



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 5020 Tyneside Road, Glanbrook (PED22121) (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**

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-21-015, by Landpro Planning Solutions c/o Adam Moote on behalf of Thomsen-Jung Farms Ltd., (Owner)**, to amend the Rural Hamilton Official Plan to establish a Special Policy Area within the “Agriculture” designation on the subject lands to permit a Consent Application for a lot severance with no frontage on a public road and to exempt the 122 metre maximum lot depth, for lands located at 5020 Tyneside Road, Glanbrook as shown on Appendix “A” attached to Report PED22121, be **APPROVED** on the following basis:
  - (i) That the draft Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED22121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017);
- (b) That **Zoning By-law Amendment Application ZAC-21-032 by Landpro Planning Solutions c/o Adam Moote on behalf of Thomsen-Jung Farms Ltd., (Owner)**, for a change in zoning from Agriculture (A1) Zone, Conservation/Hazard

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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.

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Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Agriculture (A1, 777) Zone, Conservation/Hazard Land-Rural (P7, 777) Zone and Conservation/Hazard Land-Rural (P8, 777) Zone, in order to prohibit construction of a single detached dwelling and a residential care facility, and to recognize reduced lot width and no frontage on a public road, as required by the condition of Consent approval for lands located at 5020 Tyneside Road, as shown on Appendix “C” attached to Report PED22121, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED22121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 05-200;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

On January 21, 2021, the Committee of Adjustment considered Consent Application GL/B-20:61 and Minor Variance Application GL/B-20:199 for a surplus farm dwelling severance. The proposed lot would not front on a public road. In approving Consent GL/B-20:61, the Committee of Adjustment imposed a condition requiring a Zoning By-law Amendment, but not a Rural Official Plan Amendment as recommended by staff. City staff subsequently appealed the decisions of the Committee of Adjustment to the Ontario Land Tribunal (OLT). The Applications for an Official Plan Amendment (OPA) and Zoning By-law Amendment were subsequently received by staff on June 14, 2021.

The purpose of the Rural Hamilton Official Plan Amendment (RHOPA) Application is to establish a Site-Specific Policy Area to allow for a lot to be created with no lot frontage on a public road (Tyneside Road) and to permit a surplus farm dwelling lot that exceeds the 122 metre maximum lot depth as shown on the Concept Plan attached as Appendix “D” to Report PED22121. The Applicant is not proposing any new development on the subject lands. The driveway access to the dwelling is existing by way of a right of way over the abutting lands.

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The purpose of the Zoning By-law Amendment Application is to add special exceptions to the Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone as follows:

**Retained Agricultural Parcel**

- Prohibit construction of a single detached dwelling and residential care facility, shown on Appendix “A” attached to Report PED22121.

**Severed Surplus Farm Dwelling Parcel**

- Reduce the minimum lot width to 0.0 metres (lot width is measured where the lot abuts a public highway);
- Permit no lot frontage on the lands to be severed;
- Modify the Front Lot Line definition to deem the easterly lot line as the front lot line although the property does not abut a street;
- Recognize existing accessory buildings to an existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone; and,
- Recognize the existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone for a created lot that exists subsequent to the effective date of amending Zoning By-law No. 22-XXX.

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

**Alternatives for Consideration – See Page 16**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: N/A

**HISTORICAL BACKGROUND**

On October 20, 2020, the Committee of Adjustment considered Consent Applications for GL/B-20:61 and Minor Variance Application GL/A-20:199 to sever a 1.96 ha lot

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containing a dwelling that is surplus to a farm operation and retain a 63.29 ha agricultural parcel. The Minor Variance requested was to permit no frontage along a public road on the severed lands.

The Committee of Adjustment tabled the Applications in order to allow the Applicant to demonstrate that a legal deed existed with the property owner to the north at 6229 Chippewa for driveway access to the proposed severed lot. Staff interpreted that the Minor Application GL/B-20:199 was not considered minor due to inconsistent with policies in the RHOP. The severed lot proposed no frontage on a public and deeded access through the adjacent property (6229 Chippewa Road East) does not constitute frontage.

On January 21, 2021, the Committee of Adjustment conditionally approved the Consent Application and Minor Variance Applications (see Appendix “E” attached to Report PED22121). The Committee of Adjustment’s decision to approve the severance did not include a condition requiring an OPA.

On February 4, 2021, the decision of the Committee of Adjustment was appealed to the OLT by both City staff and the Niagara Peninsula Conservation Authority (NPCA). Staff’s reasons for the appeal are outlined in Appendix “F” attached to Report PED22121. Staff opined that the proposed severance would create a landlocked parcel with no frontage onto a public road, but rather has legal access which is owned by the abutting property (6229 Chippewa Road East), resulting in the creation of a new residential lot which would conflict with the RHOP.

Subsequently, the Applications subject to Report PED22121 were submitted by the Applicant to the City to address the conflict with the RHOP.

As of the date of this report, no hearing has been scheduled in the OLT appeal.

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Landpro Planning Solutions c/o Adam Moote on behalf of Thomsen-Jung Farms Ltd.
File Number:	RHOPA-21-015 ZAC-21-032
Type of Application:	Rural Hamilton Official Plan Amendment Zoning By-law Amendment

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<b>Application Details</b>	
Proposal:	Change in zoning from the Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone to the Agriculture (A1, 118) Zone, Agriculture (A1, 777), Conservation/Hazard Land-Rural (P7, 777) Zone and Conservation/Hazard Land-Rural (P8) Zone to prohibit construction of a single detached dwelling and residential care facility and to recognize 0.0 metre lot width, no frontage on a street and permit continued use of a single detached dwelling, on the severed 1.96 hectare rural residential lot for lands at 5020 Tyneside Road.
<b>Property Details</b>	
Municipal Address:	5020 Tyneside Road, Glanbrook
Lot Area:	65.25 hectares.  Proposed severed rural residential lot at 5020 Tyneside Road ± 2.6 ha.  Proposed retained agricultural parcel at 5015 Tyneside Road ± 63.29 ha.
Servicing:	The properties 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, Agriculture (A1, 777) Zone; Conservation/Hazard Land-Rural (P7, 777) Zone; and, Conservation/Hazard Land-Rural (P8, 777) Zone.

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<b>Documents</b>	
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.</li> </ul> <p><b>Severed Parcel</b> Modifications Requested by Applicant</p> <ul style="list-style-type: none"> <li>Notwithstanding Section 4.3 a), no frontage on a street is required;</li> <li>Notwithstanding Subsection 12.1.3.3 b), the minimum lot width shall be 0.0 metres; and,</li> <li>Modifications to the Front Lot Line and Interior Lot definitions.</li> </ul> <p>Modifications Included by staff.</p> <ul style="list-style-type: none"> <li>Notwithstanding Sections 7.7.2.2 a), an accessory building to an existing single detached dwelling shall be permitted; and,</li> <li>Notwithstanding Section 7.7.2.3 i), the existing single detached dwelling and accessory structures may be rebuilt on a lot created subsequent to the effective date of amending Zoning By-law.</li> </ul>
<b>Processing Details</b>	
Received:	June 30, 2021
Deemed Complete:	July 30, 2021
Notice of Complete Application:	Sent to twenty-two property owners within 120 metres of the subject property on August 13, 2021.
Public Notice Sign:	Posted August 14, 2021 and updated with Public Meeting date on May 4, 2022.
Notice of Public Meeting:	Sent to twenty-two property owners within 120 metres of the subject property on May 13, 2022.
Public Consultation:	N/A
Public Comments:	No public comments were received on the proposal.
Processing Time:	349 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 Conservation/Hazard Land-Rural (P7) and Conservation/Hazard Land-Rural (P8) Zone
<b>Surrounding Land Uses:</b>		
<b>North</b>	Agriculture, woodlot and single detached dwelling	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone
<b>East</b>	Agriculture, woodlot, Lake Niapenco and single detached dwellings	Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone
<b>West</b>	Agriculture, woodlot and single detached dwelling	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P6) Zone
<b>South</b>	Agriculture, single detached dwelling	Agriculture (A1) Zone and Conservation/Hazard Land-Rural (P7) Zone

## **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

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the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (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 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.

A portion of the proposed lot severance is identified as a "Core Areas", "Greenbelt Natural Heritage System" in Schedule "B" – Natural Heritage System and "Key Natural Heritage Features Significant Woodlands" on Schedule "B-2" – Detailed Natural Heritage features, in the RHOP. The following policies, amongst others, apply to the proposal.

"2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions."

"C.2.4.2 New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone, according to the requirements in Sections C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13, and C.2.4.14."

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An Environmental Impact Statement (EIS) was not required by staff or the NPCA because the proposed Consent Application was to create a new lot containing an existing dwelling. The subject property is subject to Site Plan Control. Therefore, any future development or site alteration may require an EIS to consider measures to mitigate impacts and enhance the existing natural features and functions. The NPCA has identified requirements to address the site characteristics relating to the subject property's topography and floodplain that are further discussed in the Relevant Consultation section of this Report.

"C.4.5.8.4 New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards."

"F.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18).

c) All proposed severances that create a new lot shall:

(iv) Shall only be permitted when both severed and retained lots have frontage on a public road."

The existing legal deed registered against the north property at 6229 Chippewa provides access to 5020 Tyneside Road, satisfying the intent of C.4.5.8.4 and F.14.2.1 of the RHOP.

"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;
- 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."

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The surplus farm dwelling lot exceeds the maximum lot depth of 122 metres and has no frontage on a public road. Therefore a Rural Site Specific Policy Area is required. The proposed severed lot size, configuration and access are suitable for a residential use and will not impair the existing agricultural operation on the retained lands and meets the intent of this policy.

**“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:
  - (ii) 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; and,
  - (iii) 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”

Based on the policies above, staff find that the Severance Application (GL/B-20:61) 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 the intent of the applicable Surplus Farm Dwelling Severance policies of the RHOP.

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

The subject lands are currently zoned Agriculture (A1) Zone, Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone in City of Hamilton Zoning By-law No. 05-200. Permitted uses in the Agriculture (A1) Zone and 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 0.4 hectares for single detached dwellings. The Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone permit existing single detached dwellings.

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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 residential care facility on the retained agricultural lot. The proposed Agriculture (A1, 777) Zone and Conservation/Hazard Land-Rural (P7, 777) Zone contains site specific zoning provisions applied to the severed lot to recognize a 0.0 metre lot width, no frontage on a street and to permit continue use of the existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone. The site-specific zoning modifications to accommodate the proposal are outlined in the Report Fact Sheet and discussed in detail in Appendix “C” attached to Report PED22121.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<ul style="list-style-type: none"> <li>Asset Management, Strategic Planning, Public Works Department;</li> <li>Forestry and Horticulture Section, Environmental Services Division, Public Works Department;</li> <li>Alectra Utilities; and,</li> <li>Canada Post.</li> </ul>	No comment or objection.
	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> <li>No municipal water or sewer infrastructure on Miles Road or Tyneside Road as the subject parcel is within the rural designated area of Glanbrook.</li> </ul>	Noted.
Source Water Protection, Public Works Department	<ul style="list-style-type: none"> <li>Recommend that the Building Division confirm proposal meets minimum clearance distances of Part 8 of the Ontario Building Code for septic system components. Otherwise, no other comments.</li> </ul>	Condition No. 8 of Consent GL/B-20:61 requires that the Applicant verify the existing septic systems complies with Part 8 of the Ontario Building Code.

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Niagara Peninsula Conservation Authority (NPCA)	<ul style="list-style-type: none"> <li>• The Applicant's submitted Topographical Survey demonstrated that the flood depths will exceed 0.3 metres during the regulatory flood event, therefore a work permit for fill placement to elevate access on the property to a safe level in accordance with NPCA Policy 4.2.7;</li> <li>• Concerns were expressed regarding necessary site improvements to ensure appropriate dispersion of floodwaters through the existing driveway, which would require driveway reconstruction; and,</li> <li>• 50 cubic metres of fill is required to raise the driveway to an elevation of 200.51 metres and install culverts under the driveway to ensure safe egress through the floodplain hazard. An as-built survey is required to confirm the completed works.</li> </ul>	No development is proposed, as such a NPCA permit is not required. However, staff have advised the NPCA that the enforcement of their permit is outside the scope of the Official Plan Amendment and Zoning By-law Amendment Applications, which does not impose a mechanism to implement the site improvements by the Owner. The Official Plan amendment and Zoning By-law Amendment Applications are intended to address the 0m lot frontage and no access from a public road.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	The existing address of 5020 Tyneside Road will be assigned to the severed surplus farm dwelling lot, and the address of 5015 Miles Road will be assigned to retained agricultural parcel.	The assigned addresses will be finalized upon Final Approval being granted to the Consent Application by the Committee of Adjustment.

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Department	<ul style="list-style-type: none"> <li>As per the Council Approved Rural Official Plan: Chapter C- City Wide Systems and Designations, 4.5 Road Network, 4.5.2 Collector Roads (Miles Road) are to be 36.0 metres. Notwithstanding that an 8.0 metre right-of-way dedication would typically be required, and without setting precedent, the need for a right-of-way dedication will be waived; and,</li> <li>Access to the separate parcels shall continue to be from the primary driveway access and confirmation of a legal agreement/easement is required to ensure continued shared use if/when either property is under new ownership.</li> </ul>	A permanent Right-of-Way is registered on title to provide access to the property, which was confirmed under Consent GL/A-20:199.
Waste Management Division, Public Works Department	The existing single detached dwelling on the severed portion of the 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 22 property owners within 120 m of the subject lands on August 13, 2021. A Public Notice sign was posted on the property on August 14, 2021 and updated with the Public Meeting date on May 18, 2022. Finally, the Notice of the Public Meeting was mailed to 22 property owners within 120 m of the subject lands on May 27, 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); and,
  - ii. It complies with the intent of the lot creation policies of the RHOP upon finalization of Official Plan Amendment No. XX.

### **2. Official Plan Amendment**

The subject lands are designated as “Agriculture” on Schedule – Land Use Designations in the RHOP. The requested RHOP amendment is to add a Rural Site Specific Policy Area to permit the severed lot with no frontage on a public road and increase the maximum lot depth to 328.0 metres for the proposed surplus farm dwelling lot.

The policies of the PPS and Greenbelt Plan (2017) indicate that an existing residence may be severed as surplus to a farming operation consolidation. 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. Staff are satisfied that an existing legal deed is registered against the north property at 6229 Chippewa to provide access to 5020 Tyneside Road.

### **3. Zoning By-law Amendment**

The subject lands are zoned Agriculture (A1), Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone in Zoning By-law 05-200, which permits agricultural uses and an Existing Single Detached Dwelling. This Application fulfils a standard condition normally imposed under a Consent Application for a surplus farm dwelling severance by prohibiting the future development of a single detached dwelling and residential care facility on the retained lot as per the Agriculture (A1, 118) Zone. The following modifications to Zoning By-law No. 05-200 for the severed lot as per the proposed Agriculture (A1, 777) Zone and Conservation/Hazard Land-Rural (P7) Zone:

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- Reduce the minimum lot width to 0.0 metres;
- Permit no lot frontage on the lands to be severed;
- Modify the Front Lot Line definition to deem the easterly lot line as the front lot line although the property does not abut a street;
- Permit accessory buildings to an existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone and Conservation/Hazard Land-Rural (P8) Zone; and,
- Recognize the existing single detached dwelling in the Conservation/Hazard Land-Rural (P7) Zone for a created lot that exists subsequent to the effective date of the amending Zoning By-law No. 22-XXX.

An analysis of the proposed modifications are discussed in detail in Appendix “G” attached to Report PED22121.

Staff are satisfied the proposal meets the intent of the applicable Surplus Farm Severance policies in the RHOP upon finalization of the proposed amendment. The proposed lot severance is appropriately sized to manage private sewage and water services and preserves the existing agricultural operation through the above mentioned land use restrictions on the retained agricultural parcel, therefore staff support the Zoning By-law Amendment.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment be denied the Applicant will be unable to fulfil conditions of the conditionally approved Consent without appealing Council’s decision to the OLT. The use of the property would continue to be regulated by the Agriculture (A1) Zone, Conservation/Hazard Land (P7) Zone and Conservation/Hazard Land (P8) Zone in Zoning By-law No. 05-200.

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

### **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 PED22121 – Location Map

Appendix "B" to Report PED22121 – Amendment to Rural Hamilton Official Plan

Appendix "C" to Report PED22121 – Amendment to Zoning By-law No. 05-200

Appendix "D" to Report PED22121 – Concept Plan

Appendix "E" to Report PED22121 – Notice of Decision for GL/B-20:61 and GL/A-20:199

Appendix "F" to Report PED22121 – OLT Appellant Form

Appendix "G" to Report PED22121 – Site Specific Zoning Modification - Table

AB:sd