



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 3, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 9270 Haldibrook Road, Glanbrook (PED22073) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Aminu Bello (905) 546-2424 Ext. 5264
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAA-22-006, by Fothergill Planning and Development Inc. on behalf of Schiedel Ranch Holdings Inc., (Owner)**, for a change in zoning from Agriculture (A1) Zone to the Agriculture (A1,118) Zone and Agriculture (A1, 770) Zone, in order to prohibit construction of a single detached dwelling and a residential care facility, and to recognize a reduced front yard setback, reduced lot area and an increased Gross Floor Area for Accessory Buildings as required by the condition of Consent approval, for the lands known as 9270 Haldibrook Road, as shown on Appendix "A" attached to Report PED22073, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED22073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (iii) The proposed modifications in zoning are consistent with the Provincial Policy Statement (2020), conform to the Greenbelt Plan (2017) and comply with the Rural Hamilton Official Plan.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

## **EXECUTIVE SUMMARY**

On December 9, 2021, the Applicant received conditional approval of Consent application GL/B-21:107 (see Appendix “C” attached to Report PED22073) to sever a 1.01 ha lot containing a dwelling that is surplus to a farm operation and retain a 33.14 ha agricultural parcel containing an existing sod farm operation. The proposed amendment addresses Condition Nos. 6 and 10 of Consent for Severance GL/B-21:107 facilitating the severance of a surplus farm dwelling as a result of a farm operation consolidation and the addition of special exceptions to the Agriculture (A1) Zone as follows:

### **Retained Agricultural Parcel**

- Prohibit construction of a single detached dwelling and residential care facility, shown on Appendix “A” attached to Report PED22073; and,
- Permit a reduced minimum lot area of 32 hectares.

### **Severed Surplus Farm Dwelling Parcel**

- Recognize the existing 6 metre front yard setback; and,
- Increase the aggregate Gross Floor Area for all Accessory Buildings to a maximum of 325 square metres.

The proposed amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017) and the Rural Hamilton Official Plan by ensuring that an additional dwelling cannot be built on the retained agricultural parcel and is supported by staff.

### **Alternatives for Consideration – See Page 11**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an amendment to the Zoning By-law.

## **HISTORICAL BACKGROUND**

### **Consent for Severance Application GL/B-21:107**

On December 9, 2021, the Committee of Adjustment approved Consent Application GL/B-21:107 with conditions to permit the severance of a 1.01 hectare parcel containing a surplus farm dwelling from a 34.15 hectare agricultural parcel at 9270 Haldibrook Road as shown on Appendix “D” attached to Report PED22073. The retained 33.14 hectare agricultural parcel is part of a farm operation consolidation that includes approximately 305 hectares of owned and 568 hectares of leased agriculture land by Schiedel Ranch Holdings Inc. In order to prevent any future residential construction on the subject lands, a final and binding approval of a Zoning By-law Amendment Application is required under Condition No. 10 of Consent Application GL/B-21:107 (refer to Appendix “C” attached to Report PED22073).

### **Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Fothergill Planning & Development Inc. on behalf of Schiedel Ranch Holdings Inc.
File Number:	ZAA-22-006
Type of Application:	Zoning By-law Amendment
Proposal:	Change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 118) Zone and Agriculture (A1, 770) Zone to prohibit construction of a single detached dwelling and residential care facility and recognize a reduced lot area on the retained lands and to recognize a reduced front yard and increased maximum Gross Floor Area for all Accessory Buildings, on the severed 1.01 ha rural residential lot for lands at 9270 Haldibrook Road.
<b>Property Details</b>	
Municipal Address:	9270 Haldibrook Road, Glanbrook
Lot Area:	34.15 hectares. Proposed severed rural residential lot at 9270 Haldibrook Road ± 1.01 hectares. Proposed retained agricultural parcel at 9270 Haldibrook Road ± 33.14 hectares.

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<b>Property Details</b>	
Servicing:	The subject lands are serviced by private services (separate well and septic services).
Existing Use:	Agriculture
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
Rural Hamilton Official Plan Existing:	“Agriculture” in Schedule “D” – Rural Land Use Designations.
Zoning Existing:	Agriculture (A1) Zone.
Zoning Proposed:	Agriculture (A1, 118) Zone and Agriculture (A1, 770) Zone.
Modifications Proposed:	<p>Modifications requested by the Applicant:</p> <p><b>Retained Parcel</b></p> <ul style="list-style-type: none"> <li>• Notwithstanding Section 12.1.1, a single detached dwelling and residential care facility are prohibited; and,</li> <li>• Notwithstanding Section 12.1.3.1 a), the minimum lot area shall be 32 hectares instead of the required 40.4 hectares.</li> </ul> <p><b>Severed Parcel</b></p> <ul style="list-style-type: none"> <li>• Notwithstanding Section 12.1.3.3 d), the minimum front yard setback shall be 6 metres instead of the required 15.0 metres; and,</li> <li>• Notwithstanding Section 4.8.1.2 b), the aggregate Gross Floor Area of all Accessory Buildings shall not exceed 325 square metres.</li> </ul>
<b>Processing Details</b>	
Received:	November 3, 2021
Deemed Complete:	November 23, 2021
Notice of Complete Application:	Sent to five property owners within 120 metres of the subject property on December 6, 2021.
Public Notice Sign:	Posted December 8, 2021 and updated with Public Meeting date on March 29, 2022.

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<b>Processing Details</b>	
Notice of Public Meeting:	Sent to five property owners within 120 metres of the subject property on April 7, 2022.
Public Consultation:	As per the approved Council guidelines, circulation to the surrounding property owners was previously provided through the Committee of Adjustment Consent Applications. No comments were received.
Public Comments:	No public comments were received on the proposal.
Processing Time:	173 days from the date of receipt of Applications.

**BACKGROUND**

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Agriculture	Agriculture (A1) Zone
<b>Surrounding Land Uses:</b>		
<b>North</b>	Agriculture, single detached dwellings and portion of a tree stand	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P6) Zone
<b>East</b>	Agriculture and single detached dwelling	Agriculture (A1) Zone
<b>West</b>	Agriculture and single detached dwelling	Agriculture (A1) Zone
<b>South</b>	Agriculture, single detached dwelling	N/A (outside City of Hamilton jurisdiction – Haldimand County)

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) (formerly Ontario Municipal Board) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the Application for a change in zoning complies with the Rural Hamilton Official Plan (RHOP), it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS; and,
- Conforms to the Greenbelt Plan (2017).

### **Rural Hamilton Official Plan (RHOP)**

The subject lands are designated "Greenbelt Protected Countryside" on Schedule "A" - Provincial Plans and "Agriculture" on Schedule D - Rural Land Use Designations of the RHOP. The following policies, amongst others, apply to the proposal.

"F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

#### All Lands

- (a) In all cases where surplus farm dwellings are to be severed the following shall apply:
  - (i) The farm consolidation shall have been completed prior to the time of Application;
  - (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.

- (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;
  
- (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;
  
- (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;
  
- (vi) The shape and dimension of the surplus farm dwelling shall:
  - (1) Not impair agricultural operations on the retained land; and,
  - (2) Generally not exceed a depth of 122 metres (400 feet);
  
- (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; and,

- (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;

F.1.14.2.8 Land Not Merged in Title

- (c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:
  - (i) The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture and Rural designations and 14.2 hectares (35 acres) in the Specialty Crop designation;
  - (ii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for 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.”

The Applicant has proposed to retain the existing accessory building (i.e. Quonset hut) located at the northwest portion of the proposed lot severance. Staff are satisfied that the existing Quonset hut is suitable for an accessory use and will function as an accessory building to a single detached dwelling.

Based on the policies above, staff find that the Consent for Severance Application (GL/B-21:107) complied with the RHOP through imposing a condition of restricting construction of a single detached dwelling and residential care facility on the subject lands. Based on the foregoing, this application satisfies Policy F.14.2.8 (c) and complies with the RHOP.

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

The subject lands are currently zoned Agriculture (A1) Zone in City of Hamilton Zoning By-law No. 05-200. Permitted uses in the Agriculture (A1) Zone include Agriculture, Single Detached Dwelling and Residential Care Facility. Section 12.1.3.1 a) of the Zoning By-law establishes a Minimum Lot Area of 40.4 ha.

The purpose of the Zoning By-law Amendment is to add a site specific exception to the Agriculture (A1, 118) Zone to prohibit the construction of a single detached dwelling and



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residential care facility, as well as to recognize the reduced lot area. The proposed Agriculture (A1, 770) Zone includes modifications to recognize the existing 6 metre front yard setback and to increase the aggregate Gross Floor Area for all Accessory Buildings to a maximum of 325 square metres. The site-specific zoning modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “E” attached to Report PED22073.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	• Grand River Conservation Authority	No Comment.
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	As a condition of approval Hamilton Water requires a Scoped Hydrogeological Report completed by a qualified professional.	A Scoped Hydrogeological Report is required as a Condition No. 5 of Consent Application GL/B-21:107.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	9270 Haldibrook Road will continue to be used for the lands proposed for severance.  9350 Haldibrook Road has been assigned to the retained lands upon issuance of final certificate of Consent to Sever application GL/B-21:107.	Noted.
Forestry & Horticulture Section, Environmental Services Division, Public Works Department	No impacts to municipal tree assets are anticipated through this application. No Landscape Plan required.	Noted.

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Landscape Architectural Services, Strategic Planning Division, Public Works Department	Cash-in-lieu of parkland dedication is requested, if applicable.	Noted.
Waste Management Division, Public Works Department	The proposed single detached dwelling on the proposed severed lot is eligible for curbside municipal waste collection service.	Noted.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 5 property owners within 120 m of the subject lands on December 6, 2021. A Public Notice sign was posted on the property on December 8, 2021 and updated with the Public Meeting date on March 29, 2022. Finally, the Notice of the Public Meeting was mailed to five property owners within 120 m of the subject lands on April 7, 2022.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

- (1) The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the lot creation policies of the PPS (2020) and conforms to the Greenbelt Plan (2017);
  - (ii) It complies with the lot creation policies of the Rural Hamilton Official Plan; and,
  - (iii) The proposed amendment satisfies Condition Nos. 6 and 10 of Consent for Severance application GL/B-21:107 which was approved by the Committee of Adjustment on December 9, 2021, attached as Appendix “C” to Report PED22073.
  
- (2) The policies of the PPS and Greenbelt Plan (2017) indicate that an existing residence may be severed as surplus to a farming operation consolidation. It was found through the Consent for Severance Application process that the Application was consistent with the PPS and conforms to the Greenbelt Plan in effect at the time of the Application. As per Policy 2.3.1 of the PPS, the intent of the plan is to

protect agricultural areas. The restriction of development of the subject lands is consistent with that policy. The Greenbelt Plan supports and permits Agricultural Uses on lands designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) as it restricts the development of a single detached dwelling and residential care facility on the subject lands to preserve the existing farm practice.

The proposed lot on which the existing dwelling is located is appropriately sized to manage private sewage and water services and preserves the existing sod farm operation through the above mentioned land use restrictions on the retained agricultural parcel, therefore staff support the proposed Zoning By-law Amendment.

- (3) The following modifications to Zoning By-law No. 05-200 are required to fulfil Conditions Nos. 6 and 10 of Consent for Severance Application GL/B-21:107:

**Agriculture (A1, 118) Zone**

- Prohibit the use of Single Detached Dwelling and Residential Care Facility; and,
- Permit a minimum lot size of 32 hectares.

**Agriculture (A1, 770) Zone**

- Recognize the existing 6 metre front yard setback; and,
- The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 325 square metres.

The modifications are discussed in detail in Appendix “E” attached to Report PED22073.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment be denied, the conditional approval of Consent Application GL/B-21:107 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the property would continue to be regulated by the Agriculture (A1) Zone in Zoning By-law No. 05-200.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

**Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22073 – Location Map

Appendix "B" to Report PED22073 – Amendment to Zoning By-law No. 05-200

Appendix "C" to Report PED22073 – Notice of Decision for GL/B-21:107

Appendix "D" to Report PED22073 – Land Severance Sketch

Appendix "E" to Report PED22073 – Site Specific Zoning Modification - Table

AB:sd