



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF APPLICATION **CONSENT**

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.:	B-25:040	SUBJECT PROPERTY:	1165-1145 Concession Road 6 West, Flamborough
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APPLICANTS: Owner: Tim Christianson
Agent: A.J Clarke and Associates Ltd c/o Ryan Ferrari

PURPOSE & EFFECT: To permit the creation of an easement over a portion of land for access purposes.

	Frontage	Depth	Area
SEVERED LANDS: (for Easement)	8.0 m ± wide	N/A	410 m ² ±
RETAINED LANDS:	N/A	N/A	N/A

Associated Planning Act File(s): B-25:045

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 decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Thursday, August 14, 2025

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

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

Click or tap here to enter text.

PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written 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 Date of Decision.**

Comments will be available on **August 12, 2025** on our website:
www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.

Click or tap here to enter text.



 **Subject Lands**

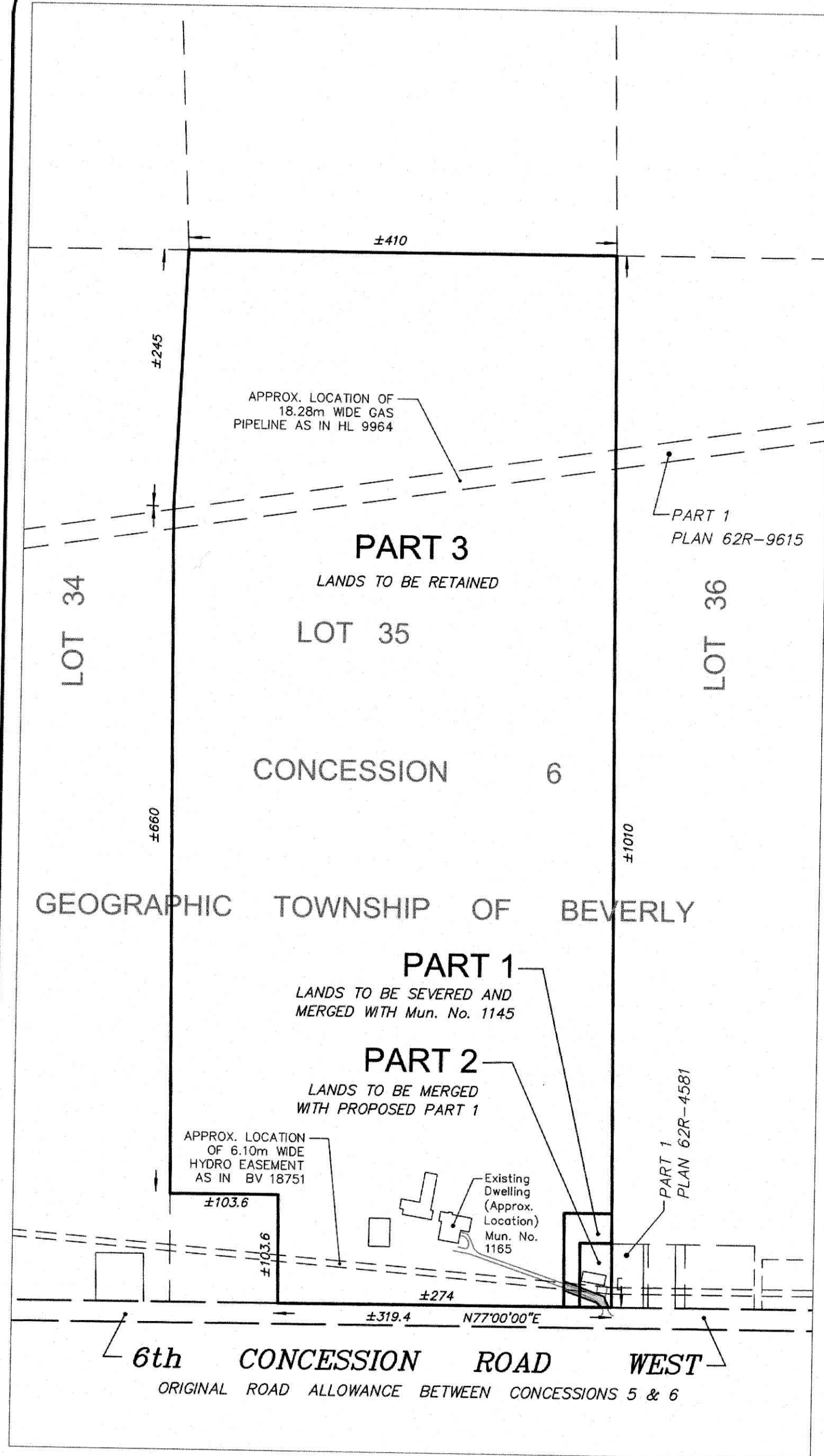
DATED: July 28, 2025

Justin Leung,
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.

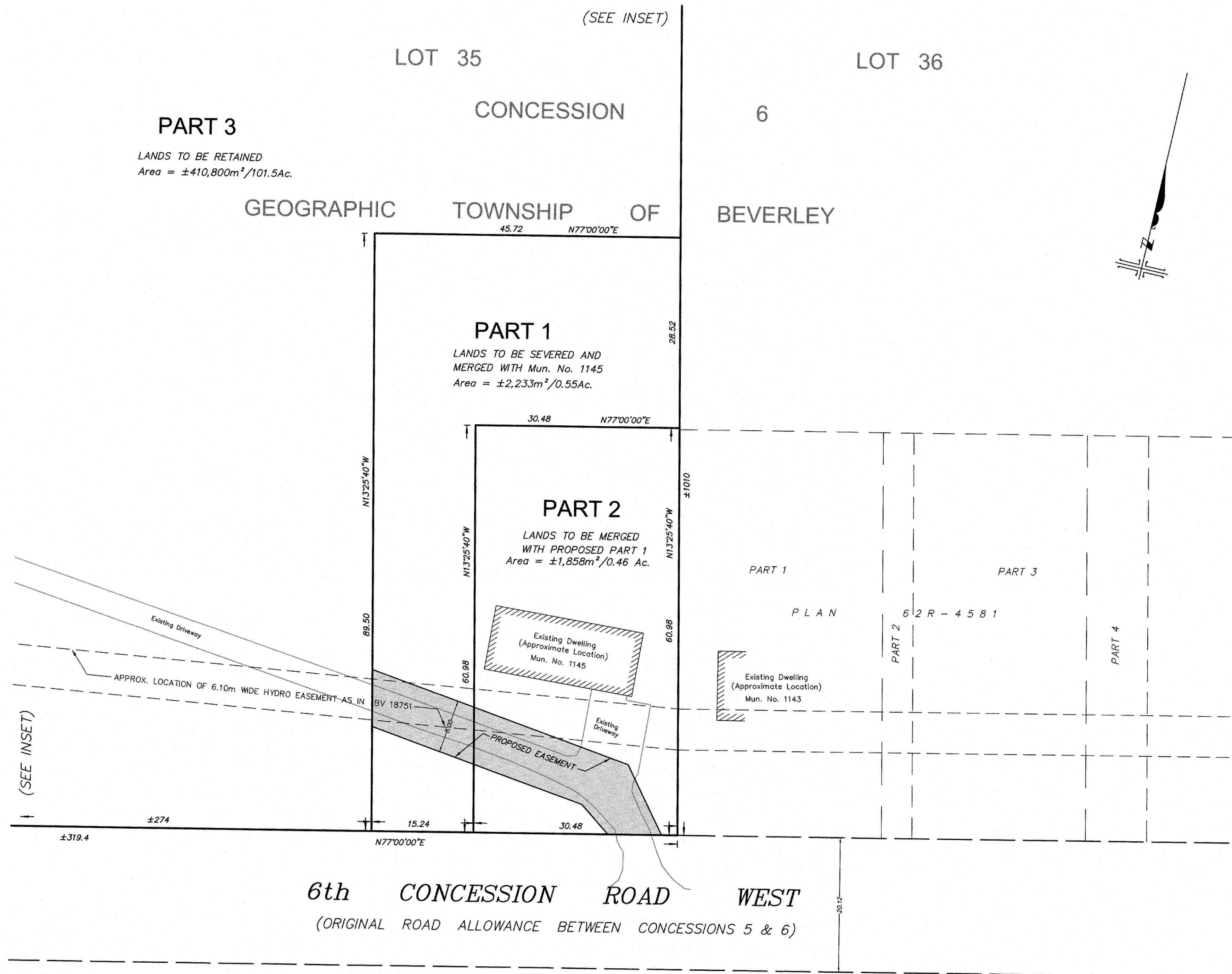
If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the Decision of Consent Authority in respect 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. A copy of the Decision will only be sent to those who request.



INSET

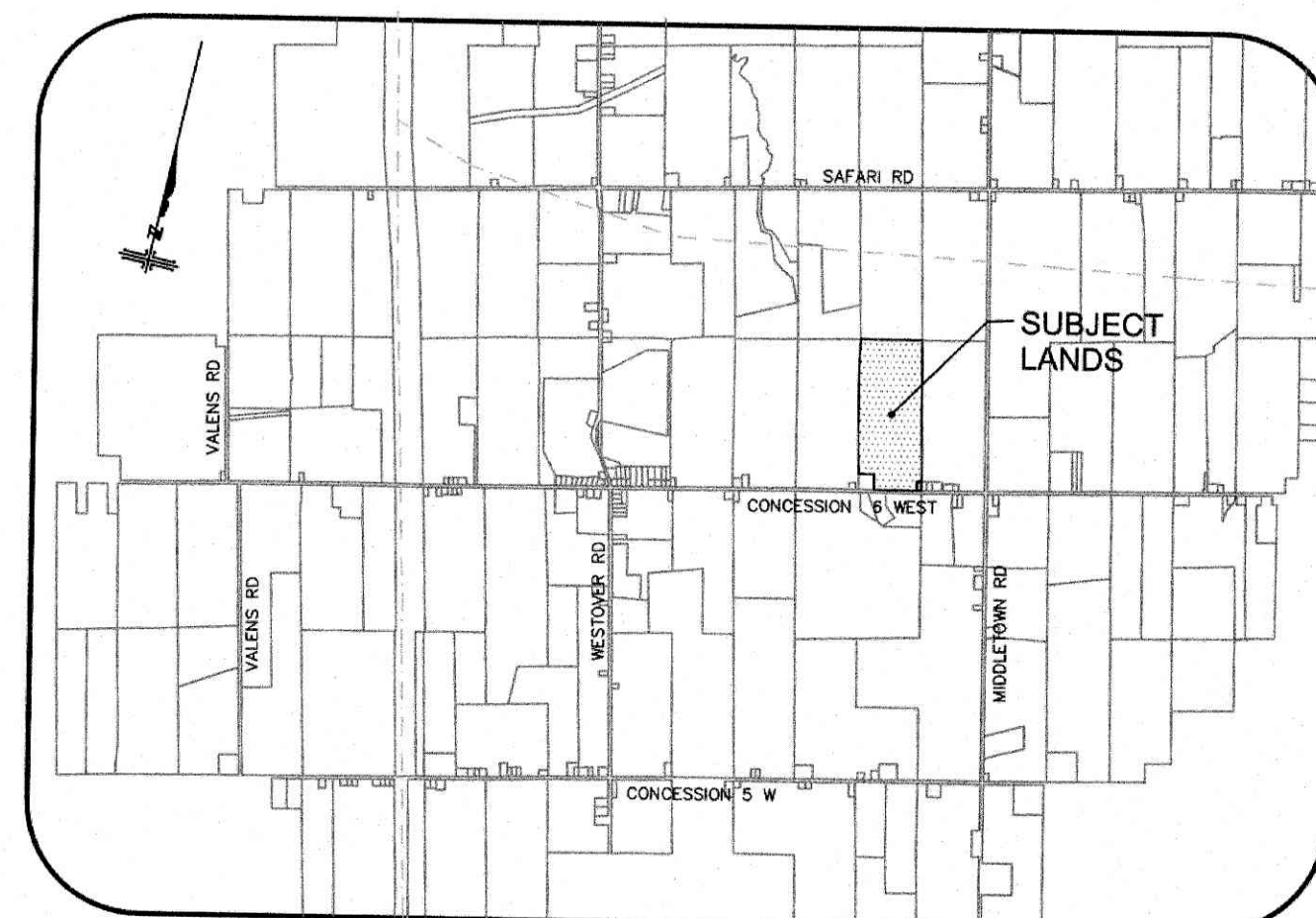
SCALE 1:4000



LEGEND



PROPOSED EASEMENT FOR DRIVEWAY
ACCESS FOR Mun. No. 1165
(AREA=±410m²)



SKETCH FOR CONSENT TO SEVER

1145 & 1165 6th CONCESSION ROAD W
CITY OF HAMILTON

SCALE 1:400
0 5 10 15 metres

THE ABOVE NOTED LANDS ARE:

PART OF LOT 35, CONCESSION 6
GEOGRAPHIC TOWNSHIP OF BEVERLY
CITY OF HAMILTON

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

NOTES:
THIS SKETCH IS BASED ON PLANS FILED IN OUR OFFICE AND
NOT AN ACTUAL FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
USED FOR TRANSACTION OR MORTGAGE PURPOSES.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION TO THE
LAND DIVISION COMMITTEE REQUESTING A GRANT OF SEVERANCE AND
IS NOT INTENDED FOR REGISTRATION.

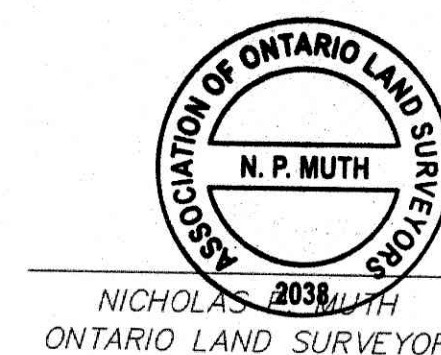
CONSENT SCHEDULE:

PART 1 (LANDS TO BE SEVERED AND
MERGED WITH Mun. No. 1145) AREA = ±2,233m²/0.55Ac.

PART 2 (LANDS TO BE MERGED WITH
PROPOSED PART 1) AREA = ±1,858m²/0.46Ac.

PART 3 (LANDS TO BE RETAINED) AREA = ±410,800m²/101.5 Ac.

JUNE 12, 2025
DATE



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

DRAWN BY: TK/NM CHECKED BY: TK/NM PROJECT No. 258033P

H:\jobs\A-10-F\BEVERLY\CON06\LOT35\Current Work\T-3705A.dwg



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton Planning and Development
City Hall 5th Floor
71 Main St W, Hamilton, ON L8P 4Y5

June 20, 2025

Attn: Justin Leung
Secretary-Treasurer, Committee of Adjustment

Re: Easement Application – 1165 & 1145 Concession Road 6 West, Hamilton

Dear Sir:

A.J. Clarke and Associates Ltd. has been retained by the owner for the purposes of submitting the enclosed Consent Application (Easement) for the lands known as 1165 & 1145 Concession Road 6 West, within the City of Hamilton.

Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Consent Application Form;
- One (1) electronic copy of the Severance and Easement Sketch, dated June 12, 2025 prepared by A.J. Clarke and Associates Ltd;
- Payment in the sum of \$2,140.00 will be delivered with a cheque, with one (1) electronic copy submitted with this application.

The subject lands are municipally known as 1165 Concession Road 6 West, and 1145 Concession Road 6 West within the City of Hamilton.

The two independent parcels share one driveway for access due to the change in grade along Concession Road 6 West. The shared driveway condition has existed since 1973 when 1145 Concession Road 6 West was built. An existing Hydro Easement runs east-west along the properties. There are no impacts on the existing Hydro Easement as a result of this application. The purpose of this application is to facilitate an easement for reciprocal access on title to 1165 Concession Road 6 West through 1145 Concession Road W. Figure 1 below shows this existing condition.



Figure 1: View of the existing access at 1145 Concession Road 6 West.

The purpose of this application is to facilitate an easement to provide reciprocal legal access for both properties. The requested easement is shown on the attached severance sketch, which has a width of 8.0 metres and an approximate area of 410 m², following the existing driveway to ensure safe access for vehicles. To date, the properties have shared a single driveway access. The purpose of the application is to formalize this access for when these lands are sold to a future buyer. The proposed easement is shown on the Severance Sketch submitted with the application materials.

Please note that a concurrently submitted Consent to Sever Application for Minor Lot Line adjustment has also been submitted to increase the lot size of 1145 Concession Road 6 West the minimum lot area for Private Servicing within the Rural Hamilton Official Plan and meet the minimum lot area requirements for a Single Detached Dwelling within the 05-200 Zoning By-law.

1165 Concession Road West has a lot area of approximately 42.6ha (105 acres), with approximately 323 metres of frontage along Concession Road 6 West. It is occupied by an existing Single Detached dwelling, accessory agricultural buildings and agricultural lands.

1145 Concession Road 6 West is a rectangular parcel with an approximate area of 0.18ha (1858 sq m) which is occupied with a single detached dwelling. The parcel of 1145 Concession Road 6 was established in 1970's when the maximum lot size for a parcel with a Single Detached Dwelling Unit on it was 100 by 200 feet, which represents its current size. However, the current policies and Zoning By-law dictate that a minimum lot area of 0.4ha (4000 sq m) is required to meet the private servicing requirements.

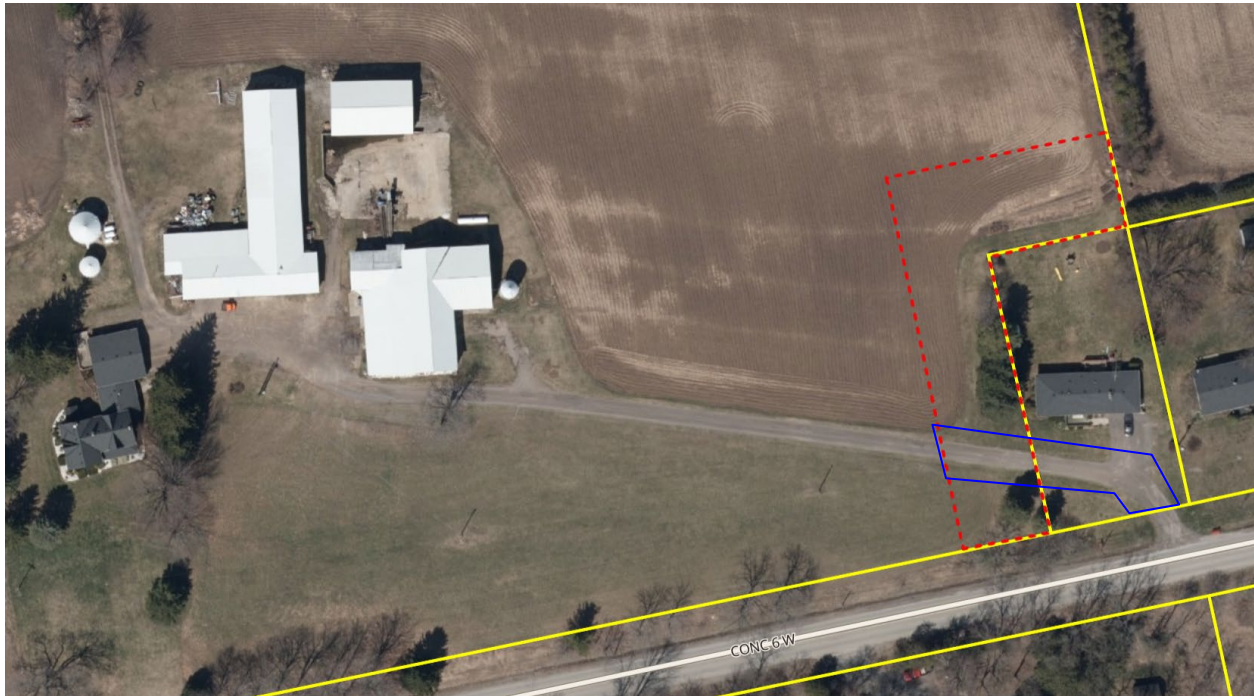


Figure 2: Subject Lands outlined in red to be added to 1145 Concession Road 6 West with approximate location of easement outlined in blue.

Conclusion

The proposed consent should be granted as the proposed easement formalizes an existing condition and meets the requirements listed under Section 51 (24) of the *Planning Act*.

I trust that you will find the enclosed satisfactory for your purposes. Please confirm receipt of this submission. If you have any questions or require additional information, please do not hesitate to contact this office.

Sincerely,

Ryan Ferrari, MCIP, RPP, CPT
Senior Planner
A.J. Clarke and Associates Ltd.

Chloe Andre, MPI
Intermediate Planner
A.J. Clarke and Associates Ltd.



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.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Tim Christianson		
Applicant(s)**	Owner, as above		
Agent or Solicitor	A.J. Clarke and Associates Ltd (C/O Ryan Ferrari)		

*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

☐ Applicant

☐ Owner

☒ Agent/Solicitor

1.3 Sign should be sent to

☐ Purchaser

☐ Applicant

☐ Owner

☒ 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

☐ Credit over phone*

☒ Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1165 & 1145 Concession Road 6 West		
Assessment Roll Number			
Former Municipality	Beverly		
Lot		Concession	6
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	PT LT 35

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:

PT LT 35, CON 6 BEVERLY , AS IN CD179177 ; S/T BV18751,HL9964 FLAMBOROUGH

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*
Identified on Sketch as:		Easement			
Type of Transfer	N/A				
Frontage		8.0m wide			
Depth					
Area		410 m ²			
Existing Use		Access			
Proposed Use		Access			
Existing Buildings/ Structures		N/A			
Proposed Buildings/ Structures		N/A			
Buildings/ Structures to be Removed		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

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) _____

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

Proposed

- 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? Conservation/Hazard Land Rural (P6) Zone

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?

Since 1989

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.

Owns both 1145 Concession Road 6 West, and 1165 Concession Road 6 West

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)

Supports the orderly development of safe and healthy communities

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

☒ Yes ☐ No (Provide explanation)

Supports the development of complete communities, and the provision of independent services

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)

Minor Adjustment are permitted provided they do not create a new residential lot, or fragment Natural Heritage Features

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.

0.4 Description of farm consolidation property:

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

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

Frontage (m):	Area (m ² 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 (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
-
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