## **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

# 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	GL/B-24:03	SUBJECT	8533 AIRPORT ROAD W,
NO.:		PROPERTY:	GLANBROOK

APPLICANTS: Owner: 1804482 ONTARIO LIMITED C/O SONOMA HOMES

Agent: WELLINGS PLANNING CONSULTANTS INC.(GLENN WELLINGS)

**PURPOSE & EFFECT:** To convey a parcel of land for office purposes (existing structures to remain)

and to retain a parcel of land for residential development.

	Frontage	Depth	Area
SEVERED LANDS:	20.12 m <sup>±</sup>	87.10 m <sup>±</sup>	1750 m <sup>2 ±</sup>
RETAINED LANDS:	99.118 m <sup>±</sup>	97.011 m <sup>±</sup>	24263 m <sup>2 ±</sup>

Associated Planning Act File(s): 25T-202007

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:	Tuesday, March 26th, 2024
TIME:	11:30 a.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

**PUBLIC INPUT** 

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. 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.

Written comments must be received no later than noon March 22, 2024.

Comments are available the Friday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Orally: If you would like to speak to this item at the hearing you may do so by attending in person. 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

### **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, you must submit a written request to 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 a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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..

### GL/B-24:03



Subject Lands

**DATED:** March 12, 2024

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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City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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E-mail: cofa@hamilton.ca

## IN-PERSON 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 <a href="mailton.ca">cofa@hamilton.ca</a> 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

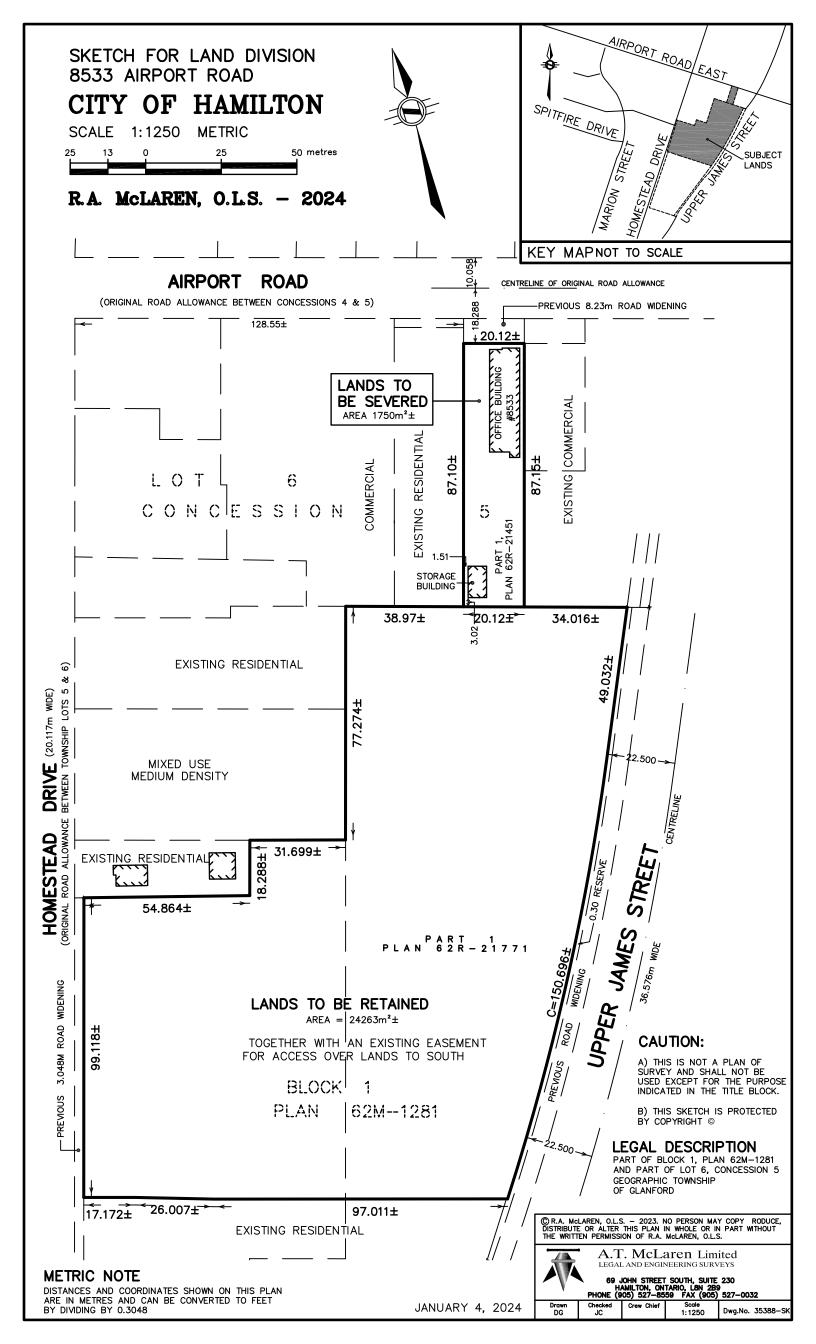
### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating in person at the Hearing.

## 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 <a href="mailton.ca">cofa@hamilton.ca</a> or by phone at 905-546-2424 ext. 4221.



January 5, 2024

## **Digitally Submitted**

Ms. Jamila Sheffield Secretary-Treasurer Committee of Adjustment Planning and Economic Development Department City of Hamilton 71 Main Street West, 5<sup>th</sup> Floor Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

Re: Application for Consent

1804482 Ontario Limited c/o Sonoma Homes

8533 Airport Road West and 3311 Homestead Drive

Part of Lot 6, Concession 5 (Glanford)

Part 1, Reference Plan 62R-21451 & Part of Block 1, Registered Plan No.

62M-1281

City of Hamilton

Our File No.: 2017/35

We are the Planning Consultants for 1804482 Ontario Limited c/o Sonoma Homes ("Sonoma"). Sonoma owns the subject lands located at 8533 Airport Road West (severed parcel) and 3311 Homestead Drive (retained parcel). Sonoma is proposing to sever their existing office and storage building located at 8533 Airport Road West from the larger retained parcel at 3311 Homestead Drive which is presently vacant and proposed for townhouses.

The purpose of this letter is to provide details regarding the subject lands and the Sonoma proposal and provide planning justification for the requested consent application.

## Subject Property and Surrounding Uses

The subject lands are approximately 2.6 hectares in size and generally located to the southwest of Upper James Street and Airport Road West. The severed parcel (8533 Airport Road West) is approximately 0.175 hectares in size with approximately 20 metres of frontage on Airport Road West and a depth of approximately 87 metres. The retained parcel (3311 Homestead Drive) is approximately 2.4 hectares and is situated between Homestead Drive to the west and Upper James Street to the east. Access to the severed lands is from Homestead Drive.

The severed parcel contains an existing office and storage building which serves as the head office for Sonoma. The retained lands are presently vacant and proposed for townhouses (i.e., Phase 2). The overall townhouse development (i.e., Phases 1 and 2) comprise a total of 164 townhouse units. Phase 1 of the townhouse development consisting of 67 townhouse units is nearing completion. Phase 2 proposed on the severed parcel comprises 97 townhouse units. Development of Phase 2 is expected to commence in the near future.

Surrounding land uses include a mix of existing commercial and residential uses.

## **Proposal**

As previously noted, Sonoma is proposing to sever the 8533 Airport Road West parcel containing the existing office and storage building from the larger retained parcel which is subject to the above-noted townhouse development. The consent application is not intended to facilitate new development. Instead, the severance will create separate entities for the office and storage building and the townhouse development.

## Official Plan and Zoning By-law

The Urban Hamilton Official Plan ("UHOP") designates the subject lands "Neighbourhoods" on Schedule E (Urban Structure) and "District Commercial" (severed) and "Mixed Use – Medium Density" (retained) on Schedule E-1 (Urban Land Use Designations).

The policies of the District Commercial designation are found under Section 4.7 of the UHOP and affect the severed parcel. The District Commercial designation permits a range of commercial uses. Implementing Zoning By-law 05-200 zones the lands to be severed as C6 – Exception 580 (District Commercial). Permitted uses under the C6 Zone include office uses.

The Mixed Use – Medium Density designation policies contained under Section 4.6 of the UHOP affects the lands to be retained. This designation permits a full range of retail, service commercial, entertainment, and residential accommodation. Section 4.6.6 specifically permits "multiple dwellings". The existing and proposed townhouses on the retained parcel are permitted within this designation. Zoning By-law 05-200 zones the lands to be retained as C5 – Exception 652 (Mixed Use Medium Density). Permitted uses within the C5 Zone include multiple dwelling. Exception 652 specifically permits street townhouse, single-detached and duplex dwellings as additional uses subject to special provisions.

Minor variances were previously granted by the Committee of Adjustment for the office and storage building (City File No.: GL/A-19:454) on February 20, 2020. In addition, several minor variances were granted by the Committee of Adjustment (City File No.: GLA-20:92) for the townhouse development on July 23, 2020. Holding Provision "H102"

relating to the C5 – Exception Zone was previously removed under By-law No. 21-062 on April 28, 2021 (City File No.: ZAH-21-016).

## Lot Creation

The proposed severance is subject to the Lot Creation policies within the UHOP. Chapter F – Implementation contains policies pertaining to Lot Creation – Urban Area. Those policies specific to Commercial/Mixed Use and Institutional designations are contained under Section 1.14.3.4, which states that:

- 1.14.3.4 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:
- a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 Residential Intensification Policies, Section B.3.3 Urban Design Policies, Section E.3.0 Neighbourhoods Designation and any other relevant policies of this Plan;
- d) the lots are fully serviced by municipal water and wastewater systems; and,
- e) the lots have frontage on a public road.

The proposed lots conform with relevant policies of the UHOP and the provisions of Zoning By-law 05-200. The proposed consent is intended to sever the Sonoma head office from the larger townhouse development. The application is not intended to facilitate new development. As new development is not proposed, the policies related to residential intensification and urban design would not apply. Design matters were previously addressed through the site plan approval process.

The existing office development was granted final site plan approval on June 4, 2021 (City File No.: DA-19-099). The construction of the office is almost complete. On May 12, 2021, final site plan approval was granted for the townhouse development on the retained parcel (City File No.: DA-19-099). Phase 1 of the townhouse development is near completion with Phase 2 still pending. Both developments are fully serviced by existing municipal infrastructure and will have frontage on a public road(s).

## **Planning Opinion**

It is my opinion that the consent application conforms to the UHOP and Zoning By-law 05-200. The proposed consent is appropriate and will facilitate separate entities for both the severed and retained parcels. As previously noted, the consent application will not facilitate new development on the subject lands.

## Supporting Materials

In support of the applications, we submit the following materials in digital format:

- 1. The completed and signed Consent Application dated January 4, 2024.
- 2. Consent Sketch prepared by A.T. McLaren Limited dated January 4, 2024.
- 3. Copy of cheque payable to the City of Hamilton in the amount of \$3,360.00 for the Consent Application. Sonoma will deliver the original cheque.

If you require anything further to circulate the application, please contact us.

Yours truly,

WELLINGS PLANNING CONSULTANTS INC.

Glenn J. Wellings, MCIP, RPP

c. Michael Chiaravalle - 1804482 Ontario Limited/Sonoma Homes Jack Restivo/David Ionico – McHugh Whitmore LLP David Gunstensen – A.T. McLaren Limited



**APPLICANT INFORMATION** 

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

## **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.

	NAME		
Purchaser*			
Registered Owners(s)			
Applicant(s)**			
Agent or Solicitor			
the purchaser to make		pect of the land that is	f purchase and sale that authorizes the subject of the application. or purchaser.
1.2 All corresponden	ce should be sent to	☐ Purchaser ☐ Applicant	<ul><li>☐ Owner</li><li>☑ Agent/Solicitor</li></ul>
1.3 Sign should be se	ent to	☐ Purchaser ☐ Applicant	<ul><li>☐ Owner</li><li>☑ Agent/Solicitor</li></ul>
1.4 Request for digital If YES, provide e	al copy of sign mail address where siç	✓ Yes* Nogn is to be sent	
If Yes, a valid em applicable). Only		or the registered owne comitted will result in th	r(s) AND the Applicant/Agent (if e voiding of this service. This
APPLICATION FOR CON	SENT TO SEVER LAND (	September 1, 2022)	Page 1 of 10

## 2. LOCATION OF SUBJECT LAND

2.1	Comp	lete	the a	app	licab	le	sect	ions:
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Municipal Address	8533 Airport Road West (severed) / 3311 Homestead Drive (retained)						
Assessment Roll Number	25 18 902 510 26000 0000 / 25 18 902 510 23210 0000						
Former Municipality	Glanford						
Lot	Part of Lot 6 Concession 5						
Registered Plan Number	62M-1281 Part of Block 1						
Reference Plan Number (s)	62R-21451	62R-21451 Part(s) 1					

Lot Part of Lot 6 Concession 5							
Registered Plan Number	62M-1281	Part of Block		1			
Reference Plan Number (s)	62R-21451	Part(s)		1			
2 Are there any easements or restrictive covenants affecting the subject land?  ☑ Yes ☐ No If YES, describe the easement or covenant and its effect:  See attached page.							
3 PURPOSE OF THE APPL	ICATION						
3.1 Type and purpose of prop	osed transaction: (che	ck appropriate t	oox)				
☐ addition to a lot☐ an easement☐ validation of title (m☐ cancellation (must a☐ creation of a new note) (i.e. a lot containing a	<b>=</b> ********* <b>=</b> **********************						
3.2 Name of person(s), if know charged:	vn, to whom land or in	terest in land is	to be tran	sferred	l, leased or		
Sonoma Homes Inc.							
3.3 If a lot addition, identify the	3 If a lot addition, identify the lands to which the parcel will be added:						
.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 SUBJ	DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION						
4.1 Description of subject land	.1 Description of subject land:						
All dimensions to be provided i							
Retained	Severed	Parcel 2	Parcel 3'		Parcel 4*		

(remainder)

## **Easements/Covenants**

## PIN 17400-1566 (severed parcel):

- 1. WE1535268 Transfer Easement in favour of Hydro One Networks Inc.
- 2. WE1570004 Transfer Easement in favour of Rogers Communications Inc.

## **PIN 17400-1647 (retained parcel):**

- 1. WE1535268 Transfer Easement in favour of Hydro One Networks Inc.
- 2. WE1558165 Transfer Easement in favour of Bell Canada
- 3. WE1570004 Transfer Easement in favour of Rogers Communications Inc.
- 4. WE1576654 Transfer Easement in favour of the City of Hamilton (Lot Grading)
- 5. WE1615314 Condominium Declaration.
- 6. WE1624110 Transfer Easement in favour of Enbridge Gas Inc.

Identified on Sketch as:							
Type of Transfer	N/A						
Frontage	99.118 m	20.12 m ±					
Depth	97.011 m	87.10 ±					
Area	24263 m <sup>2</sup> ±	1750 m <sup>2</sup> ±					
Existing Use	Residential	Office					
Proposed Use	Residential	Office					
Existing Buildings/ Structures	Townhouses	Office and Storage Building					
Proposed Buildings/ Structures	N/A	N/A					
Buildings/ Structures to be Removed	N/A	N/A					
* Additional fees	apply.						
a) Type of acc ☐ provincial I	4.2 Subject Land Servicing  a) Type of access: (check appropriate box)  ☐ provincial highway  ☐ right of way						
	road, seasonally road, maintained			other public re			
publicly ow	ter supply propos ned and operate wned and operat	d piped water sy	stem	☐ lake or other ☐ other means	•		
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	☑ electricity ☑ telephone ☐ school bussing ☑ garbage collection						
5 CURRENT LAND USE							
5.1 What is the	5.1 What is the existing official plan designation of the subject land?						
Rural Hamilt	on Official Plan o	lesignation (if ap	plicable): N/A				
	Rural Settlement Area:						

	Urban Hamilton Official Plan designation (if applicable) District Commercial/Mixed Use - Medium Density							
	Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.							
	Existing office and storage building and townhouses are permitted under Official Plan.							
5.2	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 a	nd status o	of the application.					
5.3	What is the existing zoning of the subject land? C5-Exce	ption 652 /	C6 - Exception 580					
	If the subject land is covered by a Minister's zoning order, when N/A	nat is the O	ntario Regulation Numbe	r?				
5.4	Is the subject land the subject of any other application for amendment, minor variance, consent or approval of a pla ☐ Yes ☑ No ☐ Unknown			by-law				
	If YES, and known, provide the appropriate file number a	nd status o	of the application.					
5.5	Are any of the following uses or features on the subject land, unless otherwise specified. Please check the approximately approx			— oject				
	Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)					
st	n agricultural operation, including livestock facility or ockyard * Submit Minimum Distance Separation ormulae (MDS) if applicable							

A sewage treatment plant or waste stabilization plant

A provincially significant wetland within 120 metres

An industrial or commercial use, and specify the use(s)

A provincially significant wetland

A municipal or federal airport

A land fill

A flood plain

An active railway line

## 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 П No □ Unknown If YES, and known, provide the appropriate application file number and the decision made on the application. 25T-202007 - Registered as Plan 62M-1281 on January 19, 2022. Phase I condominium was subdivided from parcel (i.e. Block 1) 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application. 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. 6.4 How long has the applicant owned the subject land? **April 2018** 6.5 Does the applicant own any other land in the City? ✓ Yes ΠNο If YES, describe the lands below or attach a separate page. PROVINCIAL POLICY 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning* Act? ✓ Yes ☐ No (Provide explanation) 7.2 Is this application consistent with the Provincial Policy Statement (PPS)? ✓ Yes □ No (Provide explanation) 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe? ✓ Yes П № (Provide explanation) 7.4 Are the subject lands subject to the Niagara Escarpment Plan? ☐ Yes ✓ No (Provide explanation)

6

HISTORY OF THE SUBJECT LAND

7.5	Are the subject land ☐ Yes	Is subject to t ☑ No	he Parkway Belt West Plan? (Provide explanation)
7.6	Are the subject land ☐ Yes	Is subject to t ☑ No	he Greenbelt Plan? (Provide explanation)
7.7	Are the subject land ☐ Yes	Is within an ai ☑ No	rea of land designated under any other provincial plan or plans? (Provide explanation)
8	ADDITIONAL INFO	PRMATION -	VALIDATION
8.1	Did the previous ow	vner retain an	y interest in the subject land?
	☐ Yes	☑N o	(Provide explanation)
8.2	Does the current ov	wner have any	y interest in any abutting land?
	☐Yes	☑ No	(Provide explanation and details on plan)
8.3	Why do you conside	er your title m	ay require validation? (attach additional sheets as necessary)
9	ADDITIONAL INFO	ORMATION -	CANCELLATION
9.1	Did the previous ov	vner retain an	y interest in the subject land?
	□Yes	☑ No	(Provide explanation)
9.2	Does the current ov	wner have any	y 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 INI ORIVI	ATION - LAKING	ON	OCIDATION		
	10.1	Purpose of the Application (Farm Consolidation)					
		If proposal is for the creatif the consolidation is for		m pa	rcel resulting from a farr	m consolidation, indicate	
		☐ Surplus Farm Dw	elling Severance	from	an Abutting Farm Cons	solidation	
☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation						Consolidation	
	10.2 Location of farm consolidation property:  Municipal Address						
	Asse	essment Roll Number					
	Form	ner Municipality					
	Lot				Concession		
	Regi	stered Plan Number			Lot(s)		
		rence Plan Number (s)			Part(s)		
10.4		the existing land use designation of the abutting or non-abutting farm consolidation property  Description of farm consolidation property:					
		Frontage (m):			a (m² or ha):		
		Existing Land Use(s): _		_ Pro	posed Land Use(s):		
10.5		Description of abutting consolidated farr the surplus dwelling)		m (excluding lands intended to be severed for			
		Frontage (m):		Are	a (m² or ha):		
10.6		Existing Land Use:		Pro	oosed Land Use:		
10.7		Description of surplus dwelling lands proposed to be severed:					
		Frontage (m): (from Section 4.1)		Area (m² or ha): (from Section 4.1)			
		Front yard set back:					
		a) Date of construction: ☐ Prior to Decemb	er 16, 2004		After December 16, 20	004	
		b) Condition: ☐ Habitable			]Non-Habitable		

## **COMPLETE APPLICATION REQUIREMENTS** 11.1 All Applications Application Fee Site Sketch Complete Application Form 11.2 Validation of Title All information documents in Section 11.1 Detailed history of why a Validation of Title is required documents and other items deemed necessary. Cancellation 11.3 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. Other Information Deemed Necessary 11.4 Cover Letter/Planning Justification Report Minimum Distance Separation Formulae (data sheet available upon request) Septic Assessment Archeological Assessment Parking Study