



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF APPLICATION**  
**CONSENT**

**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

|                         |                   |                          |                             |
|-------------------------|-------------------|--------------------------|-----------------------------|
| <b>APPLICATION NO.:</b> | <b>FL/B-23:28</b> | <b>SUBJECT PROPERTY:</b> | 449 Carlisle Road, Carlisle |
|-------------------------|-------------------|--------------------------|-----------------------------|

**APPLICANTS:** Owner Stephen Emerson Reid & Janet Margaret Peirson-Reid  
Agent A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer

**PURPOSE & EFFECT:** To create a shared easement of access between the lands known as 449 & 451 Carlisle Road.

|  | <b>Frontage</b>      | <b>Depth</b>          | <b>Area</b>                        |
|--|----------------------|-----------------------|------------------------------------|
| <b>SEVERED LANDS (Part 2):</b><br>(for Easement) | N/A m <sup>±</sup>   | 112.18 m <sup>±</sup> | 504 m <sup>2</sup> <sup>±</sup>    |
| <b>RETAINED LANDS (Part 1):</b>                  | 101.8 m <sup>±</sup> | 186 m <sup>±</sup>    | 20,397 m <sup>2</sup> <sup>±</sup> |

Associated Planning Act File(s): FL/B-23:29

**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 decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

**Thursday, June 1, 2023**

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

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

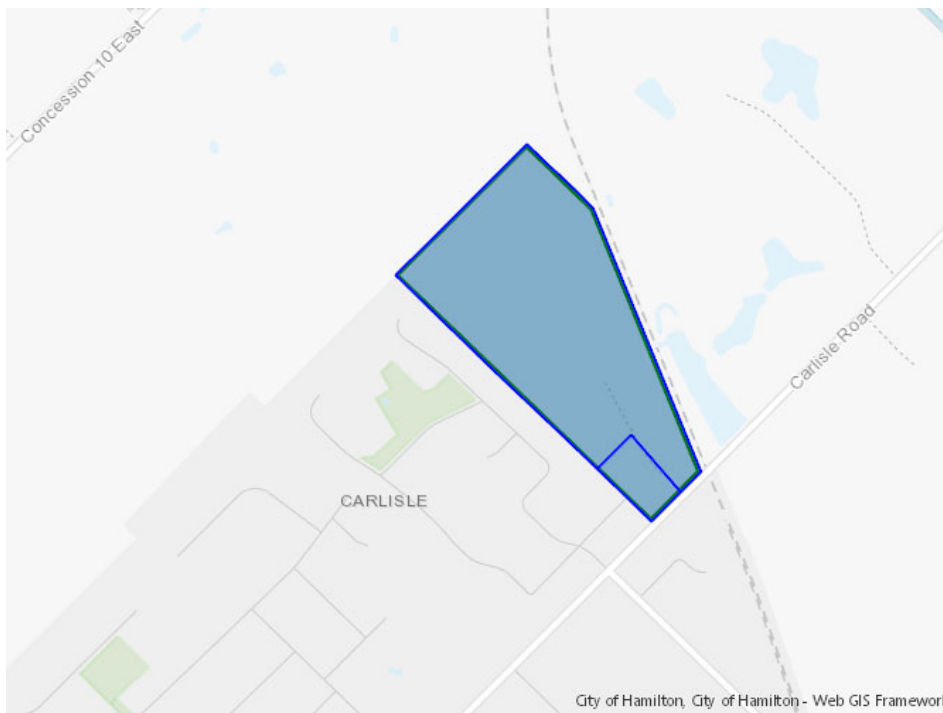
**PUBLIC INPUT**

**Written:** If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written comments can be submitted by emailing [cofa@hamilton.ca](mailto: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.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments will be available on **May 30, 2023** on our website:  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



DATED: May 16, 2023

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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.

**FL/B-23:28**

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority 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 Consent Authority 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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request

DATE \_\_\_\_\_ REPRESENTATIVE FOR  
LAND REGISTRAR FOR THE LAND TITLES  
DIVISION OF WENTWORTH (No. 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE  
LAND TITLES ACT.

APRIL 21, 2023  
DATE NICHOLAS P. MUTH

| SCHEDULE |               |   |                    |
|----------|---------------|---|--------------------|
| PART     | LOT           | CONCESSION                              | PIN                |
| 1        |               | 9                                       | ALL OF 17523-0294  |
| 2        | PART OF LOT 3 | GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH | PART OF 17523-0295 |
| 3        |               |   |                    |

PLAN OF SURVEY OF  
**PART OF LOT 3**  
**CONCESSION 9**  
GEOGRAPHIC TOWNSHIP OF  
EAST FLAMBOROUGH  
IN THE  
**CITY OF HAMILTON**  
SCALE 1:750  
0 10 20 30 40 metres  
NICHOLAS P. MUTH O.L.S.

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

LEGEND:  
SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED  
SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND  
SIB DENOTES STANDARD IRON BAR  
IB DENOTES IRON BAR  
SSIB DENOTES SHORT STANDARD IRON BAR  
(1514) DENOTES M. J. TERRY O.L.S.  
(1500) DENOTES JAMES D. AITKEN, O.L.S.  
(Y) DENOTES YATES & YATES LTD., O.L.S.  
(OU) DENOTES ORIGIN UNKNOWN  
(WIT) DENOTES WITNESS  
P1 DENOTES A SURVEY BY M. J. TERRY SURVEYING  
DATED MARCH 8, 2002  
P2 DENOTES REGISTERED PLAN 62M-824  
P3 DENOTES PLAN 62R-14066  
P4 DENOTES PLAN BY J.J. KINGSWAY O.L.S DATED JUNE 23, 1955  
(INDEX J-99)  
D1 DENOTES INST. EF24967  
DENOTES DECIDUOUS TREE

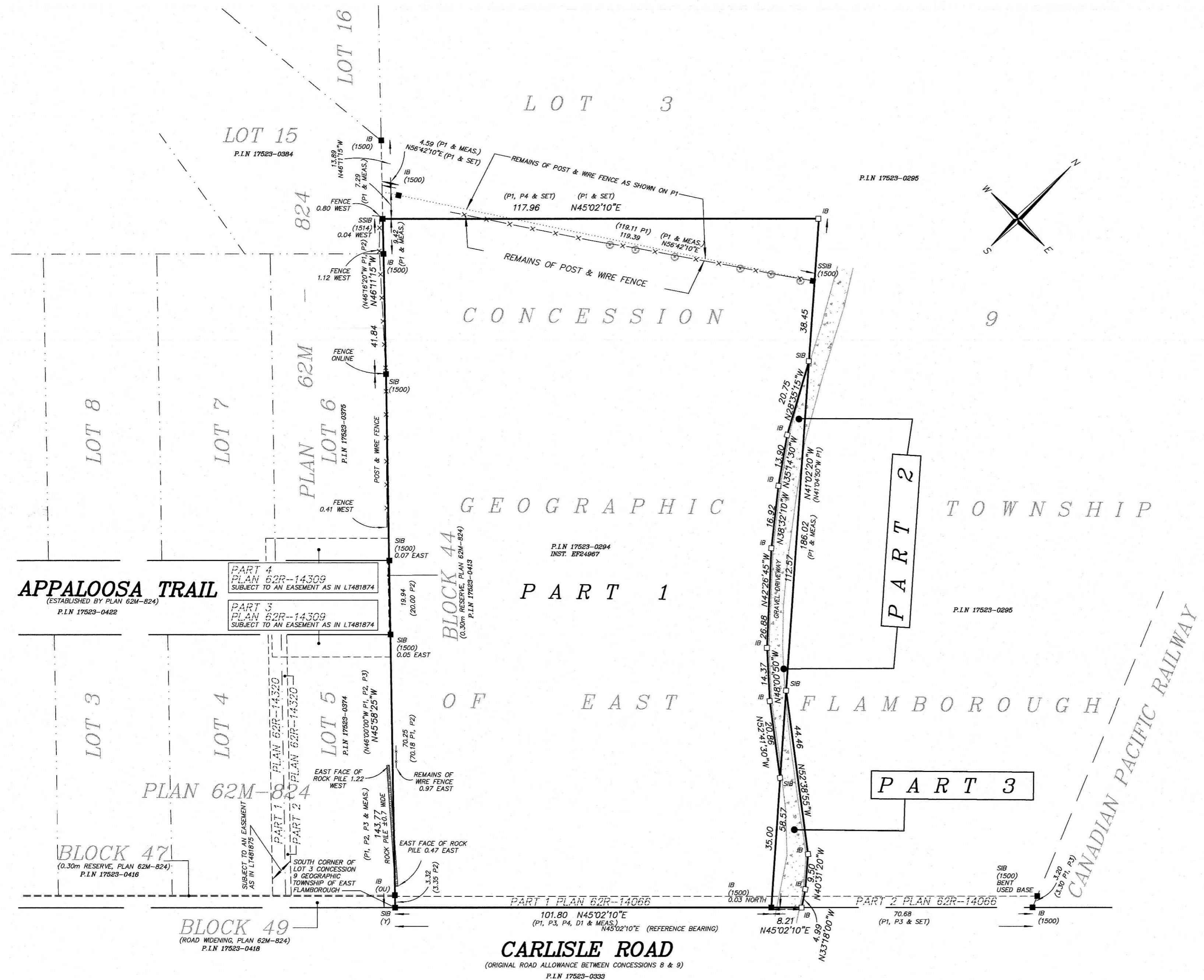
SURVEYOR'S CERTIFICATE:  
I CERTIFY THAT:  
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
2. THE SURVEY WAS COMPLETED ON THE 3rd DAY OF NOVEMBER 2022

APRIL 21, 2023  
DATE  
NICHOLAS P. MUTH  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER

**A.J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-528-8761 FAX 905-528-2289  
email: [ajc@ajclarke.com](mailto:ajc@ajclarke.com)

|              |                 |                     |
|--------------|-----------------|---------------------|
| DRAWN BY: MW | CHECKED BY: NPM | PROJECT No. 208118D |
|--------------|-----------------|---------------------|





*A. J. Clarke and Associates Ltd.*  
SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

May 8, 2023

Attn: Ms. Jamila Sheffield  
Secretary Treasurer, Committee of Adjustment (email: [Jamila.Sheffield@hamilton.ca](mailto:Jamila.Sheffield@hamilton.ca))

**Re: 449-451 Carlisle Road, Carlisle (Hamilton), ON  
Severance Application Submission**

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Dear Ms. Sheffield:

A.J. Clarke and Associates Ltd. has been retained by John Edgar Allen (care of Estate Trustee Marlyn Gardiner-Dean), for the purposes of submitting the enclosed Severance (Consent) Application Package for the subject lands, municipally known as 451 Carlisle Road. This application is to create a shared easement of access between the lands known as 449 and 451 Carlisle Road. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 449 Carlisle Road;
- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form for 451 Carlisle Road;
- Electronic copies of two cheques, both in the amount of \$1,990.00, representing the required application fees for both enclosed easement applications;
- One (1) electronic copy of the Draft Reference Plan dated April 21, 2023, depicting the parcels required to facilitate the easement.

The purpose of this application is to facilitate the creation of a mutual access easement between the lands of 449 and 451 Carlisle Road, just east of the Carlisle Settlement Area boundary. A pre-existing driveway has provided access to the dwelling, barn and associated accessory buildings of 451 Carlisle. This driveway, however, crosses the adjacent parcel boundary.

The intent of this application is to allow the conditions as they have and continue to exist in their current use and location. The concurrently submitted Draft Reference Plan illustrates the existing road and outlines the Parts which must be included in the easements discussed in both applications.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.



Sincerely,

Franz Kloibhofer, MCIP, RPP

Principal, Planner

**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email: Marlyn Gardiner-Dean ([marlyn.gardiner-dean@sympatico.ca](mailto:marlyn.gardiner-dean@sympatico.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  |
|----------------------|---|
| Purchaser*           |   |
| Registered Owners(s) | Stephen Emerson Reid<br>Janet Margaret Peirson-Reid   |
| Applicant(s)**       | same as above   |
| Agent or Solicitor   | A.J. Clarke & Associates Ltd.<br>c/o Franz Kloibhofer |

\*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 \_\_\_\_\_

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         | 449 Carlisle Road, Carlisle |            |         |
| Assessment Roll Number    | 30391002000                 |            |         |
| Former Municipality       | East Flamborough            |            |         |
| Lot                       | 3                           | Concession | 9       |
| Registered Plan Number    |                             | Lot(s)     | Pt Lt 3 |
| Reference Plan Number (s) |                             | Part(s)    |         |

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:

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## 3 PURPOSE OF THE APPLICATION

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

- |   |  |
|---|--|
| <input type="checkbox"/> creation of a new lot(s)   | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease               |
| <input checked="" type="checkbox"/> an easement   | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8)   | <input type="checkbox"/> a charge              |
| <input type="checkbox"/> cancellation (must also complete section 9)  |  |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)<br>( i.e. a lot containing a surplus farm dwelling<br>resulting from a farm consolidation) |  |

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

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

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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, m<sup>2</sup> or ha), attach additional sheets as necessary.

|  |                         |          |          |           |           |
|--|-------------------------|----------|----------|-----------|-----------|
|  | Retained<br>(remainder) | Parcel 1 | Parcel 2 | Parcel 3* | Parcel 4* |
|--|-------------------------|----------|----------|-----------|-----------|



|                                     |  |                    |  |  |  |
|-------------------------------------|--|--------------------|--|--|--|
| Identified on Sketch as:            | Part 1   | Part 2             |  |  |  |
| Type of Transfer                    | N/A  | easement of acc    |  |  |  |
| Frontage                            | 101.8m   | N/A                |  |  |  |
| Depth                               | ±186m  | 112.18             |  |  |  |
| Area                                | ±20,397m <sup>2</sup>                            | ±504m <sup>2</sup> |  |  |  |
| Existing Use                        | residential                                      | driveway acc       |  |  |  |
| Proposed Use                        | residential                                      | driveway acc       |  |  |  |
| Existing Buildings/ Structures      | 1-storey, single detach dwelling; accessory bldg | none               |  |  |  |
| Proposed Buildings/ Structures      | 1-storey, single detach dwelling; accessory bldg | none               |  |  |  |
| Buildings/ Structures to be Removed | none   | none               |  |  |  |

\* Additional fees apply.

#### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- |   |  |
|---|--|
| <input type="checkbox"/> provincial highway                             | <input type="checkbox"/> right of way      |
| <input type="checkbox"/> municipal road, seasonally maintained          | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____                                      |

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

- |  |   |
|--|---|
| <input type="checkbox"/> publicly owned and operated piped water system          | <input type="checkbox"/> lake or other water body |
| <input checked="" type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify)    |
|  | _____   |

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

- |   |
|---|
| <input type="checkbox"/> publicly owned and operated sanitary sewage system               |
| <input checked="" type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> 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): Rural

Rural Settlement Area: n/a

Urban Hamilton Official Plan designation (if applicable) \_\_\_\_\_

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

Technical matter to allow shared easement of access on existing private road for 449 and 451 Carlisle Road.

- 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? A2 - Rural

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.  
concurrent application for 451 Carlisle Road to address easement parts.

- 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) |
|---|--------------------------|---|
| <b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable | <input type="checkbox"/> | agricultural uses within 500m   |
| <b>A land fill</b>  | <input type="checkbox"/> |   |
| <b>A sewage treatment plant or waste stabilization plant</b>  | <input type="checkbox"/> |   |
| <b>A provincially significant wetland</b>   | <input type="checkbox"/> |   |
| <b>A provincially significant wetland within 120 metres</b>   | <input type="checkbox"/> |   |
| <b>A flood plain</b>  | <input type="checkbox"/> | ±40m from wetland   |
| <b>An industrial or commercial use, and specify the use(s)</b>  | <input type="checkbox"/> |   |
| <b>An active railway line</b>   | <input type="checkbox"/> | ±70.5m  |
| <b>A municipal or federal airport</b>   | <input type="checkbox"/> |   |

## 6 HISTORY OF THE SUBJECT LAND

- 6.1 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, provide the appropriate application file number and the decision made on the application.

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

- 6.3 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.

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- 6.4 How long has the applicant owned the subject land?

March 2016

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- 6.5 Does the applicant own any other land in the City?       Yes       No  
If YES, describe the lands below or attach a separate page.
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## 7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?  
 Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

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- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

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- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes       No      (Provide explanation)

Technical matter to address shared easement access between 449 and 451 Carlisle Road.

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- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes       No      (Provide explanation)
-

7.5 Are the subject lands subject to the Parkway Belt West Plan?

Yes       No      (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes       No      (Provide explanation)

Designated 'Protected Countryside

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

Yes       No      (Provide explanation)

## 8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

Yes       No      (Provide explanation)

8.2 Does the current owner have any interest in any abutting land?

Yes       No      (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

Yes       No      (Provide explanation)

9.2 Does the current owner have any interest in any abutting land?

Yes       No      (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

**10 ADDITIONAL INFORMATION - FARM CONSOLIDATION**

**10.1 Purpose of the Application (Farm Consolidation)**

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

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

**10.2 Location of farm consolidation property:**

|                           |  |            |  |
|---------------------------|--|------------|--|
| Municipal Address         |  |            |  |
| Assessment Roll Number    |  |            |  |
| Former Municipality       |  |            |  |
| Lot                       |  | Concession |  |
| Registered Plan Number    |  | Lot(s)     |  |
| Reference Plan Number (s) |  | Part(s)    |  |

**10.3 Rural Hamilton Official Plan Designation(s)**

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 consolidation property.

**10.4 Description of farm consolidation property:**

|               |                              |
|---------------|------------------------------|
| Frontage (m): | Area (m <sup>2</sup> or ha): |
|---------------|------------------------------|

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

**10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)**

|               |                              |
|---------------|------------------------------|
| Frontage (m): | Area (m <sup>2</sup> or ha): |
|---------------|------------------------------|

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

**10.7 Description of surplus dwelling lands proposed to be severed:**

|                                  |   |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m <sup>2</sup> or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back: \_\_\_\_\_

**a) Date of construction:**

- Prior to December 16, 2004
- After December 16, 2004

**b) Condition:**

- Habitable
- Non-Habitable

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application Form
- Signatures Sheet

### 11.2 Validation of Title

- All information documents in Section 11.1
- Detailed history of why a Validation of Title is required
- All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

### 11.3 Cancellation

- All information documents in Section 11.1
- Detailed history of when the previous consent took place.
- All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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