



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: 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

APPLICATION NO.:	AN/B-21:82	SUBJECT PROPERTY:	122 MARTINDALE CRES, ANCASTER
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APPLICANTS: Owner – Canadian Commercial Management Home Depot
Agent – WEBB Planning Consultants

PURPOSE & EFFECT: To permit the conveyance of a parcel of land and to retain a parcel of land for Commercial purposes and to establish an easement for access and servicing.

	Frontage	Depth	Area
SEVERED LANDS: (Parts 2, 3, 4, 5, 7)	47.4 m [±]	44.1 m [±]	2,546.8 m ^{2±}
RETAINED LANDS:	108.6 m [±]	270.4 m [±]	40,203.3 m ^{2±}
EASEMENT LANDS: (Part 1)	11.93 m [±]	varies	1,377.0 m ^{2±}

Associated Planning Act File(s): AN/A-22:145

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:

DATE:	Thursday, June 9, 2022
TIME:	1:35 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

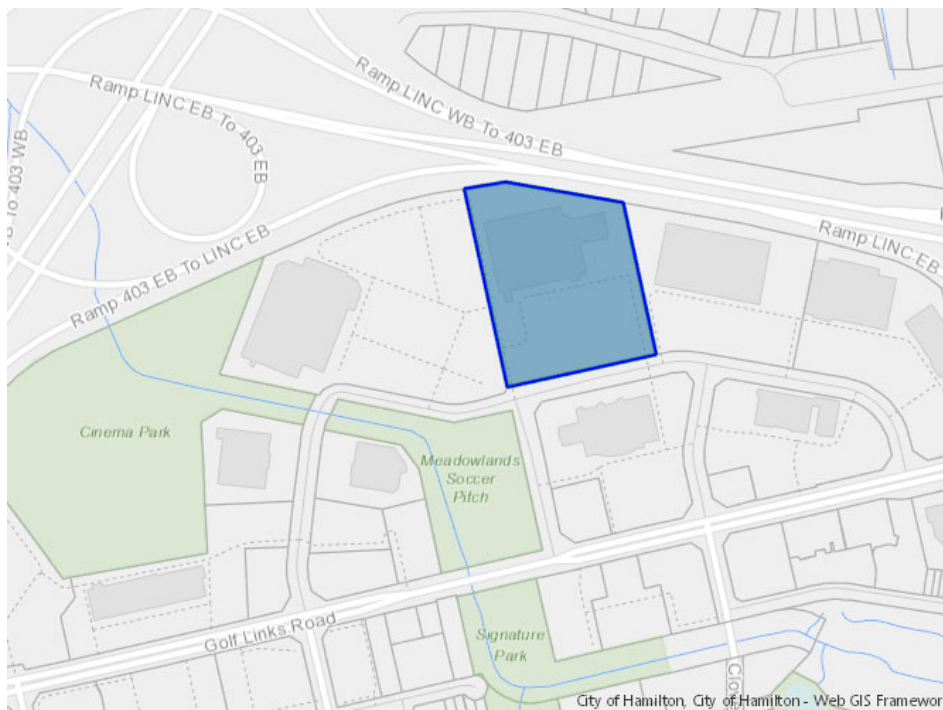
AN/B-21:82

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at 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

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-21:82

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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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E-mail: cofa@hamilton.ca

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 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

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 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 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.

INTEGRATION:

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00.

DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999660384.

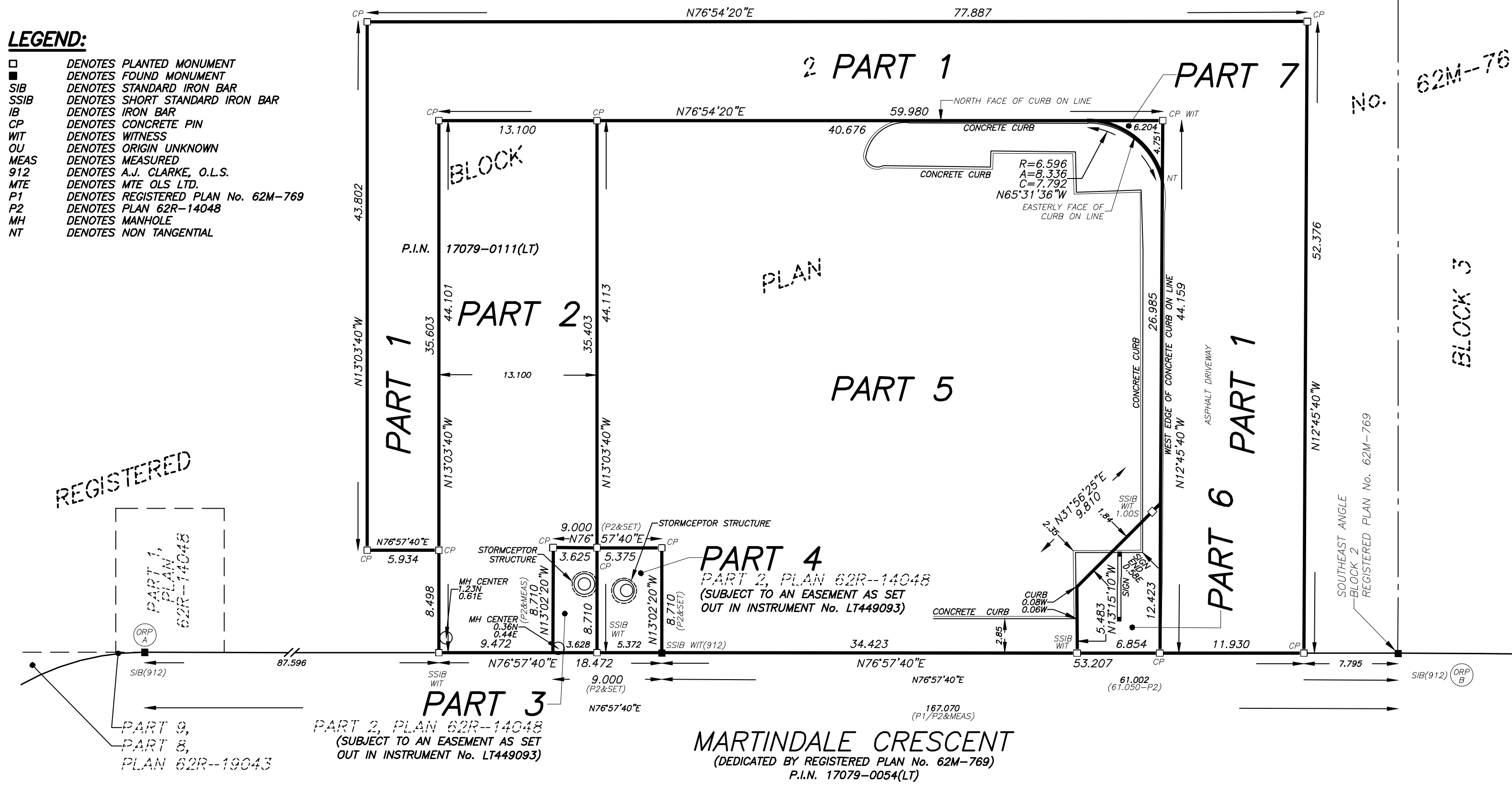
ALL COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v6) EPOCH 2010.00 TO AN URBAN ACCURACY IN ACCORDANCE WITH SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4786784.758	585668.718
ORP B	4786822.416	585831.447

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

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- CP DENOTES CONCRETE PIN
- WIT DENOTES WITNESS
- OU DENOTES ORIGIN UNKNOWN
- MEAS DENOTES MEASURED
- 912 DENOTES A.J. CLARKE, O.L.S.
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES REGISTERED PLAN No. 62M-769
- P2 DENOTES PLAN 62R-14048
- MH DENOTES MANHOLE
- NT DENOTES NON TANGENTIAL



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

DATE _____

----- PATRICK WOOLLEY, O.L.S.

PLAN 62R- _____

RECEIVED AND DEPOSITED

DATE _____

----- REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

SCHEDULE				
PART	BLOCK	PLAN	P.I.N.	AREA (m ²)
1	PART OF 2	62M-769	PART OF 17079-0111(LT)	1377.0
2				546.2
3				31.6
4				46.8
5				1947.5
6				61.7
7				8.0

PARTS 1, 2, 3, 4, 5, 6, AND 7 COMPRISE PART OF P.I.N. 17079-0111(LT). PARTS 3 AND 4 ARE SUBJECT TO AN EASEMENT AS SET OUT IN INSTRUMENT No. LT449093.

PLAN OF SURVEY
OF
PART OF BLOCK 2
REGISTERED PLAN No. 62M-769
CITY OF HAMILTON

SCALE 1:300

MTE OLS LTD.
ONTARIO LAND SURVEYORS

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

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

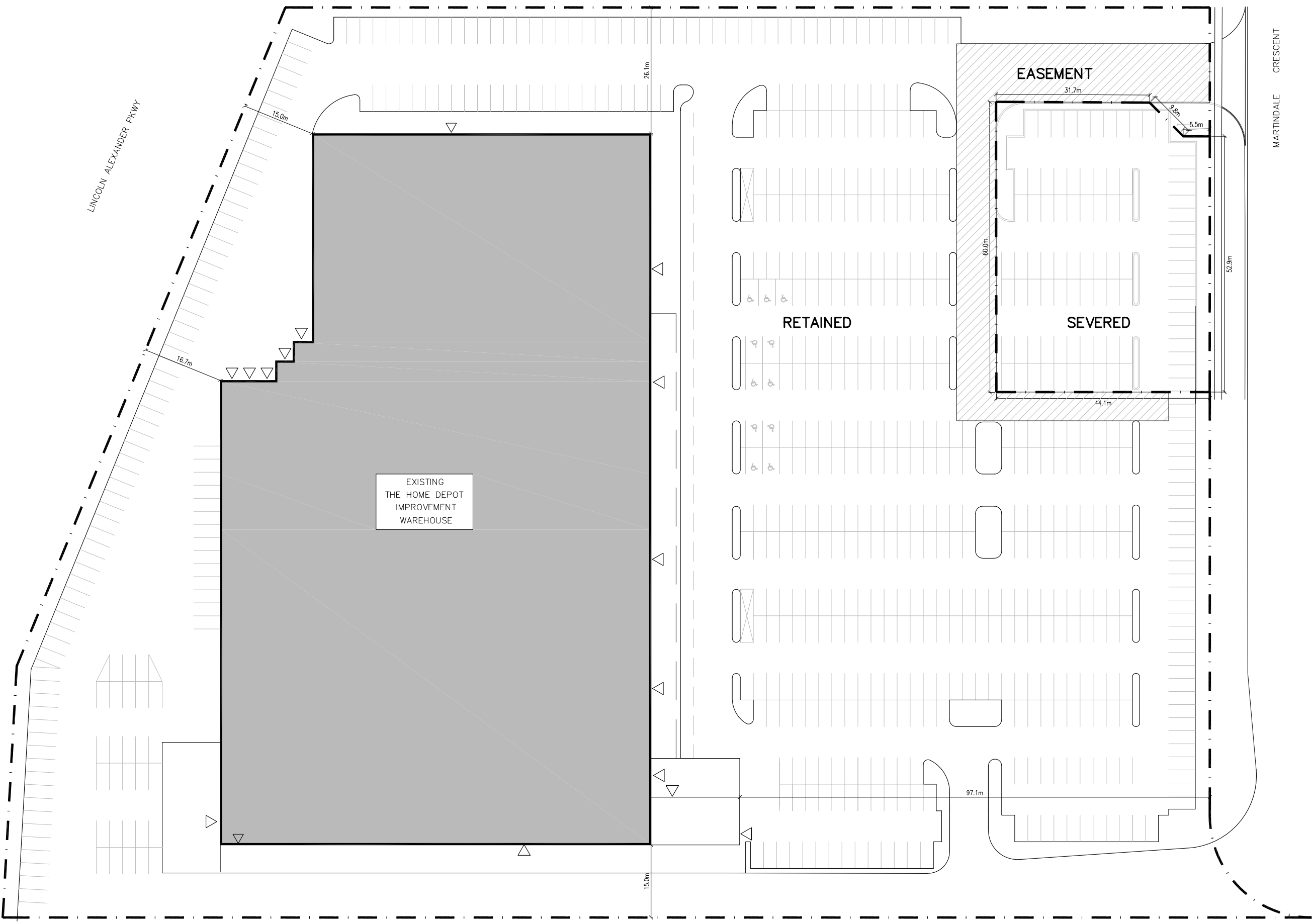
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE XTH DAY OF AUGUST, 2021.

DATE _____ PATRICK WOOLLEY
ONTARIO LAND SURVEYOR

MTE MTE ONTARIO LAND SURVEYORS LTD.
1016 SUTTON DRIVE, UNIT A
BURLINGTON, ONTARIO, L7L 6B8
TEL: 905-639-2552

Cad File: P:\P\37661\200\37661-200-R1.DWG	COGO: 37661-200-UTMGROUND.CSV
Drawn By: D. DINIZ	Checked By: P. WOOLLEY
File No: 37661-200-R1(M)	

LAST PLOT DATE: September 1, 2021



EXISTING
THE HOME DEPOT
IMPROVEMENT
WAREHOUSE

RETAINED

SEVERED

EASEMENT

LINCOLN ALEXANDER PKWY

MARTINDALE CRESCENT

DETAILS	No.	REVISIONS	DATE
DESIGNED BY: AV	1.	NOTE	DT
DRAWN BY: AV			
CHECKED BY:			
DATE:			

CONSULTANT OR DIVISION
THIS DRAWING HAS BEEN PREPARED FOR USE OF CANADIAN COMMERCIAL DEVELOPMENT'S CLIENT AND MAY NOT BE USED, REPRODUCED OR RELIED UPON BY THIRD PARTIES, EXCEPT AS AGREED BY CCD AND ITS CLIENT, AS REQUIRED BY LAW OR FOR USE BY GOVERNMENTAL REVIEWING AGENCIES. CCD ACCEPTS NO RESPONSIBILITY, AND DENIES ANY LIABILITY WHATSOEVER, TO ANY PARTY THAT MODIFIES THIS DRAWING WITHOUT CCD'S EXPRESS WRITTEN CONSENT. DO NOT SCALE THIS DOCUMENT. ALL MEASUREMENTS MUST BE OBTAINED FROM STATED DIMENSIONS.

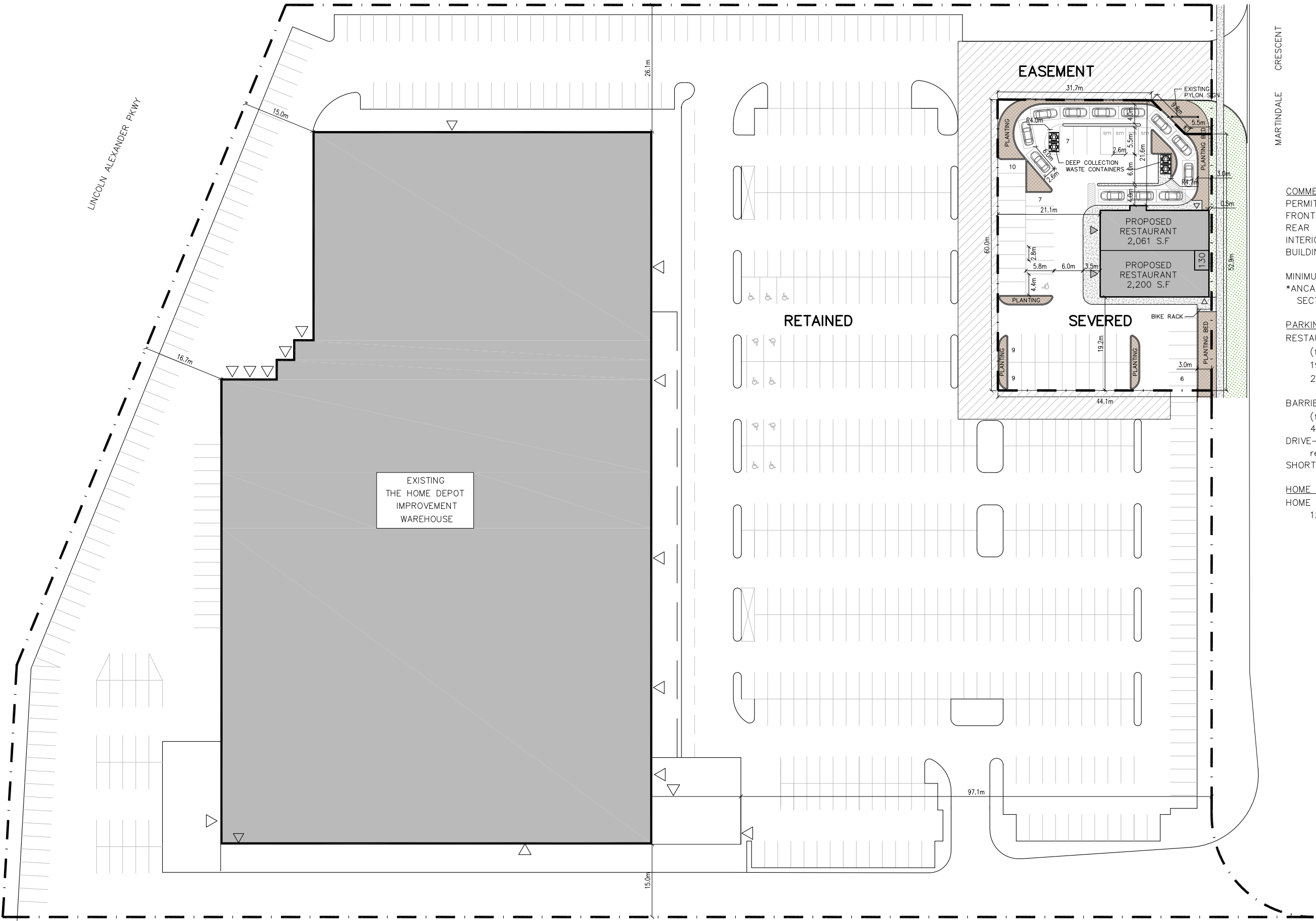


122 MARTINDALE CR., ANCASTER
SITE DEVELOPMENT

SITE PLAN

SCALE	DATE	SHEET No.
---	SEP 8, 2021	SP1

Z:\SitePlans\Ancaster\122-Martindale\DWG\210908-(consent sketch).dwg



EXISTING
THE HOME DEPOT
IMPROVEMENT
WAREHOUSE

EASEMENT

RETAINED

SEVERED

PROPOSED
RESTAURANT
2,061 S.F.

PROPOSED
RESTAURANT
2,200 S.F.

COMMERCIAL (C5)
PERMITTED USES = RESTAURANT
FRONT YARD MAX. = 4.5m 0.5m prov.
REAR YARD MIN. = 7.5m 21.1m prov.
INTERIOR YARD MIN. = 0.0m 19.2m prov.
BUILDING HEIGHT MIN. = 7.5m 8.0m prov.

MINIMUM FRONT YARD* = 25.0m 0.5m prov.
*ANCASTER ZONING BY-LAW 87-57
SECTION 22.2, TABLE 2 - SECTION 5, C2

PARKING
RESTAURANT 1/8.0sm OF GFA
(fractions rounded down)
191.5sm (2,061sf) = 23
204.4sm (2,200sf) = 25
= 48 48 prov.
BARRIER FREE 50-100 4% OF TOTAL
(fractions rounded down)
48 std. required = 1 1 prov.
DRIVE-THRU STACKING
restaurants = 12 12 prov.
SHORT-TERM BICYCLE = 5 5 prov.

HOME DEPOT PARKING
HOME IMPROVEMENT SUPPLY 1/50sm of GFA
12,270.4sm = 245 613 prov.
(455 front field)

DETAILS	No.	REVISIONS	DATE
DESIGNED BY: AV	1.	NOTE	DT
DRAWN BY: AV			
CHECKED BY:			
DATE:			

CONSULTANT OR DIVISION
THIS DRAWING HAS BEEN PREPARED FOR USE OF CANADIAN COMMERCIAL DEVELOPMENT'S CLIENT AND MAY NOT BE USED, REPRODUCED OR RELIED UPON BY THIRD PARTIES, EXCEPT AS AGREED BY CCD AND ITS CLIENT, AS REQUIRED BY LAW OR FOR USE BY GOVERNMENTAL REVIEWING AGENCIES. CCD ACCEPTS NO RESPONSIBILITY, AND DENIES ANY LIABILITY WHATSOEVER, TO ANY PARTY THAT MODIFIES THIS DRAWING WITHOUT CCD'S EXPRESS WRITTEN CONSENT. DO NOT SCALE THIS DOCUMENT. ALL MEASUREMENTS MUST BE OBTAINED FROM STATED DIMENSIONS.



122 MARTINDALE CR., ANCASTER
SITE DEVELOPMENT

SITE PLAN

SCALE	DATE	SHEET No.
---	SEP 1, 2021	SP1

Z:\SitePlans\Ancaster\122-Martindale\DWG\210901-(consent sketch).dwg



Hamilton

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.:
----------------------------	-----------------------------------	-----------------	-----------

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS
Registered Owners(s)	Home Depot Holdings Inc.	
Applicant(s)*	Canadian Commercial Management Inc.	
Agent or Solicitor	James Webb	

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

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

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality attached	Lot	Concession	Former Township
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 122 Martindale Crescent, Ancaster, ON			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:

No hardware sales, future easements for access and servicing

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

Other: a charge

- addition to a lot
 an easement

- a lease
 a correction of title

b) **Rural Area / Rural Settlement Area Transfer (Section 10 must 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:

Canadian Commercial (Ancaster) Inc.

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**:

Frontage (m)	Depth (m)	Area (m ² or ha)
47.4	44.1	2,546.8m ²

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: parking lot

Proposed: single multi-tenant building

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**:

Frontage (m)	Depth (m)	Area (m ² or ha)
108.6	270.4	40,203.3m ²

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: Home Depot

Proposed: no change

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): Mixed Use Medium Density

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

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? C6 - Mixed Use Medium Density

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 checked="" type="checkbox"/>	various big box commercial uses
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 PREVIOUS USE OF PROPERTY

- Residential Industrial Commercial
 Agriculture Vacant Other (specify)

- 6.1 If Industrial or Commercial, specify use Home Depot
- 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?

- 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

Growth Plan for the Greater Golden Horseshoe - Proposal Conforms

- 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.

Approved Plan of Subdivision (Plan 62M-769)

- 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?

Home Depot has owned since 1993

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.

To clarify, this applies to Canadian Commercial. (Home Depot owns their property at 350 Centennial Parkway North)

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 pending variance for development standards - does not impact severance 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 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):
---------------	------------------------------

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

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.

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land and on land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 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.

September 3, 2021

Date

★ *Suzanne Russo*

Signature of Owner

September 8, 2021
email

submitted via

City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5
cofa@hamilton.ca

**Re: Application for Consent
Canadian Commercial Management Inc.
122 Martindale Crescent
Ancaster, ON**

Canadian Commercial Management Inc. is pleased to submit an Application for Consent for the lands at 122 Martindale Crescent in Ancaster (the "subject lands"). The purpose of the application is to sever approximately 2,546.8 s.m. from the subject lands and retain approximately 40,203.3 s.m. per the attached severance sketch.

The legal description of the subject lands is as follows:

BLKS 1 AND 2, PLAN 62M769; SAVE AND EXCEPT PARTS 5,6,7,8 AND 9 ON
62R 19043; S/T LT377105; S/T BLK 1 PLAN 62M769 IN FAVOUR OF LTS 1 AND 2
62M697 AS IN LT377108; S/T LT377037 ANCASTER; CITY OF HAMILTON

THE SUBJECT LANDS

The subject lands are comprised of a single parcel located along Martindale Crescent.

The subject lands are currently a Home Depot retail store.

The subject lands are designated "Mixed Use Medium Density" in the City of St. Hamilton Official Plan, and are currently zoned "C5 - Mixed Use Medium Density" in the City of Hamilton Zoning By-law.

PROPOSED DEVELOPMENT

The lands to be severed are proposed to be a single building, consisting of two restaurants with one featuring a drive through facility. No other development is proposed for the retained lands at this time.

PROPOSED CONSENT TO SEVER AND EASEMENT APPLICATIONS

In order to facilitate the proposed development, the lands are proposed to be severed as follows:

- Sever approximately 2,546.8 s.m. with a frontage of approximately 47.4 m on Martindale Crescent and a depth of approximately 44.1 m. These lands are shown as Parts 2, 3, 4 & 5 on the attached draft R-Plan; and,
- Retain approximately 40,203.3 s.m. with a frontage of approximately 108.6 m on Martindale Crescent and a depth of approximately 270.4 m.

PART DESCRIPTIONS

The attached consent sketch is based on a draft Reference Plan. The plan shows the lands to be severed as Parts 2,3,4 & 5 The lands to be retained are not identified as a part specifically for this plan; they can be seen on the severance sketch plan.

The parts on the severed lands each have their own specific purpose and are described as follows:

Part	Description	Area (s.m.)
1	Remains part of the retained lands but has a vehicular easement for the severed lands	1,377.0
2	A part of the severed lands but subject to an easement in favour of the retained lands for servicing	546.2
3	A part of the severed lands but subject to an easement in favour of the retained lands for servicing	31.6
4	A part of the severed lands but subject to an easement in favour of the retained lands for servicing	46.8
5	A part of the severed lands	1,947.5
6	Remains part of the retained lands and is the location of a pylon sign	61.8
7	A part of the severed lands but has a vehicular easement for the retained lands	8.0

As per the required submission materials, please find attached the following electronic documents:

- Completed Application for Consent, signed and commissioned;
- Severance Sketch;
- Draft R-Plan

In addition to the above, the required application fee will be submitted to the City separately via credit Card.

We trust that the enclosed information is complete and satisfactory and we look forward to a timely approval process. Home Depot requires the proposed severance to occur in 2021. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

Canadian Commercial Management Inc.



Lee Greenwood
Vice-President