



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-21:93

SUBJECT PROPERTY: 60 Arbour 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):** Owner Hamilton Region Conservations Authority  
c/o Scott Peck

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for proposed commercial use and to retain a parcel of land for conservation land use. Existing buildings on severed lands are to be demolished.

**Severed lands:**  
66.59m<sup>±</sup> x 148.20m<sup>±</sup> and an area of 10136.31m<sup>2</sup> <sup>±</sup>

**Retained lands:**  
377.62m<sup>±</sup> x 148.20m<sup>±</sup> and an area of 66221.12m<sup>2</sup> <sup>±</sup>

proThe Committee of Adjustment will hear this application on:

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**DATE:** Thursday, November 25th , 2021  
**TIME:** 2:25 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 9th, 2021

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

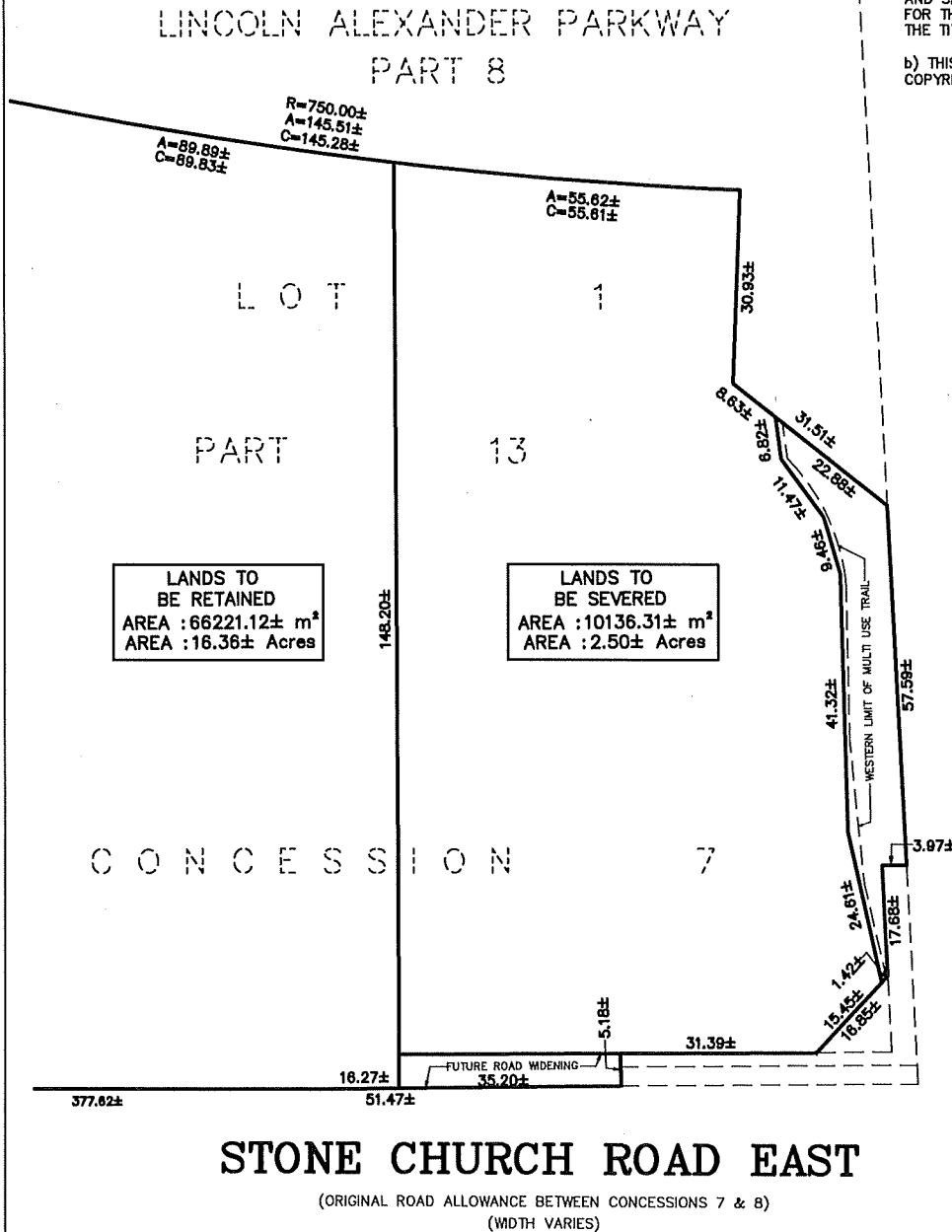
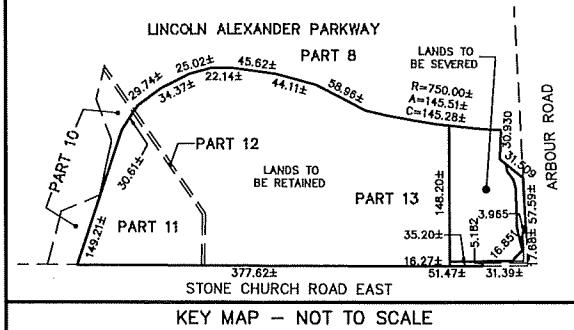
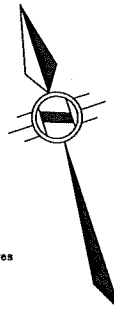
***Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.***

SKETCH FOR LAND DIVISION  
OF PART OF  
**LOT 1**  
**CONCESSION 7**  
GEOGRAPHIC  
TOWNSHIP OF BARTON  
IN THE  
**CITY OF HAMILTON**

SCALE 1:750 METRIC



S.D. McLAREN, O.L.S. - 2021



**CAUTION :**

a) THIS IS NOT A PLAN OF SURVEY  
AND SHALL NOT BE USED EXCEPT  
FOR THE PURPOSE INDICATED IN  
THE TITLE BLOCK.

b) THIS SKETCH IS PROTECTED BY  
COPYRIGHT ©

**ARBUR ROAD**

(FORMERLY ALBION ROAD - NAME CHANGED BY BY-LAW No 69-153, INST. 149208AE)  
(WIDTH VARIES)

**STONE CHURCH ROAD EAST**

(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 & 8)  
(WIDTH VARIES)

**NOTE:**

DIMENSIONS SHOWN ON  
THIS PLAN ARE DERIVED  
FROM PLAN 62R-10837

**METRIC NOTE**

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



**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

JUNE 25, 2021  
DATE

Drawn KM	Checked RBM	Crew Chief ---	Scale 1:750	Dwg.No. 36650
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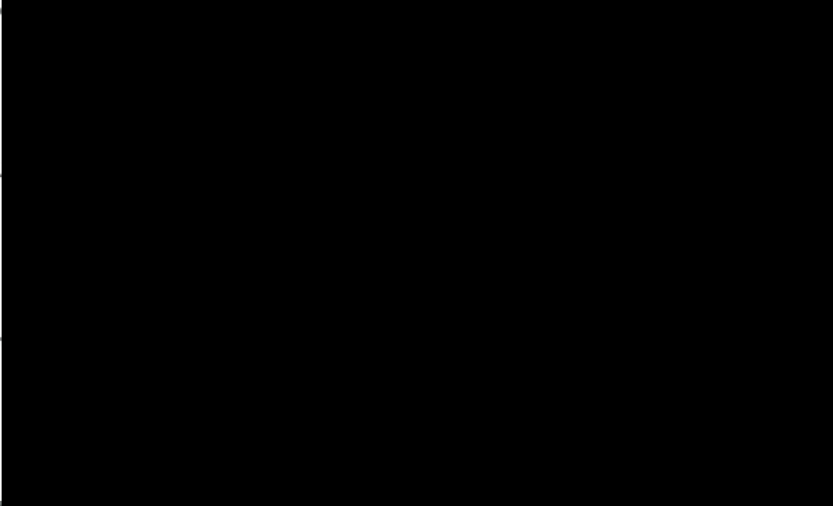
**APPLICATION FOR CONSENT TO SEVER LAND**  
**UNDER SECTION 53 OF THE PLANNING ACT**

**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

Registered Owners(s)	
Applicant(s)*	
Agent or Solicitor	

\* 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 City of Hamilton	Lot Part Lot 1	Concession 7	Former Township Barton
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 60 Arbour Road/1375 Stone Church Road East			Assessment Roll N°. 251806058101400

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:

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**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:

Unknown

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 (m <sup>2</sup> or ha)
66.59 +/- metres	148.20 +/- metres	10136.31 +/- square metres

Existing Use of Property to be severed:

- ☐ Residential  
☐ Agriculture (includes a farm dwelling)  
☒ Other (specify) HCA conservation lands - former HCA field office and education centre.
- ☐ 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: existing house that was used as field office and education centre. Note that HCA is in process of applying for Building Permit to demolish the building on site.

Proposed: Unknown

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)
377.62 +/- metres	148.20 +/- metres	66221.12 +/- square metres

Existing Use of Property to be retained:

- ☐ Residential  
☐ Agriculture (includes a farm dwelling)  
☒ Other (specify) HCA conservation lands - Mount Albion Conservation Area
- ☐ 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) HCA conservation lands - Mount Albion Conservation Area

Building(s) or Structure(s):

Existing: None

Proposed: None

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)

None required or proposed

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): N/A

Urban Hamilton Official Plan designation (if applicable) Employment Area - Business Park Designation - Site Specific Policy UHE-X.

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

The subject lands have been subject to a Niagara Escarpment Amendment that designated the lands as Urban. The City of Hamilton has approved a Housekeeping Amendment to the Urban Official Plan to implement the Niagara Escarpment Plan Amendment and designate Employment Area – Business Park including a wedding chapel having a maximum gross floor area of 300 square metres may also be permitted.

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? The current zoning is Prestige Business Park (M3) - Special Exception 747. A MZO and Ontario Regulation Number are not applicable.

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"/>	134 metres to west
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Commercial uses to east and south
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

## 6 PREVIOUS USE OF PROPERTY

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

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
☐ Yes ☒ No ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
☐ Yes ☐ No ☒ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
 Corporate knowledge of the property and associated uses
- 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

The Niagara Escarpment Plan has been amended to designate the lands urban. The City of Hamilton's Urban Official Plan and Zoning By-law has been amended to designate the lands Employment Area - Business Park Designation - Site Specific Policy UHE-X and to zone the lands Prestige Business Park (M3) - Special Exception 747. The planning work to allow these amendments is consistent with the Planning Act and the with the PPS.

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

See 7.1 a)

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

See 7.1 a)

- 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)

See 7.1 a). The proposal complies with the Niagara Escarpment Plan.

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

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- ☐ Yes ☐ No (Provide Explanation)

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

If yes, does this application conform with the Greenbelt Plan?

- ☐ Yes ☐ No (Provide Explanation)

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?  
☐ Yes ☒ No ☐ Unknown

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

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

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

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



the transferee and the land use.

8.4 How long has the applicant owned the subject land?

Since the early 1970's

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  
☐ Rural Settlement Area Severance or Lot Addition
- (Complete Section 10.3)
- ☐ 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 <sup>2</sup> 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 <sup>2</sup> or ha): (from Section 4.2)
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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 <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

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

f) Condition of surplus farm dwelling:

☐ Habitable ☐ Non-Habitable

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

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

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

a) Location of non-abutting farm

\_\_\_\_\_  
(Street) (Municipality) (Postal Code)

b) Description of non-abutting farm

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