



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

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>GL/B-23:93</b>	<b>SUBJECT PROPERTY:</b>	3530 UPPER JAMES STREET, GLANBROOK
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**APPLICANTS:** Owner: 886444 ONTARIO LTD (C/O MOHAMMED GHADDER)  
Agent: T. JOHNS CONSULTING GROUP LTD.(JOE GRAVINA)

**PURPOSE & EFFECT:** To sever the existing vacant lot into two parcels, the severed lands will be a vacant residential building lot and the retained lands will be a vacant commercial building lot.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	56.90 m <sup>±</sup>	126.59 m <sup>±</sup>	1.35 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	75.14 m <sup>±</sup>	126.59 m <sup>±</sup>	1.05 ha <sup>±</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>Tuesday, February 13, 2024</b>
<b>TIME:</b>	<b>2:40 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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

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

## GL/B-23:93

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

## 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, written comments must be received no later than **February 9, 2024**

**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, registration to participate virtually must be received no later than **February 12, 2024**

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/B-23:93, you must submit a written request to [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.

If you wish to be provided the Notice of Decision 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.

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.



 Subject Lands

DATED: January 25, 2024

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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.



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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 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://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 on the day listed on the Notice of Public 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](mailto: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 one business day before the Hearing. Only those registered will be called upon to speak.

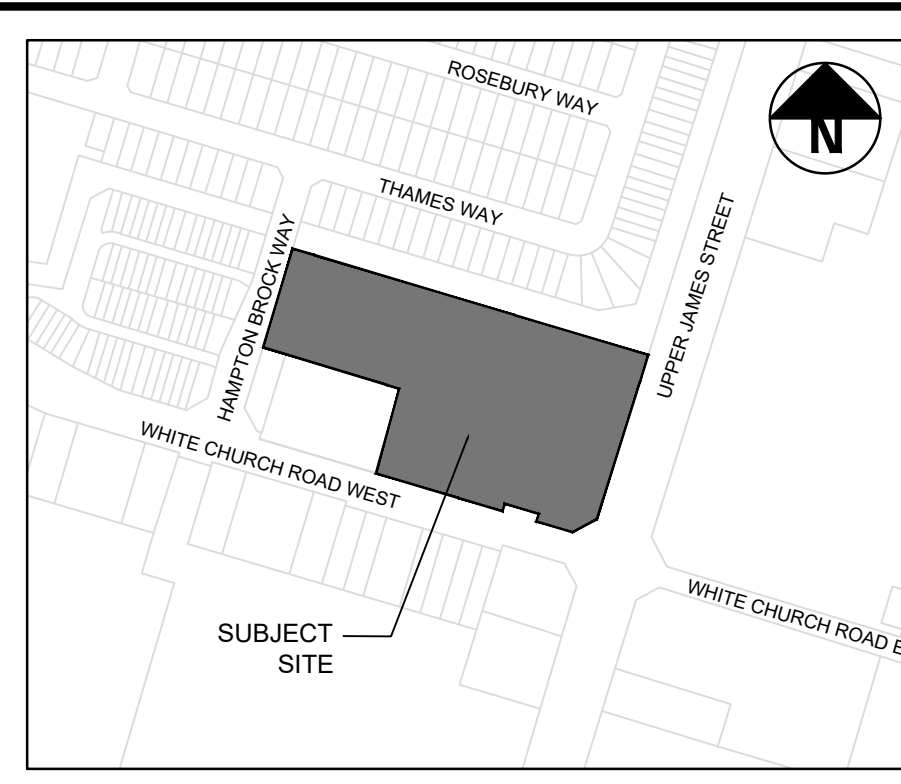
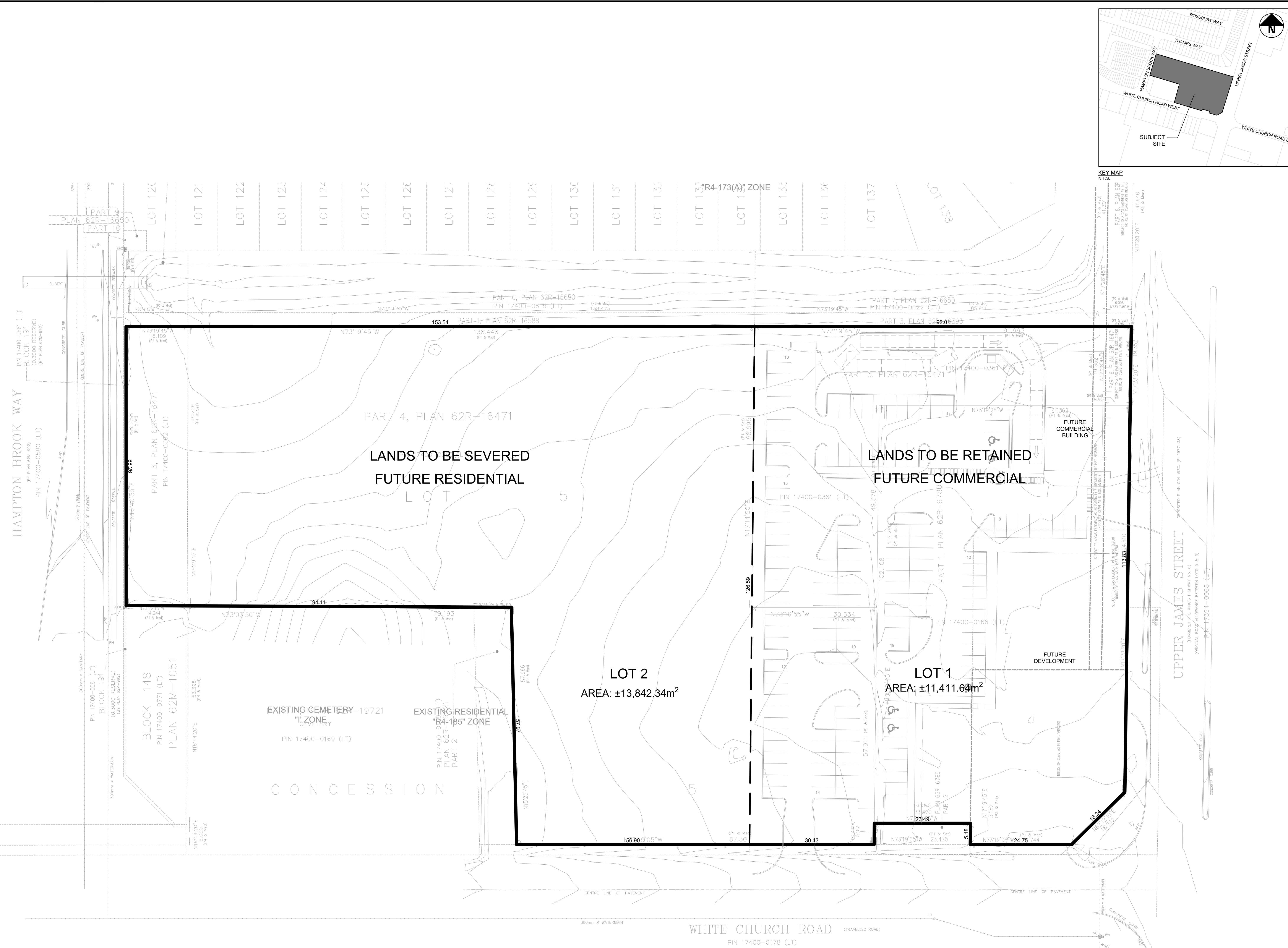
#### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **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](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.





**LEGAL DESCRIPTION**

PART OF  
**LOT 5**  
**CONCESSION 5**  
 GEOGRAPHIC  
**TOWNSHIP OF GLANFORD**  
 IN THE  
**CITY OF HAMILTON**



**LEGEND**

— SUBJECT PROPERTY LINE  
 - - - PROPOSED PROPERTY LINE

**NOTE:**

- DIMENSIONS ARE SHOWN IN METERS.
- FINAL LOT AREA AND FRONTAGE TO BE DETERMINED VIA FINAL SURVEY PLAN.
- DIMENSIONS SHOWN ARE BASED ON A SURVEY CONDUCTED IN 2021 BY A.T. MCLAREN LTD.
- THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- ALL BUILDING DESIGN TO BE VERIFIED BY A QUALIFIED PROFESSIONAL.
- DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.

**REVISIONS**

REV.	DESCRIPTION	DATE	INIT.
A	REVIEW	20-DEC-2023	HN
A	REVIEW	11-DEC-2023	JS

**DISCLAIMER**

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ANY DISCREPANCIES SHALL BE REPORTED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.

**PROJECT TITLE**

**3530 UPPER JAMES STREET**

GLANBROOK, ONTARIO

**DRAWING TITLE**

**CONSENT SKETCH**

<b>DRAWN BY</b> JS	<b>DESIGNED BY</b> JS
<b>PRINT DATE</b> 20-DEC-2023	<b>PROJECT NUMBER</b>
<b>REVISION</b> A	<b>DRAWING NUMBER</b> CS1-1
<b>SCALE</b> 1:400	

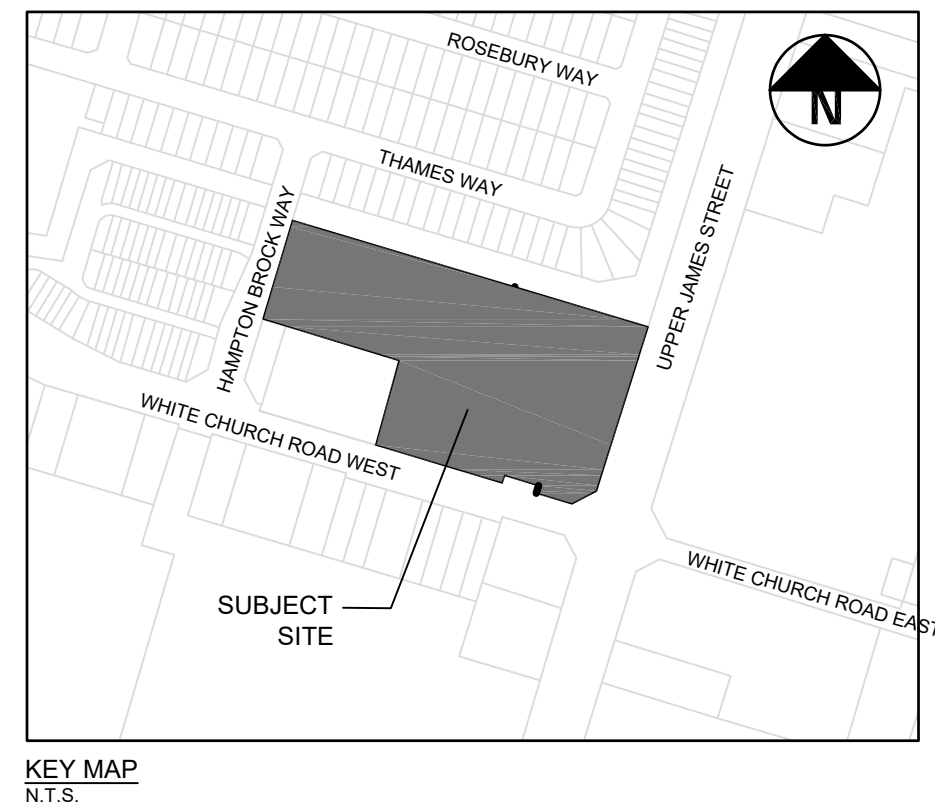
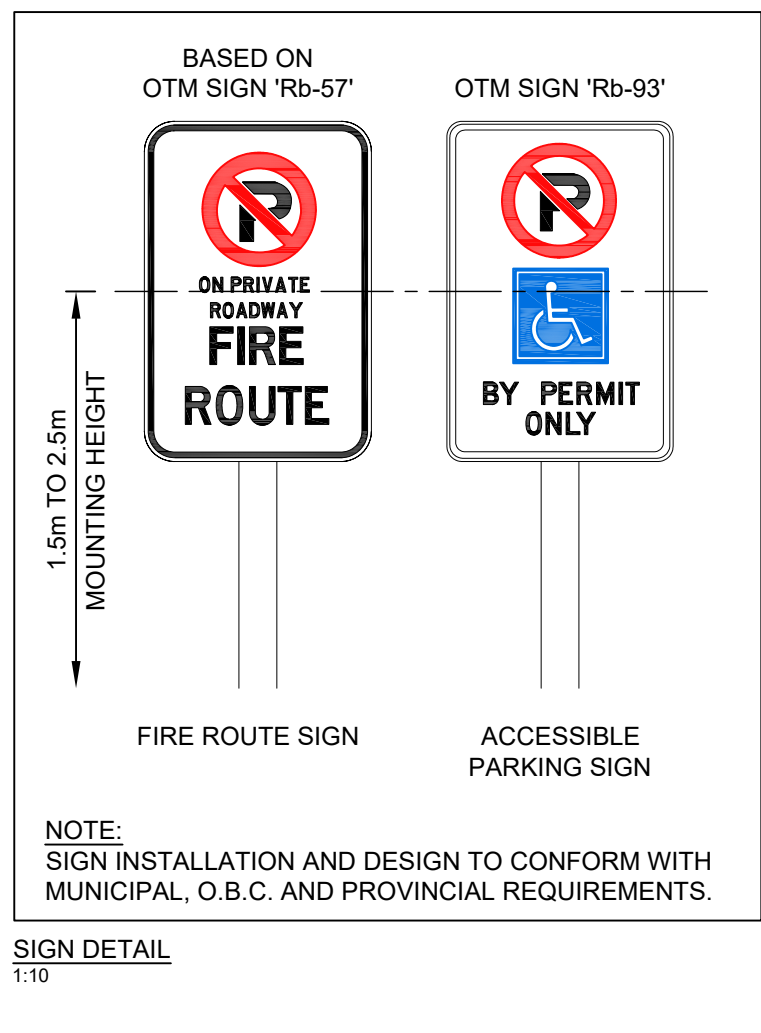
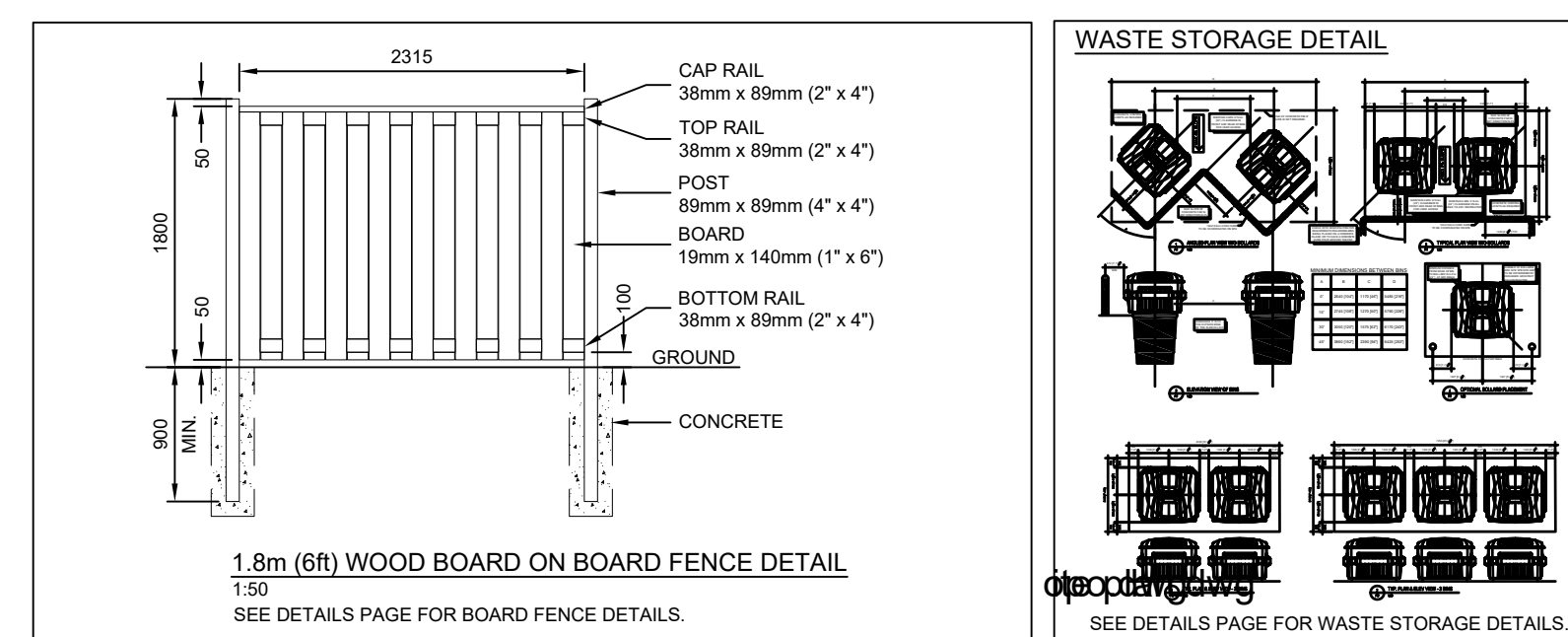
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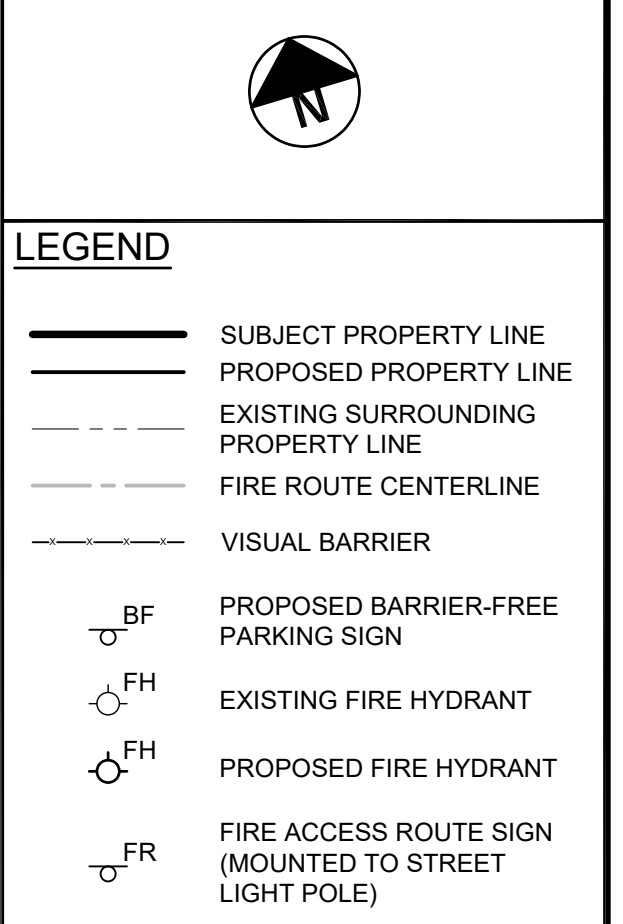
**UNDERTAKING**  
 RE: 3530 UPPER JAMES STREET  
 FILE NO. DA-23-062  
 THE OWNER(S) OF THE LAND, HEREBY UNDERTAKE AND AGREE WITHOUT RESERVATION, TO COMPLY WITH ALL THE CONTENTS OF THIS PLAN AND DRAWING(S) IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL, AS SET OUT IN THE LETTER OF APPROVAL, DATED [DATE], TO MAINTAIN TO THE SATISFACTION OF THE CITY AND AT MY (OUR) SOLE RISK AND EXPENSE, ALL OF THE FACILITIES, WORKS OR MATTERS MENTIONED IN SECTION 41(7)(B) OF THE SAID ACT, SHOWN IN THIS PLAN AND DRAWING INCLUDING REMOVAL OF SNOW FROM ACCESS RAMPS AND DRIVEWAYS, PARKING AND LOADING AREAS AND WALKWAYS.  
 IN THE EVENT THAT THE OWNER DOES NOT COMPLY WITH THE PLAN DATED [DATE], THE OWNER AGREES THAT THE CITY MAY ENTER THE LAND AND DO THE REQUIRED WORKS, AND FURTHER THE OWNER AUTHORIZES THE CITY TO USE THE SECURITY FILED TO OBTAIN COMPLIANCE WITH THIS PLAN.  
 TO DISPLAY THE MUNICIPAL NUMBER OR FULL ADDRESS ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, NEAR THE ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.  
 SHOULD THE PROPOSED SITE PLAN IMPACT UNION GAS SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE ACCORDING TO THE NEW PROPERTY BOUNDARIES. ANY SERVICE RELOCATION REQUIRED WOULD BE AT THE COST OF THE PROPERTY OWNER.  
 TO INCLUDE ON ALL OFFERS OF PURCHASE AND SALE, A STATEMENT THAT ADVISES THE PROSPECTIVE PURCHASER:  
 1. THAT THE HOME/BUSINESS MAIL DELIVERY WILL BE FROM A DESIGNATED CENTRALIZED MAIL BOX.  
 2. THAT THE DEVELOPERS/OWNERS BE RESPONSIBLE FOR OFFICIALLY NOTIFYING THE PURCHASERS OF THE EXACT CENTRALIZED MAIL BOX LOCATIONS PRIOR TO THE CLOSING OF ANY HOME SALES.  
 CANADA POSTS MULTI-UNIT POLICY, WHICH REQUIRES THAT THE OWNER/DEVELOPER PROVIDE THE CENTRALIZED MAIL FACILITY (LOCK BOX ASSEMBLY) AT THEIR OWN EXPENSE (LESS THAN 100 UNITS WILL REQUIRE A FRONT LOADING LOCK BOX ASSEMBLY & MORE THAN 100 UNITS WILL REQUIRE A REAR LOADING LOCK BOX ASSEMBLY, WHICH WILL REQUIRE A MAIL ROOM) WILL BE IN EFFECT FOR BUILDINGS AND COMPLEXES WITH A COMMON LOBBY, COMMON INDOOR OR SHELTERED SPACE.  
 THE OWNER ACKNOWLEDGES AND AGREES TO CONVEY ANY EASEMENT(S) AS DEEMED NECESSARY BY BELL CANADA TO SERVICE THIS NEW DEVELOPMENT.  
 THE OWNER FURTHER AGREES AND ACKNOWLEDGES TO CONVEY SUCH EASEMENTS AT NO COST TO BELL CANADA.  
 THE OWNER AGREES THAT SHOULD ANY CONFLICT ARISE WITH EXISTING BELL CANADA FACILITIES WHERE A CURRENT AND VALID EASEMENT EXISTS WITHIN THE SUBJECT AREA, THE OWNER SHALL BE RESPONSIBLE FOR THE RELOCATION OF ANY SUCH FACILITIES OR EASEMENTS AT THEIR OWN COST.  
 THAT THE OWNER AGREES TO PHYSICALLY AFFIX THE MUNICIPAL NUMBER OR FULL ADDRESS TO THE BUILDING OR ON A SIGN IN ACCORDANCE WITH THE CITY'S SIGN BY-LAW, NEAR THE ENTRANCE IN A MANNER THAT IS VISIBLE FROM THE STREET.  
 EMBROIDGE GAS INC. DOES HAVE SERVICE LINES RUNNING WITHIN THE AREA WHICH MAY OR MAY NOT BE AFFECTED BY THE PROPOSED SITE PLAN. SHOULD THE PROPOSED SITE PLAN IMPACT THESE SERVICES, IT MAY BE NECESSARY TO TERMINATE THE GAS SERVICE AND RELOCATE THE LINE ACCORDING TO THE NEW PROPERTY BOUNDARIES. ANY SERVICE RELOCATION REQUIRED WOULD BE AT THE COST OF THE OWNER.

**SITE PLAN NOTES:**  
 1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING AND CHIEF PLANNER, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.  
 2. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:  
 • BUILDING PERMIT  
 • SEWER AND WATER PERMIT  
 • ROAD CUT PERMITS  
 • RELOCATION OF SERVICES  
 • APPROACH APPROVAL PERMITS  
 • ENCROACHMENT AGREEMENTS (IF REQUIRED)  
 • COMMITTEE OF ADJUSTMENT  
 3. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE TO BE PROVIDED:  
 "5.0 METRE BY 5.0 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET."  
 4. PROPOSED SIGNAGE SHALL CONFORM TO THE CITY'S SIGN AND OTHER DEVICES BY-LAW NO. 10-197.  
 5. LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS.  
 6. ALL FENCING SHALL BE IN ACCORDANCE WITH THE CITY'S FENCE BY-LAW NO. 10-142.  
 7. THE SITE HAS BEEN DEEMED ELIGIBLE FOR MUNICIPAL WASTE COLLECTION AS PROPOSED AS DIRECTED BY THE PLANNING COMMITTEE.  
 8. THE STORAGE OF SNOW SHOULD BE ACCOMMODATED WITHIN THE SITE, WHERE AND WHEN THERE IS INSUFFICIENT ON-SITE SNOW STORAGE. ALL SNOW CLEARED FROM HARD SURFACED AREAS MUST BE REMOVED FROM THE SITE AND IS THE SOLE RESPONSIBILITY OF THE OWNERS/TENANTS.  
 9. FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.  
 10. MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 7.5m UNLESS OTHERWISE STATED.  
 11. ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% OF MAXIMUM GRADE. THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADES.  
 12. ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOG AT THE OWNERS EXPENSE TO THE SATISFACTION OF THE CORRIDOR MANAGEMENT SECTION, PUBLIC WORKS DEPARTMENT.  
 13. CALL BEFORE YOU DIG, ARRANGE FOR UNDERGROUND HYDRO CABLE LOCATE(S) AND GAS PIPELINES BEFORE BEGINNING CONSTRUCTION BY CONTACTING ONTARIO ONE CALL AT 1-800-400-2255.

**FIRE ROUTE NOTES:**  
 1. THE FIRE ROUTE PATH OF TRAVEL CALCULATIONS ARE IN ACCORDANCE WITH O.B.C. REGULATIONS 3.2.5.5.  
 a. NO MAIN ENTRANCE IS MORE THAN 90m FROM A FIRE HYDRANT.  
 b. PRINCIPAL ENTRANCES ARE BETWEEN 3m AND 15m FROM FIRE ACCESS ROUTE.  
 c. FIRE ROUTE WIDTH IS 6m.  
 d. FIRE ROUTE RADIUS IS 12m.  
 e. FIRE ROUTE HEIGHT CLEARANCE IS 5m.  
 2. FIRE ROUTE SIGNS ARE TO BE FASTENED TO ALL PROPOSED STREET LIGHT POLES (SL) IN ACCORDANCE WITH CITY OF HAMILTON STANDARDS AND O.B.C. REGULATIONS. PLACEMENT IS BETWEEN 15m AND 45m o/c AS REQUIRED.



**LEGAL DESCRIPTION**  
 PART OF  
 LOT 5  
 CONCESSION 5  
 GEOGRAPHIC  
 TOWNSHIP OF GLANFORD  
 IN THE  
 CITY OF HAMILTON



**COMMERCIAL SITE STATISTICS:**

SITE AREA	1.14ha (2.82ac)
SITE AREA AFTER R.O.W. WIDENING	1.05ha (2.61ac)
BUILDING AREA	414m <sup>2</sup> (4,456ft <sup>2</sup> )
LANDSCAPED OPEN SPACE	1,712m <sup>2</sup> (18,427ft <sup>2</sup> )
COMMERCIAL GFA	414m <sup>2</sup> (4,456ft <sup>2</sup> )
RESTAURANT	414m <sup>2</sup> (4,456ft <sup>2</sup> )
PARKING SPACES	139
RESTAURANT	53 (1 PER 8m <sup>2</sup> )
PARKING SPACES	139

**ZONING CHART**  
 CITY OF HAMILTON ZONING BY-LAW 05-200 - DISTRICT COMMERCIAL (C6) ZONE

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN SETBACK FROM STREET LINE	1.5m	1.71m	YES
MAX SETBACK FROM STREET LINE	4.5m	1.71m	YES
MIN REAR YARD	6.0m	6.0m	YES
MIN INTERIOR SIDE YARD ABUTTING RESIDENTIAL	1.5m	70.04m	YES
MAX HEIGHT	14.0m	8.53m	YES
MAX GFA FOR INDIVIDUAL COMMERCIAL USE	10,000.0m <sup>2</sup>	414m <sup>2</sup>	YES
GROUND FLOOR FACADE WIDTH (% LOT FRONTAGE)	50%	16.6%	NO
NO PARKING, STACKING LANES OR AISLES SHALL BE LOCATED BETWEEN A BUILDING FACADE AND THE FRONT LOT LINE AND FLANKAGE LOT LINE	NONE	NONE	YES
MIN PLANTING STRIP ABUTTING RESIDENTIAL	1.5m	3.0m	YES
VISUAL BARRIER ALONG ANY LOT LINE ABUTTING A RESIDENTIAL ZONE	YES	YES	YES

**GENERAL PROVISIONS**

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MAX ARCHITECTURAL ENCROACHMENT	0.6m	0.6m	YES
MIN STACKING SPACES FOR RESTAURANT	12	15	YES
MIN STACKING SPACE SIZE	2.6m X 6.0m	2.6m X 6.0m	YES
MIN DISTANCE FROM DRIVE-THROUGH FACILITY TO RESIDENTIAL ZONE	12.0m	15.1m	YES

**PARKING PROVISIONS**

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN SETBACK FROM PARKING SPACE TO STREET LINE	3.0m	5.63m	YES
MIN PARKING SPACES	53	139	YES
RESTAURANT (1 PER 8.0m <sup>2</sup> )	53	53	YES
MIN PARKING SPACE SIZE	2.8m X 5.8m	2.8m X 5.8m	YES
MIN ADDITIONAL WIDTH ABUTTING AN OBSTRUCTION	0.3m	N/A	YES
MIN BARRIER FREE PARKING SPACES	5	5	YES
MIN BARRIER FREE PARKING SPACE SIZE	4.4m X 5.8m	4.4m X 5.8m	YES
MIN SHORT-TERM BICYCLE PARKING SPACES	5	5	YES
MIN LANDSCAPED AREAS AND PARKING ISLANDS	10%	13.5%	YES
MIN LANDSCAPED AREA AND PARKING ISLANDS SIZE	10.0m <sup>2</sup>	11.7m <sup>2</sup>	YES
MAX PARKING SPACE REDUCTION FOR LANDSCAPING	10%	4%	YES

**NOTES:**  
 1. SEE ENGINEERING DRAWINGS FOR GRADING AND SERVING DETAILS.  
 2. SEE ELECTRICAL DRAWINGS FOR LIGHTING DETAILS.  
 3. SEE LANDSCAPE DRAWINGS FOR LANDSCAPE DETAILS.  
 4. BARRIER-FREE PARKING SIGN TO BE INSTALLED IN ACCORDANCE WITH CITY HAMILTON STANDARDS AND O.B.C. REGULATIONS.  
 5. GARBAGE AND RECYCLING COLLECTION TO BE MUNICIPAL COLLECTION.

**REVISIONS**

REV.	DESCRIPTION	DATE	INIT.
E	REVIEW	24-NOV-2023	JS
D	REVIEW	6-NOV-2023	JS
C	REVIEW	27-SEP-2023	JS
B	REVIEW	9-AUG-2023	JS
A	REVIEW	4-MAY-2023	JS

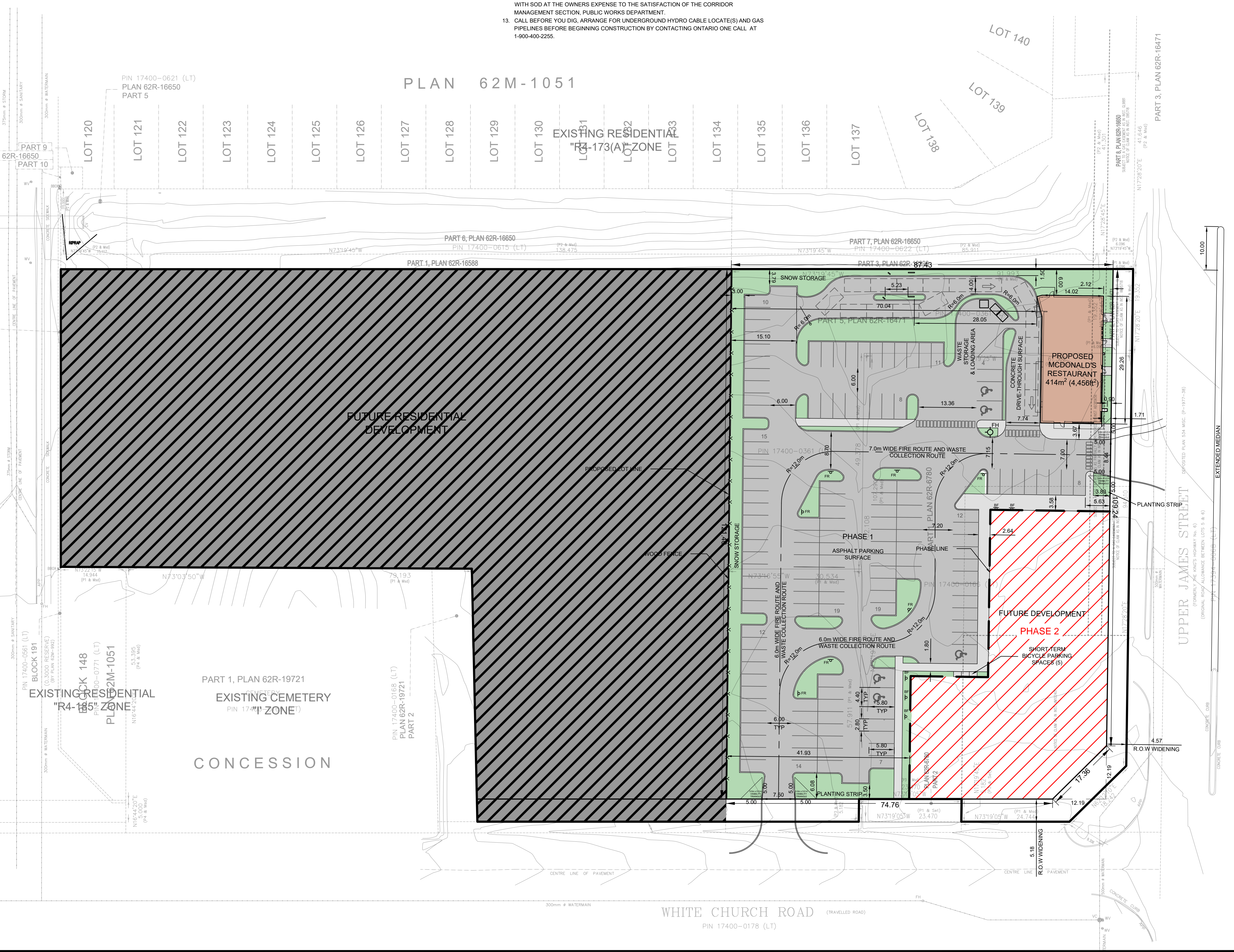
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**T. JOHNS CONSULTING GROUP**  
 URBAN PLANNING | DESIGN | PROJECT MANAGEMENT  
 310 LIMERIDGE ROAD WEST, SUITE 6  
 HAMILTON ONTARIO, L9C 2V2  
 P 905-574-1993  
 F 905-574-9559

**PROJECT TITLE**  
 3530 UPPER JAMES STREET  
 GLANBROOK, ONTARIO

**DRAWING TITLE**  
 SITE PLAN  
 (DA-23-062)

DRAWN BY JS	DESIGNED BY JS
PRINT DATE 24-NOV-2023	PROJECT NUMBER
REVISION E	DRAWING NUMBER SP1-1
SCALE 1:500	

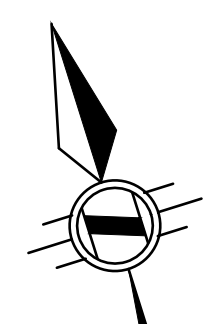




**TOPOGRAPHIC SURVEY**  
OF PART OF  
**LOT 5**  
**CONCESSION 5**  
GEOGRAPHIC  
**TOWNSHIP OF GLANFORD**  
IN THE  
**CITY OF HAMILTON**



SCALE 1:400 METRIC  
S.D. McLAREN, O.L.S. - 2021



**BEARING NOTE:**  
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

**NOTE:**  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999665522

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP'S): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.R.E.G. 216/10

POINT ID	NORTHING	EASTING
ORP (A)	477794.198	587628.998
ORP (B)	477781.445	587874.068
ORP (C)	477691.879	587638.903
ORP (D)	477540.039	587692.900

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


**LEGEND:**

- DOTS MONUMENT SET
- DOTS MONUMENT FOUND
- DOTS IRON BAZ
- DOTS PLASTIC BAR
- DOTS CUT CROSS
- DOTS STANDARD IRON BAR
- DOTS SHORT STANDARD IRON BAR
- DOTS ALL KENWAY, O.L.S.
- DOTS A.T. McLAREN, O.L.S.
- DOTS A.L. CLARKE, O.L.S.
- DOTS CITY OF HAMILTON
- DOTS ORIGIN UNKNOWN
- DOTS MEAS
- DOTS P1 PLAN 62R-16471
- DOTS P2 PLAN 62R-16650
- DOTS P3 PLAN 62R-6780
- DOTS P4 PLAN 62R-19721
- DOTS HYDRO POLE
- DOTS CITY WIRE
- DOTS TRAFFIC LIGHT
- DOTS OVERHEAD UTILITIES
- DOTS LIGHT STANDARD
- DOTS STONE RETAINING WALL
- DOTS TOP OF BANK
- DOTS BOTTOM OF BANK
- DOTS HYDRO WALL
- DOTS CULVERT
- DOTS INVERT
- DOTS OBVERT
- DOTS GAS VALVE
- DOTS GAS MARKER
- DOTS MANHOLE
- DOTS CATCH BASIN
- DOTS APPROACH
- DOTS FIRE HYDRANT
- DOTS WATER VALVE
- DOTS BELL BOX
- DOTS MAILBOX
- DOTS DIAMETER

**NOTE:**  
UNDERGROUND SERVICE AND UTILITY LOCATIONS MUST BE VERIFIED PRIOR TO CONSTRUCTION  
INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION

**SURVEYOR'S CERTIFICATE:**

I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM  
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF APRIL, 2021

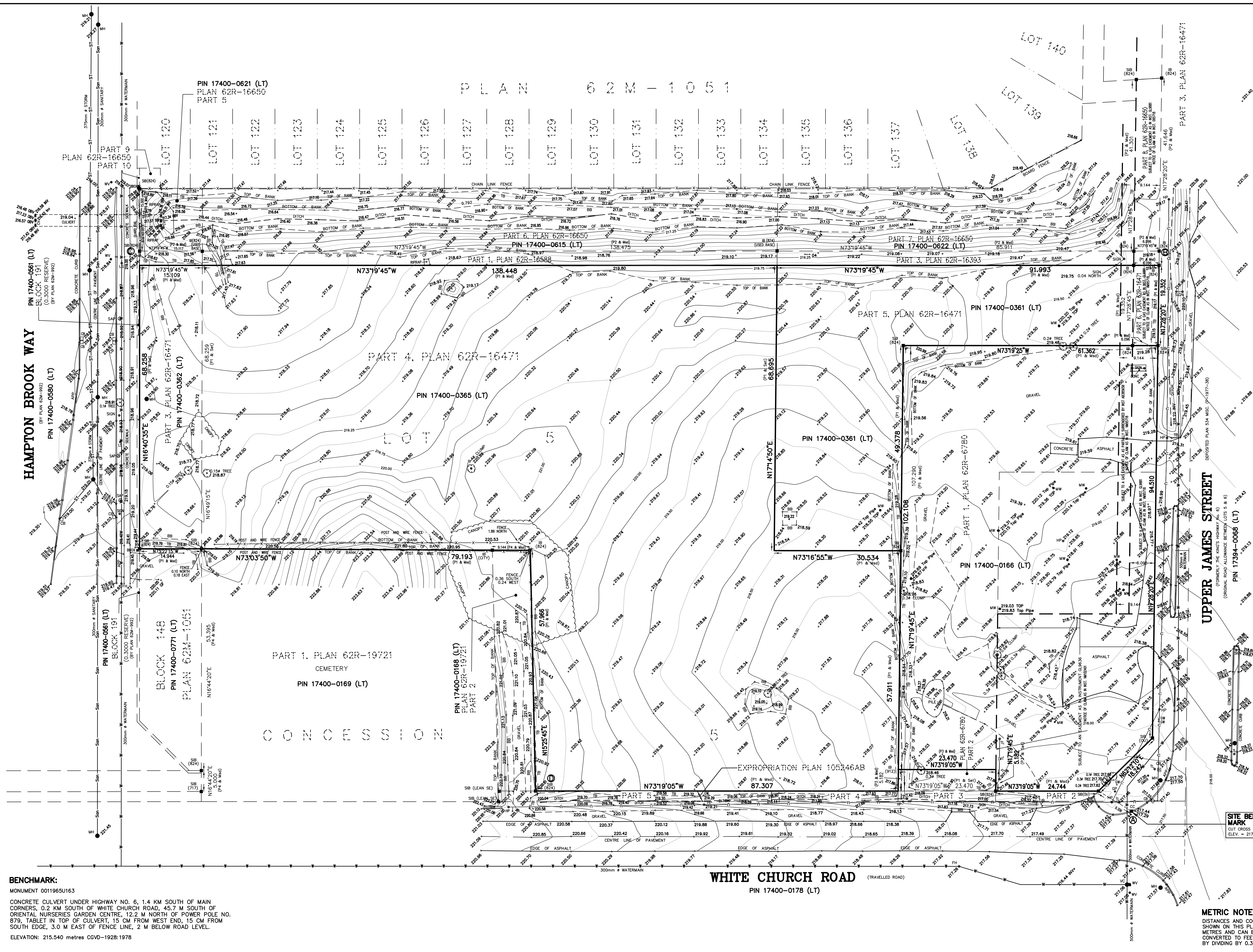
MAY 11, 2021  
DATE  S. DAN McLAREN, O.L.S.  
DATE

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

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**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS  
69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO L8M 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn By	Checked By	Crew Chief	Scale	Dwg. No.
			1:400	36626



**BENCHMARK:**  
MONUMENT 0011965U163  
CONCRETE CULVERT UNDER HIGHWAY NO. 6, 1.4 KM SOUTH OF MAIN CORNERS, 0.2 KM SOUTH OF WHITE CHURCH ROAD, 45.7 M SOUTH OF ORIENTAL NURSERIES GARDEN CENTRE, 12.2 M NORTH OF POWER POLE NO. 879, TABLET IN TOP OF CULVERT, 15 CM FROM WEST END, 15 CM FROM SOUTH EDGE, 3.0 M EAST OF FENCE LINE, 2 M BELOW ROAD LEVEL.  
ELEVATION: 215.540 metres CGVD-1928:1978

December 18, 2023  
*Via Digital Submission*

**ATTN:** Jamila Sheffield, Secretary-Treasurer

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

**RE: 3530 Upper James Street, Hamilton (SPA File No. DA-23-062)**  
**Consent to Sever Application**

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**T. Johns Consulting Group** (“T. Johns Consulting”) has been retained by the landowners to submit a Site Plan application for lands municipally known as 3530 Upper James Street, Hamilton. This consent to sever application is submitted in support of Site Plan application no. DA-23-062.

#### **Site Description**

3530 Upper James Street (“subject lands”) are in the northwest quadrant of the signalized intersection of Upper James Street (classified as a Major Arterial Road) and White Church Road West (classified as a Major Arterial Road). The subject lands are legally described as Part of Lot 5 Concession 5, Geographic Township of Glanford in the City of Hamilton.

The subject property is a through-lot located at the corner of Upper James Street and White Church Road West with an approximate area of 2.5 hectares (6.27 acres) and approximately 141.2 metres (463.3 feet) of frontage on White Church Road West, 114.0 metres (374.0 feet) of frontage along Upper James Street and 68.3 metres (224.1 feet) of frontage along Hampton Brook Way.

The development area subject to this application includes the easterly portion of the site that comprises 1.14 hectares (2.82 acres) at the intersection of Upper James Street and White Church Road West. The development area is rectangular in shape with a generally flat topography. The lands are currently vacant with grass covering most of the site, with some concrete in the southeast corner. A portion of the lands were previously used for a Gas Station that has since been decommissioned.

#### **Planning Status**

The *Urban Hamilton Official Plan Volume 1* designates the subject lands “District Commercial” which permits a range of commercial uses.

The subject lands are within the *Mount Hope Secondary Plan*. Map B.5.4-1 designates the subject lands “District Commercial”. The District Commercial designation permits retail and service commercial, gas bars, car washes and services stations, restaurants, taverns, and residential uses located above the first storey of a mixed-use building.

The *City of Hamilton Zoning By-law No. 05-200* zones the subject lands District Commercial (C6) Zone. The C6 Zone permits a range of commercial uses including office, restaurant, and retail.



### Proposed Development

The development area subject to this application includes the easterly portion of the site that comprises 1.14 hectares (2.82 acres) at the intersection of Upper James Street and White Church Road West. The proposed development is for a 1-storey drive-thru restaurant in the northeast corner with a GFA of 414.0m<sup>2</sup> and a 2-storey commercial plaza at the intersection of Upper James Street and White Church Road West, with 1,912.0m<sup>2</sup> of at grade retail space and 416.66m<sup>2</sup> of office space on the second storey. A phased development approach is being considered, with the potential phase 2 comprised of the commercial plaza, as illustrated on the Site Plan. The proposed development will be supported by one hundred and thirty-nine (139) parking spaces, including five (5) barrier free spaces. Landscaping and pedestrian connections are provided throughout the site.

A future minor variance application will be submitted to request relief from the District Commercial (C6) Zone of the *City of Hamilton Zoning By-law No. 05-200* for ground floor façade width.

Please refer to the Site Plan and Consent Sketch for additional details.

T. Johns respectfully requests the circulation of this letter along with the enclosed documents to all relevant departments in support of the Consent to Sever applications.

Please find the enclosed:

- This Cover Letter;
- Consent to Sever application with signatures;
- Copy of the cheque in the amount of \$3,220.00 to satisfy the Consent to Sever application fee, made payable to the City of Hamilton;
  - Note that the cheque was hand delivered to City Hall on December 18<sup>th</sup>, 2023.
- Survey Plan;
- Site Plan; and,
- Consent Sketch.

The application and all required documents have been submitted electronically, save and except the cheques that were submitted to the City of Hamilton December 18<sup>th</sup>, 2023.

Should you have any questions or require additional information, please do not hesitate to contact Joe Gravina at 905-574-1993 ext. 204.

Respectfully submitted,  
**T. Johns Consulting Group Ltd.**



**Joe Gravina, CPT**  
Project Manager



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  
and VALIDATION OF TITLE  
UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	NAME	MAILING ADDRESS
Purchaser*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

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

1.2 All correspondence should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.3 Sign should be sent to  Purchaser  Owner  
 Applicant  Agent/Solicitor

1.4 Request for digital copy of sign  Yes\*  No  
If YES, provide email address where sign is to be sent [REDACTED]

1.5 All correspondence may be sent by email  Yes\*  No  
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.



## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	3530 Upper James Street		
Assessment Roll Number			
Former Municipality	Glanford		
Lot	5	Concession	5
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

Easement: INST. GL9881 - in favour of Union Gas (now Enbridge)

## 3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- creation of a new lot(s)  concurrent new lot(s)  
 addition to a lot  a lease  
 an easement  a correction of title  
 validation of title (must also complete section 8)  a charge  
 cancellation (must also complete section 9)  
 creation of a new non-farm parcel (must also complete section 10)  
( i.e. a lot containing a surplus farm dwelling  
resulting from a farm consolidation)

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

Unknown.

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

N/A

3.4 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)

## 4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	LOT 1	LOT 2			
Type of Transfer	N/A				
Frontage	75.14m (White Church)	56.90m (White Church)			
Depth	126.59m (Pre-ROW widening)	126.59m (Pre-ROW widening)			
Area	1.05ha (Post-ROW widening)	1.35ha (Post-ROW widening)			
Existing Use	Vacant	Vacant			
Proposed Use	Commercial	Residential			
Existing Buildings/ Structures	None	None			
Proposed Buildings/ Structures	1-storey Restaurant and 2-storey commercial plaza	56 Townhouse Dwellings (Common Element or Street TBD)			
Buildings/ Structures to be Removed	None	None			

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year
- right of way  
 other public road

b) 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) \_\_\_\_\_

c) Type of sewage disposal proposed: (check appropriate box)

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

#### 4.3 Other Services: (check if the service is available)

- electricity     
  telephone     
  school bussing     
  garbage collection

### 5 CURRENT LAND USE

#### 5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A



Urban Hamilton Official Plan designation (if applicable) Neighbourhoods and District Commercial Mount Hope Secondary Plan: District Commercial and Institutional

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

The requested consent is to sever the District Commercial lands from the future residential lands. The proposed developments will provide housing and commercial uses for residents' daily and weekly needs, and will contribute towards a complete community.

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? Deferred Development (DD) Zone (ZBL No. 464) and District Commercial (C6) Zone (ZBL No. 05-200)

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

N/A

- 5.4 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 known, provide the appropriate file number and status of the application.

- 5.5 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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	±350m Autoshop
<b>An active railway line</b>	<input type="checkbox"/>	
<b>A municipal or federal airport</b>	<input type="checkbox"/>	

## 6 HISTORY OF THE SUBJECT LAND

6.1 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, provide the appropriate application file number and the decision made on the application.

N/A

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6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

N/A

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6.3 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.

N/A

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6.4 How long has the applicant owned the subject land?

Since February 2021

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6.5 Does the applicant own any other land in the City?  Yes  No

If YES, describe the lands below or attach a separate page.

50 Greenhill Avenue, Hamilton; 74 Best Avenue, Dundas; 85 Highland Road East, Hamilton

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## 7 PROVINCIAL POLICY

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes  No (Provide explanation)

Accommodate residential intensification and commercial uses on existing underutilized lands with frontage on existing roadways

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7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes  No (Provide explanation)

Lands are within the Urban Area of Hamilton and serviced by existing municipal roads and water, sanitary and stormwater infrastructure.

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7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes  No (Provide explanation)

The subject lands are within the built-up area and are compatible with the surrounding context.

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7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes  No (Provide explanation)

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7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes  No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes  No (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes  No (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes  No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**

**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

**10.2 Location of farm consolidation property:**

Municipal Address			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

**10.3 Rural Hamilton Official Plan Designation(s)**

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 consolidation property.

**10.4 Description of farm consolidation property:**

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

**10.5 Description of abutting 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: \_\_\_\_\_

**10.7 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: \_\_\_\_\_

a) Date of construction:

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

b) Condition:

- Habitable
- Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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