



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 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

<b>APPLICATION NO.:</b>	<b>AN/B-23:51</b>	<b>SUBJECT PROPERTY:</b>	70 GARNER ROAD E, ANCASTER
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**APPLICANTS:**      **Owner:** ANCASTER CHRISTIAN REFORMED CHURCH C/O SIEBERT VAN HOUTEN  
                              **Agent:** FOTHERGILL PLANNING AND DEVELOPMENT INC. C/O ED FOTHERGILL

**PURPOSE & EFFECT:**      To permit the conveyance of a parcel of land to be added to property known municipally as 591 Fiddlers Green Road, Ancaster to facilitate the construction of greenhouses.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	0 m <sup>±</sup>	78.63 m <sup>±</sup>	0.89 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	83.79 m <sup>±</sup>	287.82 m <sup>±</sup>	1.92 ha <sup>±</sup>

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:

<b>DATE:</b>	<b>Thursday, August 24, 2023</b>
<b>TIME:</b>	<b>9:50 a.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

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)

## AN/B-23:51

- 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 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.

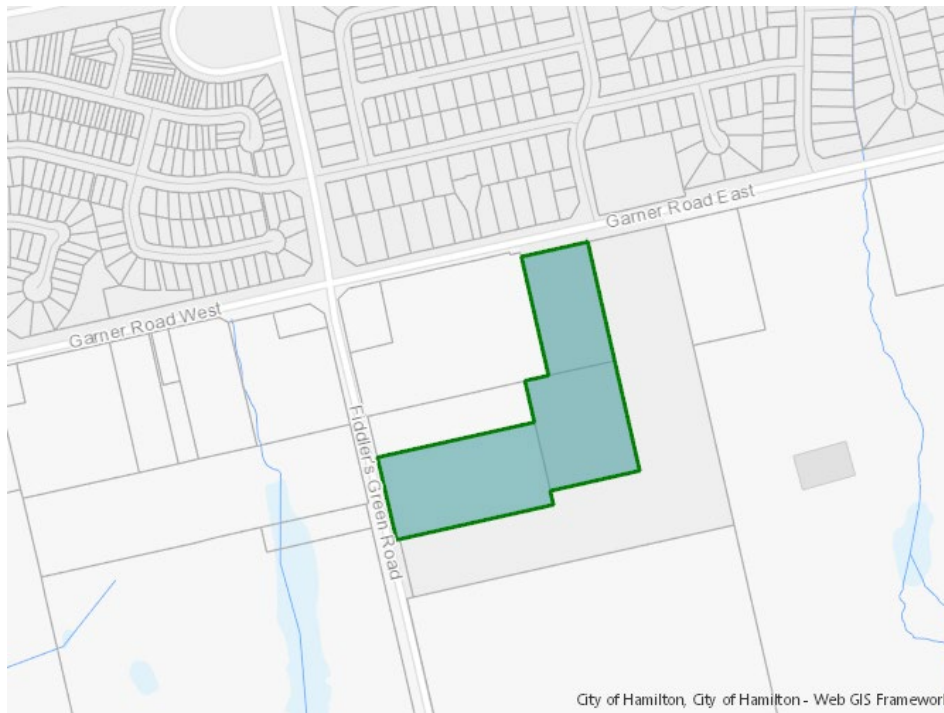
**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:51, you must submit a written request to [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.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.

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.



 **Subject Lands**

DATED: August 8, 2023

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

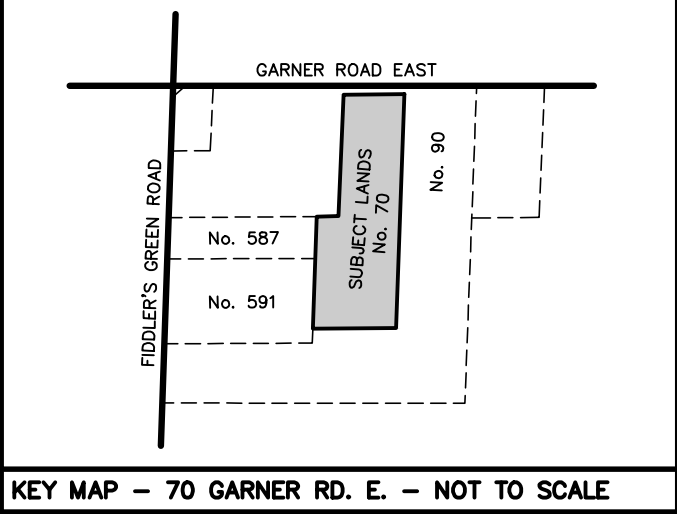
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

SKETCH FOR SEVERANCE  
OF  
70 GARNER ROAD EAST  
CITY OF HAMILTON

SCALE 1:1500 METRIC

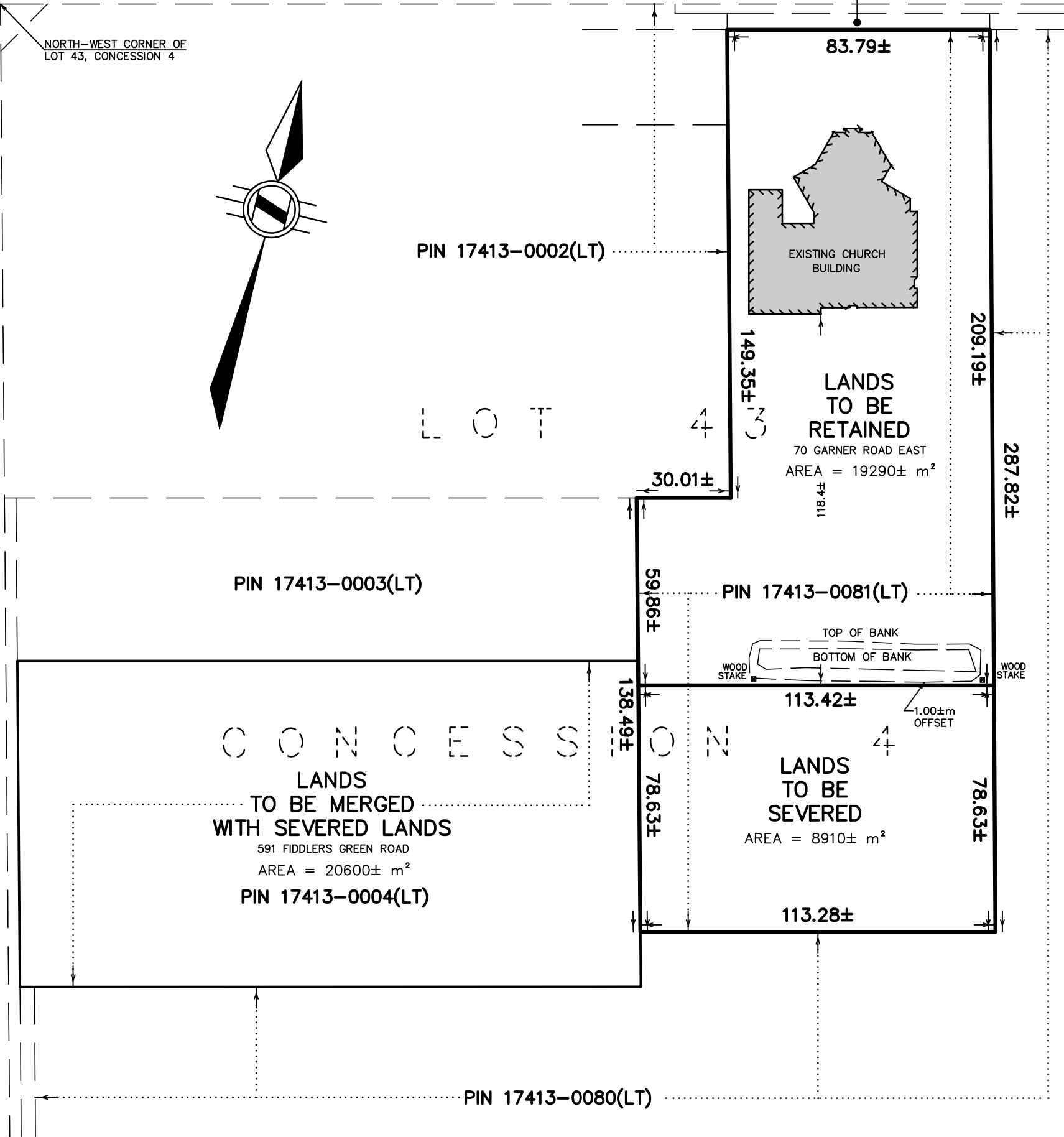


S.D. McLAREN, O.L.S. – 2022



GARNER ROAD EAST

FIDDLER'S GREEN ROAD



**CAUTION**  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

THIS SKETCH IS PROTECTED BY COPYRIGHT ©

**DIMENSIONS NOTE**  
DIMENSIONS SHOWN ON THIS SKETCH ARE DERIVED FROM PLAN 62R-21033.

JULY 13, 2022  
DATE

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

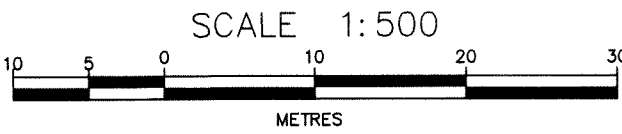


**A.T. McLaren Limited**  
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230  
HAMILTON, ONTARIO, L8N 2B9  
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn JM	Checked SDM	Scale 1:1500	Dwg.No. 36643-SK
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PLAN OF TOPOGRAPHICAL SURVEY OF  
PART OF LOT 43  
CONCESSION 4  
(GEOGRAPHIC TOWNSHIP OF ANCASTER)  
CITY OF HAMILTON



MacAULAY, WHITE & MUIR LTD.

LEGEND

- SIB - STANDARD IRON BAR
- IB - IRON BAR
- - PLANTED
- - FOUND, (1135)
- GWA - GUY WIRE ANCHOR
- LS - LIGHT STANDARD
- UP - UTILITY POLE
- U- - OVERHEAD UTILITY LINE

METRIC

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

ELEVATIONS

ELEVATIONS ARE GEODETIC, CGVD2013, DERIVED FROM  
REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010).

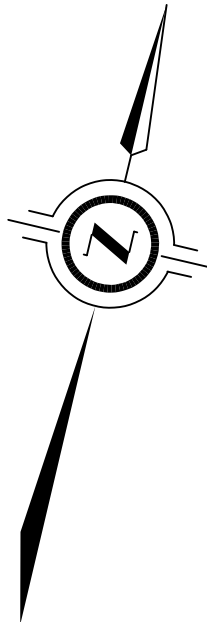
NOTE:

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 0.999651.  
ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.  
ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.

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	4783505.13	582729.60
B	4783550.58	582922.40
CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

MARCH 28, 2018

**MacAULAY, WHITE & MUIR LTD.**  
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS  
440 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3T 5L8  
TELEPHONE 519-752-0040 FAX 519-752-0087  
EMAIL - mwmurvey@bellnet.ca



SCHEDULE				
PART	LOT	PLAN/CON	PIN	AREA sq. m.
1	PART OF LOT 43	CONCESSION 4	ALL OF 17413-0072 (LT)	28209
2				434
3				60109
4				492
5				332
6				16
7				464
8				688

PARTS 6, 7 AND 8 ARE SUBJECT TO AN EASEMENT AS IN INST. No. CD332758

PLAN 62R-21033

Received and deposited

November 30<sup>th</sup>, 2018

Jenny Mackenzie

Representative for the  
Land Registrar for the  
Land Titles Division of  
Wentworth (No.62)

PLAN OF SURVEY OF  
PART OF LOT 43  
CONCESSION 4  
GEOGRAPHIC TOWNSHIP OF ANCASTER  
CITY OF HAMILTON

SCALE 1 : 1000  
20 0 20 40 60 metres

J.D. BARNES LIMITED

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

THE INTENDED PLOT SIZE OF THIS PLAN IS 915mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1000

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999645.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	583 169.66	4 793 427.65
ORP (B)	583 080.71	4 783 794.68

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

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
PB	DENOTES	PLASTIC BAR
WT	DENOTES	WITNESS
MEAS	DENOTES	MEASURED
JDB	DENOTES	J.D. BARNES LIMITED
P1	DENOTES	SURVEYOR'S REAL PROPERTY REPORT BY J.D. BARNES LTD., DATED DECEMBER 15th, 2016, REF # 16-30-991-00-A
P2	DENOTES	PLAN 62R-9096
P3	DENOTES	PLAN 62R-6103

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- 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.
- THE SURVEY WAS COMPLETED ON NOVEMBER 21, 2018.

NOVEMBER 22, 2018  
DATE

SUNIL PERERA  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2075660



401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1  
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY:	CHECKED BY:	REFERENCE NO.:
TAB	SP	16-30-991-00

FILE: G:\16-30-991\00\Drawing\63099100-RP.dgn DATED: OCTOBER 22nd, 2018

PLOTTED: 11/29/2018

**Fothergill Planning & Development Inc.**

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## **PLANNING REPORT**

**Application for Lot Line Adjustment**

**70 Garner Road  
City of Hamilton**

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Date: July 13, 2023

Prepared for: Fora Outdoor Living

## 1.0 Introduction

This report has been prepared to provide planning support for an application for consent to allow for a lot line adjustment between a property at 70 Garner Road East and 591 Fiddlers Green Road. The intent of the application is to allow for the expansion of an existing horticultural business at Fora Outdoor Living at 519 Fiddlers Green Road to permit a greenhouse use in conjunction with the existing business, which currently contains a number of greenhouse buildings. A preliminary site plan has been included with this submission material. The plan identifies the layout of the intended use of the site and the manner in which the lands will be integrated into the existing business operation. Further details of the site layout will be confirmed through a subsequent application for site plan approval.

The land is surplus to the needs of the church. As a result, a transfer of these lands will not affect the ongoing viability of the operation of the church. With the application being a lot line adjustment, no new lots are being created.

The lands to be severed measure approximately 78 metres x 113 metres and comprise 0.89 hectares. The configuration of the parcel to be severed has been designed to ensure that appropriate drainage features which relate to the church property have been retained on the 1.9 hectare property that will continue to be owned and operated by the church.

The severed lands will be merged with the property at 519 Fiddlers Green Road. The current nursery operation, Fora Outdoor Living, has a frontage of approximately 104 metres on Fiddlers Green Road with a depth of approximately 198 metres and an area of 2.06 hectares.



## 2.0 Provincial Policy Statement (“PPS”)

Since the proposal does not create any new lots, the lot creation policies in the PPS do not apply.

The proposal is consistent with Part 1.1.3.2(a) which encourages the efficient use of land.

With the transfer of these lands to 519 Fiddlers Green Road, which is in the Rural Area, the following policies are relevant:

***“1.1.4.1      Healthy, Integrated and Viable Rural Areas should be supported by:***

***(a)      Building upon rural character and leveraging rural amenities and assets***

***(f)      promoting intensification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources.***

***1.1.5.4      Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”***

## 3.0 Growth Plan for Greater Golden Horseshoe (2020) (“Growth Plan”)

The Growth Plan is designed to direct new growth in both the urban and rural environments. In this case, the application is a lot line adjustment and hence does not represent the traditional consideration of new growth. However, the application is generally consistent with the intent of the Growth Plan similar to the PPS to promote efficient use of land and to recognize the importance of economic activities in the Rural Area.

## 4.0 Urban Hamilton Official Plan (UHOP)

The property is within the Airport Employment Area Growth District. It is designated as Employment Area within Schedule E and Institutional within Schedule E-1 in the Official Plan. Policies for the Institutional designation are found within Volume 2 Chapter B Section 8.7.

Within the Institutional designation is the following policy:

***“8.7.2 Notwithstanding Section B.8.7.1, if the Institutional uses on lands designated “institutional” and identified as Site Specific Policy – Areas B, C and D on Map B.8-1 – Airport Employment Growth District Land Use Plan, ease to exist or are not developed for the proposed institutional uses, then Section B.8.4.5 shall apply.”***

Therefore, for the consideration of this application, policies in Section B.8.4.5 regarding the Airport Prestige Business designation are to be considered. The policies of this section of the Official Plan are implemented through the Airport Prestige District (M11) zone provisions.

The proposal complies with the intent of Official Plan policies with respect to consents within the Urban Area. Policy F.1.14.3.6 permits minor lot line adjustments, **“...provided that there is no increased fragmentation of a Core Area and the adjustments do not conflict with the intent of the policies of this Plan.”**

With the proposed severance complies with these requirements and therefore is consistent with the intent of the policies of the Official Plan in that there is no Core Area being fragmented. Since the lot line adjustment is a more efficient use of land and helps to support the existing business without creating a new lot, in my opinion, it is consistent with the intent and policies of the Official Plan and therefore meets the tests in F.1.14.3.6.

## 5.0 Rural Hamilton Official Plan (RHOP)

The horticultural operation is designated as Agriculture and is located within the Rural Area of the Rural Hamilton Official Plan. The application will not change or be impacted by the Rural Official Plan policies.

## 6.0 Zoning By-law

The lands to be severed are zoned I - Institutional with Special Number 39, which reads as follows:

*“Notwithstanding Section 8.3.1 of this By-law, on those lands zoned Major Institutional (I3) Zone, identified on Maps 1386, 1387, 1437 and 1438 of Schedule “A” – Zoning Maps and described as 70 Garner Road East, only the following uses shall be permitted only in conjunction with the place of worship:*

- a. offices for a religious organization;*
- b. conference and convention centre;*
- c. lodging house for short term accommodation in conjunction with the educational establishment;*
- d. recreation; and,*
- e. educational establishment for a religious organization.”*

Therefore, an application for rezoning will be required to an Airport Prestige Business (M11) Zone which permits greenhouses uses. This is consistent with M11 zoning on the abutting property to the south and east which is owned by Arbor Memorial.

## 7.0 Planning Opinion

This proposal represents good planning. It allows a more productive use of lands which are currently surplus to the needs of the existing church. It also allows for the expansion of a viable business on Fiddlers Green Road. Achieving these objectives is consistent with provisions in the Provincial Policy Statement, and in conformity with policies of the Provincial Growth Plan.

Given that the lands will not be used for Institutional purposes, the policies in section B.8.7.2 require that policies related to the Airport Prestige Business section of the Official Plan will apply. These policies are implemented by way of the Airport Prestige Business (M11) zone.

As a lot line adjustment, the proposal complies with the intent of the UHOP policies to permit minor lot line adjustments. It does not affect the Core Area and is consistent with the intent and policies of the Official Plan for both properties.

As noted in the sketch provided with the application, the property can be effectively used in a manner which is consistent with, and integrated with, the existing business operation on Fiddlers Green Road.

Given the Institutional zoning of the site, a rezoning will be required as a condition of severance to apply an Airport Prestige Business (M11) zone on the site to permit the proposed greenhouse use.

In summary, it is recommended the application be approved by the Committee with appropriate conditions requiring a rezoning.

Respectfully Submitted,

**FOTHERGILL PLANNING AND DEVELOPMENT INC.**

Ed Fothergill, MCIP, RPP  
President

June 13, 2023

**FPD**

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

62 DAFFODIL CRES. • HAMILTON, ON L9K 1E1 • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

July 13, 2023

Committee of Adjustment  
City of Hamilton, City Hall  
71 Main St. W.  
Hamilton ON L8P 4Y6

**Re: Application for Consent for Lot Line Adjustment  
Ancaster Christian Reformed Church  
70 Garner Road East - Ancaster**

Please find enclosed an application for consent for a lot line adjustment to allow the transfer of a parcel of property currently owned by Christian Reformed Church to be added to an abutting property at 591 Fiddlers Green Road to the west.

With this application, please find enclosed the following:


1. Completed application form signed by the owner.
2. Cheque made payable to the City of Hamilton in the amount of **\$3220**.
3. Cheque made payable to Hamilton Conservation Authority in the amount of **\$1233.96**.
4. Cheque made payable to the Grand River Conservation Authority in the amount of **\$465**.
5. Survey sketch to identify the parcels in question.
6. Reference Plan 62R-21033 to describe the lands owned by the Christian Reformed Church (Part 1)
7. Survey of property at 591 Fiddlers Green Road
8. Sketch of existing Fora Outdoor Living site and proposed addition of greenhouse buildings.
9. Planning Justification Report, dated July 13, 2023 prepared by Fothergill Planning and Development Inc.

We look forward to this application being brought forward to the first available meeting of the Committee of Adjustment.

Thank you for your assistance.

Sincerely,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**



E.J. Fothergill, MCIP, RPP  
President

cc. Marty Verhey



Hamilton

Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto: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*		
Registered Owners(s)		
Applicant(s)**		
Agent or Solicitor		

\*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 edf@nas.net

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	70 GARNER ROAD EAST		
Assessment Roll Number			
Former Municipality	ANCASTER		
Lot	43	Concession	4
Registered Plan Number		Lot(s)	
Reference Plan Number (s)	62R-21033	Part(s)	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:

## 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 checked="" type="checkbox"/> addition to a lot   | <input type="checkbox"/> a lease               |
| <input 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:

FORA OUTDOOR LIVING

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

FORA - 591 FIDDLERS GREEN ROAD

### 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 (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
--	-------------------------	----------	----------	-----------	-----------



Identified on Sketch as:	RETAINED	SEVERED	Merged Parcel		
Type of Transfer	N/A				
Frontage	83.79	0	139 +/-		
Depth	287.82	78.63	198 +/-		
Area	1.92 ha	0.89 ha	2.06 ha		
Existing Use	Institutional	Institutional	Horticulture		
Proposed Use	Institutional	Horticulture	Horticulture		
Existing Buildings/ Structures	Church	Vacant	Horticulture		
Proposed Buildings/ Structures	None	Greenhouses	None		
Buildings/ Structures to be Removed	None	None	None		

\* 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) \_\_\_\_\_

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): \_\_\_\_\_

Rural Settlement Area: \_\_\_\_\_

Urban Hamilton Official Plan designation (if applicable) Employment Area and Institutional

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

SEE PLANNING JUSTIFICATION REPORT.

- 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? INSTITUTIONAL - I3(39)

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?  
NO

- 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.

APPLICATION FOR REZONING TO CHANGE ZONING TO M11 TO BE SUBMITTED.

- 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"/>	NO
A land fill	<input type="checkbox"/>	NO
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	NO
A provincially significant wetland	<input type="checkbox"/>	NO
A provincially significant wetland within 120 metres	<input type="checkbox"/>	NO
A flood plain	<input type="checkbox"/>	NO
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	YES (FORA)
An active railway line	<input type="checkbox"/>	NO
A municipal or federal airport	<input type="checkbox"/>	NO

## 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.

PREVIOUS SEVERANCE TO ALLOW FUNERAL HOME AT 90 GARNER ROAD EAST

- 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.

SEE 6.1 ABOVE

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

CHURCH 1986 AND 2004. FORA 2018

- 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.

## 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)

SEE PLANNING JUSTIFICATION REPORT.

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

SEE PLANNING JUSTIFICATION REPORT.

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

SEE PLANNING JUSTIFICATION REPORT.

- 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)

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):
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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):
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10.6 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)
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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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