



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-22:25

SUBJECT PROPERTY: 235 Main St. W., 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 GSP – N. Frieday
Owner 235 Main Holdings Inc. – P. Kemper
Applicant Coletara Development- M. Krasic

PURPOSE OF APPLICATION:

To permit the establishment of an easement for access purposes in favour of property known as 255 Main Street West.

Easement:

0.85m[±] x 29.442m[±] and an area of 25m^{2±}

Retained lands:

40.97m[±] x 39.839m[±] and an area of 1,865.2 m^{2±}

The Committee of Adjustment will hear this application on:

DATE: Thursday, May 12th, 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

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

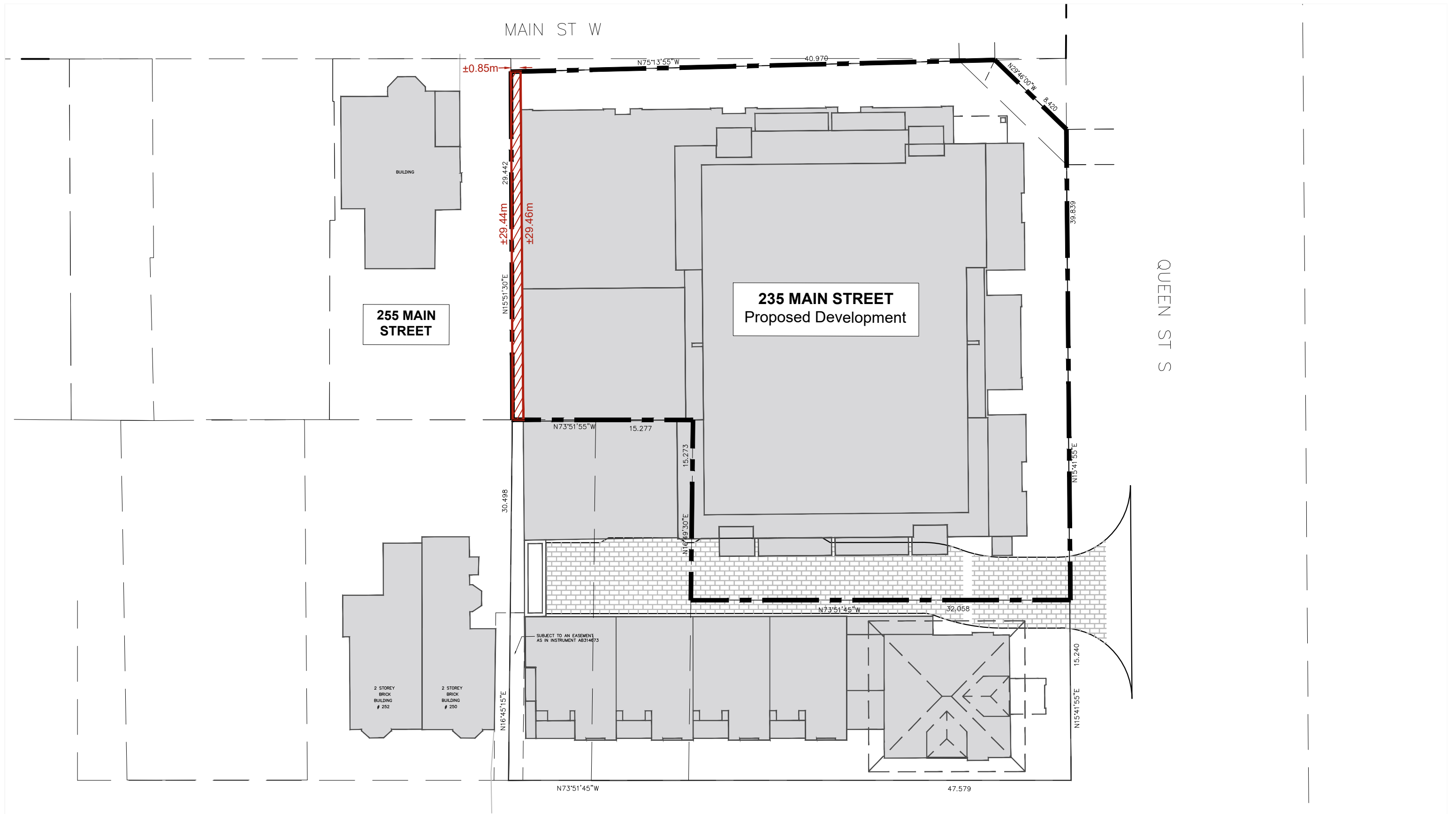
For more information on this matter, including access to drawings illustrating this request:

- 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: April 26th, 2022


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.



EASEMENT SKETCH

235 MAIN STREET WEST, HAMILTON

 ACCESS EASEMENT FOR EXCLUSIVE USE IN FAVOUR OF 255 MAIN STREET WEST

0 5 10 15 Meters

NOTE: This concept has been prepared for general feasibility purposes only. Building code requirements and technical / architectural design have not been addressed.

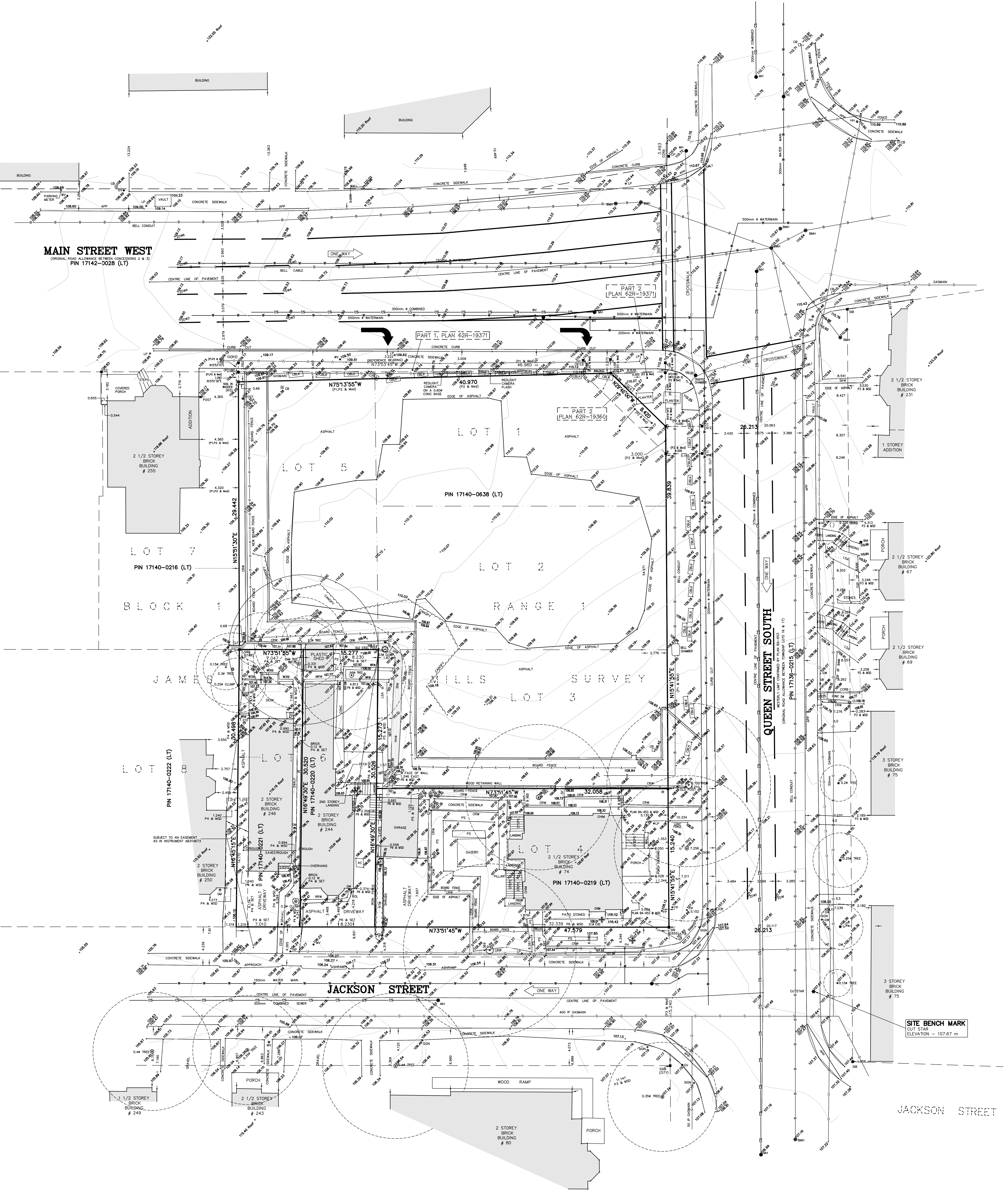
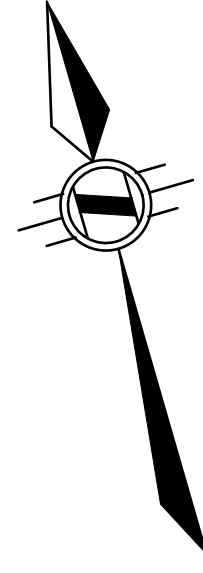
Scale 1:300 | March 8, 2022 | Project No.: 19061 | Drawn By: MN



TOPOGRAPHIC SURVEY
OF PART OF
LOTS 1 & 5
AND ALL OF
LOTS 2, 3, 4 & 6
BLOCK 1, RANGE 1
JAMES MILLS SURVEY
IN THE BLOCK BOUNDED BY
BETWEEN RAY ST, JACKSON ST, QUEEN ST & MAIN ST
IN THE
CITY OF HAMILTON

SCALE 1:150 METRIC

S.D. McLAREN, O.L.S. - 2019



LEGEND:
• CENTERS
• MONUMENT SET
• MONUMENT FOUND
• IRON BAR
• CONCRETE PIN
• SURVEY PIN
• SUI CROSS
• STANDING IRON BAR
• SURVEY PIN WITH IRON BAR
• AT McLAREN, O.L.S.
• A.I. CLARKE, O.L.S.
• G.A. BRYAN, O.L.S.
• CITY OF HAMILTON
• JOHN LINDEN
• WIRES
• MISC.
• PLAN 428-1930
• PLAN 628-1931
• PLAN 628-1932
• PLAN BY S.D. McLAREN LIMITED, DATED SEPT. 3, 2016
• PLAN BY A.T. McLAREN LIMITED, DATED AUG. 12, 2017
• PLAN BY A.J. CLARKE, O.L.S., DATED MAY 1, 1987
• TRAFFIC CHALK
• LIGHT POLE
• LIGHT
• CONCRETE CURB
• CONCRETE RETAINING WALL
• WOOD RETAINING WALL
• IRON PIPE
• MANNING
• BELL MANHOLE
• CATCH BASIN
• CURB WALL
• CIRCULAR UTILITY
• DECIDUOUS TREE
• CHIMNEY

BENCHMARK:
MONUMENT 00119650649
CITY OF HAMILTON BENCH MARK,
HOUSE NO. 34 QUEEN STREET SOUTH, AT
SOUTHWEST CORNER OF
INTERSECTION OF GEORGE STREET, PLATE
IN NORTH BRICK WALL AT
NORTHEAST CORNER.
ELEVATION: 112.302 metres COVD-1928:1978

NOTE:
UNDERGROUND SERVICE AND UTILITY LOCATIONS
WERE DERIVED FROM CITY OF HAMILTON DRAWING
NO. 0.3, SEWERS (SHEET 1 OF 1) OCTOBER 16,
1923, DRAWING NO. M.152 SEWERS AUGUST 1930,
DRAWING 02-H-41 (SHEET 8 OF 8) DATED
05/07/02 AND DRAWING 89-H-25 (SHEET 4 OF 8)
DATED MARCH 5, 1950.
UNDERGROUND SERVICE AND UTILITY LOCATIONS
MUST BE VERIFIED PRIOR TO CONSTRUCTION
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

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

BEARING NOTE:
BEARINGS ARE GRID AND ARE REFERRED
TO THE SOUTHERLY LIMIT OF MAIN STREET
WEST AS SHOWN ON PLAN 628-1937.1 AS
BEING N73°5'45"W

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY AND PLANNING ACT AND THE REGULATIONS
MADE UNDER THEREOF, AND THE REGULATIONS
2. MADE UNDER THEREOF ON THE 30TH DAY OF 2019
LEGAL AND ENGINEERING SURVEYS
DATE: OCTOBER 3, 2019
S.D. McLAREN, O.L.S.

REVISIONS

No.	DATE	BY	DESCRIPTION
1	18. 20. 2020	SEM	ADDITIONAL 150' - LINE METRS

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
Phone: (905) 709-0270, (905) 709-2202
Fax: (905) 709-0270
E: info@atmclaren.com, S: info@atmclaren.com
Date: 07/10/14 1:16:01 Page No. 36/40



March 30, 2022

File No: 19062

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

Attn: Ms. Jamila Sheffield
Secretary-Treasurer

Re: Consent for an Easement - 235 Main Street West, Hamilton

Dear Ms. Sheffield:

On behalf of 235 Main Holdings Inc., the owner of 235 Main Street West, GSP Group is pleased to submit an application to establish an access easement in favour of the property to the west, known as 255 Main Street West.

In October 2020, City Council approved an Urban Hamilton Official Plan Amendment (UHOPA) application and Zoning By-law Amendment (ZBA) application to permit a 23-storey multiple dwelling building oriented toward Main Street West and Queen Street South, and a townhouse block oriented toward Jackson Street West. Four (4) properties are included in this redevelopment; 235 Main Street West, 244 and 246 Jackson Street West and 74 Queen Street South. To date, the four (4) separate properties have not merged.

The subject application is to establish an easement for exclusive use by 255 Main Street West as a driveway / vehicle and foot access. The proposed easement is located entirely on 235 Main Street West.

The proposed easement is referred to the Report PED20142 regarding the UHOPA and ZBA referenced above. The report states that the buildings will not be permitted to be built right to the west property line as there are existing easements or required easements to provide for existing or widened driveways for property owners to the west. Zoning modifications were incorporated into the ZBA to protect for the required easements.

This letter, the completed application form, Consent Sketch and Topographic Survey were digitally sent to the Committee of Adjustment on March 30, 2022. The Topographic Survey was prepared by A. T. McLaren Limited, Legal and Engineering Surveys, dated February 20, 2022. A cheque in the amount of \$2,985.00 made out to the "City of Hamilton" will be delivered to the City tomorrow morning on March 31, 2022.

Should you have any questions or require any additional information, please do not hesitate to contact me at 289-778-1431 or via email at nfrieday@gspgroup.ca.

Yours truly

GSP Group Inc.

A handwritten signature in cursive script that reads "Nancy Frieday".

Nancy Frieday, MCIP, RPP
Senior Planner

cc: 235 Main Holdings Inc.



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.:
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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 Part of Lots 1 & 5 and all of	Lot Lots 2 and 3	Concession	Former Township
Registered Plan N°.	Lot(s) Block 1, Range 1	Reference Plan N°.	Part(s)
Municipal Address 235 Main St. W.			Assessment Roll N°. 251801009554570

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
 - addition to a lot
 - an easement
- Right-of-Way for Foot and Vehicle Access
- 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:

255 Main St. W. (current owner Margaret Krol)

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be Severed (lease, easement, charge etc.):

Frontage (m) +/-0.85 metres	Depth (m) +/-29.442 metres	Area (m ² or ha) +/-25 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: None

Proposed: None

Existing structures to be removed: _____

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)	Depth (m)	Area (m ² or ha)
+/-40.97 m (Main St. W.)	+/-39.839 m (Queen St. S.)	+/-1,865.2 sq. m.

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 Industrial Commercial
 Agriculture (includes a farm dwelling) Agricultural-Related Vacant
 Other (specify) _____

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: None

Proposed: 23 storey, mixed use residential building

Existing structures to be removed: _____

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): 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.

235 Main Street West was rezoned in 2020. City Report PED20142 states that the proposed building will not be permitted to be built right to the property line given easements required/existing for properties to the west. Modifications to the Zoning By-law were approved in recognition of existing/proposed easements.

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? C5, 736

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"/>	None
A land fill	<input type="checkbox"/>	None
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	None
A provincially significant wetland	<input type="checkbox"/>	None
A provincially significant wetland within 120 metres	<input type="checkbox"/>	None
A flood plain	<input type="checkbox"/>	None
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Yes - commercial uses on Main St. W.
An active railway line	<input type="checkbox"/>	None
A municipal or federal airport	<input type="checkbox"/>	None

*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 Gas Station
- 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?
 Based on previous land uses there was some contamination. A Record of Site Condition has been obtained to permit the residential/mixed use redevelopment.
- 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
 Easements are permitted as per Policy Statements issued under the Planning Act.
- b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)
 Easements are permitted as per the PPS.
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)
 Easements are permitted as per A Place to Grow, Growth Plan for the Greater Golden Horseshoe.
- 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
 Only A Place to Grow and the application conforms thereto.
- 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.

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? June 27, 2019

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-21-067 (Site Plan App.) Status In Process

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 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 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):
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)
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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:

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 ² 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.

235 Main Holdings Inc. is co-owner of 74 Queen Street South, 244 Jackson Street West and 246 Jackson Street West

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 23, 2022

Date

Signature of Owner