



**City of Hamilton**  
**DELEGATED CONSENT AUTHORITY**  
**AGENDA**

**Meeting #:** 24-1 (DA)  
**Date:** February 13, 2024  
**Time:** 1:00 p.m.  
**Location:** Meet as per their delegated authority –  
Meetings are not livestreamed

Jamila Sheffield, Secretary Treasurer (905) 546-2424 ext. 4144  
cofa@hamilton.ca

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**Pages**

**1. Delegated Consent Authority**

- |       |   |    |
|-------|---|----|
| 1.1   | FL/B-23:922004 Concession 10 West, Flamborough (Ward 13)  | 3  |
|       | Agent Van Harten Surveying Inc. – J. Buisman<br>Applicant Bartelse Properties Inc. – J. Bartelse<br>Owner M. Silveira |    |
| 1.1.a | FL/B-23:92 - Decision   | 25 |





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, 3935

E-mail: [cofa@hamilton.ca](mailto: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

<b>APPLICATION NO.:</b>	<b>FL/B-23:92</b>	<b>SUBJECT PROPERTY:</b>	2004 CONCESSION 10 W, FLAMBOROUGH
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**APPLICANTS:** Owner: BARTELSE PROPERTIES INC. C/O JERRY BARTELSE  
Agent: VAN HARTEN SURVEYING INC. C/O JEFF BUISMAN

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b> (for Easement/Lease Lands #44)	245 m <sup>±</sup>	262 m <sup>±</sup>	7.1 ha <sup>±</sup>
<b>SEVERED LANDS:</b> (for Easement/Lease Lands #2004)	415 m <sup>±</sup>	1000 m <sup>±</sup>	41.7 ha <sup>±</sup>
<b>RETAINED LANDS:</b>	6.1 m <sup>±</sup>	184 m <sup>±</sup>	0.1 ha <sup>±</sup>

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

**Tuesday, February 13, 2024**

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

Click or tap here to enter text.

- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

### 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](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 two days before the Date of Decision.**

Comments will be available on **February 9, 2024** on our website:  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

**Orally:** Oral comments are not able to be submitted.



DATED: January 25, 2024

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Jamila Sheffield,  
 Secretary-Treasurer  
 Committee of Adjustment

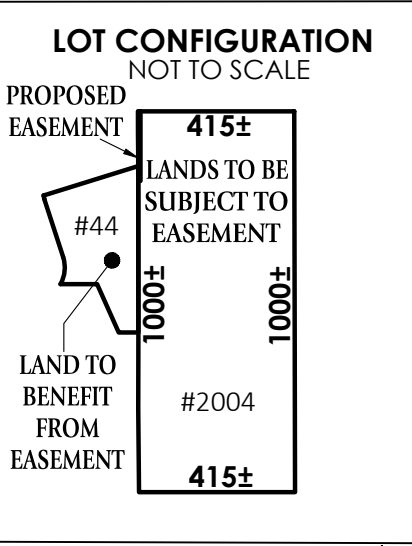
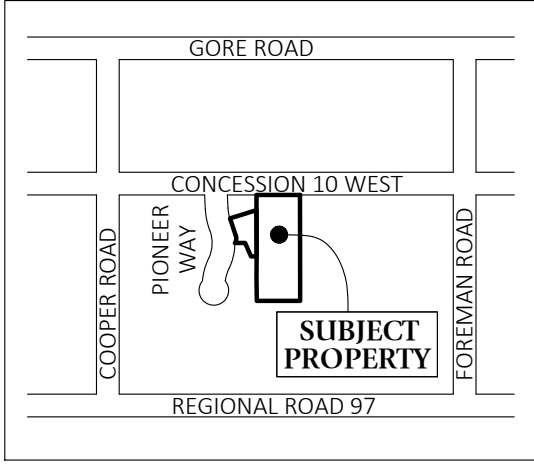
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

Click or tap here to enter text.

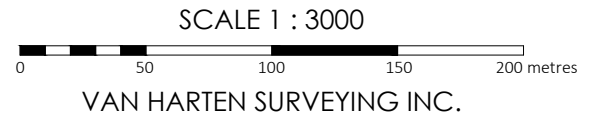
If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

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](mailto: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.

KEYMAP:



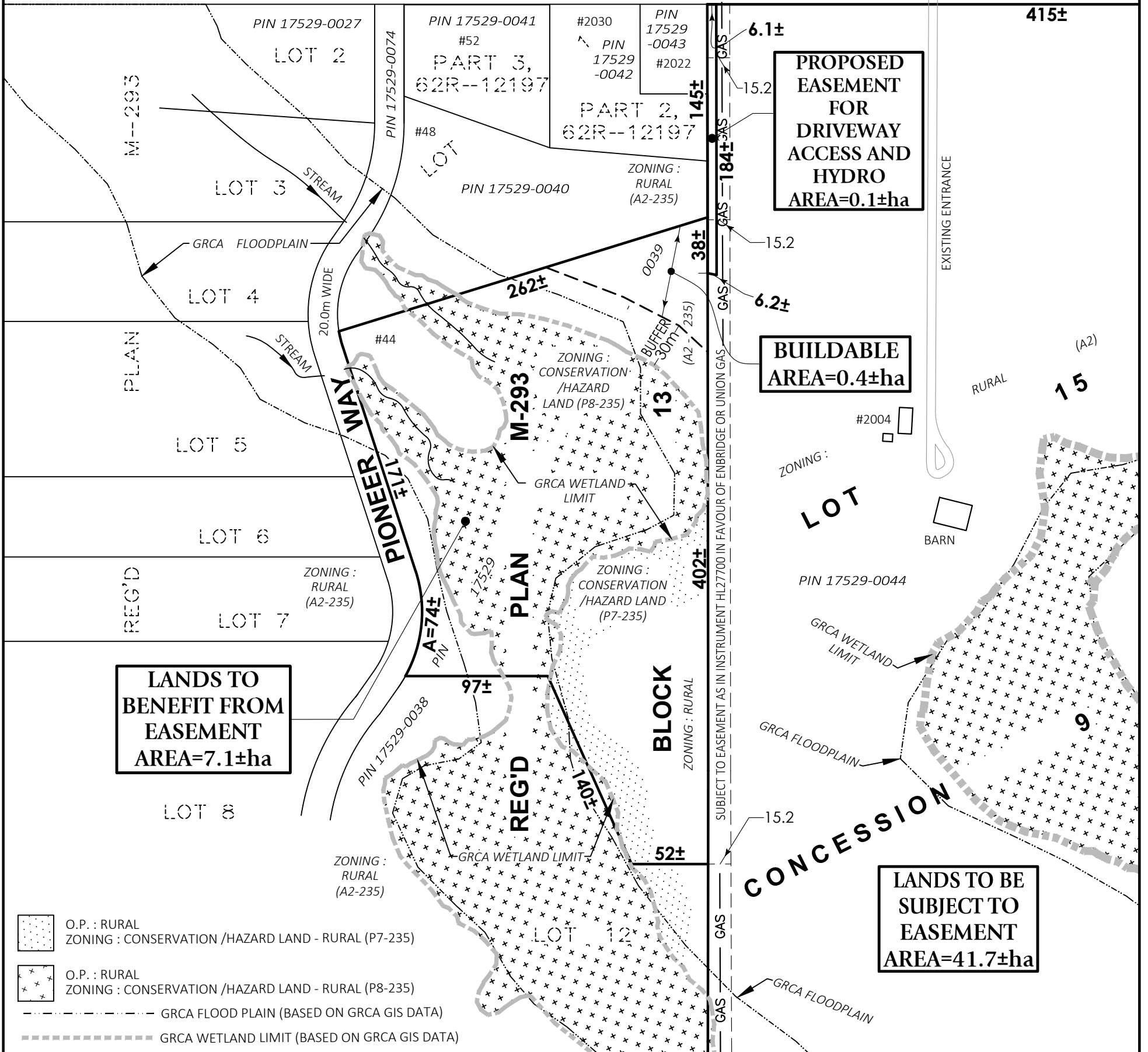
**SEVERANCE SKETCH**  
PART OF LOT 15, CONCESSION 9  
GEOGRAPHIC TOWNSHIP OF BEVERLY  
CITY OF HAMILTON



CONCESSION  
LOT 14  
PIN 17529-0017

LOT 15  
PIN 17529-0016

ROAD ALLOWANCE BETWEEN CONCESSIONS 9 & 10 **CONCESSION 10 ROAD WEST** 20.12m WIDE PIN 17529-0073



- O.P. : RURAL  
ZONING : CONSERVATION /HAZARD LAND - RURAL (P7-235)
- O.P. : RURAL  
ZONING : CONSERVATION /HAZARD LAND - RURAL (P8-235)
- GRCA FLOOD PLAIN (BASED ON GRCA GIS DATA)
- GRCA WETLAND LIMIT (BASED ON GRCA GIS DATA)

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED RURAL (A2), RURAL (A2-235), CONSERVATION/HAZARD LAND - RURAL (P7) AND (P8) WITH EXCEPTION 235.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF RURAL.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
5. DIMENSIONS ON THIS SKETCH ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY SURVEY.

SURVEYOR'S CERTIFICATE:  
THIS SKETCH WAS PREPARED  
ON THE 14th DAY OF DECEMBER, 2023

*Jeff Buisman*  
**JEFFREY E. BUISMAN**  
ONTARIO LAND SURVEYOR



Kitchener/Waterloo Ph: 519-742-8371	Guelph Ph: 519-821-2763	Orangeville Ph: 519-940-4110
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www.vanharten.com info@vanharten.com

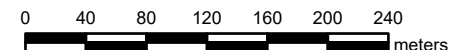
DRAWN BY: AN	CHECKED BY: JB	PROJECT No. 32644-23
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Dec 14, 2023-11:56:35 AM  
G:\BEVERLY\Con9\ACAD\SEV PLT 15 (SILVERIA) UTM 2010.dwg

© 2023 THIS SKETCH IS PROTECTED BY COPYRIGHT

PRINTED ON 10 OCT, 2023 AT 08:40:28  
FOR JEFF0001

### SCALE



## PROPERTY INDEX MAP WENTWORTH(No. 62)

### LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

**THIS IS NOT A PLAN OF SURVEY**

### NOTES

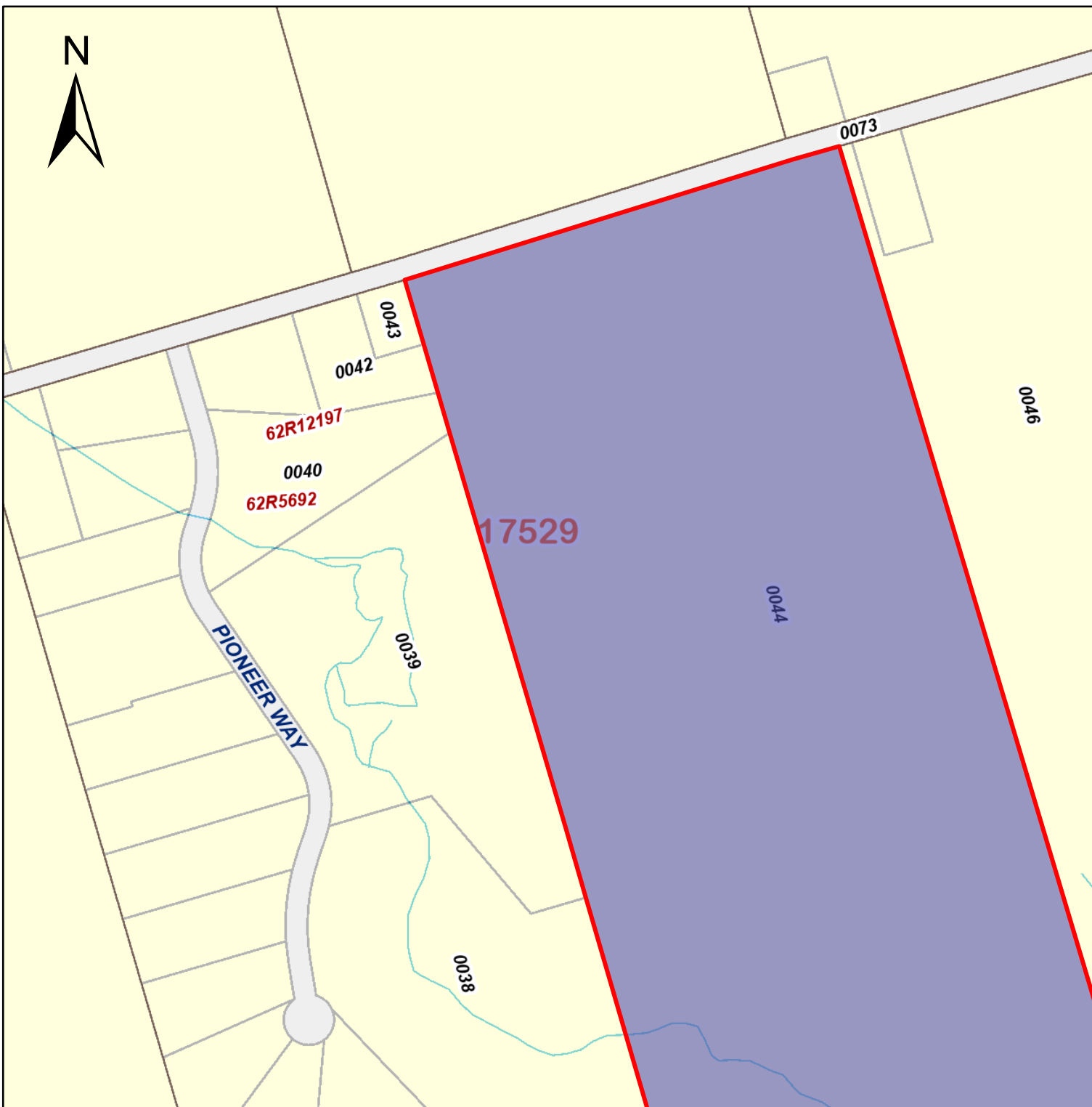
**REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED





December 14, 2023

32644-23

Jeff.Buisman@vanharten.com

City of Hamilton – City Hall  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Attention: Committee of Adjustment

**Re: Severance Application & Sketch  
2004 10th Concession Road West  
Part of Lot 15, Concession 9; PIN 17529-0044  
44 Pioneer Way  
Block 13, Plan M-293; PIN 17529-0039  
Geographic Township of Beverly  
City of Hamilton**

Please find enclosed an application for a severance (easement) on the above-mentioned property. Included with this submission are copies of the sketch, completed application form, PIN Report and Map and required deeds, and a cheque of \$1,990.00 to the City of Hamilton for the application fee. The GRCA review fee of \$465.00 will be sent directly to the GRCA.

**Proposal:**

The proposal is for a driveway access and hydro easement on 2004 10<sup>th</sup> Concession Road West (PIN 17529-0044), in favour of 44 Pioneer Way (PIN 17529-0039) in order to access the site and service the buildable area on the lot.

The subject land at #2004 is a large agricultural parcel with an area of over 41ha where a dwelling, barn and accessory buildings will remain. There is an existing easement with Enbridge Gas that runs along the west boundary and the proposed entrance and hydro easement will cover a small portion of the existing easement.

The proposed easement will have a width of 6.1±m, depth of 184±m, for an area of 0.1h±a that will be used for access and hydro to service the buildable area on #44 Pioneer Way. The site has been evaluated and safe access is possible from this location.





The parcel to receive the benefit of the easement is #44 Pioneer Way and the parcel is vacant. The lot is irregularly shaped, and the frontage is on Pioneer Way. The lot contains a large area of Natural Features and the only possible "buildable area" is located in the northeast corner of the lot which is not accessible from Pioneer Way due to the wetland features. The proposed easement on the abutting parcel will allow viable access from Concession 10 Road West.

The subject property is zoned Rural (A2) and has an Official Plan designation of Rural. The existing uses will not change and the zoning requirements are met.

This proposal was reviewed with City of Hamilton Planning Staff, Chris Hampson-Curtis who provided comment that this proposal is in line with the Minor Lot Line Adjustment policies of the Rural Hamilton Official Plan (section 1.14.2.6 & section 1.14.2.7).

This proposal is technical and administrative in nature with the goal of formally permitting an easement for access from Concession 10 Road West, in favour of the vacant parcel at #44 Pioneer Way.

Please call me if you or the Planning Staff have any questions.

Very truly yours,  
Van Harten Surveying Inc.

A handwritten signature in black ink, appearing to read "Jeffrey E. Buisman".

**Jeffrey E. Buisman** B.E.S, B.Sc.  
*Ontario Land Surveyor*

cc Manuel Silveira  
cc Jerry Bartelse

**Committee of Adjustment**

City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)



Hamilton

**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**

	<b>NAME</b>
<b>Purchaser*</b>	Manuel Silveira
<b>Registered Owners(s)</b>	<b>Bartelse Properties Inc. c/o Jerry Bartelse</b>
<b>Applicant(s)**</b>	
<b>Agent or Solicitor</b>	<b>Jeff Buisman of Van Harten Surveying Inc.</b>

\*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

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	2004 10th Concession Road West		
Assessment Roll Number	251830191002000 & PIN 17529-0044		
Former Municipality	Geographic Township of Beverly		
Lot	15	Concession	9
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:

Instrument HL27700 in favour of Union Gas

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## 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 type="checkbox"/> addition to a lot  | <input type="checkbox"/> a lease               |
| <input checked="" 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:

Manuel Silveira

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

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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:	Proposed Easement		Lands Subject to Easement (#2004)	Lands Subject to Easement (#44)	
Type of Transfer	N/A				
Frontage	6.1±m		415±m	245±m	
Depth	184±m		1000±m	262±m	
Area	0.1±ha		41.7±ha	7.1±ha	
Existing Use	Field		Agricultural	Vacant	
Proposed Use	Easement for Driveway Access & Hydro		No Change	Proposed dwelling	
Existing Buildings/ Structures	None		Dwelling, Barn, Shed	None	
Proposed Buildings/ Structures	Driveway & Hydro		None	Dwelling	
Buildings/ Structures to be Removed	None		None	None	

\* 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

Rural Settlement Area: \_\_\_\_\_

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.

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? Rural (A2)

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)
<b>An agricultural operation, including livestock facility or stockyard</b> * Submit Minimum Distance Separation Formulae (MDS) if applicable	<input checked="" type="checkbox"/>	<b>On the Subject Property</b>
<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 checked="" type="checkbox"/>	
<b>A provincially significant wetland within 120 metres</b>	<input checked="" type="checkbox"/>	
<b>A flood plain</b>	<input checked="" 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.

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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.

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6.4 How long has the applicant owned the subject land?

January 1994

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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.

Part Lot 12, Con. 9, Geog. Twp of Beverly, Part 1, 62R-18193

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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)

The application is for an easement for driveway and hydro and conforms to the Planning Act.

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

Yes  No (Provide explanation)

Section 1.1.5 of the PPS looks at development on rural lands. Section 1.1.5.4 states that development that is compatible with the rural landscape should be promoted. This application is for an easement for driveway access and hydro to an existing property in order to build a single detached dwelling and therefore conforms with the PPS.

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

Yes  No (Provide explanation)

The Growth Plan for the GGH is coordinating for growth across the region including population and employment forecasts. This application is for an easement for driveway access and hydro and therefore, conforms with the Growth Plan.

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

Yes  No (Provide explanation)

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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)

Current owner owns adjacent property that will be benefiting from the easement (#44 Pioneer Way). But this parcel will be purchased by Manuel Silveira.

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

## 9 ADDITIONAL INFORMATION - CANCELLATION N/A

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) **N/A**

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):
---------------	------------------------------

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):
---------------	------------------------------

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 <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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Hamilton

FL/B-23:92 – 2004 Concession 10 West, Flamborough – Delegated Authority

**Recommendation:**

Development Planning - Staff recommend that Consent Application FL/B-23:92 be tabled until further information, in the form of an Environmental Impact Statement and clarification as to the intent of the driveway, can be provided demonstrating that the proposed easement meets the policies of the Greenbelt Plan and policies and intent of the Rural Hamilton Official Plan. In addition, staff require confirmation that the proposed easement does not conflict with the existing easement in favour of Enbridge Gas.

**Proposed Conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. That the applicant submit and receive approval of an, Environmental Impact Statement, including a Terms of Reference, as well as a Tree Protection Plan and associated fees, to the satisfaction of the Director of Heritage and Urban Design.

**Proposed Notes:**

N/A



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## Development Planning:

### Background

The purpose of this application is to create an easement on the subject lands, being 2004 10<sup>th</sup> Concession Road West, to the benefit of 44 Pioneer Way, to facilitate a future residential use. The benefiting land, 44 Pioneer Way, is part of the Blue Heron Farm subdivision (25T-76058, Block 13 of 62M-293).

The benefiting land fronts onto Pioneer Way, but the proposed buildable area per the site sketch submitted with this application is located within the northeast corner of the lot. The proposed easement is required to provide access to the proposed buildable area.

### Analysis

#### Greenbelt Plan

The subject property and benefiting lands are identified as “Protected Countryside” and as part of the “Natural Heritage System” under the Greenbelt Plan. Section 3.2.2.3 of the Greenbelt Plan states the following:

*“New development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:*

- a) There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;*
- b) Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
- c) The removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;*
- d) Except for uses described in and governed by the policies of sections 4.1.2 and 4.3.2, i. The disturbed area, including any buildings and structures, of the total developable area will not exceed 25 per cent (40 per cent for golf courses); and ii. The impervious surface of the total developable area will not exceed 10 per cent; and*



## Hamilton

- e) *At least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, recognizing that section 4.3.2 establishes specific standards for the uses described there.*

Development or site alteration of the subject lands, in the context of this application, is a proposed single detached dwelling on the benefitting lands which will be facilitated by the proposed easement on the subject lands. For the proposal to be permitted, it must meet these policies.

### **Rural Hamilton Official Plan**

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D – Rural Land Use Designations. Policies C.1.2.2 and D.4.2.2, amongst others, are applicable and require proposed development to meet the requirements of this Plan, the Zoning By-law and the Greenbelt Plan. The proposed residential use on the benefitting lands is permitted within the Rural designation, however, it is to be facilitated by the easement that is the subject of this application.

There are Core Areas and Natural Heritage Features identified on the subject lands per Schedule B – Natural Heritage System of the Rural Hamilton Official Plan. Staff defer to Natural Heritage staff regarding Natural Heritage policies and concerns.

### **Natural Heritage**

The subject property is located within the Rural Hamilton Official Plan area and within the Greenbelt Natural Heritage System. The lands are considered to be a core area. Per Volume 1, Schedule B, there are Natural Heritage features located on the subject lands including Provincially Significant Wetlands as part of the Fairchild Creek Headwaters Wetland Complex, watercourses and Significant Woodlands.

As new lot lines are considered to be development, and the easement is for the purpose of allowing access to a new future dwelling, it is important to understand the limits of the environmental features and any ecologically significant species on site.

Per Policies 2.4.11, b) e) and a) of the Rural Hamilton Official Plan an Environmental Impact Statement shall be required.

### **Archeology**

No comments.

### **Cultural Heritage**

No comments.

### **City of Hamilton Zoning By-law No. 05-200**

**STAFF COMMENTS****HEARING DATE: February 13, 2024**

# Hamilton

The subject lands are zoned Rural (A2) Zone, Conservation/Hazard Land – Rural Zone (P7) Zone, Conservation/Hazard Land – Rural Zone (P8) Zone, in City of Hamilton Zoning By-law No. 05-200.

**Zoning:**

Recommendation:	No comments.
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**Development Engineering:**

Recommendation:	No comments.
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**Transportation Planning:**

Recommendation:	Approve
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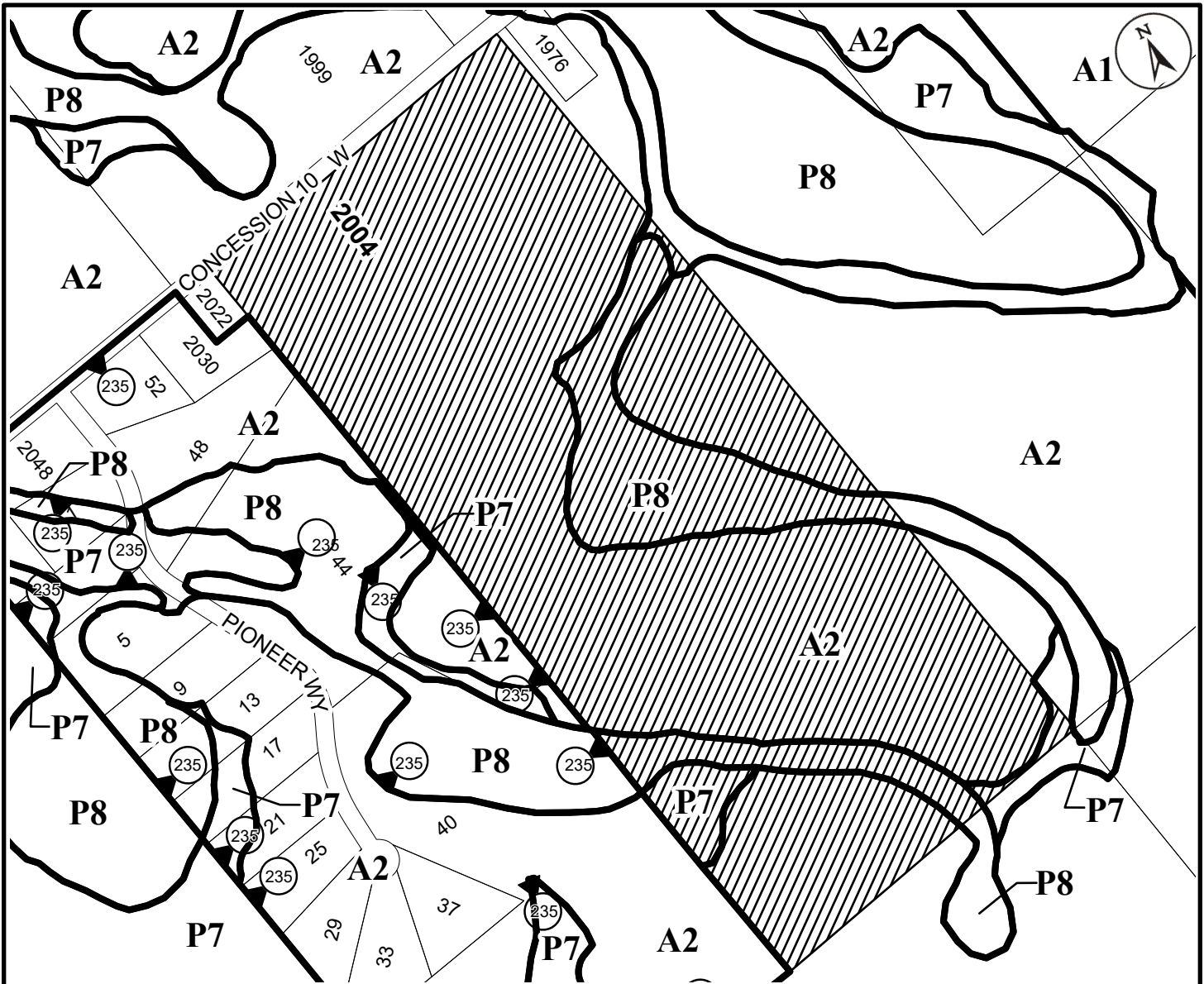
**Building Engineering:**

Recommendation:	No comment
Notes:	This Division has no concerns with the proposed application.

**Legislative Approvals:**

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



## Committee of Adjustment

### Subject Property



2004 Concession 10 West,  
Flamborough (Ward 13)

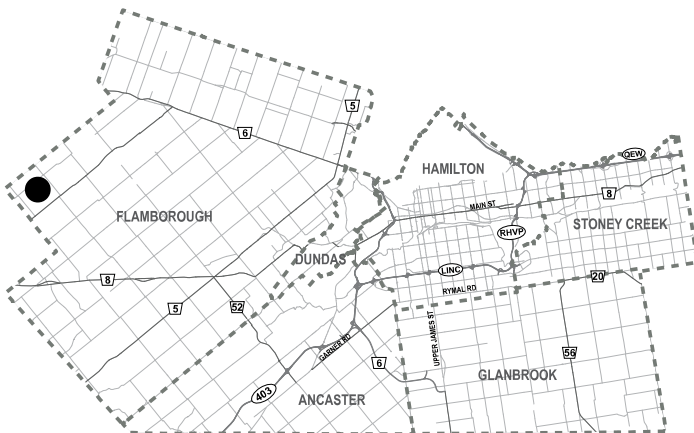
File Name/Number:  
FL/B-23-92

Date:  
February 1, 2024

Technician:  
AL

Map Not To Scale

Appendix "A"



**City of Hamilton**



Hamilton







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, 3935

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF DECISION**  
**CONSENT**

<b>APPLICATION NO.:</b>	<b>FL/B-23:92</b>	<b>SUBJECT PROPERTY:</b>	<b>2004 CONCESSION 10 W, FLAMBOROUGH</b>
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**APPLICANTS:** Owner: BARTELSE PROPERTIES INC. C/O JERRY BARTELSE  
Agent: VAN HARTEN SURVEYING INC. C/O JEFF BUISMAN

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

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>REMAINDER LANDS:</b> (#2004)	415 m <sup>±</sup>	1000 m <sup>±</sup>	41.7 ha <sup>±</sup>
<b>EASEMENT LANDS:</b>	6.1 m <sup>±</sup>	184 m <sup>±</sup>	0.1 ha <sup>±</sup>

Associated Planning Act File(s): N/A

**THE DECISION OF THE CONSENT AUTHORITY IS:**

That the said application, as set out above, Approved with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

FL/B-23:92

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

DATED AT HAMILTON, February 16, 2024.



Steve Robichaud,  
Director of Planning and Chief Planner  
Consent Authority

The date of the giving of this Notice of Decision is **February 16, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (February 16, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

## NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **March 7, 2024**. A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.