



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.:	SC/B-22:60	SUBJECT PROPERTY:	4 ROADWAY, STONEY CREEK
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APPLICANTS: **Owner Canadian National Railway Company**
Agent Dentons Canada – A. Paterson

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to adjacent property known as 333 Arvin Avenue.

	Frontage	Depth	Area
SEVERED LANDS:	45.7 m [±]	61.0 m [±]	0.28 ha [±]
RETAINED LANDS:	Irregular, Rail Corridor m [±]	Irregular, Rail Corridor m [±]	Irregular, Rail Corridor m ² / ha [±]

Associated Planning Act File(s): [Click or tap here to enter text.](#)

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, July 14, 2022
TIME:	1:15 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	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:

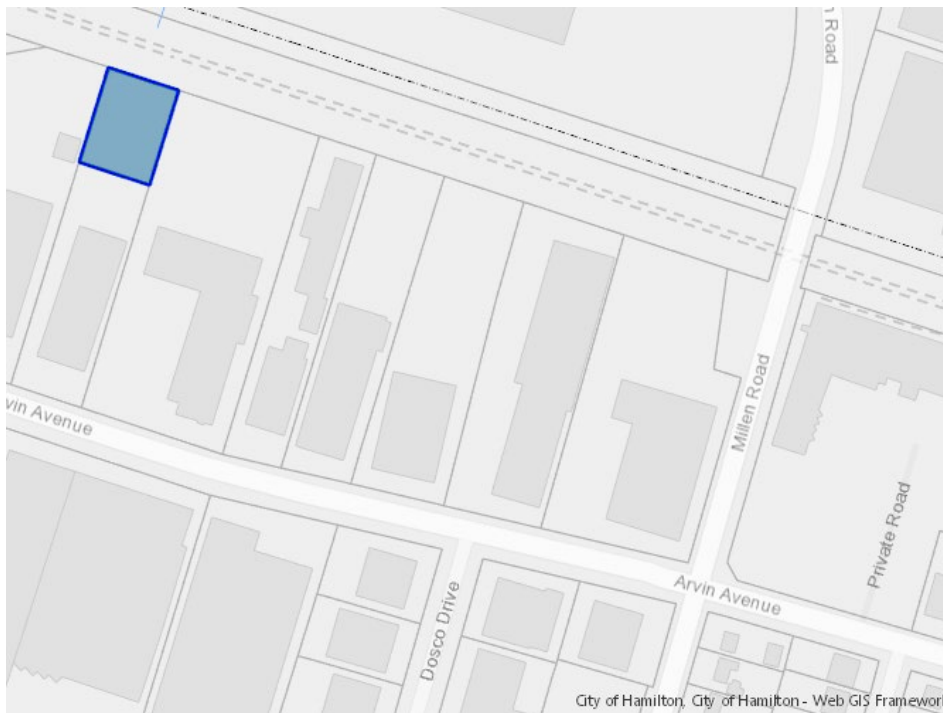
SC/B-22:60

- 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, calling in or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually.



 **Subject Lands**

DATED: June 28, 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.

SC/B-22:60

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



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

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.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by 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.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

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.

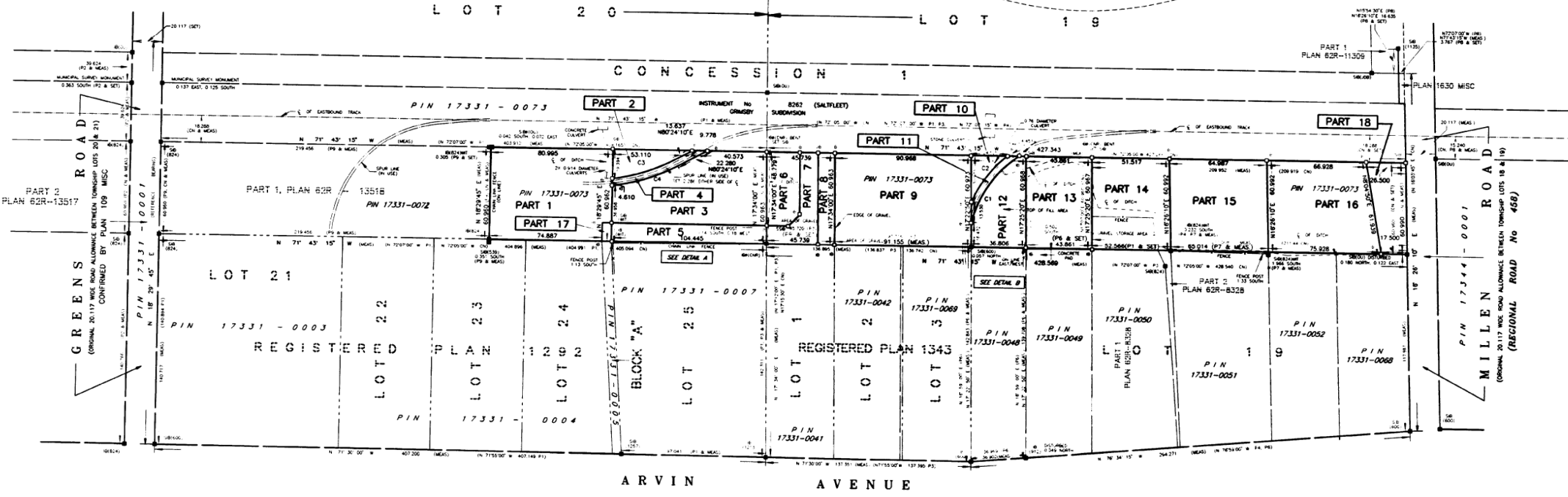
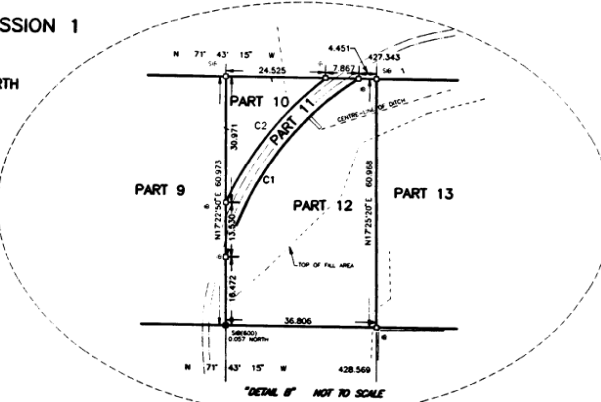
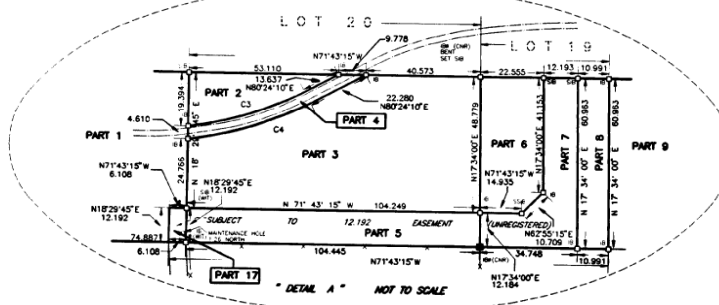
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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

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

"CAUTION" THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF
PART OF LOTS 19 & 20, CONCESSION 1
IN THE GEOGRAPHIC TOWNSHIP OF SALTLEET
BEING IN THE
CITY OF STONEY CREEK
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:1250
Mackay, Mackay & Peters Limited - 1996

REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT		PLAN 62R-13707	
DATE February 20 th 96	DATE Feb 20 1996	RECEIVED AND DEPOSITED	
W. Bruce Clark ONARIO LAND SURVEYOR		W. Bruce Clark LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)	
PARTS 1-5 & 17	PART LOT 20 CONCESSION 1 TOWNSHIP OF SALTLEET	PART OF PIN 17331-0073	
PARTS 6-16 & 18	PART LOT 19 CONCESSION 1 TOWNSHIP OF SALTLEET		



CURVE No.	RADIUS	ARC	CHORD	BEARING
1	74.800	55.925	54.632	N 53° 44' 45\"/>
2	76.372	39.615	39.205	N 56° 06' 17\"/>
3	120.476	43.371	43.137	N 89° 17' 03\"/>
4	125.048	45.615	45.363	N 89° 08' 42\"/>

BEARING REFERENCE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF GREENS ROAD AS SHOWN ON PLAN 62R-13539 HAVING A BEARING OF N 18°29'45\"/>

- LEGEND:
- B DENOTES A SURVEY MONUMENT FOUND
 - D DENOTES A SURVEY MONUMENT PLANTED
 - SMB DENOTES STANDARD IRON BAR
 - SSMB DENOTES SHORT STANDARD IRON BAR
 - SB DENOTES IRON BAR
 - R DENOTES ROUND
 - CC DENOTES CUT CROSS
 - CP DENOTES CONCRETE PIN
 - WHT DENOTES WITNESS
 - (UN) DENOTES UNKNOWN
 - (538) DENOTES D.G. LINE O.L.S.
 - (600) DENOTES S.W. WOODS, O.L.S.
 - (824) DENOTES AT. MALKER, O.L.S.
 - (912) DENOTES A.J. CLARKE, O.L.S.
 - (1130) DENOTES L.G. WOODS, O.L.S.
 - (1213) DENOTES J.D. PETERS, O.L.S.
 - (1259) DENOTES W. LANGRISH, O.L.S.
 - (206) DENOTES J.D. BARNES LIMITED
 - (CNR) DENOTES CANADIAN NATIONAL RAILWAY
 - P1 DENOTES REGISTERED PLAN 1292
 - P2 DENOTES REGISTERED PLAN 62R-13539
 - P3 DENOTES REGISTERED PLAN 1343
 - P4 DENOTES PLAN 62R-8338
 - P5 DENOTES PLAN 62R-11309
 - P6 DENOTES PLAN OF SURVEY BY A.J. CLARKE, O.L.S. DATED NOVEMBER 28, 1983
 - P7 DENOTES PLAN OF SURVEY BY A.T. MALKER LIMITED DATED DECEMBER 21, 1988
 - P8 DENOTES PLAN 62R-13518
 - P9 DENOTES PLAN 62R-13518
 - CM DENOTES PLAN OF SURVEY BY CMR
 - PH DENOTES PROPORTIONED

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 7th DAY OF FEBRUARY, 1996
FEBRUARY 8, 1996
W. Bruce Clark
HAMILTON - ONTARIO
ONARIO LAND SURVEYOR

MACKAY MACKAY & PETERS LIMITED
ONARIO LAND SURVEYORS ESTABLISHED 1908
SUITE 700, UNION GAS BUILDING
20 HUCHSON STREET SOUTH
HAMILTON, ONTARIO L8N 5A1
FAX: (905) 526-0787 PHONE: (905) 526-7471
94-1185-1300

30x

62R-13707



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.:
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1 APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Canadian National Railway Company		
Applicant(s)**	Dentons Canada LLP c/o Andrea Paterson, Land Use Planner (see Agent Authorization Attached)		
Agent or Solicitor	Dentons Canada LLP c/o Andrea Paterson, Land Use Planner		

***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 Stoney Creek	Lot Part Lot 19	Concession 1	Former Township Saltfleet
Registered Plan N°. 62R-13707	Lot(s)	Reference Plan N°.	Part(s) 6, 7, 8
Municipal Address			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:

Unknown

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):**

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input checked="" type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |

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

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot | Other: <input type="checkbox"/> a charge |
| <input type="checkbox"/> creation of a new non-farm parcel
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | <input type="checkbox"/> a lease |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a correction of title |
| | <input type="checkbox"/> an easement |

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Arvin Creek Properties Inc.

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

333 Arvin Avenue

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 ² or ha)
45.7 +/-	61.0 +/-	0.28

Existing Use of Property to be severed:

- | | | |
|---|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input checked="" type="checkbox"/> Vacant |
| <input type="checkbox"/> Other (specify) _____ | | |

Proposed Use of Property to be severed:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Industrial | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Agriculture (includes a farm dwelling) | <input type="checkbox"/> Agricultural-Related | <input type="checkbox"/> Vacant |
| <input checked="" type="checkbox"/> Other (specify) <u>Unknown</u> | | |

Building(s) or Structure(s):

Existing: N/A - Rail Corridor

Proposed: Unknown

Existing structures to be removed: N/A - Rail Corridor

Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | |

Type of water supply proposed: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) _____ |

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify)

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m)	Depth (m)	Area (m ² or ha)
Irregular, Rail Corridor	Irregular, Rail Corridor	Irregular, Rail Corridor

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) Rail Corridor
- Industrial
- Agricultural-Related
- Commercial
- Vacant

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: N/A - Rail Corridor

Proposed: N/A - Rail Corridor

Existing structures to be removed: N/A

Type of access: (check appropriate box)

- provincial highway
- municipal road, seasonally maintained
- municipal road, maintained all year
- right of way
- other public road
- N/A Rail Corridor

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)

N/A - Rail Corridor

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) N/A Rail Corridor

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) Business Park

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? General Business Park (M2) Zone

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"/>	X
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?

Environmental Screening Process, dated November 1994 prepared by Jacques Whitford Environmental Ltd

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

7 PROVINCIAL POLICY

7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

Yes No

Please see attached cover letter.

b) Is this application consistent with the Provincial Policy Statement (PPS)?
 Yes No (Provide explanation)

Please see attached cover letter.

c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
 Yes No (Provide explanation)

The application conforms to the policies of the Official Plan which are consistent with those found in the Growth Plan for the Greater Golden Horseshoe.

d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

Yes No

The application conforms with the Growth Plan for the Greater Golden Horseshoe.

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 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)
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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)
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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 ² 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 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)
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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 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 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.

April 29, 2022

 Date



 Signature of Owner

大成 DENTONS

Andrea Paterson
Land Use Planner
andrea.paterson@dentons.com
D +1 416 863 4770

Dentons Canada LLP
77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

dentons.com

May 31, 2022

File No.: 238609-1255

**DELIVERED VIA EMAIL – jamila.sheffield@hamilton.ca
AND OVERNIGHT COURIER**

Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
905-546-2424 ext. 4144

Attention: Ms. Jamila Sheffield

Dear Ms. Sheffield:

**Re: Canadian National Railway Company Application for Consent for Lot Addition
- Part Lot 19, Conc 1 Saltfleet, Parts 6, 7, 62R-13707; S/T LT403435; Stoney Creek – 97 06
10- I. Fiamelli City of Hamilton PIN 173310082 and Part Lot 19 Conc 1 Saltfleet, Part 8 ON
62R-13707; Stoney Creek City of Hamilton PIN 173310083**

We are the solicitors for Canadian National Railway Company (“CN”), the registered owner of the above-noted lands which are subject to this applications.

The purpose of this letter and accompanying Consent Application is to seek the Committee’s Consent for the severance of approximately 0.28 hectares of land from the existing CN Rail corridor, located at the rear of 333 Arvin Avenue, midblock between Green Road and Millen Road, shown on the enclosed Severance Sketch as the “Subject Lands”. The Subject Lands are to be added to the adjacent lot (333 Arvin Avenue) as a lot addition. It has been determined by CN that the Subject Lands are surplus to its railway operation needs. CN will retain the remainder of its landholdings, shown as the “CN Retained Lands”, which will continue to be used for railway services and the railway corridor itself.

The City of Hamilton’s Urban Official Plan (“OP”) designates the Subject Lands as “Business Park” located in the Employment Areas within the Urban Boundary of Hamilton. One goal of the Employment Areas designations is to “maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes in various locations to meet the City’s projected employment growth forecast and to promote economic development and competitiveness” (Policy 5.1.2). Undeveloped and underutilized lands designated Business Park are planned for major employment growth (Policy 5.4.2) and new development and redevelopment of existing sites shall incorporate quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites (Policy 5.4.7 (a)). As the Subject Lands are not currently used by CN’s operation, the proposed consolidation of the Subject Lands with the purchaser’s property will allow for an

Fernanda Lopes & Associados ► Guevara & Gutierrez ► Paz Horowitz Abogados ► Sirote ► Adepetun Caxton-Martins Agbor & Segun ► Davis Brown ► East African Law Chambers ► Eric Silwamba, Jalasi and Linyama ► Durham Jones & Pinegar ► LEAD Advogados ► Rattagan Macchiavello Arocena ► Jiménez de Aréchaga, Viana & Brause ► Lee International ► Kensington Swan ► Bingham Greenebaum ► Cohen & Grigsby ► Sayarh & Menjra ► For more information on the firms that have come together to form Dentons, go to dentons.com/legacymfirms

expansion of employment uses to a currently underutilized parcel of land, meeting the intent of the Official Plan to an equal or greater degree.

The Subject Lands are zoned General Business Park (M2) Zone per Zoning By-law 05-200, as amended. This zone permits a number of industrial and employment uses. The addition of the Subject Lands to the adjacent parcel, which has the same zoning, will increase the lot size to approximately 9,300 sq.m. providing for additional area to locate employment activities or to facilitate future redevelopment of the parcel.

The Subject Lands have the same OP designation and zoning as the lands to which they will be added. Based on the above, the proposed Consent for Lot Addition request is consistent with both the Official Plan and the Zoning By-law.

The Provincial Policy Statement (PPS) encourages opportunities for infill and intensification in built up areas where services exist to support future development. Severing the unused land from CN's operation and adding it to a normally-configured and serviced lot allows it to be fully utilized in the future. Section 1.1.1 of the PPS states that "healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns". The PPS also makes frequent reference to the value of intensification and infill. The consolidation of the surplus CN lands with the existing industrial parcel provides an opportunity to utilize and otherwise unused property, while providing an improved lot size and configuration to a serviced lot which conforms to the goals and intent of the OP designation. The proposed Consent would permit the property to be developed in-line with the Official Plan, Zoning By-law and neighbouring properties, and make better use of existing infrastructure.

Based on the above-noted information, it is our respectful submission that this application for Consent for Lot Addition supports the orderly development of the property, is consistent with the Official Plan and the Zoning By-law, and complies with all of those matters that one must have regard to, pursuant to Section 51(24) of the *Planning Act*, and that a plan of subdivision is not required in this instance.

In further support of this application, please find enclosed the following:

- (a) Completed Application for Consent;
- (b) Letter of Authorization;
- (c) Severance Sketch that identifies the Subject Lands and Retained Lands; and
- (d) Copy of cheque in payment of the required application fee of \$2,985.00 with original sent via overnight courier.

Should you have any questions, or require any additional information, please feel free to contact me at andrea.paterson@dentons.com or 1.416.863.4770.

Yours truly,

Dentons Canada LLP

DocuSigned by:
Andrea Paterson
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Andrea Paterson RPP
Land Use Planner

AP/kf

Enclosures