



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-24:71	SUBJECT PROPERTY:	1125 West 5th Street, Hamilton
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APPLICANTS: Owner: Diconzo Construction Company Limited
Agent: Bousfields c/o David Falletta and Ashley Paton

PURPOSE & EFFECT: To sever the existing residential lot into three parcels, the severed lands will be vacant residential building lots and the retained lands will be a vacant lot for future subdivision development.

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	10 m [±]	29.004 m [±]	290 m ² [±]
SEVERED LANDS (Part 2):	10 m [±]	29.004 m [±]	290 m ² [±]
RETAINED LANDS:	225 m [±]	125-143 m [±]	36,000 m ² [±]

Associated Planning Act File(s): Plan of Subdivision – 25T-201206, DA-22-140

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:	Thursday, July 17, 2025
TIME:	2:30 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

B-24:71

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

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

PUBLIC INPUT

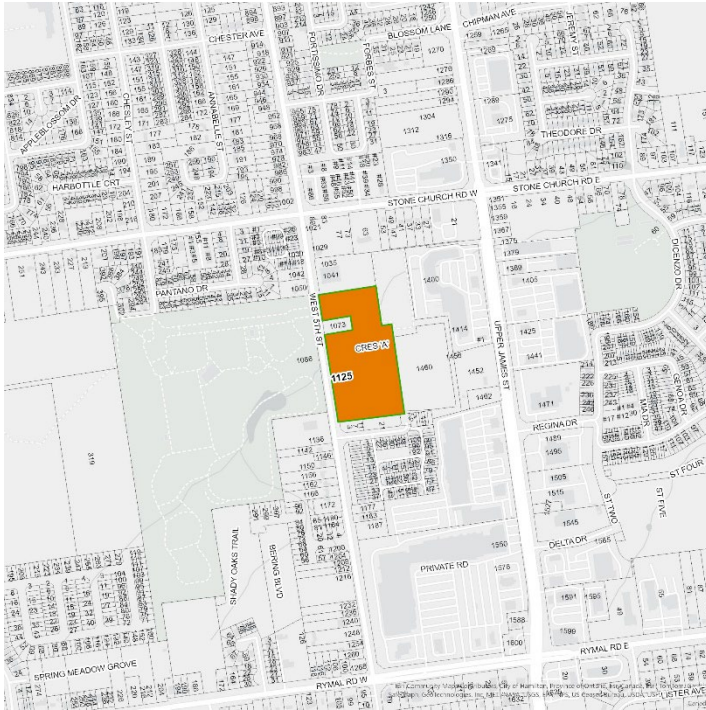
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon **July 15, 2025**

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 **July 16, 2025**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:71, 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: June 30, 2025

Justin Leung,
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.

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 Tuesday 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.

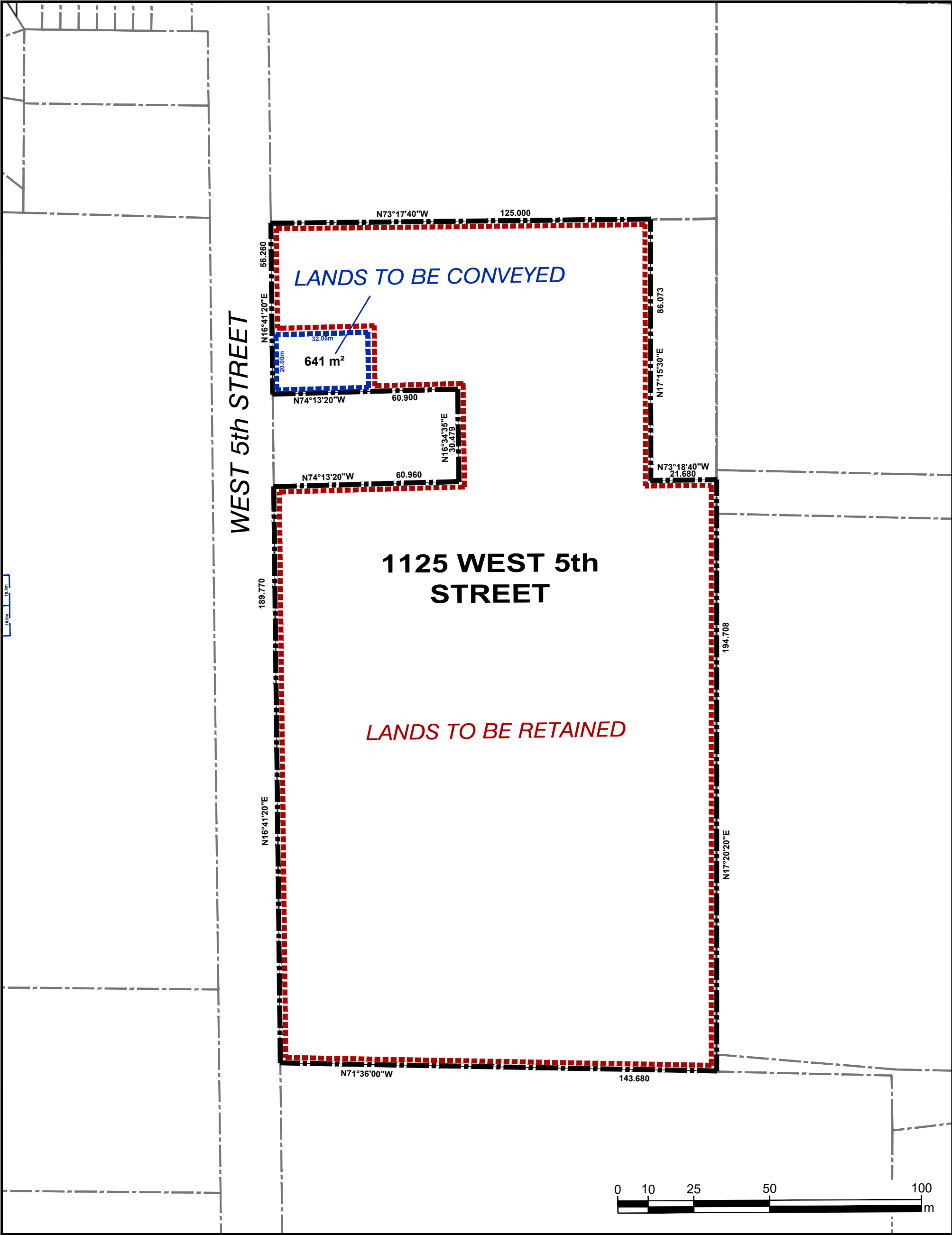
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

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.

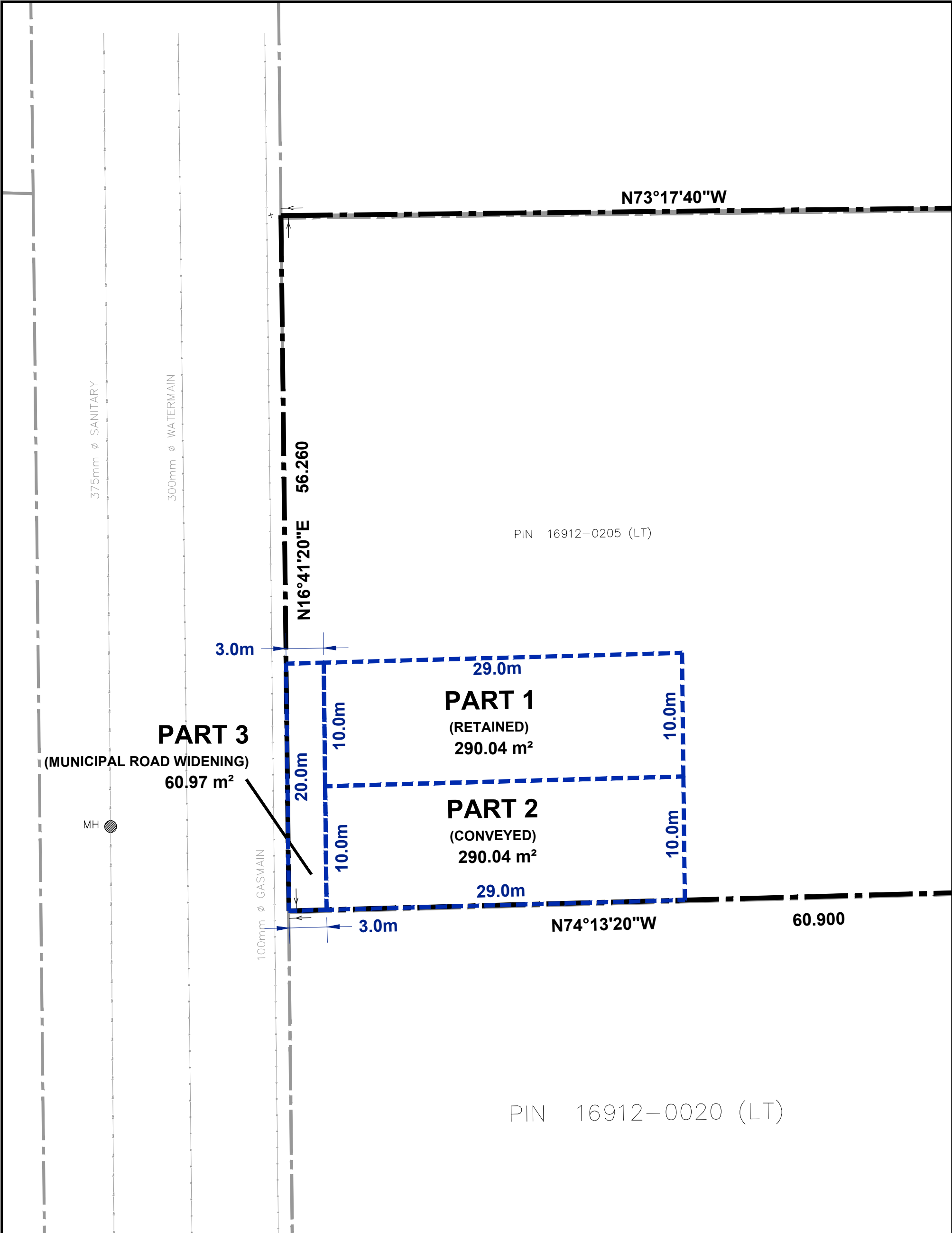
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



SEVERANCE PLAN: 1125 West 5th Street

Part of Lot 15, CON 8 (DiCenzo Lands - Mewburn Neighbourhood)
City of Hamilton

- Subject Lands = 3.673 ha
- Lands to be Conveyed = 0.064 ha
- Lands to be Retained = 3.609 ha



SEVERANCE PLAN: 1125 West 5th Street

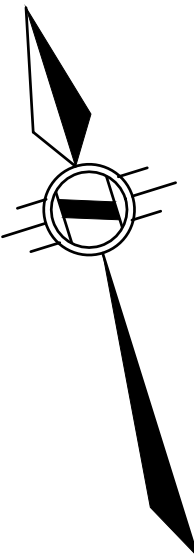
Part of Lot 15, CON 8 (DiCenzo Lands - Mewburn Neighbourhood)
City of Hamilton

Part 1 (RETAINED)	= 0.029 ha
Part 2 (CONVEYED)	= 0.029 ha
Part 3 (ROAD WIDENING)	= 0.006 ha
TOTAL	= 0.064 ha

PLAN OF SURVEY
OF PART OF
LOT 15
CONCESSION 8
GEOGRAPHIC
TOWNSHIP OF BARTON
IN THE
CITY OF HAMILTON
SCALE 1:300 METRIC



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



WEST FIFTH STREET
(ESTABLISHED BY MUNICIPAL SURVEY No. 879)
PIN 16912-0041 (LT)

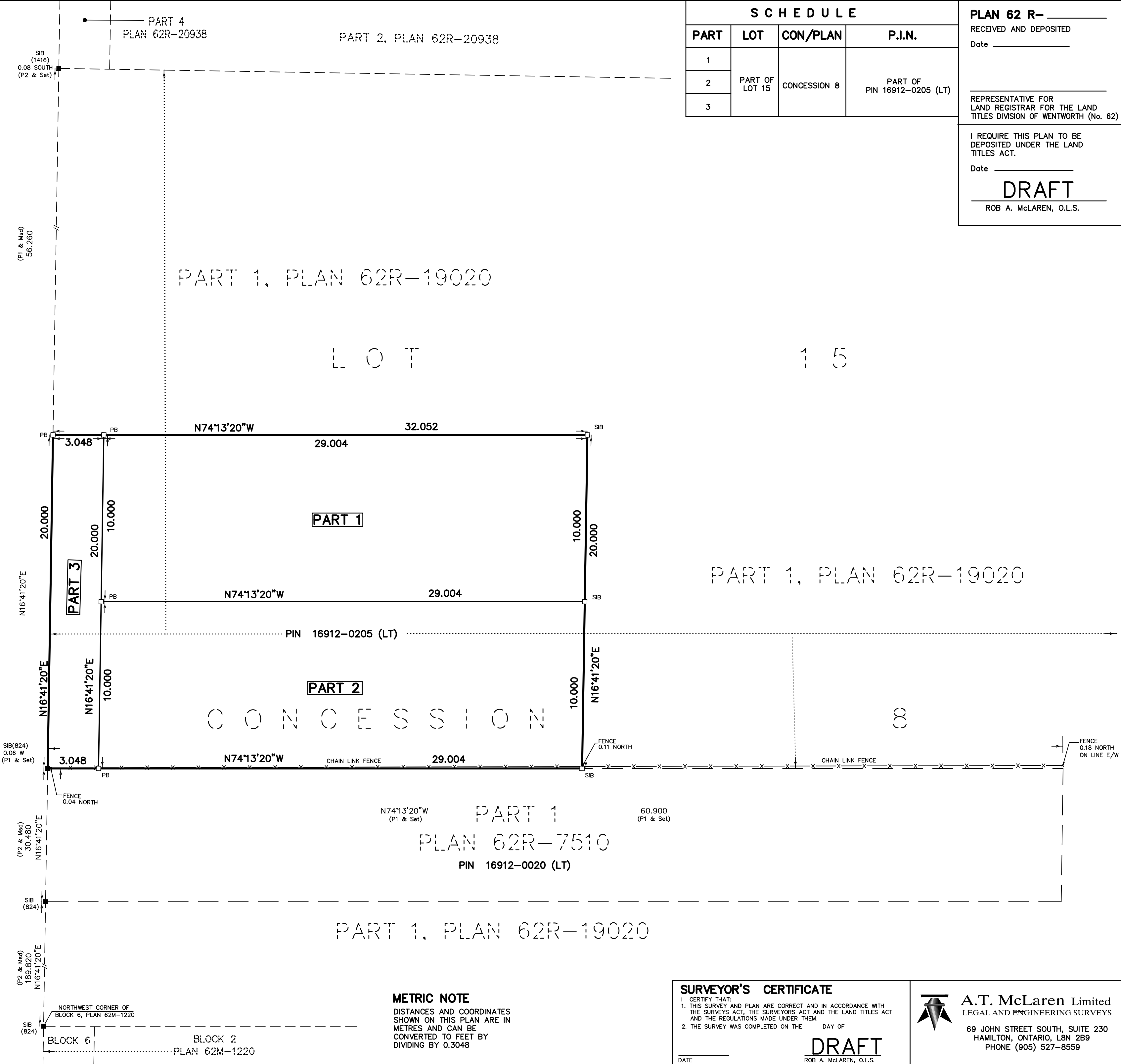
BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)

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

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
ORP A	-	-
ORP B	-	-
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

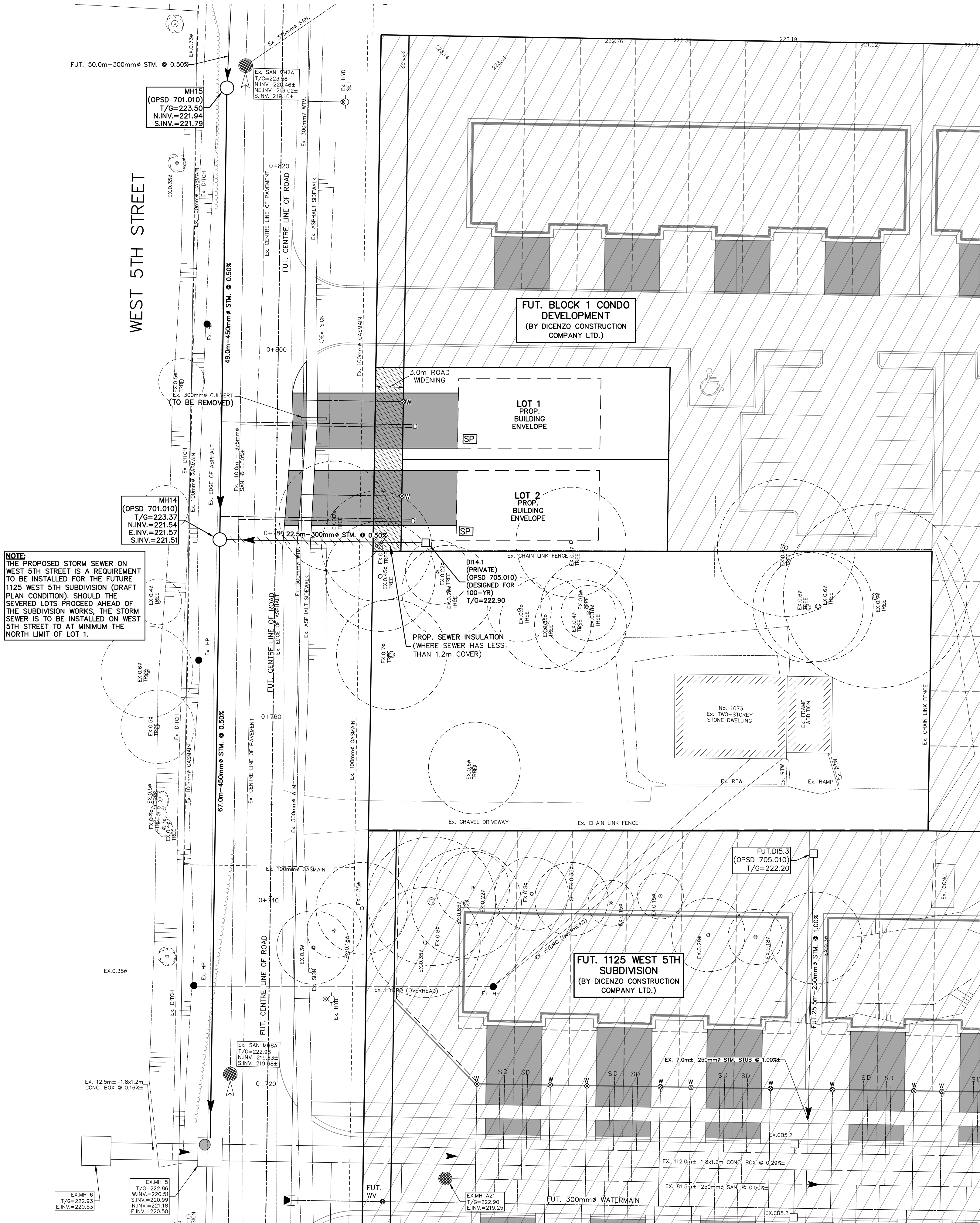
- LEGEND:**
- DENOTES MONUMENT SET
 - MONUMENT FOUND
 - IB IRON BAR
 - SIB STANDARD IRON BAR
 - SSIB SHORT STANDARD IRON BAR
 - 824 A.T. McLaren, O.L.S.
 - Med MEASURED
 - PB PLASTIC BAR
 - HAM CITY OF HAMILTON
 - RHW REGION OF HAMILTON WENTWORTH
 - 1416 S.M. RUUSKA, O.L.S.
 - P1 PLAN 62R-19020
 - P2 PLAN 62R-20324



SCHEDULE			
PART	LOT	CON/PLAN	P.I.N.
1	PART OF LOT 15	CONCESSION 8	PART OF PIN 16912-0205 (LT)
2			
3			

PLAN 62 R- _____
RECEIVED AND DEPOSITED
Date _____
REPRESENTATIVE FOR
LAND REGISTRAR FOR THE LAND
TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.
Date _____
DRAFT
ROB A. McLaren, O.L.S.

SURVEYOR'S CERTIFICATE		A.T. McLaren Limited LEGAL AND ENGINEERING SURVEYS	
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 THE _____ DAY OF _____ DATE _____ THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER _____		69 JOHN STREET SOUTH, SUITE 230 HAMILTON, ONTARIO, L8N 2B9 PHONE (905) 527-8559	
Drawn KM	Checked REM	Crew Chief ZA	Scale 1:300 Dwg.No. 33898-R2





June 26, 2025

Committee of Adjustment
City Hall, 5th Floor
71 Main Street West
Hamilton, ON L8P 4Y5

Re: *Consent to Sever Applications – Re-Circulation*
1125 West 5th Street, City of Hamilton

Bousfields Inc. is the planning consultant to DiCenzo Construction Company Limited, the registered owner (the “Owner”) of 1125 West 5th Street in the City of Hamilton (the “Subject Site” or “Site”). The Site is approximately 3.67 hectares and is subject to a plan of subdivision (25T-201206) that was approved by the Ontario Municipal Board (“OMB”), now known as the Ontario Land Tribunal (“OLT”), in an order dated December 2, 2014 (PL130909). This order also approved a Zoning By-law Amendment for the site as well as the plan of subdivision, subject to a number of conditions.

In October 2024, on behalf of our Client, Bousfields Inc. submitted two consent to sever applications (the “Applications”) to facilitate the creation of two residential lots. The Applications proposed to sever the part of the Site identified as Lots 11 and 12 on the plan of subdivision and advance the creation of these parcels of land in advance of the registration of the remainder of the subdivision. The applications were heard at the December 17, 2024, Committee of Adjustment (“COA”) meeting and were ultimately tabled per Staff’s recommendation which identified that a Minor Modification to the Approved Plan of Subdivision application and discussions with the OLT regarding the plan of subdivision needed to commence in advance of the Applications.

Following the December COA meeting, Bousfields Inc. engaged in discussions with Staff and a Minor Modification to an Approved Plan of Subdivision application to remove the two residential lots from the plan of subdivision was filed on May 2, 2025, and discussions with the OLT have commenced. We have had several discussions with City Planning and Engineering staff and they have confirmed that they have no concerns recirculating the Applications and proceeding with the COA hearing.

We note that any required servicing and/or infrastructure upgrades for the two residential lots identified in the Subdivision Agreement will be secured through a consent agreement. Other applicable conditions for the two residential lots from the Subdivision Agreement will also be captured as part of the consent agreement.

The planning analysis, opinion and recommendations made in our October 4, 2024 letter remain relevant and in our opinion the Applications are appropriate, satisfy the *Planning Act* criteria for the division of land in subsection 51(24), and we recommend they be approved.

We trust the foregoing is satisfactory, however, should you require any additional information or clarification, please contact me or Liam Murphy of our office.

Respectfully submitted,

Bousfields Inc.



Ashley Paton, MCIP, RPP
LM/df:jobs

Cc: DiCenzo Construction Company Limited

B-24:71 – 1125 West 5th Street, Hamilton

Recommendation:

Table – Development Planning

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. That the Owner / Applicant submit and receive approval for a Minor Revision to Draft Plan of Subdivision 25T-201209 in order to remove the subject lands and if required, Ontario Land Tribunal approval, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
6. That the Owner must enter into with the City of Hamilton and register, a combined Consent and External Works Agreement, having an administrative fee of \$5,945.00 (2024 fee) to address issues including but not limited to: extension of municipal services, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction



Hamilton

STAFF COMMENTS

HEARING DATE: December 17, 2024

(unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.

7. That the Owner submit a cash payment to the City for the future urbanization along the frontage of the subject lands on West 5th Street based on the current year City's New Roads Servicing Rates, to the satisfaction of the Director of Development Engineering.
8. That the Owner submit an ECA application, along with the current administrative fee, and receive approval for the municipal storm sewer main on West 5th Street to support the development proposal, to the satisfaction of the Director of Development Engineering.
9. Transportation Planning has no objection to the proposed land severance if the follow conditions are met: West 5th Street is to be 26.213 metres from 90 metres south of Stone Church Road to Rymal Road. The existing right-of-way at the subject property is approximately ± 20.0 metres. Approximately ± 3.0 metres are to be dedicated to the right-of-way on West 5th Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications (To the satisfaction of the Manager of Transportation Planning).
 - a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
10. That the owner shall investigate the noise levels on the severed lands and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Development Planning.
11. That the Owner submit and receive approval for a Minor Revision to Draft Plan of Subdivision 25T-201209 in order to remove the subject lands and if required, Ontario Land Tribunal approval, to the satisfaction of the Director of Development Planning.

Proposed Notes:

The lands to be retained will remain as 1125 West 5th Street (Hamilton).



Hamilton

STAFF COMMENTS

HEARING DATE: December 17, 2024

The lands to be conveyed (Part 1) will be assigned the address of 1061 West 5th Street (Hamilton).

The lands to be conveyed (Part 2) will be assigned the address of 1065 West 5th Street (Hamilton).

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

If Legislative Approvals staff have recommended a condition similar to Condition 2 as recommended by Development Planning staff, Condition 2 may be removed.



Hamilton

Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS (Part 1):	10 m±	29.004 m±	290 m ² ±
SEVERED LANDS (Part 2):	10 m±	29.004 m±	290 m ² ±
RETAINED LANDS:	225 m±	125-143 m±	36,000 m ² ±

The purpose of Consent Sever application B-24:71 is to sever the existing residential lot into three parcels. The severed lands will be vacant residential lots and the retained lands will be a vacant parcel for a future subdivision development.

Staff note Ontario Municipal Board Case No: PL130909 and associated decision granted draft approval for Plan of Subdivision application 25T-201209 in addition to approving Zoning By-law Amendment application ZAC-12-067. Further, the abutting property to the south is a designated heritage property under the *Ontario Heritage Act*.

Staff further note that severed lands (Parts 1 and 2) comprise Lots 10 and 11 of 25T-201209. A portion of the retained lands, being Block 1 of 25T-201209, are subject to Site Plan Control application DA-22-140, which received conditional approval on February 9, 2023. The proposed development on Block 1 of 25T-201209 consists of a 32 unit townhouse condominium.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, B.2.4.2.2, B.3.6.3.7, E.3.4.3 and F.1.14.3.1, amongst others, are applicable and permits the proposed single detached dwellings.

Staff note that 1073 West 5th Street, abutting the subject lands to the south, is a designated heritage property under the *Ontario Heritage Act*. Development Planning staff defer to Cultural Heritage Planning staff regarding the proposals conformity with the cultural heritage policies of the Urban Hamilton Official Plan.



Hamilton

STAFF COMMENTS

HEARING DATE: December 17, 2024

The severed lands (Parts 1 and 2), are part of draft approved Plan of Subdivision 25T-201209 and illustrated as Lots 10 and 11. A revision of the draft approved Plan of Subdivision is required to remove the severed lands, Lots 10 and 11, from the draft approved Plan of Subdivision. Furthermore, changes to the existing parcel boundary may be required to address the site design of Block 1, which was conditionally approved through Site Plan Application DA-22-140. Staff comments on conditionally approved Site Plan Application DA-22-140 include the requirement for items such as increasing the width of the proposed private road, including a sidewalk and the provision for daylight triangles. As the Site Plan design is modified to address these comments, the proposed parcel boundaries may be required to shift to accommodate the infrastructure, which may impact the proposed severances. Therefore, staff are recommending this application be tabled until the site design of DA-22-140 is advanced and Lots 10 and 11 are removed from draft approved Plan of Subdivision 25T-201209 .

Mewburn Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7604 of the Mewburn Neighbourhood Plan. The proposed residential uses are consistent with the vision of the Neighbourhood Plan.

Archaeology

Staff comments addressed as part of DA-22-140.

Cultural Heritage

Staff comments addressed as part of DA-22-140.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “R-4/S-1703” and “R-4/S-1822” (Small Lot Single Family Dwelling) District, Modified, and “RT-10/S-1703” (Townhouse) District, Modified and “RT-30/S-1703” (Street – Townhouse) District, Modified in Former City of Hamilton Zoning By-law No. 6593. Single detached dwellings are a permitted use in the “R-4/S-1703” District. Staff note that both the severed lands are zoned “R-4/S-1703” District, Modified whereas the retained lands are zoned “RT-10/S-1703” District, Modified and “RT-30/S-1703” District, Modified.

The severed lands are required to have a minimum lot area of 290 square metres and a minimum lot width of 10 metres, which the severed lands meet. The retained lands are required to have a minimum lot area of 150 square metres and a minimum lot width of 6 metres. The retained lands will exceed these requirements with a lot area of 36,000 square metres and a lot width of 255 metres.



Hamilton

STAFF COMMENTS

HEARING DATE: December 17, 2024

City of Hamilton Zoning By-law No. 05-200

A portion of the subject lands are zoned Conservation/Hazard Lands (P5) Zone in City of Hamilton Zoning By-law No. 05-200. This portion of the subject lands are fully located within the retained lands, along the eastern rear portion of the subject lands.

Staff recommend the proposed severance be tabled in order to provide time to coordinate all related applications with the applicant and to revise draft approved Plan of Subdivision application 25T-201209 remove Lots 10 and 11.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<ol style="list-style-type: none">1. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
Comments:	<ol style="list-style-type: none">1. The proposed severance is required to facilitate Site Plan application DA-22-140, which was conditionally approved on February 9, 2023. Furthermore, Zoning By-law Amendment 15-036 was approved through OMB Decision, Case Number PL130909 on December 2, 2014.2. The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.3. In order to clear conditions, the owner/applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.4. Please note, Insufficient information has been provided to confirm Zoning requirements as it relates to the proposed use of a Single Detached Dwelling on the lot(s) to be conveyed. Should any proposed Dwelling not meet the requirements of Zoning By-law 6593 the appropriate Planning Act Application may be required to provide relief of applicable Zoning requirements.
Notes:	



Hamilton

STAFF COMMENTS

HEARING DATE: December 17, 2024

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none">1. That the Owner must enter into with the City of Hamilton and register, a combined Consent and External Works Agreement, having an administrative fee of \$5,945.00 (2024 fee) to address issues including but not limited to: extension of municipal services, lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as any outstanding servicing cost for the existing municipal services adjacent to the property, street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), water and sewer services inspections, driveway approaches, relocation of any existing infrastructure (such as hydrants) and any damage during construction (unknown costs at this time), to the satisfaction of the City's Director of Development Engineering.2. That the Owner submit a cash payment to the City for the future urbanization along the frontage of the subject lands on West 5th Street based on the current year City's New Roads Servicing Rates, to the satisfaction of the Director of Development Engineering.3. That the Owner submit an ECA application, along with the current administrative fee, and receive approval for the municipal storm sewer main on West 5t Street to support the development proposal, to the satisfaction of the Director of Development Engineering.
Comments:	<ul style="list-style-type: none">• According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows: West 5th Street:<ul style="list-style-type: none"><input type="checkbox"/> 300mm ø Ductile iron Watermain<input type="checkbox"/> 375mm ø Sanitary Sewer @ ±0.5%• Currently, West 5th Street has a rural cross section adjacent to the subject lands. Therefore, as a condition of severance the proponent shall provide a cash payment for the future urbanization of the street.• The subject property is within the 1125 West 5th Street Draft Plan of Subdivision 25T-201209.• The Conceptual Servicing Plan by S. Llewellyn and Associates Limited included in the submission package indicate that a storm sewer along West 5th Steet is required to service the proposed residential lots.



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	<p>We note that extension of municipal services is subject to an External Works Agreement between the Owner and the City.</p> <p>Separate and independent services are required for each parcel of land in accordance with the Sewer and Drain By-Law 23-234 and Water Works By-Law 23-235.</p>
Notes:	

Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	This division has no concerns with the proposed application.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the proposed land severance if the follow conditions are met: West 5th Street is to be 26.213 metres from 90 metres south of Stone Church Road to Rymal Road. The existing right-of-way at the subject property is approximately ± 20.0 metres.</p> <p>Approximately ± 3.0 metres are to be dedicated to the right-of-way on West 5th Street, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <p>a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.</p> <p>b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</p> <p>c. Subject to the satisfaction and approval of the Manager, Transportation Planning.</p>
Comments:	
Notes:	

Water & Sewer:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	<p>Please place the condition that the applicant/owner pay the outstanding Municipal Act Sanitary sewer amount of \$9,335.00 as at Dec. 31, 2024, By-law 07-281, to the satisfaction of the Development Charges Programs and Policies Section. Please contact developmentofficer@hamilton.ca if payment is at a later date.</p>



Hamilton

STAFF COMMENTS

HEARING DATE: December 17, 2024

Comments:	
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	That the Owner / Applicant submit and receive approval for a Minor Revision to Draft Plan of Subdivision 25T-201209 in order to remove the subject lands and if required, Ontario Land Tribunal approval, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
Comments:	The lands to be retained will remain as 1125 West 5th Street (Hamilton). The lands to be conveyed (Part 1) will be assigned the address of 1061 West 5th Street (Hamilton). The lands to be conveyed (Part 2) will be assigned the address of 1065 West 5th Street (Hamilton).
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please Note: Public comment will be posted separately, if applicable.



Outlook

RE: December 17, 2024 AM COA - HCA Comments regarding Consent Application B-24:71 for 1125 West 5th Street, Hamilton

From Mikiya Hobbs <mhobbs@conservationhamilton.ca>

Date Thu 12/5/2024 3:46 PM

To Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Consent Application B-24:71 for the lands located at 1125 West 5th Street, Hamilton. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

The subject property is located in the Upper Ottawa Creek subwatershed. The subject property is not regulated by HCA pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)*.

HCA understands that consent is requested to sever the existing residential lot into three parcels, and that the severed lands will be residential building lots for future development. Based on a review of the submitted materials, the lands to be severed are located outside of HCA's regulated area. Therefore, HCA staff have no concerns related to the proposed severance.

Please contact me if there are any questions regarding these comments.

Kind regards,

Mikiya Hobbs

Planner, Watershed Management Services
Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1

Phone: 905-525-2181 Ext. 148

Email: mhobbs@conservationhamilton.ca

www.conservationhamilton.ca



A Healthy Watershed for Everyone

The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

From: Committee of adjustment <cofa@hamilton.ca>
Sent: November 28, 2024 11:20 AM
To: Committee of adjustment <cofa@hamilton.ca>
Subject: December 17, 2024 AM COA Agenda Available

Good Morning,

Attached is a copy of the Agenda for the AM **December 17, 2024** Hybrid Hearing date, please follow the link below for a copy of the submitted materials.

www.hamilton.ca/committeeofadjustment

(Please allow enough time to download, as the files are sometimes very large.)

Staff Written Comment Deadline: **December 9, 2024 at noon**

Public Agency Written Comment Deadline: **December 13, 2024 at noon**

Staff comments **must** be provided in one of the 3 attached templates. Public Agencies wishing to have their comments included with the staff comment package must submit comments by the Staff deadline. Any written comments from City Departments or agencies are solicited and should be prepared in a timely fashion and received in the office of the Committee of Adjustment, Attn: Jamila Sheffield via cofa@hamilton.ca. Comments received after the date and time noted above will not be provided to the Committee of Adjustment in the comment package. If you are unable to meet this time frame you should be prepared to attend the hearing to provide your comments or concerns verbally, in person or virtually.

If you would like to provide verbal comments or want to be available to answer questions from the Committee about your written comments, you must attend the Hearing, in person, or virtually.

If you would like to attend the hybrid hearing virtually, you must register by noon the day before the hearing; cofa@hamilton.ca

Decision Posting Date: **December 20, 2024 by the end of day**

Decisions will be posted at the link above on the date above.

The link above contains the material that is sent to the area residents and is available to everyone; you can forward the above link to anyone. You can also direct all inquiries to the Committee of Adjustment office: cofa@hamilton.ca

Further Delegated Authority files will not be Heard by the Committee of Adjustment. They will be decided upon by the Director of Planning and Chief Planner and no public hearing will take place. Delegated Authority files are posted on the website under the Delegated Consent Authority Tab. Please refer to the Notice of Application for additional information, provided on the website. Written comment deadlines and when Decisions will be available remain as noted.

Please Note that if your Department or Division has a concern or condition that is important, you should plan on attending the Hearing. This will enable you to answer questions as to why the concern or condition is required and defend your position. The Committee of Adjustment is unable to and will not justify or defend your concerns or conditions.

Thank you,

COA

**Hamilton - 1125 West 5th Street - B-24:71**

From AMIN Pranav <Pranav.Amin1@HydroOne.com>

Date Tue 12/10/2024 4:26 PM

To Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

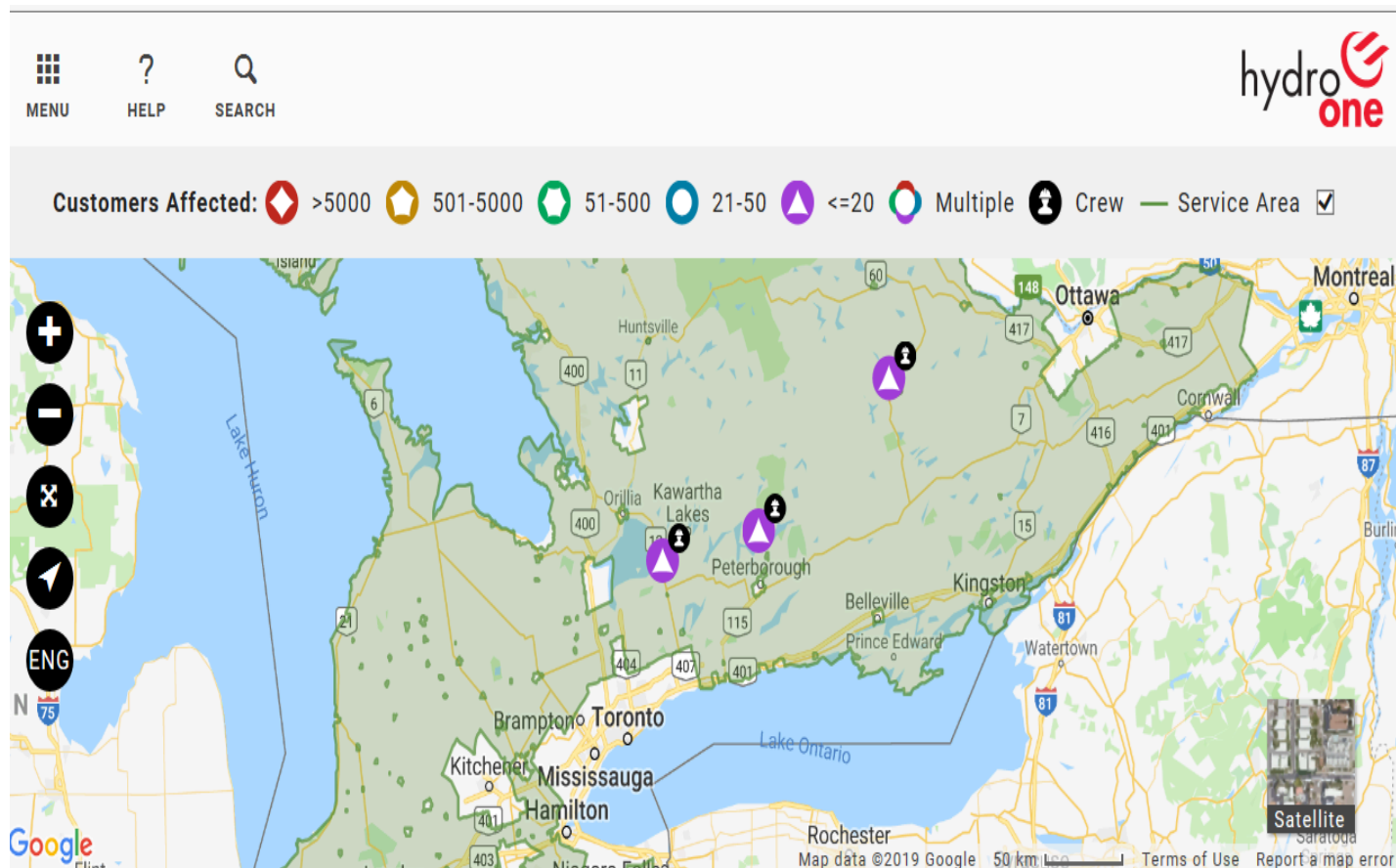
Hello,

We are in receipt of your Application for Consent, B-24:71 dated 2024-11-28. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: Stormcentre (hydroone.com)

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

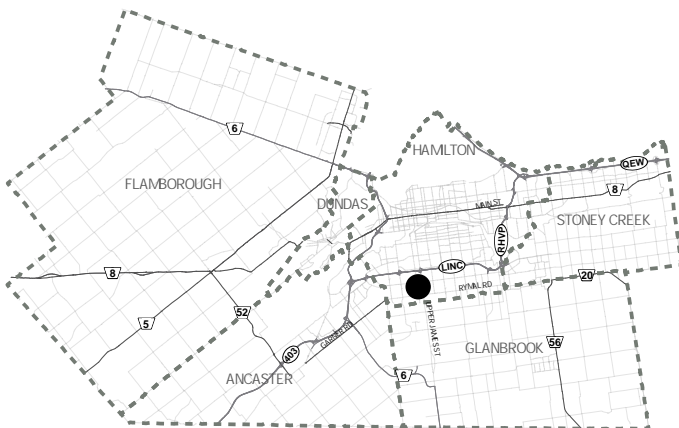
Dennis De Rango

Specialized Services Team Lead,
Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

1125 West 5th Street, Hamilton (Ward 8)



Lands to be retained



Lands to be severed and conveyed

File Name/Number:
B-24:71

Date:
December 9, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department



October 24, 2024

Committee of Adjustment
City Hall, 5th Floor
71 Main Street West
Hamilton, ON L8P 4Y5

Re: *Consent to Sever Application*
1125 West 5th Street, City of Hamilton

Bousfields Inc. is the planning consultant to DiCenzo Construction Company Limited, the registered owner of 1125 West 5th Street in the City of Hamilton (the “subject site” or “site”). This letter has been prepared in support of the enclosed consent application (the “application”) to provide relevant information regarding the proposed severances and to assist the Committee in making an informed decision. See enclosed the following digital materials:

- Proposed Severance Sketches dated September, 2024;
- Draft Reference Plan, prepared by A.T. McLaren;
- Approved Plan of Subdivision 25T-201206 dated June 25, 2014 and OMB Decision dated December 2, 2014;
- Preliminary Servicing Plan, prepared by SLA Consulting Engineers dated September 24, 2024;
- Letter from Ontario solicitor regarding parcel ownership, dated October 23, 2024; and,
- Signed and Commissioned Consent Application Form.

The required City Application fee (\$3,360.00) has been delivered to the City under separate cover. A scanned copy of the cheque is provided with this submission. We understand that an additional charge of \$260.00 for each consent certificate is required when the certificates are reviewed and signed.

Subject Site

The subject site is municipally known as 1125 West 5th Street and is located in the south-west quadrant of the City of Hamilton Urban Area in proximity to the Rymal Road – Upper James Street Community Node. The subject site is currently vacant and has a total area of approximately 3.67 hectares with approximately 245 metres of frontage

along West 5th Street. A plan of subdivision (25T-201206) was approved for the site by the Ontario Municipal Board (“OMB”) now known as the Ontario Land Tribunal (“OLT”) in an order dated December 2, 2014 (PL130909). This order approved a Zoning By-law Amendment for the site as well as approving the plan of subdivision, subject to a number of conditions.

Within the northern portion of the approved plan of subdivision is a conditionally-approved Site Plan Control application (under city file number DA-22-140) which will enable the development of a 32-unit townhouse complex with common element laneways and shared visitor parking. The subject site expands around the lands municipally addressed as 1073 West 5th street, which is a heritage designated property called “The Parsonage.” To the west, across West 5th street is William Connell Park, which accommodates a mix of recreational uses, including sports fields and courts, a playground, splash pad, and a walking trail system.

The surrounding area is comprised of an array of land uses, with low-rise and mid-rise residential neighbourhoods to the north, commercial plazas to the east and south, and open space further to the west.

Aerial Photo



Source: Google Earth, 2024

History

The site is subject to an OMB decision (PL130909) regarding the development of the site. The OMB approved the Plan of Subdivision 25T-201206 (shown in Schedule K of the Minutes of Settlement ("MOS")) as well as a Zoning By-law Amendment for the subject site (Schedule J of the MOS and City of Hamilton By-law Nos. 15-035, 15-036, and 15-084). A copy of the approved Plan of Subdivision 25T-201206 is provided for reference as part of this submission. The lands subject to the enclosed severance application are shown as Lots 11 and 12 on the plan of subdivision which are located in the northwest portion of the plan of subdivision and have frontage on West 5th Street. Both lots have 10 metres of frontage on West 5th Street and a depth of 29 metres.

Proposed Consent Application

The purpose of the enclosed consent application is to sever the part of the subject site identified as Lots 11 and 12 on the plan of subdivision and advance the creation of these parcels of land in advance of the registration of the remainder of the subdivision.

The application will create two lots which will accommodate two single-detached dwellings, which will be constructed in accordance with the in-effect and OLT-approved zoning as well as provide for a 3.0-metre-wide road widening block which will be dedicated to the City of Hamilton.

As shown in the table below, the application seeks to sever the combined area for both lots and sever the combined area into the two (2) individual single-detached lots along with the 3.0-metre-wide road widening.


The dimensions and locations of the severed lands are the same as Lots 11 and 12 on the approved plan of subdivision. The consent application is being submitted ahead of the registration of the subdivision in order to advance the creation of these two (2) residential lots and to facilitate the construction of two (2) new homes.

Each lot is proposed to have a width of 10 metres and depth of 29 metres (total area per lot of approximately 290 m²) and are proposed to be developed with single detached dwellings. The proposed lot dimensions and land uses comply with the applicable in-force "R-4" (Small Lot Single Family Dwelling) zone as provided in the Former City of Hamilton Zoning By-law 6593 and approved by the OMB/OLT.

The owner is currently in the process of clearing the subdivision approval conditions and the retained lands will continue to go through the subdivision registration process. A 3.0 metre road widening dedication is provided along West 5th Street on the west side of the two proposed residential lots. The remainder of this road widening block for the rest of the subdivision will be dedicated to the City through the subdivision registration process.

Overview of Applications

Below is a summary of the severance application and the resulting “Retained” and “Severed” parcels.

<u>Retained Lands</u>	<u>Severed Lands</u>	<u>Area of Retained Lands (m²)</u>	<u>Area of Severed Lands (m²)</u>	<u>Severance Sketch</u>
'Lands to be Retained'	'Lands to be Conveyed'	36,090	641	 <p>SEVERANCE PLAN: 1125 West 5th Street</p> <p>Part of Lot 15, CON 8 (DiCenzo Lands - Mewburn Neighbourhood) City of Hamilton</p> <p>— Subject Lands = 3.673 ha Lands to be Conveyed = 0.064 ha Lands to be Retained = 3.609 ha</p> <p>BOUSFIELDS INC. 2018 3661 September 2024</p>

<u>Retained Lands</u>	<u>Severed Lands</u>	<u>Area of Retained Lands (m²)</u>	<u>Area of Severed Lands (m²)</u>	<u>Severance Sketch</u>								
Part 1	Part 2	290.04	290.04	<div><p>SEVERANCE PLAN: 1125 West 5th Street</p><p>Part of Lot 15, CON 8 (DiCenzo Lands - Mewburn Neighbourhood) City of Hamilton</p><table><tr><td>Part 1 (retained)</td><td>= 0.029 ha</td></tr><tr><td>Part 2 (conveyed)</td><td>= 0.029 ha</td></tr><tr><td>Part 3 (municipal widening)</td><td>= 0.006 ha</td></tr><tr><td>TOTAL</td><td>= 0.064 ha</td></tr></table><p>BOUSFIELDS INC. 2024 3766 September 2024</p></div>	Part 1 (retained)	= 0.029 ha	Part 2 (conveyed)	= 0.029 ha	Part 3 (municipal widening)	= 0.006 ha	TOTAL	= 0.064 ha
Part 1 (retained)	= 0.029 ha											
Part 2 (conveyed)	= 0.029 ha											
Part 3 (municipal widening)	= 0.006 ha											
TOTAL	= 0.064 ha											

Planning Analysis

Existing Draft Plan of Subdivision

As stated above, the site is subject to an approved plan of subdivision 25T-201206. Work is ongoing to clear the conditions of draft approval for the lands, including earthworks, grading, site preparation, etc. Existing municipal servicing and road access from West 5th Street allows for the proposed single-detached residential lots to be developed ahead of the registration of the remainder of the subdivision. A preliminary site servicing sketch showing the proposed municipal servicing connections has been prepared by SLA Consulting Engineers and is included as part of this application.

Section 51 of the Planning Act (Land Division)

Section 51 of the *Planning Act* authorizes the Committee of Adjustment to make decisions on the division of land. The *Planning Act* sets the standards to which provincial interests and provincial and local policies and goals are implemented. Accordingly, to assess whether the Consent Application is based on sound planning principles, regard must be had for the criteria listed in subsection 51(24) of the *Planning Act*.

Criteria

The following section provides an assessment of how the proposed application has appropriate regard for the criteria in subsection 51(24) of the *Planning Act*.

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

Regulation	Response
<i>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	The proposed consent application will help facilitate future development of a vacant site within the <i>Built Boundary</i> (Built-Up Area on Appendix G of the Urban Hamilton Official Plan), which is consistent with and conforms to the PPS and Growth Plan (and new 2024 PPS).
<i>(b) whether the proposed subdivision is premature or in the public interest;</i>	The application would allow for a small portion of an approved plan of subdivision to be divided ahead of the remainder of the subdivision to facilitate the construction of two (2) new residential lots which can be adequately serviced by existing infrastructure along West 5 th and is not premature and is in the public interest.

Regulation	Response
(c) <i>whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The site is designated <i>Neighbourhoods</i> in the Urban Hamilton Official Plan which permits a range of residential uses including single detached dwellings. The proposed lot configuration complies with the in-force zoning by-law and Urban Hamilton Official Plan. The application will facilitate the creation of two (2) residential lots in accordance with the approved plan of subdivision plan for the subject site.
(d) <i>the suitability of the land for the purposes for which it is to be subdivided;</i>	The application will facilitate residential development on lands planned for residential uses in accordance with the in-force zoning by-law and official plan.
(d.1) <i>if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	Not applicable.
(e) <i>the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</i>	The application will utilize an existing street (West 5 th Street) and no new streets are proposed. A 3.0 metre-wide road widening will be dedicated to the City.
(f) <i>the dimensions and shapes of the proposed lots;</i>	The proposed lot dimensions (lot frontage, lot area) comply with the in-force zoning and are the same as delineated in the approved plan of subdivision.
(g) <i>the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed</i>	Not applicable.

Regulation	Response
<i>to be erected on it and the restrictions, if any, on adjoining land;</i>	
<i>(h) conservation of natural resources and flood control;</i>	Not applicable.
<i>(i) the adequacy of utilities and municipal services;</i>	The subject site is currently serviced by existing utilities and municipal services, however new independent water and combined storm/sanitary connections are required in order to provide the severed lands each with their own independent servicing connection. A conceptual servicing plan (prepared by S. Llewellyn and Associates dated September 24, 2024) is enclosed which demonstrates how the severed lands can be serviced.
<i>(j) the adequacy of school sites;</i>	In our opinion, the proposed lots will not impact existing school capacity and were considered in the approval of the plan of subdivision.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	Not applicable.
<i>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The subject site is delineated in an approved plan of subdivision. Matters of conservation of energy were dealt with through the draft approval process.
<i>(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site</i>	The application proposes the creation of two new lots for single detached dwellings which are not subject to site plan control. The development of the buildings will be regulated by the zoning

Regulation	Response
<i>plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).</i>	by-law, the building permit process and the Ontario Building Code.

Urban Hamilton Official Plan

The subject site is designated *Neighbourhoods*, which permits a range of residential uses and complementary facilities and services intended to serve residents. Permitted building types include single detached dwellings.

Chapter F of the Urban Hamilton Official Plan (the “UHOP”) deals with Implementation and section 1.14.3 deals with lot creation within the urban area. Policy 1.14.3.1 states consents for new lot creation, for both severed and retained lands, for residential uses in the *Neighbourhoods* designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of the UHOP, including secondary plans, where one exists;
- b) The lots comply with the existing *Neighbourhood Plans*;
- c) The lots are in conformity with the Zoning By-law, or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and
- f) The lots have frontage on a public road.

With respect to conditions (a) and (b), the proposed consent application would result in the creation of two new lots, both of which conform to the policies of the UHOP and the applicable *Neighbourhood* policies, which permit single detached residential dwellings. The subject site is designated *Neighbourhoods* in the UHOP and is designated Single and Double in the Mewburn Neighbourhood Plan (Map 7604, dated

July 28, 1987). The application would facilitate future residential development on the new lots in a manner that conforms with the UHOP and applicable Neighbourhood Plan.

With respect to conditions (c) and (d), the proposed lots comply with the in-force Zoning By-law (refer to Zoning Compliance section/table below) and the lots reflect the general scale and character of the surrounding existing and proposed residential community.

With respect to conditions (e) and (f), the proposed lots can be fully serviced by existing municipal water and storm/sanitary infrastructure and front onto a public road (West 5th Street).

Zoning Compliance

The subject site is zoned R-4 Small Lot Single Family Dwelling Schedule-1703 and Schedule-1822 in the Former City of Hamilton Zoning By-law 6593, as amended and approved by the OMB. As mentioned above, the Ontario Municipal Board approved a Zoning By-law Amendment for the subject site (Schedule J of the MOS and City of Hamilton By-law Nos. 15-035, 15-036, and 15-084). The table below compares the proposed lot frontage and area of the two proposed lots compared with the in-force zoning of the subject site.

Lot #	Min Lot Width (m)	Provided Lot Width (m)	Min Lot Area (m ²)	Provided Lot Area (m ²)	Compliance
Part 1	10	10±	290	290±	Yes
Part 2	10	10±	290	290±	Yes

The future single detached dwellings will comply with all other requirements of the R-4/S-1703 and R-4/1822 zones including:

- A side yard setback of 1.2 metres and 0.6 metres on the non-garage side;
- Minimum requirement for 30% of the gross area of the front yard shall be used for landscaping excluding concrete, asphalt, gravel, pavers, and/or similar material.

Conclusion

Based on the above analysis, it is our opinion the requested Consent Application is appropriate and represents good planning.

We trust the foregoing is satisfactory however, should you require any additional information or clarification, please contact me or Liam Murphy (lmurphy@bousfields.ca) of our office.

Respectfully submitted,

Bousfields Inc.

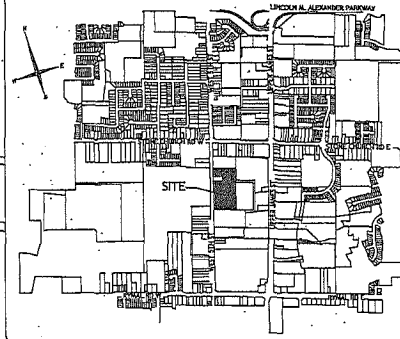


Ashley Paton, MCIP, RPP
LM/df:jobs

Cc: DiCenzo Construction Company Limited

STONE CHURCH ROAD WEST (ROAD ALONG BOUNDARY CONCERNING 7 AND 8)

KEY PLAN
SCALE 1:15000



REVISED
DRAFT PLAN OF

1125 WEST FIFTH

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 15-CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON

SCALE 1:750



NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT
TO REVISION AND AMENDMENT.

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

RE CHAPTER P.13 R.S.O. 1990 SECTION 51 (1)
THE PLANNING ACT

- | | |
|--------------------------|--|
| A. SHOWN ON PLAN. | H. MUNICIPAL PIPED WATER AVAILABLE |
| B. SHOWN ON PLAN | I. CLAY LOAM |
| C. SHOWN ON PLAN | J. SHOWN ON PLAN |
| D. SEE LAND USE SCHEDULE | K. MUNICIPAL SERVICES TO BE INSTALLED
BY SUBDIVIDER |
| E. SHOWN ON PLAN | L. SHOWN ON PLAN |
| F. SHOWN ON PLAN | |
| G. SHOWN ON PLAN | |

SURVEYOR'S CERTIFICATE

I, CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS
SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE
ACCURATELY AND CORRECTLY SHOWN.

JUNE 25, 2014
DATE

S. DAN MCLAREN
ONTARIO LAND SURVEYOR

LAND USE SCHEDULE

AREA OF SUBDIVISION = 38624 m² / 3.86 ha
BLOCKS 1 & 3-8 - TOWNHOUSES (±31,600m²/2.16 ha)
BLOCK 2 - SWAMP (18700m²)
BLOCKS 9 AND 10 - 3.05m ROAD WIDENING
LOTS 11 & 12 - SINGLE FAMILY DWELLING (580m²)

AREA OF STREETS	4403 m ²
AREA OF STREET WIDENINGS	751 m ²
LOT 12 AREA	290 m ²
LOT 12 AREA	290 m ²
BLOCK 1 AREA	8399 m ² (±32 UNITS)
BLOCK 2 AREA	1870 m ²
BLOCK 3 AREA	2325 m ² (±12 UNITS)
BLOCK 4 AREA	1350 m ² (±7 UNITS)
BLOCK 5 AREA	1518 m ² (±8 UNITS)
BLOCK 6 AREA	11188 m ² (±46 UNITS)
BLOCK 7 AREA	4554 m ² (±16 UNITS)
BLOCK 8 AREA	1678 m ² (±6 UNITS)

DENSITY
TOWNHOUSES 41.77 UNITS PER NET HECTARE
UNITS IN TOTAL ±130 UNITS
±132

SUBDIVISION DRAFT APPROVAL

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990 c.P.13, AS AMENDED,
BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF BY-LAW 07-223

THIS DAY OF _____, 2014.

GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT
CITY OF HAMILTON

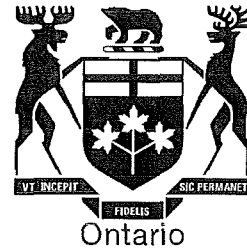


A. J. Clarke and Associates Ltd.
SURVEYORS - PLANNERS - ENGINEERS

25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8P 1H1
TEL. 905-578-8761 FAX 905-528-2289
email: ajc@ajclarke.com

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

15-035 – Attachment 1 15-036 – Attachment 2



ISSUE DATE: December 2, 2014

CASE NO(S): PL130909

DiCenzo Construction Company Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law No. 6593 of the City of Hamilton to rezone lands respecting 1125 West Fifth Street from "AA" (Agricultural District) to "RT-10"(Townhouse District) to permit the proposed townhouse development

OMB Case No. PL130909

OMB File No. PL130909

DiCenzo Construction Company Limited has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Hamilton to make a decision respecting a proposed plan of subdivision on lands respecting 1125 West Fifth Street in the City of Hamilton (Approval Authority File No. 25T2012-06)

OMB Case No. PL130909

OMB File No. PL130910

Heard: August 14 and 18, 2014 in Hamilton, Ontario

APPEARANCES:

Parties

Counsel

DiCenzo Construction Company
Limited

S. Zakem

1804487 Ontario Inc.

N. Smith

A. De Santis Developments Ltd.

P. Tice

1804482 Ontario Ltd.

D. Baker

City of Hamilton

M. Minkowski

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER AND ORDER OF THE BOARD

[1] Five cases have been grouped to be heard together but are not consolidated. Those cases are PL130601, PL131089, PL130630, PL130909 and PL131311.

[2] Cases PL130601 and PL131089 were heard and disposed of in a teleconference appearance in July, 2014. Cases PL130630, PL130909 and PL131311 were heard by the Board on August 14 and August 18, 2014. Separate decisions will issue for each of these three remaining cases.

[3] This decision deals only with case PL130909. DiCenzo Construction Company Limited ("DCCL") is the applicant and appellant in case PL130909.

[4] There are five interests with land holdings that are clustered together in the Mewburn neighbourhood of the City of Hamilton ("City"). These several holdings are located between West 5th Street on the west and Upper James Street on the east. Stone Church Road is to the north and Rymal Road West is to south, although none of the properties front on either Stone Church Road or Rymal Road West.

[5] These interests are DCCL, 1804482 Ontario Ltd. ("Sonoma"), A. De Santis Developments Ltd. ("De Santis"), 1804487 Ontario Inc. ("1804487") and Robert Morris, a participant in these proceedings.

[6] Sonoma, DCCL and 1804487 Ontario Inc. all wish to develop their lands and have applications before this Board in support of those intentions.

[7] Neither De Santis nor Mr. Morris has a development proposal before the Board.

[8] The Board was advised that the City, Sonoma, DCCL and 1804487 had reached a settlement, as set out in the Minutes of Settlement ("MOS") filed as Exhibit 3 in these proceedings.

[9] De Santis is not a signatory to the MOS.

[10] Counsel for De Santis advised the Board that De Santis does not accept the MOS but De Santis is not calling a case in any of the matters before the Board. De Santis then withdrew and took no further role in these proceedings.

[11] The Board heard from Stephen Fraser, a full Member of the Canadian Institute of Planners and a Registered Professional Planner in Ontario whom the Board qualified to provide independent expert opinion evidence in land use planning matters.

[12] DCCL wishes to develop its lands for residential uses, particularly for block townhouses.

[13] The Board has before it zoning by-law amendments, a draft plan of subdivision and an associated list of special conditions for draft plan approval to implement the proposed development.

[14] The subject lands are governed by two zoning by-laws.

[15] Two by-laws apply to the subject lands as a result of the City of Hamilton being the successor to certain area municipalities including the former Corporation of the City of Hamilton. By-law No. 6593 is the by-law of the former Corporation of the City of Hamilton; By-law No. 05-200 is the by-law of the City of Hamilton.

[16] An amendment to the new Urban Hamilton Official Plan ("UHOP") is also needed. The evidence before the Board is that the proposed zoning by-law amendments would conform to the UHOP, as modified by the amendment sought by DCCL.

[17] No amendment to the UHOP was before the Board in this proceeding. The Board was advised that DCCL had applied for such an amendment and that the amendment had been adopted by the City. The appeal period had not yet closed by the time of this

appearance. As such, the Board reserved its decision pending being advised by the City whether or not any appeals were filed of this UHOP amendment.

[18] The appeal period expired several weeks after the close of the hearing of the merits. The Board has since been advised by Counsel for the City that no appeals were filed and the amendment to the UHOP is now in force.

[19] Storm water management is an issue in this neighbourhood. The issue has been resolved by agreement between Sonoma, DCCL and 1804487 that will enable the use of an interim storm water management facility to be replaced eventually by a larger permanent facility.

[20] The Board finds that addressing the storm water management issue in this way is appropriate and supports the orderly development in the Mewburn neighbourhood.

[21] The Provincial Policy Statement ("PPS") and the Growth Plan for the Greater Golden Horseshoe ("GGH") both emphasize the importance of an efficient use of land and resources and direct growth to settlement areas.

[22] The subject lands are within a settlement area and the proposed development enhances the efficient use of the lands.

[23] Section 51(24) of the *Planning Act*, R.S.O. 1990, c. P.13 ("Act") sets out the criteria to which the Board must have regard when considering a proposed plan of subdivision.

[24] The draft plan of subdivision is set out in Schedule K of the MOS. The special conditions of draft plan approval are set out in Schedule L of the MOS.

[25] On the evidence of Planner Fraser, the Board finds that the draft plan of subdivision, subject to conditions, meets the applicable criteria set out in s. 51(24) of the Act.

[26] The Board further finds that the draft plan of subdivision, subject to conditions, and the proposed zoning by-law amendments have had appropriate regard for the matters of provincial interest as set out in s. 2 of the Act, are consistent with the PPS and conform to the GGH.

[27] Having regard to s.2.1 of the Act, the Board notes that this matter comes to the Board with the support of the City.

[28] DCCL asks the Board to amend By-law No. 05-200 in accordance with Attachment 1 to this decision, to amend By-law No. 6593 in accordance with Attachment 2 to this decision, to approve the draft plan of subdivision in accordance with Attachment 3 to this decision, subject to the conditions of draft plan approval set out in Attachment 4 to this decision.

[29] The Board further notes that, in accordance with clause 38 of the MOS, Counsel for Sonoma and Counsel for 1804487 advised the Board that their respective clients support this request.

ORDER

[30] The Board orders that the appeals by DiCenzo Construction Company Limited are allowed in part and that:

1. By-law No. 05-200 is amended in accordance with Attachment 1 to this decision.
2. By-law No. 6593 is amended in accordance with Attachment 2 to this decision.
3. The draft plan of subdivision in Attachment 3 to this decision is approved, subject to the conditions of draft plan approval as set out in Attachment 4 to this decision.

4. In accordance with s. 51(56.1) of the *Planning Act*, R.S.O. 1990 c. P. 13, final approval of the plan of subdivision is given to the City of Hamilton for the purposes of s. 51(58).

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
VICE-CHAIR

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elfto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law 05-200)

Authority: Ontario Municipal Board Case
No. PL130601, PL131089,
PL130909, PL130630

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 05-200 as Amended,
Respecting the Lands Located at 1125 West 5th Street (Hamilton)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999 Chap.14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10 of Report 10-007 of the Planning Committee, at its meeting held on the 14th day of April, 2010, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS the by-law is in conformity with the Urban Hamilton Official Plan approved in accordance with provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Map No. 1342 of Schedule "A" to Zoning By-law No. 05-200, is amended, by incorporating Conservation / Hazard Lands (P5) Zone boundaries, for

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law 05-200)

the, applicable lands, the lands, the extent and boundaries of which are shown on Schedule "A" as "Block 1" annexed hereto and forming part of this By-law.

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
3. That Zoning By-law No. _____ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of the By-law or as provided by the said Subsection.

PASSED and ENACTED this ____ day of _____, 2014.






Bob Bratina
Mayor

Rose Caterini
Clerk

ZAC-12-067

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law 05-200)



<p>This is Schedule "A" to By-Law No. 14-</p> <p>Passed the day of, 2014</p>		<p>----- Mayor</p> <p>----- Clerk</p>	
<p>Schedule "A"</p> <p>Map Forming Part of By-Law No. 14-_____</p> <p>to Amend By-law No. 05-200</p>		<p>Subject Property 1125 West 5th Street</p> <p> Block 1 - Refer to By-law 6593</p> <p> Block 2 - Refer to By-law 6593</p> <p> Block 3 - Refer to By-law 6593</p> <p> Block 4 - Lands to be Zoned conservation/Hazard Lands (P5) Zone</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-12-057 & 25T-201205</p>		
<p>Date: August 12, 2014</p>	<p>Planner/Technician: EJA/S</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

ATTACHMENT 2

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law No. 6593)

Authority: Ontario Municipal Board Case
No. PL130601, PL131089, PL130909,
PL130630

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 6593 (Hamilton) as Amended
Respecting the Lands Located at 1125 West 5th Street (Hamilton)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Schedule C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton" and is the successor of the former Regional Municipality, namely, "the Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Hamilton) in accordance with the provisions of the Planning Act.

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. [REDACTED].

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Sheet No. W9d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended:
 - a) by changing the zoning from the "AA" District to the "RT-10" (Townhouse) District, Modified, the lands comprised of **Block 1**.
 - b) by changing the zoning from the "AA" District to the "RT-30" (Street - Townhouse) District, Modified, the lands comprised of **Block 2**.
 - c) by changing the zoning from the "AA" District to the "R-4" (Small Lot Single Family Dwelling) District, Modified, the lands comprised of **Block 3**.

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "RT-10" (Townhouse) District regulations, as contained in Section 10D. of Zoning By-law No. 6593 applicable to Block 1 of the By-law, are modified to include the following special requirements:
 - (a) That in addition to Section 10D (2), a Storm Water Management Facility shall be considered as a permitted use.
 - (b) That notwithstanding Section 10D (4) (a) & (b) of By-law No. 6593 to the contrary, a yard abutting a street shall be 2.0 metres and a yard abutting any other lot shall be 1.2m. However, no minimum yard shall be provided for an interior townhouse unit. A minimum front yard of 5.8 metres and a minimum rear yard of 6.0 metres shall be provided for every lot or unit.
 - (c) That notwithstanding Section 10D (5) (a), (b) & (c) of By-law No. 6593 to the contrary, the distance between two exterior end walls containing no windows or windows shall be not less than 2.4 metres. The distance between two exterior rear walls containing windows shall be not less than 12.5 metres.
 - (d) That notwithstanding Section 10D (6) of By-law No. 6593 to the contrary, every lot or unit shall have a depth of not less than 25.0 metres.
 - (e) That notwithstanding Section 10D (7) (a) & (b) of By-law No. 6593 to the contrary, every lot or unit shall have an area of not less than 150.0 square metres and a width of not less than 6.0 metres.

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law No. 6593)

- (f) That notwithstanding Section 10D (8) & (9) of By-law No. 6593 to the contrary, only block townhouses within a standard condominium corporation shall have a privacy area and associated screening as set out in the "RT-10" District Modified Zone.
- (g) That notwithstanding Section 10D (10) & (11) and Section 18 of By-law No. 6593 to the contrary, not less than 30% of each unit shall be landscaped. A minimum landscaped strip of 3.0 metres in depth shall be provided abutting West 5th Street except for access driveways and sidewalks.
- (h) That notwithstanding Section 18A By-law No. 6593 to the contrary, each unit shall provide two (2) parking spaces one of which can be provided within an attached garage.
- (i) That notwithstanding Section 18A By-law No. 6593 to the contrary, 0.5 visitor parking spaces per unit shall be provided and shall be a minimum width of 2.6 metres and a minimum length of 5.5 metres.
- (j) That notwithstanding Section 18A By-law No. 6593 to the contrary, parallel parking spaces shall have a minimum width of 2.6 metres and a minimum length of 6.5 metres and perpendicular parking spaces, including parking spaces in a driveway contiguous to an individual dwelling unit, shall have a minimum width of 2.6 metres and a minimum length of 5.8 metres, except within an attached garage.
- (k) That notwithstanding Section 2. (2) C. (iv) By-law No. 6593 to the contrary, a private condominium road shall be considered a "street" for the purposes of applying the "RT-10" zoning regulations, as amended, for the subject lands.
- (l) That notwithstanding anything to the contrary within By-law No. 6593, the following additional encroachments shall be permitted:
 - An unenclosed porch and stairs for same may project 2.5 metres into the minimum front yard and 2.0 metres into the minimum side yard abutting a street.
 - An alcove, bay window, cantilever, either with or without foundations, may project into any required front, rear or side yard (end unit and/or corner unit) a distance of not more than 0.6m.
- (m) That Sub-Sections 18A.(9),(11) and (12) of Zoning By-law 6593 not apply for visitor parking, except that a visual barrier between a parking space and the lot line of an abutting residential district, not less than 1.2m in height and not greater than 2.0m in height, and a landscape strip not less than 1.5m, shall be provided and maintained.

- (n) That Sub-Sections 18A (25) and 18A (29) of By-law 6593 not apply.
3. That the "RT-30" (Street - Townhouse) District regulations, as contained in Section 10F. of Zoning By-law No. 6593 applicable to Block 2 of the By-law, are modified to include the following special requirements:
- (a) That notwithstanding Section 10F (4) (b) of By-law No. 6593 to the contrary, a rear yard depth of not less than 6.5 metres shall be provided.
 - (b) That notwithstanding Section 10F (4) (c) (i) to (iii) inclusive of By-law No. 6593 to the contrary, a side yard abutting a wall that is not a party wall, along each side lot line, including a side lot line adjacent to a street, of a width of not less than 1.2 metres shall be provided and maintained.
 - (c) That notwithstanding Section 10F (5) (a) to (c) inclusive of By-law No. 6593 to the contrary, a distance between buildings of not less than 2.4 metres shall be provided and maintained.
 - (d) That notwithstanding Section 10F (6) (i) & (ii) of By-law No. 6593 to the contrary, every lot or unit shall have an area of not less than 150.0 square metres and a width of not less than 6.0 metres.
 - (e) That notwithstanding Section 10F (7) and 18A By-law No. 6593 to the contrary, each unit shall provide two (2) parking spaces one of which can be provided within an attached garage. Each parking space shall be a minimum width of 3.0 metres and a minimum depth of 6.0 metres.
 - (f) That notwithstanding Section 10F (9) By-law No. 6593 to the contrary, not more than nine single family dwelling units shall be attached in a continuous row.
 - (g) That notwithstanding anything to the contrary within By-law No. 6593, a minimum depth of 2.0 metres to the hypotenuse of a daylight triangle shall be provided.
 - (h) That notwithstanding Section 2. (2) C. (iv) By-law No. 6593 to the contrary, a private condominium road shall be considered a "street".
 - (i) That notwithstanding anything to the contrary within By-law No. 6593, access to lands zoned "RT-10" (Townhouse) District shall be permitted across the lands zoned "RT-30" (Street Townhouse) District.
 - (j) That notwithstanding anything to the contrary within By-law No. 6593, the following additional encroachments shall be permitted:

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law No. 6593)

- An unenclosed porch and stairs for same may project 2.5 metres into the minimum front yard and 2.0 metres into the minimum side yard abutting a street including to the hypotenuse of a daylight triangle.
 - An alcove, bay window, cantilever, either with or without foundations, may project into any required front, rear or side yard (end unit and/or corner unit) a distance of not more than 0.6m.
4. That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A. of Zoning By-law No. 6593 applicable to Block 3 of the By-law, are modified to include the following special requirements:
- (a) That notwithstanding Section 9A. (2) (b) 1. (ii) A. of By-law No. 6593 to the contrary, in the case of an interior lot, having a width not less than 1.2 metres and 0.6 metres on the non-garage side of the lot shall be provided.
 - (b) That notwithstanding Section 9A. (2) (c) 1. of By-law No. 6593 to the contrary, every lot or tract of land within the "R-4" District for a single family dwelling shall have an average lot width of not less than 10.0 metres and an average lot area of not less than 290.0 square metres.
 - (c) That notwithstanding Section 9A. (2) (d) 1. of By-law No. 6593 to the contrary, no single family dwelling, except that in an "R-4" District, shall be situate less than 1.2 metres from a single family dwelling on an abutting lot or tract of land, measured between exterior walls of the building.
 - (d) That notwithstanding Section 18(14) of By-law No. 6593 to the contrary, not less than 30% of the gross area of the front yard for each unit shall be used for landscaping excluding concrete, asphalt, gravel, pavers and/or other similar materials.
5. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1703.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2014.

R. BRATINA
MAYOR

R. CATERINI
CLERK

Draft Amending By-law for
1125 West 5th Street, Hamilton
(By-law No. 6593)



This is Schedule "A" to By-Law No. 14-

Passed the day of, 2014

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 14-_____

to Amend By-law No. 6593

Subject Property

1125 West 5th Street



Block 1 - Rezoned from the Agricultural "AA" District to the Townhouse "RT-10" District, Modified.



Block 2 - Rezoned from the Agricultural "AA" District to the Street-Townhouse "RT-30" District, Modified.



Block 3 - Rezoned from the Agricultural "AA" District to the Small Lot Single Family Dwelling "R-4" District, Modified.



Block 4 - Refer to By-Law No. 05-200

Scale:

N.T.S.

File Name/Number:

ZAC-12-067 & 25T-201206

Date:

August 12, 2014

Planner/Technician:

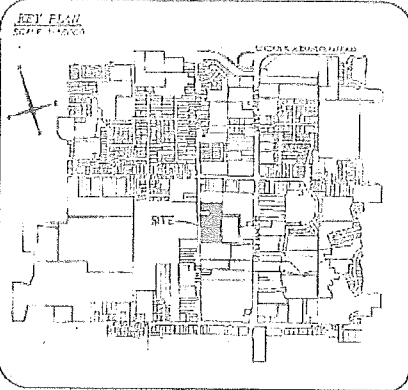
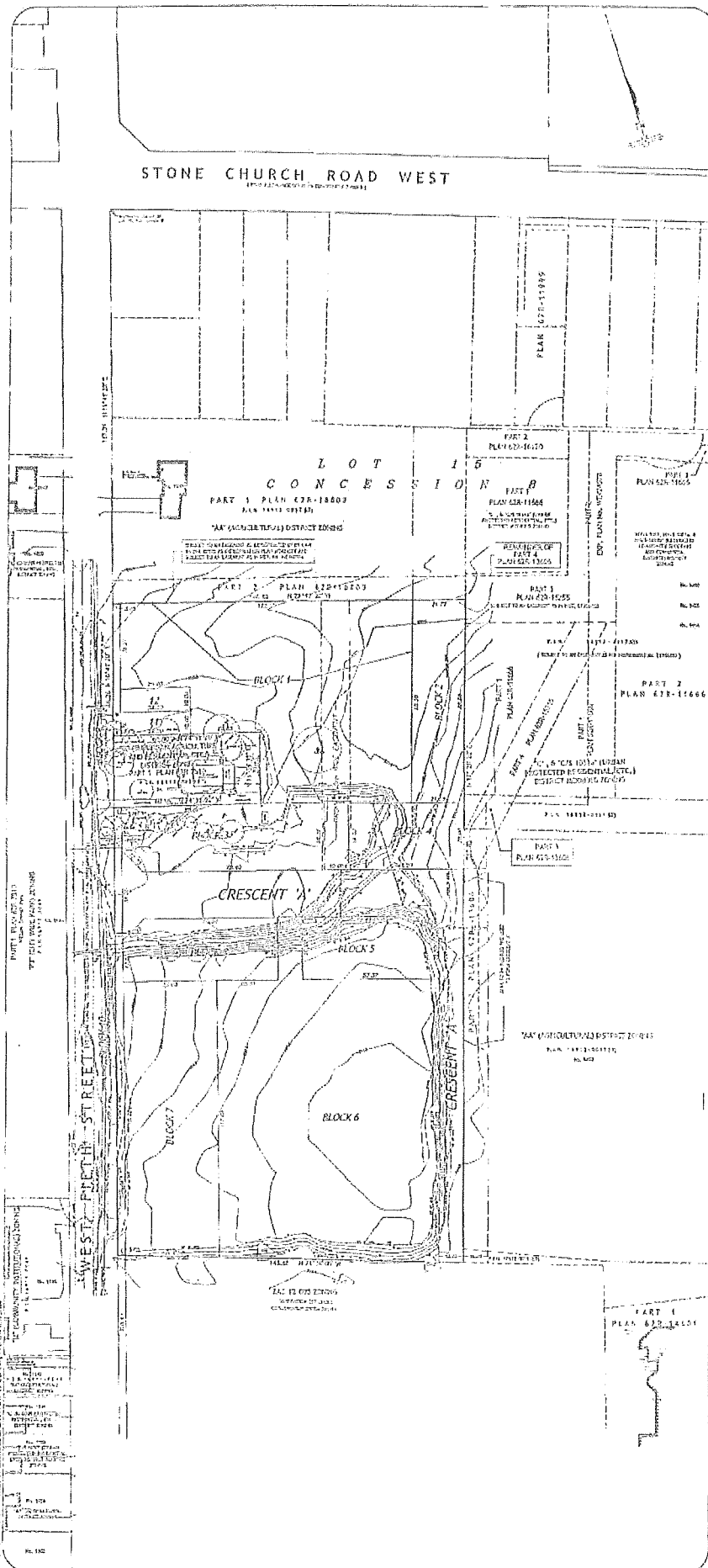
EJVS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

ATTACHMENT 3



REVISED
DRAFT PLAN OF
1125
WEST FIFTH

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 15-CONCESSION B
GEOGRAPHIC TOWNSHIP OF BAYTON
CITY OF HAMILTON

SCALE 1:250

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND ADJUSTMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVING BY 0.3048

RE CHAPTER P 13 R.S.O. 1990 SECTION 51 (1)
THE PLANNING ACT

- | | |
|--------------------------|--|
| A. SHOWN ON PLAN | H. OPTIONAL, PRICE NOT AVAILABLE |
| B. SHOWN ON PLAN | I. CLAY LUM |
| C. SHOWN ON PLAN | J. SHOWN ON PLAN |
| F. SEE LAND USE SCHEDULE | K. OPTIONAL, REVIEW TO BE INSTALLED BY SUBMITTER |
| E. SHOWN ON PLAN | L. SHOWN ON PLAN |
| F. SHOWN ON PLAN | |
| G. SHOWN ON PLAN | |

SEKIZU'S CERTIFICATE

A CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE EXCHANGED AS SHOWN ON THIS PLAN AND MORE RELATIVES TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

$$\frac{d^2 \mathcal{L}}{d\theta^2} = 2\mathcal{L} - 1$$

S. J. M. S.

LAND USE SCHEDULE

AREA 2: SUBDIVISION = 30074 m² / 300 ha
FLOORS 1 & 3-8 = TOWNSHIPS (2310000 m² / 2310 ha)
FLOOR 2 = SHIP (187000 m²)
FLOORS 9 AND 10 = 30000 ROAD FRONTAGE
LOTS 11 & 12 = STEEL LINES BUILDING (500000)

AREA OF STUDY	4035 m ²
AREA OF SURVEY WORKINGS	751 m ²
101 11 AREA	2901 m ²
107 12 AREA	3175 m ²
10000 1 AREA	3567 m ² (1.22 km ²)
10000 2 AREA	1072 m ²
10000 3 AREA	2393 m ² (0.12 km ²)
10000 4 AREA	1350 m ² (0.1 km ²)
10000 5 AREA	1510 m ² (0.05 km ²)
10000 6 AREA	1110 m ² (0.1 km ²)
10000 7 AREA	2514 m ² (0.18 km ²)
10000 8 AREA	1679 m ² (0.05 km ²)

PERIOD	4177 UNITS PER MT. RELEASE
TEMPERATURE	±150 UNITS
UNITS at TOTAL	4152

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT, 1968, 1968/12, AS ADVISED
BY THE GENERAL MANAGER OF PLANNING AND BUILDING DEVELOPMENT DEPARTMENT
OF THE CITY OF HONGKONG UNDER HIS AUTHORITY OF NO. 1007/2013

Page _____, Date of _____, 2014

REPORT MADE BY CLARENCE AND EDWARD JOHNSON
OF THE BUREAU



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO L8N 1M1
TEL. 905-255-3361 FAX 905-220-2009
WWW.SURVEXPERTS.COM

ATTACHMENT 4

Special Conditions of Draft Plan of Subdivision Approval for 25T-201206

1. That this approval apply to the Revised Plan of Subdivision 25T-201206, for DiCenzo Construction Company Limited, in the City of Hamilton, prepared by A. J. Clarke and Associates Ltd., and certified by S. Dan McLaren, OLS., dated June 25, 2014, showing 7 blocks for townhouses (Blocks 1, 3, 4, 5, 6, 7 and 8); 2 lots for single-family dwellings (Lots 11 and 12); 1 block for a stormwater management facility (Block 2); 2 blocks for road widenings along West 5th Street (Blocks 9 and 10) and a public road (Crescent 'A').
2. That the Owner shall enter into a Standard Form Subdivision Agreement with the City of Hamilton.
3. That, **prior to registration of a Subdivision Agreement by the City**, the Owner/Applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the Owner/Applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.
4. That, **prior to preliminary grading**, the Owner shall submit a Tree Preservation Study and Plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning, and provide written certification from the Owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
5. That **prior to registration of the final Plan of Subdivision**, the Owner agree in writing to submit and have approved a design brief detailing the elevational treatment of all units flanking West 5th Street to the satisfaction of the Director of Planning.
6. That **prior to registration of the final Plan of Subdivision**, the Owner agree in writing to provide an enhanced landscape plan at the site plan approval stage illustrating the buffering of parking areas on Block 7 and the inclusion of benches and additional landscaping adjacent to the visitor parking area within Block 1 east of Lots 11 and 12, to the satisfaction of the Director of Planning.
7. That, **prior to registration of the final Plan of Subdivision**, the Owner shall submit the necessary transfer deeds to convey sufficient lands (Block 2) to the City of Hamilton for the purposes of a Stormwater Management (SWM) Facility, to the satisfaction of the Senior Director of Growth Management

8. That, **prior to registration of the final Plan of Subdivision**, the owner shall include a certificate on the final plan dedicating its portion of Crescent 'A' to the City of Hamilton as a public highway.
9. That, **prior to registration of the final Plan of Subdivision**, Blocks 9 and 10 shall be dedicated to the City of Hamilton as a public highway by the owner's certificate on the Final Plan of Subdivision for the widening of West 5th Street.
10. That, **prior to registration of the final Plan of Subdivision**, the Owner shall pay their proportional share for future urbanization of West 5th Street adjacent to Blocks 9 and 10, based on the City's "New Roads Servicing Rate" in effect at the time of the plan registration.
11. That, **prior to registration of the final Plan of Subdivision**, the Owner provides a cash payment to the City in the amount of \$6,000 (subject to annual adjustments in accordance with City of Hamilton By-law 07-281) for the outstanding servicing cost for the existing municipal services adjacent to the subject lands.
12. That, **prior to registration of the final Plan of Subdivision**, the Owner shall agree that no more than 100 units shall be constructed that outlet solely on the internal Crescent 'A' until a second municipal street access is provided to service the subject lands, to the satisfaction of the Senior Director of Growth Management Division.
13. That, **prior to registration of the final Plan of Subdivision**, the Owner shall agree that any proposed phasing of the subject lands shall be to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to registration of the final Plan of Subdivision**, the Owner agrees that Block 7, Lot 11, and Lot 12 are undevelopable until sanitary and storm sewers and water services are provided to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to registration of the final Plan of Subdivision**, the Owner shall agree that no access to Blocks 3 and 8 will be permitted from West 5th Street. Reserves (0.3m) shall be included on the plan to restrict access.
16. That, **prior to registration of the final Plan of Subdivision**, the Owner agrees to include in the purchase and sale agreements for Lot 11 and Lot 12 a warning clause to advise the prospective purchasers of a lack of on-street parking on West 5th Street and the installation of a municipal sidewalk. Furthermore, the Owner agrees to install a double width driveway approach to provide additional parking for the subject lots at his cost and to the satisfaction of the Senior Director of Growth Management.

17. That, **prior to servicing**, if West 5th Street has not been constructed to a full urban cross-section, the Owner agrees to implement all necessary works to provide for a major overland flow route from the intersection of Crescent 'A' and West 5th Street to the future centralized SWM Facility, which may include, but is not limited to, adjustment of the vertical alignment of West 5th Street, storm sewer and curb installation, etc., at his cost (less oversizing), to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules, provision to install a 1.5m wide concrete sidewalk on both sides of Crescent 'A' and along the east side of West 5th Street adjacent to the subject lands.
19. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules, provision to install any required interim works, including but not limited to, sidewalks and lighting, pavement widening to provide for a left-turn lane and pavement markings on West 5th Street, to the satisfaction of the Senior Director of Growth Management Division.
20. That, **prior to servicing**, the Owner shall submit a final Stormwater Management (SWM) Report or Addendum, prepared by a qualified engineer, that demonstrates how quality and quantity control criteria will be handled, in accordance with City of Hamilton's Storm Drainage Policy, Criteria and Guidelines for Stormwater Infrastructure Design, and both the "West Central Mountain Drainage Assessment" and the Sheldon Mewburn Neighbourhoods Master Servicing Class EA, to the satisfaction of the Senior Director of Growth Management Division in consultation with the Hamilton Conservation Authority.
21. That, **prior to servicing**, if the Mewburn Neighbourhood centralized SWM Facility is not already constructed, and
 - a) all lands required for the centralized SWM Facility have been acquired by the City, the Owner shall include in the engineering design and cost estimate schedules provision to install the Mewburn Neighbourhood centralized SWM Facility in accordance with the "West Central Mountain Drainage Assessment" and the Sheldon Mewburn Neighbourhoods Master Servicing Class EA, and relocate a portion of the existing sanitary sewer to the satisfaction of the Senior Director of Growth Management, or
 - b) all lands required for the centralized SWM Facility have not been acquired by the City, the Owner may construct, operate and maintain, in an acceptable manner, a private temporary SWM facility on its lands, in accordance with requirements of an MOE Environmental Compliance Approval, until a time established by the Senior Director of Growth Management Division, and monitor the operation of the facility and provide the City with a copy of a satisfactory Operation and Maintenance Manual, to the satisfaction of the Senior Director of Growth Management Division.

22. That, in the event the Owner proceeds with the construction of the Mewburn Neighbourhood centralized SWM Facility, the Owner agrees, to the satisfaction of the Senior Director Growth Management, to:
- a. operate and maintain, in an acceptable manner, the stormwater management facility(s) throughout the construction and all stages of development until a time as established by the Senior Director of Growth Management and monitor such operation and effects thereof;
 - b. assume full responsibility for the cost to construct, operate and maintain the facility including any changes of the conditions of the MOE Approval until such time the stormwater management facility is assumed by the City;
 - c. remove sediment from the storm water management facility, carry out a bathymetric survey and verify volumetric capacity of the storm water management facilities, prior to release of the Owner's operation and maintenance responsibilities for the storm water management facilities;
 - d. provide an operation and maintenance manual to the City's satisfaction for the facility and agree to inspect/monitor and maintain the facility in accordance with said manual throughout construction and maintenance period until City assumption; and
 - e. keep detailed logs regarding the performance and maintenance activities for the facility, including costs for cleaning and removal of sediment, etc. to the City's satisfaction. This information is to be included in the operation and maintenance manual provided to the City by the Owner at the assumption of the facility.
23. That, **prior to servicing**, the Owner submits a detailed sump pump design to include secondary relief/overflow on the surface for use on all lots and blocks within the subdivision where a sump pump is required. The sump pump design shall consider the weeping tile inflow based on groundwater and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to servicing**, the Owner secures its share of the cost for any unconstructed portion of Crescent 'A' (north-south leg) and its proportionate share of the cost of any unconstructed local service connections on West 5th Street in accordance with the City's Financial Policies for Development, if they cannot be constructed in the first phase of development, to the satisfaction of the Senior Director Growth Management.
25. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedule provision to install a storm sewer on West 5th Street, from north to south limit of the subject lands, to the satisfaction of the Senior Director of Growth Management.

26. That, **prior to servicing**, the Owner shall prepare an on-street parking plan for Crescent 'A', based on the premise of achieving on-street parking for 40% of the total number of street townhouse dwellings for the subject lands, to the satisfaction of the Senior Director of Growth Management.
27. That **prior to servicing**, the Owner shall include in the engineering design and cost schedules to the satisfaction of the Senior Director of Growth Management:
 - a) driveway approaches and curb openings for all lots and blocks;
 - b) double-width driveway for Lot 11 and 12; and
 - c) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.
28. That **prior to servicing**, the Owner shall include in the engineering design a plan demonstrating that all minor and major overland flow from the rear yards can be safely conveyed to roadways and/or the SWM Facility, to the satisfaction of the Senior Director of Growth Management
29. That, **prior to servicing**, if West 5th Street has not been constructed to a full urban cross-section, the Owner shall include in the engineering design and cost estimate schedule provision for a left-turn lane on West 5th Street along the frontage of the draft plan. The left-turn lane and appropriate tapers must be designed in accordance with TAC standards.
30. That, **prior to servicing**, if West 5th Street has not been constructed to a full urban cross-section, the Owner shall provide a detailed Pavement Marking and Traffic Signs Plan. The Plan must be in accordance with the City of Hamilton Traffic Signal and Pavement Marking Design Manual, and be submitted in micro-station V8, to the satisfaction of the Director of Engineering Services, Public Works Department.
31. That, **prior to registration of the final Plan of Subdivision**, the Owner shall include a certificate on the final plan dedicating a 9m x 9m daylight triangle on West 5th Street at the municipal road. The daylight triangle must be measured from the widened limits.
32. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedule provision to modify the vertical alignment of West 5th Street, to the north of intersection with Crescent 'A', to demonstrate that minimum sightlines of 110m are achieved to the satisfaction of the Director of Engineering Services, Public Works Department.

33. That, prior to registration of the final Plan of Subdivision, the Owner shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall include the following notes:
- a) all erosion and sediment control measures shall be installed prior to development, and be maintained throughout the construction process, until all disturbed areas have been re-vegetated;
 - b) all erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - c) any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;. and
 - d) all disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
34. That, prior to registration of the final Plan of Subdivision, the Owner shall prepare and implement a Lot Grading Plan to the satisfaction of the Hamilton Conservation Authority.

Notes:

1. The owner, the City, 1804482 Ontario Limited, and 1804487 Ontario Inc. have entered into Minutes of Settlement concerning various matters arising under these conditions including the dedication of lands required for the centralized SWM Facility and the timing and obligation to construct the centralized SWM Facility. Reference to such Minutes should be made in conjunction with the interpretation, application and clearance of these conditions.
2. The Owner's local share of the West 5th storm sewer will be based on a cost estimate approved by the City. It is not expected that the Owner's contribution be based on the new road servicing rate's nominal cost; and the Owner's share of the urbanization cost of West 5th shall be reduced by the storm component in the New Road Servicing Rate.
3. If the Owner undertakes the permanent construction of a component(s) of the urbanization of West 5th Street in advance of the full urbanization of West 5th Street, then the Owner's share of the urbanization cost of West 5th Street shall be correspondingly reduced in accordance with the City's Financial Policies for Development and the DC Background Study.

4. If the Owner undertakes the permanent construction of West 5th Street to a full urban cross-section, then the Owner shall receive payment from the City in accordance with the City's Financial Policies for Development and the DC Background Study.
5. If the Owner is unable to complete Crescent 'A' in its entirety then a temporary turnaround will be required to full municipal standards. The turnaround will require an adequate right-of-way that could be provided by way of a suitable block on the plan or on lands adjacent owned by others. Once the road is extended the City would deed back any lands not required for the roadway.
6. The land needs of the SWM Facility shall be as agreed-to in the Minutes of Settlement referred to in Note 1. In no event (including, without limitation, the re-design of the Mewburn Neighbourhood SWM Facility or the design of Sheldon Neighbourhood SWM Facility, any errors in such design, or changes to the City's policies in respect of same) shall the Owner be required to contribute additional land to the Mewburn Neighbourhood SWM Facility beyond Block 2.

The City further acknowledges and agrees that the Mewburn Neighbourhood SWM Facility may proceed in advance of the preliminary or final design or construction of the Sheldon Neighbourhood SWM Facility and that there are no impediments to the final design and construction of the Mewburn Neighbourhood SWM Facility as contemplated by the Minutes of Settlement referred to in Note 1.

7. The City will contribute to the cost of the Mewburn Neighbourhood SWM Facility, the oversizing of the storm sewer between West 5th Street and the SWM Facility, and the trunk storm sewer on Crescent 'A' in accordance with the City's Financial Policies for Development and the DC Background Study.
8. With respect to Condition 26, the City acknowledges that the Owner's concept plan (dated June 25, 2014) achieves on street parking for 40% of the total number of proposed street townhouse dwellings. Notwithstanding the Owner is still obligated to meet the requirement of the condition if plans for Block 1 change, the City acknowledges that the condition will not be interpreted strictly, having regard for the language of the condition: "*based on the premise of achieving on street parking for 40%*", given the proximity to transit and walkability of the neighbourhood.
9. Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. One (1) 3-year extension will be granted on written request by the owner without amendment of these draft plan conditions provided that such written request is received prior to the initial lapse date of this draft approval. Further extensions will be considered if a written request is received before the draft approval subsequently lapses.

**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*	N/A	
Registered Owners(s)	Dicenzo Construction Company Limited	
Applicant(s)**	Dicenzo Construction Company Limited	
Agent or Solicitor	Bousfields c/o David Falletta and Ashley Paton	

*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☐ Credit over phone*☒ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1125 West 5th Street		
Assessment Roll Number	251808095102450		
Former Municipality	Hamilton, Township of Barton		
Lot	15	Concession	8
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-19020, 62R-20210, 62R-20324, 62R-21576	Part(s)	Various

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

Easement in gross over Part 1 on 62R-20324 as in WE1556572, Easement in gross over 1 on 62R-21576 as in WE1556573

3 PURPOSE OF THE APPLICATION

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

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

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

Ditzeno Construction Company Limited

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:	To be retained	Part 1	Part 2		
Type of Transfer	N/A	Lot creation	Lot creation		
Frontage	~225m	10m	10m		
Depth	125-143m	29.004m	29.004m		
Area	~36,000m ²	~290m ²	~290m ²		
Existing Use	vacant	vacant	vacant		
Proposed Use	residential	residential	residential		
Existing Buildings/ Structures	N/A	N/A	N/A		
Proposed Buildings/ Structures	Low density residential	single detached	single detached		
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)

- ☐ 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) Neighbourhoods

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

Please see attached planning rationale

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? R-4/S-1703 & R-4/S-1822, RT-10/S-1703

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.

Subdivision plan 25T-201206, approved by OMB/OLT on December 2, 2014, PL130909

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.

Subdivision plan 25T-201206, draft approved by OMB Dec., 2014

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.

The applicant owns various lands throughout the City of Hamilton.

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)

See attached planning rationale

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

☒ Yes ☐ No (Provide explanation)

See attached planning rationale

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

☒ Yes ☐ No (Provide explanation)

See attached planning rationale

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

10.6 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
