



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: AN/B-22:05

SUBJECT PROPERTY: 365 Springbrook Ave., Ancaster

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You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
  - Applicant/agent on file, or
  - Person likely to be interested in this application
- 

**APPLICANT(S):** Agent Scarfone Hawkins – J. Mahler  
Owners J. & G. Bouwers

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land to be merged with Block 121 of 62M-1116 for residential purposes and to retain a parcel of land with an existing dwelling.

**Severed lands:**  
22.86m<sup>±</sup> x 26.55m<sup>±</sup> and an area of 606.9m<sup>2±</sup>

**Retained lands:**  
22.86m<sup>±</sup> x 34.41m<sup>±</sup> and an area of 786.6m<sup>2±</sup>

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, February 17<sup>th</sup>, 2022

**TIME:** 3:10 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)

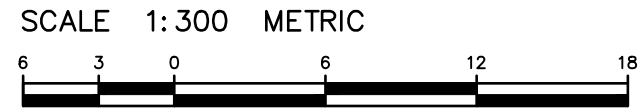
DATED: February 1<sup>st</sup>, 2022

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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 50**  
**CONCESSION 3**  
 GEOGRAPHIC  
**TOWNSHIP OF ANCASTER**  
 IN THE  
**CITY OF HAMILTON**

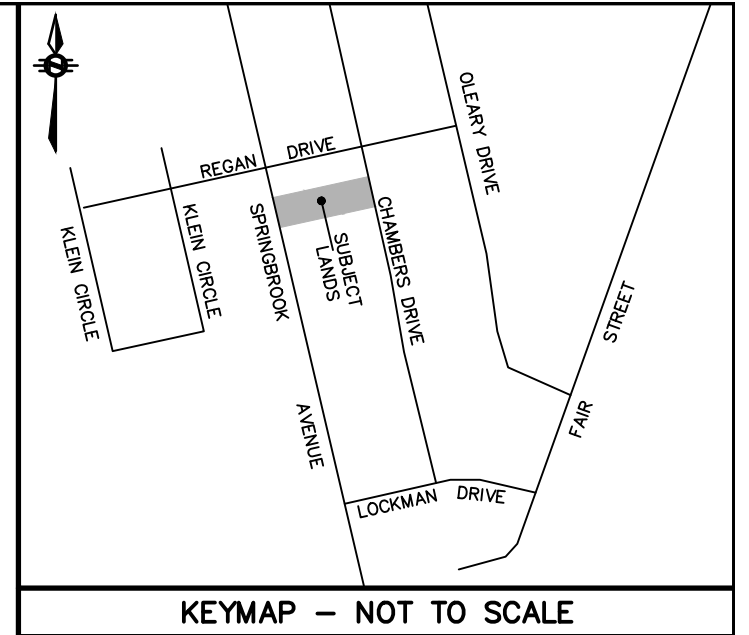


**S.D. McLAREN, O.L.S. - 2021**

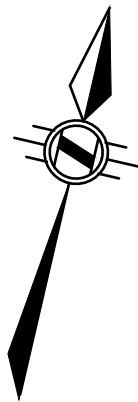
**CAUTION:**

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

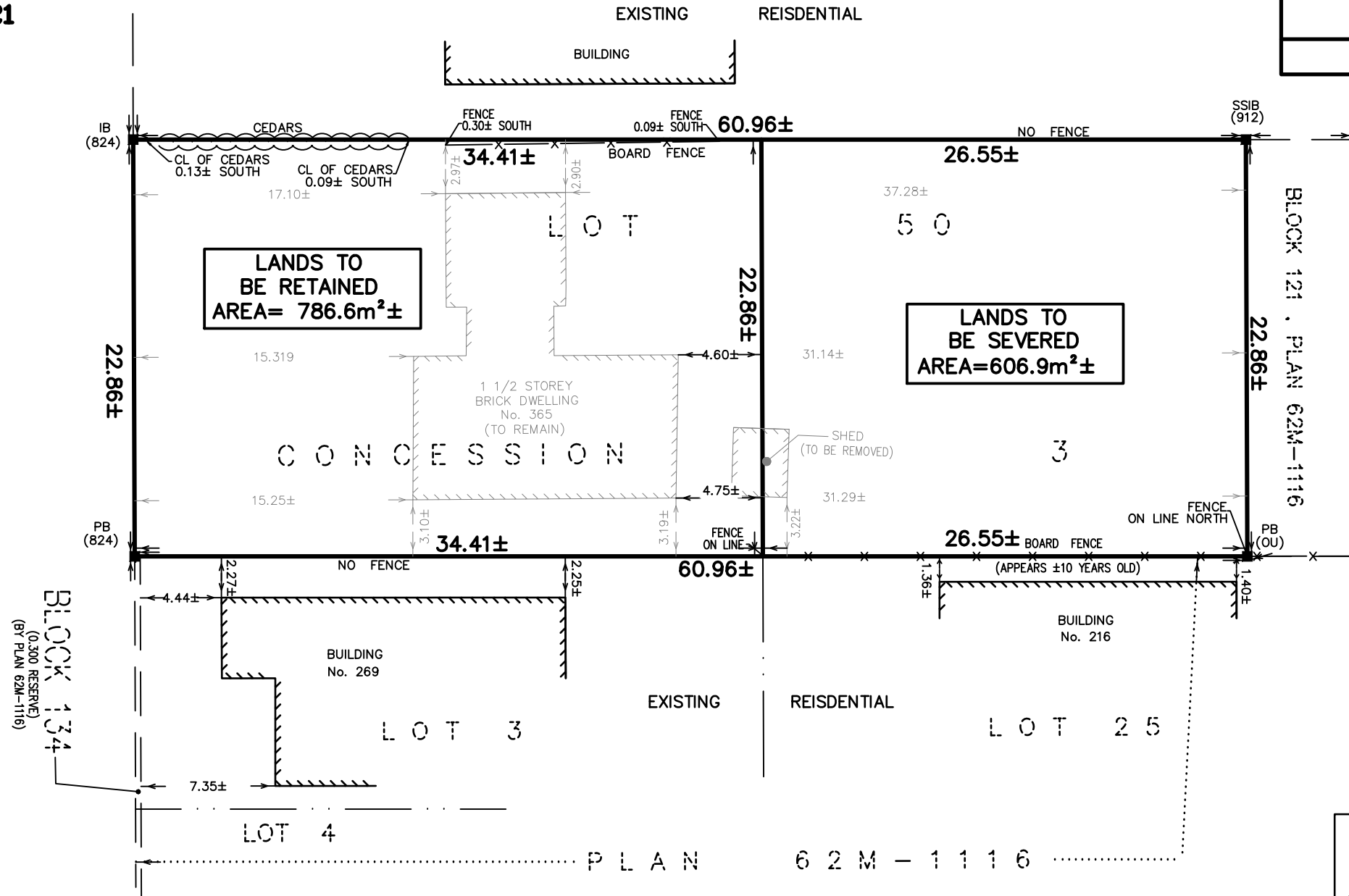
B) THIS PLAN IS PROTECTED BY COPYRIGHT ©



PART 1, PLAN 62R-17493



**SPRINGBROOK AVENUE**  
 (ESTABLISHED BY UNREGISTERED BY-LAW No. 1137)  
 (WIDTH VARIES)



**CHAMBERS DRIVE**  
 (BY PLAN 62M-1116)  
 (20.00m WIDE)

BLOCK 121, PLAN 62M-1116

BLOCK 130  
 (0.300 RESERVE)  
 (BY PLAN 62M-1116)

BLOCK 134  
 (0.300 RESERVE)  
 (BY PLAN 62M-1116)

**METRIC NOTE:**

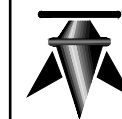
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**NOTE:**

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM A PLAN BY A.T. McLAREN, O.L.S. DATED NOVEMBER 25, 2021

DECEMBER 17, 2021  
 DATE

P L A N 6 2 M - 1 1 1 6



**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

Drawn KM	Checked RBM	Crew Chief JS	Scale 1:300	Dwg.No. 36493-SK1
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Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto: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.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS
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 Hamilton	Lot Part of Lot 50	Concession 3	Former Township Ancaster
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 365 Springbrook Avenue			Assessment Roll N°. 251814028021200

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:

\_\_\_\_\_

**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:

N/A

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**: - LOT 1

Frontage (m) +/-11.4 m	Depth (m) +/-26.4 m	Area (m <sup>2</sup> or ha) +/-303 sq m
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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: N/A

Proposed: single detached dwelling - design TBD

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) +/-22.8m	Depth (m) +/-34 m	Area (m <sup>2</sup> or ha) +/-787 sq m
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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: single detached dwelling

Proposed: N/A - single detached dwelling to remain

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): Schedules E and E-1: Neighbourhoods, Meadowlands Neighbourhood IV Secondary, Low Density Reside \_\_\_\_\_

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

Residential uses are permitted in the Neighbourhoods Designation and the Low Density Residential 2B Designation. The proposed density of the development is in line with the density requirement outlined in the Low Density Residential 2B Designation in the Meadowlands Neighbourhood IV Secondary Plan.

For further information, please refer to the City of Hamilton, Planning Recommendation

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? R4-714 in Zoning By-law 21-208

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"/>	N/A
A land fill	<input type="checkbox"/>	N/A
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	N/A
A provincially significant wetland	<input type="checkbox"/>	N/A

<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	N/A
<b>A flood plain</b>	<input type="checkbox"/>	N/A
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	N/A
<b>An active railway line</b>	<input type="checkbox"/>	N/A
<b>A municipal or federal airport</b>	<input type="checkbox"/>	N/A

**6 PREVIOUS USE OF PROPERTY**

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

- 6.1 If Industrial or Commercial, specify use N/A
- 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 *- previous septic tanks*
- 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?  
Information received from property owner
- 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 *N/A.*

**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 proposed development is consistent with Section 51(24) of the Planning Act.



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

The proposed development is consistent with Section 1.1 of the PPS by promoting efficient development land use patterns, a mix of residential types, in a safe manner. The proposed development provides a cost effective development pattern,

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

The lands are designated greenfield area, intended to accommodate growth.

- 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

see b and c above.

- 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)

N/A

- 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)

N/A

- 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)

N/A

## 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.

Zoning By-law Amendment File No. ZAR-21-015; approved

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

N/A

- 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?

+/-2004

8.5 Does the applicant own any other land in the City?  Yes  No  unknown. 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.

N/A

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 Consent App TBD

Status Concurrent Application

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
 Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
 Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.3 Description of Lands

a) Lands to be Severed:

Table with 2 columns: Frontage (m): (from Section 4.1) and 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 (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)
----------------------------------	---

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)
----------------------------------	---

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 (m <sup>2</sup> 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)

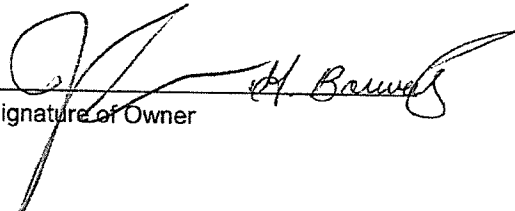
12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (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 or 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.

Dec 3, 2021  
Date

  
Signature of Owner

December 17<sup>th</sup>, 2021

Jamila Sheffield  
Secretary Treasurer  
Committee of Adjustment  
City of Hamilton  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Dear Ms. Sheffield,

**RE: 365 Springbrook Avenue, Ancaster, Hamilton  
Consent Application- Severances**

Dear Ms. Sheffield,

We are pleased to submit the following Consent Applications for 365 Springbrook Avenue in the Community of Ancaster, Hamilton. As you know, two additional residential lots are proposed to front along Chambers Drive to support the construction of two additional single detached dwellings. The existing dwelling on the retained parcel, fronting on Springbrook Drive will be retained. The proposed lot configuration conforms to the existing Site-Specific Zoning By-law, 21-208 approved by Council on November 10<sup>th</sup>, 2021 without appeal.

In addition, Block 121, Plan 62M-1161 will merge with the severed parcels at 365 Springbrook to provide appropriate frontage and access along Chambers Drive. We are requesting this be completed as a condition of consent through a future Exemption from Part Lot Control (PLC) Application. It is anticipated the PLC Application will be submitted to the City of Hamilton in early 2022 to separate the block into two parts, prior to merging with the severed parcels at 365 Springbrook Avenue.

Please find enclosed the following as part of the Consent Application Submission:

- Two (2) signed copies of the signed Consent Application form to create Lot 1;
- Two (2) signed copies of the Consent Application form to create Lot 2;
- Two (2) folded copies of the Sketch for Land Division (SK1) prepared by A.T. McLaren Limited, dated December 17<sup>th</sup>, 2021;

- Two (2) folded copies of the Sketch for Land Division (SK2) prepared by A.T. McLaren Limited, dated December 17<sup>th</sup>, 2021;
- One (1) cheque addressed to the City of Hamilton in the amount of \$5,720.

Should you require anything further, please do not hesitate to contact the undersigned.

Sincerely,

**LIV DEVELOPMENTS LTD.**



Dianne Ramos  
Project Manager