

Ferrari, Ryan

From: Janice Currie <janice@shakerroads.com>
Sent: January-23-18 1:24 PM
To: Ferrari, Ryan
Cc: Ferguson, Lloyd
Subject: Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road West

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Ferrari,

Thank you again for responding.

I understand, now, the 'rule' about future sale of the non-abutting property. I think, though, that the error in your analogy is that I wouldn't have been required to buy the home in Ancaster in order to be permitted to buy the home in Glanbrook.

I still don't understand, or agree, with the rules about severance, but we'll leave it at that.

I'm corresponding with you via email, in part, on behalf of my neighbours. Not all of them have received your letter of January 15 and, as such, are not able to remain up-to-date on the activities surrounding the subject property.

I'm sure that you, and other City officials, would like it if we did not weigh the merits of this proposed severance vis-a-vis the 'merits' of the proposed grow-op. The reality is that we can't, and you mustn't expect us to. The applicant/'farmer' has reported publicly that he "plans to construct five production facilities on the new land totaling 100,000 square feet". Allowing him to also sever the house so he doesn't have the hassle of a tenant is nothing more than greed on his part.

Hamilton seems willing to allow by-law amendments, and other precedents, while doing little to protect neighbouring residents' way of life, safety and security, right to quiet and absence of toxic fumes, and property values.

I will be responding, in writing, prior to the deadline.

Sent from my iPad

On Jan 23, 2018, at 12:43 PM, Ferrari, Ryan <Ryan.Ferrari@hamilton.ca> wrote:

Hi Janice,

To answer your first question all of the individual parcels are individual parcels that comprise of his/her farm operation. They can choose to sell one or all or some of the parcels at a future date, but they would just be selling the parcels, not necessarily the farm operation. The parcels are not tied together as they are separate. Put in another way, if you owned a home in Glanbrook and a home in Ancaster and sold the home in Ancaster, you would be just selling home in Ancaster, the home in Glanbrook would not automatically be part of that sale because they are separate parcels.

If a farmer who owns at least 95 acres of total land and farms that land buys your whole parcel including your house, they can sever off your house as part of a farm consolidation. You cannot sever your house by yourself. There are policies that indicate that a purchase of additional lands needs to occur first before the severance can take place.

I'm hoping this is making sense. Again, this information may translate better over the phone. Unfortunately I am attending training the next couple days so I will have limited access to phone and email.

Regards,

Ryan Ferrari

Planning Technician I
Development Planning, Heritage & Design (Rural Team)
Planning & Economic Development Department
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;
Tel: 905-546-2424 ext. 5865; e-mail: ryan.ferrari@hamilton.ca

From: Janice Currie [<mailto:janice@shakerroads.com>]

Sent: January-22-18 5:06 PM

To: Ferrari, Ryan

Cc: Ferguson, Lloyd; Christy, June; Fabac, Anita; Robichaud, Steve

Subject: Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East

Mr. Ferrari,

Thank you again for your response.

I apparently was not sufficiently clear in my question about a future sale. You indicated in a previous email that 'the other lands that the farmer owns is not abutting 240 Butter Road West'. My question is: if the applicant/farmer were to sell his other lands (i.e. those lands not abutting 240 Butter Road West), would the land at 240 Butter Road West be part of that sale? Are his non-abutting lands considered independent parcels, or do they form part of his 'primary' farm?

I'm afraid I must also ask for clarification on your last paragraph: you state that "this non-abutting farm consolidation severance is the only situation in which someone can sever off a residential dwelling on the property".

Just to put it into context - I live on a 100 acre farm, in a house at the end of a long, skinny driveway, surrounded by a large manicured lawn.

If I understand correctly, I could NOT sell my farm to the next door farm and then sever the house, but I could sever the house and drive and lawn if I sold to someone not abutting? Surely that can't be the case.

Sent from my iPad

On Jan 22, 2018, at 12:17 PM, Ferrari, Ryan <Ryan.Ferrari@hamilton.ca> wrote:

Janice,

I've attached a plan which hopefully depicts the Zoning By-law Amendment much better.

Currently on the part of the property used for Agriculture and Zoned A1, one of the permitted uses is "Single Detached Dwelling". The Zoning By-law Amendment will remove "Single Detached Dwelling" as a permitted use on the property.

If the farmer chose to sell this property they would be buying the farm parcel and not the home as it would be severed off and presumably owned by someone else. It would become part of someone else's farm operation. The City requires that a farmer have at least 95 acres of total land of which comprises their operation in order to be eligible.

You are correct, severances for new residential dwellings are not permitted and would be denied. This non-abutting farm consolidation severance is the only situation in which someone can sever off a residential dwelling on the property and in return, we ask that the farm parcel be rezoned so that no new homes can be built on the property, thus meeting the intent of the Greenbelt Plan.

Please don't hesitate to ask if you have any further questions.

Regards,

Ryan Ferrari

Planning Technician I
Development Planning, Heritage & Design (Rural Team)
Planning & Economic Development Department
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;
Tel: 905-546-2424 ext. 5865; e-mail: ryan.ferrari@hamilton.ca

From: Janice Currie [<mailto:janice@shakerroads.com>]
Sent: January-22-18 10:28 AM
To: Ferrari, Ryan
Cc: Ferguson, Lloyd; Christy, June; Fabac, Anita; Robichaud, Steve
Subject: Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East

Thank you for your response.

Could you kindly clarify what the actual by-law amendment is?

There are a lot of farmhouses in Carluke, including my own, which are at the end of 'long, skinny driveways'. My understanding is that, until now, Hamilton has vehemently denied applications to sever these, even when the farmlands are abutting.

What happens if/when the applicant sells his other farm property? Is the land at 240 Butter Road West considered to be part of the other farm?

Thank you

Sent from my iPad

On Jan 22, 2018, at 9:25 AM, Ferrari, Ryan <Ryan.Ferrari@hamilton.ca> wrote:

Hi Janice and Councillor Ferguson,

Thank you for your inquiry.

The applicant had applied to the Committee of Adjustment to sever off the existing home and demolished barn from the farm. When farmers purchase additional lands for their farm operation sometimes there are existing homes on the agricultural parcel that they buy. The farmers don't want to be landlords so we give them the option of severing off the unfarmed portion and dwelling so that they can sell it off. This is what is referred to as a "non-abutting farm consolidation", as the other lands that the farmer owns is not abutting 240 Butter Road W.

The Committee of Adjustment reviewed the proposal File AN/B-17:75 and approved it with conditions. One of those conditions is that the farmer must rezone his retained Agricultural Parcel so that they cannot build a single detached dwelling on the property. If we did not do this we would effectively be creating new parcels for dwellings to be constructed on, which is not permitted. The rezoning application that you see is attempting to fulfill that condition. That is the extent of the application.

In regards to the severed lot itself, unfortunately the size is a consequence of the location of the dwelling on the subject property as there is a long skinny driveway and then an existing manicured lawn area. The thinking was that the severance should occur around the lands that were not farmed. The severed lot complies with the Zoning By-law.

For your information, this stretch of Butter Road is protected by the Greenbelt Plan (2017) so the extent of the land uses allowed are Agricultural Uses and Single Detached Dwellings.

Janice, if you would like to discuss further feel free to give me a call. We have just started to review the application.

Regards,

Ryan Ferrari

Planning Technician I
Development Planning, Heritage & Design (Rural Team)
Planning & Economic Development Department
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada,
L8P 4Y5;
Tel: 905-546-2424 ext. 5865; e-mail: ryan.ferrari@hamilton.ca

-----Original Message-----

From: Janice Currie [<mailto:janice@shakerroads.com>]
Sent: January-22-18 8:11 AM
To: Ferguson, Lloyd
Cc: Ferrari, Ryan
Subject: Re: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East

Mr. Ferguson,

I will leave it to Mr. Ferrari to respond to your specific question. From reading the correspondence, though, it would appear that the application is to sever a large-ish parcel (5 acres?) which includes the existing dwelling, and to then create a 'non-abutting farm consolidation' which can never be built on (or, at least, can never have a house built on it). Even if this resulting land is somehow 'consolidated' with another, existing, farm property, the fact remains that there appear to be several

precedents being set: namely, the proposed severance appears larger than the allowable; and, there is already a small severance on the property.

If I am mis-understanding Mr. Ferrari's letter, perhaps someone will be good enough to enlighten me. I am assuming that the reference to a zoning by-law 'amendment' implies a variance from the current by-law(s) and I seek to better understand what those variances are, and to understand the motivations and rationale of both the applicant and the City.

It does seem, to me, to be a dangerous precedent to allow existing farmhouses to be severed from their farmland. Where would this end? By the stroke of a pen, you would permanently change Carluke from an historically interesting hamlet, to an unappealing commercial land grab. I look forward to receiving clarification in due course.

Regards,
Janice Currie

Sent from my iPad

> On Jan 22, 2018, at 7:26 AM, Ferguson, Lloyd
<Lloyd.Ferguson@hamilton.ca> wrote:
>
> Ryan
>
> Is this a farm consolidation severance?
>
> Councillor Lloyd Ferguson
> Ward 12 Ancaster
> 905-546-2704
> <http://www.hamilton.ca>
>
>
> The lobbying of members of the City of Hamilton's Mayor, Council and Senior Management Team are subject to the City's Lobbyist By-Law. It's the responsibility of lobbyists to register their lobbying activity. For more information about the Lobbyist Registry, please visit www.hamilton.ca/lobbyistregistry
>
>
> -----Original Message-----
> From: Janice Currie [mailto:janice@shakerroads.com]
> Sent: January-21-18 11:14 AM
> To: Ferrari, Ryan
> Cc: Ferguson, Lloyd
> Subject: ZAA-18-004 Notice of Complete Application for zoning by-law amendment, 240 Butter Road East
>
> Your letter dated January 15, 2018 concerning the subject refers.
>
> Your letter refers to a 'condition of a consent application AN/B-17:75' to sever a parcel of land containing an existing dwelling '

- > What does 'condition of consent application' mean, and what are the specifics of the application AN/B17-75?
- >
- > What is the size of the proposed severance? Based on the location map, the severance appears to be quite large, especially when compared to other severances shown on the same map. What is the allowable by-law severance guideline?
- > If, as it appears, this proposed severance is larger than current by-law standards, why is a precedent being considered?
- >
- > Your letter further states that the resulting vacant parcel of land for agricultural purposes would form a 'non-abutting farm consolidation'. Further, that a condition of the consent requires the applicant/owner to apply for and receive a zoning by-law amendment application to prohibit the development of a dwelling on the lands to be retained as a result of the severance.
- > Again, is this not a precedent? What would prevent other farm properties from severing the dwelling from the property and creating 'non-abutting farm consolidations'?
- > Additionally, such an amendment, with such a condition attached, seems short-sighted: what happens in the future when this applicant/owner no longer has interest in this parcel?
- > I would appreciate receiving answers to the above at your convenience.
- > Janice Currie
- > 251 Carluke Road West
- > Ancaster, ON L9G 3L1
- > 905-304-8474
- >
- > Sent from my iPad

<240 Butter Road.pdf>

Ferrari, Ryan

From: Shelley Yeudall <yeudall.family@gmail.com>
Sent: February-02-18 2:42 PM
To: Ferrari, Ryan
Subject: RE: ZAA - 18-004

Can you please let me know when the public meeting is? Thanks!

On Jan 25, 2018 8:55 AM, "Ferrari, Ryan" <Ryan.Ferrari@hamilton.ca> wrote:

Hi Shelly.

I can briefly explain the purpose of the application.

The applicant applied to sever off the existing dwelling from the farmed land. The application was approved subject to a bunch of conditions. One of the conditions is that they rezone the existing farmed portion of the property so that they remove the ability to construct a single detached dwelling on the farmed portion. That is the extent of the application.

If you have any further questions please don't hesitate to ask.

Regards,

Ryan Ferrari

Planning Technician I

Development Planning, Heritage & Design (Rural Team)

Planning & Economic Development Department

City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;

Tel: 905-546-2424 ext. 5865; e-mail: ryan.ferrari@hamilton.ca

From: Shelley Yeudall [mailto:yeudall.family@gmail.com]
Sent: January-24-18 5:49 PM
To: Ferrari, Ryan
Cc: Andrew Yeudall
Subject: ZAA - 18-004

More info please.

Thanks

Ferrari, Ryan

From: Karina <klidstone@gmail.com>
Sent: February-13-18 5:52 PM
To: Ferrari, Ryan
Cc: Meneray, Elyse; Christy, June
Subject: Re: ZAA-18-004

Thank you for this information. I am not quite that concerned with the severing of land, more so the marijuana greenhouse.

Elyse- could you please let me know how I can raise my concerns about this, or anything else I can do?

Thanks again,

Karina West

On Feb 12, 2018, at 8:56 AM, Ferrari, Ryan <Ryan.Ferrari@hamilton.ca> wrote:

Hi Karina,

Thanks for your inquiry.

The purpose of the application is to facilitate the severance of the existing farm house from the property. The applicant purchased the lands for the purposes of farming and since they own other farm lands in the City they are eligible to sever off the dwelling. They applied for this back in August and received approval based on a number of conditions. One of these conditions was that they make an application to rezone the farm lands so that they cannot build a single detached dwelling.

That is the purpose of the application at this time.

Currently there is an ongoing application to construct a Medical Marihuana Greenhouse Operation on this property. Elyse Meneray is the planner on that file and I have copied her on this email.

We are currently collecting comments for a staff report going to Planning Committee with regards to the severance. If you have any concerns regarding my application you can submit them to myself and I can make sure that they are included so that the Councillors see it.

Please let me know if you have any further questions.

Regards,

Ryan Ferrari

Planning Technician I
Development Planning, Heritage & Design (Rural Team)
Planning & Economic Development Department
City of Hamilton, 71 Main Street West, Hamilton, ON, Canada, L8P 4Y5;
Tel: 905-546-2424 ext. 5865; e-mail: ryan.ferrari@hamilton.ca

-----Original Message-----

From: Karina [<mailto:klidstone@gmail.com>]

Sent: February-11-18 3:25 PM

To: Ferrari, Ryan

Subject: ZAA-18-004

Hello,

I have received a notice about a zoning amendment on Butter road west. I am aware that the intention of this land is for marijuana growth. Is this what the letter is for? I am unsure exactly what the letter is stating is the intention of the land.

Please clarify for me as I would like to submit a disagreement and concern about this.

Thank you,

Karina West