



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

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>B-24:49</b>	<b>SUBJECT PROPERTY:</b>	3417 & 3325 Tyneside Road, Glanbrook
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**APPLICANTS:** Owner: Kyle Aquin & Rachel Bennison c/o Mark Dudzic Law  
 Applicant: Sandra Sergion c/o Phillip Kuca, Gatestone Law  
 Agent: Urban Solutions Planning & Land Development Consultants Inc. c/o Matt Johnston

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to be added to property known municipally as 3325 Tyneside Road.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	236.36 m <sup>±</sup>	Varies m <sup>±</sup>	9.0 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	768.20 m <sup>±</sup>	Varies m <sup>±</sup>	6.7 ha <sup>±</sup>

Associated Planning Act File(s): A-24:188

**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>Tuesday, September 10, 2024</b>
<b>TIME:</b>	<b>1:55 p.m.</b>
<b>PLACE:</b>	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at <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:

## **B-24:49**

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **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, written comments must be received no later than noon **September 6, 2024**

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon **September 9, 2024**

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:49, 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 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](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



DATED: August 22, 2024

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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.

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.



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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 advance of the meeting. 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 on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

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

#### 1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing to participate Virtually.**

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

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

#### 2. In person Oral Submissions

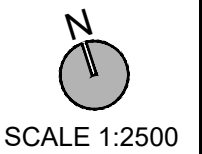
Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

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.

**SITE STATISTICS CHART**

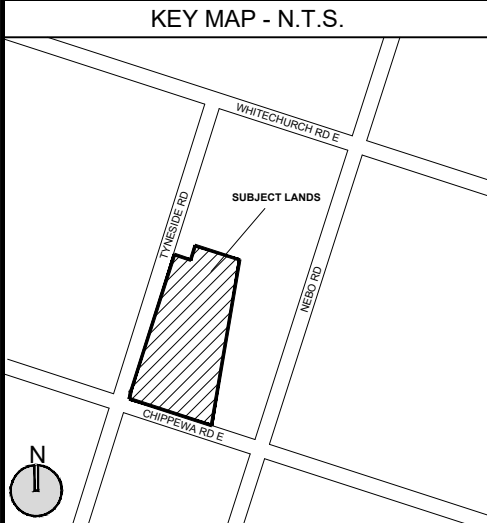
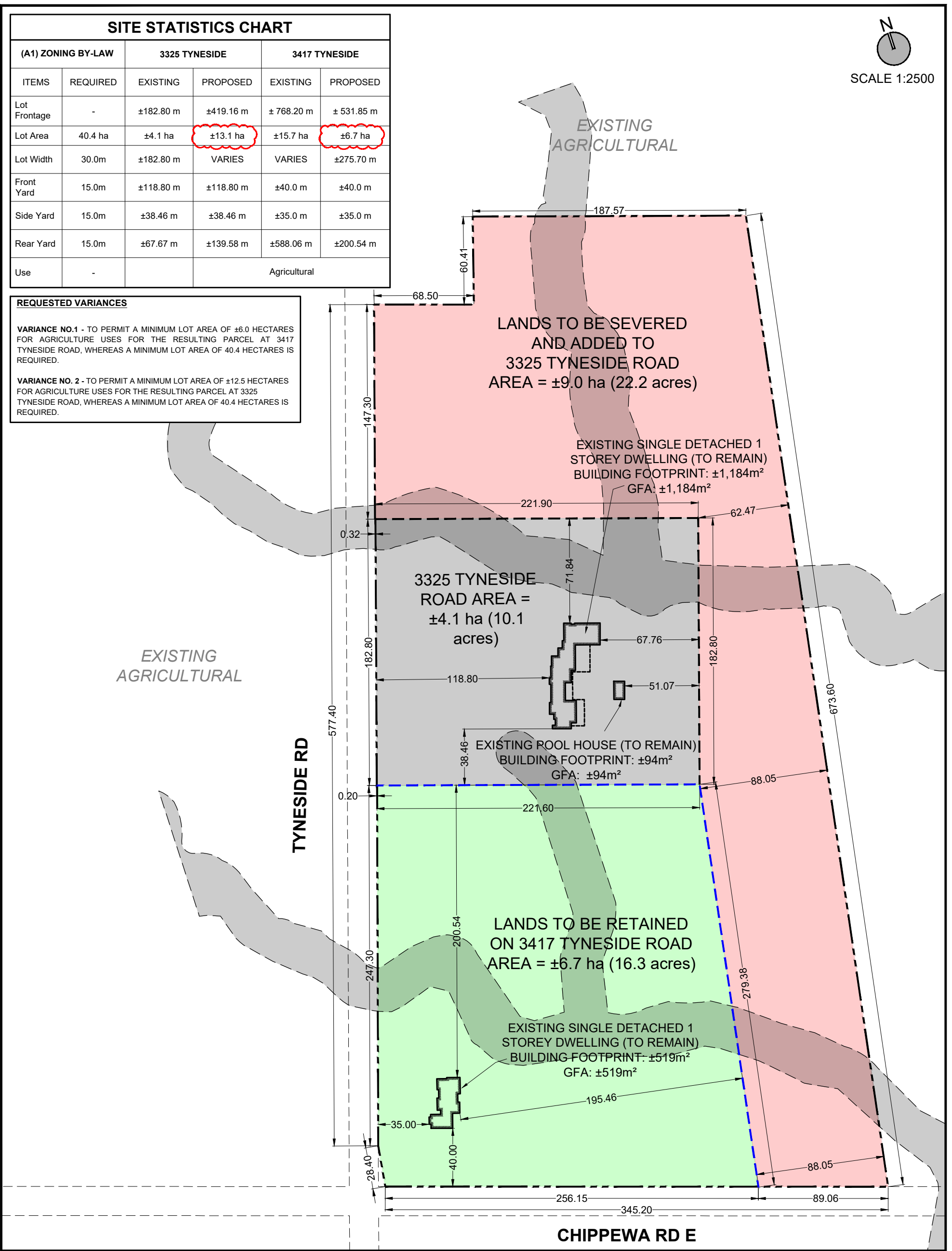
(A1) ZONING BY-LAW		3325 TYNESIDE		3417 TYNESIDE	
ITEMS	REQUIRED	EXISTING	PROPOSED	EXISTING	PROPOSED
Lot Frontage	-	±182.80 m	±419.16 m	± 768.20 m	± 531.85 m
Lot Area	40.4 ha	±4.1 ha	±13.1 ha	±15.7 ha	±6.7 ha
Lot Width	30.0m	±182.80 m	VARIES	VARIES	±275.70 m
Front Yard	15.0m	±118.80 m	±118.80 m	±40.0 m	±40.0 m
Side Yard	15.0m	±38.46 m	±38.46 m	±35.0 m	±35.0 m
Rear Yard	15.0m	±67.67 m	±139.58 m	±588.06 m	±200.54 m
Use	-			Agricultural	



**REQUESTED VARIANCES**

**VARIANCE NO.1** - TO PERMIT A MINIMUM LOT AREA OF ±6.0 HECTARES FOR AGRICULTURE USES FOR THE RESULTING PARCEL AT 3417 TYNESIDE ROAD, WHEREAS A MINIMUM LOT AREA OF 40.4 HECTARES IS REQUIRED.

**VARIANCE NO. 2** - TO PERMIT A MINIMUM LOT AREA OF ±12.5 HECTARES FOR AGRICULTURE USES FOR THE RESULTING PARCEL AT 3325 TYNESIDE ROAD, WHEREAS A MINIMUM LOT AREA OF 40.4 HECTARES IS REQUIRED.



**LEGEND:**

- SUBJECT LANDS
- - - PROPOSED SEVERANCE LINE
- [Hatched Box] EXISTING BUILDINGS
- [Red Box] LANDS SEVERED FROM 3417 TYNESIDE RD
- [Green Box] LANDS RETAINED ON 3417 TYNESIDE RD
- [Grey Box] 3325 TYNESIDE RD
- [Dashed Box] EXISTING NPCA REGULATED AREA

SCALE 1:2500  
METRES

PREPARED BY:

**URBAN SOLUTIONS**  
PLANNING & LAND DEVELOPMENT

3 STUDEBAKER PLACE, UNIT 1  
HAMILTON, ON L8L 0C8  
905-546-1087 - urbansolutions.info

**NOT FOR CONSTRUCTION**  
ISSUED FOR REVIEW & COMMENTS ONLY

NOTES:  
ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

TITLE: **COMMITTEE OF ADJUSTMENT SKETCH**

PROJECT: **3325 & 3417 TYNESIDE ROAD**  
CITY OF HAMILTON

CLIENT: **KYLE AQUIN & RACHEL BENNISON**

DESIGN BY: L. TAIBI      CHECKED BY: S. ERICKSON

DRAWN BY: L. TAIBI      DATE: JULY 24, 2024

U/S FILE NUMBER: 507-24      SHEET NUMBER: 1

August 1, 2024

507-24

**Via Email & Delivered**

Ms. Jamila Sheffield  
Secretary Treasurer  
Committee of Adjustment

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

Dear Ms. Sheffield,

**RE: 3417 & 3325 TYNESIDE ROAD, GLANBROOK**  
**Application for Consent to Sever and Minor Variance to the City of Hamilton Zoning By-law**  
**No. 05-200**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) have been retained by Kyle Aquin & Rachel Bennison, the registered owners of 3417 Tyneside Road, in the former Township of Glanbrook. On their behalf, UrbanSolutions is pleased to submit the enclosed Consent to Sever and Minor Variance applications.

**Proposal**

The subject lands are comprised of two parcels, 3417 and 3325 Tyneside Road, at the northeast corner of Tyneside Road and Chippewa Road in Glanbrook. The locale is comprised of both rural, non-farm residences as well as large-scale agricultural operations. The lands at 3417 Tyneside Road are an irregularly 'U-shaped' corner lot at the northeast corner of Chippewa Road East and Tyneside Road, with an area of  $\pm 15.7$ -hectares and  $\pm 768.30$  metres of combined frontage along Tyneside Road and Chippewa Road East. The lands at 3325 Tyneside Road are comprised of a square-shaped,  $\pm 4.1$ -hectare parcel with  $\pm 182.80$  metres of frontage along the east side of Tyneside Road, and are surrounded by 3417 Tyneside Road. Each parcel currently supports a single detached dwelling which is a permitted use, while 3417 Tyneside Road also supports farming on the majority of the property, forming part of a larger agricultural operation spanning across numerous neighbouring properties.

The purpose of this application is to transfer a  $\pm 9$ -hectare portion of land from 3417 Tyneside Road to merge with 3325 Tyneside Road. No lot creation is proposed and the farming practice will continue following the approval of the lot line adjustment. In order to facilitate this proposal for the transfer of lands between the two parcels, consent to sever and a minor variance to the Zoning By-law is required as follows:

**Minor Variance No. 1** – To permit a minimum lot area of  $\pm 6.0$  hectares for Agriculture uses for the resulting parcel at 3417 Tyneside Road, whereas a minimum lot area of 40.4 hectares is required.

**Minor Variance No. 2** – To permit a minimum lot area of  $\pm 12.5$  hectares for Agriculture uses for the resulting parcel at 3325 Tyneside Road, whereas a minimum lot area of 40.4 hectares is required.

Specifically, the lot area adjustments are outlined in the following table:

Parcel	Existing Area	Proposed Area	Net Change
3325 Tyneside	±4.1 ha	±13.1 ha	±9 ha Added
3417 Tyneside	±15.7 ha	±6.7 ha	±9 ha Removed

This application is similar to the Consent to Sever and Minor Variance applications at 6105 and 6061 White Church Road, which both received support from Staff. The Consent to Sever application obtained conditional approval to transfer a 0.1-hectare portion of land to an abutting parcel on December 8, 2024 (GL/B-22:115), and the Minor Variance application was subsequently approved by the Committee of Adjustment on June 15, 2023 (GL/A-23:116) to permit a smaller minimum lot area for the agricultural use.

**Policy Framework**

The subject lands are both designated ‘Protected Countryside’ and are within a *Prime Agricultural Area* according to the Greenbelt Plan. The subject lands are also designated as ‘Agriculture’ in the Rural Hamilton Official Plan (RHOP) Schedule D and are zoned as ‘Agriculture (A1) Zone’ under the City of Hamilton Zoning By-law No. 05-200.

As previously mentioned, the lands are designated ‘Protected Countryside’ in the Greenbelt Plan. Section 4.6 e) of the Greenbelt Plan applies to lot additions or boundary adjustments, and states:

- “4.6.1 Lot creation is discouraged and may only be permitted for:
  - ...
  - e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in *prime agricultural areas*, including *specialty crop areas*, and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*.”

Regarding lot additions in the Agricultural area, Section F.1.14.2.1 of the RHOP states:

- “F.1.14.2.1 d) All proposed lot additions shall:
  - i) Comply with the policies of this plan including rural settlement plans where one exists;
  - ii) Be compatible with and not hinder surrounding agricultural operations;
  - iii) Conform to the Zoning By-law;
  - iv) Only be permitted when both lots will retain frontage on a public road;
  - v) Meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).

F.1.14.2.1 e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.

F.1.14.2.1 f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain *agricultural uses*, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of *agricultural use*.”

Section F.1.14.2.5 of the RHOP further details policy direction regarding lot additions across all designations except Rural Settlement Areas. The applicable policies of Section F.1.14.2.5 state:

“F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
  - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
  - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).  
...
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

### **Minor Variance & Consent to Sever Analysis**

The proposal demonstrates conformity with the criteria established in Sections F.1.14.2.1 d)-f) and F.1.14.2.5 of the RHOP as the lot addition will be compatible with onsite and surrounding agricultural operations, conform to the Zoning By-law through approval of a minor variance, both lots will retain frontage on a public road, and both lots will meet the requirements of Section C.5.1 of the RHOP. Further, the proposal will not create a new lot, establish an appropriate minimum lot size for the respective uses, and will transfer lands to an abutting landowner. Per Guideline #8 of the *Minimum Distance Separation (MDS) Document, 2016*, an MDS I setback is not required for purposes including minor boundary adjustments which do not result in the creation of a new lot. As such, the proposal is in keeping with the general intent and purpose of the Rural Hamilton Official Plan.



The proposed uses are permitted within the existing 'A1' zone, however the requested variance is required to permit a smaller lot area than what is permitted in the Zoning By-law. The proposed boundary adjustment will result in an approximate 2.5-hectare increase in the minimum parcel size between the two properties, from  $\pm 4.1$  hectares to  $\pm 6.7$  hectares. Further, while a minor variance is required to ensure compliance with the applicable Zoning By-law regulations, the resulting geometry is more in keeping with the default minimum lot area requirements than the existing lot fabric. As such, the proposal is in keeping with the general intent and purpose of the City of Hamilton Zoning By-law No. 05-200.

The proposed lot addition in essence 'flips' the existing lot fabric, with the larger portion of land between the two parcels being shifted from 3417 Tyneside Road to 3325 Tyneside Road. Similarly to the existing conditions, the larger of the two parcels will also retain frontage along both Tyneside Road and Chippewa Road. As such, the requested variance does not create a notable deviation from the existing conditions of the lands. Further, no new structures are proposed, and the existing uses inclusive of the farming practice will remain in place. As the physical built form on the lands will not change and the established character of the locale will not be altered by the proposal, the requested variance is deemed to be minor in nature.

The proposal intends to facilitate a severance that will transfer approximately 9 hectares of agricultural land between the two parcels, land which is currently associated with a substantial farming operation spanning across a number of properties in the area. A noteworthy trait of the proposal is that the viability of farming the lands which are subject to the transfer is not put at risk through this application as the resulting lot fabrics will remain capable of accommodating the existing agricultural operation. Therefore, the variance is desirable for the appropriate development of the lands.

## **Conclusion**

The requested variance satisfies the four tests as per Section 45(1) of the *Planning Act*, R.S.O, 1990 and the application satisfies Section 53(1) of the *Planning Act*, R.S.O, 1990, as amended, as a plan of subdivision is not necessary for the proper and orderly development of the subject lands. The proposal is consistent with the Ontario Provincial Planning Statement, conforms to the Growth Plan, and demonstrates conformity with Section 4.6.1 e) of the Greenbelt Plan as the proposal does not seek to create a new lot within a Prime Agricultural area, nor affect the viability of farming the lands. The proposed severance conforms to the criteria outlined in Sections F.1.14.2.1 and F.1.16 of the Rural Hamilton Official Plan. Additionally, the continued use of the lands as single-detached dwelling and agriculture implements the intent of the 'A1' zoning applied through the City of Hamilton Zoning By-law No. 05-200. Based on the above analysis, the proposed development represents good land use planning.

In support of this application please find enclosed the following:

- One (1) copy of the completed Consent to Sever application form;
- One (1) copy of the completed Minor Variance application form;
- One (1) copy of the Committee of Adjustment sketch prepared by UrbanSolutions;
- One (1) cheque in the amount of **\$3,900.00** made payable to the City of Hamilton for the Minor Variance Application fee;
- One (1) cheque in the amount of **\$3,375.00** made payable to the City of Hamilton for the Consent to Sever Application base fee; and,
- One (1) cheque in the amount of **\$440.00** made payable to the City of Hamilton for the Consent to Sever Application additional fee where no sanitary sewer exists.

We trust the enclosed is in order; however, please feel free to contact the undersigned with any questions.

Regards,  
**UrbanSolutions**



Matt Johnston, MCIP, RPP  
*Principal*



Stefano Rosatone, BES  
*Planner*

cc: Kyle Aquin & Rachel Bennison (Owners) c/o Mark Dudzic  
Sandra Sergio (Applicant & Purchaser) c/o Phillip Kuca



**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*	Sandra Sergio	
Registered Owners(s)	Kyle Aquin & Rachel Bennison c/o Mark Dudzic, Dudzic Law	
Applicant(s)**	Sandra Sergio c/o Phillip Kuca, Gatestone Law	
Agent or Solicitor	UrbanSolutions Planning & Land Development Consultants Inc. c/o Matt Johnston	

\*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 Primary contact  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.

1.6 Payment type

In person  
 Cheque

Credit over phone\*

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	3417 Tyneside Road & 3325 Tyneside Road, Glanbrook		
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:

WE1570600, to erect, maintain, operate, etc. electrical transmission lines (Hydro One).

## 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:

Sandra Sergio

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

3325 Tyneside 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:	3417 Tyneside Road	Lands to be Added to 3325 Tyneside Road			
Type of Transfer	N/A	Lot Addition			
Frontage	±768.20 m	±236.36 m			
Depth	Varies	Varies			
Area	±6.7 ha	±9.0 ha			
Existing Use	Single-Detached Dwelling, Agriculture	Agriculture			
Proposed Use	Single-Detached Dwelling, Agriculture	Agriculture			
Existing Buildings/ Structures	Single-Detached Dwelling	N/A			
Proposed Buildings/ Structures	Existing to remain	N/A			
Buildings/ Structures to be Removed	N/A	N/A			

\* Additional fees apply.

##### 4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- provincial highway  
 municipal road, seasonally maintained  
 municipal road, maintained all year

- right of way  
 other public road

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

- publicly owned and operated piped water system  
 privately owned and operated individual well

- lake or other water body  
 other means (specify) \_\_\_\_\_

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): 'Agriculture' Designation

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

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

Please refer to enclosed cover letter.

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.

N/A +

5.3 What is the existing zoning of the subject land? "A1" Zone [Zoning By-law No. 05-200]

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

N/A

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 Minor Variance Application - see cover letter.

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 checked="" type="checkbox"/>	
<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"/>	
<b>An industrial or commercial use, and specify the use(s)</b>	<input type="checkbox"/>	
<b>An active railway line</b>	<input type="checkbox"/>	
<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.

N/A

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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.

N/A

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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.

N/A

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6.4 How long has the applicant owned the subject land?

Unknown.

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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.

N/A

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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)

Please refer to enclosed cover letter.

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7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes  No (Provide explanation)

Please refer to enclosed cover letter.

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7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes  No (Provide explanation)

Please refer to the enclosed cover letter.

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7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes  No (Provide explanation)

N/A

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

Yes  No (Provide explanation)

N/A

7.6 Are the subject lands subject to the Greenbelt Plan?

Yes  No (Provide explanation)

Please refer to cover letter.

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

Yes  No (Provide explanation)

N/A

## **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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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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