



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENTLAND SEVERANCE**

**APPLICATION NO. HM/B-21:98**  
**SUBMISSION NO. B-98/21**

**APPLICATION NUMBER: HM/B-21:98**

**SUBJECT PROPERTY: 386 Wilcox St., Hamilton**

**APPLICANT(S):** Owner Stelco Inc. c/o Paul Simon  
Applicant MHBC Planning c/o Dana Anderson

**PURPOSE OF APPLICATION:** To permit the conveyance of a parcel of land for a manufacturing industrial use and to retain a parcel of land for industrial and employment uses.

**Severed lands:**  
189.94m<sup>±</sup> x 1,007.08m<sup>±</sup> and an area of 31.78 per ha<sup>±</sup>

**Retained lands:**  
840.18m<sup>±</sup> x 2,233.21m<sup>±</sup> and an area of 287.12 per ha<sup>±</sup>

**This application will be heard in conjunction with Application No. HM/B-21:97.**

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

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2. That the Owner/Agent apply for and receive final approval of a Zoning By-law Amendment application to add a Holding Provision on the retained portion of lands to the satisfaction of the Director of Planning and Chief Planner. The Holding Provision should be applied for as follows:
  - a. Notwithstanding Section 11.5 of this By-law, on those lands zoned General Industrial (M5, 433) Zone as shown on maps 749, 750, 751, 789, 790, 791, 792, 830, 831, 832, 872, 873 of Schedule "A" – Zoning Maps and municipally known as 386 Wilcox Street, development shall be restricted in accordance with the following:
    - i. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the M5, 433 Zone. Additions and alterations to existing buildings may be increased by a maximum of 5%.
    - ii. Conditions for Holding Provision Removal  
The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:
      1. The owner submitting and implement a Concept Plan for the retained lands to the satisfaction of the Director of Planning. The Concept Plan shall include guidance on:
        - a. Precincts and the distribution of land uses and buildings within each precinct;
        - b. Road and rail network; and
        - c. Phasing.
      2. The owner submitting, receiving approval and implementation of a Site Servicing Strategy for the retained lands to the satisfaction of the Senior Director of Growth Management.
      3. The owner submitting, receiving approval and implementation of an Implementation Strategy to illustrate how the Concept Plan and Site Servicing Strategy may be implemented through additional *Planning Act* approvals such as Draft Plan of Subdivision, Draft Plan of Condominium and/or applications for Site Plan Approval to the satisfaction of the Director of Planning and Chief Planner and Senior Director of Growth Management.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The applicant shall provide confirmation of the existing uses on the lands to be retained in order to determine compliance with the permitted uses of the "M5, E433" Zone or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.

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6. The owner shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
7. The owner shall apply for and receive any required building permits in the normal manner to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section).
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
9. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
10. That the owner enters into and register on title a Development Agreement and/or Joint Use Agreement, if necessary, to the satisfaction of the Manager of Engineering Approvals Section.
11. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **386 Wilcox Street, Hamilton**, and the lands to be conveyed will be assigned the address of **1055 Industrial Drive, Hamilton**.

We ask that the following be noted to the applicants:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

2. "Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499)."

DATED AT HAMILTON this 25<sup>th</sup> day of November, 2021.

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D. Smith (Chairman)

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D. Serwatak

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M. Dudzic

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M. Switzer

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B. Charters

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N. Mleczko

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M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS December 2, 2021.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE  
OF THIS NOTICE OF DECISION (December 2, 2022) OR THE APPLICATION SHALL BE  
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND  
TRIBUNAL (OLT) MAY BE FILED IS December 22 , 2021

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**



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**APPLICANT(S):** Owner Stelco Inc. c/o Paul Simon  
Applicant MHBC Planning c/o Dana Anderson

**PURPOSE OF APPLICATION:** To create a new parcel for long-term lease purposes in excess of 21 years. The severed lands will be used for steel manufacturing operations.

**Severed lands:**  
182.94m<sup>±</sup> x 1,007.08m<sup>±</sup> and an area of 31.78 per ha<sup>±</sup>

**Retained lands:**  
840.18m<sup>±</sup> x 2,233.21m<sup>±</sup> and an area of 287.12 per ha<sup>±</sup>

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2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

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1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)

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2. That the owner provides adequate reciprocal access and servicing easements between the severed and retained lands to the satisfaction of the Manager of Engineering Approvals Section, if required.
3. That the owner register on the title of the lands an adequate storm drainage easement in the City of Hamilton's favour centred over the existing 2850mm x 2100mm storm outfall to the satisfaction of, and if required by, the Manager of Engineering Approvals.
4. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
5. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)

DATED AT HAMILTON this 25<sup>th</sup> day of November, 2021.

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NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS December 22 , 2021

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

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