction, there remains room for a combination of plantings along the Dunsmure Road frontage. Accordingly, the proposed reduction in front yard setback is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

Lot Size

A reduction in required lot size is required to facilitate the construction of 60 dwelling units on the subject lands. The purpose of this provision is to prevent the overbuilding of lands and to ensure that adequate space is provided for on site amenity and parking. Adequate on-site parking is provided as well as on site amenity space. Further, Gage Park is located just to the south of the subject property which will provide additional amenity space for the future occupants. As adequate parking and amenity is provided, the reduction in lot size does not hinder the amount of amenity space on site or the availability of parking. Through the site plan application process, staff have vetted the proposed design and the density has not been considered as a potential issue. Further, this provision predates the new Urban Hamilton Official Plan, which considers greater density within neighbourhoods. The development balances the need for housing and on site amenity and parking. Accordingly, the intent of the Zoning By-law is maintained.

Parking and Loading

Variances are required to reduce the number of parking spaces on site and to eliminate the requirement for a loading space on site.

As the lands are located within a dense urban neighbourhood with adequate amenity space both on site and in the nearby neighbourhood, the reduction in parking is appropriate. This neighbourhood has a number of amenities within walking distance and further a number of TDM measures such as on site bicycle parking and nearby SoBi bike stations will allow the future occupants to use other modes of transportation to and from the site. The lands are within walking distance to future rapid transit along King Street and existing HSR Bus Routes along both King Street and Main Street. As a requirement of the conditional site plan approval, a parking and TDM study was submitted to the satisfaction of the City. Accordingly, the study noted that the site was in proximity to public transit and had other modes of parking, such as on-street parking to offset the reduction in parking on site. Accordingly, the site is estimated to generate a parking demand of 42 spaces, to which the provided number of on site parking exceed this requirement.

A variance to eliminate the required loading space on site is also requested. As the site is residential in nature, large vehicles are not anticipated to frequent the site, and further there are parking spaces



which can accommodate the occasional delivery vehicles that will access the site for residential deliveries.

The intent of the Zoning By-law is to provide for an adequate number of parking spaces to support the demand that the use is generating, as such the proposed reductions maintain the purpose and intent of the Zoning By-law.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variances are intended to facilitate a desirable built form within a dense urban neighbourhood. The variances will give rise to a residential development that will see the remediation of a brownfield site that has been vacant since approximately 2013. As noted above, the proposed variances are consistent within the established neighbourhood and reductions to parking and loading are supported by a concurrently submitted parking and TDM Study submitted through the site plan application process. The variances will facilitate the approval of a site plan control application. Accordingly, the variances are appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to loading, front yard, lot size and height of the proposed townhouses as they are in keeping with the general built form found within this neighbourhood. The reduction in on site parking has been vetted by a parking study that was prepared as a condition of site plan approval. The study indicated the demand that the site will generate is approximately 42 spaces, for which the proposed redevelopment exceeds in the number of parking spaces. As such, there are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, the variances are minor in nature.

Severance

The proposed severance application will sever a lot having an area of 388m² and approximate frontage of 13.4 m along Gage Avenue South and 29.5m along Dunsmure Road. A future severance and minor variance application will be submitted in order to facilitate the development of this proposed lot. Accordingly, the following policies are applicable to the proposed severance:

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:

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

b) The lots comply with existing Neighbourhood Plans;



- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) The lots are fully serviced by municipal water and wastewater systems; and,*
- f) The lots have frontage on a public road.*

In accordance with the above criteria, the proposed lot conforms to the Zoning By-law in terms of lot frontage and area, have access to full municipal services. No variances will be required to facilitate the creation of the lot as the existing building on the subject lands will be demolished in favour of the redevelopment. The lot is generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. The lot to the south of the proposed lot is approximately 269m² and there are lots directly to the north along Dunsmure that are approximately 169m² to 250m in size with frontages ranging from 7m to 8m.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the Planning Act.

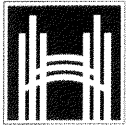
I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Franz Kloibhofer, MCIP, RPP
Principal Planner
A. J. Clarke and Associates Ltd.

Encl.

Cc: Dunsmure Developments Ltd. c/o Savan Chandaria



Hamilton

Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

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	
Registered Owners(s)	Dunsmure Developments Ltd. c/o Savan Chandaria		
Applicant(s)*	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer		
Agent or Solicitor	same as applicant		Phone:
			E-mail:

* 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 Hamilton	Lot Pt Lot 6	Concession 2	Former Township Barton
Registered Plan N°. 489/469	Lot(s) Lt. 1, 29, 32-40	Reference Plan N°. TBD	Part(s) 2 and 3
Municipal Address 276 Dunsmure 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:

ROW Easement in favor of 81 Gage Avenue

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

Other: ☐ a charge

- ☐ addition to a lot
- ☐ an easement
- ☐ 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:
TBD

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed:

Frontage (m)	Depth (m)	Area (m² or ha)
13.4	29.59	398 m2

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: Vacant 1 Storey Office Building

Proposed: Future Semi-Detached Dwelling

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)
83.7m	Irregular	7052m2

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: Former Industrial Buildings to be demolished

Proposed: 60 Townhouse Dwellings as per Site Plan File# DA-19-107

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) Neighbourhoods

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

See attached cover letter.

5.2 What is the existing zoning of the subject land? "DE" (Low Density Multiple Dwellings) District and "D" (Urban Protected Residential etc.) District

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

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 type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

☐ Residential ☒ Industrial ☐ Commercial
☐ Agriculture ☐ Vacant ☐ Other (specify)

6.1 If Industrial or Commercial, specify use Former Lumber Mill

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?
Property owner information. Future RSC to be submitted through File DA-19-107

6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
☒ Yes ☐ No

7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes ☐ No

See attached cover letter.

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

See attached cover letter.

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

See attached cover 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

- 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.

TBD

8.4 How long has the applicant owned the subject land?

2017

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 DA-19-107

Status Clearing Conditions of Approval

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> Agricultural | <input type="checkbox"/> Rural | <input type="checkbox"/> Specialty Crop |
| <input type="checkbox"/> Mineral Aggregate Resource Extraction | <input type="checkbox"/> Open Space | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> 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)

- | | | |
|---|---|-------------------------|
| <input type="checkbox"/> Agricultural Severance or Lot Addition | } | (Complete Section 10.3) |
| <input type="checkbox"/> Agricultural Related Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Resource-based Commercial Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Institutional Severance or Lot Addition | | |
| <input type="checkbox"/> Rural Settlement Area Severance or Lot Addition | | |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from an Abutting Farm Consolidation | | (Complete Section 10.4) |
| <input type="checkbox"/> Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation | | (Complete Section 10.5) |

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
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Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

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

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

Front yard set back: _____

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m ² or ha):
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Existing Land Use(s): _____ Proposed Land Use(s): _____

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m ² 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: