



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th 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 NO.:	B-24:15	SUBJECT PROPERTY:	85 Coreslab Drive, Hamilton
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APPLICANTS: Owner: 2600501 Ontario Ltd.
 Applicants: 2611689 Ontario Ltd. – Stan Capobianco & Paul DeKort
 Agent: Arcadis Professional Services (Canada) Inc. – Mike Crough

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 85 Coreslab Drive, Hamilton.

	Frontage	Depth	Area
SEVERED LANDS:	19 m [±]	25.22 m [±]	2,543.2 m ² ±
RETAINED LANDS:	106.45 & 117.24 m [±]	129.09 m [±]	13,035.8 m ² ±

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:

DATE:	Tuesday, May 7, 2024
TIME:	2:35 p.m.
PLACE:	City Hall Council Chambers (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:

- Visit www.hamilton.ca/committeeofadjustment

B-24:15

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

PUBLIC INPUT

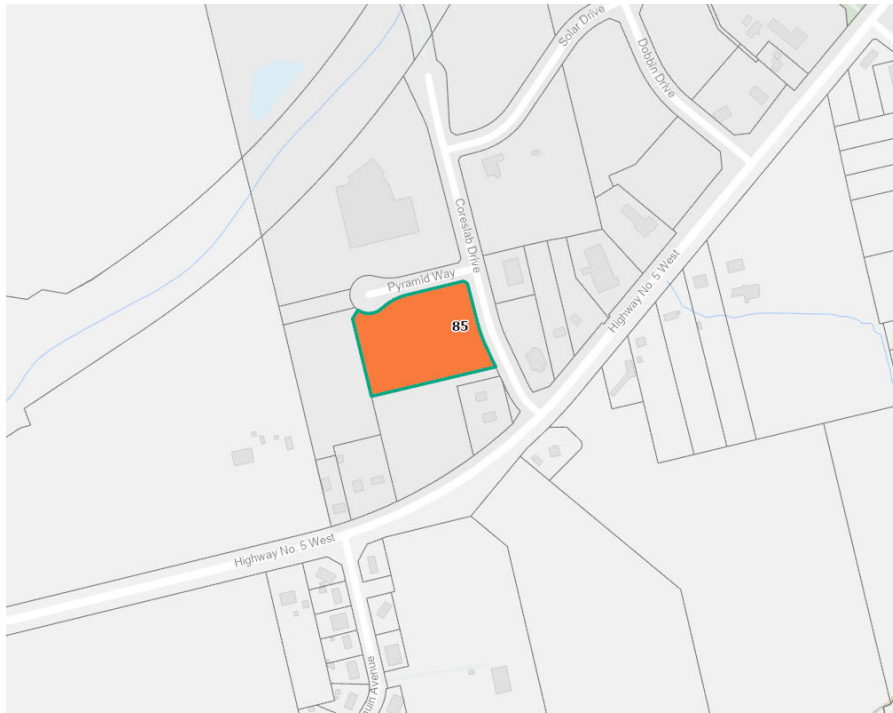
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **May 3, 2024**

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 noon **May 6, 2024**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:15, 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 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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



 **Subject Lands**

DATED: April 18, 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.

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.



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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 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 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 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. 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.

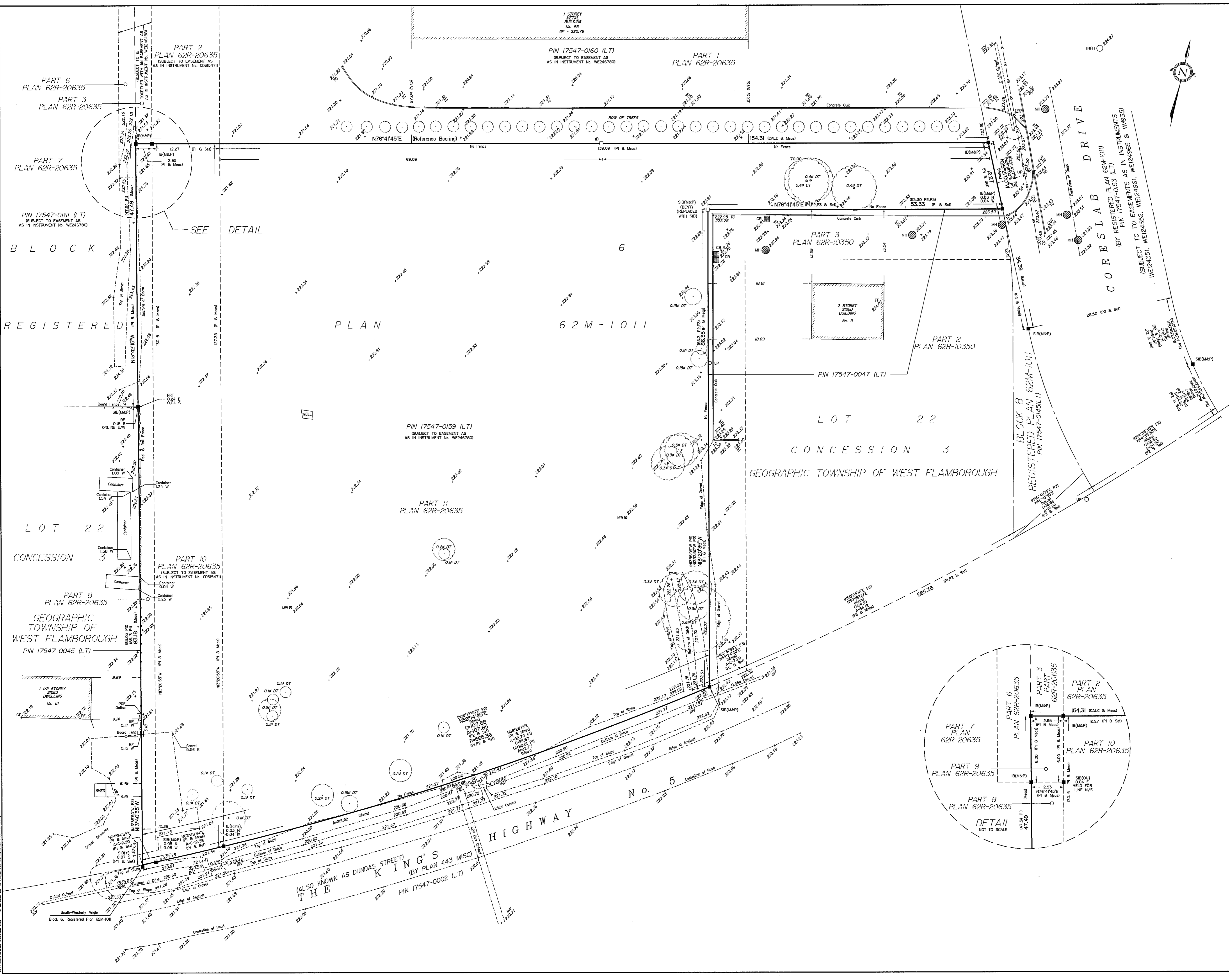
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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 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.



PLAN OF SURVEY
(WITH TOPOGRAPHIC DETAIL) OF
PART OF BLOCK 6
REGISTERED PLAN 62M-1011
IN THE
CITY OF HAMILTON
SCALE & NOTES
Scale 1:300

BARICH GRENKIE SURVEYING LTD.
A DIVISION OF GEOMAPLE
© COPYRIGHT 2023

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

ELEVATION NOTE
ELEVATIONS ARE GEODETIC ORIGIN (CGVD-1928.78), AND ARE DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS AND NATURAL RESOURCES CANADA'S GEOID MODEL HT2.0

BEARING NOTE
BEARINGS ARE GRID AND ARE REFERRED TO THE NORTHERLY LIMIT OF PART 11 AS SHOWN ON PLAN 62R-20635 HAVING A BEARING OF N76°41'45"E.

FOR BEARING COMPARISONS, A ROTATION OF 0°39'00" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P2

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
OU	DENOTES	ORIGIN UNKNOWN
Y	DENOTES	YATES & YATES, O.L.S.
M&P	DENOTES	MACKAY, MACKAY & PETERS, O.L.S.
RHW	DENOTES	REGION OF HAMILTON-WENTWORTH
P1	DENOTES	PLAN 62R-20635
P2	DENOTES	REGISTERED PLAN 62M-1011
P3	DENOTES	PLAN 62R-10350
MH	DENOTES	MANHOLE
CB	DENOTES	CATCHBASIN
LP	DENOTES	LIGHT POLE
TC	DENOTES	TOP OF CURB ELEVATION
GUT	DENOTES	GUTTER ELEVATION
OH	DENOTES	OVERHEAD UTILITY CABLES
DT	DENOTES	DECIDUOUS TREE
CT	DENOTES	CONIFEROUS TREE
UP	DENOTES	UTILITY POLE
FF	DENOTES	FINISHED FLOOR ELEVATION
GF	DENOTES	GARAGE FLOOR ELEVATION
INV	DENOTES	INVERT ELEVATION
TNFH	DENOTES	TOP NUT OF FIRE HYDRANT
BF	DENOTES	BOARD FENCE
PRF	DENOTES	POST & RAIL FENCE
MW	DENOTES	MONITORING WELL
NTS	DENOTES	NOT TO SCALE
CALC	DENOTES	CALCULATION DERIVED FROM P1

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
V-47780

THIS PLAN IS NOT VALID UNLESS IT IS AN ENCLOSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 2(2)(2)

THIS PLAN WAS PREPARED FOR 2611689 ONTARIO INC. AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

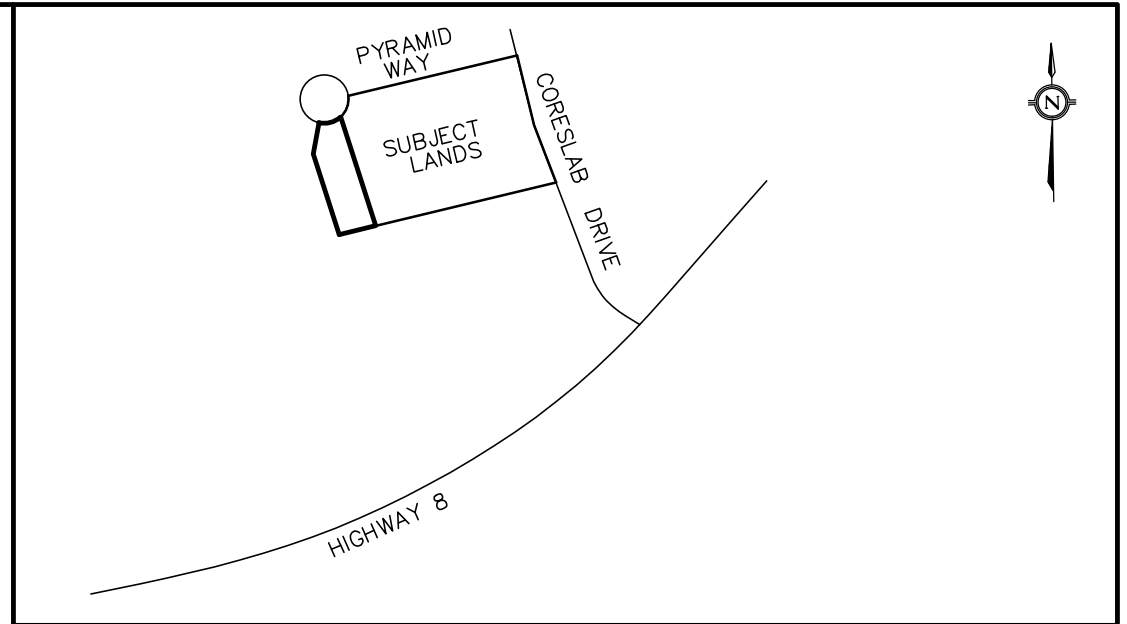
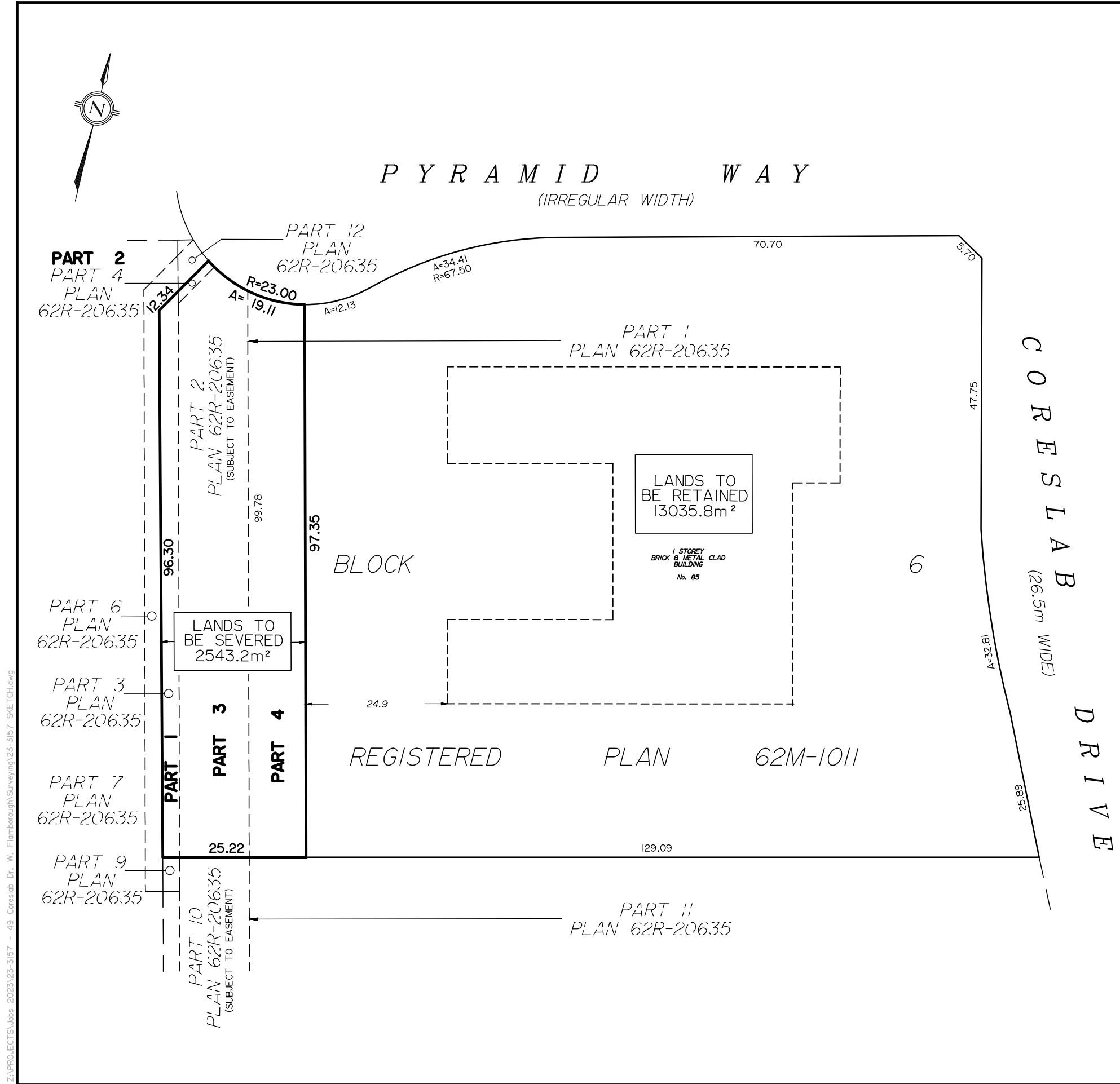
SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON OCTOBER 2, 2023.

OCTOBER 2, 2023
ERIC G. SALZER
O.L.S., O.L.I.P.

Barich Grenkie Surveying Ltd.
287 HWY No. 8 (UNIT 10) - STONEY CREEK, ON L6G 1E2 TEL: 905 662-6767

DWN BY: EWA
CHK BY: EGS
JOB No. 23-3157

A DIVISION OF GEOMAPLE



ADDRESS: 85 CORESLAB, HAMILTON

SKETCH FOR SEVERANCE APPLICATION
PART OF BLOCK 6
REGISTERED PLAN 62M-1011
IN THE
CITY OF HAMILTON

SCALE & NOTES
 Scale 1:750

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

NOTES
 THE SOURCE OF THE DIMENSIONS ARE BASED ON FIELDWORK TAKEN ON JANUARY 16, 2023 & COMPILED FROM PLAN 62R-20635

METRIC
 THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED, EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

Barich Grenkie
Surveying Ltd.
 301 HWY No. 8 (2ND FLOOR) - STONEY CREEK, ON
 L8G 1E5 (905) 662-6767

DWN BY: EWA
DWN BY: DJ
JOB No. 23-3157

A DIVISION OF GEOMAPLE

Z:\PROJECTS\ubbs_2023\23-3157 - 49 - Coreslab Dr. W. Flamborough\Surveying\23-3157 - SKETCH.dwg

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

PLAN 62R-
RECEIVED AND DEPOSITED

DATE: _____

DRAFT

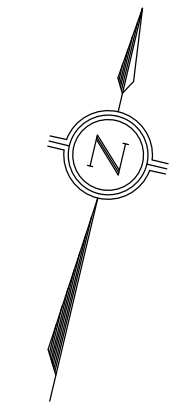
DATE: _____

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

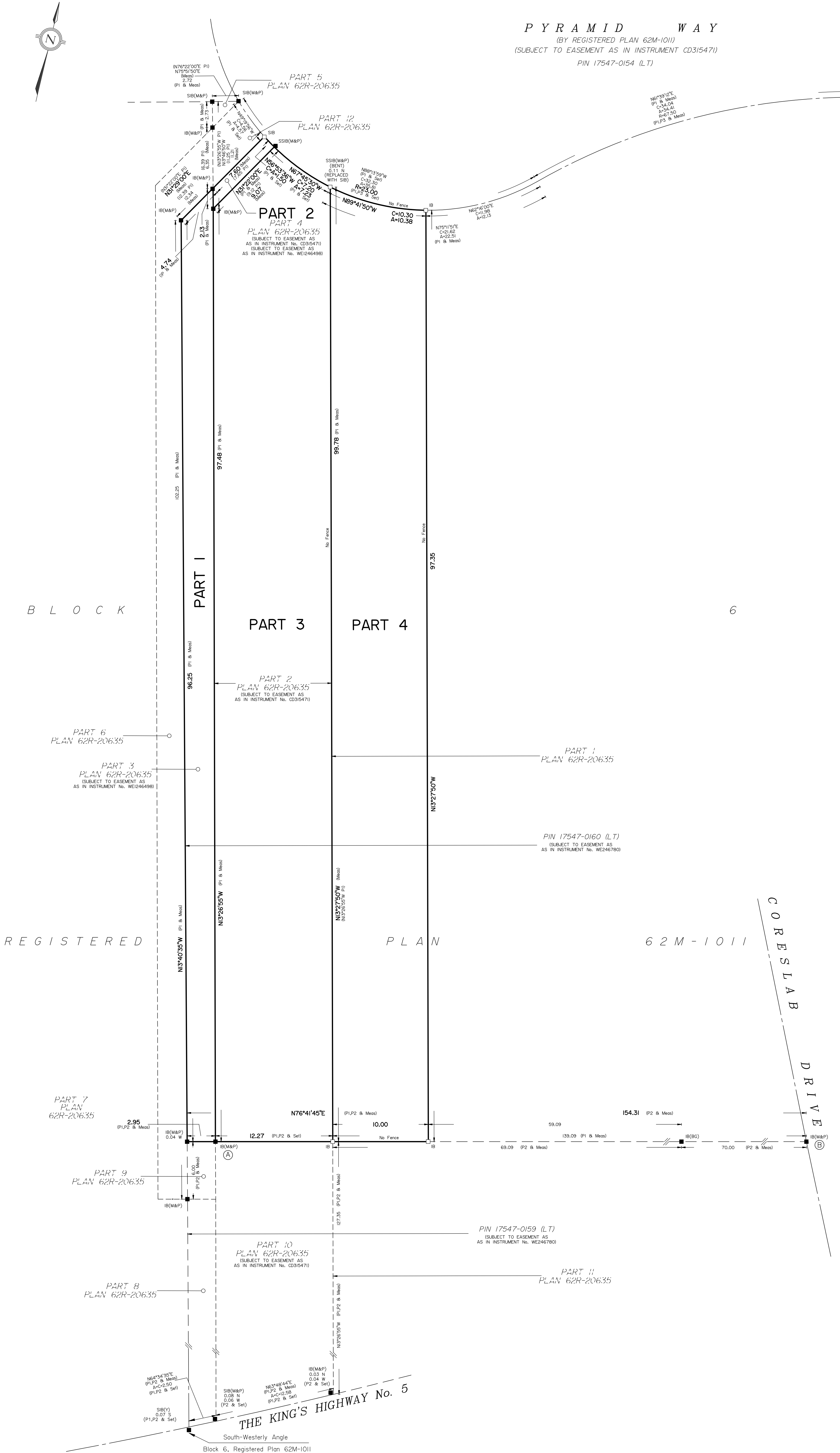
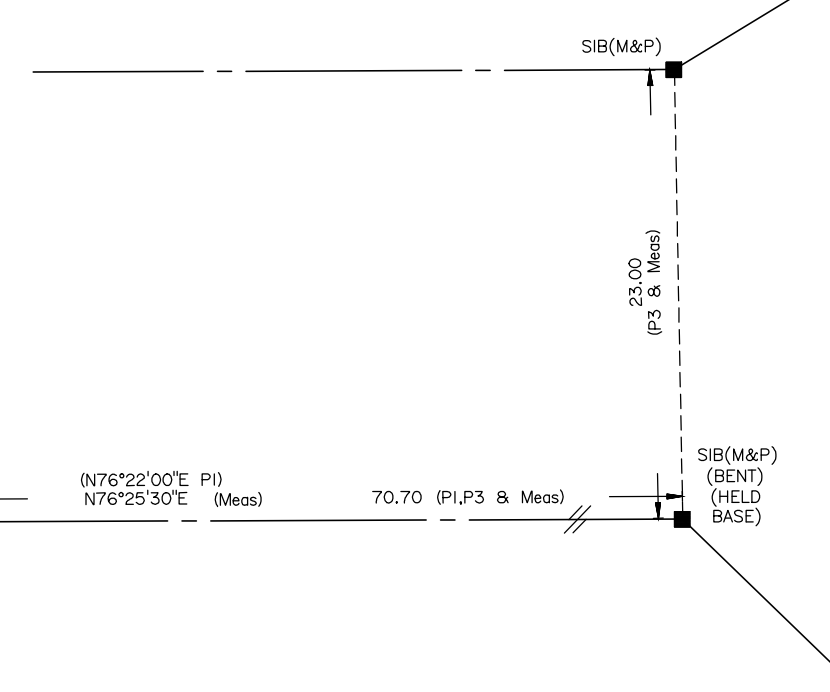
SCHEDULE

PART	BLOCK	PLAN	PIN No.
1	PART OF 6	62M-1011	PART OF PIN 17547-0160 (LT)
2			
3			
4			

PARTS 1, 2, 3 & 4 INCLUSIVE, COMPRISES PART OF PIN 17547-0160 (LT)
 PARTS 1, 2, 3 & 4 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT No. WE246780
 PART 2 & 3 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT No. CD315471
 PART 1 & 2 ARE SUBJECT TO AN EASEMENT AS IN INSTRUMENT No. WE1246498



P Y R A M I D W A Y
 (BY REGISTERED PLAN 62M-1011)
 (SUBJECT TO EASEMENT AS IN INSTRUMENT CD315471)
 PIN 17547-0154 (LT)



**PLAN OF SURVEY OF
 PART OF BLOCK 6
 REGISTERED PLAN 62M-1011
 IN THE
 CITY OF HAMILTON**
 SCALE & NOTES
 Scale 1:200

BARICH GRENKIE SURVEYING LTD.
 A DIVISION OF GEOMAPLE

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

BEARING NOTE
 BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17 (81° 00' WEST LONGITUDE) NAD83 (CSRS) (2010.0).

HORIZONTAL DATUM NOTE
 PROJECTION: UNIVERSAL TRANSVERSE MERCATOR
 (UTM, ZONE 17, 0M 81°00'W)

DATUM: NAD83 (CSRS)(2010.0)

GRID SCALE CONVERSION
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999658.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
SSI	DENOTES	SHORT STANDARD IRON BAR
OU	DENOTES	ORIGIN UNKNOWN
P1	DENOTES	PLAN 62R-20635
P2	DENOTES	PLAN BY BARICH GRENKIE SURVEYING LTD.
P3	DENOTES	DATED OCTOBER 2, 2023 REGISTERED PLAN 62M-1011

OBSERVED REFERENCE POINTS (ORP) DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK (RTN) OBSERVATIONS UTM ZONE 17, NAD83 (CSRS)(2010.0). COORDINATES TO URBAN ACCURACY PER SEC 14(2) OF O.REG. 216/10

MONUMENT ID	NORTHING	EASTING
Ⓐ IB	4795387.747	586992.552
Ⓑ IB	4795422.563	587139.774

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

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON JANUARY XX, 2023.

DRAFT

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION No. V-XXXX

Barich Grenkie Surveying Ltd.
 301 HWY No. 8 (2ND FLOOR) - STONEY CREEK, ON
 L8G 1E5 (905) 662-6767

A DIVISION OF GEOMAPLE

DWN BY: EWA
 CHK BY: EGS
 JOB No. 23-3157

Chair and Members of Committee of Adjustment c/o Ms. Jamila Sheffield
Secretary – Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West – 5th Floor
Hamilton, Ontario L8P 4Y5
Canada

Arcadis Professional Services
(Canada) Inc.
360 James Street North
Suite 200
Hamilton, Ontario L8L 1H5
Canada
Phone: 905 546 1010
www.arcadis.com

Date: March 18, 2024

Our Ref: 146001

Subject: **APPLICATION FOR CONSENT TO SEVER AT 85 CORESLAB DRIVE IN THE CITY OF HAMILTON**

Dear Ms. Sheffield,

1.0 Introduction

Arcadis Professional Services (Canada) Inc. (“Arcadis”) has been retained by the owners of the lands at 49 HWY No. 5 West, immediately adjacent to 85 Coreslab Drive in the City of Hamilton to provide professional planning services and an independent planning opinion on the application for Consent to Sever (“consent application”) to the City of Hamilton Committee of Adjustment. The application seeks to sever a portion of lands from 85 Coreslab Drive and add said severed lands to 49 HWY No. 5 West. The subject lands at 85 Coreslab Drive have an approximate lot area of 1.5 ha (15,579 m²) and currently contain a one-storey brick and metal clad building used by Superior Vault Company Ltd. for purposes of manufacturing monuments. This Planning Justification Brief (“brief”) provides the required analysis, including a review of provincial and local policy, and the final recommendation that the application should be approved by the Committee of Adjustment.

2.0 Site Location and Context

The subject lands are municipally known as 85 Coreslab Drive and are legally described as Part of Block 6 Registered Plan 62M-1011 in the City of Hamilton. Please refer to **Figure 1** for an aerial image of the subject lands. The subject lands are generally rectangular in shape and have an approximate lot area of 1.5 ha (15,579 m²) with approximately 106.45 m of frontage along Coreslab Drive and 136.35 m of frontage along Pyramid Way. As seen in **Figure 2**, the subject lands currently contain a one-storey brick and metal clad building used by Superior Vault Company Ltd. for purposes of manufacturing monuments. The western portion of the site is currently vacant. Vehicular access is provided from both Coreslab Drive and Pyramid Way. In terms of the surrounding context, the subject lands are located north of HWY 5 and south of HWY 6. The subject lands are located within a business park with the GO Transit Hamilton Bus Garage to the north, an auto parts store to the east, a restaurant to the south, and vacant land to the west.

Ms. Jamila Sheffield
City of Hamilton
March 18, 2024

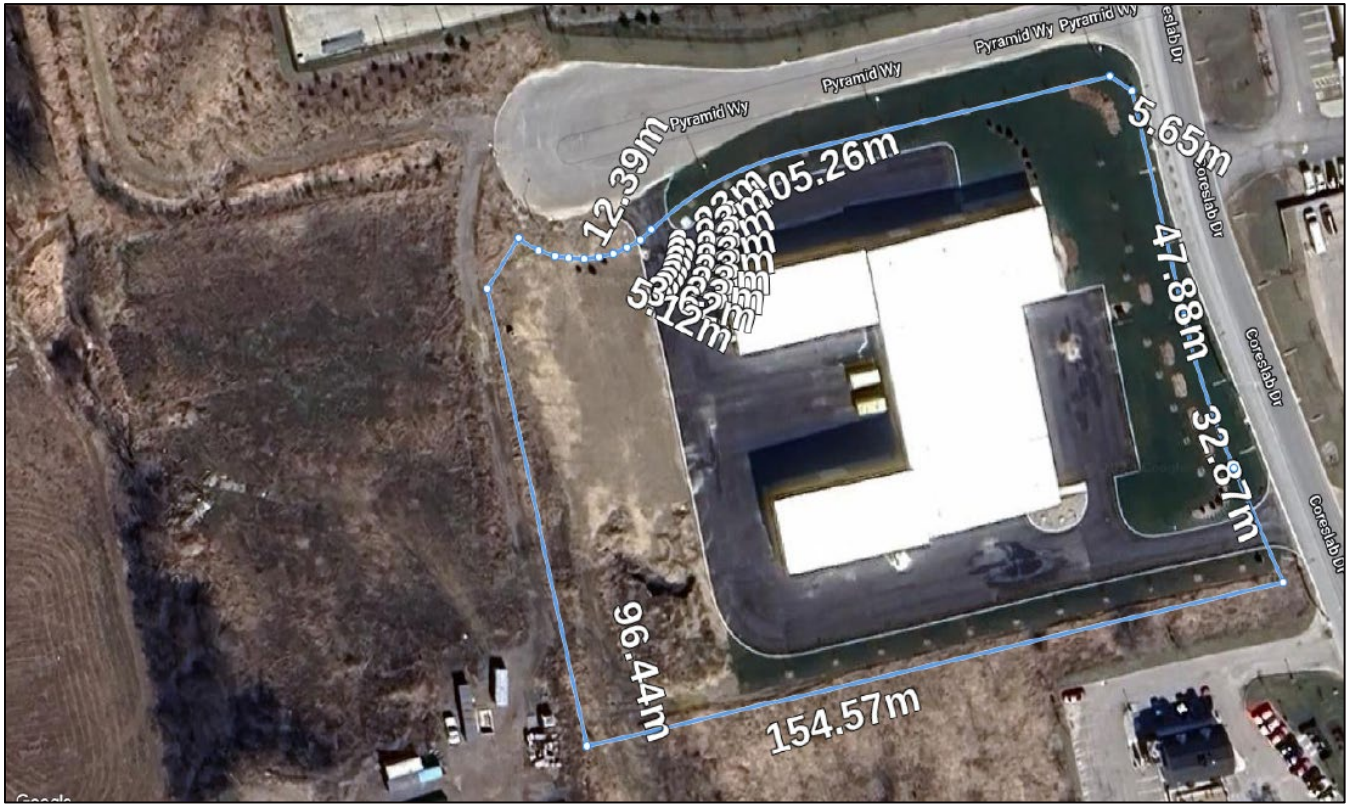


Figure 1: Aerial images of the subject lands, retrieved from GeoWarehouse



Figure 2: View looking west towards the subject lands, retrieved from Google Streetview

3.0 Proposed Consent Application

The consent application is being made to the City of Hamilton Committee of Adjustment under subsection 53(12) of the Planning Act, which provides the powers to the Committee to make decisions with respect to severing lots. A detailed discussion of the Powers of the Committee under 53(12) of the Planning Act, as well as how the proposed development falls within those power is provided later in this brief under Section 5.1.

The proposed consent application is to sever a western portion of the subject lands and transfer it to the adjacent lands to the south, which our clients own. The lands to be retained, which will contain the existing one-storey building, will have an approximate lot area of 1.3 ha (13,035.8 m²) and lot frontage of 106.45 m along Coreslab Drive and 117.24 m along Pyramid Way. The lands to be severed, which will be transferred to the adjacent lands, will have an approximate lot area of 2,543.2 m² and lot frontage of 19.11 m along Pyramid Way. The lands to be transferred are described as Part 1 on the Draft Reference Plan. Please refer to **Figure 3** for the Severance Sketch and **Figure 4** for the Ultimate Lot Area Plan, both prepared by Barich Grenkie Surveying Ltd.

The purpose of the application is to provide direct access to Pyramid Way for our clients' lands at 49 HWY No. 5 West, to facilitate future development and ensure safe and functional access for truck movements, etc. These lands have frontage on Coreslab Drive, but the width is constrained by the access driveway at 85 Coreslab Drive as well as the proximity to the Coreslab Drive/HWY No. 5 West intersection. Further, while there is ample frontage along HWY No. 5 West, this frontage highway is controlled access and connections would be limited. As such, the safest and most function route for trucks is out to/in from Pyramid Way.

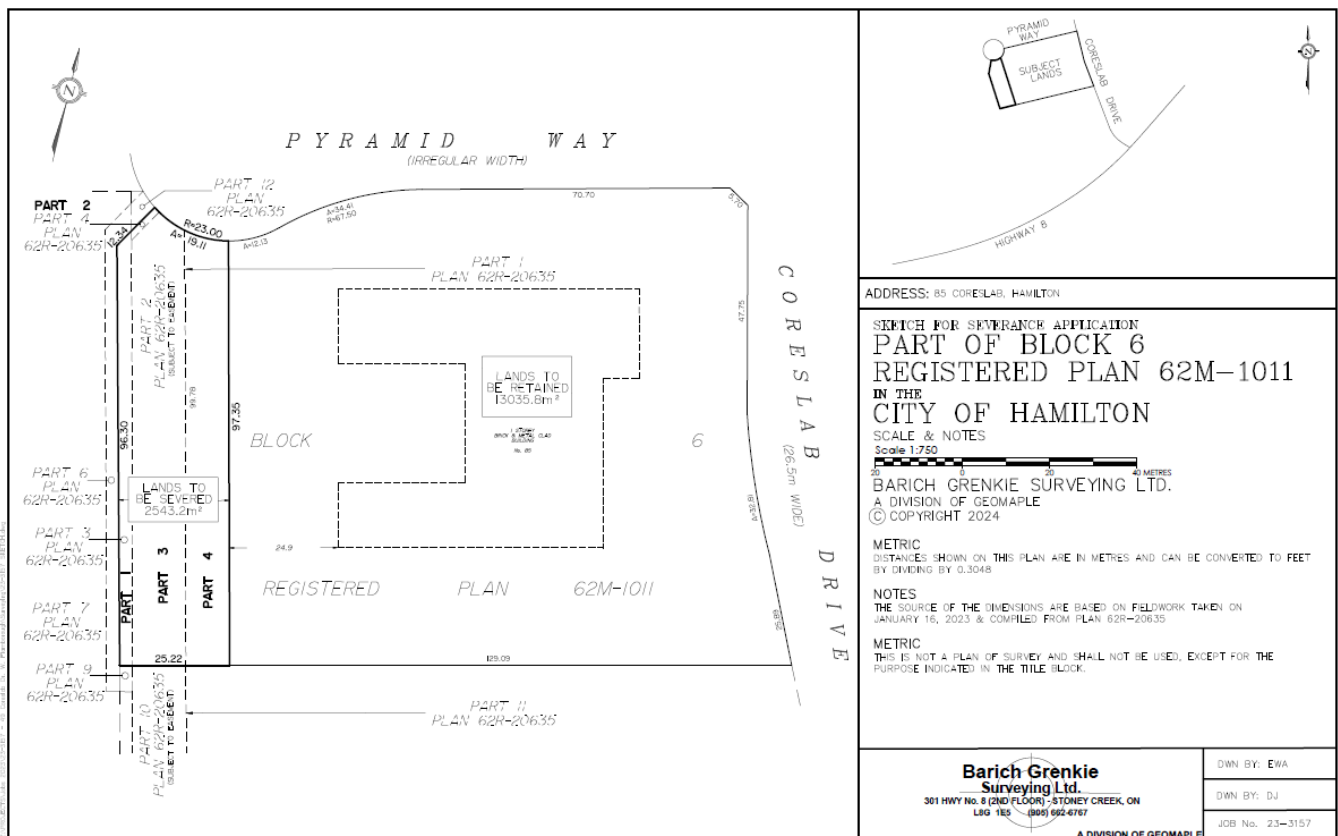


Figure 3: Severance Sketch prepared by Barich Grenkie Surveying Ltd.

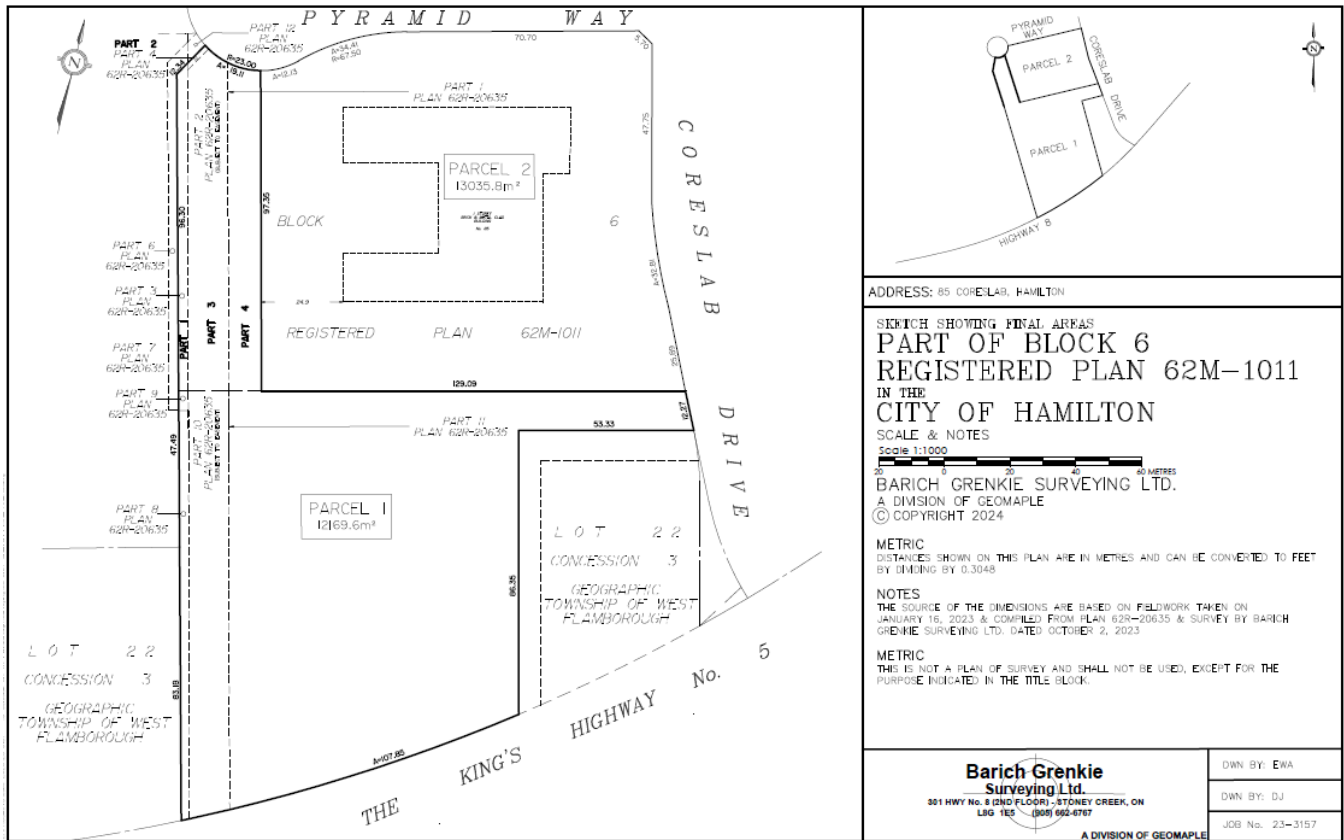


Figure 4: Ultimate Lot Area Plan prepared Barich Grenkie Surveying Ltd.

4.0 Applicable Planning Policy and Legislation

The subject lands are subject to several provincial and local policy and legislative documents with respect to land use planning. These will be dealt with in the subsections below.

5.1 Planning Act, R.S.O. 1990, c. P.13

The Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") is provincial legislation that outlines rules for land use planning in the Province of Ontario related to how land may be controlled and the various roles of the government and the public. This consent application is being made under **Section 53** of the Planning Act.

Subsection 53(12) provides the powers of the Committee of Adjustment with respect to consents and states the following:

(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent.

Planning Act Comment: The proposed consent application conforms to the criteria for land division as outlined in the Planning Act. As there is no physical development or change in land use being requested (i.e. retained and severed lands to remain as employment), the proposed consent application will not result in any adverse impacts to the adjacent properties or surrounding neighbourhood which are also employment uses. Further, as noted the application is intended to provide adequate access to Pyramid Way for our clients' lands for the purposes of truck movements, etc., which will facilitate proper development and use of these lands for employment use.

5.2 Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (the “PPS”) was issued under section 3 of the *Planning Act* and came into effect May 1, 2020. It replaces the PPS issued April 30, 2014 and applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Planning decisions are to be consistent with the PPS. The subject lands are located within an employment area. The proposed consent application is subject to the PPS, including the following:

Subsection 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Policy 1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

Subsection 1.3 Employment

Policy 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

Subsection 1.3.2 Employment Areas

Policy 1.3.2.1 *Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

PPS Comment: The subject lands are located within an employment area and as seen in **Figure 2** above, the existing one-storey building is used by Superior Vault Company Ltd. for purposes of manufacturing monuments. As there is no physical development or change in land use being requested, the proposed consent application will ensure that the existing land use pattern will be maintained, employment uses will continue to be accommodated, and the land use will remain compatible with the surrounding employment area. Further, it will facilitate safe and functional access to our clients' lands to ensure coordinated, orderly, and proper employment development.

5.3 A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow, the Growth Plan for the Greater Golden Horseshoe (“GGH”) (the “Growth Plan”) provides the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region to 2051. The 2019 version of the growth was amended, taking effect August 28, 2020. Section 5(b) of the *Planning Act* requires decisions that affect planning matters shall conform to provincial plans, including the Growth Plan, or shall not conflict with them, as the case may be. As outline above, the subject

lands are located within an employment area. The proposed consent application is subject to the Growth Plan, including the following:

Subsection 2.2.5 Employment

Policy 2.2.5.1 *Economic development and competitiveness in the GGH will be promoted by:*

- a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) *planning to better connect areas with high employment densities to transit; and*
- d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment*

Growth Plan Comment: As outlined above, the subject lands are within an employment area. The proposed consent application makes efficient use of the existing employment area as it severs an underutilized parcel of land and transfers it to the adjacent property to the immediate south, ensuring those lands have safe and functional access.

5.4 Greenbelt Plan, 2017

The Greenbelt Plan was approved by the Lieutenant Governor in Council, Order in Council No 1025/2017, as an amendment to the Greenbelt Plan effective July 1, 2017. It builds on the PPS to establish a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment, and social equity. The subject lands are designated as 'Towns/Villages' which is within the 'Protected Countryside'. 'Towns/Villages' are the focus of development and related economic and social activity. The goal of the 'Protected Countryside' is to enhance urban and rural areas and overall quality of life by promoting matters such as agricultural viability and environmental protection. Please refer to **Figure 5** for an excerpt of Schedule 1: Greenbelt Area.

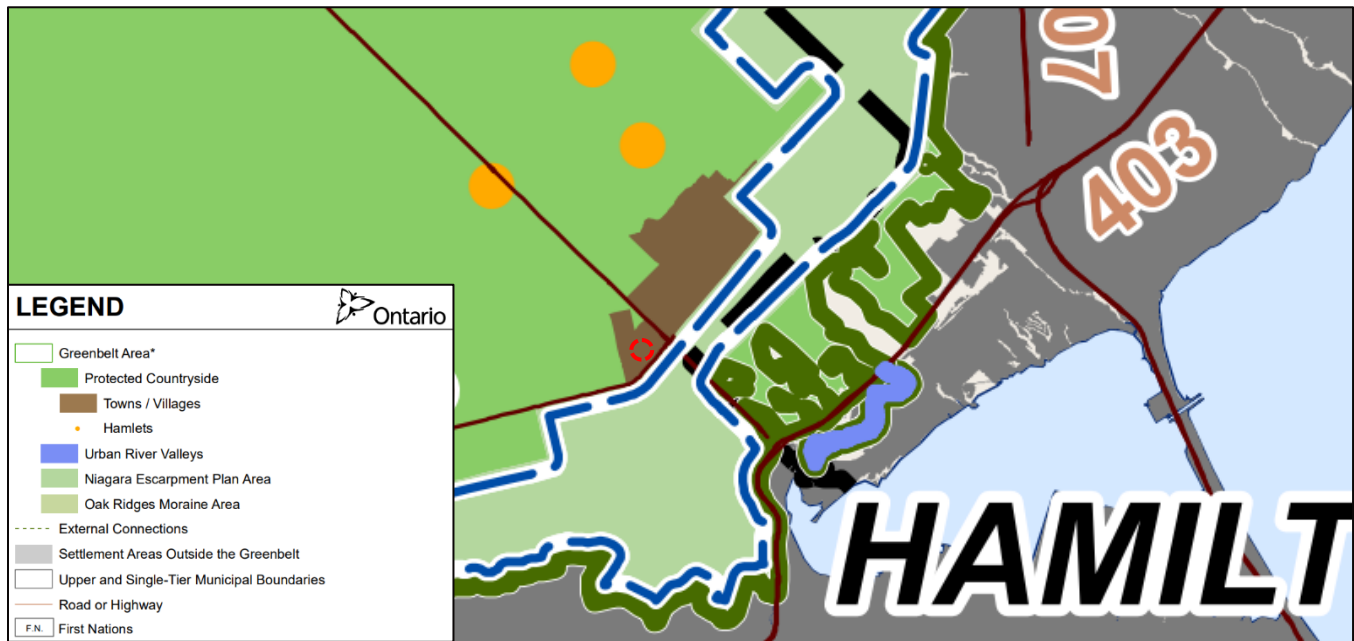


Figure 5: Excerpt of Schedule 1: Greenbelt Area of the Greenbelt Plan

The proposed consent application is subject to the Greenbelt Plan, including:

3.4.3 Town/Village Policies

For lands within Towns/Villages in the Protected Countryside, the following policies shall apply:

Policy 3.4.3.1 Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2.

Subsection 4.6 Lot Creation

For lands falling within the Protected Countryside, the following policies shall apply:

Policy 4.6.1 Lot creation is discouraged and may only be permitted for:

- a) Outside prime agricultural areas, including specialty crop areas, the range of uses permitted by the policies of this Plan;

Greenbelt Plan Comment: The subject lands are located within the urban area and outside prime agricultural areas and specialty crop areas. The abutting properties are similarly designated 'Towns/Villages'. As per Policy 3.4.3.1, Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans which are outlined in Section 5.3 and Section 5.5 of this brief.

5.5 Urban Hamilton Official Plan

The Urban Hamilton Official Plan ("UHOP"), adopted under the Planning Act, outlines goals and policies related to environmental, social, and economic factors to guide the management of communities, land use changes, and physical development of the City over the next 30 years. As such, the general basis of the UHOP is to manage urban growth and development in a sustainable and comprehensive manner that recognizes the importance of a balance between the economy, the environment, and social needs. As illustrated in **Figure 6**, the subject lands are located within the Employment Area and are designated 'Business Park' on Schedule E1: Urban Land Use Designations. The UHOP states that "Business Parks are planned for a broad range of employment uses compatible with the design policies for business parks. These areas are well served by roadway infrastructure and are generally more able to accommodate proper buffering from sensitive land uses".

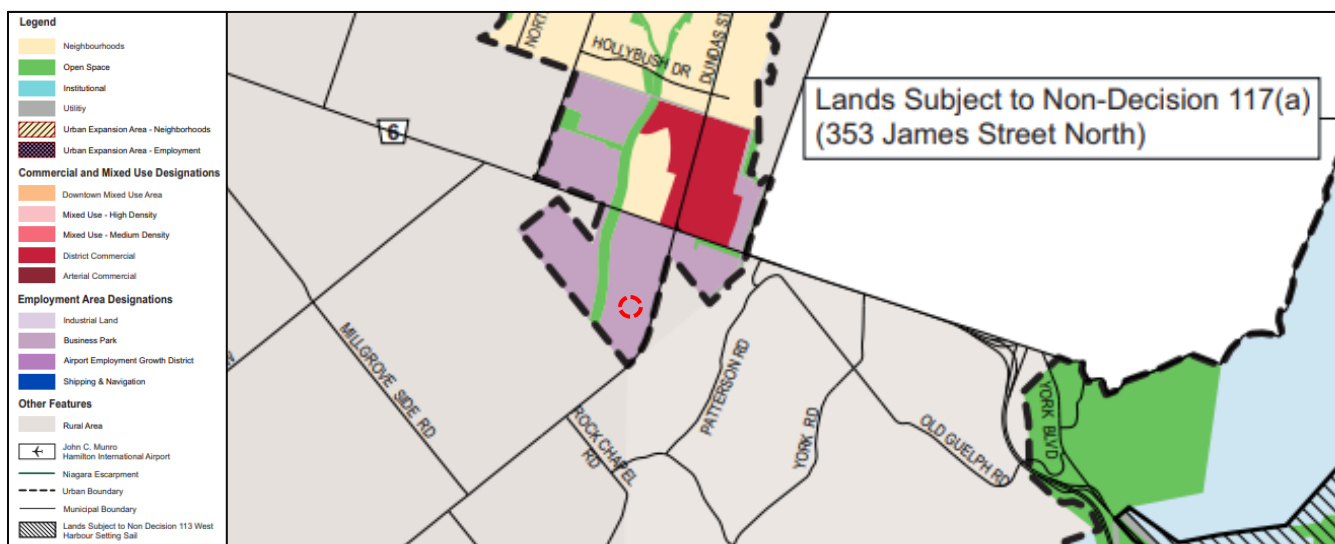


Figure 6: Excerpt of Schedule E1: Urban Land Use Designations of the UHOP

The following policies are applicable to the proposed consent application:

Chapter E – Urban Systems and Designations

Section 5.0 Employment Area Designations

Section 5.1 Policy Goals

The following goals shall apply to Employment Area designations:

Policy 5.1.1 *Recognize and support the contribution of older industrial areas and existing and newly developing business parks, such as the West Hamilton Innovation District and the Airport Employment Growth District (OPA 35).*

Policy 5.1.2 *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 5.1.3 *Support the industry clusters, identified by the City's Economic Development Strategy, such as manufacturing, biosciences, goods movement, and environmental technologies.*

Policy 5.1.4 *Protect lands designated Employment Area from non-employment uses and to support the employment functions of the City's Downtown, nodes and corridors. New major retail uses shall be prohibited and office uses shall be restricted in function and scale.*

Section 5.4 Employment Area – Business Park Designation

Function

Policy 5.4.1 *The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City's business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.*

Policy 5.4.2 *Lands designated Employment Area – Business Park which are undeveloped, underutilized, or within the West Hamilton Innovation District (including McMaster Innovation Park), are planned for major employment growth in accordance with the employment and density targets in Section A.2.3.2 – Employment Forecasts and Policy A.2.3.3.5 Employment Area Density Targets.*

Permitted Uses

Policy 5.4.3 *The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law:*

- a) *manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;*

Chapter F – Implementation

Employment Designations

Policy 1.14.3.5 *Consents for new lot creation for both the severed and retained lands for employment uses in the Employment designation shall be permitted provided the following conditions are met:*

- a) *The lots 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 are fully serviced by municipal water and wastewater systems; and,*
- d) *The lots have frontage on a public road.*

UHOP Comment: The subject lands are located within the urban boundary of the City in the Employment Area and are designated 'Business Park'. The currently existing one-storey building on the lands to be retained are a permitted use within the UHOP. The proposed consent application meets the criteria for land use division as outlined in the UHOP. In regard to the goals of the Employment Area – Business Park Designation, as no physical development or land use change is being proposed, the supply of zoned and serviced employment lands will be maintained which supports the City's projected employment growth forecast as well as promotes economic development and competitiveness. Further, ensuring safe and functional access is provided to and from our clients' lands will permit these lands to develop for the planned employment function. Moreover, the designated Employment Area will remain protected from non-employment use. Specifically, the proposed consent application will not result in any adverse impacts to the adjacent properties or surrounding neighbourhood which are also employment uses. In reference to Policy 1.4.3.5 (b), please refer to Section 5.6 for details regarding conformity with the Zoning By-law. Furthermore, the subject lands are fully serviced and both the retained and severed lots will have frontage onto public road as seen in **Figure 4**.

5.6 Zoning By-law No. 05-200

The City of Hamilton Zoning By-law No. 05-200 (the "Zoning By-law") regulates the types of land uses and activities that may occur on a property or within buildings; and the height, location, massing and character of buildings and structures. The Zoning By-law implements the policies of the Official Plan as it is used to translate these policies into more specific permitted land uses, and lays out the requirements for lot and buildings by establishing zone categories and regulations which apply to all lands in the municipality. As seen in **Figure 7** below, the subject lands are subject to the "M3" Prestige Business Park Zone and Special Exception 431.



Figure 7: Zoning Mapping, retrieved from the City of Hamilton

The “M3” Prestige Business Park Zone permits the following uses:

- *Alcohol Production Facility*
- *Aquaponics*
- *Artist Studio*
- *Building and Lumber Supply Establishment*
- *Building or Contracting Supply Establishment*
- *Cannabis Growing and Harvesting Facility*
- *Commercial Motor Vehicle Sales, Rental and Service Establishment*
- *Communications Establishment*
- *Conference or Convention Centre*
- *Contractor’s Establishment*
- *Courier Establishment*
- *Craftsperson Shop*
- *Equipment and Machinery Sales, Rental and Service Establishment*
- *Greenhouse*
- *Hotel*
- *Industrial Administrative Office*
- *Laboratory*
- *Labour Association Hall*
- ***Manufacturing***
- *Motor Vehicle Collision Repair Establishment*
- *Motor Vehicle Service Station*
- *Office*
- *Private Power Generation Facility*
- *Production Studio*
- *Repair Service*
- *Research and Development Establishment*
- *Restaurant*
- *Surveying, Engineering, Planning or Design Business*
- *Trade School*
- *Tradesperson’s Shop*
- *Transport Terminal*
- *Transportation Depot*
- *Warehouse*

Table 1 outlines the applicable “M3” Prestige Business Park Zone provisions.

Regulation	Permitted	Provided (To Be Retained)	Provided (To Be Severed)
Minimum Lot Area	4000.0 m ²	13,035.8 m ²	2,543.2 m ² * Will not exist as a separate lot. To be merged with lands to the

			south at 49 HWY No. 5 W.
Yard Abutting a Street	Minimum 6.0 m Maximum 27.0 m	As existing	N/A
Minimum Yard Abutting a Residential Zone or an Institutional Zone	6.0 m from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.	N/A	N/A
Maximum Building Height Abutting a Residential Zone or an Institutional Zone	11.0 m	As existing	N/A

The following regulations are applicable to Special Exception 431:

c) *Notwithstanding Section 9.3.3 b), Section 9.3.3 i), Section 9.3.3 k) and Section 9.3.3 l), the following regulations shall apply:*

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <i>Minimum Yard Abutting a Street</i> 2. <i>Landscaped Area and Planting Strip Requirements</i> 3. <i>Location and Screening of Outdoor Storage and Outdoor Assembly</i> 4. <i>Location of Outdoor Display</i> | <p>3.0 metres</p> <ol style="list-style-type: none"> 1. <i>Minimum 3.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress;</i> 2. <i>In addition to i) above, where a parking space, aisle or driveway is located in a Yard abutting a street, a minimum 3.0 metre wide Planting Strip shall also be required and maintained between the said parking space, aisle or driveway and a street, except for points of ingress and egress.</i> <p><i>Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:</i></p> <ol style="list-style-type: none"> 1. <i>Outdoor Storage and Outdoor assembly shall be permitted in a yard abutting a street, but shall be no closer than 3.0 metres to the lot line;</i> 2. <i>Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area;</i> 3. <i>Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.</i> <p><i>Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use and shall be</i></p> |
|--|--|

Ms. Jamila Sheffield
City of Hamilton
March 18, 2024

*permitted in a yard abutting a street,
but shall be no closer than 3.0 metres to the lot line.*

Zoning By-law Comment: Although the minimum lot area is proposed to be 2,543.2 m² for the lot to be severed, which is less than the permitted minimum lot area as outlined by the Zoning By-law, the lands are proposed to be transferred to the lands adjacent to the south at 49 HWY No. 5 West, which our clients own. When combined, these lands will have an approximate total lot area of 12,169.6 m² as seen in **Figure 4**.

5.0 Conclusion and Recommendations

The proposed development conforms to, is consistent with, and/or maintains the intent and purpose of the applicable planning policy and legislative documents and is compatible with the existing employment area. The Committee of Adjustment has power under subsection 53(12) to make decisions with respect to land division. It is our opinion that the proposed development conforms to these requirements and the applications should be approved.

Please find enclosed the following materials as part of this application:

- One (1) copy of the Consent Application Form;
- One (1) copy of the Severance Sketch prepared by Barich Grenkie Surveying Ltd.;
- One (1) copy of the Survey prepared by Barich Grenkie Surveying Ltd.;
- One (1) copy of the Draft Reference Plan prepared by Barich Grenkie Surveying Ltd.;
- One (1) copy of the Ultimate Lot Area Plan prepared Barich Grenkie Surveying Ltd.; and,
- One (1) cheque in the amount of \$3,360.00 made payable to the City of Hamilton.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Sincerely,
Arcadis Professional Services (Canada) Inc.



Mike Crough MCIP RPP
Principal – Planning



Isabelle Ilagan
Planner

Email: mike.crough@arcadis.com
Mobile: 905 317 5246



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
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*			Phone:
			E-mail:
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 Primary contact 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.

1.6 Payment type

In [redacted]
 [redacted]

[redacted]

[redacted] number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	85 Coreslab Drive		
Assessment Roll Number			
Former Municipality	Hamilton		
Lot		Concession	
Registered Plan Number	62M-1011	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:

Please refer to Severance Sketch prepared by Barich Grenkie Surveying Ltd.

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <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 |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> 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:

2611689 Ontario Limited

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

Please refer to Survey prepared by Barich Grenkie Surveying Ltd.

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, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
Identified on Sketch as:	Retained	Severed			
Type of Transfer	N/A	Land Merger			
Frontage	106.45 m & 117.	19 m			
Depth					
Area	13,035.8 m ²	2,543.2 m ²			
Existing Use	Employment	Employment			
Proposed Use	As existing	As existing			
Existing Buildings/ Structures	One-storey brick and metal clad building	Vacant			
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* 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): _____

Rural Settlement Area: _____

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 refer to Cover Letter

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? "M3" Prestige Business Park Zone & Special

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

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)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input checked="" type="checkbox"/>	Restaurant: 12m
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<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.

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?

Since October 27, 2017 (6+ years)

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.

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)

Please refer to Cover Letter

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

Yes No (Provide explanation)

Please refer to Cover Letter

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

Yes No (Provide explanation)

Please refer to Cover Letter

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

Yes No (Provide explanation)

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)

Please refer to Cover Letter

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 ² or ha):
---------------	------------------------------

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 ² or ha):
---------------	------------------------------

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 ² or ha): (from Section 4.1)
----------------------------------	---

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
