



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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>HM/B-22:28</b>	<b>SUBJECT PROPERTY:</b>	<b>99 MOHWAK RD W, HAMILTON</b>
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**APPLICANTS:** Agent A.J. Clarke & Associates – S. Fraser  
**Owner Marisa Nguyen**

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land and to retain a parcel of land for residential purposes. The existing dwelling and detached garage are proposed to be demolished.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	10.51 m <sup>±</sup>	33.53 m <sup>±</sup>	352.5 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	10.52 m <sup>±</sup>	33.53 m <sup>±</sup>	352.5 m <sup>2±</sup>

Associated Planning Act File(s): This application will be heard in conjunction with Minor Variance Application HM/A-22:119.

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Thursday, May 26, 2022</b>
<b>TIME:</b>	<b>1:45 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

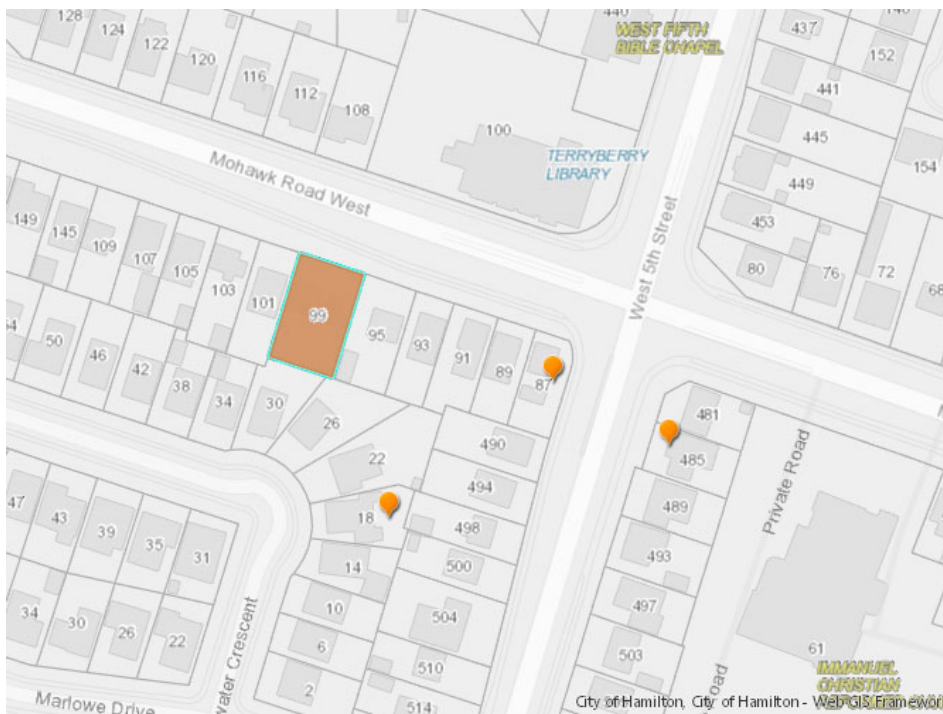
## HM/B-22:28

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

## 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.



DATED: May 10, 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, and may include posting electronic versions..

## **HM/B-22:28**

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

## COMMITTEE OF ADJUSTMENT

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## PARTICIPATION PROCEDURES

### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeefadjustment](http://www.hamilton.ca/committeefadjustment)

### Oral Submissions During the Virtual Meeting

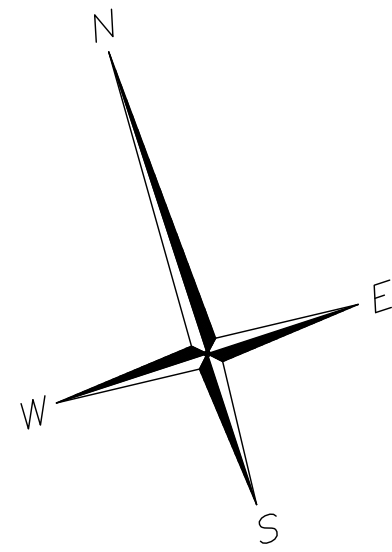
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

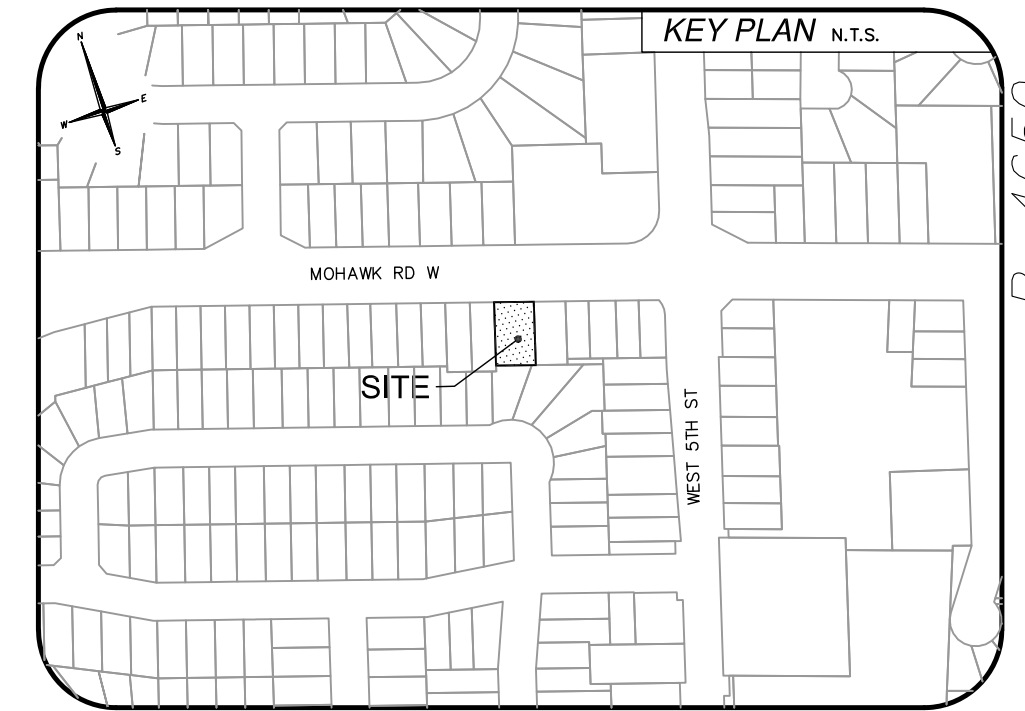
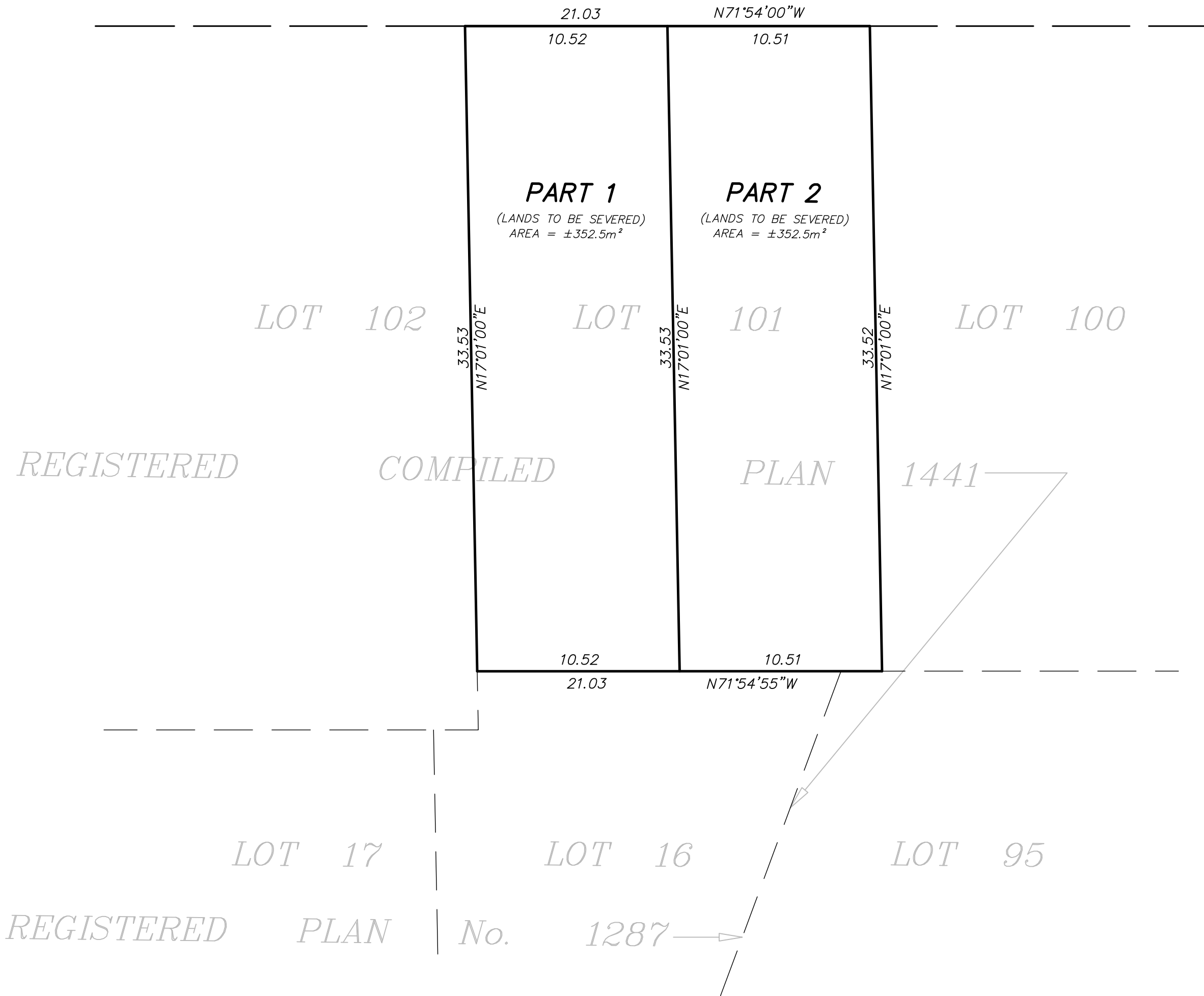
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



# MOHAWK ROAD WEST



SKETCH FOR CONSENT TO SEVER

## 99 MOHAWK ROAD WEST

### City of Hamilton

SCALE 1:200



THE ABOVE NOTED LANDS ARE  
LOT 101  
REGISTRAR'S COMPILED PLAN No. 1441  
CITY OF HAMILTON

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

**NOTE:**  
THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH  
ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN  
OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS  
AN EMBOSSED ORIGINAL COPY OR CERTIFIED  
DIGITAL COPY ISSUED BY THE SURVEYOR

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION  
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT  
OF SEVERANCE AND IS NOT INTENDED FOR REGISTRATION.

**CONSENT SCHEDULE:**

PART 1 (LANDS TO BE SEVERED)	AREA=±352.5m <sup>2</sup>
PART 2 (LANDS TO BE RETAINED)	AREA=±352.5m <sup>2</sup>

**CAUTION:**  
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE  
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

MARCH 17, 2022  
DATE

NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: [ajc@ajclarke.com](mailto:ajc@ajclarke.com)

R-4650

R-4650



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

March 30, 2022

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 99 Mohawk Road West, Hamilton  
Minor Variance and Severance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by Marisa Nguyen (owner) for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 99 Mohawk Road West, in the City of Hamilton.

The purpose of this analysis is in support the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create two (2) separate residential lots. Following the proposed severance, the existing residential dwelling will be demolished, and two (2) new dwellings will be built (one on each new lot).

The subject lands are located on the south side of Mohawk Road West, between West 5<sup>th</sup> Street and Neyer Street. The subject lands are currently occupied by one (1) single detached dwelling with one (1) detached garage.

The below table details the various lot frontages, depths, and areas, following the proposed severance.

	<b>Part 1</b>	<b>Part 2</b>
<b>Lot Frontage</b>	10.52m	10.51m
<b>Lot Depth</b>	33.53m	33.53m
<b>Lot Area</b>	+/- 352.5m <sup>2</sup>	+/- 352.5m <sup>2</sup>

The surrounding area consists largely of residential uses, with various institutional uses. The residential uses are concentrated around the subject site, consisting mainly of single detached dwellings. The Terryberry Branch of the Public Library System is located directly across Mohawk Road West to the north of the site, abutting the West Fifth Bible Chapel. To the southwest, along West 5<sup>th</sup>, is Calvin Christian School and Church on the Rock. To the west, along Mohawk Road West, is the Immanuel Christian Reformed Church. Further west along Upper James Street is a large commercial corridor.



The immediate surrounding land uses include:

<b>North</b>	Single-Detached Dwellings, Institutional
<b>South</b>	Single-Detached Dwellings
<b>West</b>	Single-Detached Dwellings
<b>East</b>	Single-Detached Dwellings

A review of the applicable planning policies has been included below.

## **Planning Policy Overview**

### **Urban Hamilton Official Plan**

The Urban Hamilton Official Plan is the guiding document for where and how the City of Hamilton will grow until 2031 and beyond.

The subject lands are designated 'Neighbourhoods' on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The 'Neighbourhoods' designation permits uses such as; residential dwellings, including second dwelling units, and housing with supports, open space and parks, local community facilities/services, and local commercial uses.

Chapter F Section 1.14.3 contains specific policy direction pertaining to Lot Creation within the Urban Area. Specifically, Section 1.14.3.1 indicates various conditions that must be met by a proposed severance for lands designated as "Neighbourhoods". The conditions are as follows;

- a) *The lots comply with the policies of this Plan, including secondary plans, where one exists;*
- b) *The lots comply with existing Neighbourhood Plans;*
- c) *The lots are in conformity with the Zoning By-law or a minor variance is approved;*
- d) *The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;*
- e) *The lots are fully serviced by municipal water and wastewater systems; and,*
- f) *The lots have frontage on a public road.*

The proposed severance will create lots that are consistent with the relevant policies, as well as are consistent with existing Neighbourhood Plans. Further, the lots will require a Minor Variance to address various zone regulation deficiencies, as required. The two (2) lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Following the proposed severance, the proposed construction of two (2) single detached dwellings (one per lot), is consistent with the surrounding existing uses and character of the neighbourhood. The proposed dwellings will have access to the existing municipal infrastructure as it exists along Mohawk Road West.



Additionally, the 'Neighbourhoods' designation contains specific policies in relation to 'Low Density Residential'. As such, 'Low Density Residential' uses permit single-detached, semi-detached, duplex, triplex, and street townhouse dwellings. Further, the maximum net residential density shall be 60 units per hectare, and the maximum permitted height shall be three (3) storeys. The proposal is to construct one (1) single detached dwelling on each lot following the severance (2 total dwellings). This use is consistent with the permitted uses under the UHOP. Additionally, the proposal will have an overall density of 28.21 units per hectare (2 units total, 0.0709 hectares), conforming to the maximum permitted density under the UHOP.

### **Former City of Hamilton Bylaw No. 6593**

The subject lands are zoned "C" District – Urban Protected Residential, Etc within the Former City of Hamilton By-Law No. 6593 as per Zoning Map W17c.

The "C" District zoning permits uses such as: single family dwellings; foster homes; residential care facility or retirement home (of no more than 6 residents); day nurseries; school; seminary; and cultural, recreational, or community centre. The zone provisions within Section 9 shall apply to the proposed development. A review of the applicable zone provisions will be included below:

<b>Regulation</b>	<b>Requirement</b>
Minimum Lot Frontage	12 metres
Minimum Lot Area	360 square metre
Minimum Front Yard Depth	6 metres
Minimum Side Yard	1.2 metres
Minimum Rear Yard	7.5 metres
Maximum Building Height	11 metres

### **Minor Variance**

Two variances are required for each lot to facilitate the proposed development. The variances are as follows:

#### Parts 1 and 2

1. To permit a minimum lot frontage of 10.5 metres, whereas a minimum lot frontage of 12 metres is required.
2. To permit a minimum lot area of 350 square metres, whereas a minimum lot area of 360 square metres is required.

This minor variance application is made under the authority of Section 45(1) of the Planning Act. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:





**1. Do the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan?**

The proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan as the subject site is designated “Neighbourhoods”, which permits single-detached dwellings. The proposed dwellings will assist in the diversification of the available housing stock within the neighbourhood, while also capitalizing on the existing infrastructure and an opportunity for the gentle intensification of the neighbourhood. This development purposes an overall density of 28.21 units per hectare inclusive of the two proposed lots, which is compliant with Section E of the Urban Hamilton Official Plan that permits a maximum residential density of 60 units per hectare.

The proposed development will feature a use that is permitted under the current Official Plan designation and will adhere to the net residential density provisions as detailed throughout Section E of the Urban Hamilton Official Plan. It is my professional opinion that the proposed variances maintain the intent and purpose of the Urban Hamilton Official Plan.

**2. Do the proposed variances maintain the intent and purpose of the Former City of Hamilton Zoning Bylaw No. 6593?**

The required variances to City of Hamilton Bylaw No. 6593 are intended to facilitate a desirable built form which is compatible with the existing neighbourhood.

**Lot Frontage**

Part 1 is proposed to have a frontage of 10.52. Part 2 is proposed to have a lot frontage of +/- 10.51 metres.

A variance is required to the minimum lot frontage requirement for the proposed development from 12 metres to 10.5 metres on both Part 1 and 2. The surrounding neighbourhood is characterized by single-detached dwellings that face the street. Many of the neighbouring lots have frontages at or just above the minimum of 12 and thus this development would compliment the streetscape and built form. The two lots created via severance will generally reflect the lot pattern and similar frontages as they currently exist within the surrounding neighbourhood. Accordingly, the proposed reduction in the lot frontage requirement is appropriate and compatible with the existing streetscape and maintains the intent of the Zoning By-law.

**Lot Area**

Parts 1 and 2 are proposed to both have a lot area of 352.5 square metres.

A variance is required to the minimum lot area requirement for the proposed development (from 360 square metres to 350 square metres on Parts 1 and 2). The surrounding neighbourhood contains a range of lot areas, most between 380-400m<sup>2</sup>. The purpose of this reduction is to permit one single-detached dwelling on each lot. The difference required from the minimum 360m<sup>2</sup> to 352.5m<sup>2</sup> is minimal and will not have an adverse affect to the lots themselves, nor the surrounding



neighbourhood and will have ample area to facilitate proper grading and drainage. Accordingly, the intent of the Zoning By-law is maintained.

**3. Are the proposed variances appropriate for the development of the subject lands?**

As noted above, the variances are intended to facilitate a desirable built form within an urban neighbourhood, on full municipal services along a Major Arterial Road. As noted above, the proposed variances are consistent with the established character of the neighbourhood and are therefore appropriate for the development of the subject lands.

**4. Are the proposed variances minor in nature?**

The proposed variances reflect the scale and character of this neighbourhood. There are no perceived impacts stemming from the variances to the lot frontage or lot area, as they are in keeping with the general built form, character and existing setbacks found within this neighbourhood. There are no perceived impacts on the neighbourhood stemming from the proposed development and accordingly, it is my professional planning opinion that the variances are minor in nature.

In accordance with the above criteria, variances to permit a reduced frontage and lot area requirements will be required to facilitate the creation of the lot as the existing building on the subject lands will be demolished to support the redevelopment. The lots are generally in keeping with the lot sizes and frontages in the immediate vicinity of the neighbourhood. While the proposed development does not meet the lot standards prescribed in the Zoning By-law, the proposed minor variances will provide relief from these zoning deficiencies, which are minor in nature.

As such, the subject land is appropriate for the redevelopment of the subject lands and has sufficient regard for the matters listed under Section 51 (24) of the *Planning Act*, represents good planning and should be approved

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Stephen Fraser, MCIP, RPP  
Principal, Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Hoang Doan (Kenny) and Marisa Nguyen



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**

	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 Hamilton	Lot 16	Concession 6	Former Township
Registered Plan N°. 1441	Lot(s) 101	Reference Plan N°.	Part(s)
Municipal Address 99 Mohawk Road West	Assessment Roll N°. 08098300160		

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:

[Empty text box for describing easement or covenant]

**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

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)
10.51	33.53	352.5sq.m

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: Single detached dwelling with detached garage

Proposed: Single detached dwelling

Existing structures to be removed: single detached dwelling and detached garage

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 <sup>2</sup> or ha)
10.52	33.53	352.5sq.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  
 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 and detached garage

Proposed: single detached dwelling

Existing structures to be removed: single detached dwelling and detached garage

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):

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods as per Schedule E-1

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

Please see attached 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? "C" District - Urban Protected Residential, Etc - Former City of Hamilton Zoning Bylaw 6593

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?  
 Owner information, digital mapping
- 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  
 See attached cover letter
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)  
 See attached cover letter
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)  
 Gentle residential intensification within a built boundary. See attached cover letter for more information.
- 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)
- 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.

Current 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?

since 2012

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

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

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.

See attached cover letter.
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### 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 25, 2022

Date



Signature of Owner