



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
Minor Variance

You are receiving this notice because you are either:

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

APPLICATION NO.: FL/A-22:118

APPLICANTS: Agent G. P. Murphy
Owner M.J. Creighton

SUBJECT PROPERTY: Municipal address **881 & 905 Centre Rd., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended

ZONING: "A2" (Rural (A2) Zone)

PROPOSAL: To permit a lot to be conveyed (known municipally as 905 Centre Road) containing an existing single detached dwelling and detached garage and to permit a lot to be retained (known municipally as 881 Centre Road) containing an agriculture use including a nursery and existing single detached dwelling in order to facilitate Consent File No. FL/B-20:71 notwithstanding that:

Variance Required for the lot to be Conveyed (known municipally as 905 Centre Road)

1. A maximum building height of 6.1m shall be permitted for the existing accessory building (detached garage) instead of the maximum required accessory building height of 6.0m.

Variance Required for the lot to be Retained (known municipally as 881 Centre Road)

1. A minimum lot area of 16.5m shall be permitted instead of the minimum required lot area of 40.4 hectares for an agriculture use.

NOTE:

- i) The variances are necessary to facilitate Consent File No. FL/B-20:71.

This application will be heard by the Committee as shown below:

DATE: Thursday, May 12th, 2022
TIME: 3:50 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

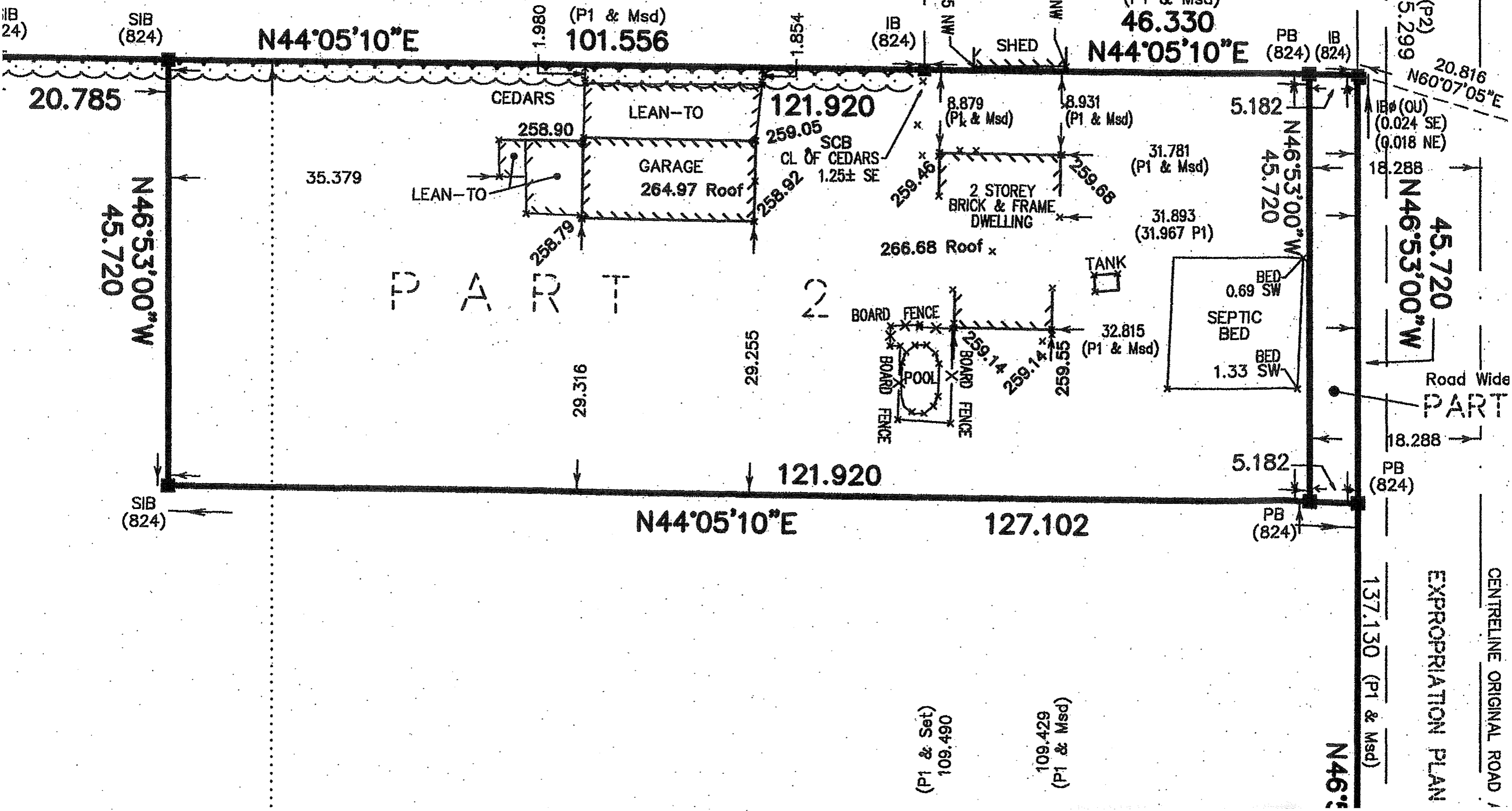
DATED: April 26th, 2022.

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.

PIN 17512-0118 (LT)

PIN 17512-0117 (LT)



IB (24)

SIB (824)

N44°05'10"E

(P1 & Msd) 101.556

IB (824)

(P1 & Msd) 46.330

N44°05'10"E

PB (824)

IB (824)

20.785

N46°53'00"W
45.720

35.379

CEDARS

LEAN-TO

121.920

259.05
CL OF CEDARS
1.25± SE

GARAGE
264.97 Roof

8.879
(P1 & Msd)

8.931
(P1 & Msd)

5.182

N46°53'00"W
45.720

545.299
(P2)

20.816
N60°07'05"E

IB# (OU)
(0.024 SE)
(0.018 NE)

N46°53'00"W
45.720

Road Wide
PART

LEAN-TO

258.79

2 STOREY
BRICK & FRAME
DWELLING

31.781
(P1 & Msd)

31.893
(31.967 P1)

TANK

0.69 SW
SEPTIC
BED
1.33 SW

266.68 Roof x

32.815
(P1 & Msd)

BOARD FENCE
POOL
BOARD FENCE

29.316

29.255

121.920

N44°05'10"E

127.102

5.182

PB (824)

SIB (824)

N46°53'00"W

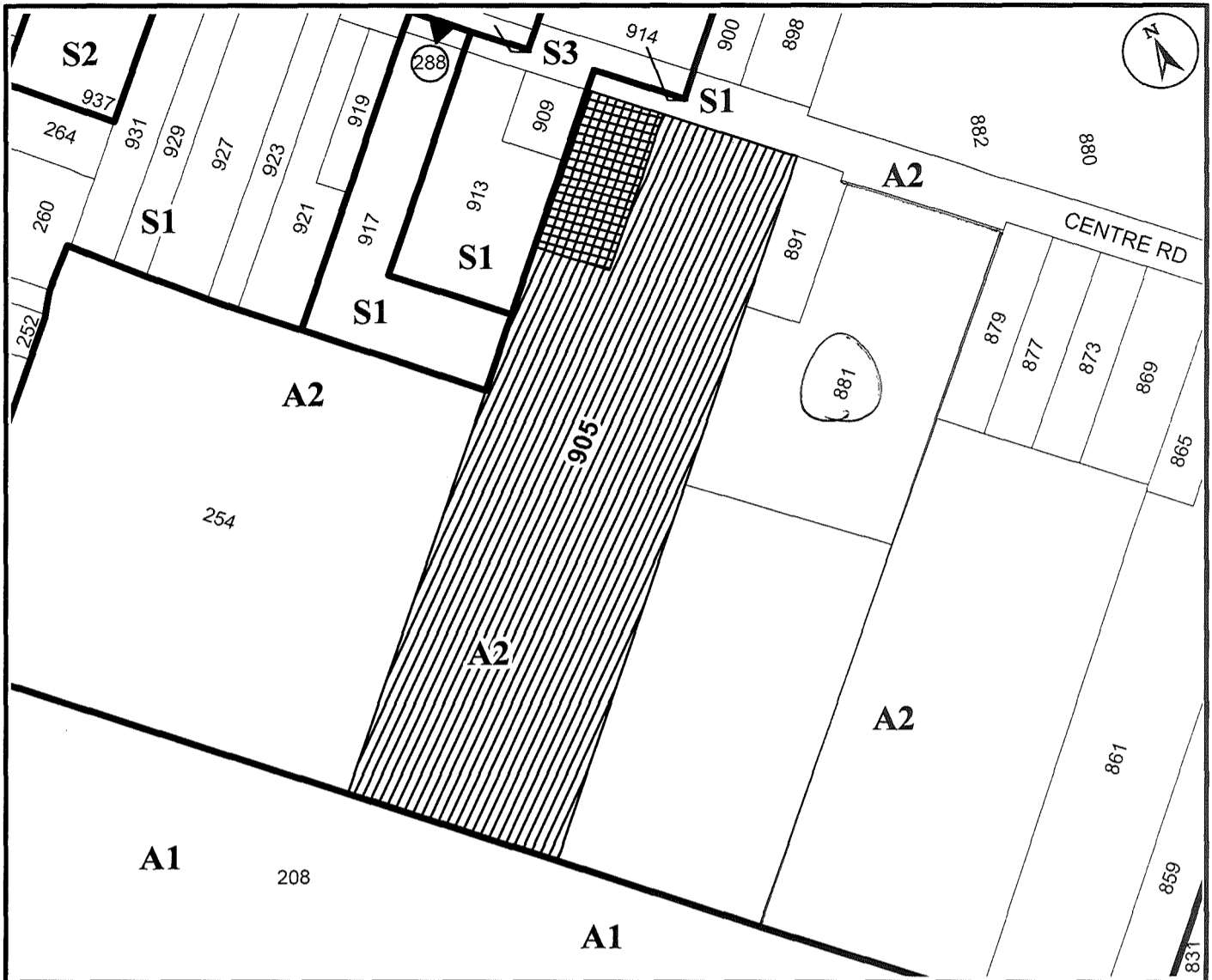
137.130 (P1 & Msd)

EXPROPRIATION PLAN

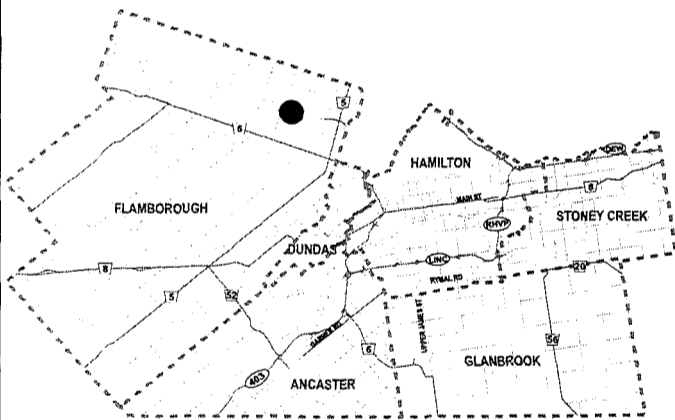
CENTRELINE ORIGINAL ROAD

(P1 & Set)
109.490

109.429
(P1 & Msd)



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

905 Centre Road, Flamborough (Ward 15)

-  Lands to be Retained
-  Lands to be Severed

File Name/Number:
FL/B-20:71

Date:
November 11, 2020

Technician:
AL

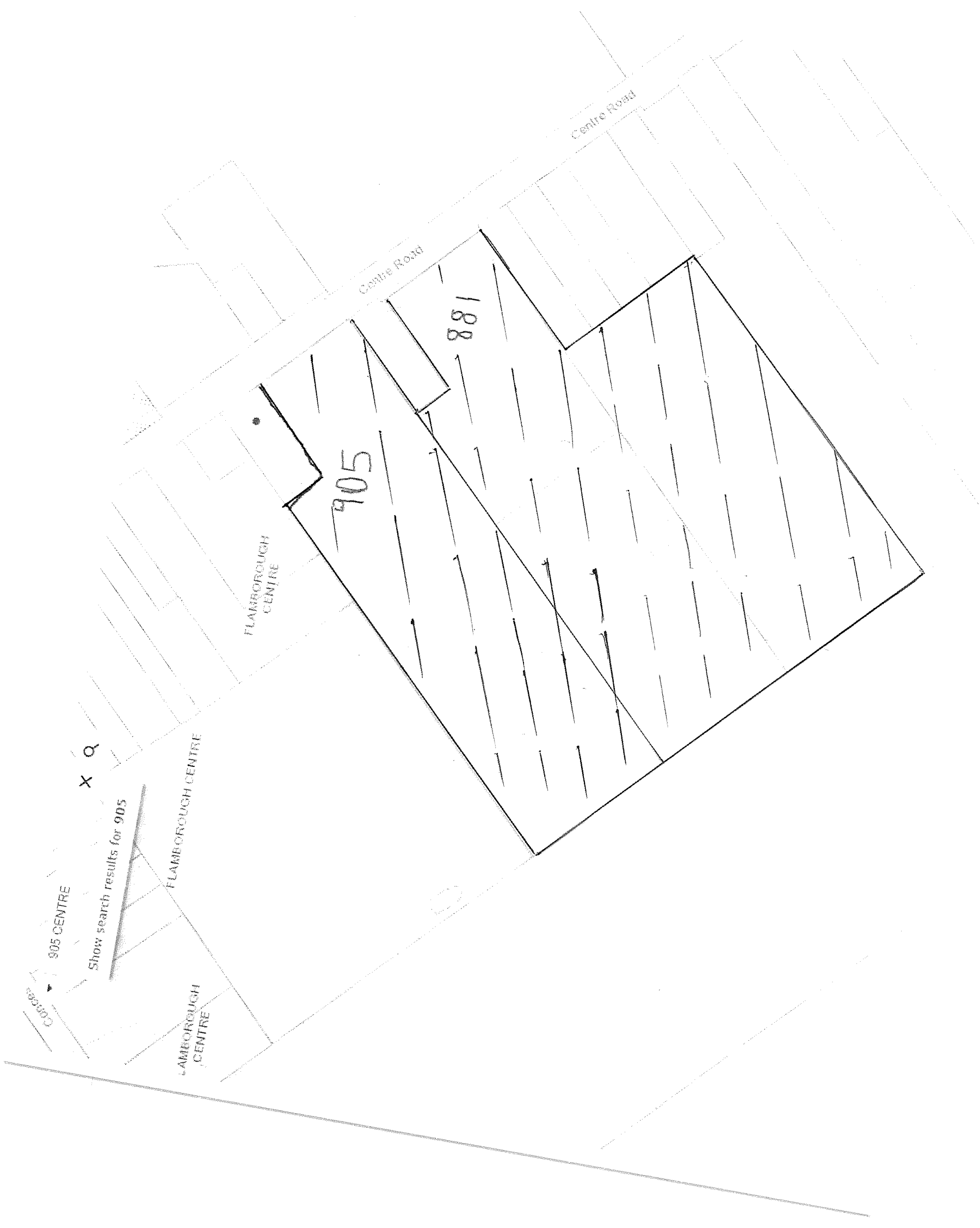
Map Not To Scale

Appendix "A"



Hamilton

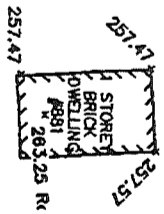
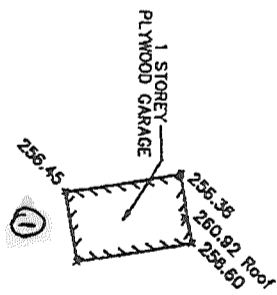
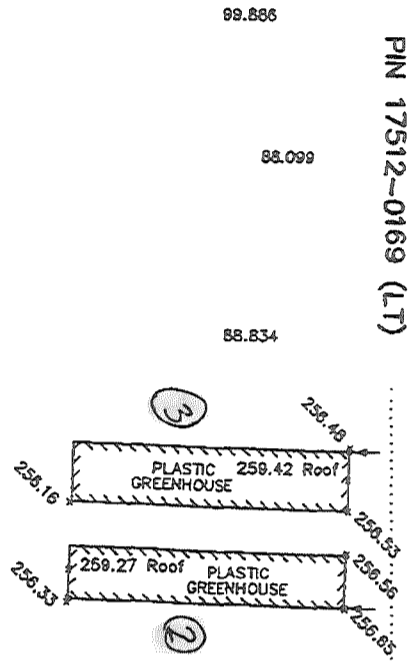
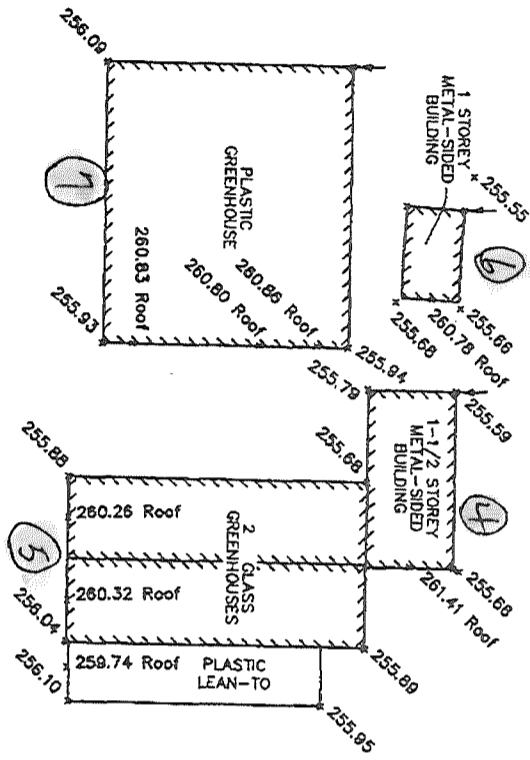
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



DWG BUILDINGS

PIN 17512-0169 (LT)

PART 1. PLAN 62R-17621



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

5



March 28th, 2022

TEL: (905) 527-8559
FAX: (905) 527-0032

City of Hamilton
Planning Department, 5th Floor
71 Main Street East
Hamilton, Ontario
L8P 4Y5

RE: 36666 Sullivan Festeryga LLP –

881 and 905 Centre Road, being composed of All of Part 1, Plan 62R-21702, and Part of Lot 8, Concession 5, East Flamborough, as in Inst. CD130477, Save and Except Part 2 on Plan 62R-17621, and all of Part 1, Plan 62R-3166

I hereby certify that the lot areas for the above described parcels of land are as follows:

PINs	Total Hectares	Total Acres
17512-0116	5.899	14.577
17512-0169	2.512	6.208
17512-0168	3.346	8.266
17512-0110	4.744	11.723
Total	16.501	40.774

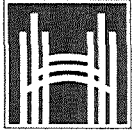
If you have any questions regarding the above, or if we may be of further assistance, do not hesitate to contact the undersigned.

Yours truly,

S. D. McLaren, P.Eng., O.L.S.

SDM/kp

Y:\Area Certificates...\36666



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)		
Applicant(s)*		
Agent or Solicitor		

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

THE TORONTO - DOMINION BANK, P.O. BOX 1, TD CENTRE 12TH FLOOR TORONTO ON
 MORRIS WRIGHT MORTGAGE COMPANY LTD., 1 MARKLAND STREET MSK1A7
 HAMILTON ON
 L8P 2J5

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for: SEE LETTER OF KIM ROBERTS ATTACHED

i) HEIGHT OF DETACHED GARAGE DOES NOT CONFORM TO MAXIMUM HEIGHT OF 6M
 HEIGHT OF DETACHED GARAGE IS 6.06M THEREFORE .06M (2.4") DIFFERENCE.
 ii) MINIMUM LOT REQUIREMENT OF 40.4 HECTARES. CURRENT LOT SIZE IS

Second Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?

WOULD HAVE TO APPLY FOR A BUILDING PERMIT AND RECONSTRUCT GARAGE ROOF.
 CREIGHTON FARM PROPERTY IS CURRENTLY 19.67526 HECTARES ONLY.
 SEE M'LAREN SURVEY CAD SPECIFICATION ATTACHED. (DELIVERED PREVIOUSLY TO ZONING DEPARTMENT)

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

881 CENTRE ROAD, WATERDOWN, ON PIN 17512-0168 (LT)
 905 CENTRE ROAD, WATERDOWN, ON PIN 17512-0116 (LT) IS THE
 SUBJECT OF APPLICATION FL/B 20:71

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other _____

8.1 If Industrial or Commercial, specify use _____

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

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

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 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

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

Yes No Unknown

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

Yes No Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

CREIGHTON FAMILY HAS OWNED AND WORKED THE PROPERTY AS A FARM SINCE JULY 5, 1979. PREVIOUS OWNER ALSO A FARMER.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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

9. 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.

MARCH 21, 2022
Date


Signature Property Owner(s)

MARVIN JAMES CREIGHTON
Print Name of Owner(s)

10. Dimensions of lands affected:

Frontage	905 Centre Road	45.72 metres	881 Centre Road	332.09 m
Depth		121.920 metres	465.123	
Area	.55 hectares	5,574.18 metres	19.67526 hectares	
Width of street	STANDARD TWO WAY ROADWAY			

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: SEE SCHEDULE ATTACHED CONCERNING BUILDINGS

SCHEDULE A ATTACHED

Proposed

NONE

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

SEE ATTACHED DWG BUILDINGS
(SURVEY PLAN PREVIOUSLY DELIVERED TO ZONING DEPARTMENT)

Proposed:

NONE.

13. Date of acquisition of subject lands: JULY 5, 1979
14. Date of construction of all buildings and structures on subject lands: SEE SCHEDULE "A" ATTACHED
15. Existing uses of the subject property (single family, duplex, retail, factory etc.): SINGLE FAMILY FARM PROPERTY
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.): SINGLE FAMILY
17. Length of time the existing uses of the subject property have continued: PREVIOUS TO AND SINCE JULY 5, 1979
18. Municipal services available: (check the appropriate space or spaces)
- Water NO Connected _____
- Sanitary Sewer NO Connected _____
- Storm Sewers NO
19. Present Official Plan/Secondary Plan provisions applying to the land: UNKNOWN
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land: PRESENT ZONING A2 HAMILTON
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
- Yes No
- If yes, please provide the file number: _____
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
- Yes No NOT APPLICABLE
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
- Yes No
23. Additional Information (please include separate sheet if needed)
- FL/B - 20:71
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.