



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

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.: | FL/A-22:126 | SUBJECT PROPERTY: | 1560 CONCESSION 2 W FLAMBOROUGH |
| ZONE: | “S1, A1, P7, P8” (“S1” (Settlement Residential “A1” (Agriculture, “P7” Conservation/Hazard Land – Rural, “P8” (Conservation/Hazard Land - Rural) | ZONING BY-LAW: | Zoning By-law 05-200, as Amended 15-173 |

APPLICANTS: Agent A.J. Clarke & Associates – R. Ferrari
Owner Orkney Acres (M & N. Scharringa)

The following variances are requested:

1. A minimum lot width of 26.97 metres shall be provided for the portion of the lands to be severed and a minimum lot width of 8.5 metres shall be provided for the portion of the lands to be retained, instead of the minimum required lot width of 30.0 metres.
2. A minimum lot area of 13.05 hectares shall be provided for the portion of the lands to be severed and the portion of the lands to be retained, instead of the minimum required lot area of 40.4 hectares.

PURPOSE & EFFECT: To facilitate the creation of two (2) lots in conjunction with Severance Application FL/B-22:30, notwithstanding that:

Notes:

1. Please note this application is to be heard in conjunction with Severance Application FL/B-22:30.
2. Please note that specific details regarding the development of the portion of the lands to be severed/retained has not been indicated. It is noted that as per the submitted application and Cover Letter prepared by A.J. Clarke and Associates Ltd. and dated April 5, 2022, the intended

use of the portion of the lands to be severed is indicated as a future Single Detached Dwelling which is permitted in the “S1” Zone, and the intended use of the portion of the lands to be retained is Agriculture, which is permitted in both the “S1”, “A1”, “P7” and “P8” Zone. Further variances may be required if compliance with Hamilton Zoning By-law No. 05-200 is not possible.

3. Please note the portion of the lands to be retained is subject to both the “S1”, “A1” “P7” and “P8” Zones. Note that each portion of the property shall be developed in accordance with the provisions of the applicable zone. As the portion of the lands to be retained that is to have frontage on Concession 2 West is located in the “S1” Zone, a variance was included to the minimum required lot width as required by the “S1” Zone.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

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

| | |
|---------------|---|
| DATE: | Thursday, May 26, 2022 |
| TIME: | 2:55 p.m. |
| PLACE: | Via video link or call in (see attached sheet for details) |
| | To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment |

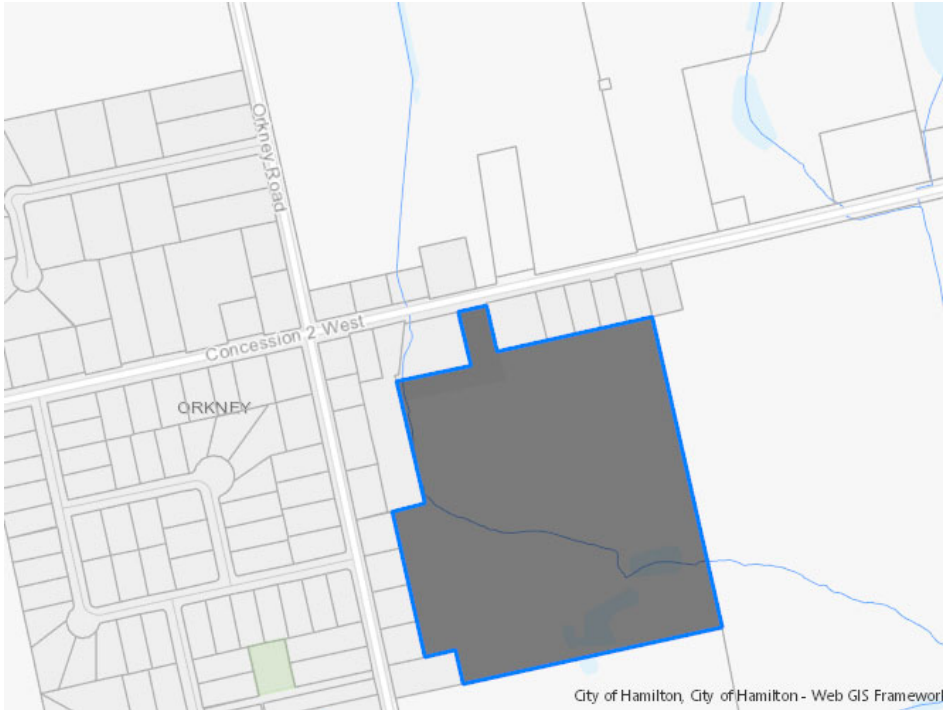
For more information on this matter, including access to drawings illustrating this request and other information submitted:

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

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.



 Subject Lands

DATED: May 10, 2022

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, and may include posting electronic versions.



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

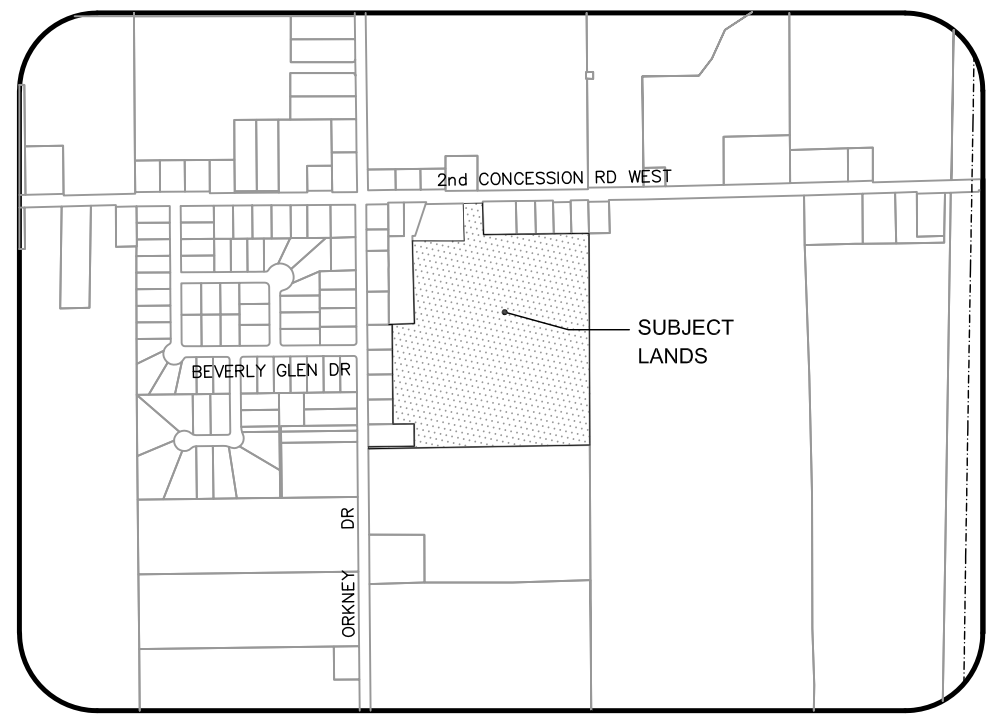
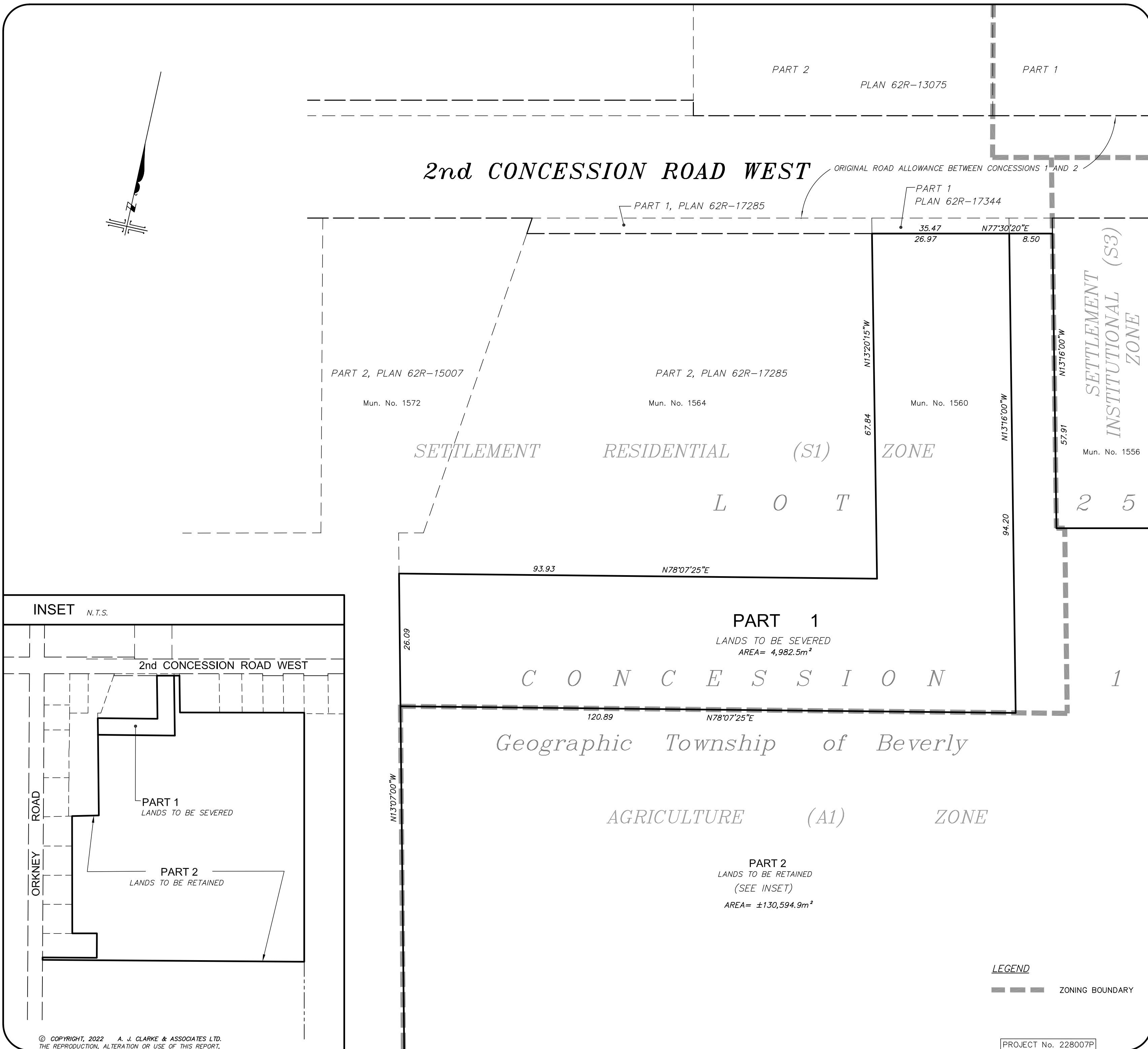
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



SKETCH FOR CONSENT TO SEVER
1560 2nd CONCESSION ROAD WEST
CITY OF HAMILTON

SCALE 1:500

THE ABOVE NOTED LANDS ARE
 PART OF LOT 25
 CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF BEVERLY

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

NOTE:
 THE BOUNDARIES AND MEASUREMENTS SHOWN ON THIS SKETCH
 ARE APPROXIMATE AND ARE COMPILED FROM PLANS ON FILE IN
 OUR OFFICE AND IS NOT BASED ON A FIELD SURVEY.

THIS SKETCH IS NOT VALID UNLESS IT IS
 AN EMBOSSED ORIGINAL COPY OR CERTIFIED
 DIGITAL COPY ISSUED BY THE SURVEYOR

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

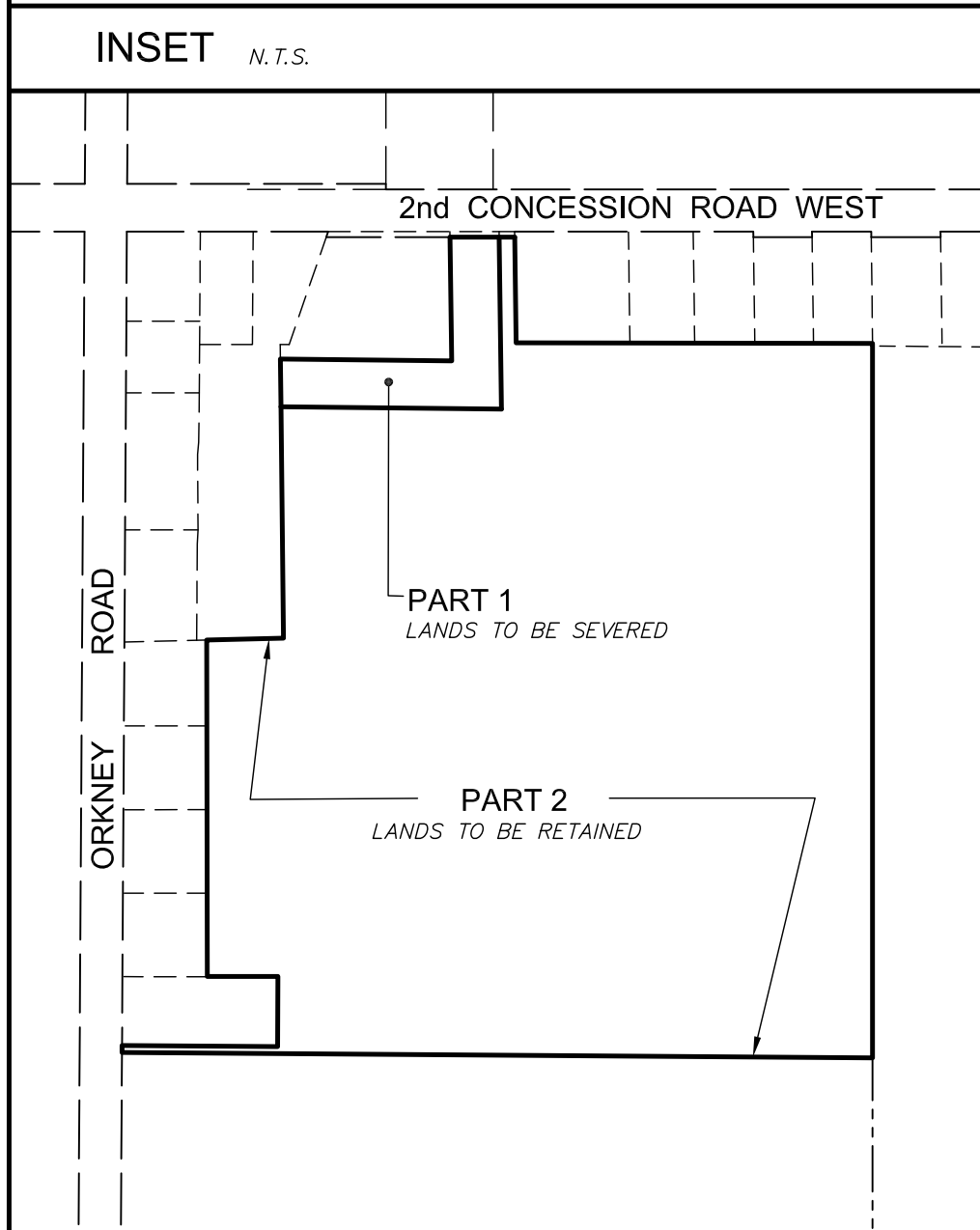
CONSENT SCHEDULE:

| | |
|-------------------------------|--------------------------------|
| PART 1 (PROPOSED SEVERANCE) | AREA= 4,982.5m ² |
| PART 2 (LANDS TO BE RETAINED) | AREA= ±130,594.9m ² |

CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

MARCH 10, 2022
 DATE

NICHOLAS P. MUTH
 ONTARIO LAND SURVEYOR



LEGEND
 - - - - ZONING BOUNDARY

PROJECT No. 228007P



Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

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 | NAME | MAILING ADDRESS |
|----------------------|------|-----------------|
| 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:

| |
|--------------------|
| Farm Credit Canada |
|--------------------|

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:

See attached Cover Letter.

Second Dwelling Unit Reconstruction of Existing Dwelling

5. Why it is not possible to comply with the provisions of the By-law?

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**):

Pt Lt 25 Con 1 Beverly, As In Cd269448; Save & Except Pts 1 & 2 62r17285 And Pt 1 62r17344; Flamborough, City Of Hamilton
1560 Concession 2 West

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Vacant

Other N/A

8.1 If Industrial or Commercial, specify use N/A

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 8.1 to 8.10 above?

Online mapping and property owner information.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, 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.

March 30 2022
Date


Signature Property Owner(s)

Michael and Nicholas Scharringa
Print Name of Owner(s)

10. Dimensions of lands affected:

| | |
|-----------------|--------------------|
| Frontage | <u>+/- 35.47 m</u> |
| Depth | <u>+/- 97.25</u> |
| Area | <u>+/- 0.23 ha</u> |
| Width of street | <u>+/- 24 m</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:

Existing farm for potted plants and accessory structure for potted plants.

Proposed

Future single detached dwelling.

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

Existing:

Existing farm for potted plants and accessory structure for potted plants.

Proposed:

Future single detached dwelling.

13. Date of acquisition of subject lands:
 Unknown
-
14. Date of construction of all buildings and structures on subject lands:
 Unknown
-
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
 Small farm for potted plants
-
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
 Residential and agriculture
-
17. Length of time the existing uses of the subject property have continued:
 Unknown
-
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Rural Settlement Area and Agriculture (RHOP), Settlement Residential (Orkney)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 S1 - Settlement Residential, A1 - Agriculture (Zoning By-law 05-200)
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
- If yes, please provide the file number:
 N/A
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
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 (please include separate sheet if needed)
 See attached Cover Letter.
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.



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

April 5, 2022

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

**Re: 1560 Concession 2 West
Minor Variance and Severance Application Submission**

Dear Ms. Sheffield:

A.J Clarke and Associates Ltd. has been retained by Orkney Acres Inc., for the purposes of submitting the enclosed Minor Variance and Severance (Consent) Applications for the subject lands, municipally known as 1560 Concession 2 West, in the Town of Flamborough. Below is a summary of the materials submitted to your attention:

- One (1) electronic copy of the required filled and signed Severance (Consent) Application Form;
- One (1) electronic copy of the required filled and signed Minor Variance Application Form;
- One (1) cheque in the amount of \$3,000.00 representing the required Severance Application fee;
- One (1) cheque in the amount of \$3,465.00 representing the required Minor Variance Application fee;
- One (1) electronic copy of the Severance Sketch.

The purpose of this analysis is in support of the concurrently submitted Minor Variance and Severance (Consent) Applications for the subject lands. The proposed development is to facilitate a severance to create two (2) separate lots. The severed lot is proposed for residential purposes and the proposed retained lot for agriculture. Following the proposed severance, one (1) single detached dwelling is proposed to be constructed on Part 1 (severed lands).

The subject lands are located in Hamilton on the southern portion of Concession 2 West, east of Orkney Road in the town of Flamborough. An existing farm for potted plants, particularly peonies, currently occupy the subject lands. There also exist a number of outbuildings, which are proposed to be demolished in favor of the development.

Existing Use Background

According to our client, Orkney Acres is a peony farm farmed by Nick and Mike Scharringa. Orkney Acres works alongside Dutch Mill Gardens Inc. which is a large outdoor cut flower farm in Lynden operating 1200 acres. Orkney Acres owns and farms the 20 workable acres at 1560 2nd Concession West Orkney. The peonies are a great fit for this farm as it is surrounded by the Orkney survey and does not fit well into traditional large scale cash crop farming. The peony fields only require small equipment and the fields are not cultivated keeping the dust and sand from eroding and blowing onto the neighboring properties. The



peony crop is harvested in early spring and sold to major grocery chains in Canada and USA. Then, the crop is left to grow its tubers larger for the next season in hopes of a large producing plant each season. In the Fall the field is mowed down.

Following the proposed severance, the table below details the various lot frontages, depth, and areas.

| | Part 1 (Severed Residential) | Part 2 (Retained Agriculture) |
|---------------------|------------------------------|-------------------------------|
| Lot Frontage | ± 26.97 | ± 8.50 |
| Lot Depth | ± 97.25 | ± Irregular |
| Lot Area | ± 4,982.5 m ² | ± 130,594.9 m ² |

The surrounding area consists largely of residential and agricultural uses. Residential uses are concentrated around the subject property as the proposed severed lot is located within the Orkney Rural Settlement Area. Single detached dwellings are located in the immediate vicinity of the subject property along Concession 2 West. Agricultural uses are also in the surrounding area.

The immediate surrounding land uses include:

| | |
|--------------|--|
| North | Single-Detached Dwellings, Agriculture |
| South | Agriculture |
| West | Single-Detached Dwellings |
| East | Single-Detached Dwellings, Agriculture |

Planning Policy Overview

Greenbelt Plan

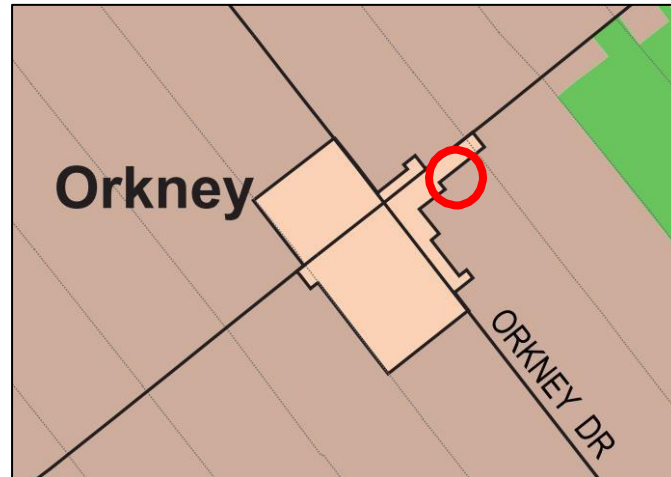
The subject lands are designated ‘Hamlet’ and ‘Protected Countryside’ in the Greenbelt Plan as per Schedule A – Provincial Plans of the Rural Hamilton Official Plan. Lot creation in lands designated Protected Countryside is discouraged. However, the proposed severed lands of the subject property are within the Hamlet designation of the Greenbelt Plan. Therefore, according to Policy 3.4.4. of the Greenbelt Plan, lands designated Hamlet are *subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan*. As such, the proposed severance does not impact the protected countryside and is an appropriate form of residential intensification in the rural settlement area where sustainable growth is encouraged to occur.

Rural Hamilton Official Plan

The subject lands are designated ‘Rural Settlement Area’ and ‘Agriculture’ on Schedule D of the Rural Hamilton Official Plan (RHOP). The proposed severed lot falls under the Rural Settlement Area’ designation and the proposed retained lot falls under the ‘Agriculture’ designation. The ‘Agriculture’ designation permits uses such as; agricultural uses, agricultural related commercial and agricultural-related industrial uses and on-farm secondary uses. Land designated ‘Rural Settlement Area’ are subject to the Rural Settlement Area general policies and Secondary Plan policies set out in Volume 2 of the Rural



Hamilton Official Plan. The subject property is located within the Orkney Rural Settlement Area Secondary Plan which is discussed further in this letter.



Schedule D – Rural
Land Use
Designations

Chapter F Section 1.14.2 contains specific policy direction pertaining to lot creation within the rural areas. The proposed lands to be severed for the construction of a single-detached dwelling are within Orkney rural settlement area. Section 1.14.2.4 indicates conditions that must be met by a proposed severance for lands within designated rural settlement areas. The conditions are as follows;

- a) *comply with the policies of this Plan including a rural settlement area plan where one exists;*
- b) *be compatible with and not hinder surrounding agricultural operations;*
- c) *conform to the Zoning By-law;*
- d) *be permitted only when both severed and retained lots have frontage on a public road;*
- e) *meet Minimum Distance Separation requirements; and,*
- f) *meet the requirements of Section C.5.1, Private Water and Wastewater Services, except as permitted in F.1.14.2.7 d).*

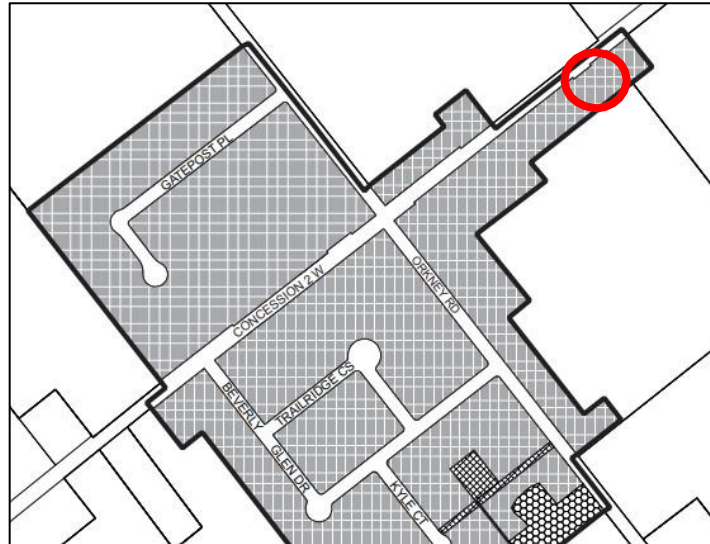
The proposed severance will create lots that are consistent with the relevant policies. Further, the lots will require a Minor Variance to address the lot width deficiency of the residential parcel. The two (2) lots created via severance is compatible with the surrounding area and will not hinder the existing agricultural uses. The frontage of the retained parcel on Concession 2 West still leaves adequate space for various agriculture equipment and farm-specific vehicles to enter. Following the proposed severance, the proposed construction of one (1) single detached dwelling on Part 1 (severed lands) is compatible with the surrounding existing uses of the rural settlement area. The proposed dwelling on the severed lot will have access to private water and wastewater services as it exists within the rural settlement area and fronts onto a public road.

Orkney Rural Settlement Area Plan

As mentioned previously, the proposed severed lands are within the Orkney Rural Settlement Area. The lands are designated 'Settlement Residential' as per Volume 2 Map 12 of the Orkney Rural Settlement Area Plan. The 'Settlement Residential' designation permits the following uses: single detached dwellings,



small scale residential care facilities, and small-scale institutional uses. The proposal is to construct one (1) single detached dwelling on the Part 1 (severed lands) which is consistent with the permitted uses in the Rural Settlement Area Plan.



Orkney Rural Settlement Area Plan – Volume 2 Map 12

City of Hamilton Zoning By-law 05-200

The subject property is zoned Settlement Residential (S1), Agriculture (A1) Zone and Conservation/Hazard Land (P8) Zone as per the City of Hamilton Zoning By-law 05-200. It should be noted that the Conservation/Hazard Land (P8) Zone refers to a portion of lands at the rear of the of the property and does not affect this application.

Part 1, the proposed severed lands are within the Settlement Residential (S1) Zone which permits uses such as a single detached dwelling, agriculture, and residential care facility. The proposed severance to facilitate the construction of (1) single detached dwelling on the proposed severed lands conforms to the regulatory permitted uses in the Zoning By-law.

Part 2, the proposed retained lands are zoned Agriculture (A1) Zone and permits uses such as agriculture, community gardens, residential care facility, secondary uses to agriculture, a single detached dwelling, and a veterinary service -farm animal. The existing use on the retained lands will remained unchanged thereby, conforming to the provisions of the Zoning By-law. A Variance to the lot size of the Agricultural Parcel is required, however, the agricultural parcel is already undersized and the severance is not decreasing the agricultural production of the subject lands.

A review of the applicable zone provisions is included below.

The applicable zoning regulations of the Agriculture (A1) Zone are as follows:

| Regulation | Requirement |
|------------------|---------------|
| Minimum Lot Area | 40.4 hectares |

The applicable zoning regulations of the Settlement Residential (S1) zone are as follows:



| Regulation | Requirement |
|-------------------|--------------|
| Minimum Lot Area | 0.4 hectares |
| Minimum Lot Width | 30.0 metres |

The following variance is required for Part 1 (severed lands) to facilitate the proposed development:

- To permit a minimum lot width of ± 26.97 metres, whereas a minimum lot frontage of 30.0 metres is required.
- To permit a minimum lot size of ± 13 ha., whereas a minimum lot size of 40 ha., is required for an agricultural parcel.

This minor variance application is made under the authority of Section 45(1) of the *Planning Act*. Accordingly, a minor variance must meet the requisite four tests as described in Section 45 (1) of the Act. The tests and professional opinion are outlined below:

1. Does the proposed variance maintain the intent and purpose of the Rural Hamilton Official Plan.

The proposed variance maintains the intent and purpose of the Rural Hamilton Official Plan as the subject lands are designated 'S1- Settlement Residential', which permits single-detached dwellings. The proposed dwelling will assist in the diversification of the available housing stock within the rural settlement area.

The proposed development includes a future single detached dwelling permitted under the current Official Plan designation and will adhere to the provisions detailed throughout the Rural Hamilton Official Plan and Orkney Rural Settlement Area Plan. It is our professional opinion that the proposed variance maintains the intent and purpose of the Rural Hamilton Official Plan and Orkney Rural Settlement Area Plan

2. Does the proposed variances maintain the intent and purpose of the City of Hamilton Zoning By-law 05-200?

The required variance to the City of Hamilton Zoning By-law 05-200 is intended to facilitate appropriate development within the rural settlement area while ensuring the surrounding agricultural uses are not negatively impacted.

Lot Width

Part 1 is proposed to have a lot frontage of ± 26.97 metres.

A variance is required for the proposed development's minimum lot frontage requirement (from ± 30.00 metres to ± 26.97 metres on Part 1). A reduction in lot width is required to facilitate the concurrent severance application in order to provide sufficient frontage on Part 2 of ± 8.50 metres to allow for agricultural equipment and farm-specific vehicles to enter. The proposed development balances the need



for adequate frontages on both the proposed severed and retained lots. As such, the general intent and purpose of the Zoning By-law is maintained.

3. Are the proposed variances appropriate for the development of the subject lands?

As noted above, the variance is intended to ensure there is sufficient frontage on both the proposed severed and retained lots. The proposed variance supports compatible development within the rural settlement area. It is of professional opinion that the reduction in lot width to facilitate the creation of a new residential dwelling will allow for an appropriate increase in housing stock in the settlement area that respects both the surrounding residential and agricultural area. As such, the variances are appropriate for the development of the subject lands.

4. Are the proposed variances minor in nature?

The proposed variance reflects the scale and character of the rural settlement area. As mentioned previously, the reduced lot width from 30.0 metres to ± 26.97 metres will not negatively impact the existing agricultural uses and is in keeping with the general residential lot fabric and built form of the existing rural settlement area. It is our professional planning opinion that the variance is minor in nature.

Agricultural Lot Size

The existing Agricultural Lands are proposed to be retained and the existing lot is already undersized. As the variance represents an existing condition, and no agricultural land is being taken out of production as a result of the severance, the proposed variance meets the four (4) tests and is technical in nature.

Conclusion

The proposed minor variance has been reviewed in the context of the four tests set out under Section 45 (1) of the *Planning Act*. We are of professional opinion that the minor variance meets the general intent of the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law 05-200 and, is appropriate for the development of the lands as the proposed variance is minor in nature.

As such, we are of professional opinion that the proposed severance 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: Mike Scharringa mike@dutchmillgardens.ca