



Hamilton

Planning and Economic Development Department
Planning Division

Phone (905) 546-2424, ext. 4221
Fax (905) 546-4202

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

**APPLICATION FOR CONSENT TO SEVER LAND
UNDER SECTION 53 OF THE PLANNING ACT**

		Office Use Only	
Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
Feb. 10 2020			FL/B-20:16

1 APPLICANT INFORMATION

1.1, 1.2	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)	BIRGIT BRUNOTTI	[REDACTED]	[REDACTED]
Applicant(s)*	Cynthia Louise Goodes	[REDACTED]	[REDACTED]
Agent or Solicitor			Business () Fax: () E-mail:

* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☐ Applicant ☐ Agent/Solicitor

2 LOCATION OF SUBJECT LAND Complete the applicable lines

2.1 Area Municipality Hamilton	Part Lot 2	Concession 2	Former Township West Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°. 62R-5479	Part(s) 2
Municipal Address n/a 262 Hwy 8			Assessment Roll N°.

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

☐ Yes ☒ No

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

3 PURPOSE OF THE APPLICATION

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

a) Urban Area Transfer (do not complete Section 10):

- ☐ creation of a new lot Other: ☐ a charge
☐ addition to a lot ☐ a lease
☐ an easement ☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot Other: ☐ a charge
☐ creation of a new non-farm parcel ☐ a lease
(i.e. a lot containing a surplus farm dwelling ☐ a correction of title
resulting from a farm consolidation) ☐ an easement
☒ addition to a lot

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

Cynthia Louise Goodes and Rodger William Goodes

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

Part Lot 2, Concession 2 West as in CD24777, Flamborough (262 Highway #8)

4 **DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

4.1 Description of land intended to be Severed:

Frontage (m)	Depth (m)	Area (m² or ha)
60.96 m	5.79 m	0.0352 h

Existing Use of Property to be severed:

- ☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Proposed Use of Property to be severed:

- ☒ Residential ☐ Industrial ☐ Commercial
☐ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: shed on the northeast corner which belongs to the Applicant

Proposed: none

Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☐ municipal road, maintained all year
☒ right of way
☐ other public road

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) _____

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) _____

4.2 Description of land intended to be Retained:

Frontage (m)	Depth (m)	Area (r
594.46 m	428 m	27.666 ha

Existing Use of Property to be retained:

- ☐ Residential ☐ Industrial [] Commercial

☐ Agriculture (includes a farm dwelling) ☒ Agricultural-Related ☐ Vacant
☒ Other (specify) Nursery (Connon)

Proposed Use of Property to be retained:

☐ Residential ☐ Industrial ☒ Commercial
☐ Agriculture (includes a farm dwelling) ☒ Agricultural-Related ☐ Vacant
☐ Other (specify) _____

Building(s) or Structure(s):

Existing: nursery (trees)

Proposed: same

Type of access: (check appropriate box)

☒ provincial highway ☐ right of way
☐ municipal road, seasonally maintained ☐ other public road
☐ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

☐ publicly owned and operated piped water system ☐ lake or other water body
☒ privately owned and operated individual well ☐ other means (specify)

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): _____

Urban Hamilton Official Plan designation (if applicable) _____

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

Subject lands to be severed are a 19 X 200' strip of land in front of the Applicants' lands and are crossed to access the Applicants' lands. The Applicants do not have access to

Highway 8. Their access is from Neff's Lane, and across the subject lands to be severed.

5.2 What is the existing zoning of the subject land? **A2**

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

5.3 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	☐	Nursery operation
A land fill	☐	
A sewage treatment plant or waste stabilization plant	☐	
A provincially significant wetland	☐	
A provincially significant wetland within 120 metres	☐	
A flood plain	☐	
An industrial or commercial use, and specify the use(s)	☐	Commercial Nursery operation
An active railway line	☐	
A municipal or federal airport	☐	

6 PREVIOUS USE OF PROPERTY

☒ Residential
 ☐ Industrial
 ☐ Commercial

☐ Agriculture
 ☐ Vacant
 ☐ Other (specify)

6.1 If Industrial or Commercial, specify use _____

6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?

☐ Yes
 ☒ No
 ☐ Unknown

6.3 Has a gas station been located on the subject land or adjacent lands at any time?

☐ Yes
 ☒ No
 ☐ Unknown

6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

☐ Yes
 ☒ No
 ☐ Unknown

6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

☐ Yes
 ☒ No
 ☐ Unknown

6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?

☐ Yes
 ☒ No
 ☐ Unknown

6.7 Have the lands or adjacent lands ever been used as a weapons firing range?

☐ Yes
 ☒ No
 ☐ Unknown

6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

☐ Yes
 ☒ No
 ☐ Unknown

6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

☐ Yes
 ☒ No
 ☐ Unknown

6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

☐ Yes
 ☒ No
 ☐ Unknown

6.11 What information did you use to determine the answers to 6.1 to 6.10 above?

Personal knowledge and title search _____

- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.
Is the previous use inventory attached?
☐ Yes ☐ No

7 PROVINCIAL POLICY

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)

☒ Yes ☐ No

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

☒ Yes ☐ No (Provide explanation)

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

☐ Yes ☐ No (Provide explanation)

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)

☐ Yes ☐ No

- e) Are the subject lands subject to the Niagara Escarpment Plan?

☒ Yes ☐ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

☒ Yes ☐ No
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

☐ Yes ☒ No (Provide Explanation)

g) Are the subject lands subject to the Greenbelt Plan?

☒ Yes ☐ No

If yes, does this application conform with the Greenbelt Plan?

☒ Yes ☐ No (Provide Explanation)

8 HISTORY OF THE SUBJECT LAND

8.1 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, indicate the appropriate application file number and the decision made on the application.

The Applicants' lands were severed in June, 1958 (120' X 200') by John Elwood Betzner with consent and in May of 1960 another parcel abutting (10' X 200') were severed by John Elwood Betzner with consent. Both parcels (merged) were conveyed to a predecessor in title. The subject lands is a 19 X 200' parcel which is in front of the applicant's lands and was conveyed to the Owner by John Elwood Betzner as part of a deed of remainder lands of Betzner (no consent required).

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

8.3 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.

8.4 How long has the Owner ~~Applicant~~ owned the subject land?

Property transferred to Owner March 29, 2019 from her father Bernd Bogehold who obtained title in 1980.

8.5 Does the applicant own any other land in the City? ☐ Yes ☒ No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number _____ Status _____

10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

☒ Agricultural

☐ Mineral Aggregate Resource Extraction

☐ Rural Settlement Area (specify)

☐ Rural

☐ Open Space

☐ Specialty Crop

☐ Utilities

Settlement Area

Designation

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 operation.

10.2 Type of Application (select type and complete appropriate sections)

☒ Agricultural Severance or Lot Addition

☐ Agricultural Related Severance or Lot Addition

☐ Rural Resource-based Commercial Severance or Lot Addition

☐ Rural Institutional Severance or Lot Addition

☐ Rural Settlement Area Severance or Lot Addition

(Complete Section 10.3)

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

(Complete Section 10.4)

(Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 60.96 m	Area (m² or ha): (from in Section 4.1) 0.0352 h
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Existing Land Use: Residential

Proposed Land Use: Residential

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 594.46 m	Area (m2 or ha): (from Section 4.2) 27.666 h
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Existing Land Use: Agricultural

Proposed Land Use: Agricultural

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street)

(Municipality)

(Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m2 or ha):
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Existing Land Use(s):

Proposed Land Use(s):

c) Description of consolidated farm (excluding lands intended to be severed for the surplus dwelling):

Frontage (m):	Area (m2 or ha):
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Existing Land Use:

Proposed Land Use:

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
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Front yard set back:

e) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004

☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☐ Habitable

☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
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Existing Land Use: Proposed Land Use:

10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

(Street)

(Municipality)

(Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m2 or ha):
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Existing Land Use(s): Proposed Land Use(s):

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)
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Front yard set back:

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004

☐ After December 16, 2004

e) Condition of surplus farm dwelling:

☐ Habitable

☐ Non-Habitable

f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)
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Existing Land Use: Proposed Land Use:

11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

A transfer of the subject lands to the Applicants would provide legal access to the Applicant's lands from Neff's Lane (private laneway) off of Highway 8 which is the access to the Applicants' lands. Technically the Applicants' lands are landlocked by the subject lands and the subject severance and subsequent merger provides legal access. The Applicants do not have access from Highway No. 8.

Consent Application Form (May 9, 2019)

8

12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
 - i) are located on the subject land on a land that is adjacent to it, and
 - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

14.1. 2020
Date


Signature of Owner

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

I, Cynthia Louise Goodes of the City
of Hamilton make oath and

say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the application is true.

Sworn (or declared) before me at the

City of Hamilton this

)
)
)
)
)

7 day of November, 2019


Applicant's Signature



A Commissioner, etc.)

15 AUTHORIZATIONS

15.1 If the applicant is not the owner of the land that is the subject of this application, the authorization set out below must be completed.

Authorization of Owner for Agent to Provide Personal Information

I, Birgit Brunotti, am the owner of the land that is the subject of this application for consent to sever land and for the purpose of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I authorize Cynthia Louise Goodes _____, as my agent for this application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

14.1.2020
Date

[Signature]
Sig

16 CONSENT OF THE OWNER

Complete the consent of the owner concerning personal information set out below.

Consent of Owner to the Disclosure of Application Information and Supporting Documentation

Application information is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13. In accordance with that Act, it is the policy of the City of Hamilton to provide public access to all *Planning Act* applications and supporting documentation submitted to the City.

I, Birgit Brunotti, the Owner, hereby agree and acknowledge
(*Print name of Owner*)

that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, I hereby consent to the City of Hamilton making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

14.1.2020

Date


Signature of Owner

17 COLLECTION OF INFORMATION

The personal information contained on this form is collected under the authority of the *Planning Act*, R.S.O. 1990, c. P.13, and will be used for the purpose of processing the application. This information will become part of the public record and will be made available to the general public. Questions about the collection of this information should be directed to the Coordinator of Business Facilitation, Planning and Economic Development Department, City of Hamilton, 1st floor, 71 Main Street West, City Hall, Hamilton, Ontario, Telephone, 905-546-2424, ext.1284.

A File Number will be issued for complete applications and should be used in all communications with the City.

APPLICANT'S CHECKLIST

Please attach all items listed below:

- ☐ Two (2) copies of the completed application form (Ensure you have a copy for yourself);
- ☐ Three (3) copies of the prescribed sketch or survey (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and
- ☐ The required fee. (**A cheque or money order payable to the City of Hamilton**)