

NOTICE OF PUBLIC HEARING **Minor Variance**

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.: GL/A-21:351

APPLICANTS: Agent A.J. Clarke & Associates c/o Ryan Ferrari
Owner 2363823 Ontario Inc.

SUBJECT PROPERTY: Municipal address **0 Chippewa Rd., Glancaster**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 15-173

ZONING: "A1" (Agricultural) district

PROPOSAL: To permit the creation of 2 lots through Land Severance application GL/B-21: 88 and to merge in title the lands to be severed shown as Part 1 with the lands known as 3235 Tyneside Road notwithstanding that;

RETAINED LAND (PART 2):

1. A minimum lot area of 10.4 Ha shall be provided whereas the Zoning By-Law requires a minimum lot area of 40.4 Ha for an agricultural parcel.

SEVERED LAND (PART 1):

2. A minimum lot area of 5.5 Ha shall be provided whereas the Zoning By-Law requires a minimum lot area of 40.4 ha for an agricultural parcel.

Notes:

These variances are necessary to facilitate severance application GL/B-21: 88.

A portion of this property is within the Niagara Peninsula Conservation Authority

This application will be heard by the Committee as shown below:

DATE: Thursday, November 4th, 2021
TIME: 1:20 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

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

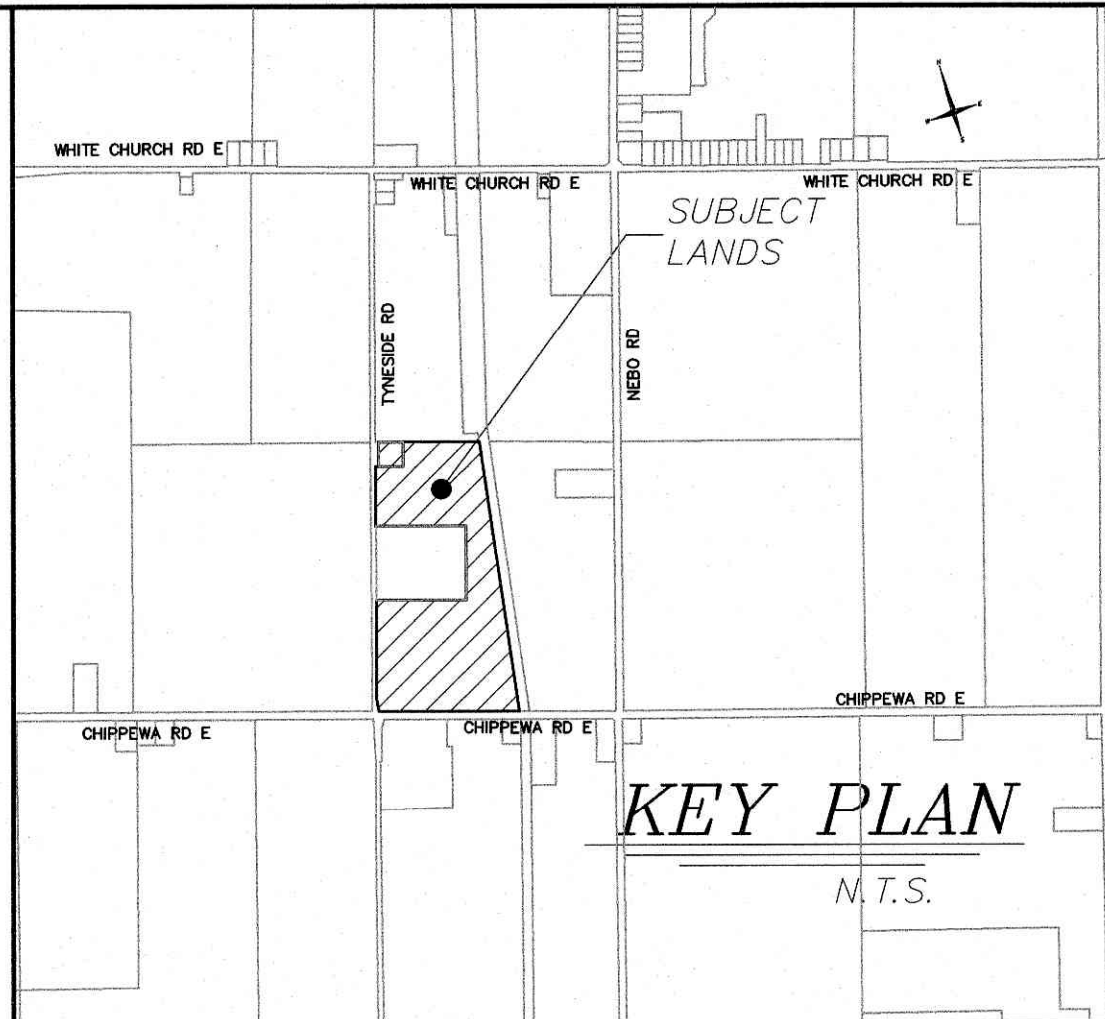
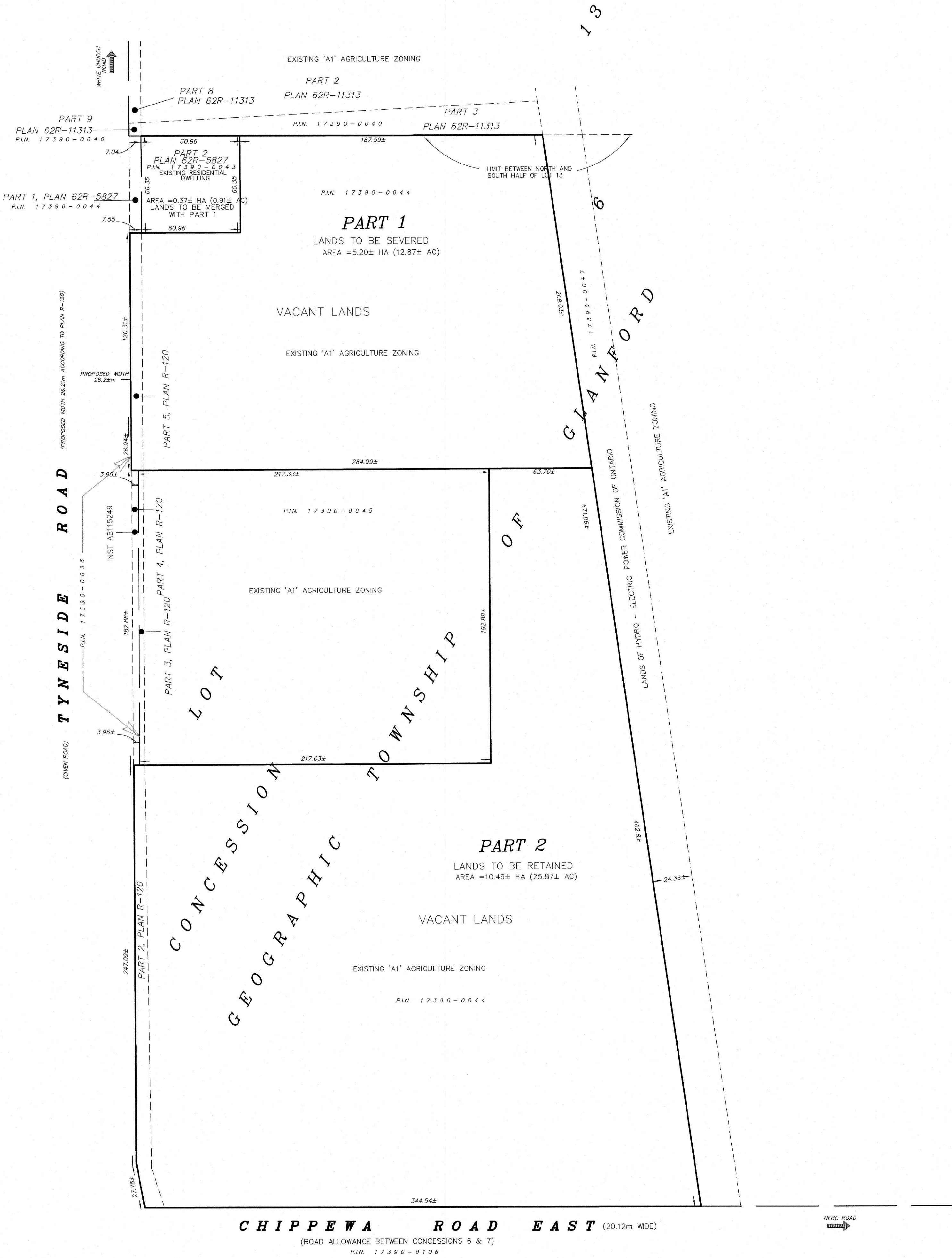
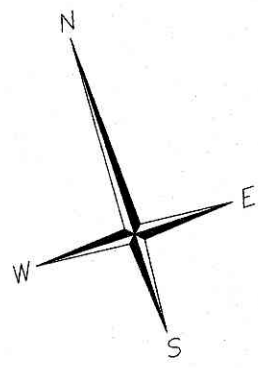
For more information on this matter, including access to drawings illustrating this request:

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

DATED: October 19th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

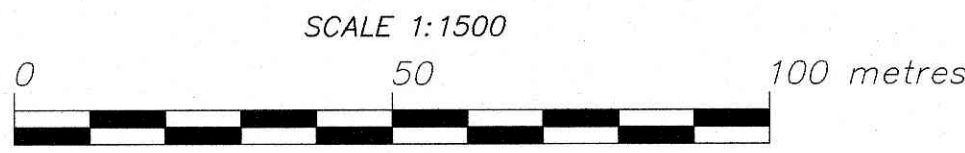
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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



SKETCH FOR CONSENT TO SEVER

3253 TYNESIDE ROAD

CITY OF HAMILTON



THE ABOVE NOTES LANDS ARE:
PART OF LOT 13
CONCESSION 6
GEOGRAPHIC TOWNSHIP OF GLANFORD

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

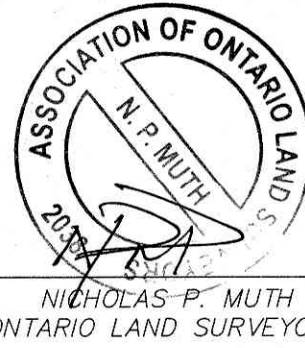
NOTE:
DISTANCES SHOWN ON THIS SKETCH ARE COMPILED FROM
PLANS AND RECORDS ON FILE IN THIS OFFICE AND ARE
NOT BASED ON AN ACTUAL FIELD SURVEY.

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

CONSENT SCHEDULE:

PART 1 - LAND TO BE SEVERED
AREA = 5.20± HA (12.84± AC)
PART 2 - LANDS TO BE RETAINED
AREA = 10.46± HA (25.87± AC)

PART 1, SEVERED LANDS TO BE MERGED WITH THE
ADJACENT LANDS TO THE NORTHWEST (BEING PART 2,
PLAN 62R-5827, AREA = 0.37± HA (0.91± AC))



AUGUST 3, 2021
DATE



A. J. Clarke and Associates Ltd.
SURVEYORS • ENGINEERS • PLANNERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: a.jc@ajclarke.com



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

September 22, 2021

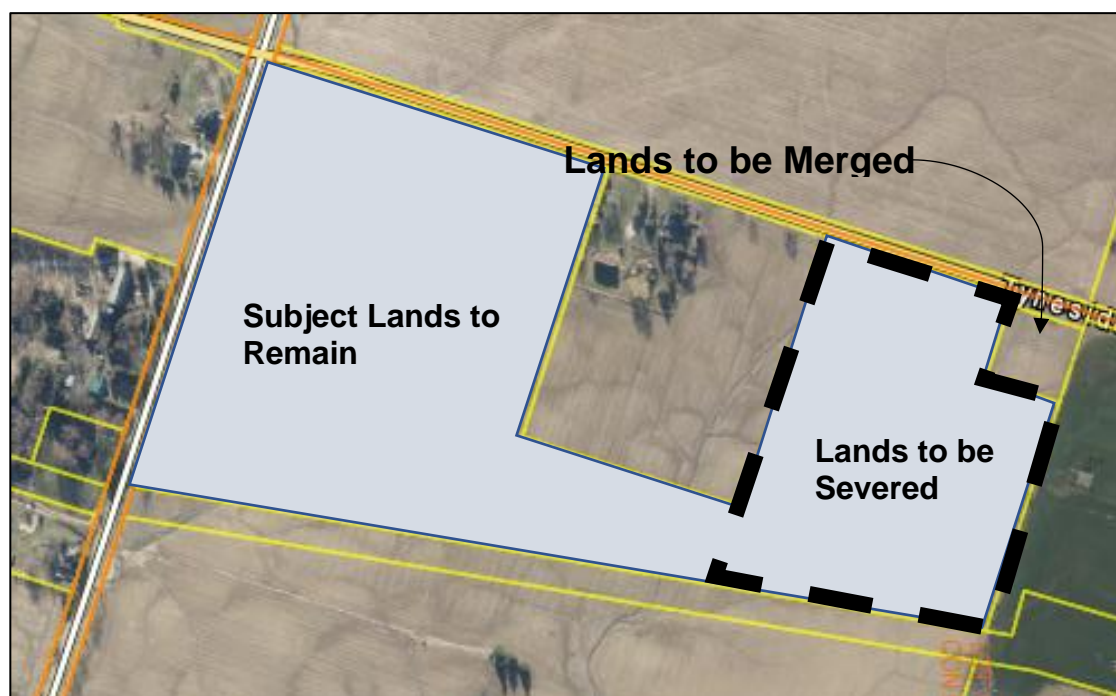
Attn: Ms. Jamila Sheffield
Secretary Treasurer, Committee of Adjustment (email: Jamila.Sheffield@hamilton.ca)

**Re: NE of Tyneside Road and Chippewa Road East (0 Chippewa Road)
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by 2363823 Ontario Inc., owner of the subject lands for the purposes of submitting the enclosed Minor Variance and Consent Applications. The subject lands are located northeast of Tyneside Road and Chippewa Road East, and have yet to have been assigned a municipal address.

The subject lands are bounded by Chippewa Road East to the south, a pipeline right of way to the east and Tyneside Road to the west. Currently, the entirety of the lands is used for agricultural purposes and are rented out to a single farmer. This same farmer also farms the entire block of lands bounded by Chippewa Road, Tyneside Road and Nebo Road. See the attached letter as Appendix "A". Various properties containing single detached dwellings exist surrounding the subject lands. An aerial view of the subject lands is located below (VuMap, 2021):





2363823 Ontario Inc. also owns the abutting lands to the east which front onto Nebo Road. A future single detached dwelling is also proposed for this lot. In addition, the balance of the subject lands along with the abutting lands which are owned by our client is currently and will continue to be rented out to the aforementioned farmer.



Subject Lands and Surrounding Area (VuMap, 2021)



Purpose

Along the northwest corner of the subject lands, an existing 0.36 hectare (0.88 ac.) parcel exists and is currently subject to a building permit application for a proposed single detached dwelling. The purpose of this application is to sever approximately 5.20 hectares (12.87 acres) of land from the subject property and merge them on title with this property by way of a lot addition.

In addition, variances to the Zoning By-law will be required to recognize that the resultant parcels will be less than 40.4 ha. in size. It should be noted that the existing parcels are already undersized.

The following supporting materials are submitted to your attention, in support of the subject application:

- 1) One (1) copy of the required filled and signed Minor Variance Application Form;
- 2) One (1) copy of the required filled and signed Severance Application Form;
- 3) One (1) digital copy of the Sketch Plan, prepared by A.J. Clarke & Associates Ltd., dated August 3, 2021, depicting the lands to be severed and retained.

Consent Application

The effect of the consent application is to sever a parcel of land having an area of 5.2 ha. from the existing farm parcel for the purposes of merging the lands on title with the 0.36 ha parcel fronting onto Tyneside Road. The attached Sketch Plan depicts the proposed severance.

Greenbelt Plan

4.6 Lot Creation

For lands falling within the Protected Countryside, the following policies shall apply:

1. *Lot creation is discouraged and may only be permitted for:*
 - e) *Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;*

The Greenbelt Plan permits boundary additions provided that no new lots are created. The lands to be severed are intended to be merged on title with an existing parcel. The existing cash crop operation is proposed to continue on the subject lands. Therefore, the proposal conforms to the Greenbelt Plan.

Rural Hamilton Official Plan

The subject lands are designated "Agriculture" on Schedule D in the Rural Hamilton Official Plan. The Agriculture designation permits a range of agricultural uses, including one single detached dwelling per lot. The proposed uses are permitted on the subject lands.

Severance

The following Lot Creation policies are applicable to the application:



F.1.14.2.5 *Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:*

- a) No new lots shall be created;*
- b) All resulting lots shall be:*
 - i) 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, except as permitted in F.1.14.2.7 d); and,*
 - ii) be compatible with and not hinder surrounding agricultural operations.*
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.*
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.*
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.*

The intent of the above noted policies are to allow for lot additions to take place in the Rural Area provided the no new lots are created and to ensure that Agricultural Operations can continue on the subject lands.

Regarding condition a), no new lots are being created as a result of the application. The resultant lot is greater than 0.4 hectares in size thereby able to maintain sustainable private services on site. The resultant lot does not impact any of the surrounding agricultural operations and the entirety of the lands will continue to be used for farming purposes (Appendix “A”). No lands are being taken out of Agricultural production and will continue to be farmed. The lands will be merged on title, ensuring that no new lots are being created. A condition relating to proving that the lands are farmed would be appropriate in order to confirm the intent of the proposal is to ensure that the existing agricultural operation remains.

Minor Variance

The lands are zoned Agriculture (A1) Zone in the City of Hamilton Zoning By-law No. 05-200, which permits Agricultural Uses and a Single Detached Dwelling. As noted above, a Minor Variance Application is required to facilitate the severance application. Accordingly, the following variances are required:



Retained Lands

1. To permit the retained parcel (Part 2) to have a minimum lot size of 10.4 ha., whereas the Zoning By-law requires a minimum lot size of 40.4 hectares for an agricultural parcel.
2. To permit the severed parcel (Part 1) to have a minimum lot size of 5.57 ha., whereas the Zoning By-law requires a minimum lot size of 40.4 hectares for an agricultural parcel.

Severed and Merged Lands

The required lot size for a parcel in the Rural Area is 40.4 ha in size. The existing lot, prior to the completion of the severance is approximately 15 ha. in size and therefore does not currently meet the By-law. The resulting lot will be 10 ha. in size. As the lot is already undersized and is currently being farmed and will continue to be farmed for the foreseeable future, there are no anticipated impacts stemming from the lot size. As the existing farming use will be maintained, there are no impacts to the agricultural viability of the parcel despite the severance. Therefore, the variance meets the four tests.

As such, the proposed lot is appropriate for the development of the subject lands and has sufficient regard for the matters 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 and we look forward to being scheduled for the next available hearing date. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Ryan Ferrari, BURPI, CPT
Planner

A. J. Clarke and Associates Ltd.

Encl.

cc: 2363823 Ontario Inc
c/o Mike Beittol

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2

Registered
Owners(s)

Applicant(s)*

Agent or
Solicitor

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
Please see attached cover letter.

5. Why it is not possible to comply with the provisions of the By-law?
Please see attached cover letter.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):
Part of Lot 13, Concession 6 Former Township of Glanford; 0 Chippewa Road south and 0 Tyneside Road

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐
Agricultural ☒ Vacant ☐

Other _____

- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes ☐ No ☒ Unknown ☐
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes ☐ No ☐ Unknown ☐
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes ☐ No ☒ Unknown ☐
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes ☐ No ☒ Unknown ☐
- 8.8 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 ☐
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes ☐ No ☒ Unknown ☐

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?
Yes ☐ No ☒ Unknown ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?
Property Owner information

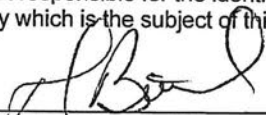
8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☐

9. 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.

Sep 3, 2021
Date


Signature Property Owner

Mike Bettiol
Print Name of Owner

10. Dimensions of lands affected:
- | | |
|-----------------|--|
| Frontage | <u>346m Chippewa Road S; 720m Tyneside Road</u> |
| Depth | <u>Irregular</u> |
| Area | <u>15 hectares</u> |
| Width of street | <u>Tyneside Road 20.1 m; Chippewa Road S 20.1m</u> |
11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)
- Existing: Agriculture

Proposed
Agriculture

12. Location of all buildings and structures on or proposed for the subject lands: (Specify distance from side, rear and front lot lines)

Existing:
Agriculture

Proposed:
Agriculture

13. Date of acquisition of subject lands:
2020
-
14. Date of construction of all buildings and structures on subject lands:
N/A
-
15. Existing uses of the subject property:
Agriculture
16. Existing uses of abutting properties:
Agriculture; Single Detached Dwellings
17. Length of time the existing uses of the subject property have continued:
Indeterminate
18. Municipal services available: (check the appropriate space or spaces)
Water N/A Connected _____
Sanitary Sewer N/A Connected _____
Storm Sewers N/A
19. Present Official Plan/Secondary Plan provisions applying to the land:
Agriculture - Schedule D Rural Land Uses
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Agriculture (A1) Zone
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☒ Yes ☐ No
23. Additional Information
Consent to sever land for a lot addition, submitted concurrently.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.