



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202
E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER: HM/B-20:40

SUBJECT PROPERTY: 404 & 406 Beach Blvd., Hamilton

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
-

APPLICANT(S):

Owner: Charles & Carolynne Cole
Agent: A.J. Clarke & Associates Ltd. c/o S. Fraser

PURPOSE OF APPLICATION:

To permit the conveyance of a vacant parcel of land, and to retain a parcel of land known as 404 Beach Blvd. containing an existing dwelling (to remain). The subject land was previously the subject of HM/B-18:155 for the same purpose.

Severed lands: (Part 9)

11.57m[±] x 28.95m[±] and an area of 328.8m^{2±}

Retained lands:

9.14m[±] x 96.92m[±] and an area of 886m^{2±}

DATE: Thursday, August 27th, 2020

TIME: 1:35 p.m.

PLACE: Via video link or call in (see attached sheet for details)

To be streamed at www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

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

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

DATED: August 11th, 2020.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

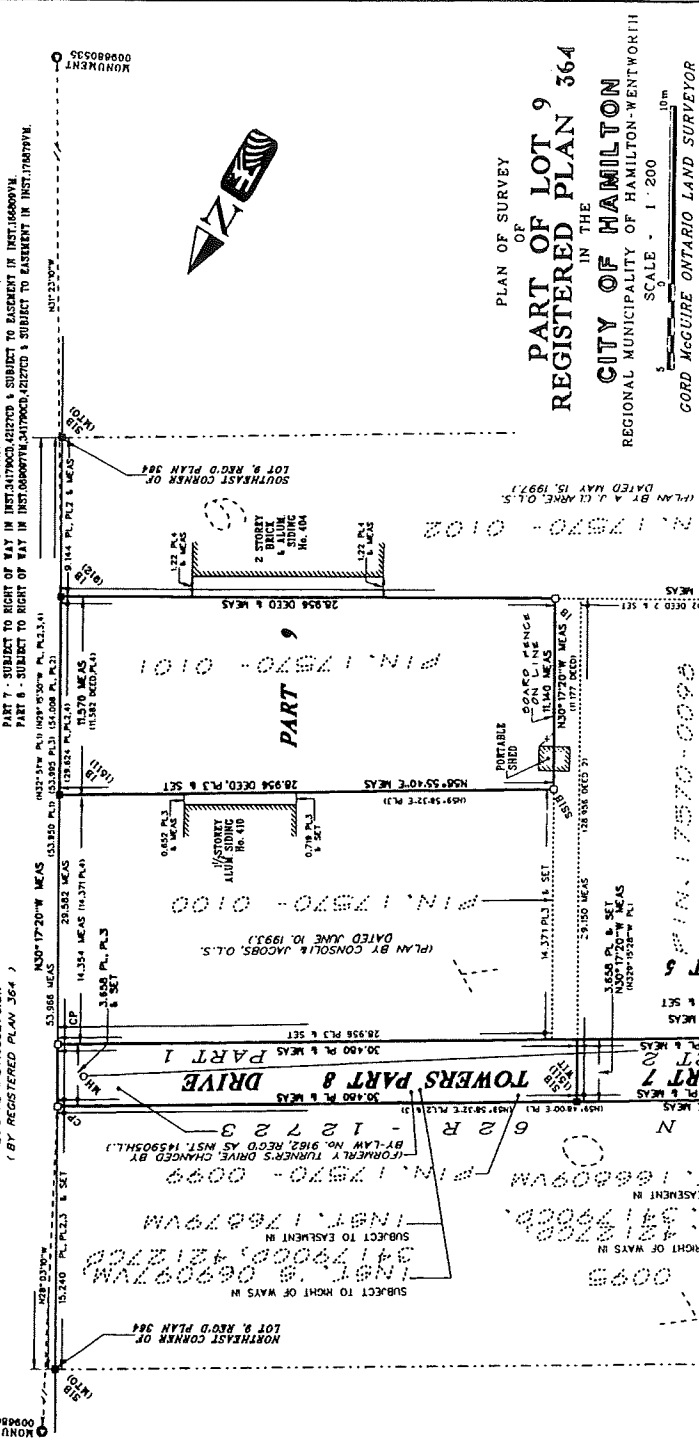
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

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

PIN. 17570-0169
REGIONAL ROAD No. 114
BEACH BOULEVARD
(FORMERLY BEACH ROAD, CHANGED BY BY-LAW No. R77-78,
REG. AS 17570-0169, 17570-0170,
(BY REGISTERED PLAN 364))

SCHEDULE			
PART	LOT	REGD PLAN	TRANSFER
1		PART OF 17570-0086B	ALTERED
2			
3			
4		PART OF 17570-0071B	
5	9		
6			
7		PART OF 17570-0086B	
8			
9		17570-0010B	

HAMILTON REGION CONSERVATION AUTHORITY
DATE Feb 4/1999
UNDER THE REGISTRY ACT
CORD McGUIRE O.L.S. PROJECT SURVEYOR



NOTE
READINGS HEREON ARE ASTROMERIC AND ARE REFERRED TO
THE NATIONAL SYSTEM ZONE 17, CENTRAL
MERCATOR CITY LONGITUDE AND DERIVED FROM MONUMENTS
00860535 1309096 878 N4751007 431
00860537 1309094 828 N4752516 891
DISTANCES SHOWN ARE GROUND VALUES, TO RELATE TO GRID
VALUES MULTIPLY BY THE C.S.T. OF 0.9998050.

- PL 1 DEBITS PLAN 428-1723
- PL 2 DEBITS REGISTERED PLAN 364
- PL 3 DEBITS PLAN 428-756
- PL 4 DEBITS PLAN BY CONSOLI 1
- DEED DEBITS INSTRUMENT No. 173561C D
- DEED DEBITS INSTRUMENT No. 4212C D
- DEED DEBITS INSTRUMENT No. 341790C D

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYS ACT AND THE
REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF SEPT
1999.

DATE **Feb 11/1999**
CORD McGUIRE O.L.S.

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH REGIONAL TRANSPORTATION DEPARTMENT	
APPROVED <i>TL</i> SENIOR DIRECTOR - ROADS	MANAGER OF SURVEYS <i>CORD McGUIRE</i> CORD McGUIRE O.L.S.
PLAN No. RB-H-618 SURVEYS	



Hamilton

Planning and Economic Development Department
Planning Division

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

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

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

APPLICATION FEE:

Property serviced with sanitary sewers and public watermain	\$2,845.00
Property serviced with sanitary sewers and a well or cistern	\$2,860.00
Property serviced with public watermain and a septic system	\$3,219.00
Property serviced by a well or cistern and a septic system	\$3,234.00

RECIRCULATION FEE: \$ 190.00

Please make cheques payable to "The City of Hamilton."

CONSERVATION AUTHORITY PLAN REVIEW FEES:

Conservation Authority	Minor	Intermediate	Major
Hamilton Conservation Authority	\$805 ¹	n/a	\$1,730 ²
Conservation Halton	\$2,153 ¹	\$2,938 ⁵	\$4,074 ²
Niagara Peninsula Conservation Authority	\$570 ¹	n/a	TBD*
Grand River Conservation Authority	\$410 ³	n/a	\$1,060 ⁴

Once an application is submitted, City of Hamilton staff will advise the proponent if their application requires Conservation Authority review, and if so, which Conservation Authority their project falls within. The fee is to be made payable to the appropriate Conservation Authority and submitted to the City of Hamilton upon request. The fee will be forwarded to the Conservation Authority along with the application.

Note: For lands located within the watershed boundaries of the Conservation Authority, combined applications will only be processed at the highest rate.

NOTE TO APPLICANTS:

This application form is to be used by persons or public bodies wishing to apply for the severance of land within the City of Hamilton. In this form, the term "subject land" means the land to be severed and the land to be retained.

The application fee is payable at the time of submission of the completed application and is **non-refundable** whether the application is approved or denied. Prior to submitting an application, it is strongly recommended that you contact the planner responsible for your particular area in order to determine the feasibility of your proposal. Please call the Committee of Adjustment office for further information.

N.B. Submission of this application constitutes tacit consent for authorized municipal staff to inspect the subject lands or premises.

¹ In the area of interest to the Conservation Authority (Scoped EIS).

² Technical studies (i.e. Storm Water Management or Geotechnical) beyond a scoped EIS are required.

³ Low risk of impact on natural hazard or natural features, no technical reports required.

⁴ A hazard risk and/or potential impact to natural hazards or natural features and requires the review of one or more technical reports/studies.

⁵ One Technical study is required for review from the Conservation Authority.

* Addition fee for the review of a technical report, if required.

COMPLETENESS OF THE APPLICATION:

The information in this application form that must be provided by the applicant is prescribed in Ontario Regulation made under the *Planning Act*. This mandatory information must be provided along with the appropriate fee. If the mandatory information and fee are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

In the case of an approved application, conditions may be imposed as requested by circulated agencies (i.e. - a 5 per cent park land dedication or cash-in-lieu thereof to the local municipality, a road widening dedication to the appropriate authority, and any other condition the Committee deems necessary).

The application form also sets out additional information (i.e. technical information or reports) that will assist the City in their planning evaluation of the consent application. To ensure the quickest and most complete review, this information should be submitted along with the mandatory information. In the absence of this additional information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the proposed severance application may be refused.

SUBMISSION OF THE APPLICATION:

A separate application form is required for each parcel severed, along with the applicable fee as indicated below.

The Committee of Adjustment needs:

Two (2) copies of the completed application form;

Three (3) copies of the sketch or survey of the property must be submitted (one (1) full scale size and two (2) no larger than ledger size paper 11" x 17"); and

Five (5) copies of the information/reports if indicated as needed when completing the sections of the application form. The nature of the information/reports varies with the type of land uses proposed, the existing land use and topographic features.

This application form is available in Microsoft Word and PDF.



Hamilton

Planning and Economic Development Department
Planning Division

Committee of Adjustment
City Hall
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Hamilton, Ontario L8P 4Y5

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

**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.:
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1 APPLICANT INFORMATION

1.1, 1.2

	NAME	ADDRESS	PHONE/FAX
Registered Owners(s)			
Applicant(s)*			
Agent or Solicitor			

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	Lot	Concession	Former Township
Registered Plan N°. 364	Lot(s) Pt. Lot 9	Reference Plan N°. 62R-14928	Part(s) 9
Municipal Address 404 & 406 Beach Boulevard, Hamilton			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
☐ addition to a lot
☐ an easement

- Other: ☐ a charge
☐ a lease
☐ a correction of title

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

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

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

Carolynne Anne Cole

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

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of land intended to be **Severed**: Part 9, Plan 62R-14928

Frontage (m)	Depth (m)	Area (m ² or ha)
11.57	28.956	328.8sq.m

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: None

Proposed: Single detached dwelling

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**: 404 Beach Boulevard

Frontage (m)	Depth (m)	Area (m ² or ha)
9.144	96.923	+/-886sq.m

Existing Use of Property to be retained:

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

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: Single-detached dwelling and accessory structures (to remain)

Proposed: No change

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) Neighbourhoods (Sch.E-1)

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

Please see cover letter.

C/S-1436 (Urban Protected

5.2 What is the existing zoning of the subject land? Residential) District

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	<input type="checkbox"/>	

A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

6 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?
Property owner's knowledge and previous approvals
- 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
Please see attached cover letter.

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

☒ Yes ☐ No (Provide explanation)

Please see attached cover letter.

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

☒ Yes ☐ No (Provide explanation)

Please see attached cover letter.

- 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

See question 7.1c) above.

- 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.

HM/B-19:155. Approved but consent agreement was not registered prior to it lapsing.

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

No change from 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 applicant owned the subject land?

Since March 7, 2005.

- 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 HM/A-19-365

Status Approved

10 RURAL APPLICATIONS

- 10.1 Rural Hamilton Official Plan Designation(s)

☐ Agricultural

☐ Rural

☐ Specialty Crop

☐ Mineral Aggregate Resource Extraction

☐ Open Space

☐ Utilities

☐ Rural Settlement Area (specify)

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

(Complete Section 10.3)

☐ Rural Settlement Area Severance or Lot Addition

☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from in Section 4.1)
----------------------------------	--

Existing Land Use: _____ Proposed Land Use: _____

b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m ² or ha): (from Section 4.2)
----------------------------------	---

Existing Land Use: _____ Proposed Land Use: _____

10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

(Street) (Municipality) (Postal Code)

b) Description abutting farm:

Frontage (m):	Area (m ² or ha):
---------------	------------------------------

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 (m ² or ha):
---------------	------------------------------

Existing Land Use: _____ Proposed Land Use: _____

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

Frontage (m): (from Section 4.1)	Area (m ² or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: _____

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 (m ² or ha): (from Section 4.2)
----------------------------------	---

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

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)
----------------------------------	-------------------------------------

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)
----------------------------------	-------------------------------------

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.

_____ Please see attached cover letter.

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 and on 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.

14 AFFIDAVIT OR SWORN DECLARATION

14.1 Declaration For the Prescribed Information

_____ make oath and
_____ information 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

Prov

authorization set out below must be completed.

_____ for Agent to Provide Personal Information

_____ ation for
_____ and
_____ associates Ltd.
_____ gent for this
_____ lication or

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. It is the policy of the City of Hamilton to provide public access to application information and supporting documentation submitted to the City.

_____, the Owner, hereby agree and acknowledge

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

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)

CITY OF HAMILTON
COST ACKNOWLEDGEMENT AGREEMENT

This Agreement made this 14 day of June, 2020.

BETWEEN:



hereinafter referred to as the "Developer"

-and-

City of Hamilton

hereinafter referred to as the "City"

WHEREAS the Developer represents that he/she is the registered owner of the lands described in Schedule "A" attached hereto, and which lands are hereinafter referred to as the "lands";

AND WHEREAS the Developer has filed for an application for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval/minor variance.

AND WHEREAS it is a policy of the City that any City costs associated with an appeal to the Local Planning Appeal Tribunal, by a party other than the Developer, of an approval of a consent, rezoning, official plan amendment, plan of subdivision, and/or minor variance, such as, but not limited to, legal counsel costs, professional consultant costs and City staff costs, shall be paid by the Developer.

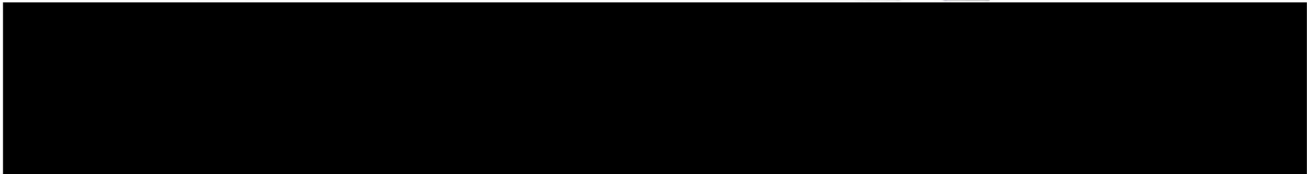
NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of two dollars (\$2.00) now paid by the City to the Developer, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. In this Agreement:
 - (a) "application" means the application(s) for a (circle applicable) consent/rezoning/official plan amendment/subdivision approval or minor variance dated _____ with respect to the lands described in Schedule "A" hereto.
 - (b) "Expenses" means all expenses incurred by the City if the application is: (a) approved by the City; (b) appealed to the Local Planning Appeal Tribunal by a party other than the developer; and (c) the City appears before the Local Planning Appeal Tribunal or any other tribunal or Court in support of the application, including but not limited to: City staff time, City staff travel expenses and meals, City disbursements, legal counsel fees and disbursements and all consultant fees and disbursements including, without limiting the generality of the foregoing planning, engineering or other professional expenses
2. The City agrees to process the application and, where the application is approved by the City but appealed to the Local Planning Appeal Tribunal by a party other than the Developer, the Developer shall file an initial deposit, in the form of certified cheque or cash with the General Manager, Finance & Corporate Services within fifteen days of the date of the appeal of the application by a third party in the amount of 50% of the estimated expenses associated with the appeal as estimated by the City Solicitor in his sole discretion which shall be credited against the Expenses.
3. It is hereby acknowledged that if the deposit required pursuant to section 2 of this Agreement is not paid by the Developer the City shall have the option, at its sole discretion, of taking no further steps in supporting the Developer's application before the Local Planning Appeal Tribunal.
4. It is hereby acknowledged that all expenses shall be paid for by the Developer. The Developer shall reimburse the City for all expenses the City may be put to in respect of the application upon demand.

5. It is hereby acknowledged and agreed that all expenses shall be payable by the Developer whether or not the Developer is successful before the Local Planning Appeal Tribunal or any other tribunal or Court in obtaining approval for their application.
6. The City shall provide the Developer with copies of all invoices of external legal counsel or consultants included in the expenses claimed by the City.
7. The City shall provide the Developer with an accounting of all staff costs and City disbursements included in the expenses claimed by the City.
8. The City may, at any time, draw upon the funds deposited in accordance with sections 2 and 9 of this Agreement to satisfy expenses incurred pursuant to the appeal of the application.
9. In the event that the amount deposited pursuant to section 2 of this Agreement is reduced to less than 10% of the initial deposit, the City may halt all work in respect of the appeal of the application until the Developer deposits with the City a sum sufficient to increase the deposit to an amount which is equal to 100% of the expenses estimated pursuant to paragraph 2 of this Agreement and still to be incurred by the City.
10. Within 60 days of: (a) a decision being rendered in respect of the appeal or any legal proceedings resulting from the decision, whichever is later; or (b) the termination of all legal proceedings in respect of the application, the City shall prepare and submit a final account to the Developer. If there are any deposit funds remaining with the City they shall be applied against the account. Any amount owing in respect of the final account in excess of deposit funds shall be paid by the Developer within 30 days of the date of the final account. If any deposit funds are remaining after the final account has been paid they shall be returned to the developer within 30 days of the date of the final account.
11. This Agreement shall not be construed as acceptance of the application and nothing herein shall require or be deemed to require the City to approve the application.
12. This Agreement shall not stand in lieu of or prejudice the rights of the City to require such further and other agreements in respect of the application that the City may deem necessary.
13. Every term, covenant, obligation and condition in this Agreement ensures to the benefit of and is binding upon the parties hereto and their respective heirs, executors, administrators, successors, trustees and assigns.
14. When the context so requires or permits, the singular number is to be read as if the plural were expressed, and the masculine gender as if the feminine, as the case may be, were expressed; and,
15. This Agreement and the schedules hereto constitute the entire agreement between the parties in respect of the subject matter contained herein and is not subject to, or in addition to, any other agreements, warranties or understandings, whether written, oral or implied. This Agreement may not be modified or amended except by instrument in writing signed by the Developer and the City, and,
16. The waiver or acquiescence by the City of any default by the Developer under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default under this Agreement.
17. The Developer covenants and agrees to be bound by the terms and conditions of this Agreement and not to seek a release from the provisions thereof until such time as the Developer's obligations hereunder have been assumed by its successor, assignee or transferee by way of written agreement in the form set out in Schedule "B" to this Agreement.

IN WITNESS WHEREOF the parties hereto have set their corporate seals under the hands of their duly authorized officers.

DATED at HAMILTON this 12 day of JUNE, 2020.



WITNESS

Per:
I have authority to bind the corporation

DATED at Hamilton, Ontario this ____ day of _____, 20____.

City of Hamilton

Per: _____
Mayor

Per: _____
Clerk

Schedule "A"
Description of Lands

SCHEDULE "B"
FORM OF ASSUMPTION AGREEMENT

THIS AGREEMENT dated the _____ day of _____, 20____.

BETWEEN

(hereinafter called the "Owner")

OF THE FIRST PART

-and-

(hereinafter called the "Assignee")

OF THE SECOND PART

-and-

CITY OF HAMILTON
(hereinafter called the "Municipality")

OF THE THIRD PART

WHEREAS the owner and the Municipality entered into and executed a Cost Acknowledgement Agreement dated _____.

AND WHEREAS Assignee has indicated that it will assume all of the Owner's duties, liabilities and responsibilities as set out in the Cost Acknowledgement Agreement.

AND WHEREAS Council for the Municipality has consented to releasing the Owner from its duties, liabilities and responsibilities under said Cost Acknowledgement Agreement subject to the Assignee accepting and assuming the Owner's duties, liabilities and responsibilities and subject to the Assignee the Owner and the Municipality entering into and executing an Assumption Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows.

1. The Assignee covenants and agrees to accept, assume and to carry out the Owner's duties, liabilities and responsibilities under the Cost Acknowledgement Agreement and in all respects to be bound under said Cost Acknowledgement Agreement as if the Assignee had been the original party to the agreement in place of the Owner.
2. The Municipality hereby releases the Owner from all claims and demands of any nature whatsoever against the Owner in respect of the Cost Acknowledgement Agreement. The Municipality hereby accepts the Assignee as a party to the Cost Acknowledgement Agreement in substitution of the Owner, and agrees with the Assignee that the Assignee will be bound by all the terms and conditions of the Cost Acknowledgement Agreement as if the Assignee had been the original executing party in place of the Owner.
3. All of the terms, covenants, provisos and stipulations in the said Cost Acknowledgement Agreement are hereby confirmed in full force save and except for such modifications as are necessary to make said clauses applicable to the Assignee.

IN WITNESS WHEREOF the Parties have hereunto affixed their corporate seals
duly attested to by their proper signing officers in that behalf.

SIGNED, SEALED AND DELIVERED

Owner:
Title:
I have authority to bind the corporation

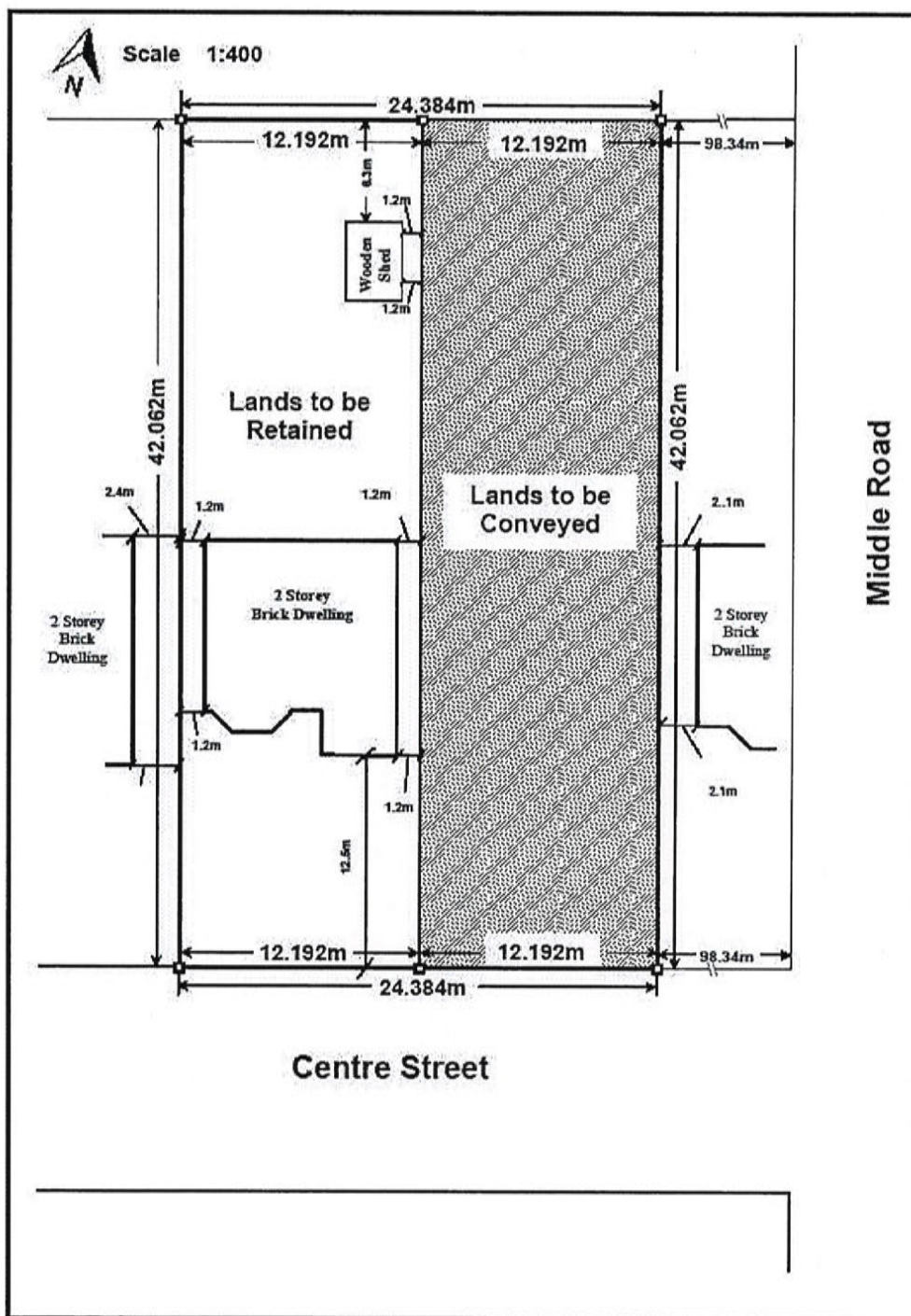
Assignee:
Title:
I have authority to bind the corporation

CITY OF HAMILTON

Mayor

Clerk

Sketch Sheet



DATA SHEET – MDS I - (REPLACES AGRICULTURAL CODE OF PRACTICE)

This is to be completed and attached to the application when applying for a new non-farm use within 1000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each set of farm buildings.

Reference _____ No. _____ Date _____ By _____

Township _____ Lot _____ Concession _____

Closest distance from the livestock facility to the new use. _____ metres

Closest distance from the manure storage to the new use. _____ metres

Tillable Hectares where livestock facility located _____

Type of Livestock	Existing Housing Capacity #	Manure System (Check one box)			
		Covered Tank	Open Solid Storage	Open Liquid Tank	Earthen Manure Storage
DAIRY					
BEEF					
SWINE					
POULTRY					
HORSES					
SHEEP					
MINK – Adults					
WHITE VEAL CALVES					
GOATS					
OTHER					

The above information was supplied by:

Signature: _____ Date: _____

Note: Identify particular animal type for each livestock type under DESCRIPTION from Factor Tables, Table 1 attached as Appendix "A"

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Swine	Sows with litter, dry sows/boars Segregated Early Weaning (SEW)	3.33	1.0	Most systems have liquid manure stored under the barn slats for short or long periods, or in storages located outside	Systems with solid manure inside on deep bedded packs, or with scraped alleys
	Sows with litter, dry sows or boars (non-SEW)	3.5			
	Breeder gilts (entire barn designed specifically for this purpose)	5			
	Weaners (7 kg - 27 kg)	20			
	Feeders (27 kg - 105 kg)	6			
Dairy Cattle ¹	Milking-age cows (dry or milking) - Large-framed 545 kg - 636 kg (e.g. Holsteins)	0.7	0.7	Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Tie-stall barns with lots of bedding, or loose housing with deep bedded pack, and with or without outside yard access
	- Medium-framed 455 kg - 545 kg (e.g. Guernseys)	0.85			
	- Small-framed 364 kg - 455 kg (e.g. Jerseys)	1			
	Heifers (5 months to freshening) - Large-framed 182 kg - 545 kg (e.g. Holsteins)	2			
	- Medium-framed 148 kg - 455 kg (e.g. Guernseys)	2.4			
	- Small-framed 125 kg - 364 kg (e.g. Jerseys)	2.9			
	Calves (0 - 5 months) - Large-framed 45 kg - 182 kg (e.g. Holsteins)	6		Free-stall barns with minimal bedding, or sand bedding, or tie-stall barns with minimal bedding and milking centre washwater added	Bedded pens or stalls or heavily bedded calf hutches that are outside
	- Medium-framed 39 kg - 148 kg (e.g. Guernseys)	7			
	- Small-framed 30 kg - 125 kg (e.g. Jerseys)	8.5			
	Cows, including calves to weaning (all breeds)	1			
Beef Cattle	Feeders (7 - 16 months)	3	0.7	N/A	Bedded pack barns with or without outside yard access
	Backgrounders (7 - 12.5 months)	3	0.8		
	Shorkeepers (12.5 - 17.5 months)	2	0.8		
Veal	Milk-fed	6	1.1	Slatted floors or slatted stall system	Heavily bedded pack barns
	Grain-fed	6	0.8		
Goats	Does and bucks (for meat kids; includes unweaned offspring and replacements)	8	0.7	N/A	Heavily bedded pack barns
	Does and bucks (for dairy; includes unweaned offspring and replacements)	8			
	Kids (dairy or feeder kids)	20			
Sheep	Ewes and rams (for meat lambs; includes unweaned offspring and replacements)	8	0.7	N/A	All sheep systems
	Ewes and rams (dairy operation; includes unweaned offspring and replacements)	6			
	Lambs (dairy or feeder lambs)	20			
Horses	Large-framed, mature; > 681 kg (including unweaned offspring)	0.7	0.7	N/A	All horse systems
	Medium-framed, mature; 227 kg -680 kg (including unweaned offspring)	1			
	Small-framed, mature; < 227 kg (including unweaned offspring)	2			
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)	150	1.0	Birds in cages, manure belts, no drying of manure, water added	Birds in cages, manure belts and drying, or floor systems
	Layer pullets (day olds until transferred into layer barn)	500	0.7		
	Broiler breeder growers (males/females transferred out to layer barn)	300	0.7		
	Broiler breeder layers (males/females transferred in from grower barn)	100	0.7	N/A	Bedded floors
	Broilers on an 8 week cycle	350	0.7	N/A	Cage or slatted floor systems
	Broilers on a 9 week cycle	300			
	Broilers on a 10 week cycle	250			
	Broilers on a 12 week cycle	200			
	Broilers on any other cycle, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Turkeys	Turkey pullets (day old until transferred to layer turkey barn)	267	0.7	N/A	Bedded floor systems
	Turkey breeder layers (males/females transferred in from grower barn)	67			
	Breeder toms	45			
	Broilers (day olds to 6.2 kg)	133			
	Hens (day olds up to 6.2 kg to 10.8 kg; 7.5 kg is typical)	105			
	Toms (day olds to over 10.8 to 20 kg; 14.5 kg is typical)	75			
	Turkeys at any other weights, or if unknown, use 24.8 m ² /NU	24.8 m ²			
Quail	Use 24.8 m ² /NU	24.8 m ²	0.7	N/A	Bedded floor systems
Partridge	Use 24.8 m ² /NU	24.8 m ²			
Pheasants	Use 24.8 m ² /NU	24.8 m ²			
Squab	Use 24.8 m ² /NU	24.8 m ²			
Rheas	Adults (includes replacements and market birds)	13			
Emus	Adults (includes replacements and market birds)	12			
Ostriches	Adults (includes replacements and market birds)	4			
Ducks	Peking	105	0.8	Wire mesh flooring systems	Bedded floor systems
	Muscovy, use 24.8 m ² /NU	24.8 m ²			
Geese	Use 24.8 m ² /NU	24.8 m ²	1.0	N/A	Cage or floor systems
Rabbits	Breeding females (including males, replacements & market animals)	40			
Chinchillas	Breeding females (including males, replacements & market animals)	320			
Fox	Breeding females (including males, replacements & market animals)	25			
Mink	Breeding females (including males, replacements & market animals)	90			

**Table 1 Factor A (Outdoor Potential) and
Factor D (Manure or Material Form in Storage Facility)...cont'd**

Animal Type or Material	Description	Number per NU	Factor A	Manure or Material Form in Permanent Storage	
				Liquid Manure: Factor D = 0.8 18 to 100% Dry Matter	Solid Manure: Factor D = 0.7 18 to 100% Dry Matter
Bison	Adults (includes unweaned calves and replacements)	1.3	0.7	N/A	Bedded pack barns with outside access or outside confinement areas
	Feeders (170 kg - 477 kg)	4			
Llama	Adults (includes unweaned young and replacements)	5			
	Feeders (45 kg - 86 kg)	16			
Alpaca	Adults (includes unweaned young and replacements)	8			
	Feeders (23 kg - 48 kg)	26			
Wild Boar	Breeding age sows (includes boars, replacements and weaned piglets to 27 kg)	5			
	Finishing boars (27 - 86 kg)	7			
Deer	White tailed deer - Adults > 24 mo (including unweaned offspring)	11			
	- Feeders	21			
	Red Deer - Adults > 24 MO (including unweaned offspring)	7			
	- Feeders	14			
	Elk - Adults > 24 MO (including unweaned offspring)	2			
	- Feeders	6			
	Elk/deer hybrids - Adults > 24 MO (including unweaned offspring)	4			
	- Feeders	10			
	Fallow deer - Adults > 24 MO (including unweaned offspring)	13			
	- Feeders	23			
Other livestock not listed in this table	To determine the number per NU, add up the total maximum live weight of animals and divide by the weight of animals per NU in the next column.	453.6 kg (1000lbs)	0.8	All storages with liquid manure.	All storages with solid manure.
Manure Imported to a lot not generating manure ¹	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	1.2	All storages with liquid manure.	All storages with solid manure.
Storages for digestate from an Anaerobic Digester (odours reduced during this process)	Maximum capacity of permanent storages at any time: solid or liquid capacity.	19.8 m ³ (700 ft ³)	0.5	All storages with liquid manure.	All storages with solid manure.

1. On farms with 100 milk-age cows (dry and milking), there are usually about 20 replacement calves and 80 replacement heifers.



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

June 26th, 2020

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

Attn: Ms. Jamila Sheffield - Secretary-Treasurer

Re: Severance Application Submission for 404 Beach Boulevard, Hamilton

Dear Madam,

Please accept the attached materials in support of an application for municipal consent (severance) on the subject lands. The subject submission proposes the creation of two lots that front onto Beach Boulevard, with the retained lands keeping the existing dwelling and accessory structures. The application is required because of the previous consent application lapsing in March 2020 and this resubmission is to obtain approval for the same intent, which is to sever Part 9, Plan 62R-14928.

Policy Consistency and Conformity

Further to question 5.1 of the attached application form, the following is submitted:

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

The proposed development is located within the "Neighbourhoods" designation within the City's Urban Hamilton Official Plan (UHOP). Section E.3.0 provides policies for lands designated "Neighbourhoods" on Schedule E-1 (Urban Land Use Designations). The designation is broadly supportive of the development of complete communities that are made up of more than just homes but include a variety of land uses. The proposed development conforms to the applicable policies of the "Neighbourhoods" designation, as it is a permitted use and conforms to the "Neighbourhoods" policies related to function, scale and design.

Provincial Policy

Further to questions 7.1 a), b) & c) of the attached application form, the following is submitted:

"Is this application consistent with the Policy Statements issued under subsection "2" of the Planning Act?"

The proposed development has sufficient regard for the matters of provincial interest outlined in subsection 2 of the *Planning Act*.



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

This property is appropriate for development as it is within a settlement area as defined in the PPS, and settlement areas shall be the focus of growth. The subject lands are also within the built-up area and the proposed consent application will facilitate compatible residential intensification through infill development on full municipal water and wastewater services, and with frontage on a municipal road. As such, this application is consistent with the PPS (2020).

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

The Growth Plan (2019) stresses the importance of optimizing the existing supply of land already within the built-up area for urban development (intensification) within the Greater Golden Horseshoe to avoid over-designating new land for future urban development. The proposal is consistent with the Growth Plan as it will encourage residential intensification through infill development and will optimize the use of existing infrastructure to support growth in a compact, compatible, and efficient form. The proposed consent application is considered "mild" intensification as it provides additional, compatible dwelling units within the urban boundary, while mitigating any potential adverse impacts on the surrounding neighbourhood. Both the severed and retained lands also have frontage onto a municipal public right-of-way. As such, the proposed development conforms to the Growth Plan.

As required for the above-noted application, please find attached the following:

1. A cheque in the amount of \$2,845.00 made payable to the *City of Hamilton* in payment of the Application Fee.
2. Two (2) copies of the completed and signed Application Form.
3. One (1) full size copy of Plan 62R-14928.
4. Two (2) copies of Plan 62R-14928, reduced to 11x17.

Yours very truly,

Stephen Fraser, MCIP, RPP
Planner
A. J. Clarke and Associates Ltd.

Encl.

Copy via regular mail:

Charles Vaughn Cole & Carolynne Anne Cole

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

SCHEDULE					
PART	LOT	REG'D PLAN	PIN No.	AREA	TRANSFeree
1			PART OF 17570-0096(R)	143.9 m ²	ALFRED MORRIS
2				44.6 m ²	
3				61.8 m ²	
4			PART OF 17570-0097(R)	230.9 m ²	HAMILTON REGION CONSERVATION AUTHORITY
5	9	364		3.3 m ²	
6				11.5 m ²	
7			PART OF 17570-0098(R)	46.8 m ²	DENNIS & PATRICIA MEISEL
8			17570-0099(R)	111.6 m ²	ALFRED MORRIS
9			17570-0101(R)	328.8 m ²	HAMILTON REGION CONSERVATION AUTHORITY

PLAN 62R-14928
RECEIVED AND DEPOSITED
DATE 1999-02-10
C. J. A. O.L.S.
LAND REGISTRAR FOR THE REGISTRY
DIVISION OF WENTWORTH (62)
I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE REGISTRY ACT
DATE Feb 4/1999
Gord McGuire
CORD McGUIRE O.L.S.
PROJECT SURVEYOR

PIN. 17570-0169
REGIONAL ROAD No. 114
BEACH BOULEVARD
(FORMERLY BEACH ROAD, CHANGED BY BY-LAW No. R77-78,
REG'D AS INST. 63527C.D.)
(BY REGISTERED PLAN 364)

PART 2 - SUBJECT TO RIGHT OF WAY IN INST. 42127C.D.
PART 7 - SUBJECT TO RIGHT OF WAY IN INST. 341790CD, 42127CD & SUBJECT TO EASEMENT IN INST. 166809VM.
PART 8 - SUBJECT TO RIGHT OF WAY IN INST. 068007VM, 341790CD, 42127CD & SUBJECT TO EASEMENT IN INST. 176879VM.

