



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 Fax (905) 546-4202  
E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

# **NOTICE OF PUBLIC HEARING**

## **Application for Consent/Land Severance**

**APPLICATION NUMBER:** GL/B-21:58

**SUBJECT PROPERTY:** 4363 Harrison Rd., Glanbrook

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**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
- 

**APPLICANT(S):** Agent GSP Group  
Owner Wesley Lemstra

**PURPOSE OF APPLICATION:** To permit the creation of a new non-farm parcel of land for residential purposes.

**Severed lands:**  
61.7m<sup>±</sup> x 65.2m<sup>±</sup> and an area of 6,136.4m<sup>2±</sup>

**Retained lands:**  
varies x varies and an area of 23 ha<sup>±</sup>

The Committee of Adjustment will hear this application on:

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**DATE:** Thursday, August 12<sup>th</sup>, 2021

**TIME:** 1:45 p.m.

**PLACE:** Via video link or call in (see attached sheet for details)

To be streamed at  
[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)  
for viewing purposes only

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### **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, including deadlines for submitting to be seen by the Committee.

**Orally:** If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

## MORE INFORMATION

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

DATED: July 27<sup>th</sup>, 2021

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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.***

**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)

**APPLICATION FOR CONSENT TO SEVER LAND**  
**UNDER SECTION 53 OF THE *PLANNING ACT***

**Office Use Only**

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
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**1 APPLICANT INFORMATION**

1.1, 1.2	NAME	ADDRESS
Registered Owners(s)	Wesley Lemstra	
Applicant(s)*	Eric and Alexa Wildschut	
Agent or Solicitor	GSP Group Inc. c/o Joseph M. Liberatore	

\* Owner's authorisation required if the applicant is not the owner.

1.3 All correspondence should be sent to ☐ Owner ☒ Applicant ☒ Agent/Solicitor

**2 LOCATION OF SUBJECT LAND** Complete the applicable lines

2.1 Area Municipality Binbrook	Lot 21	Concession 7	Former Township Binbrook
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 4363-4339 Harrison Road			Assessment Roll N°.

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:

Part 2, Plan 62R-21393 in favour of Hydro One Networks

**3 PURPOSE OF THE APPLICATION**

3.1 Type and purpose of proposed transaction: (check appropriate box)

a) Urban Area Transfer (do not complete Section 10):

☐ creation of a new lot

Other: ☐ a charge

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- ☐ addition to a lot  
☐ an easement

- ☐ a lease  
☐ a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):

- ☐ creation of a new lot  
☒ creation of a new non-farm parcel  
(i.e. a lot containing a surplus farm dwelling  
resulting from a farm consolidation)  
☐ addition to a lot
- Other: ☐ a charge  
☐ a lease  
☐ a correction of title  
☐ an easement

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Alexa Wildschut

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

**4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION**

**4.1 Description of land intended to be Severed:**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
61.7m	65.2m	6,136.4m <sup>2</sup>

Existing Use of Property to be severed:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Proposed Use of Property to be severed:

- ☒ Residential  
☐ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

Building(s) or Structure(s):

Existing: Single detached dwelling, septic bed

Proposed: as existing

Type of access: (check appropriate box)

- ☐ provincial highway  
☐ municipal road, seasonally maintained  
☒ municipal road, maintained all year
- ☐ right of way  
☐ other public road

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) \_\_\_\_\_

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) \_\_\_\_\_

**4.2 Description of land intended to be Retained:**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
		23.6ha

Existing Use of Property to be retained:

- ☐ Residential  
☒ Agriculture (includes a farm dwelling)  
☐ Other (specify) \_\_\_\_\_
- ☐ Industrial  
☐ Agricultural-Related  
☐ Commercial  
☐ Vacant

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Proposed Use of Property to be retained:

- ☐ Residential ☐ Industrial ☐ Commercial  
☒ Agriculture (includes a farm dwelling) ☐ Agricultural-Related ☐ Vacant  
☐ Other (specify) \_\_\_\_\_

Building(s) or Structure(s):

Existing: \_\_\_\_\_

Proposed: \_\_\_\_\_

Type of access: (check appropriate box)

- ☐ provincial highway ☐ right of way  
☐ municipal road, seasonally maintained ☐ other public road  
☒ municipal road, maintained all year

Type of water supply proposed: (check appropriate box)

- ☐ publicly owned and operated piped water system ☐ lake or other water body  
☒ privately owned and operated individual well ☐ other means (specify) \_\_\_\_\_

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

Urban Hamilton Official Plan designation (if applicable): \_\_\_\_\_

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

Refer to Planning Justification Report.

5.2 What is the existing zoning of the subject land? Agricultural (A1) and Conservation/Hazard Land (P7), By-law 05-200

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? No

5.3 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	<input checked="" type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input checked="" type="checkbox"/>	

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A provincially significant wetland within 120 metres	<input checked="" type="checkbox"/>	
A flood plain	<input checked="" type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

**6 PREVIOUS USE OF PROPERTY**

- ☐ Residential
 ☐ Industrial
 ☐ Commercial  
☒ Agriculture
 ☐ Vacant
 ☐ Other (specify)

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
☐ Yes ☒ No ☐ Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
☐ Yes ☒ No ☐ Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
☐ Yes ☒ No ☐ Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
☐ Yes ☒ No ☐ Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
☐ Yes ☒ No ☐ Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
☐ Yes ☒ No ☐ Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
☐ Yes ☒ No ☐ Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
☐ Yes ☒ No ☐ Unknown
- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
☐ Yes ☒ No ☐ Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
 Owner's knowledge  
 \_\_\_\_\_
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
☐ Yes ☒ No

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)
- ☒ Yes
 ☐ No  
 Refer to Planning Justification Report.

- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
☒ Yes ☐ No (Provide explanation)

Refer to Planning Justification Report.

- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
☒ Yes ☐ No (Provide explanation)

Refer to Planning Justification Report.

- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
☒ Yes ☐ No

Refer to Planning Justification Report.

- e) Are the subject lands subject to the Niagara Escarpment Plan?  
☐ Yes ☒ No

If yes, is the proposal in conformity with the Niagara Escarpment Plan?

- ☐ Yes ☐ No  
(Provide Explanation)

- f) Are the subject lands subject to the Parkway Belt West Plan?  
☐ Yes ☒ No

If yes, is the proposal in conformity with the Parkway Belt West Plan?

- ☐ Yes ☐ No (Provide Explanation)

- g) Are the subject lands subject to the Greenbelt Plan?  
☒ Yes ☐ No

If yes, does this application conform with the Greenbelt Plan?

- ☒ Yes ☐ No (Provide Explanation)

Refer to Planning Justification Report.

## 8 HISTORY OF THE SUBJECT LAND

- 8.1 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, indicate the appropriate application file number and the decision made on the application.

- 8.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 8.3 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.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City? ☒ Yes ☐ No  
If YES, describe the lands in "11 - Other Information" or attach a separate page.

## 9 OTHER APPLICATIONS

9.1 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 if known, specify file number and status of the application.

9.2 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 if known, specify file number and status of the application(s).

File number \_\_\_\_\_ Status \_\_\_\_\_

## 10 RURAL APPLICATIONS

10.1 Rural Hamilton Official Plan Designation(s)

☒ Agricultural ☐ Rural ☐ Specialty Crop  
☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities  
☐ Rural Settlement Area (specify) \_\_\_\_\_  
Settlement Area Designation

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 operation.

10.2 Type of Application (select type and complete appropriate sections)

☐ Agricultural Severance or Lot Addition  
☐ Agricultural Related Severance or Lot Addition  
☐ Rural Resource-based Commercial Severance or Lot Addition  
☐ Rural Institutional Severance or Lot Addition  
☐ Rural Settlement Area Severance or Lot Addition } (Complete Section 10.3)

☒ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)

☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 Description of Lands

a) Lands to be Severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from in Section 4.1)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

M  
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b) Lands to be Retained:

Frontage (m): (from Section 4.2)	Area (m <sup>2</sup> or ha): (from Section 4.2)
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Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_

#### 10.4 Description of Lands (Abutting Farm Consolidation)

a) Location of abutting farm:

4339 Harrison Road      Hamilton      L0R 1C0  
(Street)      (Municipality)      (Postal Code)

b) Description abutting farm:

Frontage (m): ±258m	Area (m <sup>2</sup> or ha): ±18.94ha
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Existing Land Use(s): Agricultural      Proposed Land Use(s): Agricultural

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

Frontage (m): ±237.1m	Area (m <sup>2</sup> or ha): ±23.6ha
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Existing Land Use: Agricultural      Proposed Land Use: Agricultural

d) Description of surplus dwelling lands proposed to be severed:

Frontage (m): (from Section 4.1) ±61.7m	Area (m <sup>2</sup> or ha): (from Section 4.1) 6,136.4m <sup>2</sup>
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Front yard set back: ±27.3,

e) Surplus farm dwelling date of construction:

☒ Prior to December 16, 2004      ☐ After December 16, 2004

f) Condition of surplus farm dwelling:

☒ Habitable      ☐ Non-Habitable

g) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2) ±61.7m	Area (m <sup>2</sup> or ha): (from Section 4.2) ±6,136.4m <sup>2</sup>
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Existing Land Use: Rural Residential      Proposed Land Use: Rural Residential

#### 10.5 Description of Lands (Non-Abutting Farm Consolidation)

a) Location of non-abutting farm

\_\_\_\_\_  
(Street)      (Municipality)      (Postal Code)

b) Description of non-abutting farm

Frontage (m):	Area (m <sup>2</sup> or ha):
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Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

c) Description of surplus dwelling lands intended 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: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

☐ Prior to December 16, 2004      ☐ After December 16, 2004

e) Condition of surplus farm dwelling:

W  
PPW

☐ Habitable

☐ Non-Habitable

- f) Description of farm from which the surplus dwelling is intended to be severed (retained parcel):

Frontage (m): (from Section 4.2)

Area (m<sup>2</sup> or ha): (from Section 4.2)

Existing Land Use: \_\_\_\_\_

Proposed Land Use: \_\_\_\_\_

## 11 OTHER INFORMATION

Is there any other information that you think may be useful to the Committee of Adjustment or other agencies in reviewing this application? If so, explain below or attach on a separate page.

## 12 SKETCH (Use the attached Sketch Sheet as a guide)

12.1 The application shall be accompanied by a sketch showing the following in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (for example, buildings, barns, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,
  - i) are located on the subject land and on land that is adjacent to it, and
  - ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) the location and nature of any easement affecting the subject land.

## 13 ACKNOWLEDGEMENT CLAUSE

I acknowledge that The City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date

Signature of Owner

June 15, 2021

File No: 20160

Jamila Sheffield  
Secretary-Treasurer  
City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**Re: 4363-4339 Harrison Road, RR#2, Binbrook, Hamilton**  
**Consent Application for Surplus Dwelling from Farm Consolidation**

GSP Group is the planning representative of the property owner of the property municipally addressed as 4363 Harrison Road. 4363 Harrison Road is intended to merge on title with 4339 Harrison Road resulting in a farm consolidation (see **Figure 1** the pre-farm consolidation lot configuration and **Figure 2** for the requested severance, post-farm consolidation). The farm consolidation has resulted in a surplus dwelling located on the property and the requested severance seeks to sever the dwelling from the remaining agricultural land.

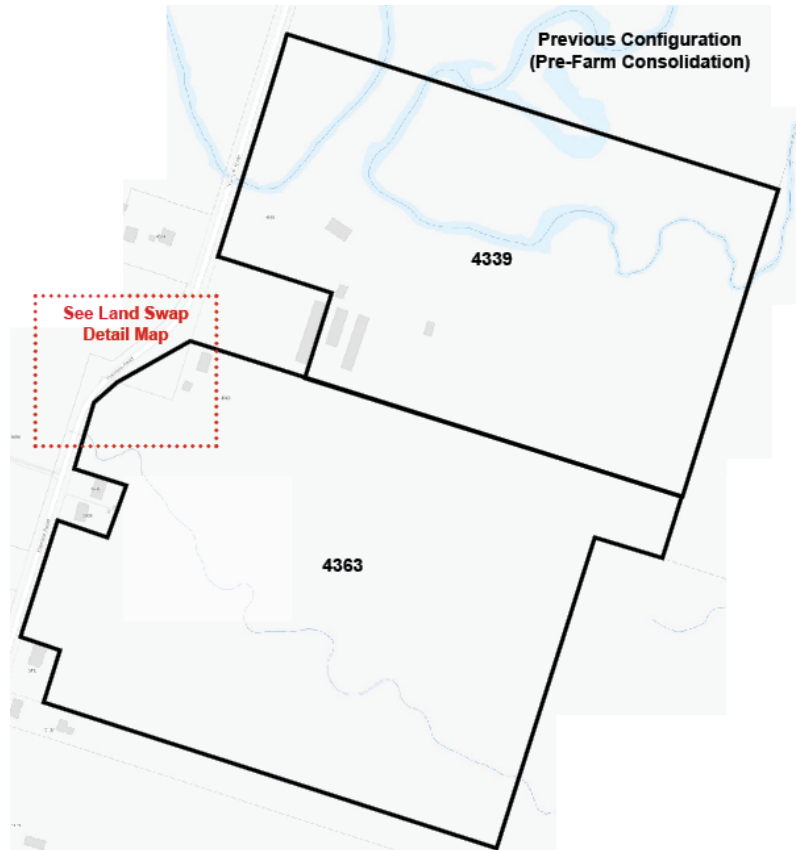


Figure 1: Pre-Farm Consolidation Lot Configuration.

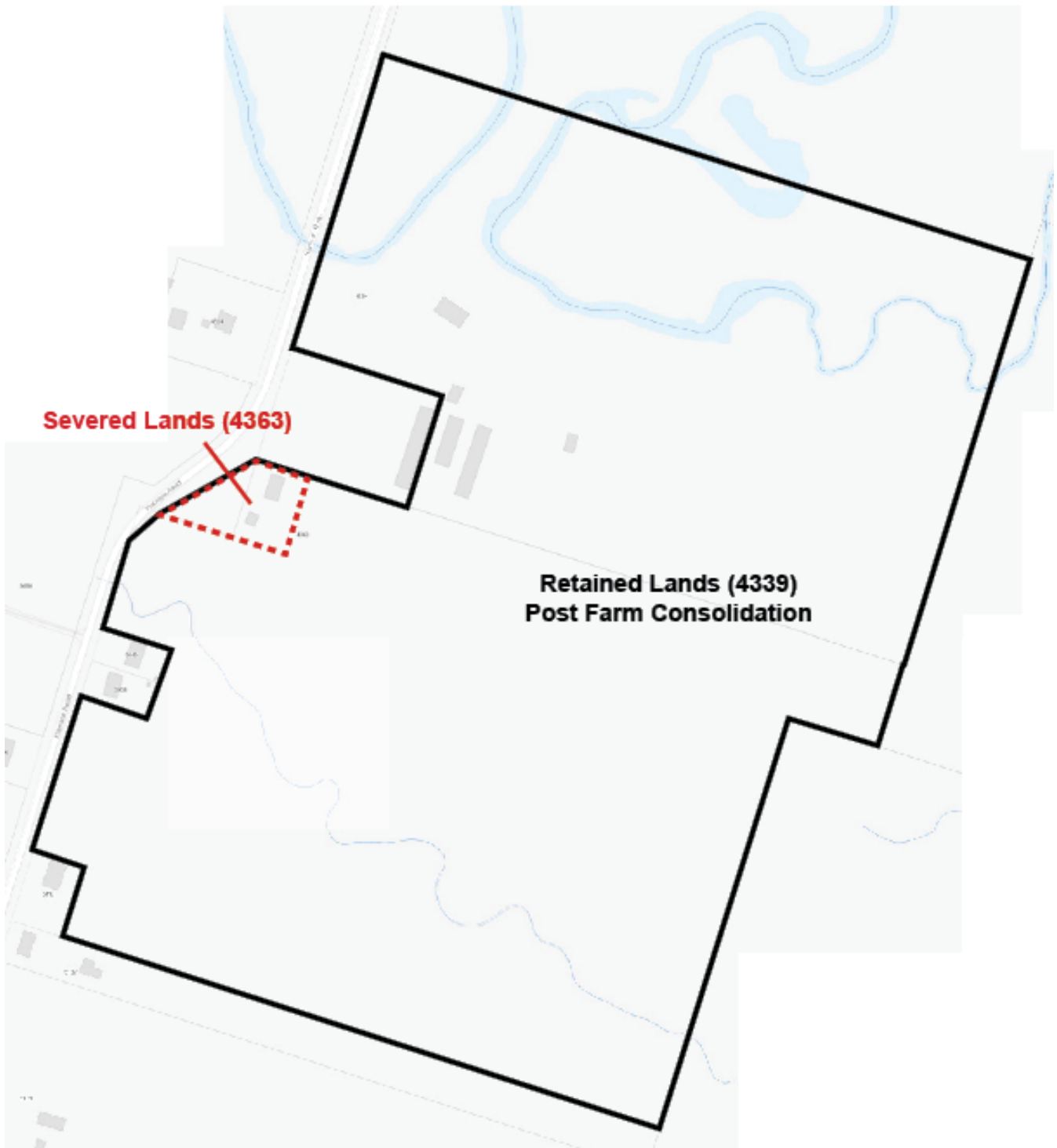


Figure 2: Requested Severance



## Land Swap with City - 2019/2020

In 2019/2020 the following transfer of ownership (**Figure 3**) occurred between the owner, the City and Hydro One:

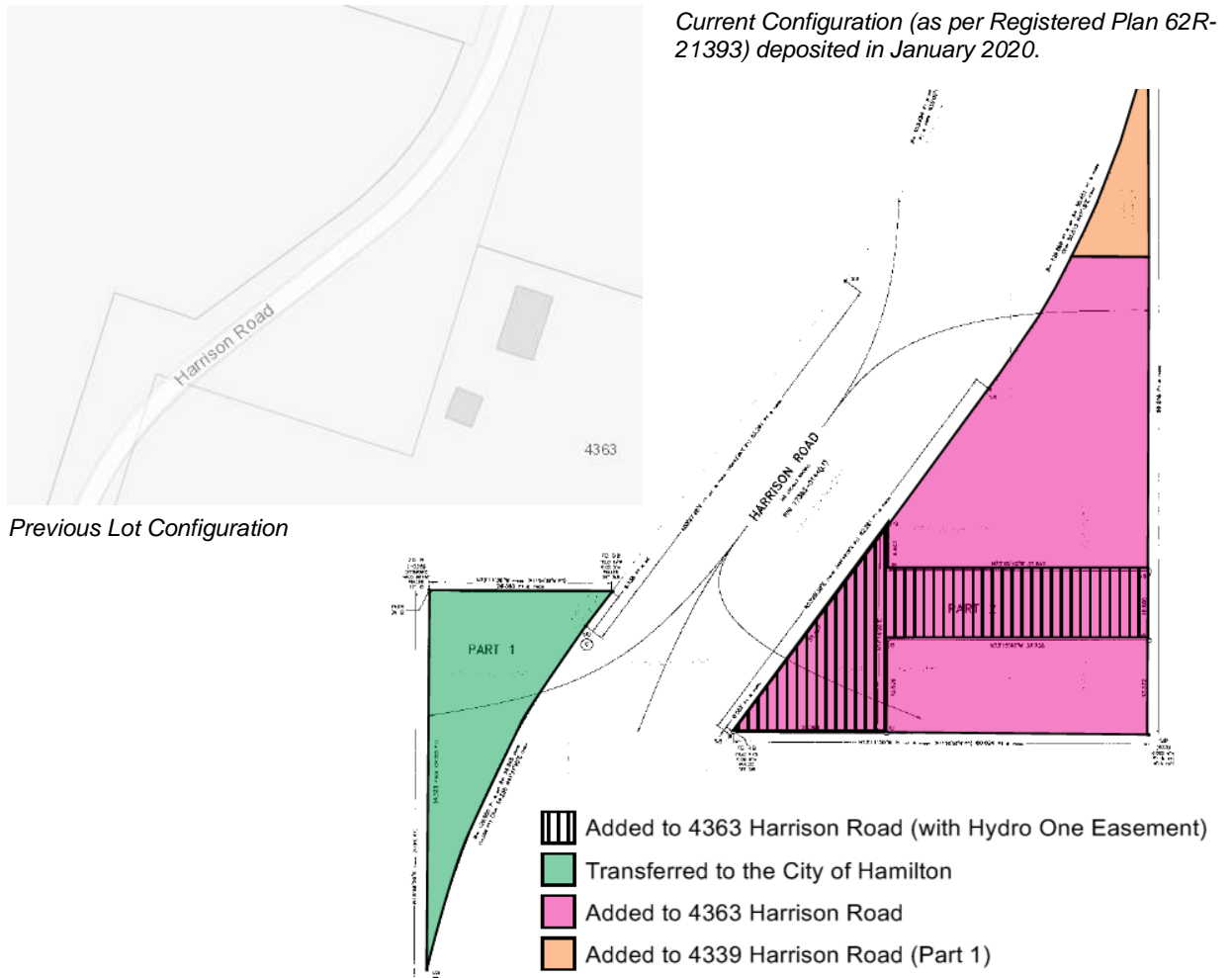


Figure 3: 2019/2020 Land Swap between Owner and City of Hamilton

The above transfer of ownership and adjustment of lot lines are reflected in the provided severance sketches and diagrams.

### 1.0 Site Overview

4339 and 4363 Harrison Road (hereinafter referred to as the “Site”) is located on the east side of Harrison Road, situated approximately halfway between Kirk Road and Hall Road and has an area of approximately 42.95 ha. The Site currently has approximately 591 m of combined frontage on Harrison Road.

There is currently one (1) existing dwelling on the lands to be severed (formerly 4363 Harrison Road). The dwelling underwent a renovation in 2014. There is an existing dwelling and several agricultural related structures on 4339 Harrison Road. The existing dwelling and accessory structures will remain on the retained agricultural lot. See below **Figure 4**.

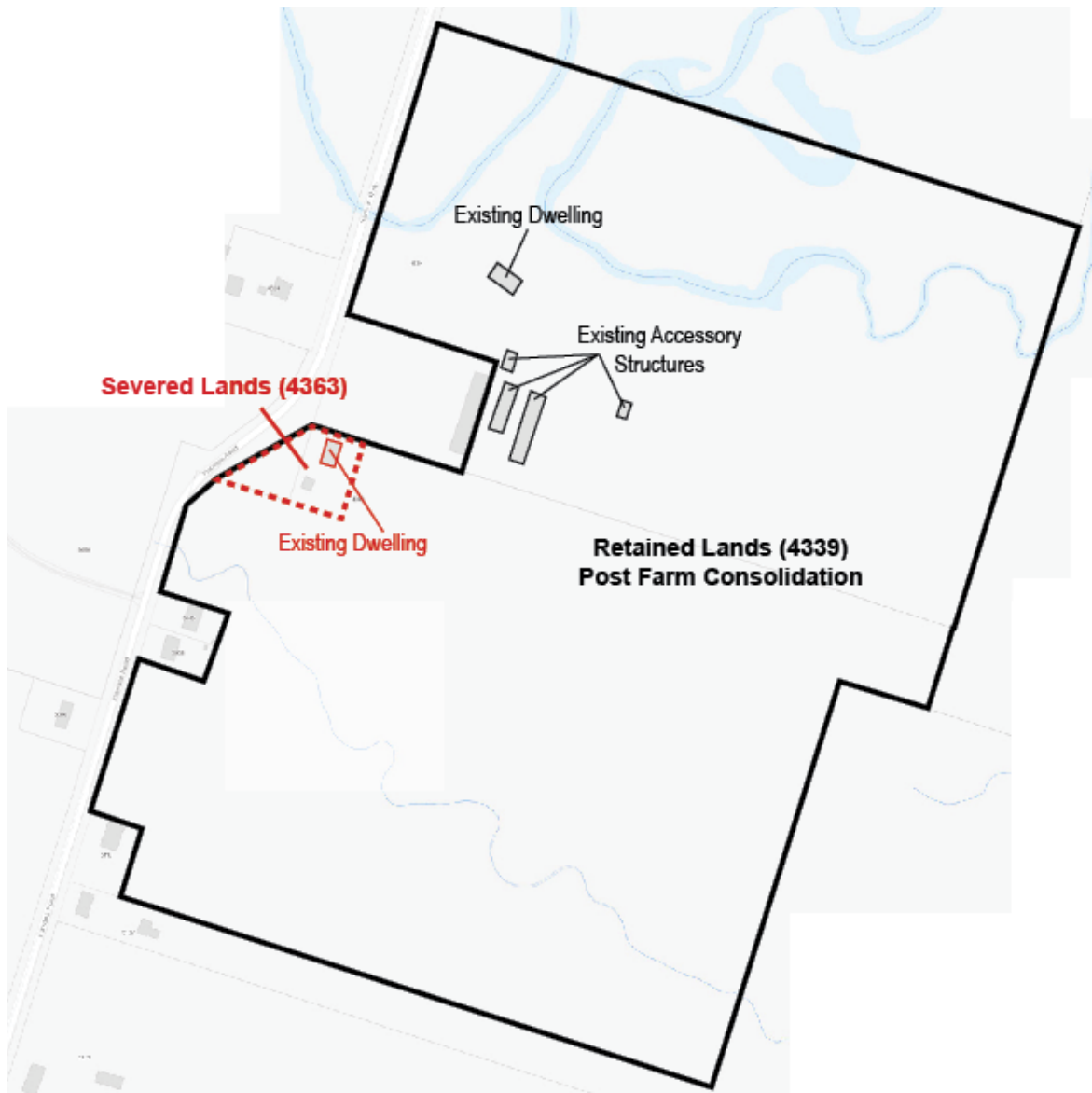


Figure 4: Existing Structures on Severed and Retained Lands

## 2.0 Requested Severance

The purpose of the requested severance is to sever the portion of the Site that contains a surplus residential dwelling on 4363 Harrison Road that is surplus as a result of a farm consolidation that is intended to occur as a condition of approval of the consent application.

The lands proposed to be severed (the surplus residential dwelling) have an approximate area of 6,136 sq m and the lands to be retained (the agricultural land) have an approximate area of 23.6 ha and will increase to 42.34 ha following the farm consolidation.

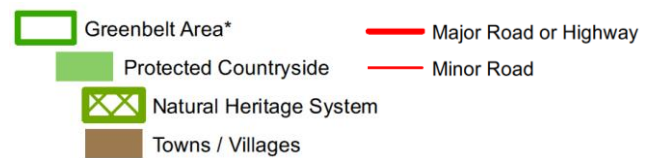
## 3.0 Planning Analysis

### Greenbelt Plan, 2017

The subject lands are located within the Protected Countryside of the Greenbelt Area. The northern portion of the retained lands is located within the Greenbelt Natural Heritage System but the severed portion is located outside of the Natural Heritage System. As defined in the Greenbelt, the Site is within a prime agricultural area.

The severance of a residence surplus to a farming operation, as per Policy 4.6.1.f), as a result of a farm consolidation on which a habitable residence was an existing use, is permitted, albeit discouraged (as per Policy 4.6.1) provided that:

- i. *The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and*
- ii. *The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.*



In terms of criteria i. above, the severed lot is proposed with an area of 0.614 ha which encompasses the septic area located east of the dwelling, the hydro poles/Hydro One Easement, the water well, and several mature trees located to the south and west of the

existing dwelling. The proposed severance is limited to the minimum size needed to accommodate the on-site sewage and water services while also including the portion of land that, until very recently, was part of the municipal right-of-way while also facilitating a lot configuration that is regular in shape and compatible with other residential lots along Harrison Road. The portion of the proposed severed land that was formerly within the municipal right-of-way is not suitable for agricultural purposes due to the presence of the hydro poles and mature trees.

Regarding criteria ii. above, the retained lands already contains a residential dwelling. No more than one (1) residential dwelling is permitted on the lands as per the Zoning By-law. The merging on title of abutting farm parcels satisfies this condition as it will maintain the intent of the policy by not permitting the construction of an additional dwelling on the retained parcel (farmland).

**Based on the above, the proposed severance of the surplus residence to a farm consolidation is appropriate and satisfies the applicable policies of the Greenbelt Plan, 2017.**

#### Rural Hamilton Official Plan (RHOP)

The subject lands are designated “Agriculture” on “Schedule D - Rural Land Use Designations”. The proposed severed lands do not contain any natural heritage features as identified on Schedule B - Natural Heritage System” of the RHOP. The northern portion of 4339 Harrison Road is located within the “Core Areas” identified on “Schedule B - Natural Heritage System” however, the proposed severance line is more than 100 m away from any of the environmental features and no changes are proposed to the structures/dwellings on either the proposed severed or retained lots.

Policy F.1.14.2.8 contains a number of conditions that must be met in order to permit the severance of an existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation. Below is a list of the conditions along with an analysis as to how each policy has been satisfied:

Policy		Analysis
F.1.14.2.8.a) i)	The farm consolidation shall have been completed prior to the time of application	Similarly to recent farm consolidation and surplus dwelling severance at 905 Centre Road in Flamborough (File FL/B-20:71), consolidation will occur prior to final approval of the Consent.



Policy		Analysis
F.1.14.2.8.a) ii)	The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.	The residential dwelling on the severed lands has been determined to be surplus to the farm operation on the retained lands, deemed to be surplus due to the recent desire to consolidate agricultural operations.
F.1.14.2.8.a) iii)	The proposed surplus farm dwelling: 1) shall have been built on or before December 16, 2004; and, 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.	1) The surplus farm dwelling was constructed before December 16, 2004 and subsequently underwent a renovation in 2014. 2) The surplus farm dwelling is habitable on the date of the severance application and meets the City's standards for occupancy in its current state.
F.1.14.2.8.a) iv)	The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;	The severed lot has a proposed area of 0.6 ha, meeting the minimum 0.4 ha requirement. The additional area is required to encompass the septic area, well, and hydro poles (subject to Hydro One Easement). <b>Appendix A</b> is a septic area locate analysis prepared by ESSA Canada to delineate the location of the existing septic and well systems on the Site, which are wholly contained on the severed parcel. In addition, no acreage will be taken out of agricultural production because

Policy		Analysis
		of the severance (see aerial imagery in <b>Figure 5</b> ).
F.1.14.2.8.a) v)	A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan	The residential dwelling on the severed lands is privately serviced (water well and septic system) in accordance with Section C.5.1.
F.1.14.2.8.a) vi)	The shape and dimensions of the surplus farm dwelling lot shall: <ol style="list-style-type: none"> <li>1. not impair agricultural operations on the retained land; and</li> <li>2. generally not exceed a depth of 122 metres (400 feet);</li> </ol>	<ol style="list-style-type: none"> <li>1. The shape and dimensions of the surplus farm dwelling will not impair the agricultural operations on the retained lot; and</li> <li>2. has varying depths of between 65 m (north lot line) and 114.5 m (south lot line)</li> </ol>
F.1.14.2.8.a) vii)	The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.	The severed lands only contain the residential dwelling and do not contain any agricultural structures. All agricultural-related structures are located on the retained lands.
F.1.14.2.8.a) viii)	Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.	There is a barn located on 4339 Harrison Road Part 1 and is located approximately 62.6 m north east of the proposed severance line and an additional $\pm 30$ m from the surplus farm dwelling (a total distance of 92.6 m)
F.1.14.2.8.b) i)	The owner and operator of the farm maintains another existing dwelling on land that has been merged in title;	There is an existing dwelling on the proposed retained lands that will remain.
F.1.14.2.8.b) iii)	The area of the merged farm parcel after the surplus farm dwelling lot is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for	The retained lands have an area of approximately 42.34 ha thereby satisfying this criteria.

Policy		Analysis
	lands designated Specialty Crop on Schedule D - Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D - Rural Land Use Designations; and	
F.1.14.2.8.b) iv)	The lot to be created for the surplus farm dwelling shall comply with the provisions of Section F.1.14.2.8 a) of this Plan	See the above analysis.



Figure 5: Aerial Imagery of Proposed Severed Lands

**Based on the above, and subject to meeting the criterion in Policy F.1.14.2.8, a severance of the existing surplus dwelling resulting from a from consolidation conforms to the applicable policies of the Rural Hamilton Official Plan.**

## City of Hamilton Zoning By-law 05-200

The Site is currently split zoned Agricultural (A1) and Conservation/Hazard Land (P7). Single detached dwellings and a range of agricultural uses are permitted in the A1 zone.

The severed lot complies with the applicable zoning regulations as shown in the table below.

The severed and retained lots require the following for the single detached dwellings:

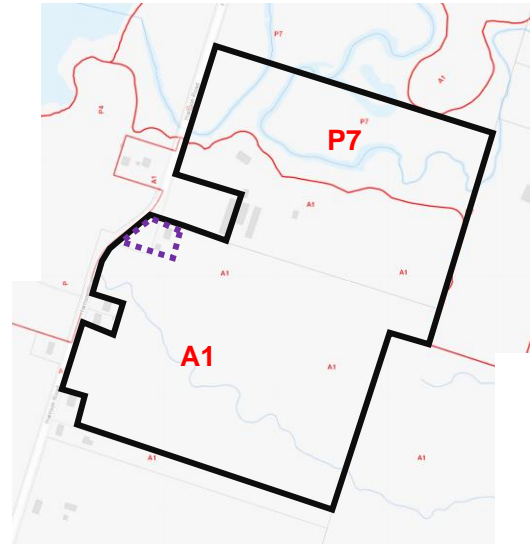


Figure 6: Zoning By-law 05-200 Map

Required/Permitted	Proposed Severed	Proposed Retained	Complies (✓ / X)
Minimum lot area of 0.4 ha	0.6 ha	N/A - See table below	✓
Minimum lot width of 30.0 m	±68.6 m	N/A - See table below	✓
Maximum building height of 10.5 m	Existing: 2 storeys (<10.5 m)	Existing: 1.5 storeys (<10.5 m)	Existing - ✓
Minimum front yard of 10.0 m	27.3 m	<100 m	✓
Minimum side yard of 3.0 m	8.6 m	>50 m	✓
Minimum rear yard of 10.0 m	28.8 m	>300 m	✓
Minimum 1 parking space per detached dwelling	2 spaces in attached garage	2+ spaces in attached garage	Existing - ✓
Setback for all structures from P7 zone	<200 m	±27 m	Existing - ✓



The following regulations apply to the agricultural-related structures on the proposed retained lot:

Required/Permitted	Proposed Severed	Proposed Retained	Complies (✓ / X)
Minimum lot area of 40.4 ha	N/A - See table above	42.34 ha	✓
Minimum front yard of 15.0 m (agricultural buildings)	N/A - See table above	±138 m	Existing - ✓
Minimum side yard of 15.0 m (agricultural buildings)	N/A - See table above	4.5 m and 11 m for accessory structures	Existing - X Does not comply but is existing condition to existing lot line*
Minimum rear yard of 15.0 m	N/A - See table above	>300 m	✓
Maximum Lot Coverage of 20%	N/A - See table above	Building areas of: 385m <sup>2</sup> , 152m <sup>2</sup> , 536m <sup>2</sup> 753m <sup>2</sup> , 130m <sup>2</sup> for a total coverage of: 1,956 sq m out of 42.34 ha = 0.46% lot coverage	✓
No accessory buildings or structures shall be located within a front yard	N/A - See table above	Accessory structures not located in front yard located	Existing - ✓

*\*For severance applications, only setbacks to the severance line are required to comply. The non-compliant side yard setbacks are existing condition to an existing lot line and as such no variances would be required. This is based on recent discussions with City of Hamilton Zoning staff on other severance applications.*

**Based on the above, both the retained and severed lands with the applicable regulations in Zoning By-law 05-200. The non-compliant side yard setback for the agricultural structures on the retained lot is an existing condition related to an existing lot line and therefore no variances are required.**

#### **4.0 Summary and Conclusions**

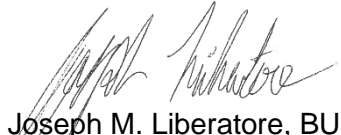
Based on the analysis above, the requested consent to sever the existing residential dwelling that is surplus to a farm consolidation is appropriate for the following reasons:

- the requested severance satisfies the criteria for farm consolidation severances in the Greenbelt Plan, 2017;
- the requested severance conforms to the applicable policies in the Rural Hamilton Official Plan; and
- the requested severance complies with the applicable regulations in the City of Hamilton Zoning By-law 05-200.

Should you have any questions or require any additional information, please do not hesitate to contact me at 226-243-7433 or via email at [jliberatore@gspgroup.ca](mailto:jliberatore@gspgroup.ca).

Yours truly

**GSP Group Inc.**



Joseph M. Liberatore, BURPI., Dip. GIS & Pl.  
Planner

## WTS Inspection Photos: [4363 Harrison Road]



1. Location of Septic tank (inlet below deck)



2. Septic tank discharge lid



3. Condition of discharge portion of septic tank



4. Interior condition of septic tank



5. 90 degree elbow baffle installed 4 years prior – air locking system causing high levels



6. Sludge measurement of system (1 compartment) 35% solids – requires pump-out



## WTS Inspection Photos: [4363 Harrison Road]



7. Approximate leaching field area (from corner closest to house)



8. End of leaching field distribution lines – yellow flag represents end of lines (11.5m from property) blue flag is the 5m required setback



9. Fence post is proposed severance line – setbacks met



10. Leaching field from side profile



11. Leaching field saturated – water above distribution pipes



12. Soil profile of existing leaching field



## SITE DIAGRAM: [4363 Harrison Road]

*Note: all dimensions and locations approximate*



Blue flag represents 5m required setback from property line to leaching field