



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Consent/Land Severance

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.:	AN/B-22:113	SUBJECT PROPERTY:	2980 Powerline Rd W, Ancaster
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APPLICANTS: Owner: John & Judith Verhey
Agent: Don Robertson

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 435 Lynden Road.

	Frontage	Depth	Area
SEVERED LANDS (To be added to 435 Lynden Road):	N/A m [±]	863.743 m [±]	17 ha [±]
RETAINED LANDS:	123 m [±]	144.96 m [±]	2.65 ha [±]

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, January 19, 2023
TIME:	3:50 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

AN/B-22:113

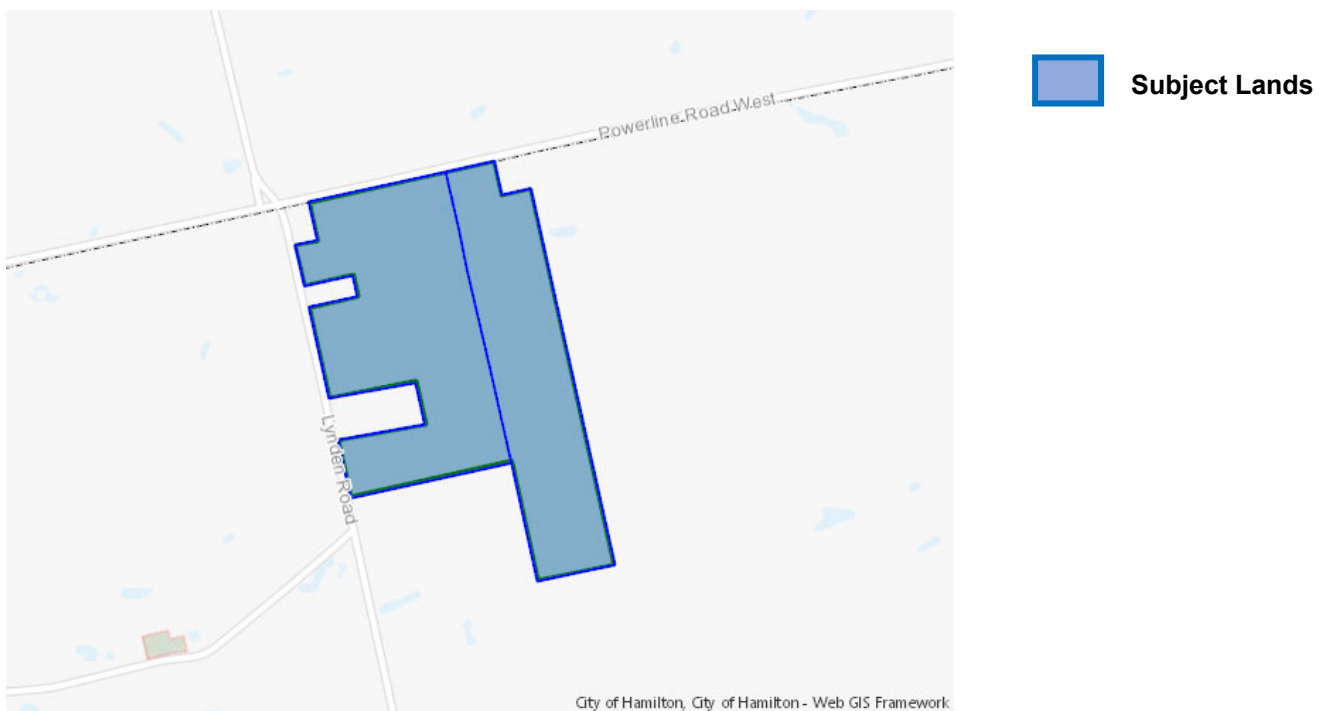
For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: January 3, 2023

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, and may include posting electronic versions..

AN/B-22:113

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comment packages are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2nd floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

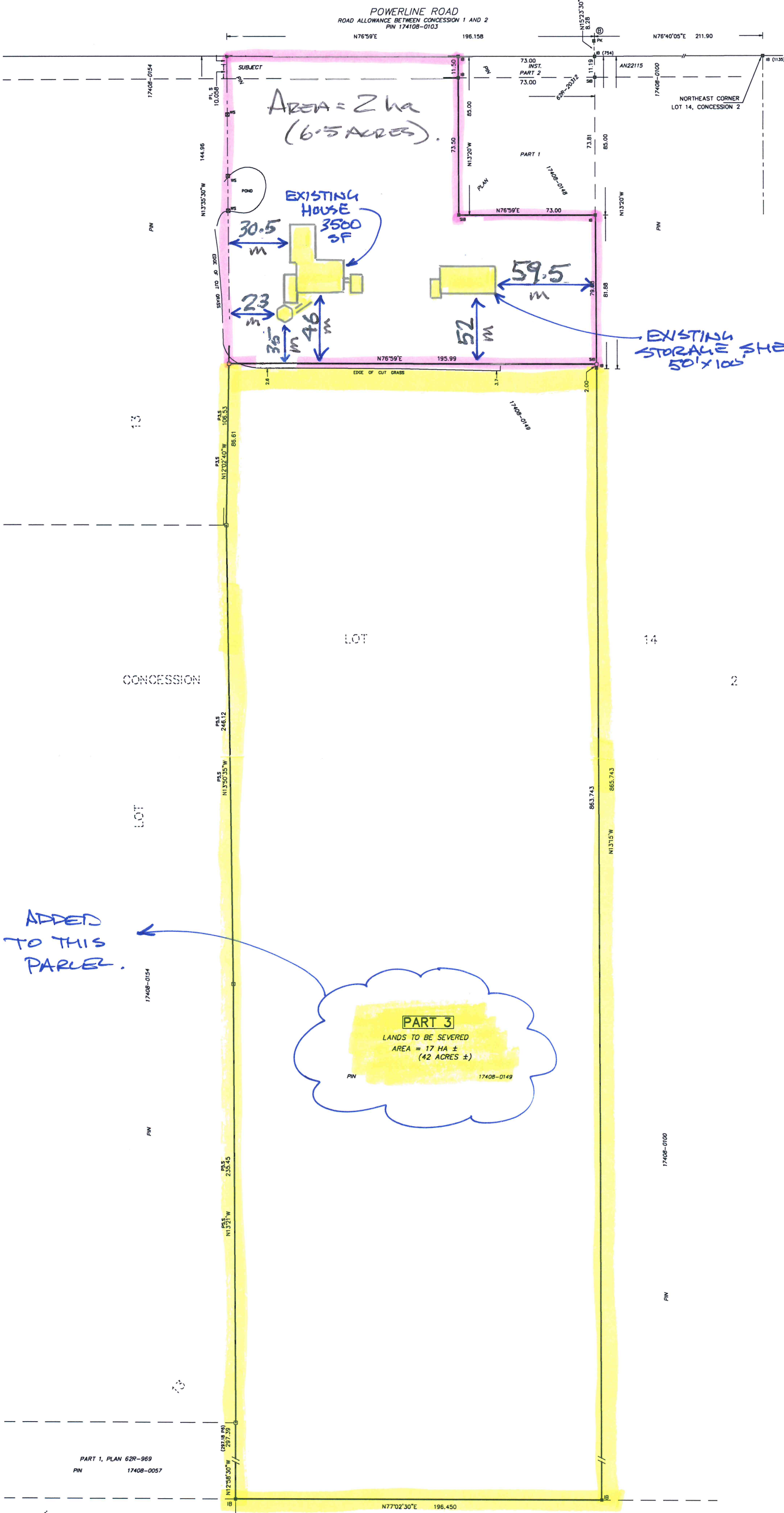
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

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

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.		PLAN 62R-	
DATE AUGUST 26, 2022		RECEIVED AND DEPOSITED.	
J. MUIR		DATE	
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No.62)		DATE	
SCHEDULE			
PART	LOT	CON	AREA IN HECTARES
1			0.5
2	14	2	1.5
3			17
PARTS 1, 2 AND 3 COMPRISE ALL OF PIN 17408-0149.			

PLAN OF SURVEY OF
PART OF LOT 14
CONCESSION 2
CITY OF HAMILTON
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
SCALE 1:1000
METRES
MacAULAY, WHITE & MUIR LTD.



- LEGEND**
- SIB - STANDARD IRON BAR
 - SSIB - SHORT STANDARD IRON BAR
 - IB - IRON BAR
 - CC - CUT CROSS
 - CM - CONCRETE MONUMENT
 - PK - CONCRETE PIN
 - - PLANTED
 - - FOUND, (1779) UNLESS NOTED
 - - ROUND
 - WT - WITNESS
 - P1 - PLAN 62R-20312
 - P2 - PLAN 62R-16977
 - P3 - PLAN 62R-20465
 - P4 - PLAN 62R-3837
 - P5 - PLAN 62R-19376
 - P6 - PLAN 62R-989

NOTE:
BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999631.
ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.
ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.
ALL PINS ARE LT UNLESS NOTED (R).

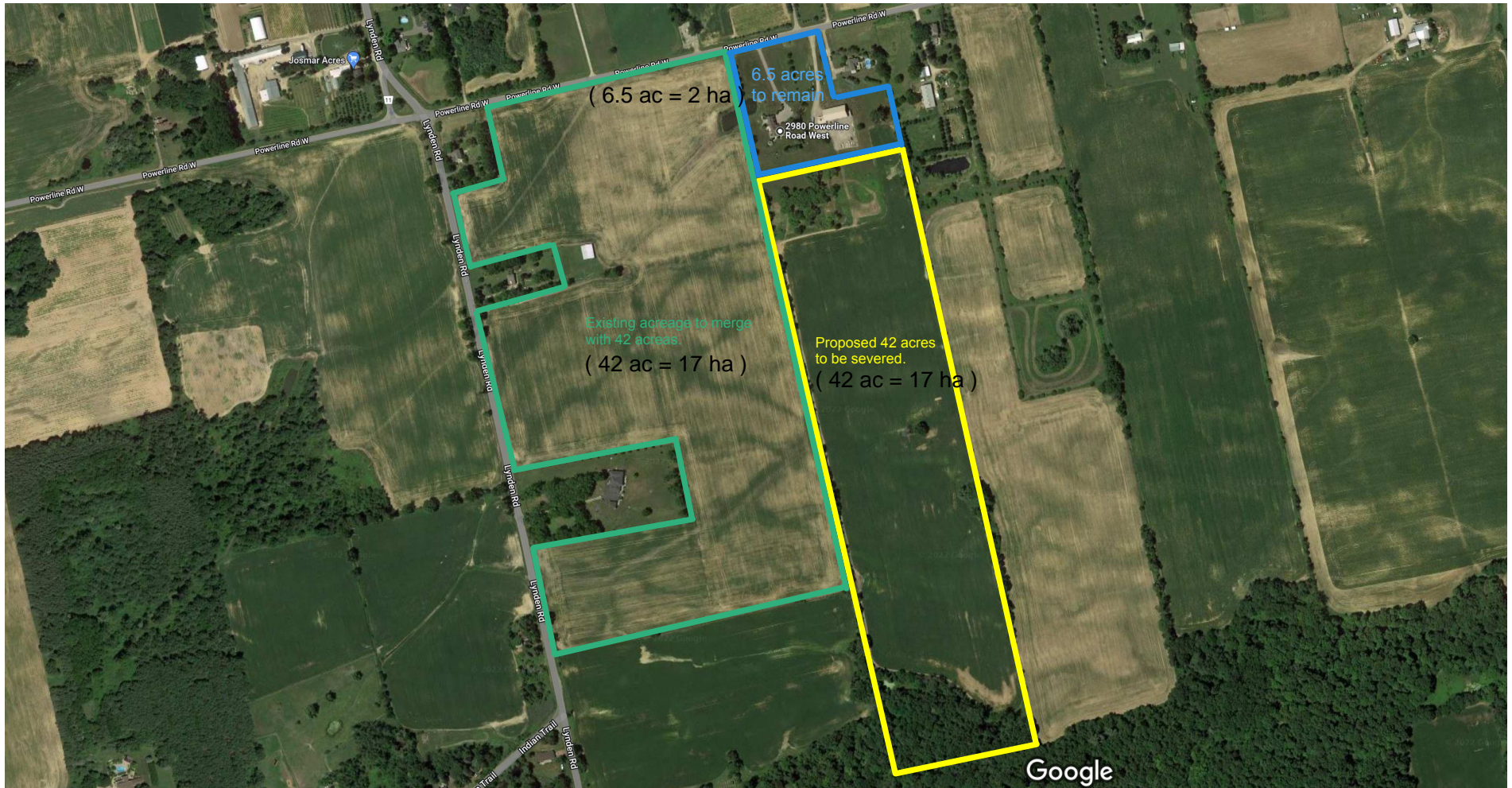
OBSERVED REFERENCE POINTS (ORP) - UTM ZONE 17, NAD83 (CSRS) (2010)
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG 216/10.

POINT ID	NORTHING	EASTING
A	4785064.81	570520.98
B	4785020.05	570333.85

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 4TH DAY OF AUGUST, 2022.

AUGUST 26, 2022
JOHN W. MUIR
ONTARIO LAND SURVEYOR



Delays

Light traffic in this area

No known road disruptions. Traffic incidents will show up here.

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

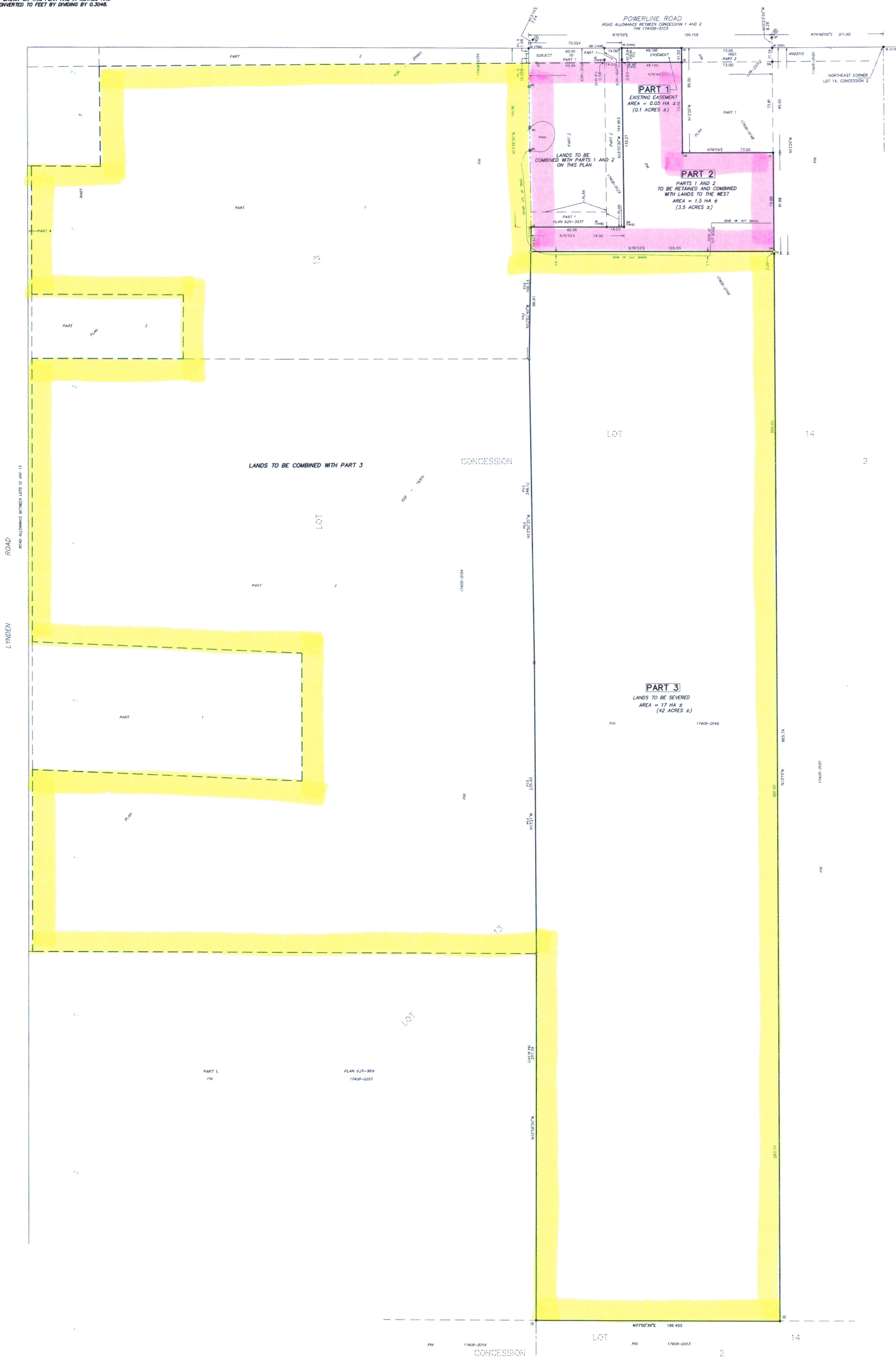
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TILES ACT		PLAN 62R-	
DATE: AUGUST 26, 2022		DATE:	
J. MUIR		REPRESENTATIVE FOR THE LAND TILES DIVISION OF ONTARIO (REG. #2)	
SCHEDULE			
PART	LOT	COR	AREA IN HECTARES
1	14	2	0.5
2			1.5
3			17

PARTS 1, 2 AND 3 COMPREHEND ALL OF PIN 17408-0149.

**PLAN OF SURVEY OF
PART OF LOT 14
CONCESSION 2
CITY OF HAMILTON
(GEOGRAPHIC TOWNSHIP OF AUGUSTA)**

SCALE 1:1000

MCCAULAY, WHITE & MUIR LTD.



- LEGEND**
- SIB - STANDARD IRON BAR
 - SIBS - SHORT STANDARD IRON BAR
 - CC - CEMENT CONCRETE
 - CC - CONCRETE MONUMENT
 - CC - CONCRETE PIN
 - CP - PLASTER
 - F - FOUND (1779) UNLESS NOTED
 - W - WELDED
 - WT - WELDED
 - PI - PLAN 62R-0032
 - P2 - PLAN 62R-16377
 - P3 - PLAN 62R-16385
 - P4 - PLAN 62R-1827
 - P5 - PLAN 62R-18378
 - P6 - PLAN 62R-1865

NOTE:
BEARINGS ARE GRID, DERIVED FROM GROUND REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) GRID. DISTANCES ARE OBLIQUE AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE CORRECT SCALE FACTOR OF 0.999981. ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED. ALL FENCES ARE "ON LIMIT" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN. ALL PINS ARE 15 UNLESS NOTED (P).

POINT ID	NORTHING	EASTING
A	478004.81	570500.95
B	478020.05	570532.95

CO-ORDINATES CANNOT BE REPRODUCED OR USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 26th DAY OF AUGUST, 2022.

AUGUST 26, 2022

JOHN W. MUIR
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AALS PLAN SUBMISSION FORM NUMBER W-
MCCAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LAND SURVEYORS
445 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3L 5L8
TEL: 519-752-0840 FAX: 519-752-0827 www.surveyors.com

22-204

McHUGH WHITMORE LLP
LAW FIRM

November 23, 2022

City of Hamilton
71 Main St W
Hamilton, ON L8P 4Y5

Dear Sir or Madam:

Re: Verhey, John and Verhey, Judith
Powerline Road, Ancaster(Consolidation)
Our File No.: 221581

We are the solicitors for John Verhey and Judith Verhey, the registered owners of the above-mentioned properties.


This letter is to confirm that PINS 17408-0129 and 17408-0149 adjoin and are registered in the same name being, John Verhey and Judith Verhey.

As such, the properties cannot be conveyed separately as doing so would be in contravention of the Planning Act.

We trust you find this satisfactory.

Yours very truly,

McHugh Whitmore LLP


Michael John McHugh

MJ:hn



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

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Purchaser*	Josmar Acres Inc.	
Registered Owners(s)	John and Judith Verhey	
Applicant(s)**	Owners	
Agent or Solicitor	Don Robertson	

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

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

1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
If YES, provide email address where sign is to be sent don@comchoice.ca

1.5 All correspondence may be sent by email Yes* No
If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	2980 Powerline Road West		
Assessment Roll Number	2518114020000		
Former Municipality	Ancaster		
Lot	PT LT 14	Concession	2
Registered Plan Number	174080149	Lot(s)	
Reference Plan Number (s)	62R-20312	Part(s)	1-2

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:

AN 22115 City of Hamilton

3 PURPOSE OF THE APPLICATION

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

- creation of a new lot(s)
- addition to a lot
- an easement
- validation of title (must also complete section 8)
- cancellation (must also complete section 9)
- creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)
- concurrent new lot(s)
- a lease
- a correction of title
- a charge

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

Josmar Acres Inc.

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

Part lot 13 Conc 2, Ancaster

Legal 62R 20465 PARTS 1 & 2 GRP 19376 PART 2
26.05 HA (435 Lynden Road) Frontage on Lynden Road is

3.4 Certificate Request for Retained Lands: Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

<u>442 m Lynden Rd</u>	Retained (remainder)	Parcel 1 <u>26-05</u>	Parcel 2	Parcel 3*	Parcel 4*
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435
To be added to - 7 LYONEN Rd.

2980 Powerline Rd West
Retained

Identified on Sketch as:		addr 60			
Type of Transfer	N/A				
Frontage	0	442.87 M		123 M	
Depth				144.96 M	
Area	17 HA	26.05 HA		2.65 HA	
Existing Use					
Proposed Use	agricultural			A-1	
Existing Buildings/ Structures		NA		Res Storage shed	
Proposed Buildings/ Structures		NA		N/A	
Buildings/ Structures to be Removed		NA		N/A	

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

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

b) Type of water supply proposed: (check appropriate box)

- publicly owned and operated piped water system
 - privately owned and operated individual well
 - lake or other water body
 - other means (specify) _____
- none

c) Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system
- privately owned and operated individual septic system
- other means (specify) _____

4.3 Other Services: (check if the service is available)

- electricity
- telephone
- school bussing
- garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): A-1

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

Does not create a new Building lot and Expands the use of Buyer's agricultural operation

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? A-1

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

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes No Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	