



**City of Hamilton**  
**DELEGATED CONSENT AUTHORITY**  
**AGENDA**

**Meeting #:** 23-1 (DA)  
**Date:** June 1, 2023  
**Time:** 9:00 a.m.  
**Location:** Meet as per their delegated authority –  
Meetings are not livestreamed

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144  
cofa@hamilton.ca

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	<b>Pages</b>
<b>1. Delegated Consent Authority</b>	
1.1 FL/B-23:28449 Carlisle Road, Flamborough (Ward 15) Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer Owner S. Reid & J. Peirson-Reid	3
1.2 FL/B-23:29451 Carlisle Road, Flamborough (Ward 15) Agent A.J. Clarke & Associates Ltd. – F. Kloibhofer Applicant M. Gardiner-Dean Owner J. Allen	27





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF APPLICATION**  
**CONSENT**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>FL/B-23:28</b>	<b>SUBJECT PROPERTY:</b>	449 Carlisle Road, Carlisle
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**APPLICANTS:** Owner Stephen Emerson Reid & Janet Margaret Peirson-Reid  
Agent A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

**PURPOSE & EFFECT:** To create a shared easement of access between the lands known as 449 & 451 Carlisle Road.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 2):</b> (for Easement)	N/A m <sup>±</sup>	112.18 m <sup>±</sup>	504 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (Part 1):</b>	101.8 m <sup>±</sup>	186 m <sup>±</sup>	20,397 m <sup>2</sup> <sup>±</sup>

Associated Planning Act File(s): FL/B-23:29

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

**Thursday, June 1, 2023**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

FL/B-23:28

**PUBLIC INPUT**

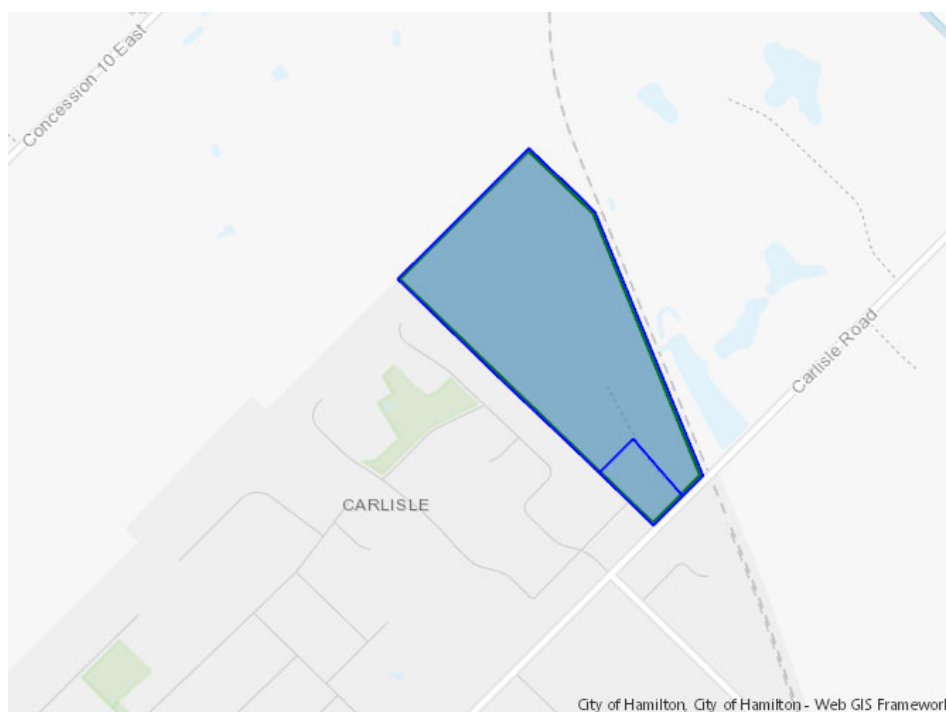
**Written:** If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor,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

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments will be available on **May 30, 2023** on our website:

[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



DATED: May 16, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

**FL/B-23:28**

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

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

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.

APRIL 21, 2023  
DATE NICHOLAS P. MUTH

SCHEDULE			
PART	LOT	CONCESSION	PIN
1		9	ALL OF 17523-0294
2	PART OF LOT 3	GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH	PART OF 17523-0295
3			

PLAN OF SURVEY OF  
PART OF LOT 3  
CONCESSION 9  
GEOGRAPHIC TOWNSHIP OF  
EAST FLAMBOROUGH  
IN THE  
**CITY OF HAMILTON**

SCALE 1: 750  
0 10 20 30 40 metres  
NICHOLAS P. MUTH O.L.S.

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

- LEGEND:
- SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
  - SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
  - SIB DENOTES STANDARD IRON BAR
  - IB DENOTES IRON BAR
  - SSIB DENOTES SHORT STANDARD IRON BAR
  - (1514) DENOTES M. J. TERRY O.L.S.
  - (1500) DENOTES JAMES D. AITKEN, O.L.S.
  - (Y) DENOTES YATES & YATES LTD., O.L.S.
  - (OU) DENOTES ORIGIN UNKNOWN
  - (WIT) DENOTES WITNESS
  - P1 DENOTES A SURVEY BY M. J. TERRY SURVEYING DATED MARCH 8, 2002
  - P2 DENOTES REGISTERED PLAN 62M-824
  - P3 DENOTES PLAN 62R-14066
  - P4 DENOTES PLAN BY J.J. KINGSWAY O.L.S DATED JUNE 23, 1955 (INDEX J-99)
  - D1 DENOTES INST. EF24967
  - ☉ DENOTES DECIDUOUS TREE

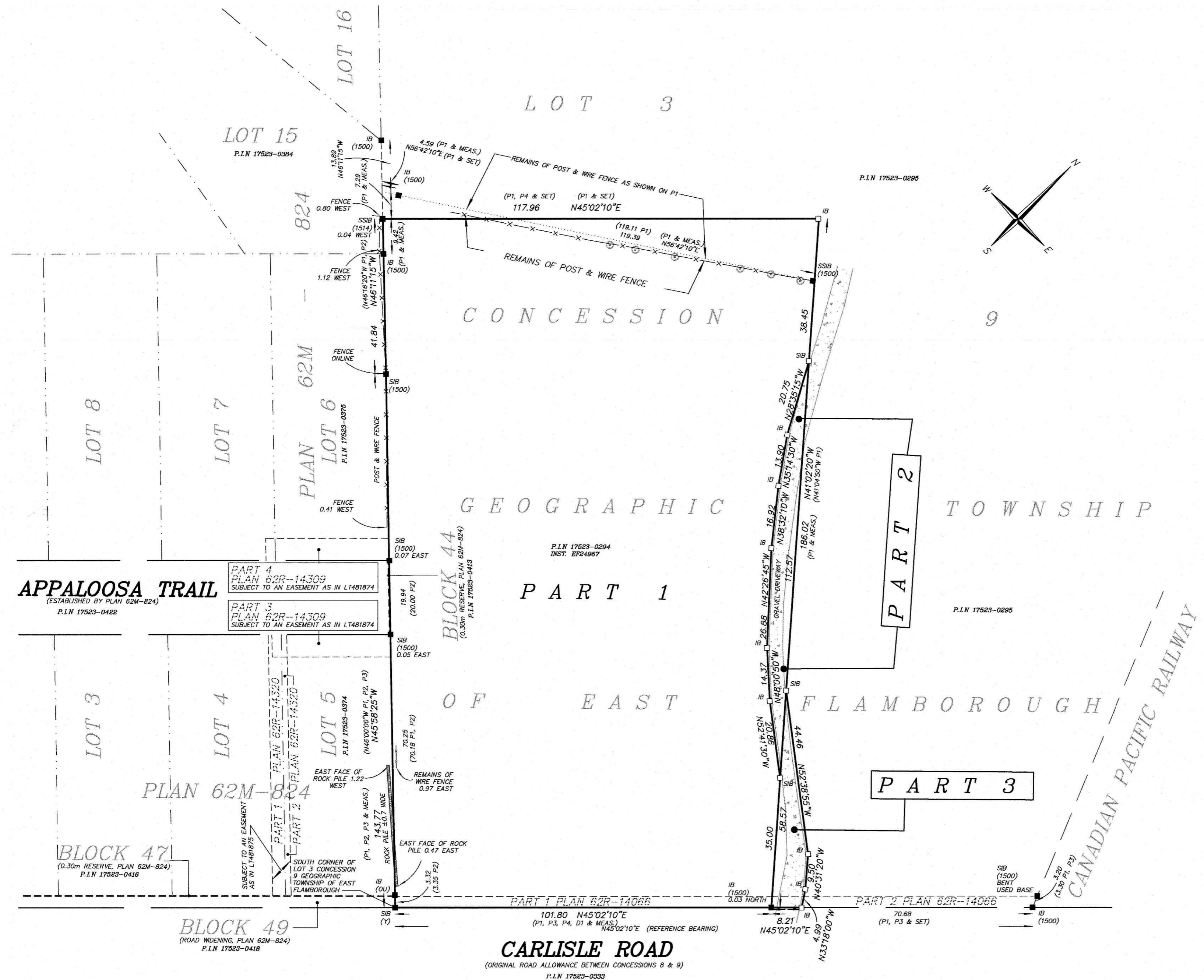
SURVEYOR'S CERTIFICATE:  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 3rd DAY OF NOVEMBER 2022

APRIL 21, 2023  
DATE  
NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER

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

DRAWN BY: MW	CHECKED BY: NPM	PROJECT No. 208118D
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H:\Jobs\A-to-F\EASTFLAM\CON09\LOT3\451 Corliese Road (208118D)\Ref-Plan.dwg

*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

May 8, 2023

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: 449-451 Carlisle Road, Carlisle (Hamilton), ON  
Severance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by John Edgar Allen (care of Estate Trustee Marlyn Gardiner-Dean), for the purposes of submitting the enclosed Severance (Consent) Application Package for the subject lands, municipally known as 451 Carlisle Road. This application is to create a shared easement of access between the lands known as 449 and 451 Carlisle Road. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 449 Carlisle Road;
- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 451 Carlisle Road;
- Electronic copies of two cheques, both in the amount of \$1,990.00, representing the required application fees for both enclosed easement applications;
- One (1) electronic copy of the Draft Reference Plan dated April 21, 2023, depicting the parcels required to facilitate the easement.

The purpose of this application is to facilitate the creation of a mutual access easement between the lands of 449 and 451 Carlisle Road, just east of the Carlisle Settlement Area boundary. A pre-existing driveway has provided access to the dwelling, barn and associated accessory buildings of 451 Carlisle. This driveway, however, crosses the adjacent parcel boundary.

The intent of this application is to allow the conditions as they have and continue to exist in their current use and location. The concurrently submitted Draft Reference Plan illustrates the existing road and outlines the Parts which must be included in the easements discussed in both applications.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

Franz Kloibhofer, MCIP, RPP

Principal, Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Marlyn Gardiner-Dean ([marlyn.gardiner-dean@sympatico.ca](mailto:marlyn.gardiner-dean@sympatico.ca))





**Committee of Adjustment**  
 City Hall, 5<sup>th</sup> Floor,  
 71 Main St. W.,  
 Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
 Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR CONSENT TO SEVER LAND  
 and VALIDATION OF TITLE  
 UNDER SECTION 53 & 57 OF THE *PLANNING ACT***

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

**1. APPLICANT INFORMATION**

	NAME
<b>Purchaser*</b>	
<b>Registered Owners(s)</b>	Stephen Emerson Reid Janet Margaret Peirson-Reid
<b>Applicant(s)**</b>	same as above
<b>Agent or Solicitor</b>	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

\*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 All correspondence should be sent to  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.

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	449 Carlisle Road, Carlisle		
Assessment Roll Number	30391002000		
Former Municipality	East Flamborough		
Lot	3	Concession	9
Registered Plan Number		Lot(s)	Pt Lt 3
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

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## 3 PURPOSE OF THE APPLICATION

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

- |   |  |
|---|--|
| <input type="checkbox"/> creation of a new lot(s)   | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease               |
| <input checked="" type="checkbox"/> an easement   | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

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

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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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A	easement of acc			
Frontage	101.8m	N/A			
Depth	±186m	112.18			
Area	±20,397m <sup>2</sup>	±504m <sup>2</sup>			
Existing Use	residential	driveway acc			
Proposed Use	residential	driveway acc			
Existing Buildings/ Structures	1-storey, single detach dwelling; accessory bldg	none			
Proposed Buildings/ Structures	1-storey, single detach dwelling; accessory bldg	none			
Buildings/ Structures to be Removed	none	none			

\* 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

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

Technical matter to allow shared easement of access on existing private road for 449 and 451 Carlisle Road.

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? A2 - Rural

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.

concurrent application for 451 Carlisle Road to address easement parts.

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input type="checkbox"/>	agricultural uses within 500m
<b>A land fill</b>	<input type="checkbox"/>	
<b>A sewage treatment plant or waste stabilization plant</b>	<input type="checkbox"/>	
<b>A provincially significant wetland</b>	<input type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input type="checkbox"/>	
<b>A flood plain</b>	<input type="checkbox"/>	±40m from wetland
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	±70.5m
<b>A municipal or federal airport</b>	<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.

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- 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.

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- 6.4 How long has the applicant owned the subject land?

March 2016

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- 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.

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## 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)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

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

Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

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

Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

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

Yes       No      (Provide explanation)

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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)

Designated 'Protected Countryside

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 <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

Frontage (m):	Area (m <sup>2</sup> or ha):
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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 <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

**a) Date of construction:**

- Prior to December 16, 2004       After December 16, 2004

**b) Condition:**

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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June 1<sup>st</sup>, 2023**FL/B-23:28 – 449 Carlisle Rd., Flamborough**

## Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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)

**Advisory Note:**

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this easement is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the *Planning Act*.

June 1<sup>st</sup>, 2023**FL/B-23:28 – 449 Carlisle Rd., Flamborough****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural**Background

The purpose of this application is to facilitate the creation of a mutual access easement between the lands of 449 and 451 Carlisle Road, just east of the Carlisle Settlement Area boundary.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 2): (For Easement)</b>	<b>N/A m<sup>±</sup></b>	<b>112.18 m<sup>±</sup></b>	<b>504 m<sup>2±</sup></b>
<b>RETAINED LANDS (Part 1):</b>	<b>101.8 m<sup>±</sup></b>	<b>186 m<sup>±</sup></b>	<b>20,397 m<sup>2±</sup></b>

Greenbelt Plan

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

## “4.6 Lot Creation

e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;

As the application is not creating a new lot and only to facilitate an easement for access. The proposal complies with the Greenbelt Plan as it is not fragmenting a key Natural Heritage feature.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D – Rural Land Use Designation to which the use complies. The following amongst other policies apply:

1.14.2.5.c) Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

a) No new lots shall be created;

b) All resulting lots shall be:

i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,

June 1<sup>st</sup>, 2023

ii) be compatible with and not hinder surrounding agricultural operations. As the proposed easement will not be resulting in a new lot or hinder surround agricultural operations, the application complies with the Rural Hamilton Official Plan.

#### Hamilton Zoning By-law No. 05-200

The subject lands are zoned Rural (A2) Zone, to which the use complies.

#### Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

#### **Advisory Note:**

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this easement is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the *Planning Act*.

#### Recommendation:

Having regard for the matters under subsection 51(2) of the *Planning Act*, staff recommend that the application be **approved**, as it generally complies with the Rural Hamilton Official Plan and Zoning By-law, is minor in nature and desirable for the subject property.

#### Zoning:

- i. This Division has no concerns with the proposed application.

#### Development Engineering:

No comments. Development Engineering has no issues with the proposed creation of private mutual access easements for the existing driveway between 449 and 451 Carlisle Road properties.

**See attached for additional comments.**



Sam Brush, Urban Forest Health Technician  
100 King Street West, 14<sup>th</sup> Floor  
Hamilton, ON L8P 1A2  
urbanforest@hamilton.ca

## Hamilton

Environmental Services Division  
Public Works Department

**Date:** May 26, 2023

**To:** Jamila Sheffield, Committee of Adjustment Secretary/Treasurer  
Development Planning  
City Hall – 71 Main Street West – 5<sup>th</sup> Floor

**From:** Sam Brush – Urban Forestry Health Technician

**Subject:** 449 Carlisle Road, Carlisle.  
File: FL/B-23:28

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### PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 01, 2023, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

### SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated through this application; therefore, no Tree Management Plan is required.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director. Email [urbanforest@hamilton.ca](mailto:urbanforest@hamilton.ca) for questions or public tree permit application.

### TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

### LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

## SUMMARY

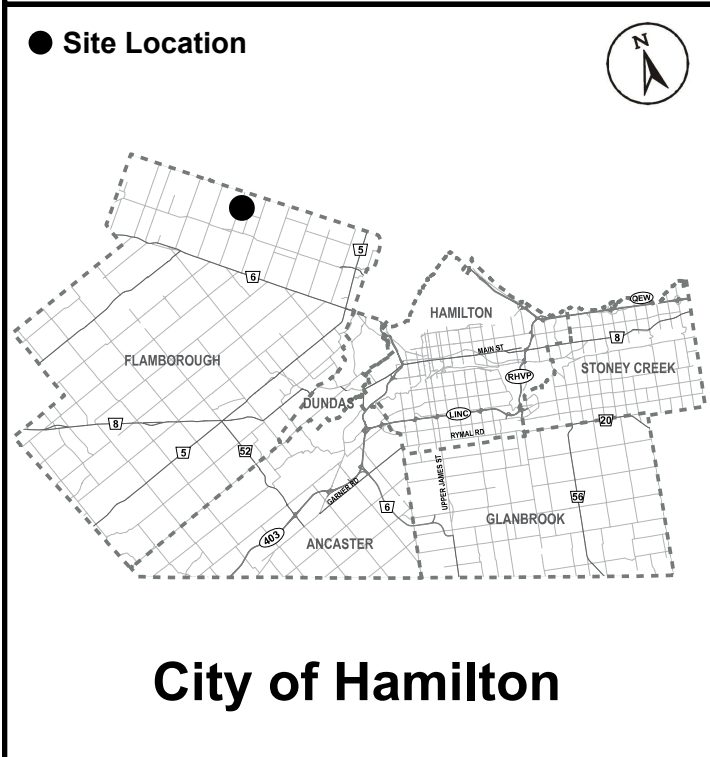
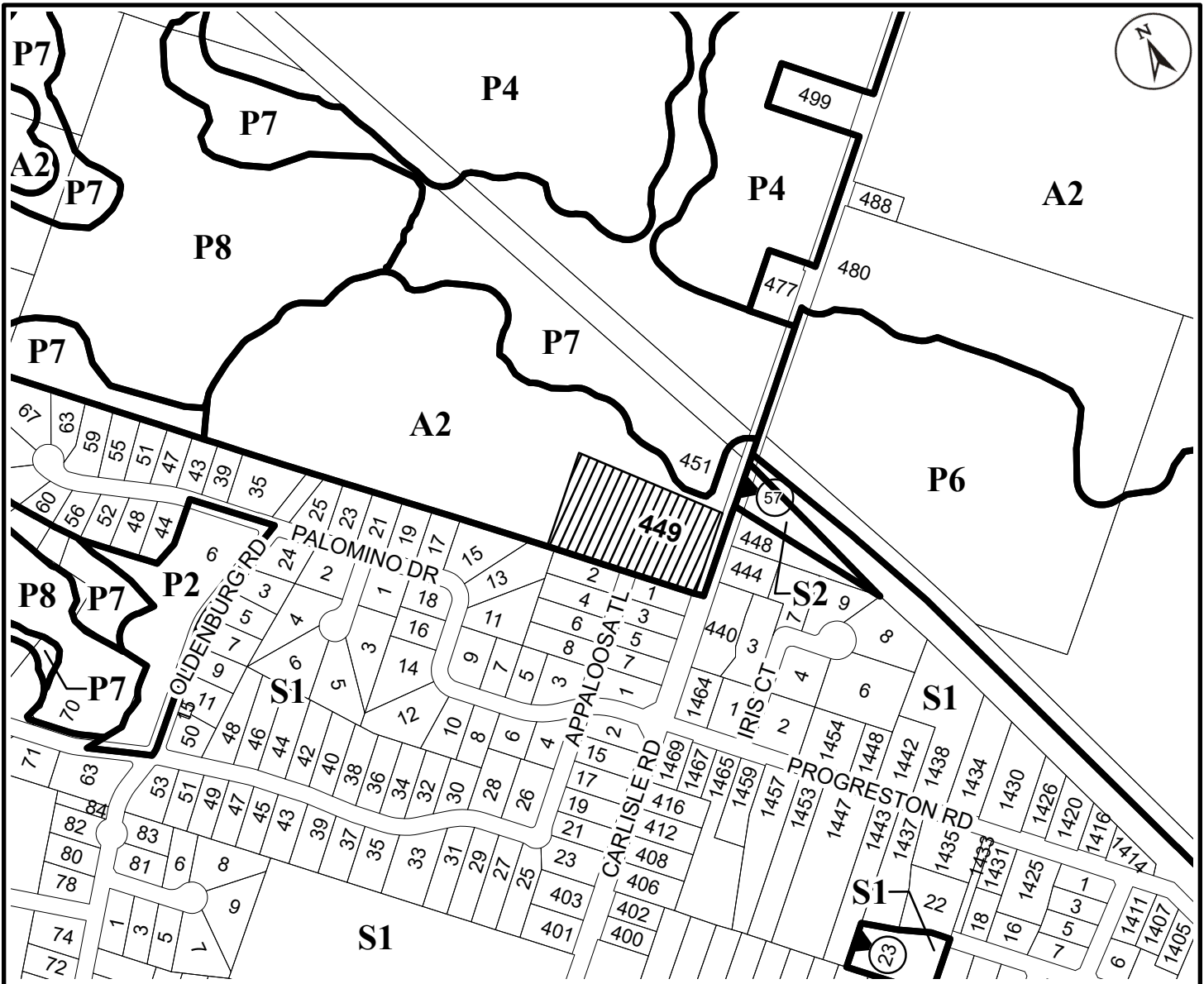
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized and cursive.

Sam Brush  
Urban Forest Health Technician



## Committee of Adjustment

<p><b>Subject Property</b></p> <p> 449 Carlisle Road, Flamborough (Ward 15)</p>	<p><b>File Name/Number:</b> FL/B-23-28</p> <p><b>Date:</b> May 19, 2023</p> <p><b>Technician:</b> AL</p> <p>Map Not To Scale</p> <p><b>Appendix "A"</b></p>
<p><b>Hamilton</b></p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>FL/B-23:28</b>	<b>SUBJECT PROPERTY:</b>	449 Carlisle Road, Carlisle
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**APPLICANTS:** Owner Stephen Emerson Reid & Janet Margaret Peirson-Reid  
Agent A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

**PURPOSE & EFFECT:** To create a shared easement of access between the lands known as 449 & 451 Carlisle Road.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 2):</b> (for Easement)	N/A m <sup>±</sup>	112.18 m <sup>±</sup>	504 m <sup>2±</sup>
<b>RETAINED LANDS (Part 1):</b>	101.8 m <sup>±</sup>	186 m <sup>±</sup>	20,397 m <sup>2±</sup>

Associated Planning Act File(s): FL/B-23:29

**THE DECISION OF THE CONSENT AUTHORITY IS:**

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):**

FL/B-23:28

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)

DATED AT HAMILTON, June 1, 2023.



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Steve Robichaud,  
Director of Planning and Chief Planner  
Consent Authority

The date of the giving of this Notice of Decision is **June 8, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 8, 2025) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

## NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **June 28, 2023** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.





Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPEAL INFORMATION – CONSENTS/SEVERANCES

#### 1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

#### 2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

#### 3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) in advance to request a file sharing link.

#### 4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5<sup>th</sup> floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;





Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF APPLICATION**  
**CONSENT**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>FL/B-23:29</b>	<b>SUBJECT PROPERTY:</b>	451 Carlisle Road, Carlisle
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**APPLICANTS:** Owner John Edgar Allen  
Agent A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

**PURPOSE & EFFECT:** To create a shared easement of access between the lands known as 449 & 451 Carlisle Road.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 3):</b> (for Easement)	8.21 m <sup>±</sup>	58.54 m <sup>±</sup>	324.48 m <sup>2</sup> <sup>±</sup>
<b>RETAINED LANDS (PIN 17523-0295):</b>	70.68 m <sup>±</sup>	871.3 m <sup>±</sup>	28.55 ha <sup>±</sup>

Associated Planning Act File(s): FL/B-23:28

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

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

**Thursday, June 1, 2023**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

FL/B-23:29

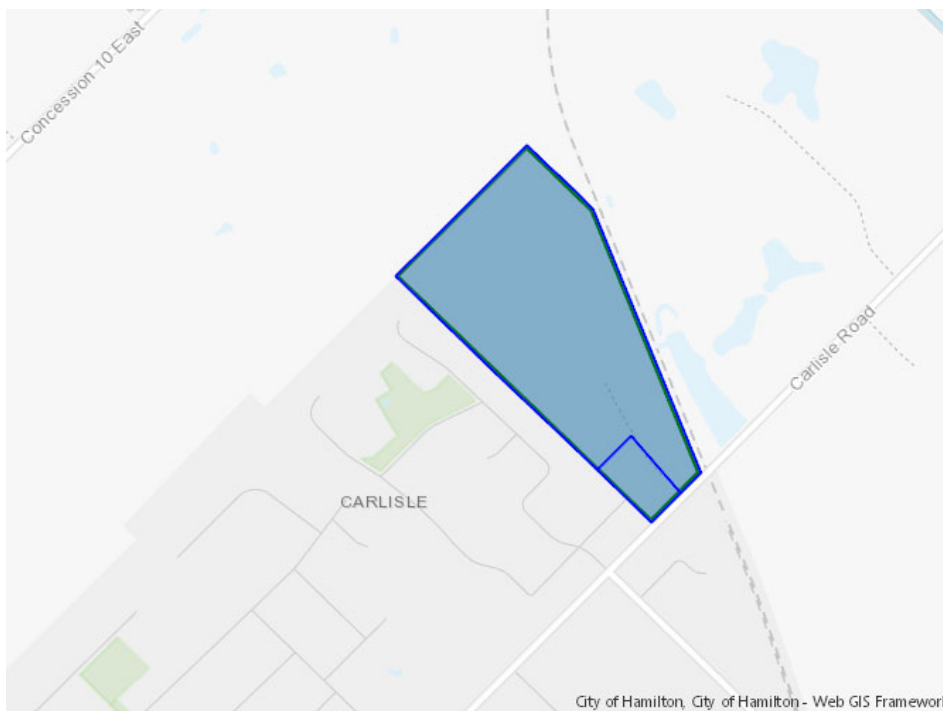
**PUBLIC INPUT**

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

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments will be available on **May 30, 2023** on our website:  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



DATED: May 16, 2023

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Jamila Sheffield,  
 Secretary-Treasurer  
 Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

**FL/B-23:29**

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

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

**PLAN 62R-**  
RECEIVED AND DEPOSITED:

DATE	REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)		
APRIL 21, 2023	NICHOLAS P. MUTH		
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.			
SCHEDULE			
PART	LOT	CONCESSION	PIN
1	PART OF LOT 3	9	ALL OF 17523-0294
2			
3			PART OF 17523-0295

PLAN OF SURVEY OF  
**PART OF LOT 3  
CONCESSION 9**  
GEOGRAPHIC TOWNSHIP OF  
EAST FLAMBOROUGH  
IN THE  
**CITY OF HAMILTON**  
SCALE 1:750  
NICHOLAS P. MUTH O.L.S.

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

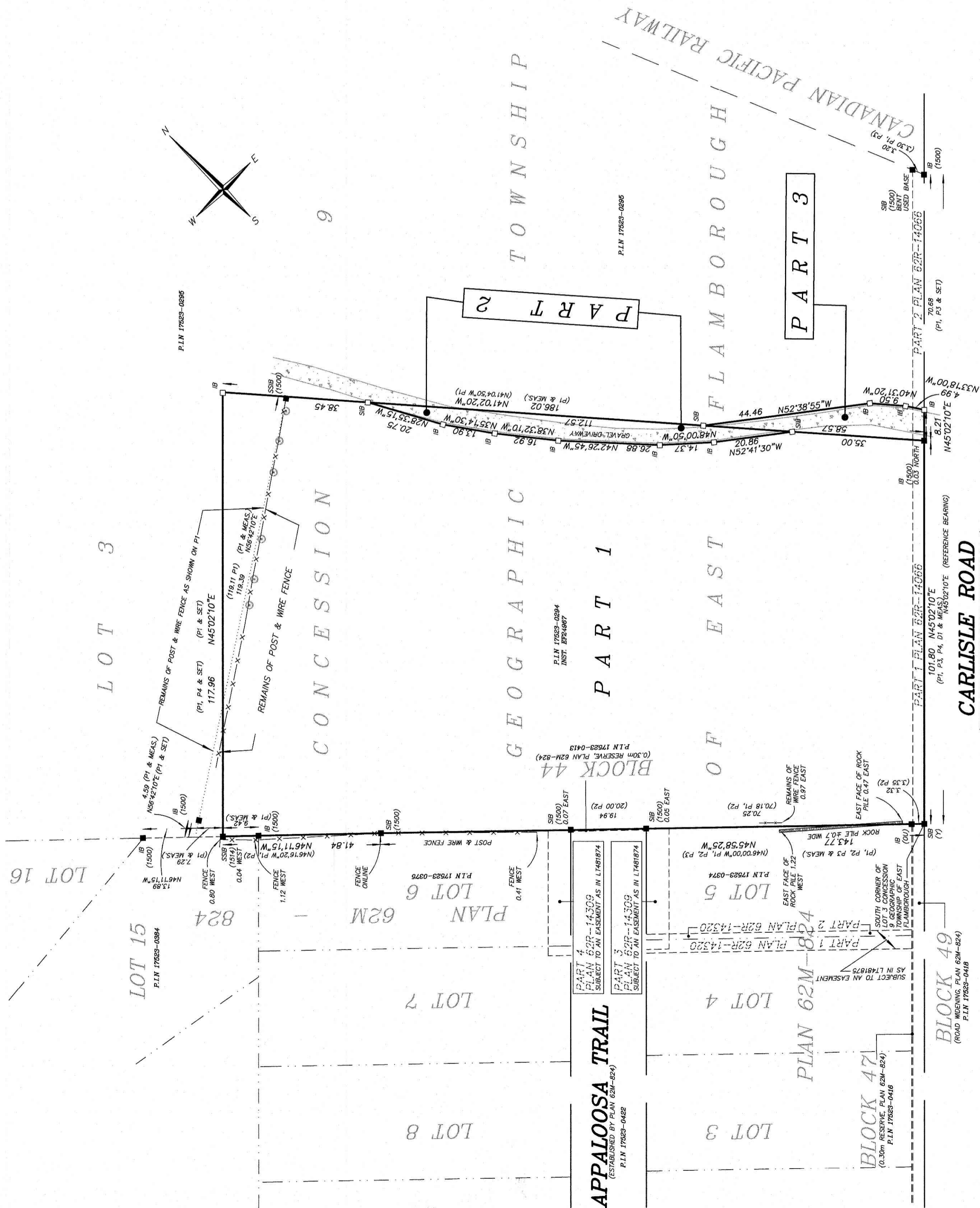
LEGEND:  
 □ DENOTES A SURVEY MONUMENT PLANTED  
 ■ DENOTES A SURVEY MONUMENT FOUND  
 SIB DENOTES STANDARD IRON BAR  
 IB DENOTES IRON BAR  
 SSBIB DENOTES SHORT STANDARD IRON BAR  
 (1514) DENOTES M. J. TERRY O.L.S.  
 (1500) DENOTES JAMES D. AITKEN, O.L.S.  
 (Y) DENOTES YATES & AITKEN LTD., O.L.S.  
 (OU) DENOTES ORIGIN UNKNOWN  
 (WT) DENOTES WITNESS  
 P1 DENOTES A SURVEY BY M. J. TERRY SURVEYING DATED MARCH 8, 2002  
 P2 DENOTES REGISTERED PLAN 62M-824  
 P3 DENOTES PLAN 62R-14066  
 P4 DENOTES PLAN BY J.J. KINGSMWAY O.L.S. DATED JUNE 23, 1955 (INDEX J-99)  
 D1 DENOTES INST. EF24967  
 ○ DENOTES DECIDUOUS TREE

SURVEYOR'S CERTIFICATE:  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 3rd DAY OF NOVEMBER 2022

APRIL 21, 2023  
 DATE  
 NICHOLAS P. MUTH  
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER

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



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

May 8, 2023

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 449-451 Carlisle Road, Carlisle (Hamilton), ON  
Severance Application Submission**

---

Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by John Edgar Allen (care of Estate Trustee Marlyn Gardiner-Dean), for the purposes of submitting the enclosed Severance (Consent) Application Package for the subject lands, municipally known as 451 Carlisle Road. This application is to create a shared easement of access between the lands known as 449 and 451 Carlisle Road. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 449 Carlisle Road;
- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 451 Carlisle Road;
- Electronic copies of two cheques, both in the amount of \$1,990.00, representing the required application fees for both enclosed easement applications;
- One (1) electronic copy of the Draft Reference Plan dated April 21, 2023, depicting the parcels required to facilitate the easement.

The purpose of this application is to facilitate the creation of a mutual access easement between the lands of 449 and 451 Carlisle Road, just east of the Carlisle Settlement Area boundary. A pre-existing driveway has provided access to the dwelling, barn and associated accessory buildings of 451 Carlisle. This driveway, however, crosses the adjacent parcel boundary.

The intent of this application is to allow the conditions as they have and continue to exist in their current use and location. The concurrently submitted Draft Reference Plan illustrates the existing road and outlines the Parts which must be included in the easements discussed in both applications.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

Franz Kloibhofer, MCIP, RPP

Principal, Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Marlyn Gardiner-Dean ([marlyn.gardiner-dean@sympatico.ca](mailto:marlyn.gardiner-dean@sympatico.ca))



**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)



Hamilton

**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**

	<b>NAME</b>
<b>Purchaser*</b>	
<b>Registered Owners(s)</b>	John Edgar Allen
<b>Applicant(s)**</b>	John Edgar Allen c/o Marlyn Gardiner-Dean (Estate Trustee)
<b>Agent or Solicitor</b>	A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

\*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 All correspondence should be sent to  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.

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	451 Carlisle Road, Carlisle, ON		
Assessment Roll Number	30391001800		
Former Municipality	East Flamborough		
Lot	3	Concession	9
Registered Plan Number		Lot(s)	Pt Lt 3
Reference Plan Number (s)		Part(s)	

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

Yes  No

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

S/T EASEMENT IN GROSS OVER PTS 2, 3 & 4 62R17201 AS IN WE338007; S/T EASEMENT IN GROSS OVER PTS 1 & 2 62R17201 AS IN WE338017; FLAMBOROUGH, CITY OF HAMILTON

## 3 PURPOSE OF THE APPLICATION

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

- |   |  |
|---|--|
| <input type="checkbox"/> creation of a new lot(s)   | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease               |
| <input checked="" type="checkbox"/> an easement   | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>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:

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, m<sup>2</sup> or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on Sketch as:	PIN 17523-0295	Part 3			
Type of Transfer	N/A	easement			
Frontage	70.68m	8.21m			
Depth	±871.3m	58.54m			
Area	±28.55 ha	±324.48m <sup>2</sup>			
Existing Use	agricultural	access drive			
Proposed Use	agricultural	access drive			
Existing Buildings/ Structures	dwelling; barn; 3 accessory bldg	none			
Proposed Buildings/ Structures	no change	none			
Buildings/ Structures to be Removed	none	none			

\* 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

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) n/a

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

Technical matter to allow shared easement of access on existing private road for 449 and 451 Carlisle Road.

- 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? A2- Rural, P7/P8-Conservation/ Hazard Land

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.

concurrent application for 449 Carlisle Road to address easement parts.

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

**6 HISTORY OF THE SUBJECT LAND**

6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes       No       Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

---

6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

---

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

Yes       No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

---

6.4 How long has the applicant owned the subject land?

August 2011

---

6.5 Does the applicant own any other land in the City?       Yes       No

If YES, describe the lands below or attach a separate page.

---

**7 PROVINCIAL POLICY**

7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?

Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

---

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

Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

---

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

Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

---

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)

Lands designated 'Protected Countryside' and 'Natural Heritage System'

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 <sup>2</sup> 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 <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.7 Description of surplus dwelling lands proposed to be severed:**

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

**a) Date of construction:**

- Prior to December 16, 2004       After December 16, 2004

**b) Condition:**

- Habitable       Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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June 1<sup>st</sup>, 2023**FL/B-23:29 – 451 Carlisle Rd., Flamborough**

## Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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)

**Advisory Note:**

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this easement is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the *Planning Act*.

June 1<sup>st</sup>, 2023**FL/B-23:29 – 451 Carlisle Rd., Flamborough****PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural**Background

The purpose of this application is to facilitate the creation of a mutual access easement between the lands of 449 and 451 Carlisle Road, just east of the Carlisle Settlement Area boundary.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 3): (For Easement)</b>	<b>8.21 m<sup>±</sup></b>	<b>58.56 m<sup>±</sup></b>	<b>324.48 m<sup>2±</sup></b>
<b>RETAINED LANDS (PIN 17523-0295):</b>	<b>70.68 m<sup>±</sup></b>	<b>871.3 m<sup>±</sup></b>	<b>28.55 ha<sup>±</sup></b>

Greenbelt Plan

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

## “4.6 Lot Creation

e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;

As the application is not creating a new lot and only to facilitate an easement for access. The proposal complies with the Greenbelt Plan as it is not fragmenting a key Natural Heritage feature.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D – Rural Land Use Designation to which the use complies. The following amongst other policies apply:

1.14.2.5.c) Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

a) No new lots shall be created;

b) All resulting lots shall be:

i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,

June 1<sup>st</sup>, 2023

ii) be compatible with and not hinder surrounding agricultural operations. As the proposed easement will not be resulting in a new lot or hinder surround agricultural operations, the application complies with the Rural Hamilton Official Plan.

#### Hamilton Zoning By-law No. 05-200

The subject lands are zoned Rural (A2) Zone, to which the use complies.

#### Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

#### **Advisory Note:**

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this easement is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the Planning Act.

#### Recommendation:

Having regard for the matters under subsection 51(2) of the *Planning Act*, staff recommend that the application be **approved**, as it generally complies with the Rural Hamilton Official Plan and Zoning By-law, is minor in nature and desirable for the subject property.

#### **Zoning:**

- i. This Division has no concerns with the proposed application.

#### **Development Engineering:**

No comments. Development Engineering has no issues with the proposed creation of private mutual access easements for the existing driveway between 449 and 451 Carlisle Road properties.

**See attached for additional comments.**



Sam Brush, Urban Forest Health Technician  
100 King Street West, 14<sup>th</sup> Floor  
Hamilton, ON L8P 1A2  
urbanforest@hamilton.ca

## Hamilton

Environmental Services Division  
Public Works Department

**Date:** May 26, 2023

**To:** Jamila Sheffield, Committee of Adjustment Secretary/Treasurer  
Development Planning  
City Hall – 71 Main Street West – 5<sup>th</sup> Floor

**From:** Sam Brush – Urban Forestry Health Technician

**Subject:** 451 Carlisle Road, Carlisle.  
File: FL/B-23:29

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### **PREAMBLE**

In response to your Agenda listing for the upcoming meeting on Thursday, June 01, 2023, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

### **SCOPE**

There are municipal tree assets on site although it is determined that no impacts are anticipated through this application; therefore, no Tree Management Plan is required.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director. Email [urbanforest@hamilton.ca](mailto:urbanforest@hamilton.ca) for questions or public tree permit application.

### **TREE MANAGEMENT**

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

### **LANDSCAPE PLAN**

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

## SUMMARY

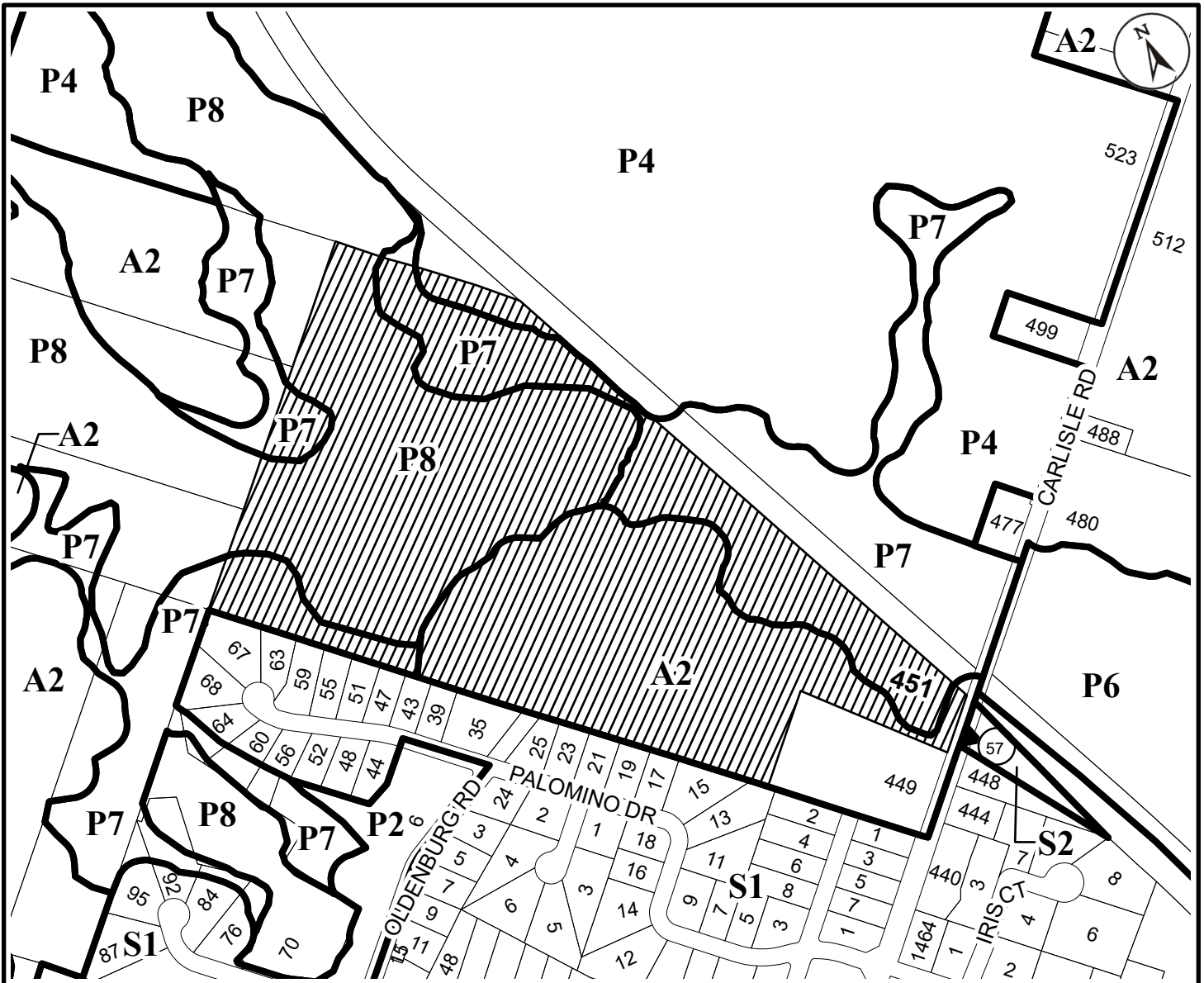
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

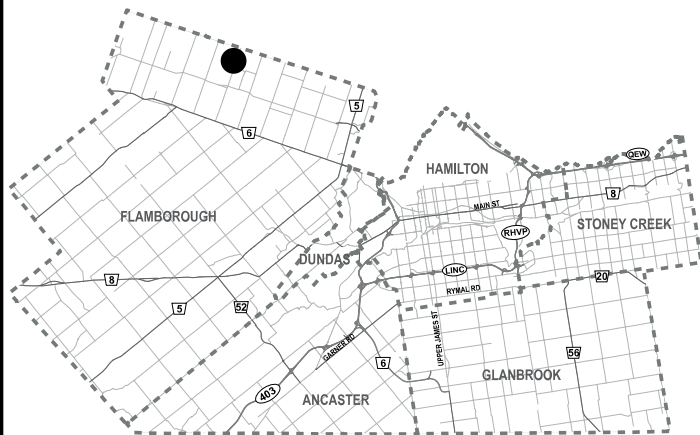
Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized and cursive.

Sam Brush  
Urban Forest Health Technician



● Site Location



**City of Hamilton**

## Committee of Adjustment

### Subject Property



451 Carlisle Road, Flamborough  
(Ward 15)

File Name/Number:

FL/B-23:29

Date:

May 19, 2023

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton



Hamilton

**COMMITTEE OF ADJUSTMENT**

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>FL/B-23:29</b>	<b>SUBJECT PROPERTY:</b>	451 Carlisle Road, Carlisle
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**APPLICANTS:** Owner John Edgar Allen  
Agent A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

**PURPOSE & EFFECT:** To create a shared easement of access between the lands known as 449 & 451 Carlisle Road.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS (Part 3):</b> (for Easement)	8.21 m <sup>±</sup>	58.54 m <sup>±</sup>	324.48 m <sup>2</sup> ±
<b>RETAINED LANDS (PIN 17523-0295):</b>	70.68 m <sup>±</sup>	871.3 m <sup>±</sup>	28.55 ha <sup>±</sup>

Associated Planning Act File(s): FL/B-23:28

**THE DECISION OF THE CONSENT AUTHORITY IS:**

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):**

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

FL/B-23:29

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)

DATED AT HAMILTON, June 1, 2023.



Steve Robichaud,  
Director of Planning and Chief Planner  
Consent Authority

The date of the giving of this Notice of Decision is **June 8, 2023**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (June 8, 2025) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **June 28, 2023** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.





Hamilton

## COMMITTEE OF ADJUSTMENT

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

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

### APPEAL INFORMATION – CONSENTS/SEVERANCES

#### 1. Who may file an appeal of the Decision of the Committee of Adjustment or Consent Authority?

Please note neighbours and other interested parties not defined are no longer eligible to file Planning Act Section 53(19) appeals. See [Bill 23, More Homes Built Faster Act, 2022](#) for more information.

Planning Act Section 53(19) appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by Planning Act 1(1)), and any “public body” (as defined by Planning Act 1(1)).

#### 2. When must an appeal be received to be considered?

Planning Act Section 53(19) appeals must be received no later than the end of business on the last date of appeal listed on the Notice of Decision. The last date of appeal is 20 days from the date of the giving of Notice of the Decision. Please see Notice of Decision for exact date.

#### 3. Where must the appeal be filed to be considered?

Planning Act Section 53(19) appeals must be received either by hardcopy or electronic copy. Please see below for more information:

Hardcopy: at City Hall and addressed to the Secretary-Treasurer of the Committee of Adjustment, Hamilton City Hall, 5th Floor, 71 Main Street West, Hamilton, ON, L8P 4Y5. Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of second-hand mailing will be time barred and of no effect.

Electronic copy: by email delivered to [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Do not address appeals to any other departments or locations. Appeals received by the office of the Committee of Adjustment after the last date of appeal as a result of incorrectly addressed emails will be time barred and of no effect. If the information submitted will include large file sizes not able to be sent in one email, please contact [cofa@hamilton.ca](mailto:cofa@hamilton.ca) in advance to request a file sharing link.

#### 4. What information must be submitted for the appeal to be considered?

Planning Act Section 53(19) appeals must include:

- Notice of appeal, the Ontario Land Tribunal (OLT) Appeal Form, this can be found by contacting Committee of Adjustment staff at the 5<sup>th</sup> floor of City Hall or at the OLT website <https://olt.gov.on.ca/appeals-process/forms/>, a cover letter, etc. may also be submitted if there is not sufficient room in the form;