



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF APPLICATION
CONSENT (DELEGATED AUTHORITY)

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-24:29	SUBJECT PROPERTY:	147 Mary Street, Hamilton
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APPLICANTS: Owner: Good Shepherd Non-Profit Homes (c/o Alan Whittle)
Agent: Landwise (c/o Katelyn Gillis)

PURPOSE & EFFECT: To permit the creation of an easement over a portion of land for access and maintenance purposes.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement)	6.00 m [±]	32.91 m [±]	257 m ² [±]
RETAINED LANDS:	Varies m [±]	384.16 m [±]	0.13 ha [±]

Associated Planning Act File(s): A-24:102

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 decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Tuesday, June 11, 2024

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

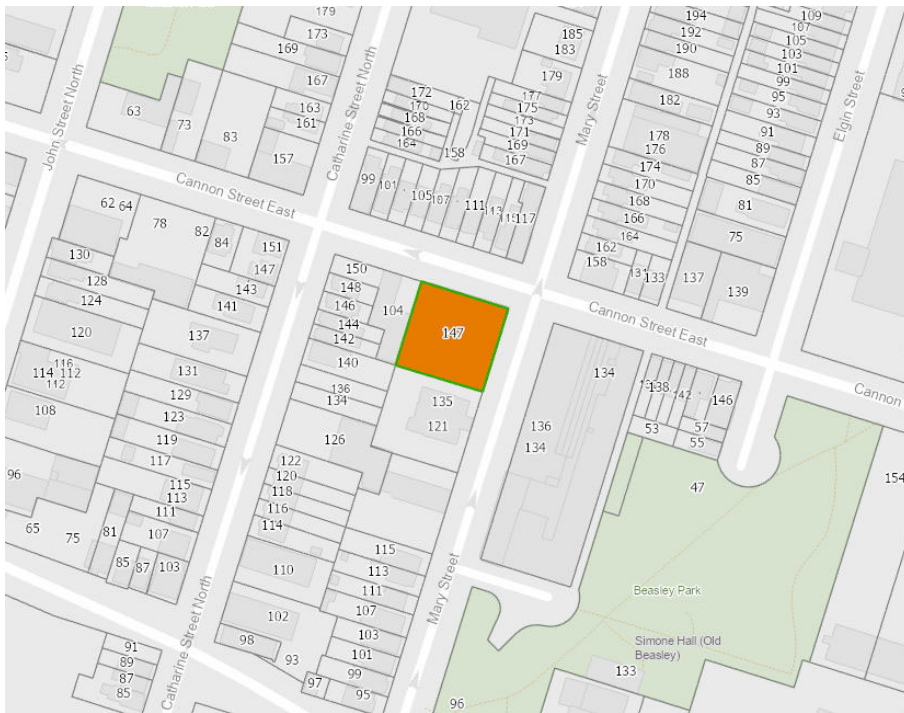
- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-977-1654

PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Date of Decision.**

Comments will be available on **June 7, 2024** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



DATED: May 23, 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.

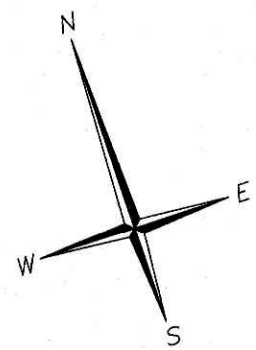
If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

B-24:29

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request.

SCHEDULE

PART	LOT	PLAN	PIN
1	PART OF LOT 14	NATHANIEL HUGHSON SURVEY (UNREGISTERED)	PART OF 17165 - 0286



CANNON STREET EAST

(SOUTHERLY LIMIT OF CANNON STREET EAST AS CONFIRMED BY BOUNDARIES ACT PLAN B.A. No 786, REGISTERED AS INST. No 400467A.B.)

CATHARINE STREET NORTH

MARY STREET NORTH

PLAN OF SURVEY OF PART OF LOT 14 FRONTING ON THE WEST SIDE OF MARY STREET ACCORDING TO NATHANIEL HUGHSON SURVEY (UNREGISTERED) IN THE BLOCK BOUNDED BY WILSON, CATHARINE, CANNON & MARY STREETS IN THE CITY OF HAMILTON

SCALE 1:200

THE INTENDED PLOT SIZE OF THIS PLAN IS 610mm IN WIDTH BY 432mm IN HEIGHT WHEN PLOTTED AT A SCALE 1:200 NICHOLAS P. MUTH O.L.S.

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

LEGEND:
 SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
 SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
 IB DENOTES IRON BAR
 SIB DENOTES STANDARD IRON BAR
 CC DENOTES CUT CROSS
 (912) DENOTES A. J. CLARKE & ASSOCIATES O.L.S.
 (824) DENOTES A. T. McLAREN O.L.S.
 (655) DENOTES J. T. PETERS O. L. S.
 P4 DENOTES REGISTERED PLAN No. 268
 P7 DENOTES SURVEYOR'S REAL PROPERTY REPORT BY A. J. CLARKE & ASSOCIATES. LTD. DATED AUGUST 31, 2009 (INDEX T-1975)

SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE XX DAY OF XXX, 2024

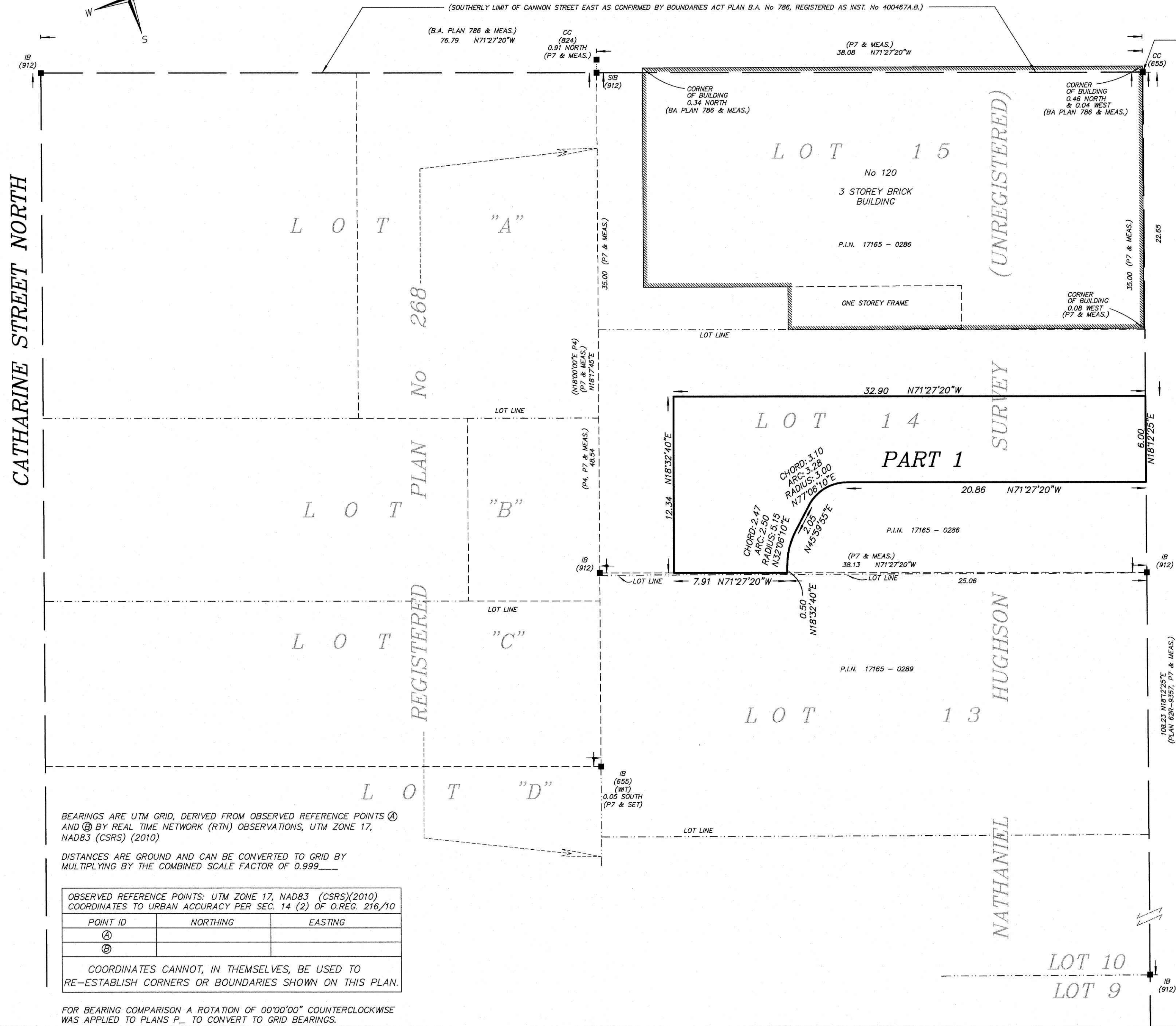
APRIL 26, 2024
 DATE

Nicholas P. Muth
 NICHOLAS P. MUTH
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-----

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

DRAWN BY: MW CHECKED BY: TK/NPM PROJECT No. 218289R



BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999

POINT ID	NORTHING	EASTING
(A)		
(B)		

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

FOR BEARING COMPARISON A ROTATION OF 00°00'00" COUNTERCLOCKWISE WAS APPLIED TO PLANS P_ TO CONVERT TO GRID BEARINGS.



1 EAST ELEVATION - SPA
A-3.1 1 : 200



2 NORTH ELEVATION - SPA
A-3.1 1 : 200



3 WEST ELEVATION - SPA
A-3.1 1 : 200



4 SOUTH ELEVATION - SPA
A-3.1 1 : 200

MATERIAL LEGEND

-  MATERIAL 1 - STONE - BRAMPTON BRICK VIVACE TWEED
-  MATERIAL 2 - STONE - BRAMPTON BRICK CANVAS BEIGE
-  MATERIAL 3 - MASONRY - BRAMPTON BRICK WESTVILLE
-  MATERIAL 4 - ACM PANEL - WHITE
-  MATERIAL 5 - CONCRETE
-  MATERIAL 6 - ACM PANEL - LIGHT GREY
-  MATERIAL 7 - ACM PANEL - MEDIUM GREY

NO.	DESCRIPTION	DATE
6	SPA REVISIONS	MAY 10, 2023
5	SPA RESUBMISSION	NOV 14, 2022
4	SPA RESUBMISSION	JULY 27, 2022
3	SPA RESUBMISSION	APR 21, 2022
2	SPA SUBMISSION	MAR 17, 2022
1	DESIGN REVIEW PANEL	NOV 17, 2021

ISSUES/REVISIONS
ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON SITE. DISCREPANCIES TO BE REPORTED TO THE ARCHITECT. LATEST APPROVED STAMPED DRAWINGS ONLY TO BE USED FOR CONSTRUCTION.



MCLARCHITECTS
MCKNIGHT CHARRON LIMITED

45 ALLIANCE BLVD., UNIT 110
BARRIE, ONTARIO L4M 5K3
WWW.MCLARCHITECTS.CA

T 705 722 6739
F 705 726 5418

DRAWING TITLE:
ELEVATIONS

PROJECT NAME:
GOOD SHEPHERD MARY ST

121 & 135 MARY ST., HAMILTON, ON
DA-22-095

GOOD SHEPHERD

DATE:	MAY 10, 2023	PROJECT #	00-000	SHEET #	A-3.1
DRAWN BY:	KSN				
SCALE:	As indicated				

April 26, 2024
Via Digital Submission

Committee of Adjustment
c/o Ms. Jamila Sheffield
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

**RE: MINOR VARIANCE & CONSENT FOR EASEMENT
121 & 135 Mary Street and 147 Mary Street, Hamilton**

Landwise (formerly T. Johns Consulting Group Ltd.) has been retained by Good Shepherd Centre Hamilton (“Good Shepherd”), to submit the enclosed minor variance and consent for easement applications on their behalf.

The minor variance application affects lands municipally known as 121 & 135 Mary Street, Hamilton to facilitate the final site plan approval of conditionally approved site plan DA-22-095.

The consent for easement application affects lands municipally known as 147 Mary Street, Hamilton to establish a right-of-way in favour of 121 & 135 Mary Street, Hamilton and to facilitate the final site plan approval of conditionally approved site plan DA-22-095.

Subject Lands

121 & 135 Mary Street is located in Downtown Hamilton, within the Beasley neighbourhood. The property is approximately 0.26 hectares (0.65 acres) in size, with approximately 72.0 metres (236.2 feet) of frontage along Mary St. The lands are an irregular shaped parcel, with a generally flat topography and some mature trees along the Mary St streetline. The parcels are merged as one property and are currently occupied by one (1) 3-storey building and one (1) 1-storey building, owned and operated the Good Shepherd. Both buildings are to be removed to accommodate the proposed redevelopment.

147 Mary Street is located immediately north of 121 & 135 Mary Street, at the southwest corner of Cannon Street East and Mary Street. The property is approximately 0.13 hectares (0.32 acres) in size with approximately 38.08 meters of frontage along Cannon Street East and 35.00 meters along Mary Street. The lands are generally rectangular and are developed. The lands are occupied by one (1) 3-storey multiple dwelling with 35 units approved through site plan application DA-14-134, owned and operated by Good Shepherd Non-Profit Homes. The property is separate from 121 & 135 Mary St.

Proposed Minor Variances

Minor variances are sought from Zoning By-law No. 05-200 to provide relief on a site-specific basis to facilitate the proposed 10-storey mixed use residential and social service redevelopment on 121 & 135 Mary Street with 156 dwellings and 157.6m² of social service floor area through conditionally approved site plan application DA-22-095. The variances are as follows:

	Zoning By-law No. 05-200	Purpose
1	6.5.3.4 d)	To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.
2	6.5.3.4 f)	To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.
3	6.0 b) ii)	To allow a minimum building setback of 2.4 metres from the north side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.
4	4.8 f)	To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.
5	4.8.1.3 a) i)	To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Refer to the Planning Rationale for additional detail and analysis in support of the requested variances.

Proposed Consent for Easement (Right-of-Way)

The proposed right-of-way with an approximate area of ±257m² over 147 Mary Street in favour of 121 & 135 Mary Street is to facilitate a shared driveway to access the proposed underground parking ramp as proposed through DA-22-095. The intent of the redevelopment is to activate the street by providing a minimal front yard per the zoning requirements and locating parking and loading activities to the rear of the site and screened by the building. The right-of-way over 147 Mary Street is proposed using an existing curb cut and driveway from Mary Street for passenger vehicles to access the underground parking ramp proposed on 121 & 135 Mary Street. Larger service vehicles to service the redevelopment will use a separate driveway located on 121 & 135 Mary Street.

The proposed right-of-way will require two (2) surface parking spaces to be removed from 147 Mary Street however, a minimum of six (6) surface parking spaces will be maintained whereas a minimum of three (3) spaces are required. The proposed right-of-way will not adversely impact the function of 147 Mary Street.

Submission

Landwise respectfully requests that this letter and the electronically enclosed documents be accepted as complete applications for circulation to all relevant departments:

Please find the enclosed electronic documents:

- Copy of the cheque (#00055) in the amount of \$5,980.00 made payable to the City of Hamilton, to satisfy the Minor Variance fee (\$3,900) and Consent for Easement fee (\$2,080).
- Completed Minor Variance application;
- Completed Consent for Easement application;
- Survey Plan;
- Site Plan;
- Elevations;
- Easement Sketch;
- Planning Rationale.

Please note that the cheque was delivered to City Hall on April 26, 2024.

Should you have any questions or require additional information, please do not hesitate to contact Katelyn Gillis at (905) 574-1993 ext. 207.

Respectfully Submitted,
Landwise



Katelyn Gillis, BA
Senior Planner

Cc: Mr. Alan Whittle, Good Shepherd Centre Hamilton

Landwise (formerly T. Johns Consulting Group) has prepared this Planning Rationale Report in support of the Minor Variance application for 121 & 135 Mary St, Hamilton (“subject lands”). The requested variances are required to facilitate the final approval of Site Plan Control application DA-22-095.

Description of Subject Lands

121 & 135 Mary Street is bound by Mary Street to the east and is located to the south of Cannon Street East, and north of Wilson Street. The subject lands are approximately 0.26 hectares (0.65 acres) in size, with approximately 72.0 metres (236.2 feet) of frontage on Mary Street. The subject lands are merged as one parcel and are currently occupied by one (1) 3-storey building used as an emergency shelter with a meal service and one (1) 1-storey building, used for storage, owned and operated by Good Shepherd Non-Profit Homes Hamilton (“Good Shepherd”). Both buildings are to be removed to accommodate the proposed redevelopment.

Planning Status

The *Urban Hamilton Official Plan* (“UHOP”) Volume 1 designates the subject lands “Downtown Mixed Use Area”.

The *Hamilton Downtown Secondary Plan* (“Secondary Plan”) designates the subject lands “Downtown Residential”, in which multiple dwellings and social service facilities are permitted. The subject lands are identified as “High Rise 2” on Map B.6.1-2 of the *Secondary Plan*, which permits a maximum building height of 30 storeys.

The *City of Hamilton Zoning By-law 05-200* zones the subject lands “Downtown Residential (D5) Zone’ with Holding Provisions H17, H19, and H20. Multiple dwellings and social service establishments are permitted in the D5 Zone.

Proposed Development

The proposed redevelopment is for a 10-storey mixed use building with social services provided on the 1st and 2nd floor and 156 multiple dwellings units above with affordable rental tenure. The proposed redevelopment will continue to be owned and operated by Good Shepherd. The development will be supported with one level of underground parking for a total of 35 parking spaces including one (1) barrier free space. In addition, 6 surface parking spaces including one (1) barrier free space located on the abutting property to the north (under the same ownership of the subject property) will be provided. Common amenities will be provided through the rooftop terrace and landscaped space throughout the site.

Nature and extent of relief applied for:

Five (5) Minor Variances are being sought from Zoning By-law No. 05-200 to facilitate the proposed affordable housing development by Good Shepherd. Note that at the time of preparing this planning rationale, the proposed development requires a total of 45 parking spaces (42 spaces for 156-unit multiple dwelling and 3 spaces for 157.6m² of social service floor area) whereas 35 spaces are provided. The short-fall of parking may be relieved through cash-in-lieu of parking or a City-wide zoning amendment for parking that will reduce the overall minimum required parking from 45 spaces to 12 spaces. Regardless, parking is not a variance being requested through the enclosed application. The requested Minor Variances are as follows:

	<u>Zoning By-law No. 05-200</u>	<u>Purpose</u>
1	6.5.3.4 d)	To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.
2	6.5.3.4 f)	To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.
3	6.0 b) ii)	To allow a minimum building setback of 2.4 metres from the north side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.
4	4.8 f)	To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.
5	4.8.1.3 a) i)	To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Planning Rationale to Support the Variances

Overall Conformity to the Urban Hamilton Official Plan

The UHOP designates the subject lands “Downtown Mixed Use Area”. Higher density forms of housing and affordable housing are encouraged in this designation. The subject lands are more specifically designated “Downtown Residential” by the *Secondary Plan*, in which multiple dwellings and social service facilities are permitted. The proposed uses of social services and affordable housing conform to the UHOP.

The *Secondary Plan* permits building heights up to 30 storeys on the subject lands. The *Secondary Plan* also encourages the development of mid-rise buildings to effectively transition between low-rise neighbourhoods and future high-rise buildings. The proposed 10-storey development is considered a mid-rise building and conforms to the *Secondary Plan’s* vision for higher density in this area while considering the surrounding primarily low-rise neighbourhood.

Overall, the proposed development and variances meet the intent of the UHOP to provide residential intensification in a multi-residential form to provide affordable housing and social service supports within the Downtown.

VARIANCE 1. To allow a maximum southern side yard of 7.9 metres whereas 7.5 metres is required.

Why is it not possible to comply with the provision of the by-law?

The southern side yard is the most feasible location for outdoor amenity space as a result of the irregularly shaped lot. The increased maximum side yard is needed to provide a sufficient and functional landscaped outdoor amenity area that is appropriately setback from adjacent low density residential uses.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Maximum side yard provisions work to ensure that buildings are sited in a manner that maintains street presence while providing flexibility in the transition to adjacent uses and built forms. The proposed side yard will be used for a landscaped amenity area to support the future residents, add more permeable site area while maintaining an activated street presence that will contribute to the overall streetscape of Mary Street North. The increase of the side yard from 7.5m to 7.9m maintains the intent of the zoning by-law.

2. Is the variance minor?

The variance is minor as the building will maintain street presence on the Mary Street frontage while maximizing on-site amenity and landscaping opportunities.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will allow for the efficient use of an irregularly shaped urban parcel of land and maximize the provision of amenity space.

VARIANCE 2. To allow a minimum rear yard of 0.5 metres whereas 7.5 metres is required.

Why is it not possible to comply with the provision of the by-law?

Due to the irregular shape of the lot, a 7.5 metre challenges the building design where the property line abuts 126 Catharine Street North. The decreased minimum rear yard is required to allow for functional building and site design.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Rear yard setbacks are intended to mitigate overlook and shadows onto neighbouring properties, and in some cases, provide amenity space. The area for which this variance is requested is the “pinch point” of the lot, where it abuts 126 Catherine Street North which is occupied by a 2-storey commercial building currently used as an office (i.e. Seedworks). Where the subject lands abut residential uses, a minimum of 7.5 metres is provided, except for a retaining wall related to the ramp of the underground parking.

The proposed building design considers potential impacts of the variance. Only the first storey of the building will have a 0.5 metre rear setback whereas the second storey will be set back approximately 2.2 metres from the rear lot line, and the remaining floors 5.9 metres. The rooftops

of the first and second floors will not be accessible to residents and there will be no windows on the portion of the building with the reduced setback to maintain the privacy of abutting properties.

2. Is the variance minor?

The variance is minor as it is only required for a portion of the rear yard. The site plan provides rear yard setbacks that surpass the minimum requirement where abutting sensitive uses to prevent impacts on neighbouring residential rear yards.

3. Is the variance desirable for the development of the property?

The variance is desirable as it will allow for the efficient development of an irregularly shaped parcel and accommodate the provision of indoor amenity space for the multiple dwelling.

VARIANCE 3. To allow a minimum building setback of 2.4 metres from the northern side lot line for any portion of the building exceeding 22.0 m in height, whereas 3.0 metres is required.

Why is it not possible to comply with the provision of the by-law?

The 3.0 metre building setback restricts the number of units that can be accommodated on the site. The reduced building setback is required to make efficient use of the parcel and maximize the provision of affordable housing units.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Building setbacks are intended to create human scale development and minimize the impacts of shade and wind on pedestrian spaces. No adverse impacts are anticipated as a result of the variance as a portion of the abutting lands to the north, being 147 Mary Street which is owned and operated by Good Shepherd. A surface parking area and shared driveway immediately abut the proposed building, followed by a 4-storey building. The proposed development will overlook a parking area and not a sensitive use.

2. Is the variance minor?

The variance is minor as it will not adversely impact the public realm and will contribute to a positive streetscape.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will maximize the number of affordable housing units that can be accommodated on the site and make efficient use of an urban parcel of land.

VARIANCE 4. To allow the erection of an accessory building prior to the erection of the principal building or structure, whereas the erection of an accessory building is not permitted prior to the erection of the principal building or structure.

Why is it not possible to comply with the provision of the by-law?

Underground parking is proposed for the redevelopment. The stair exit from the underground parking is considered an accessory building but must be erected prior to the principal building to provide safe access from below grade during construction.

Planning Rationale to Support the Variance:

1. Conformity to the intent of the Zoning By-law

Requiring the erection of principal buildings prior to accessory buildings is to facilitate a logical sequence of construction. In this case, an underground stair exit must be constructed prior to the principal building in order to provide access below grade throughout construction.

2. Is the variance minor?

The variance is minor as it will not adversely impact construction of the principal building.

3. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will facilitate a logical sequence of construction while maintaining a safe site.

VARIANCE 5. To allow a minimum setback to the rear lot line of 0.6 metres for accessory buildings, whereas 1.2 metres is required.

Why is it not possible to comply with the provision of the by-law?

The stair exit from the underground parking area requires a decreased setback from the rear lot line due to the design of the underground parking.

Planning Rationale to Support the Variance:

4. Conformity to the intent of the Zoning By-law

The zoning requirement for 1.2 metre setback between a lot line and accessory building is to maintain proper stormwater drainage. As the proposed accessory building is related to an enclosed stair, the footprint is small and the 0.6 metres will only apply to a width of 2.8 metre (i.e. width of stairs). As reviewed through the ongoing site plan approval process, the proposed accessory building does not create any stormwater management concerns.

5. Is the variance minor?

The variance is minor as it will not adversely impact the management of stormwater on the site.

6. Is the variance desirable for the development of the property?

The variance is desirable for the development of the property as it will help to maximize the number of parking spaces that can be accommodated below grade.

Conclusion

The requested variances will help to facilitate residential intensification for non-profit affordable housing by making efficient use of an irregularly shaped parcel in Downtown Hamilton. The variances maintain the intent of the UHOP and Zoning By-law No. 05-200, are minor, and are desirable. The requested variances are appropriate for the subject lands and represent good land use planning.

Respectfully Submitted,

T. Johns Consulting Group Ltd.



Joe Gravina, CPT
Project Manager



Katelyn Gillis, BA
Senior Planner

**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
Purchaser*	N/A
Registered Owners(s)	Good Shepherd Non-Profit Homes c/o Alan Whittle
Applicant(s)**	Same as applicant.
Agent or Solicitor	Landwise c/o Katelyn Gillis

*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 _____

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 person
 Cheque

Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	147 Mary St
Assessment Roll Number	
Former Municipality	City of Hamilton
Lot	Lots 14 & 15 Fronting on the west side of Mary Street according to Nathaniel Hughson Survey (unregistered) in the block bounded by Wilson, Catharine, Cannon & Mary St and Lot "D" - Doherty Survey
Registered Plan Number	
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:

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 type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input checked="" 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:

Good Shepherd Centre Hamilton (121 & 135 Mary St) will have rights over the proposed easement

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

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:		PART 1			
Type of Transfer	N/A	EASEMENT			
Frontage					
Depth					
Area		±257m ²			
Existing Use					
Proposed Use					
Existing Buildings/ Structures					
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? Downtown Mixed Use

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Downtown Mixed Use (Volume 1)
Downtown Residential (Volume 2)

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

The proposed Easement for Access provides for efficient use of urban lands to facilitate residential intensification with non-profit affordable housing units. The Easement for Access over 147 Mary St in favour of 121-135 Mary St will provide vehicular access to the underground parking structure to provide a strong urban design presence on Mary St.

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? Downtown Residential (D5, H17, H19, H20) Zone, Holding

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 type="checkbox"/>	
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?

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.

Good Shepherd Non-Profit Homes does not own any lands abutting the subject property.

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)

The application will not facilitate a new lot. The proposal will provide a shared driveway within an existing settlement area.

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

Yes No (Provide explanation)

The proposal will provide a shared driveway within an existing settlement area with no adverse impacts to municipal servicing, growth or provincially significant heritage features.

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

Yes No (Provide explanation)

The proposal will facilitate residential intensification within an Urban Growth Center to provide affordable housing with community supports.

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)

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):
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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 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)
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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
