



Hamilton

COMMITTEE OF ADJUSTMENT

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

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.:	FL/B-24:10	SUBJECT PROPERTY:	446 Orkney Rd., Flamborough
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APPLICANTS: Owner: Forthdale Farms Ltd. c/o K. Forth
Applicants: Arcadis Professional Services (Canada) Inc. c/o C. Agro

PURPOSE & EFFECT: To permit the creation of a new non-farm parcel (for residential purposes) with the existing dwelling and shed to remain, and to retain a parcel of land for agricultural purposes (existing barn to remain).

	Frontage	Depth	Area
SEVERED LANDS:	62 m [±]	104 m [±]	0.7 ha [±]
RETAINED LANDS:	348 m [±]	705 m [±]	24.47 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:	Tuesday, April 9, 2024
TIME:	1:35 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)

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

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. 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. Written comments must be received no later than noon, **April 5, 2024**

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

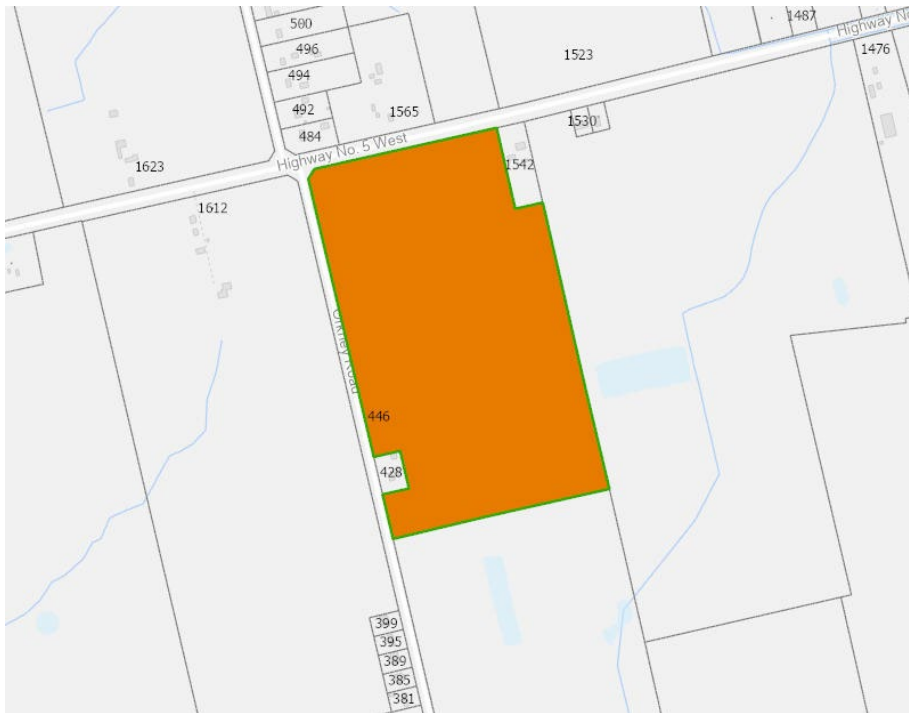
Orally: If you would like to speak to this item at the hearing you may do so by attending in person. Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing, as noted above.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/B-24:10, you must submit a written request to 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 the Notice of Decision 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.



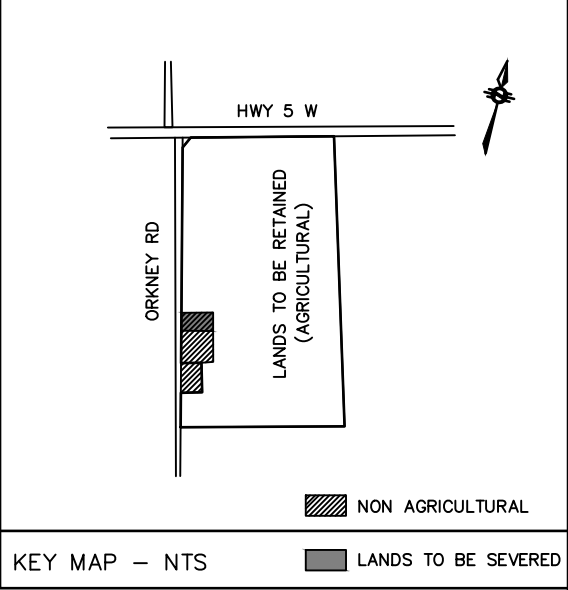
DATED: March 21, 2024

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

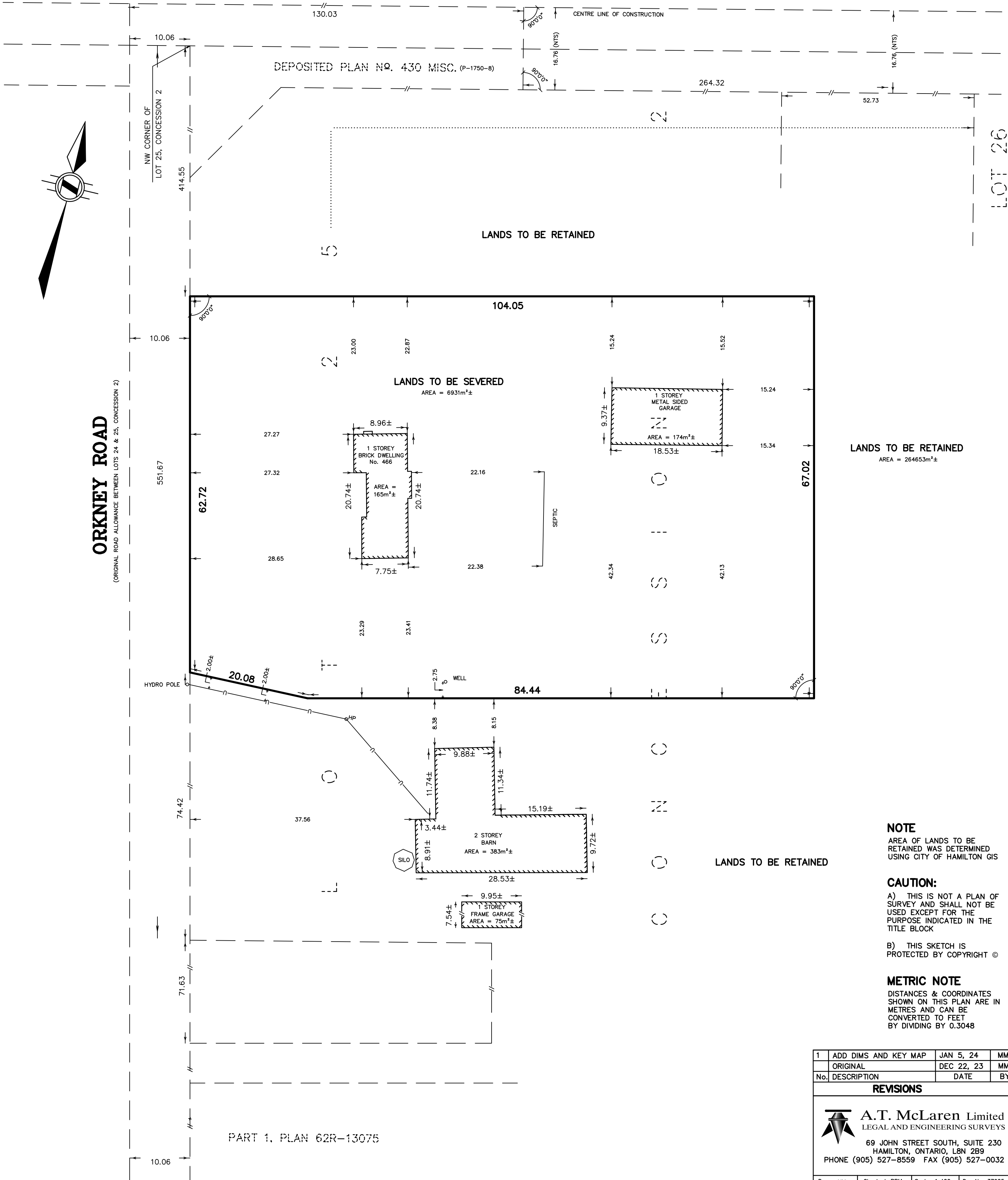
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

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.

SKETCH SHOWING PROPOSED FUTURE LOT
OF PART OF
LOT 25
CONCESSION 2
GEOGRAPHIC
TOWNSHIP OF BEVERLY
IN THE
CITY OF HAMILTON
SCALE: 1:400 metres
8 4 0 8 16 32
R.A. McLaren, O.L.S. - 2023



THE KINGS HIGHWAY No 5
(ROAD ALLOWANCE BETWEEN CONCESSION 2 & 3)



NOTE
AREA OF LANDS TO BE
RETAINED WAS DETERMINED
USING CITY OF HAMILTON GIS

CAUTION:
A) THIS IS NOT A PLAN OF
SURVEY AND SHALL NOT BE
USED EXCEPT FOR THE
PURPOSE INDICATED IN THE
TITLE BLOCK
B) THIS SKETCH IS
PROTECTED BY COPYRIGHT ©

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

1	ADD DIMS AND KEY MAP	JAN 5, 24	MM
	ORIGINAL	DEC 22, 23	MM
No.	DESCRIPTION	DATE	BY
REVISIONS			
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	Checked	Scale	Dwg.No.
MM	RBM	1:400	37605-SK

**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)	Ken Forth c/o Forthdale Farms Limited	
Applicant(s)**		
Agent or Solicitor	Cass & Bishop Professional Corporation, Lawyers	

*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 [Redacted]

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			
Assessment Roll Number			
Former Municipality			
Lot		Concession	
Registered Plan Number		Lot(s)	
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:

3 PURPOSE OF THE APPLICATION

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

creation of a new lot(s)	concurrent new lot(s)
addition to a lot	a lease
an easement	a correction of title
validation of title (must also complete section 8)	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:

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

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 (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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	House	Farmland			
Identified on Sketch as:					
Type of Transfer	farm surplus	Consolidated farmland			
Frontage					
Depth					
Area					
Existing Use					
Proposed Use		Agricultural purposes only			
Existing Buildings/ Structures	One (1) Residential Dwelling, One (1) Shed				
Proposed Buildings/ Structures					
Buildings/ Structures to be Removed					

* 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)

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

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?

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		
A land fill		
A sewage treatment plant or waste stabilization plant		
A provincially significant wetland		
A provincially significant wetland within 120 metres		
A flood plain		
An industrial or commercial use, and specify the use(s)		
An active railway line		
A municipal or federal airport		

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.

- 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.

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

- 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)

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

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

- 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 ² 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 ² 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 ² 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