COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5 Telephone (905) 546-2424, ext. 4221, 3935 E-mail: <u>cofa@hamilton.ca</u>

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	FL/B-23:75	SUBJECT	784 Safari Road, Flamborough
NO.:		PROPERTY:	

APPLICANTS: Owner: Wentworth Condominium Corporation #331 Agent: Mark L. Castle Purchaser/ Applicant: Berniece Fenton

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing existing storage barns to be added to property known municipally as 752 Safari Rd., Flamborough.

	Frontage	Depth	Area
SEVERED LANDS:	N/A m [±]	Irregular m [±]	2700 m ^{2 ±}
RETAINED LANDS:	212.05 m [±]	1002.41 m [±]	212.56 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, December 7, 2023
TIME:	11:20 a.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed (viewing only) at
	www.hamilton.ca/committeeofadjustment

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

FL/B-23:75

- Visit <u>www.hamilton.ca/committeeofadjustment</u>
- Email Committee of Adjustment staff at 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, <u>including deadlines</u> 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 FL/B-23:75, you must submit a written request to <u>cofa@hamilton.ca</u> 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 <u>cofa@hamilton.ca</u> 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.



DATED: November 21, 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.

COMMITTEE OF ADJUSTMENT



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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.

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

Oral Submissions During the Virtual Meeting

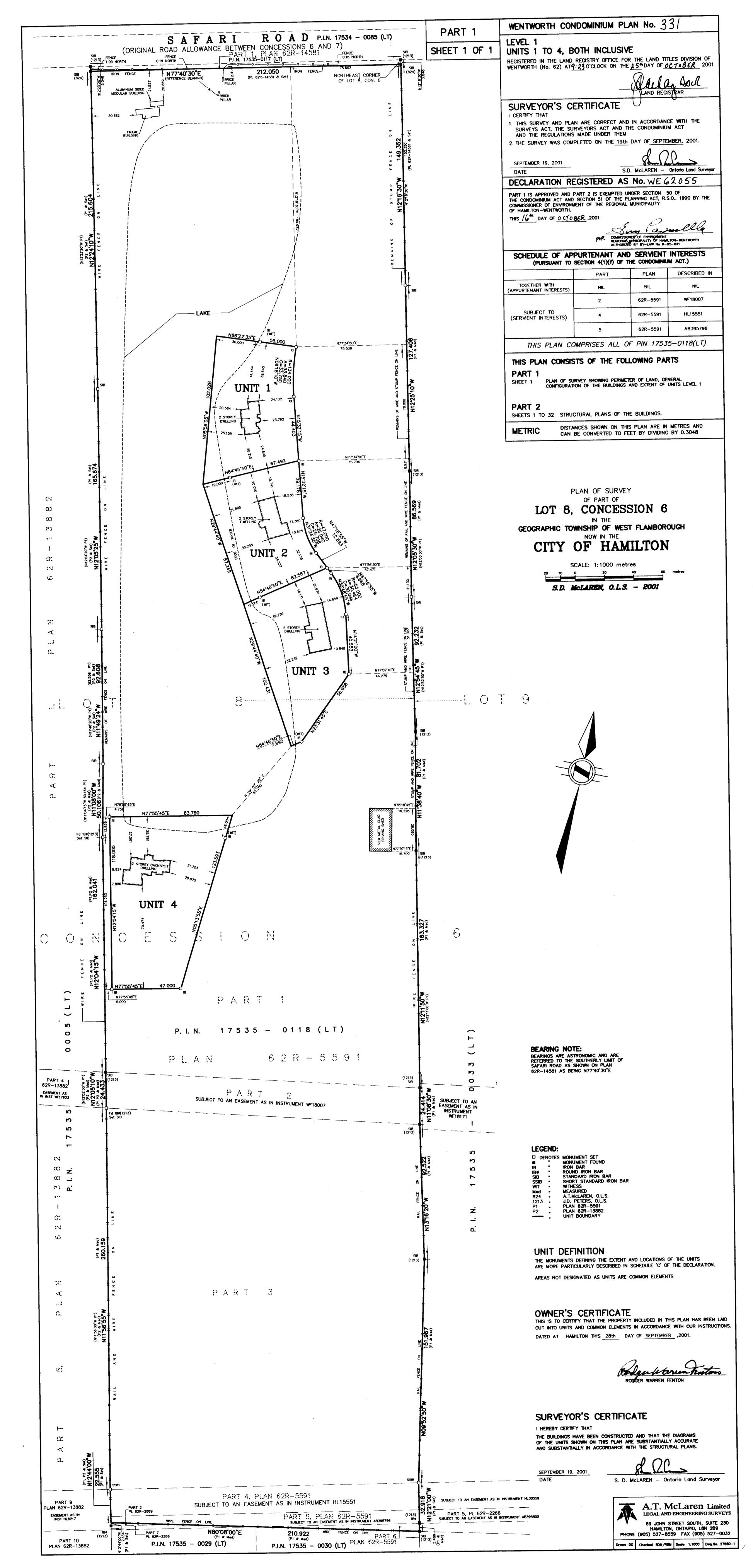
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

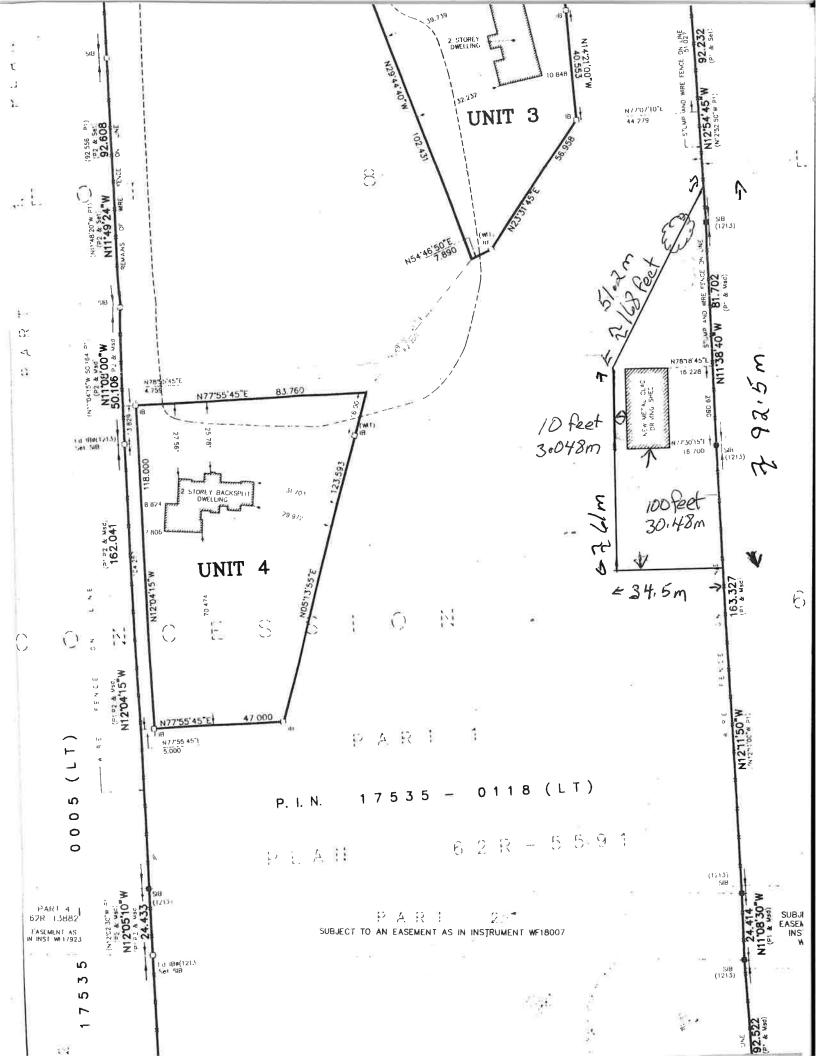
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via 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.

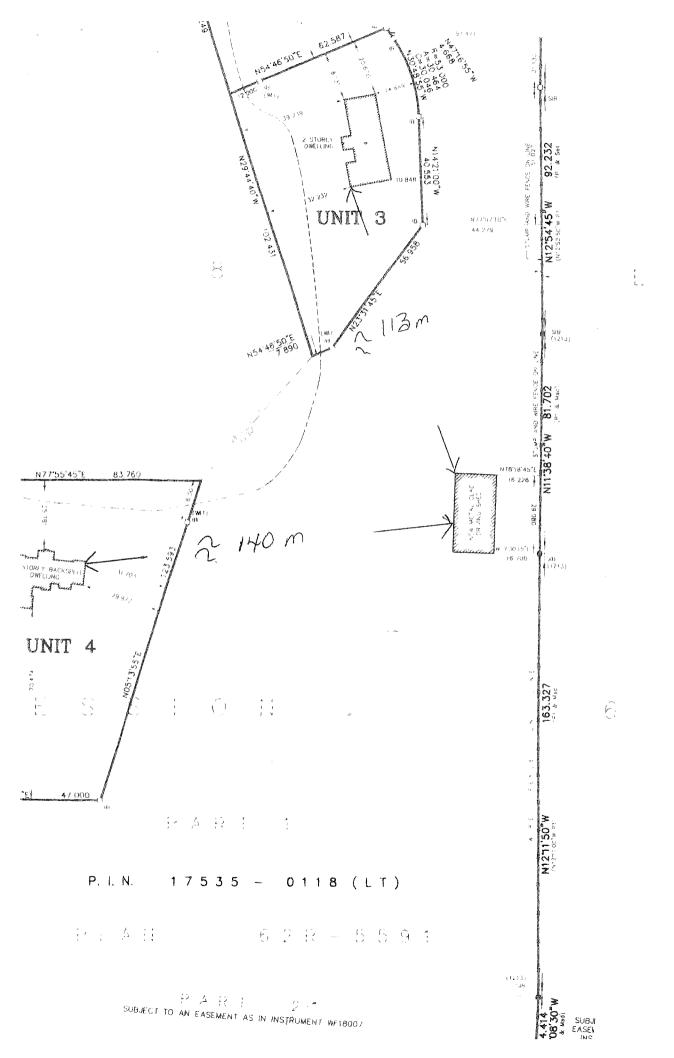
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

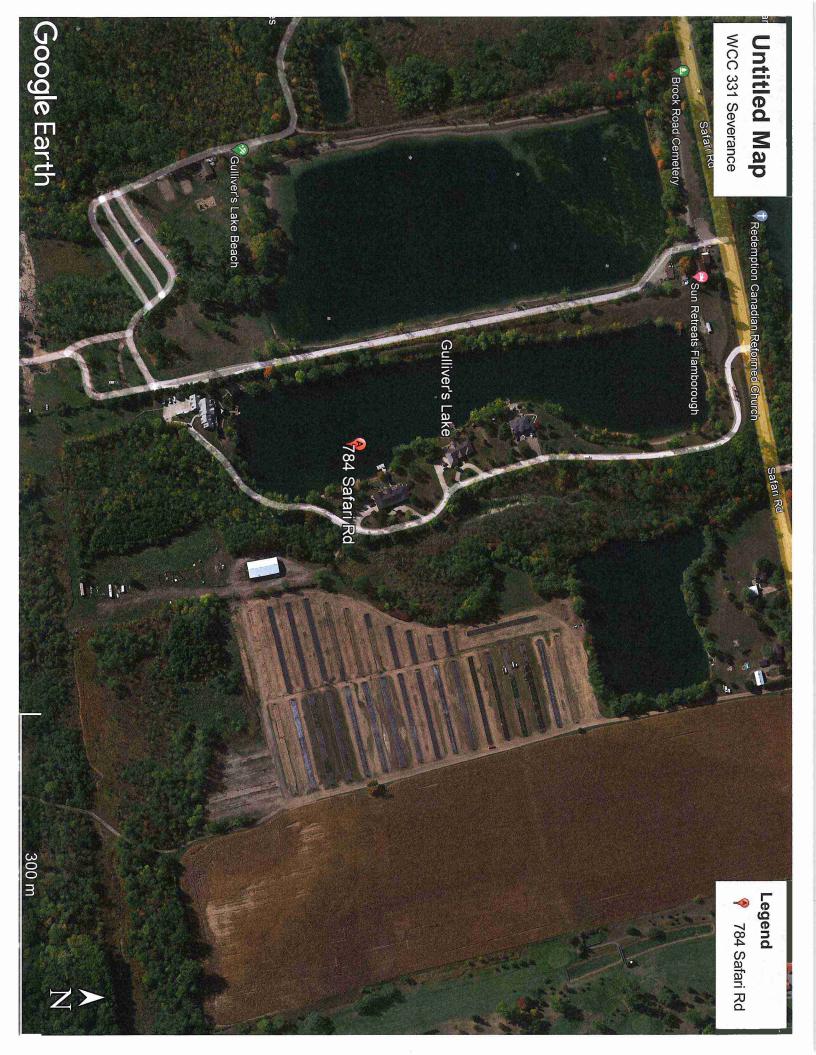
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

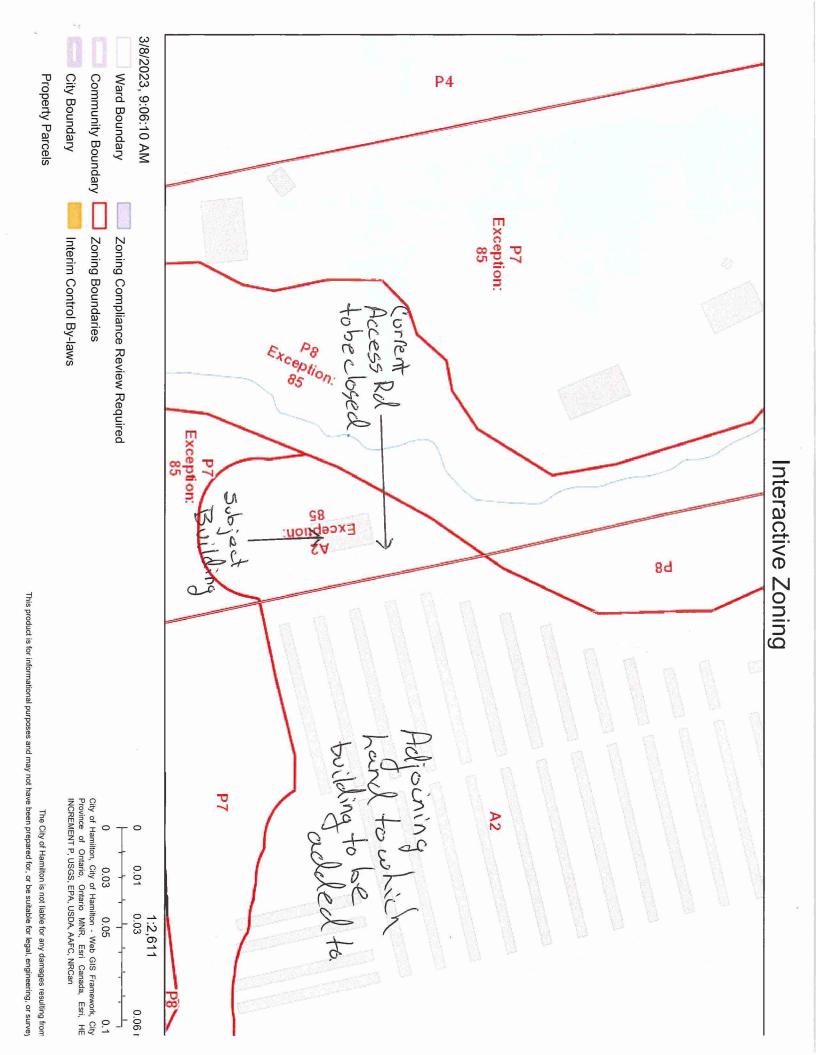
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly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











MARK CASTLE PROFESSIONAL CORPORATION

Barristers and Solicitors

Mark L. Castle B.A.Sc. L.L.B. Jessica Sanges B.A. (Hons), J.D. 5-150 King St. W. Dundas, ON L9H 1V4 Tel: (905) 628-2214 Fax: (905) 627-5639 Email: mark@mlclaw.ca

October 18, 2023

Committee of Adjustment 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5

Dear Sir\Madam:

Re: Severance Application 784 Safari Road, Millgrove

Please be advised that the writer represents the Purchaser/Applicant Berniece Fenton. In regards thereto I enclose herewith Application for Consent to Sever Land together with my cheque in the amount of \$3,220.00 in payment of your fee.

Please forward all future correspondence in this matter to the attention of the writer.

Yours truly, Mark Castle Professional Corporation

Mark L. Castle MLC/kf



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

Phone: (905) 546-2424 ext. 4221 Email: <u>cofa@hamilton.ca</u>

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

MI	
NAME	
Berniece Fenton	
Wentworth Condominium Corporation #331	
Berniece Fenton	
Mark L. Castle	
	Berniece Fenton Wentworth Condominium Corporation #331 Berniece Fenton

*Purchaser must provide a copy of the portion or the agreement or 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	X Owner X Agent/Solicitor
1.3	Sign should be sent to	Purchaser Applicant	Owner X Agent/Solicitor
1.4	Request for digital copy of sign If YES, provide email address where sig	☐ Yes* ☐ No n is to be sent	
1.5	All correspondence may be sent by ema If Yes, a valid email must be included for applicable). Only one email address sub request does not guarantee all correspo	r the registered owner mitted will result in the	(s) AND the Applicant/Agent (if voiding of this service. This

APPLICATION FOR CONSENT TO SEVER LAND (September 1, 2022)

2. LOCATION OF SUBJECT LAND

z. i complete the applicable a					
Municipal Address	784 Safari Road Millgrov	784 Safari Road Millgrove ON L8B 1S8			
Assessment Roll Number	multiple				
Former Municipality	West Flamborough				
Lot	8	Concession	6		
Registered Plan Number	Wentworth Condominium Plan #331	Lot(s)			
Reference Plan Number (s)	62R5591	Part(s)			

2.1 Complete the applicable sections:

If YES, describe the easement or covenant and its effect:

HEPC but does not affect the lands to be severed

3 PURPOSE OF THE APPLICATION

- 3.1 Type and purpose of proposed transaction: (check appropriate box)
 - creation of a new lot(s)
 - \times addition to a lot
 - an easement
 - validation of title (must also complete section 8)
-] concurrent new lot(s)] a lease] a correction of title] a charge
- 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)

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

Berniece Fenton

- 3.3 If a lot addition, identify the lands to which the parcel will be added: PT LT 9 CON 6 West Flamborough PIN 17535-0033
- 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.

Retained	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*

Identified on		Lands to be				
Sketch as:	Remainder	severed				
Type of	N/A	fee simple				
Transfer						
Frontage	212.05 m	NIA				
Depth	1002.41 m	Irregular				
Area	212.56 ha	2700 m2				
Existing Use	Residential	Storage barn				
Proposed Use	Residential	Storage barn				
Existing		metal clad				
Buildings/	4 condo units	storage barn				
Structures						
Proposed	NONE					
Buildings/ Structures		Same				
Buildings/						
Structures to	None	None				
be Removed						
* Additional fees	apply.					
4.2 Subject Lan	d Servicing					
a) Type of access: (check appropriate box)						
🔀 provincial highway						
municipal road, seasonally maintained other public road						
municipal road, maintained all year						

b) Typ	e of water	supply	proposed:	(check	appropriate	box)
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	publicly owned and operated piped water system
X	privately owned and operated individual well

🗋 privat	tely owned	and o	perated	individual	well
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) '	Type of	sewage	disposal	proposed	: (check	appropriate	box)

c)	Type of sewage disposal proposed: (check appropriate
] publicly owned and operated sanitary sewage system
Χ	privately owned and operated individual septic system

privately	owned	and	operated	individual	septic system

l oth	er mean	s (specify)

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

X electricity	X telephone	\mathbf{X} school bussing	X garbage collection
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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: Millgrove

lake or other water body other means (specify)

	Urban Hamilton Official Plan designation (if applicable)			
	Please provide an explanation of how the application conforms with a City of Hamilton Official Plan. Plan. Section F.1.14.2.5 allows for lot additions. In the present case surplus land and unused storage barn to be severed and added to adjoining farm property.			
5.2	Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?			
	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? P7 exception 75			
	If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? <u>NO</u>			
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?			
	If YES, and known, provide the appropriate file number and status of the application. Prior severance FL/B-19:10 and concurrent minor variance application			
	Any provide the following reasons of factories and the problem three depositions for 500 protocols of the problem t			

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.

On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
	adjoining farm to which
	severed land to be
	added
X	partially
X	partially
X	partially
	Subject

HISTORY OF THE SUBJECT LAND 6

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? X

owr

If YES, and known, provide the appropriate application file number and the decision made on the application.

Prior severance FL/B-19:10 granted

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

This application requires a much smaller parcel of land to be severed at the request of new owners of retained lands

6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?

X No Yes

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

6.4 How long has the applicant owned the subject land? Since October 2001

No

6.5 Does the applicant own any other land in the City?

		
Yes	IXI	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?

X Yes

(Provide explanation)

Minor lot additions are allowed provided they do not create new lots

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

Minor lot additions are allowed provided they do not create new lots

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

No new lot is being created, surplus land and building being sold to adjoining farm

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

7.5 Are the subject lands subject to the Parkway Belt West Plan?YesNo(Provide explanation)

- 7.6 Are the subject lands subject to the Greenbelt Plan?
 X Yes
 No
 Property is designated Protected countryside however minor lot adjustments are permitted. Here surplus land and building to condominium corp is being sold to adjoining farm for agricultural use.
- 7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

8 ADDITIONAL INFORMATION - VALIDATION

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

 $\Box Yes \qquad \qquad X No \qquad (Provide explanation)$

- 8.2 Does the current owner have any interest in any abutting land?
 - Yes X No (Provide explanation and details on plan)
- 8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

Not applicable

9 ADDITIONAL INFORMATION - CANCELLATION

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

Yes X No (Provide explanation)

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

Yes X No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary) The original severance application was brought by the Fenton family that owned all units in the condo development. Severance was not completed prior to the sale by the Fentons and new owners wish less land to be severed from the common elements of the condo development.

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

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 (m² or ha):		
	Existing Land Use(s): P	roposed Land Use(s):		
10 5	Description of abutting consolidated farm	(excluding lands intended to be severed for the		

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

Frontage (m):	Area (m ² or ha):
Existing Land Use:	Proposed Land Use:

10.6 Description of surplus dwelling lands proposed to be severed:

	Frontage (m): (from Section 4.1)	Are	ea (m² or ha): (from Section 4.1)
	Front yard set back:		
0.7	Surplus farm dwelling a) Date of construction: Prior to December 16, 2004		After December 16, 2004
	b) Condition:		Non-Habitable

1

Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

11 COMPLETE APPLICATION REQUIREMENTS

11.1	All Applications		
	X	Application Fee	
	X	Site Sketch	
	X	Complete Application form	
	X	Signatures Sheet	
11.2	Valida	alidation 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	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	