



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>AN/B-22:38</b>	<b>SUBJECT PROPERTY:</b>	1620 CLAYBAR RD, ANCASTER
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**APPLICANTS:** Owner- Claybar Road Holdings – D. Marion  
Agent – Batory Management – P. Demczak

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 1624 Claybar Road, Ancaster.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	30.48 m <sup>±</sup>	176.85-185.12 m <sup>±</sup>	30,351.55 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	45.72 m <sup>±</sup>	67.84 – 72.98 m <sup>±</sup>	3437.72 m <sup>2±</sup>

Associated Planning Act File(s): N/A

**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, June 9, 2022</b>
<b>TIME:</b>	<b>1:20 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> <a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a>

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)

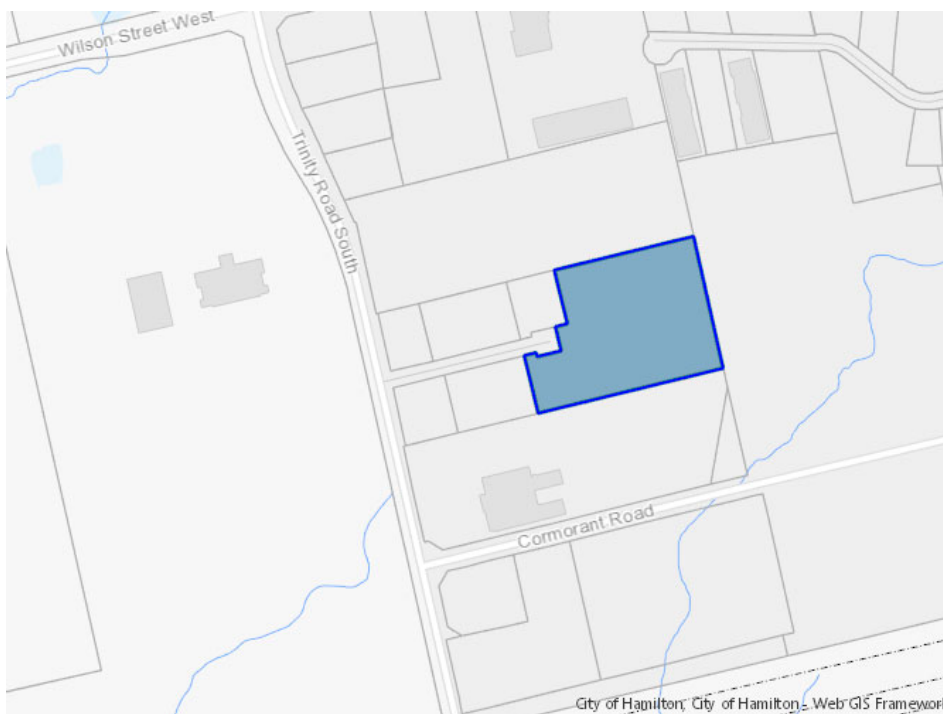
## AN/B-22:38

- 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 24, 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..

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

**AN/B-22:38**

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.



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## 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.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

**PLAN 62R-**

RECEIVED AND DEPOSITED

DATE \_\_\_\_\_

DATE \_\_\_\_\_

HARRY KALANTZAKOS  
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR:  
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (62)

SCHEDULE			
PART	LOT	CONCESSION	PIN No.
1	PART OF LOT 31	4	PART OF 17411-0009(LT)

THIS PLAN IS COMPRISE OF PART OF PIN 17411-0009(LT)

PLAN OF SURVEY OF  
**PART OF LOT 31  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON**

SCALE 1 : 400

8 4 0 20 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.

INTEGRATION NOTE

POINT ID	NORTHING	EASTING
ORP (A)	4782038.881	578204.678
ORP (B)	4782094.703	578432.616

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

BEARING NOTE

BEARINGS SHOWN HEREON ARE GRID AND ARE DERIVED FROM ORP (A) AND ORP (B) USING REAL TIME NETWORK (RTK) OBSERVATIONS, THE COORDINATES SHOWN HEREON ARE DERIVED FROM THE UNIVERSAL TRANSVERSE MERCATOR SYSTEM (6° UTM PROJECTION) ZONE 17, NAD83 (CSRS: 2010.0)

DISTANCES SHOWN HEREON ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.999646

LEGEND

■	DENOTES FOUND
□	DENOTES PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
RIB	DENOTES ROUND IRON BAR
M	DENOTES MEASURED
OU	DENOTES ORIGIN UNKNOWN
WIT	DENOTES WITNESS
P1	DENOTES PLAN 62R-7655
P2	DENOTES PLAN 62R-12317
P3	DENOTES PLAN BY ASHENHURST NOUWENS O.L.S., DATED JANUARY 4, 2013
ORP	DENOTES OBSERVED REFERENCE POINT
600	DENOTES S. W. WOODS, O.L.S.
912	DENOTES A.J. CLARKE, O.L.S.
1135	DENOTES LARRY WOODS, O.L.S.
1497	DENOTES J. P. NOUWENS, O.L.S.

METRIC NOTE

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

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

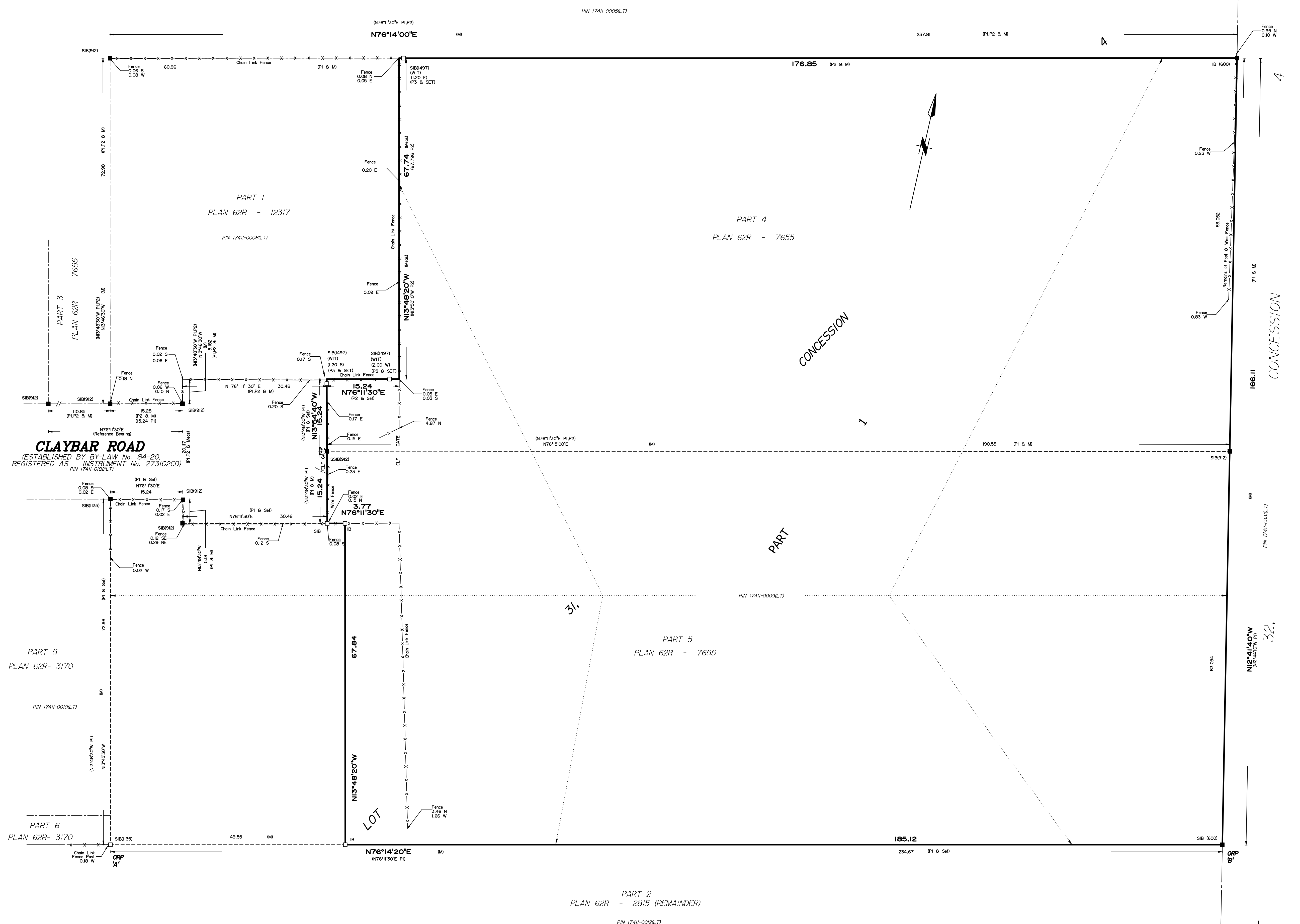
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 21ST, DAY OF FEBRUARY, 2022

DATE \_\_\_\_\_ HARRY KALANTZAKOS  
ONTARIO LAND SURVEYOR

**ASHENHURST NOUWENS & ASSOCIATES INC.**  
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS  
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1

TELEPHONE: (905) 529-6316  
(905) 529-4314  
FAX: (905) 529-6651  
e-mail: [ani@AshenhurstNouwens.ca](mailto:ani@AshenhurstNouwens.ca)

DRAWN BY M.S.	CALCD BY B.C.	CHKD BY H.K.	FILE No. <b>12265 R-PLAN</b>
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Hamilton

Committee of Adjustment

City Hall, 5<sup>th</sup> Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

APPLICATION FOR CONSENT TO SEVER LAND  
UNDER SECTION 53 OF THE PLANNING ACT

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Claybar Road Holdings Inc. c/o Dan Marion		
Applicant(s)**			
Agent or Solicitor	Batory Management c/o Paul Demczak		

\*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 Ancaster	Lot Pt. Lot 31	Concession Conc. 4	Former Township Ancaster
Registered Plan N°. RP 62R7655	Lot(s)	Reference Plan N°.	Part(s) Parts 4 & 5
Municipal Address 1620 Claybar Road			Assessment Roll N°.

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
- 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:

Claybar Road Holdings Inc.

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

1624 Claybar Rd, Ancaster

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

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

Frontage (m) 30.48	Depth (m) Variable (176.85-185.12)m	Area (m <sup>2</sup> or ha) 30351.55 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: \_\_\_\_\_

Proposed: \_\_\_\_\_

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) 45.72 m	Depth (m) VARIABLE (67.84-72.98) m	Area (m <sup>2</sup> or ha) 3437.72 sq.m
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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: \_\_\_\_\_

Proposed: \_\_\_\_\_

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)

4.3 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) Employment Area - Industrial Land

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

No change of use is proposed; the proposed lot complies with the requirements and intent of the Zoning By-law and Official Plan.

5.2 What is the existing zoning of the subject land? M2 Zone - General Business Park Zone, Exception 678

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? \_\_\_\_\_

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?  
 Information provided by property owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 Yes     No

**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
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes     No    (Provide explanation)
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes     No    (Provide explanation)
- 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)

Greenbelt is not applicable.

**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.

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.

**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.

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**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) <b>30.48m</b>	Area (m <sup>2</sup> or ha): (from in Section 4.1) <b>30351.55 sq.m</b>
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

b) Lands to be Retained:

Frontage (m): (from Section 4.2) <b>45.72 m</b>	Area (m <sup>2</sup> or ha): (from Section 4.2) <b>3437.72 sq.m</b>
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.4 Description of Lands (Abutting Farm Consolidation)**

a) Location of abutting farm:

\_\_\_\_\_  
 (Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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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)
----------------------------------	---

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.

The proposed consent application will allow for a lot line adjustment to occur on the subject site.

**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.

4/12/2022

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

April 13, 2022

**Via Digital Delivery**

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

**RE: Severance Application – Lot Line Adjustment  
1620 Claybar Road, Hamilton ON**

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Batory Management has been retained by Claybar Road Holdings Inc. (the “landowner”) as the planning consultant for the Severance Application at 1620 Claybar Road in Hamilton, Ontario. Located on the eastern edge of Claybar Road, the subject property currently vacant.

The landowner seeks to sever the property to merge a portion of land with the neighbouring lot at 1624 Claybar Road. A draft reference plan and sketch has been provided as part of this application which illustrates the proposed lot configuration.

The proposed severance application and lot configuration will comply with all required of the Zoning By-law. Further, a letter of opinion on the application to sever from the clients environmental consultant has been included for the benefit of the review process.

**Severance Application:**

The following cover letter provides a list of plans and reports associated with Region of Durham Severance submission:

- One (1) digital copy of the Submission Cover Letter, prepared by Batory Management, dated April 13, 2022
- One (1) digital copy of the City of Hamilton Application Form, prepared by Batory Management
- One (1) digital copy of the Draft Severance R-Plan, prepared by Ashenhurst Nouwens and Associates
- One (1) digital copy of the Draft Severance Sketch, prepared by Ashenhurst Nouwens and Associates

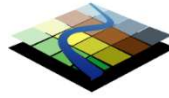
We trust the enclosed materials are satisfactory for your purposes at this time. Should you have any questions, or require clarification or further information with respect to the above, please do not hesitate to contact the undersigned

Yours truly,



Paul Demczak, MCIP, RPP  
Principal, Batory Management  
pdemczak@batory.ca

April 11, 2022  
Project No.: 22006



**TERRASTORY**  
environmental consulting inc.

Claybar Road Holdings Inc.  
Dan Marion  
[dan@kingridgedevelopments.ca](mailto:dan@kingridgedevelopments.ca)

**SUBJECT: Letter of Opinion (Lot Line Adjustment)**  
**1620 Claybar Road**  
**City of Hamilton (Ancaster)**

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Dear Dan,

As you know, Terrastory Environmental Consulting Inc. (hereinafter “Terrastory”) has been retained to complete an Environmental Impact Study (EIS) in support of a Site Plan Application (SPA) at the above captioned property in Ancaster. The Subject Property totals approximately 3.38 hectares (8.35 acres) and is situated southeast of the intersection of Trinity Road South and Wilson Street West. Existing land-uses appear to reflect a machinery storage yard including parking areas. A hedgerow demarcates the eastern (rear) property boundary, while a small wetland occurs on a neighbouring agricultural parcel to the north.

The Subject Property is designated “Employment Area” per Schedule E of the Urban Hamilton Official Plan (UHOP) and is zoned “General Business Park” (M2 Exception 672) per the City’s Zoning By-law (05-200). An identified (i.e., unevaluated) wetland on an adjacent parcel to the north is zoned “P5” (Conservation/Hazard) and may be shown as a “Linkage Area” per UHOP. Development activities (including grading) within 30 m of an unevaluated wetland fall within the regulatory jurisdiction of the Grand River Conservation Authority (GRCA) and require their permission (via a permit pursuant to O. Reg. 150/06) to proceed.

It is understood that the Applicant is proceeding with an SPA which triggers the need for an EIS per UHOP. The SPA will facilitate the construction of storage units within the Subject Property. In advance of the SPA submission, it is understood that a consent application (lot line adjustment) is being submitted with the effect of transferring 0.85 acres from the Subject Property to the neighbouring owner to the southwest (see **Appendix 1**). While it is recognized that a consent application is subject to the requirements of the *Planning Act*, the proposed lot reconfiguration 1) extends no closer than approximately 100 m from the general limit of the wetland (to be verified through fieldwork and a staking exercise in 2022), and 2) does not bisect any natural features of significance (i.e., the area to be transferred is used for storage and lacks naturalized vegetation). It is further understood that there are no new development features proposed through the consent application. Given the absence of any proposed development features or grading, the inclusion of typical recommendations into the EIS report (e.g., timing restriction on vegetation removal) would be redundant.

Given the above context, I do not believe there is merit in proceeding with an EIS in support of the consent application. An EIS will be prepared and submitted as part of a complete application for the SPA to be considered by City Natural Heritage Planning and GRCA staff.



# TERRASTORY

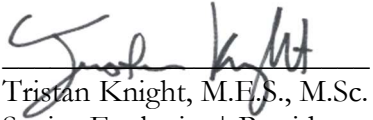
environmental consulting inc.

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Should you have any questions or require further clarification regarding the contents of this letter, I would be pleased to discuss them further and can be reached by phone (905.745.5398) or email (tristan@terrastoryenviro.com).

Regards,

Terrastory Environmental Consulting Inc.



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Tristan Knight, M.E.S., M.Sc.  
Senior Ecologist | President

## STATEMENT OF LIMITATIONS

This report has been prepared by Terrastory Environmental Consulting Inc. (hereinafter "Terrastory") for the client. All information, conclusions, and recommendations contained in this report are subject to the scope and limitations set out in the agreement between Terrastory and the client and qualifications contained in this report. This report shall not be relied upon by any third parties without the prior written consent of Terrastory. Terrastory is not responsible for any injury, loss, or damages arising from improper use of this report by third parties. Excerpts of this report or alterations to this report taken without the authorization of Terrastory invalidates the report and any conclusions therein.

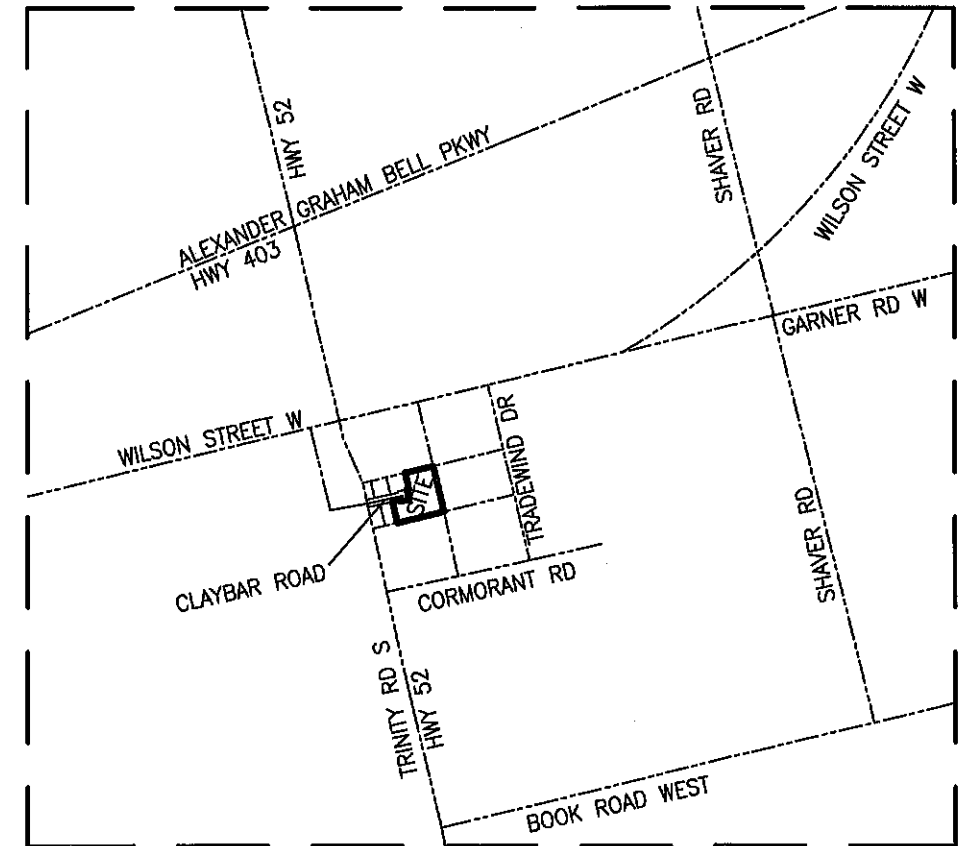
## **Appendix 1. Severance Sketch**

SEVERANCE SKETCH OF  
 PART OF LOT 31, CONCESSION 4  
 GEOGRAPHIC TOWNSHIP OF ANCASTER  
 1620 CLAYBAR RD, ANCASTER  
 CITY OF HAMILTON

SCALE 1 : 1250  
 18.75 6.25 0 12.5 25.0 37.5 50  
 METRES

ASHENHURST NOUWENS & ASSOCIATES INC.  
 COPYRIGHT 2022 ©

KEY PLAN  
 Not to Scale



METRIC NOTE

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

LEGEND

CLF DENOTES CHAIN LINK FENCE

MARCH 8, 2022  
 DATE

*Harry Kalantzakos*  
 HARRY KALANTZAKOS  
 ONTARIO LAND SURVEYOR

ASHENHURST NOUWENS & ASSOCIATES INC.

PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS

225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1



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DRAWN BY  
 M.S.

CALC'D BY  
 B.C.

CHK'D BY  
 H.K.

FILE No.

21-148 SKETCH

