



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

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-24:41	SUBJECT PROPERTY:	259 & 265 Wilson Street East, Ancaster
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APPLICANTS: Purchaser: 259 Wilson St. Inc. c/o Barry Brownlow
 Owner: The Trustee Board Ryerson United Church c/o Rick Smith
 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/Lease)	4.12 m [±]	95.94 m [±]	679.69 m ² [±]
RETAINED LANDS (265 Wilson Street East):	45.7 m [±]	111.7 m [±]	7,606.1 m ² [±]
RETAINED LANDS (259 Wilson Street East):	N15.5 m [±]	94.3 m [±]	3,787.4 m ² [±]

Associated Planning Act File(s): B-24:40

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, November 12, 2024

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

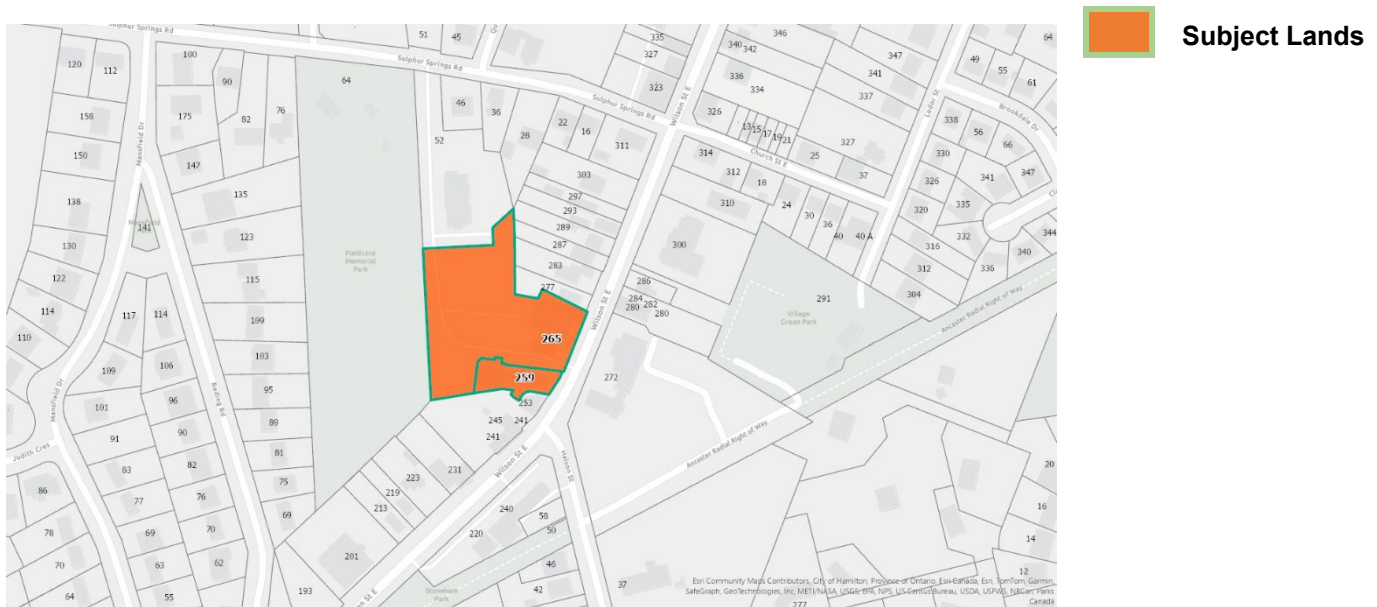
- Visit www.hamilton.ca/committeeofadjustment - Delegated Consent Authority Tab
- Email Committee of Adjustment staff at cofa@hamilton.ca

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 **November 8, 2024** on our website: www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



DATED: October 24, 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.

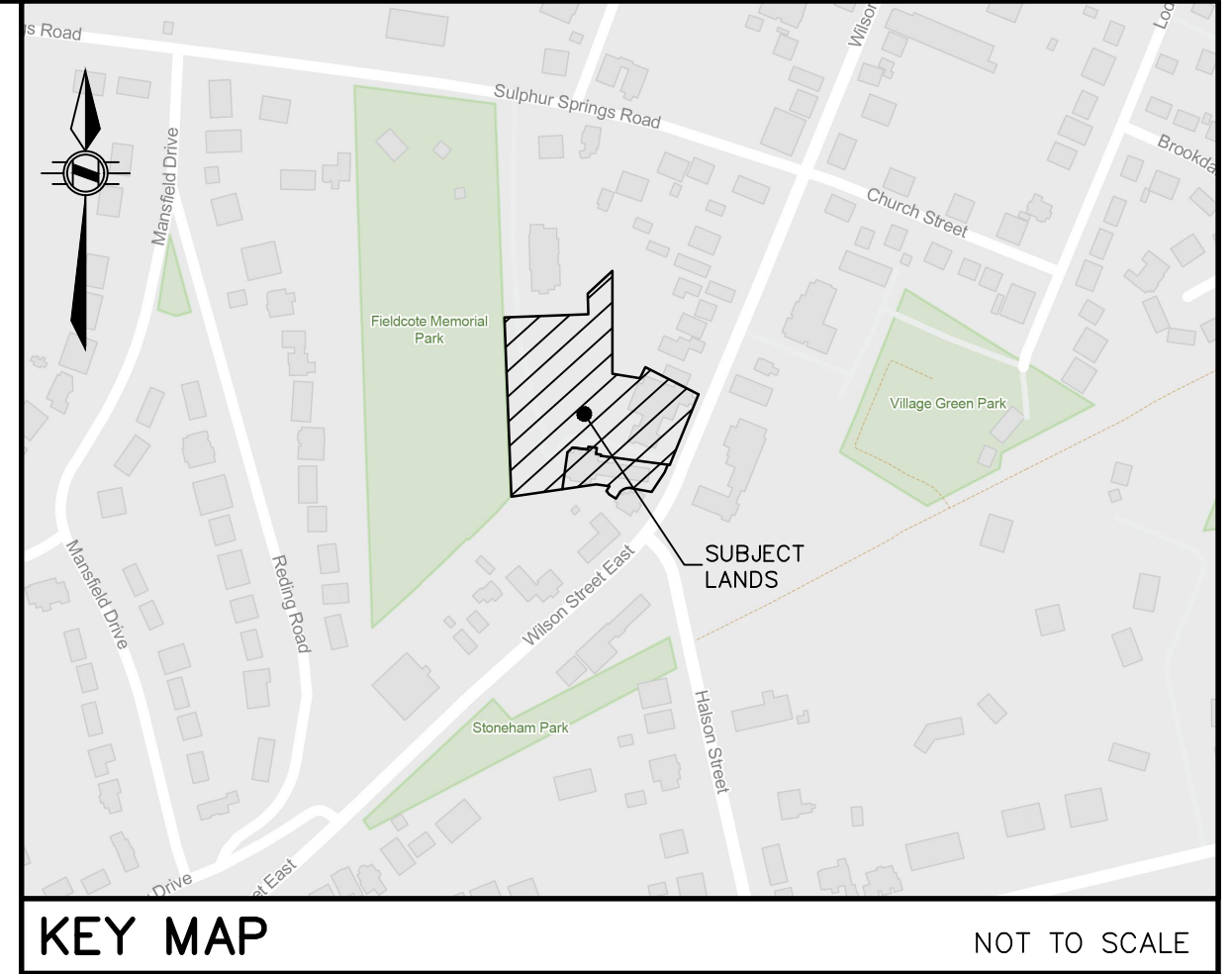
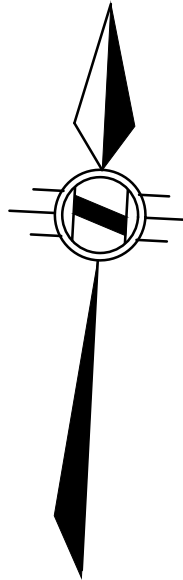
If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

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.

SKETCH TO ILLUSTRATE LAND DIVISION
OF
259 & 265 WILSON STREET EAST
IN THE
CITY OF HAMILTON

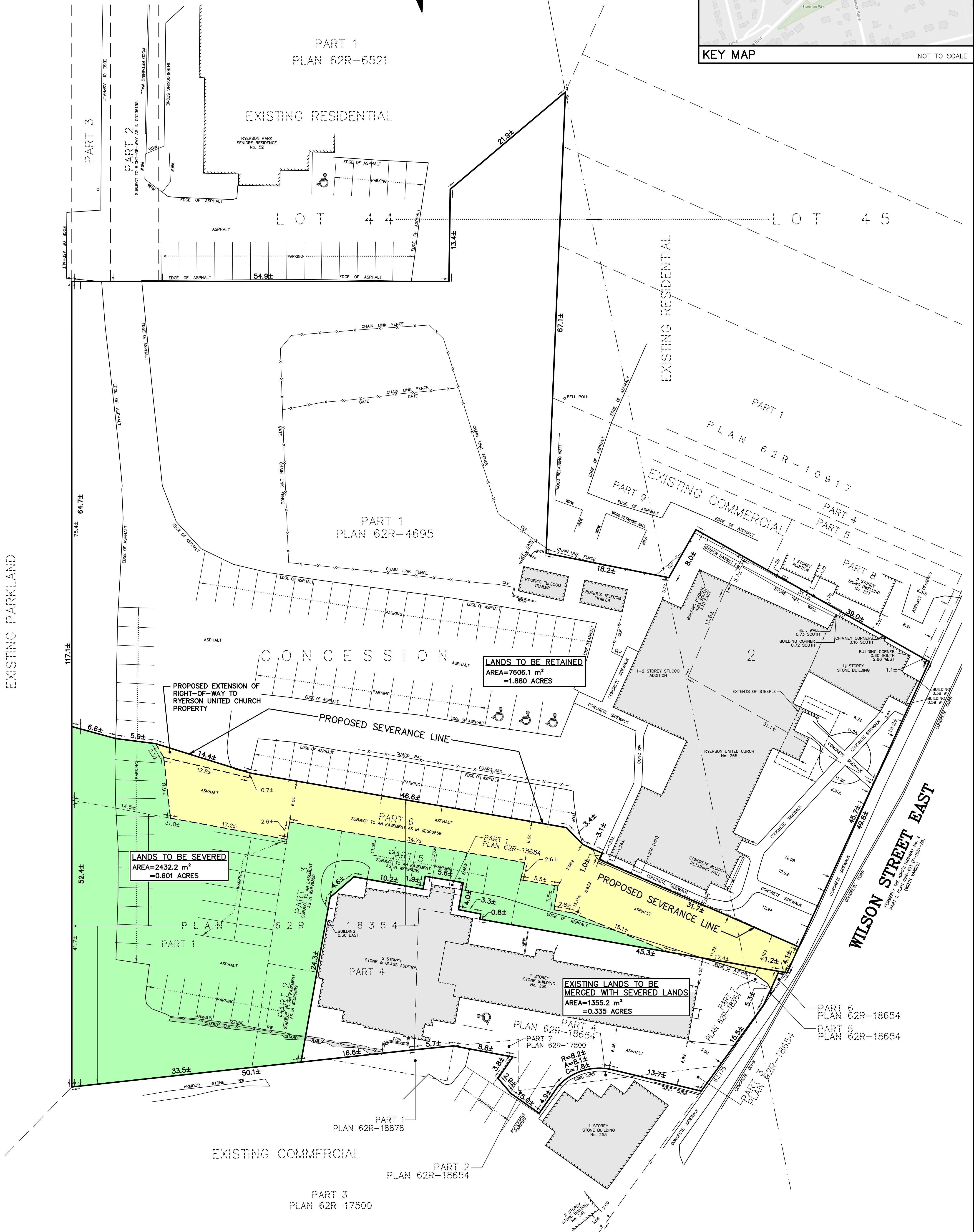
SCALE 1:250 METRIC
0 2.5 5 10 15 metres

R.A. McLAREN, O.L.S. - 2024



KEY MAP

NOT TO SCALE



- RIGHT-OF-WAY EASEMENT THROUGH LANDS TO BE SEVERED
- REMAINING LANDS TO BE SEVERED

CAUTION:

A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
B) THIS PLAN IS PROTECTED BY COPYRIGHT ©

NOTE:

DISTANCES SHOWN ON THIS PLAN WERE DERIVED FROM PLAN BY A.T. McLAREN LTD DATED DECEMBER 6, 2022.

METRIC NOTE:

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

MAY 16, 2024
DATE

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn	Checked	Drawn	Scale	Dwg No.
JC	RAM	—	1:250	37194-SK

May 27, 2024

Via Digital Submission

ATTN: Jamila Sheffield, Secretary-Treasurer

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

**RE: 259 & 265 Wilson Street East, Ancaster
Consent Applications**

Landwise (formerly T. Johns Consulting Group Ltd.) was retained by the applicant, 259 Wilson St. Inc., to submit the enclosed Consent to Sever Applications on their behalf to facilitate a boundary adjustment between the lands municipally known as 259 and 265 Wilson Street East in Ancaster.

Proposed Boundary Adjustment & Easement

A boundary adjustment is proposed to transfer a portion of 265 Wilson Street East to 259 Wilson Street East. The lands to be transferred are encumbered by easements for a right-of-way and a long-term parking lease for 35 spaces in favour of 259 Wilson Street East. The purpose of the boundary adjustment is to round out the existing property of 259 Wilson Street East and secure on-site parking, as opposed to off-site parking via a lease. There are no functional or physical changes proposed as a result of the boundary adjustment. The site will continue to operate as it currently does.

A consent for easement is proposed to be re-established to be owned by 259 Wilson Street East in favour of 265 Wilson Street East. The proposed easement will generally follow Instrument WE596858 with minor modifications to extend the entire length of the access aisle to ensure connectivity between 259 and 265 Wilson Street East, as required.

Two (2) Consent to Sever Application are enclosed. One (1) is to facilitate the transfer of lands from 259 to 265 Wilson Street East, and one (1) is to re-establish an easement to maintain the shared access driveway from Wilson Street East.

Planning Status and Active Planning Applications

An Official Plan Amendment (File No. UHOPA-24-006) and a Zoning By-law Amendment (File No. ZAC-24-013) are currently in progress. The OPA is required to amend the *Ancaster Wilson Street Secondary Plan* to redesignate the lands proposed to be transferred from “Institutional” to “Mixed Use Medium Density - Pedestrian Focus” to match the land use designation of 259 Wilson Street East. The ZBA is required to rezone the lands proposed to be transferred from “Neighbourhood Institutional (I1-16) Zone, Modified” to “Mixed Use Medium Density - Pedestrian Focus (C5a-XX) Zone, Modified” to match the zoning of 259 Wilson Street East.

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

Please find the enclosed:

- This Cover Letter;
- Consent to Sever applications with signatures;
- Copies of two (2) cheques (#001640 & #008856), each in the amount of \$2,720.00 for a total of \$5,440.00 to satisfy the Consent to Sever (\$3,360.00 and \$2,080.00) application fees, made payable to the City of Hamilton;
- Survey Plan;
- Consent Sketch.

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
Senior Planner

Cc: 259 Wilson St. Inc. c/o Mr. Barry Brownlow
The Trustee Board, Ryerson United Church c/o Mr. Rick Smith



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Committee of Adjustment
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Hamilton, ON L8P4Y5

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**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* (259 Wilson St. Inc. to purchase lands from The Trustee Board Ryerson United Church)	259 Wilson St. Inc. c/o Barry Brownlow
Registered Owners(s)	The Trustee Board Ryerson United Church c/o Rick Smith 259 Wilson St. Inc. c/o Barry Brownlow
Applicant(s)**	Same as Purchaser
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	259 Wilson Street East and 265 Wilson Street East
Part of Lots 44 & 45 Concession 2 Geographic Township of Ancaster in the City of Hamilton	

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:

WE596858 and WE596859, right-of-way access and parking lease in favour of 259 Wilson St E

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:

The Trustee Board, Ryerson United Church

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 6 & Proposed Extension of Right-of-Way to Ryerson United Church Property.			
Type of Transfer	N/A	ROW Easement	Retained Lands (265 Wilson St E)	Retained Lands (259 Wilson St E)	
Frontage		±4.12m	+45.7m	+15.5m	
Depth		±95.94m	+111.7m	+94.3m	
Area		±679.69m ²	+7,606.1m ²	+3,787.4m ²	
Existing Use		Access	Place of Worship	Office	
Proposed Use		Access	Place of Worship	Office	
Existing Buildings/ Structures		None	Place of Worship	Office	
Proposed Buildings/ Structures		N/A	N/A	N/A	
Buildings/ Structures to be Removed		N/A	N/A	N/A	

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) Type of water supply proposed: (check appropriate box)

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

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

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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) Volume 1: Mixed Use Medium Density
Volume 2 (Ancaster Wilson Street Secondary Plan): Institutional

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

The easement will maintain the shared access driveway and shared parking agreement between the landowners.

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.

UHOPA-24-006 in progress

5.3 What is the existing zoning of the subject land? Institutional (I1-16) Zone, Modified

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.

ZAC- 24-013 in progress

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"/>	450m
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"/>	Misc. commercial
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.

Application file number is unknown. Decision was approved and final/binding. Part 4 was severed from 265 Wilson St E and merged with 259 Wilson St E.

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 1958 (66 years). *Note that the owner is not the applicant.

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)

The application is consistent with the Provincial Policy Statement, 2020.

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

Yes No (Provide explanation)

The easement will support the boundary adjustment between 259 and 265 Wilson Street East to achieve a more logical lot pattern and efficient use of the lands.

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

Yes No (Provide explanation)

It will support continuation of the existing employment and institutional land uses that contribute to the economic development and growth of the Ancaster community.

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):
---------------	------------------------------

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
