



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: FL/B-20:71

SUBJECT PROPERTY: 905 Centre Rd., Flamborough

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 Marvin J. Creighton
Agent Gerald P. Murphy

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land for residential purposes and to retain a parcel of land for residential purposes.

Severed lands:

45.72m[±] x 96.63m[±] and an area of 4417.54m²±

Retained lands:

91.41m[±] x 465.21m[±] and an area of 38,107.64m²±

The Committee of Adjustment will hear this application on:

DATE: Thursday, April 1st , 2021

TIME: 1:30 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:

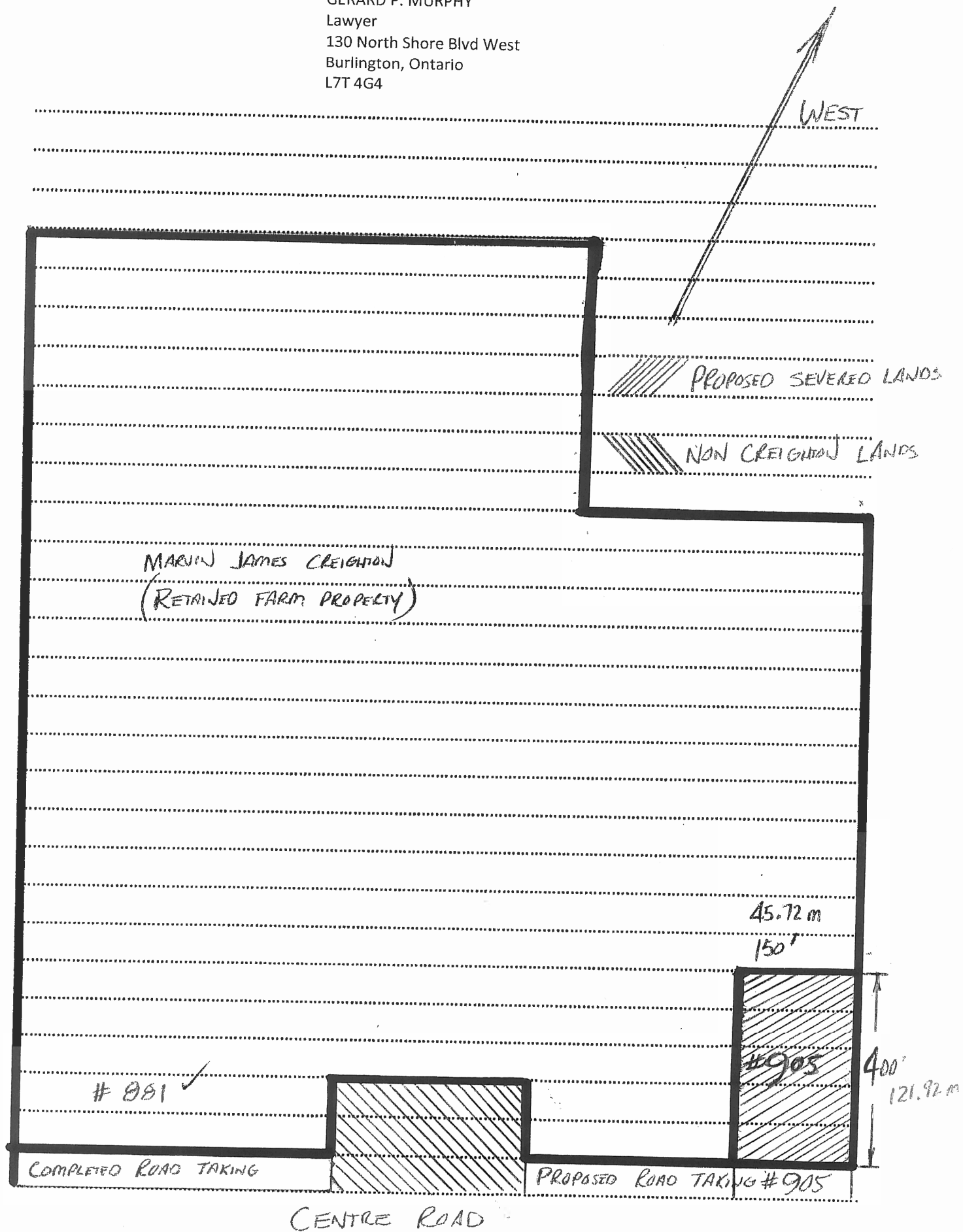
- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

DATED: March 16th, 2021

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.

GERARD P. MURPHY
Lawyer
130 North Shore Blvd West
Burlington, Ontario
L7T 4G4



GERARD P. MURPHY

Lawyer

130 North Shore Blvd. West

Burlington, Ontario L7T 4G4

T. 905 522 9955

F. 905 333 3467

eM gerardpmurphy@bellnet.ca

February 1, 2021

TO: CITY OF HAMILTON
Committee of Adjustments

RE: **FB/B -20: 71 (905 Centre Road, Flamborough)**
Marvin James Creighton

Further to the Committee Decision of November 19, 2020 as tabled, we respond as follows:

1. We have retained Dan McLaren of A. T. McLaren in this regard.
2. To be discussed. Further to my discussions with Velimir Lazarevic and his assistance, we submit that the Applicant has complied with the by-law and that an Application for a Minor Variance should not be required.
3. The PIN Consolidation shall be completed in accordance with the attached.
4. We submit that the requirement of a Hydrogeological Study is no longer necessary as the lot size of the proposed severance of land has been increased. Please see attached.
5. Yes.
6. Yes.
7. Yes. Retained Lands to remain as an active farm with the severed lands to remain residential.
8. Yes.
9. Yes.
10. Yes.
11. Yes.
12. See #4.
13. Yes.
14. Yes.

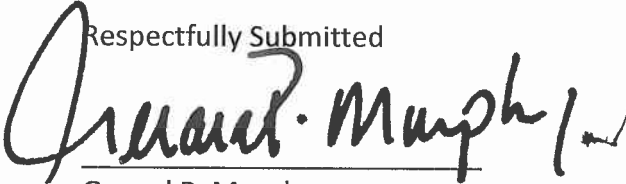
Growth Management:

New address noted.

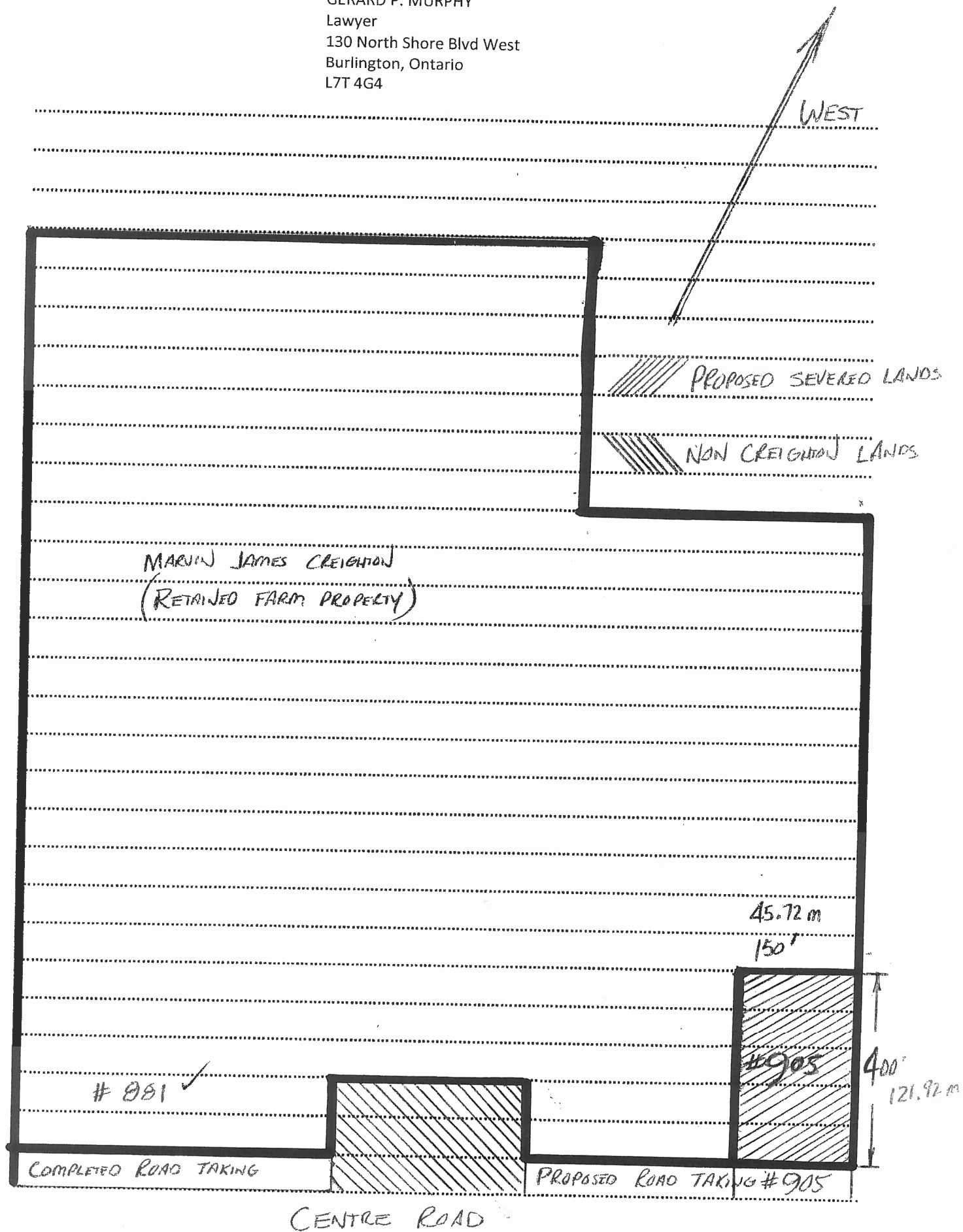
Address signage to be installed.

BUILDING DIVISION:

1. The wholesale/retail use of the farm property has been active for over forty years by Marvin Creighton (Sr.) (now deceased), Lillian Creighton (Widow) and Marvin James Creighton (Son).
2. Residence at 881 Centre Road is a stand alone brick dwelling with a basement and is currently occupied by Lillian Creighton (Mother) and Marvin James Creighton (Son). The residence at 905 Centre Road is a stand alone brick dwelling having a second story and basement. This residence is currently unoccupied.
3. The driving shed located on the 905 Centre Road property has always been an accessory to the permitted residential use. There are two other driving shed buildings located on the 881 Centre Road property and have always been an accessory to the current farming operation.
4. The lands to be retained shall continue with the current farming use. The lands to be conveyed shall continue with the current residential use.
5. We submit that the zoning set back requirements are within the by-law requirements being 96 feet to the proposed southerly boundary and 24 feet to the current existing north westerly boundary, and 122 feet from the westerly proposed boundary.
6. Previously discussed above.
7. Yes.
8. Yes. (There are no farm animals on this property-vegetable cash crops only)
9. Yes.
10. Yes.

Respectfully Submitted

Gerard P. Murphy

GERARD P. MURPHY
Lawyer
130 North Shore Blvd West
Burlington, Ontario
L7T 4G4



ACKNOWLEDGEMENT AND DIRECTION

TO: Gerard Peter Murphy
(Insert lawyer's name)

AND TO: GERARD P MURPHY
(Insert firm name)

RE: Farm Property Land Consolidation , 881 Centre Road , Waterdown ON ("the transaction")
Property of Marvin James Creighton
(Insert brief description of transaction)

This will confirm that:

- I/We have reviewed the information set out in this Acknowledgement and Direction and in the documents described below (the "Documents"), and that this information is accurate;
- You, your agent or employee are authorized and directed to sign, deliver, and/or register electronically, on my/our behalf the Documents in the form attached.
- You are hereby authorized and directed to enter into an escrow closing arrangement substantially in the form attached hereto being a copy of the version of the Document Registration Agreement, which appears on the website of the Law Society of Upper Canada as the date of the Agreement of Purchase and sale herein. I/We hereby acknowledge the said Agreement has been reviewed by me/us and that I/We shall be bound by its terms;
- The effect of the Documents has been fully explained to me/us, and I/we understand that I/we are parties to and bound by the terms and provisions of the Documents to the same extent as if I/we had signed them; and
- I/we are in fact the parties named in the Documents and I/we have not misrepresented our identities to you.
- I, _____, am the spouse of _____, the (Transferor/Chargor) , and hereby consent to the transaction described in the Acknowledgment and Direction. I authorize you to indicate my consent on all the Documents for which it is required.

DESCRIPTION OF ELECTRONIC DOCUMENTS

The Document(s) described in the Acknowledgement and Direction are the document(s) selected below which are attached hereto as "Document in Preparation" and are:

- A Transfer of the land described above.
- A Charge of the land described above.
- Other documents set out in Schedule "B" attached hereto.

Dated at WATERDOWN, this 1st day of FEBRUARY, 2021.

WITNESS

(As to all signatures, if required)

Gerard P. Murphy

Marvin James Creighton
MARVIN JAMES CREIGHTON

Properties

PIN 17512 - 0169 LT
Description PT LT 8, CON 5 EAST FLAMBOROUGH AS IN CD130477, BEING PT 1 ON 62R-17621;
CITY OF HAMILTON
Address 881 CENTRE ROAD
WATERDOWN

PIN 17512 - 0168 LT
Description PT LT 8, CON 5 EAST FLAMBOROUGH AS IN CD130477, SAVE & EXCEPT PT 1 & 2
ON 62R-17621; CITY OF HAMILTON

PIN 17512 - 0116 LT
Description PT LOT 8, CONCESSION 5 EAST FLAMBOROUGH , AS IN VM191657, SAVE AND
EXCEPT AB94858 ; FLAMBOROUGH CITY OF HAMILTON
Address 905 CENTRE ROAD
RURAL HAMILTON

PIN 17512 - 0110 LT
Description PT LOT 8, CONCESSION 5 EAST FLAMBOROUGH , PART 1 , 62R13166 ;
FLAMBOROUGH CITY OF HAMILTON
Address 869 CENTRE RD
FLAMBOROUGH

Applicant(s)

Name CREIGHTON, MARVIN JAMES
Acting as an individual
Address for Service

This document is not authorized under Power of Attorney by this party.
This document is being authorized by a municipal corporation The City of Hamilton.

File Number

Applicant Client File Number : 74681