



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-22:18

SUBJECT PROPERTY: 370 Concession St., 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):** Agent Urban Solutions – M. Johnston  
Owner 370 Concession Street (Hamilton) Ltd.

**PURPOSE OF APPLICATION:** To sever the land into two parcels. The lands are intended to be developed into 3 street townhouses fronting onto East 15th and are currently occupied by a portion of the parking lot serving the multiple dwelling. Included as part of the Site Plan application is the plan to relocate the parking elsewhere on the lands to be severed.

**Severed lands:**  
20.06m<sup>±</sup> x 23.51m<sup>±</sup> and an area of 0.05 ha<sup>±</sup>

**Retained lands:**  
40.27m<sup>±</sup> x Varies m<sup>±</sup> and an area of 0.29 ha<sup>±</sup>

**This Application will be heard in conjunction with Application No. HM/B-22:19.**

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, April 28<sup>th</sup>, 2022  
**TIME:** 1:30 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:

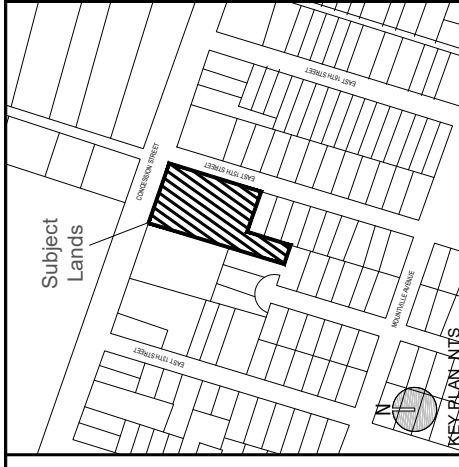
- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: April 12<sup>th</sup>, 2022

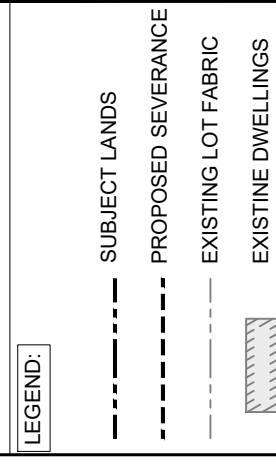
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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

***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.***



KEY PLAN  
SCALE: 1:350  
METRES



NOTES:  
All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT  
DRAWN BY: A. BARNETT

CHECKED BY: M. JOHNSTON  
DATE: JANUARY 17, 2022

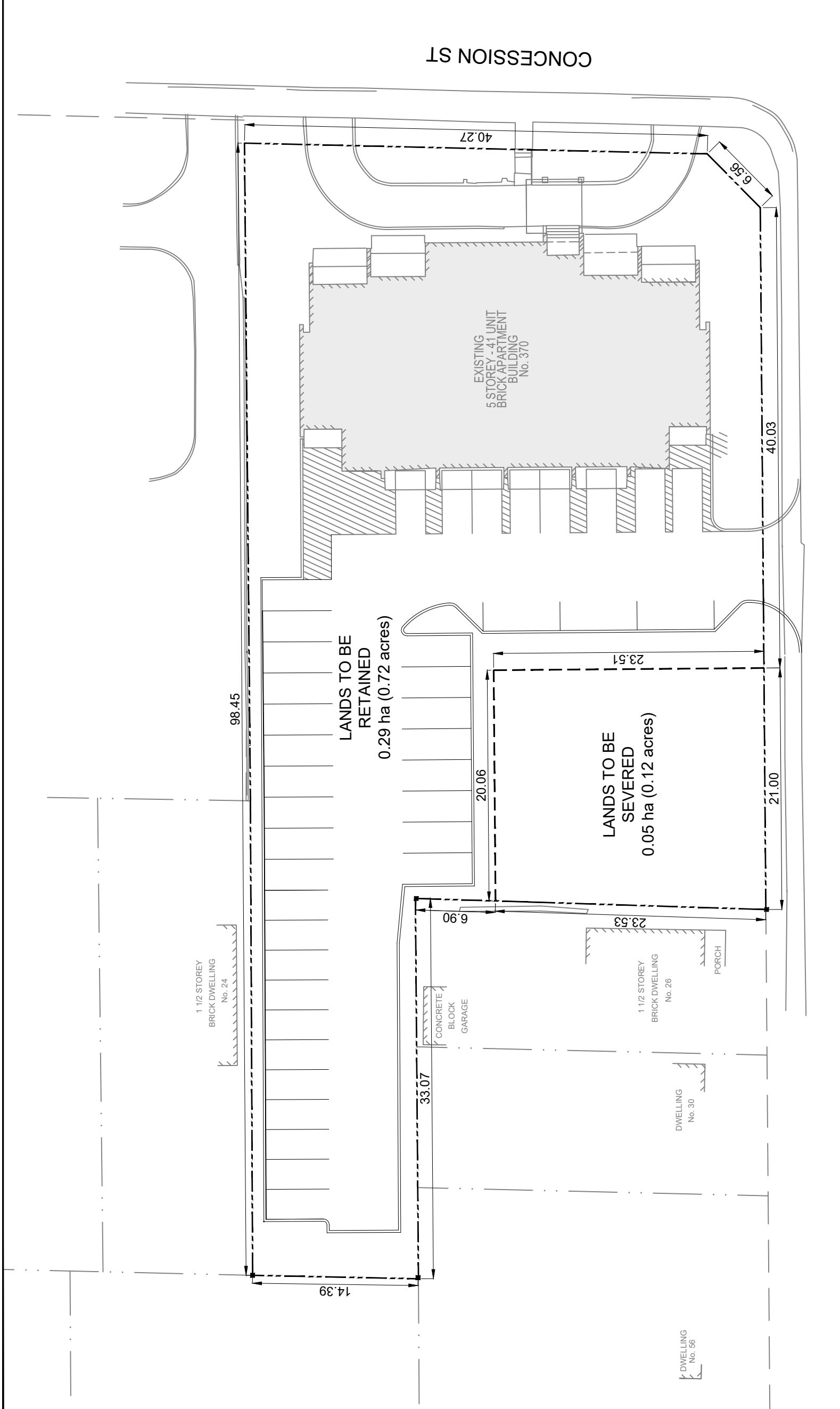


PROJECT:  
370 CONCESSION STREET  
CITY OF HAMILTON

CLIENT:  
EFFORT TRUST

TITLE:  
COMMITTEE OF ADJUSTMENT  
SKETCH No. 1

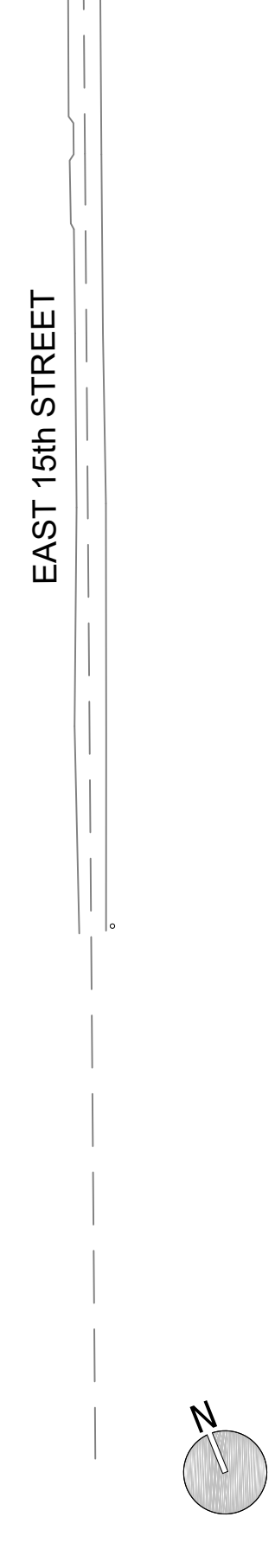
U/S FILE NUMBER: 050-14  
SHEET NUMBER: 1



**PROPOSED DEVELOPMENT STATISTICS**

**Current Zoning:** Multiple Dwellings District (DE-2/S-5a)

Item	Required	Lands to be Severed	Lands to be Retained
Min. Lot Area	630.0 m <sup>2</sup>	N/A	630.0 m <sup>2</sup>
Min. Lot Width	21.0 m	N/A	40.27



1:350



March 7, 2022

050-14

**Via Email & Delivered**

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: 370 Concession Street, City of Hamilton  
Consent to Sever Application No. 1**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) is the authorized planning consultants acting on behalf of 370 Concession (Hamilton) Ltd. c/o David Horwood (Effort Trust), the registered owner of the lands municipally known as 370 Concession Street, in the City of Hamilton (subject lands). On behalf of the owner, UrbanSolutions has prepared the enclosed Consent to Sever Application to the City of Hamilton.

The subject lands are designated “Mixed Use - Medium Density” in the Urban Hamilton Official Plan (UHOP) and are located in the “DE-2/S-5a” (Multiple Dwellings) District in the Former City of Hamilton Zoning By-law No. 6593. The subject lands currently contain a 5 storey, 41-unit multiple dwelling. This application is required to support and facilitate conditional Site Plan DA-20-132.

**Purpose of the Application**

This application is the first of two Consent to Sever applications that are being sought for this property and are intended to be heard concurrently. Application No. 1 will result in the severance of the land into two (2) parcels. The lands to be severed have a proposed lot area of 0.05 hectares (0.12 acres) and a lot frontage of 21 metres. These lands are intended to be developed into 3 street townhouses fronting onto East 15<sup>th</sup> and are currently occupied by a portion of the parking lot serving the multiple dwelling. Included as part of the Site Plan application is the plan to relocate the parking elsewhere on the lands to be severed. The lands to be retained have a proposed lot area of 0.29 hectares (0.72 ac/res) and lot frontage of 40.27 metres. They are currently occupied by the 5 storey, multiple dwelling. Please refer to the enclosed Severance Sketch which illustrates the proposed severed and retained lands.

**Conformity with Planning Policy**

This Consent to Sever application is in keeping with Section 53(1) of the *Planning Act*, R.S.O., 1990, as amended, as a Plan of Subdivision is not necessary for the proper and orderly development of the subject

lands. The subject lands will have access to full municipal services and can be considered a reasonable subdivision of land without being subject to the provisions of a full Draft Plan of Subdivision.

Similarly, the proposed Consent to Sever application is also made in keeping with both the Provincial Policy Statement (PPS) and the Place to Grow Growth Plan for the Greater Golden Horseshoe. It satisfies both of these plans in that it represents growth within a settlement area that is sufficiently municipally serviced. In addition, the development represents intensification through the introduction of a new type of housing to increase the availability of a diverse housing stock within a built area. In these ways, the proposed Consent to Sever application is supported by the Provincial Policy Statement (PPS) and the Place to Grow Growth Plan for the Greater Golden Horseshoe.

The subject lands are also located within the boundary of the Niagara Escarpment Plan (a portion of the Greenbelt Plan), where it is designated as an "Urban Area". The proposed Consent to Sever application is supported by this Plan as per Section 1.7.4, which provides for the creation of new lots without amendment of the Plan, given they conform with Section 2 of the Plan. The proposed lot creation does support the criteria outlined in Section 2 of the Plan, in that it is located within an Urban Area, maintains the character of the community, and is accessible by maintained public road.

In reference to the information provided above, and in support of this application, please find the enclosed:

- One (1) copy of the completed Consent to Sever application form;
- One (1) copy of the Severance Sketch No. 1 prepared by UrbanSolutions; and
- One (1) cheque in the amount of **\$5,970.00** payable to the City of Hamilton for both Consent to Sever applications for this property.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**

Matt Johnston, MCIP, RPP  
*Principal*

Laura Drennan, BA, CPT  
*Planning Technician*

Cc: 370 Concession (Hamilton) Ltd. c/o David Horwood (Effort Trust) (via email)  
Mr. Sergio Manchia, UrbanSolutions (via email)



**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**

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

\*\* Owner's authorisation required if the applicant is not the owner or purchaser.

1.3 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality City of Hamilton	Lot 194 to 199, Inclusive, & Part(s)	Concession	Former Township Hamilton
Registered Plan N <sup>o</sup> . 517	Lot(s) 94 to 199, Inc	Reference Plan N <sup>o</sup> .	Part(s)
Municipal Address 370 Concession Street, Hamilton ON			Assessment Roll N <sup>o</sup> . 251807081606590

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:

N/A

**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

- creation of a new lot
  - addition to a lot
  - an easement
- Other:  a charge  
 a lease  
 a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must also 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 at this time

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 (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
21 metres (East 15th St.)	varies (see sketch)	0.05 ha

Existing Use of Property to be severed:

- Residential
  - Agriculture (includes a farm dwelling)
  - Other (specify) part of parking lot
- Industrial  Commercial  
 Agricultural-Related  Vacant

Proposed Use of Property to be severed:

- Residential
  - Agriculture (includes a farm dwelling)
  - Other (specify) \_\_\_\_\_
- Industrial  Commercial  
 Agricultural-Related  Vacant

Building(s) or Structure(s):

Existing: None

Proposed: 3 Street Townhouses

Existing structures to be removed: N/A

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 (remainder)**:

Frontage (m) 40.27 m	Depth (m) varies (see sketch)	Area (m <sup>2</sup> or ha) 0.29 ha
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Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

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: 5 Storey, 41 Unit Multiple Dwelling

Proposed: To remain the same

Existing structures to be removed: N/A

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): N/A

Urban Hamilton Official Plan designation (if applicable): Mixed-use Medium Density

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

Please see cover letter.



5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? Zoning By-law No. 6593 DE-2/S-5a (Multiple Dwellings) and RT-30/S-1781 (Street - Townhouses)

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"/>	

\*Complete MDS Data Sheet if applicable

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?  
 Consultation with 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

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)  
 Yes  No  
 Please see cover letter.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes  No (Provide explanation)  
 Please see cover letter.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes  No (Provide explanation)  
 Please see 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)  
 Please see cover letter.
- 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)

Please see cover letter.

**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.

N/A

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?

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.

N/A

**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 ZAH-18-008      Status Completed

**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.

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**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 <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)
----------------------------------	---

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):
---------------	------------------------------

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):
---------------	------------------------------

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

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)
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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.

Please see cover letter.

### 12 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.

March 4, 2022

Date



Signature of Owner