COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221

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	B-24:60	SUBJECT	542 Ofield Road North,
NO.:		PROPERTY:	Flamborough

APPLICANTS: Owner: Providence Christian School

Agent: Chris Van Berkel, Richard Dilda

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to create a new residential

building lot. The existing school building will remain.

	Frontage	Depth	Area	
SEVERED LANDS:	53.34 m [±]	76.2 m [±]	4,064.5 m ^{2 ±}	
RETAINED LANDS:	319.914 m [±]	197.922 m [±]	63,318.0 m ^{2 ±}	

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, January 21, 2025
TIME:	3:35 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)
	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:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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 **January 17, 2025**

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 **January 20, 2025**

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding B-24:60, 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: January 2, 2025

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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E-mail: cofa@hamilton.ca

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 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

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. 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.

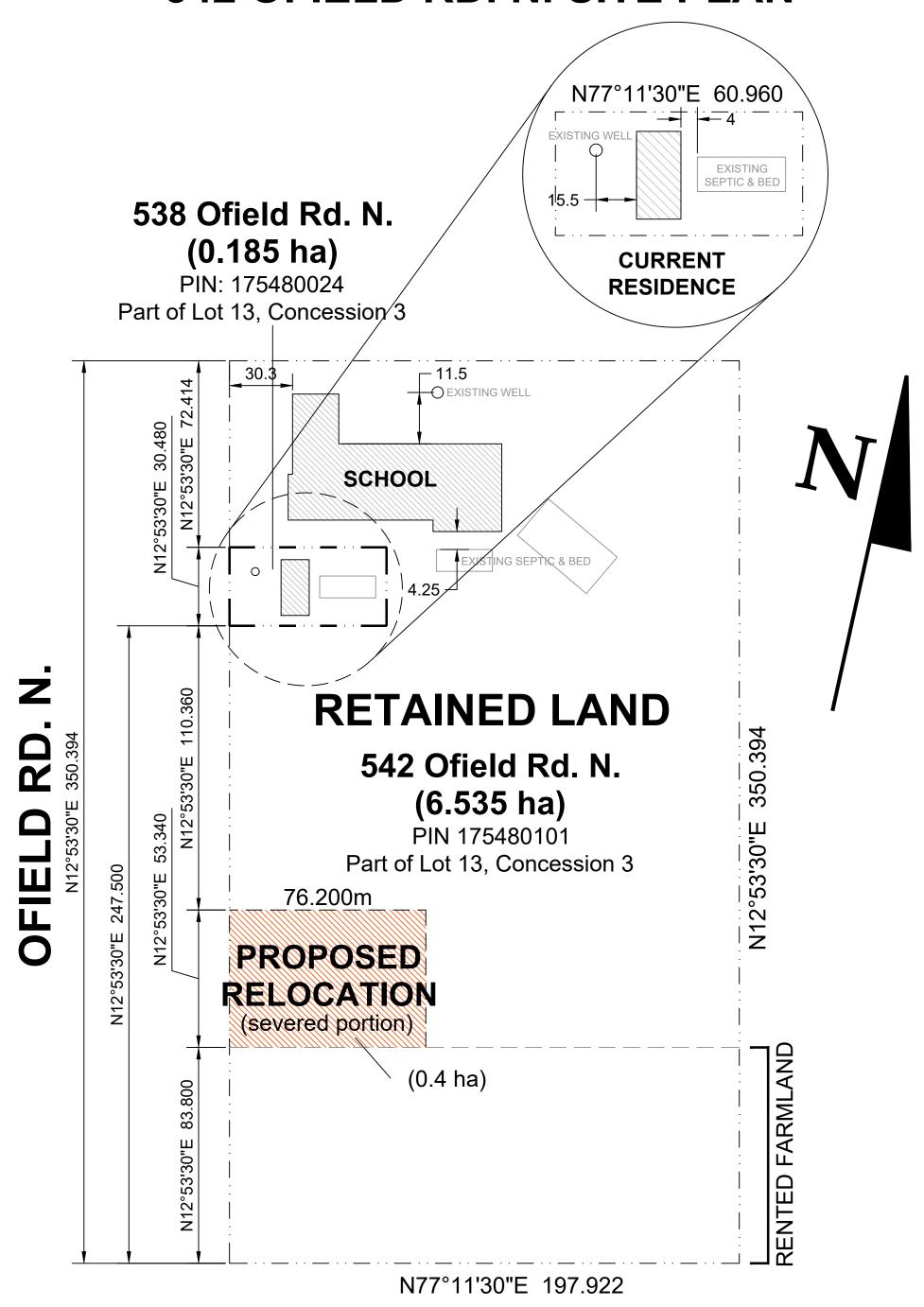
2. In person Oral Submissions

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.

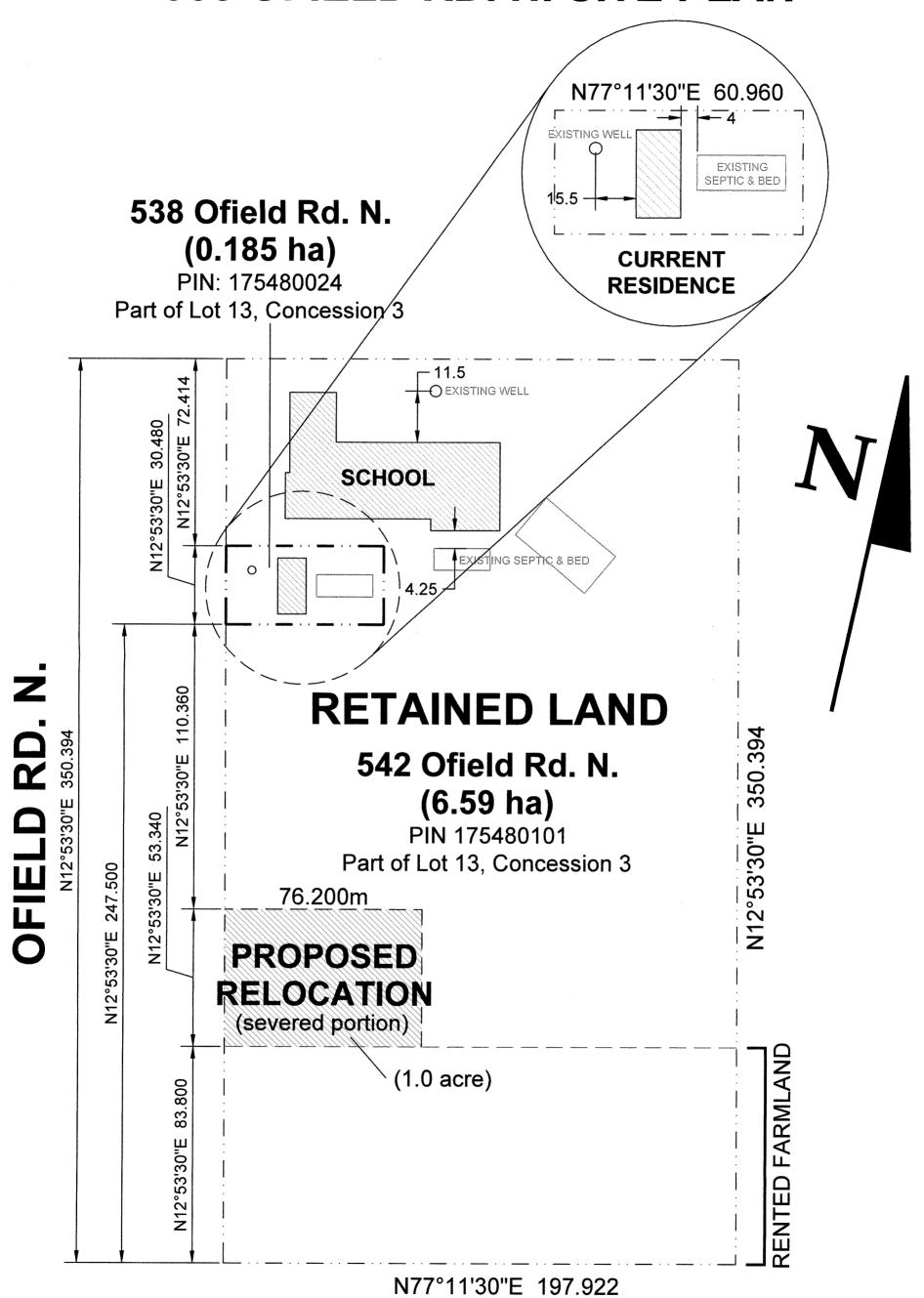
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

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.

542 OFIELD RD. N. SITE PLAN



538 OFIELD RD. N. SITE PLAN





542 Ofield Rd N RR 2, Dundas, ON L9H 5E2

TEL: (905) 627-1411 FAX: (905) 627-8004 www.providencecs.ca

September 5, 2024

Letter of Justification: Boundary Adjustment for 538 & 542 Ofield Rd. N.

Dear City of Hamilton Staff and Committee of Adjustments,

We are reaching out to seek your support for an important initiative that concerns the future of education in our area.

Our elementary school, Providence Christian School, located at 542 Ofield Rd N, Dundas, ON L9H 5E2, has been an integral part of our community for over 60 years, providing quality education and nurturing the growth of our children. However, as our community continues to thrive and our population grows, so does the demand for educational resources.

Currently, our school is faced with a pressing challenge: accommodating the increasing number of students and families attending our school. Our current enrollment is 284 students and projections are indicating that we may need to turn students away by 2026. With this in mind, it is clear that we must take proactive measures to address this issue.

Providence Christian School has obtained the property at 538 Ofield Road N, Dundas, ON L9H 5E2, that is located and surrounded within the school boundaries. Our school membership desires to add this land to our existing land, yet realign the property boundaries and move the location of 538 towards the southern boundary of the current school property. We are not aiming to create a new lot, but rather to preserve the existing one while adjusting its boundaries within our current property and redistributing how the land is used.

Our purposes for this realignment would be to allow the potential of future school expansion and most importantly securing a safer entry into the school with proper visibility from the main road and making Bus and pedestrian access to the building safer.

Further and honestly, with a boundary adjustment in place we hope to use this opportunity to recoup some of the costs associated and return the funds to help with expanding our school facilities. By moving the lot we hope to resell this property and to put back into the community the necessary funds to support the growth and development of our school, ensuring that we can continue to provide high-quality private education to students in the Flamborough, Dundas, Waterdown, and surrounding communities. This property is a large expense to our community that is supported by donations and tuition from families in the Flamborough, Dundas, Waterdown area

In connection with consultants for our growth plans (architects/ planners) we have established that the proposed application makes sense based on the following;

- The proposal protects the agricultural lands to the south and maintains boundary adjustment within the already developed area. No farmland will be used to realign these boundaries
- The Proposal is therefore in line with the Provincial Policy statement and its intent to protect certain greenbelt and agricultural areas. The proposed realignment is within a developed area of the property.
- We understand that boundary adjustments, additions or severances can be done for technical reasons within the policy framework. We view this as a technical request.
- We are proposing to preserve a residential component within the A1 zone in the fact that 538 Ofield Road currently exists, the legal description and municipal address can all remain with the boundaries moved south. The PIN and the metes and bounds of the property are proposed to change, however we aim to preserve the residential use of the property and shift the uses from one portion of the property to another. This preservation of the lot through realignment, not creation, maintains residential use and housing units within the city at a time when housing is in critical supply.
- We understand that in order to meet current source water guidelines there may be a need for an expansion of the residential lot area that may need to be enlarged. Again, we understand this will lessen our educational campus, but are willing to sacrifice this for the safety and financial benefit and will continue to do this within the confines of the developed portion of the property.
- Allowing this proposal, the city continues to support housing which is critically needed at this time. Further, it maintains the revenue from the tax base of approximately \$700,000 over a 50 year period and continues to support businesses in the rural areas of the city.

In summary, without access to additional resources such as the property at 538 Ofield Road, we may be faced with the difficult decision of having to limit enrollment or even consider relocating the school outside of the Flamborough community. This is a scenario that we are eager to avoid, as we believe that our school plays a vital role in our community.

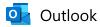
In conclusion, we urge you to consider our proposal favorably and support our efforts to utilize 538 Ofield Road to support the growth of Providence Christian School. We are also willing to do continued work with the City on the application prior to an approval. By doing so, we can ensure that our school remains a viable institution and business in our community for generations to come.

Thank you for your attention to this matter, and please do not hesitate to reach out if you require any further information or clarification.

Sincerely,

The Growth Committee of Providence Christian School Chris Van Berkel, Kevin Bouwers, Richard Dilda, Derek Mantel

905-517-0861



538 Ofield Road North

From Boc, Cameron < Cameron.Boc@hamilton.ca>

Date Thu 10/24/2024 10:36 AM

To richard@flybyfree.ca <richard@flybyfree.ca>; office@providencecs.ca <office@providencecs.ca>

Hello,

I am reaching out to try and figure out some more information to better help my staff team with this application. At this time, this application has been deemed incomplete. The application form and the site sketch do not match.

We have some clarifications that need to be made before this application can move forward.

First of all, it looks like the site sketch is for 542 Ofield Road North. The application lists that this would need to be for that 538 Ofield. We need clarification on the correct site and what exactly is trying to be done with this site.

If you are looking for a cancellation of a severance for that lot, then you would want to contact a lawyer to have your questions answered on this (This is also a separate application).

It also appears that you are trying to create a new lot which if this is the case then you were charged the incorrect fee since the lot has septic attachments. I am just speaking on the technical aspects of the application in this review, and I cannot comment on the process.

I would suggest reaching out to a lawyer to review the application in its entirety to ensure everything is properly displayed once you make the amendments to the application.

If you have any questions, please direct them to cofa@hamilton.ca or you can contact the person who originally reviewed the file or you can call me at extension 3935.

Thank you in advance,

Cameron Boc

Planning Technician II Committee of Adjustment City of Hamilton



Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221

Email: 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.

NAME

APPLICANT INFORMATION

	1 117 1177						
Purchaser*							
Registered Owners(s)	Providence Christian School						
Applicant(s)**	Providence Christian School						
Agent or Solicitor	Chris Van Berkel (905-517-0861) Richard Dilda, (416-949-0846)						
the purchaser to make	ide a copy of the portion the application in responding the application required if the application the application is the application in the a	ect of the lar	nd that is the su	bject of the appl			
1.2 Primary contact		☐ Purchaser ☐ Applicant		☐ Owner ☐ Agent/Solici	tor		
1.3 Sign should be se	ent to	☐ Purchaser ☐ Applicant		☐ Owner ☑ Agent/Solici	tor		
1.4 Request for digital copy of sign							
.5 All correspondence may be sent by email							
APPLICATION FOR CONS	PPLICATION FOR CONSENT TO SEVER LAND (January 1, 2024) Page 1 of 10						

1.6	Payment type	∐In μ ☑Cho	erson eque	_	
				*Must provide no	umber above
2.	LOCATION OF SUBJECT	LAND			
2.1	Complete the applicable se	ections:			
Μι	ınicipal Address	542 Ofield Rd. N.			
As	Assessment Roll Number 251 830 233 001 000				
Fo	rmer Municipality	Flamborough			
Lo	t	13	Conce	ession	3
Re	gistered Plan Number		Lot(s)		
Re	ference Plan Number (s)	62R15547	Part(s)	1
2.2	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 APPL	LICATION			
3.1	Type and purpose of prop	osed transaction: (che	ck appı	ropriate box)	
	 ☑ creation of a new lot(s) ☐ addition to a lot ☐ an easement ☐ validation of title (must also complete section 8) ☐ 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	2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:				
	N/A				
3.3	If a lot addition, identify the N/A	e lands to which the pa	arcel wi	ll 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*
Identified on Sketch as:	RETAINED	CURRENT	PROPOSED		
Type of Transfer	N/A				
Frontage	297.054m	30.48m	53.34m		
Depth	197.922m	60.96m	76.2m		
Area	65,350.0m2	1,858.0m2	4,064.5m2		
Existing Use	Institutional	Residential	Institutional		
Proposed Use	Institutional	Institutional	Residential		
Existing Buildings/ Structures	School 3,580m2	House 168.0m2	N/A		
Proposed Buildings/ Structures	School 3,580m2	0m2	0m2		
Buildings/ Structures to be Removed	N/A	House 168.0m2	N/A		

^{*} Additional fees apply.

Subject		

 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	4.3 Other Services: (check if the service is available)						
5	☑ electricity CURRENT LAND US	☑ telephone SE	✓ school bussing		☑ garbage collection		
5 1	1 What is the existing official plan designation of the subject land?						

	Rural Hamilton Official Plan designation (if applicable): Agricultural					
	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 justification letter.					
5.2	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 a	nd status	of the application.			
5.3	What is the existing zoning of the subject land? A1 Exce	ption 100				
	If the subject land is covered by a Minister's zoning order, when N/A	nat is the C	Intario Regulation Numbe	er? 		
5.4	Is the subject land the subject of any other application for amendment, minor variance, consent or approval of a pla ☐ Yes ☑ No ☐ Unknown			by-law		
	If YES, and known, provide the appropriate file number a	nd status	of the application.			
5.5	.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, unless otherwise specified (indicate approximate distance)					
	An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation					

6	HISTORY OF THE SUBJECT LAND						
6.1	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 <i>Planning Act</i> ? ☐ 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? 1962 + 2023 1962 OFell Road - 2023 538 Ofell Road						
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)						
	Boundary adjustment maintains existing lot to meet current requirements under Section 3. Refer to justification letter.						
7.2	Is this application consistent with the Provincial Policy Statement (PPS)? ☑ Yes ☐ No (Provide explanation)						
	As per Section 2.3.4 of the PPS, this is not a lot creation but an adjustment. This adjustment shifts use supporting the agricultural area in order to allow for the most efficient use of the retain lands. Refer to justification letter.						
7.3	Does this application conform to the Growth Plan for the Greater Golden Horseshoe? ✓ Yes ☐ No (Provide explanation)						
	Please refer to justification letter. No net-new lot creation.						
7.4	Are the subject lands subject to the Niagara Escarpment Plan? ☐ Yes ☑ No (Provide explanation)						

HISTORY OF THE SUBJECT LAND

7.5	Yes	ands subject to ☑ No	(Provide explanation)
7.6	Are the subject la ☑ Yes	ands subject to □ No	o the Greenbelt Plan? (Provide explanation)
7.7	Are the subject la ☐Yes	ands within an ☑ No	area of land designated under any other provincial plan or plans? (Provide explanation)
8	ADDITIONAL IN	IFORMATION	- VALIDATION
8.1	Did the previous	owner retain a	any interest in the subject land?
	Yes	□N ∘	(Provide explanation)
8.2	Does the curren	t owner have a	any interest in any abutting land?
	□Yes	□No	(Provide explanation and details on plan)
8.3	Why do you cons	sider your title	may require validation? (attach additional sheets as necessary)
9	ADDITIONAL IN	IFORMATION	- CANCELLATION
9.1	Did the previous	owner retain a	any interest in the subject land?
	□Yes	☑ No	(Provide explanation)
9.2	Does the curren	t owner have a	any interest in any abutting land?
	✓ Yes	□No	(Provide explanation and details on plan)
	Providence Christian	School Board Me	mbers have third pary interest of 538 Ofield Rd. N. as 1000721062 Ontario Inc.
9.3	Why do you requ	uire cancellatio	on of a previous consent? (attach additional sheets as necessary)
	Based on merger of for cancellation if a		542 Ofield, anticipated condition of severance by staff and committee roved to merge.

	10	ADDITIONAL INFORMATION - FARM CONSOLIDATION					
	10.1	Purpose of the Applicati	ion (Farm Conso	lidatio	on)		
		If proposal is for the cre if the consolidation is for		m pa	rcel resulting from a farr	n consolidation, indicate	
		☐ Surplus Farm Dw	velling Severance	fron	an Abutting Farm Cons	solidation	
	☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation						
	10.2	Location of farm consoli	dation property:				
	Mun	icipal Address					
	Assessment Roll Number						
Former Municipality							
	Lot				Concession		
	Regi	stered Plan Number			Lot(s)		
	Refe	rence Plan Number (s)			Part(s)		
0.4		the existing land use designation of the abutting or non-abutting farm consolidation property. Description of farm consolidation property:					
		Frontage (m):		Ī	a (m² or ha):		
		Existing Land Use(s):		Pro	posed Land Use(s):		
0.5		Description of abutting consolidated farm (excluding lands intended to be sev the surplus dwelling)				be severed for	
		Frontage (m):		Area	a (m² or ha):		
0.6		Existing Land Use:		Proposed Land Use:			
0.7		Description of surplus dwelling lands proposed to be severed:					
		Frontage (m): (from Section 4.1)		Area (m² or ha): (from Section 4.1)			
		Front yard set back:		V.			
		a) Date of construction:	er 16, 2004		After December 16, 20	104	
		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 Hydrogeological Assessment J Septic Assessment Archeological Assessment Noise Study Parking Study