



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

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

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Consent/Land Severance**

**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

<b>APPLICATION NO.:</b>	<b>FL/B-22:72</b>	<b>SUBJECT PROPERTY:</b>	<b>394 OLD BROCK ROAD, FLAMBOROUGH</b>
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**APPLICANTS:** Owner - Tracy Kowalchuk  
Agent - Urban in Mind c/o T. Glover

**PURPOSE & EFFECT:** To permit the conveyance of a parcel of land to create a new residential building lot and to retain a parcel of land containing a single – detached dwelling to remain.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	79.5 m <sup>±</sup>	Varies m <sup>±</sup>	7,415.57 m <sup>2±</sup>
<b>RETAINED LANDS:</b>	344.0 m <sup>±</sup>	Varies m <sup>±</sup>	39,400.0 m <sup>2±</sup>

Associated Planning Act File(s): FL/A-22:248

**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:

<b>DATE:</b>	<b>Thursday, August 25, 2022</b>
<b>TIME:</b>	<b>2:05 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>2<sup>nd</sup> floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

## FL/B-22:72

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

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton
- 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, calling in, or attending in person. Please see attached page for complete instructions, including deadlines for registering to participate virtually and instructions for check in to participate in person.



DATED: August 9, 2022

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

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

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



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## 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](mailto: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.**

Comment packages are available two days prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### 1. Virtual Oral Submissions

**Interested members of the public, agents, and owners must register by noon the day before the hearing to participate Virtually.**

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

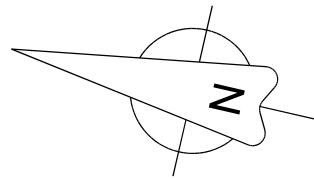
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

#### 2. In person Oral Submissions

**Interested members of the public, agents, and owners who wish to participate in person must sign in at City Hall room 222 (2<sup>nd</sup> floor) no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.**

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto: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.



# CONCEPT SEVERANCE SKETCH

## 394 OLD BROCK ROAD

EXISTING ZONING R2-14-H	
SEVERED LANDS PROPOSED ZONING R2-14-H	
RETAINED LANDS TO REMAIN R2-14-H	
TOTAL LOT AREA (394 OLD BROCK RD)	48,710.45 m <sup>2</sup>
ROAD WIDENING (MOXLEY RD)	860.40 m <sup>2</sup>
ROAD WIDENING (OLD BROCK RD)	1,034.48 m <sup>2</sup>
NEW LOT AREA (394 OLD BROCK RD)	46,815.57 m <sup>2</sup>
PROPOSED SEVERANCE AREA	7,441.71 m <sup>2</sup>
1 FOOT RESERVE -PROPOSED SEVERANCE	26.14 m <sup>2</sup>
NEW SEVERANCE LOT AREA	7,415.57 m <sup>2</sup>
RETAINED LOT AREA (394 OLD BROCK RD)	39,400.0 m <sup>2</sup>

ZONING R2-14-H	REQUIRED	SEVERED	RETAINED
MIN. LOT AREA	8,000m <sup>2</sup>	7,415.57 m <sup>2</sup>	39,400.0 m <sup>2</sup>
MIN. LOT FRONTAGE	35.0 m	79.5 m	344.0 m
MAX. HEIGHT	11.0 m	11.0 m	11.0 m
MAX. LOT COVERAGE	10 %	20 %	10 %
MIN. FRONT YARD	7.5 m	12.0 m	10.32m
MIN. REAR YARD	10 m	52.92m	29.91m
MIN. INT. SIDE YARD	1.8 m	16.55m & 21.33m	17.94m
MIN. EXT. SIDE YARD	7.5 m	N/A	N/A
MIN. LANDSCAPED O.S	N/A	N/A	N/A


ACCESSORY BUILDING			
MAX. LOT COVERAGE	5%	4.51%	N/A
MAX. BUILDING HEIGHT	4.6 m	4.6 m	N/A
MIN. INT. SIDE YARD	>1 m	7.44 m	35.04 m
MIN. REAR YARD	>1 m	29.55 m	15.81 m

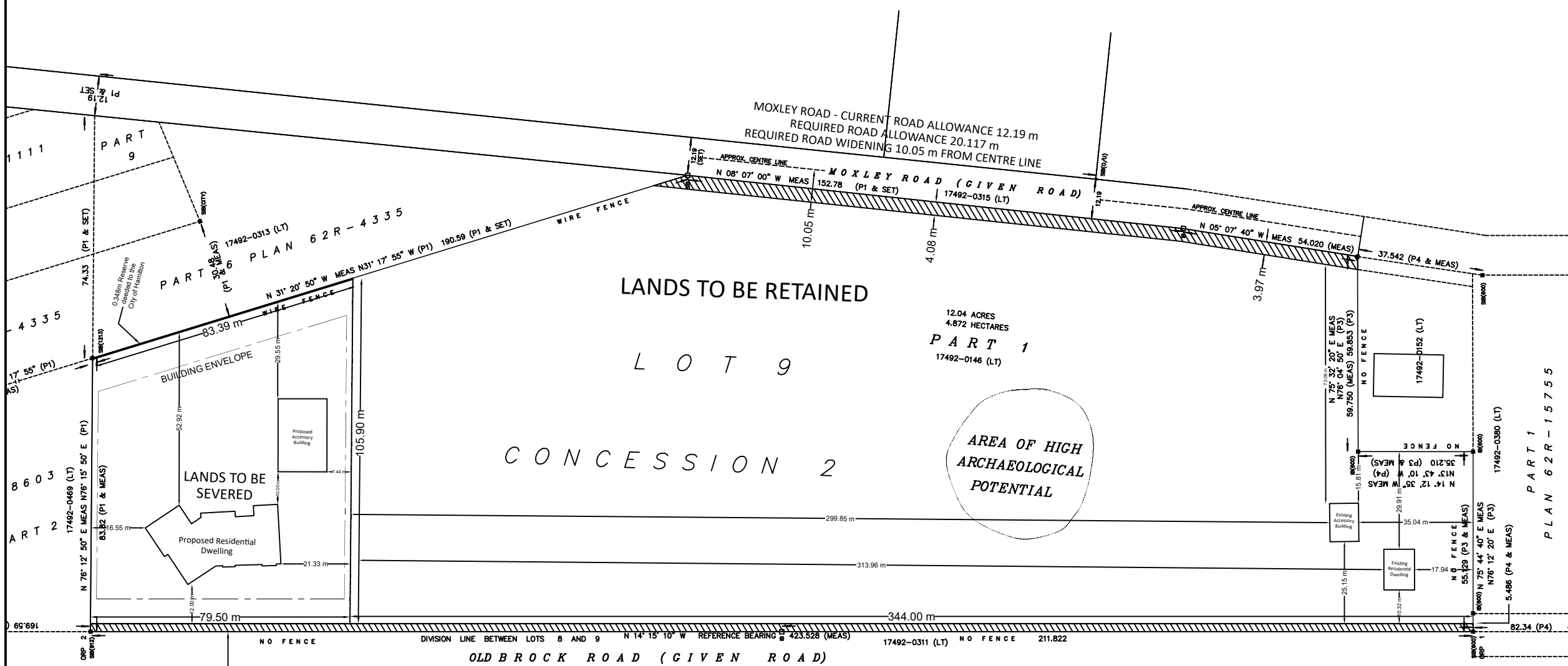
- NOTE:
- RESIDENTIAL PARKING TO BE PROVIDED AT A MINIMUM RATE OF 1 SPACE / DWELLING UNIT.
  - PARKING TO BE ACCOMMODATED WITHIN ILLUSTRATED BUILDING ENVELOPE
  - MEASUREMENTS ON SEVERED AND RETAINED LOT ARE APPROXIMATE
  - MEASUREMENTS ARE CALCULATED AFTER ROAD WIDENING

REVISION CHART	
12/03/21	- REVISIONS AS PER CITY COMMENTS DATED FEBRUARY 2021
04/01/22	- ADDED ARCHAEOLOGICAL POTENTIAL AREA
07/04/22	- SITE PLAN REVISION PER STAFF COMMENTS

SURVEY INFORMATION FROM: FILE REF # 16-1014  
 L.G. WOODS SURVEYING INC.  
 PROFESSIONAL LAND SURVEYORS  
 334 HATT STREET – DUNDAS DISTRICT  
 CITY OF HAMILTON, L9H 2H9  
 TEL (905) 627-0978 – FAX (905) 627-2818

NOTE: DRAWING IS FOR DISCUSSION PURPOSES ONLY

CONCEPT 1 - SEVERANCE	 <small>WWW.URBANINMIND.CA</small>
SCALE: 1 : 1500 WHEN PRINTED ON 11 X 17	
DATE: JULY 4, 2022	
DRAWN BY: P.O. REVIEWED BY: T.G.	



OLD BROCK ROAD - DESIGNATED LOCAL ROADWAY  
 CURRENT ROAD ALLOWANCE 15.24 m  
 REQUIRED ROAD ALLOWANCE 20.117 m  
 REQUIRED ROAD WIDENING 10.059 m FROM CENTRE LINE

EXISTING ZONING R2-14-H	
SEVERED LANDS PROPOSED ZONING R2-14-H	
RETAINED LANDS TO REMAIN R2-14-H	
TOTAL LOT AREA (394 OLD BROCK RD)	48,710.45 m <sup>2</sup>
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# PLANNING JUSTIFICATION REPORT MINOR VARIANCE AND CONSENT APPLICATION

REVISED JULY 6<sup>TH</sup> 2022

394 OLD BROCK ROAD, HAMILTON, ON (GREENSVILLE)



— Subject Property

Prepared by:

**Urban in Mind,**  
Professional Urban Planning, Land Development & CPTED Consultants

[www.UrbanInMind.ca](http://www.UrbanInMind.ca)

(905) 320-8120



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## **1.0 INTRODUCTION:**

Urban in Mind has been retained by the Owner of 394 Old Brock Road in the city of Hamilton to submit and obtain a severance and related minor variance application. The proposed minor variance will facilitate the creation of one new single-detached residential lot from the retained lands of 394 Old Brock Road (**Appendix 'A'**).

### **1.1 Purpose of the Report:**

The purpose of this **Planning Justification Report** is to outline the proposed **consent** (severance) and related **minor variance** applications, evaluate the proposal in context with applicable planning policies and regulations, and to provide sound justification for the approval of required planning applications.

## **2.0 SUBJECT PROPERTY AND SURROUNDING AREA:**

### **2.1 Site Overview:**

The subject property is municipally known as 394 Old Brock Road in Hamilton, Ontario. It is located within the rural community of Greensville in the former Town of Flamborough which has been amalgamated into the City of Hamilton.

Greensville predominantly consists of single-detached homes, local commercial and institutional uses, and agricultural farm lots. These agricultural parcels, located within the settlement area boundary, are being targeted by the City of Hamilton for residential development in accordance with the Greensville Rural Settlement Area Plan as supported by the density instruction outlined in the Growth Plan.

The subject property is generally flat and can visually be divided into two portions, the north portion being agricultural and the south portion being existing rural residential. The northern portion of the property, which makes up the majority of the total lot area, consists of a large field used for agricultural production (cash crops). The southern portion contains existing 1.5 storey single-detached home, a garage and mature residential landscaping.

Since the majority of the land is in agricultural production, there are very few trees on site. As is typical with agricultural properties, a tree wind break is located along the roadway and is planned to be maintained. These mature trees offer privacy for the landowner in addition to limiting the impacts of the prevailing winds helping to lessen soil erosion. This treeline is proposed to be maintained.

The subject property and all surrounding settlement residential lots are serviced by private water and wastewater services.

**Figure 1:** Aerial View of 394 Old Brock Road – *Subject Property*



**Figure 2:** Street View of Existing Property at 394 Old Brock Road



**Figure 3:** Agricultural Lands of 394 Old Brock Road (View of Proposed Lot Location)



## **2.2 Neighbourhood Character:**

The subject property consists of a single-detached rural dwelling and associated agricultural lands located within the Greensville Settlement Area Boundary. The settlement area of Greensville is fairly spread out and contains an array of social services from churches to schools, to a library and small commercial businesses, all intermingled with greenspace, houses, and mature trees.

The immediate surrounding area can be characterized as a generally stable, growing low density rural residential neighbourhood. The neighbourhood is predominantly composed of single-detached homes on large lots with a mix of architectural styles, mature trees and some remnant (yet active) agricultural fields. Recent approvals for single detached residential subdivision developments in the immediate area have changed the rural feel of the area to a more urban residential environment. It is expected that this transition will continue as new dwellings and infill development are realized.

The immediate surrounding area includes the following:

**Figure 4:** North of Subject Property – 430 Old Brock Road (1.5 Storey Single-Detached Home)



**Figure 5:** East of Subject Property – Brock Road and Residential Homes



**Figure 6:** South of Subject Property – 384 Old Brock Road (Hardy Renovations)



**Figure 7:** West of Subject Property – Multiple Residential Lots (393 – 431 Old Brock Road)



## **2.3 Transportation**

Old Brock Road is considered a 'Local' roadway with an ultimate right-of-way width of 20.117 metres. A road widening will be required along the entire frontage of the property along Old Brock Road. Bounding the property to the east are Brock Road and Moxley Road, which are considered 'Arterial' and 'Collector' roads respectively. Moxley Road comes to a dead end adjacent to the subject property and does not provide a connection to Brock Road directly. No road widening will be required along the subject property that runs parallel to Brock Road (as confirmed by City Staff), but a one-foot reserve will likely be necessary to prevent access to Brock Road. Finally, a minor road widening will also be required along the frontage of Moxley Road.

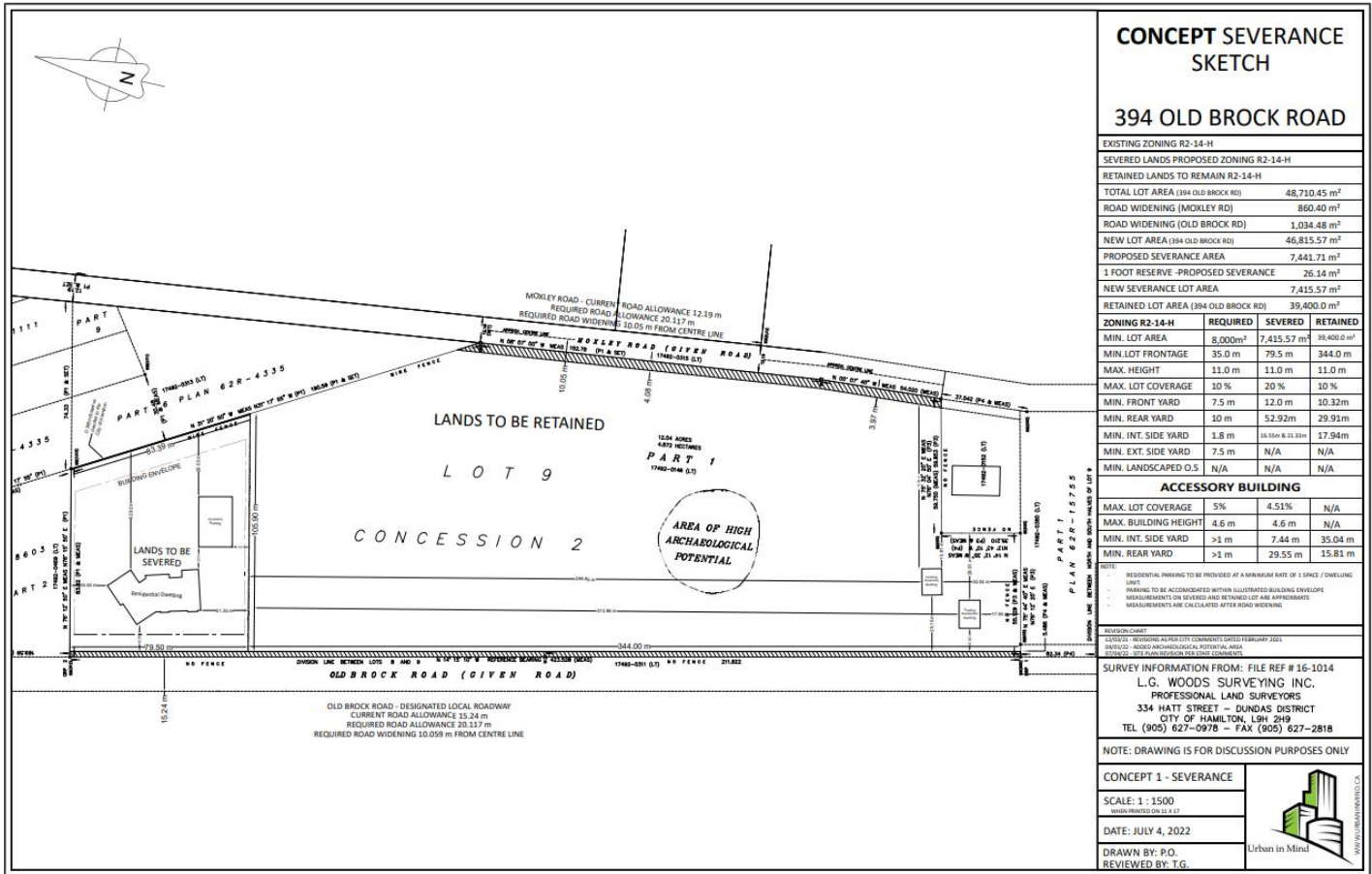
Within the community of Greenville, vehicular movement is the predominant mode of transportation as no public transit services operate within the community. The addition of one single-detached residential lot on Old Brock Road should have little to no impact on the capacity and function of this local roadway.

## **3.0 PROPOSED DEVELOPMENT & PLANNING APPLICATION:**

### **3.1 Consent/Severance:**

The proposed application is to sever one (1) single-detached residential lot of sufficient size to meet the requirement of private water and septic services as required for one single-detached dwelling. A related minor variance for reduced lot area will also be required to support the severance application.

**Figure 8: Concept Severance Sketch**



**3.2 Minor Variance:**

A minor variance is required to facilitate the consent application allowing for the creation of a new lot at a slightly reduced minimum lot area of 1.83 acres (7,415.57 m<sup>2</sup>). This requested reduction is a direct result of the ‘ACTUAL’ area required for a traditional septic system (1.8ac), versus the ‘OLD’ cookie-cutter size (2ac). In fact, modern septic systems can now operate on lots as small as 0.25ac with current technologies. Regardless, given the local area character and traditional septic usage, 1.8 acres is being proposed under this application. We also understand that any septic system would need to meet City Health and Safety standards and obtain necessary building permits.

In addition, the current 10% lot coverage falls under the old “Site Specific” zoning provision R2-14 (see Section 4.9 of this report). The R2-14 zone directs the reader to provisions of the R2-9 zone that was originally added due to the large agricultural lots, and to further scrutinize/limit development due to groundwater issues in this area, however, since that time area groundwater issues have been controlled by way of development limitations typically applied to subdivision development. As this proposal is for one (1) single detached lot, we feel the zoning for this site should be applied in the same manner as the rest of the R2 zones in the area, (i.e. being 20% coverage). As the ‘building’(s) development on the proposed severed lot is conceptual at this point, we are not yet sure what the actual lot coverage will end up being, hence the request to be fairly treated as the

other R2 zones in the area. Furthermore, no change or development is proposed for the retained lot, and as such, no change is requested at this time for the larger retained lot.

Given the size and dimension of the proposed lot (created through the subject consent application), all other zoning provisions of the 'R2' Zone can be easily met when a new home is built on the site.

These proposed minor variances will only be applicable to the severed lands of the consent application, as no change is proposed to the retainer lot at this time:

- **To permit a reduction in the required lot area from the current 8,000m<sup>2</sup> to a new 7,415.57m<sup>2</sup>.**
- **To permit an increase of lot coverage from the current site specific 10% to the standard 20%.**

The subject property also has a historic holding provision attached. It is understood that this holding provision is a remnant of the Town of Flamborough planning policies which have since been rectified through previous studies, and it is no longer applicable to the subject lands. Removal of the holding provision can occur at the City of Hamilton's discretion during the planning approval process and can be achieved via condition of Committee Approval (if necessary). The retained portion of the subject property will remain zoned R2-14 (with the addition of a reduced lot area provision).

**Table 1: Site Statistics and Requested Variances**

Zoning R2-14-H	Required	Severed	Retained
Minimum Lot Area	8,000 m <sup>2</sup>	<b>7,415.57 m<sup>2</sup></b>	39,400.0 m <sup>2</sup>
Minimum Lot Frontage	35.0 m	79.5 m	344.0 m
Maximum Height	11.0 m	11.0 m	11.0 m
Maximum Lot Coverage	10% Site Specific R2-14 (20% standard R2 Zone)	<b>20%**</b>	10%
Minimum Front Yard	7.5 m	12.0 m	10.32 m
Minimum Rear Yard	10 m	52.92 m	29.91 m
Minimum Interior Side Yard	1.8 m	16.55 m & 21.33 m	17.94 m
Minimum Exterior Side Yard	7.5 m	N/A	N/A
Minimum Landscaped Open Space	N/A	N/A	N/A
<b>Accessory Building</b>			
Maximum Lot Coverage	5%	4.51%	N/A
Maximum Building Height	4.6 m	4.6 m	N/A

Minimum Interior Side Yard	>1 m	7.44 m	35.04 m
Minimum Rear Yard	>1 m	29.55 m	15.81 m

\*\*It should be noted that the actual proposed lot coverage for the severed lands is 13.2%, but because the building on the severed property is conceptual, the applicant is requesting 20% lot coverage for the severed lands as it is unknown what building(s) will eventually be proposed.

The **Justification** for the proposed minor variances can be found in **Section 5.0** of this report.

### **3.3 Impact of Proposed Development:**

The creation of one new single-detached rural residential lot through a consent and minor variance application(s) should have little to no impact on the surrounding neighbourhood. It is the intent of the owner to add one (1) new residential single-detached building lot that generally meets the Official Plan and Secondary Plan policy requirements and is of a scale and design that fits within the Greensville Secondary Plan community. Being a single new lot, there should be no significant impacts on traffic, groundwater, or the ability of private servicing.

## **4.0 EXISTING PLANNING POLICY AND REGULATORY FRAMEWORK:**

### **4.1 Planning Act, R.S.O. 1990, c. P.13:**

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

-----  
*Applicable provisions from the Planning Act have been included as follows:*

#### **“Powers of Committee**

**45 (1)** The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

## **Part VI Subdivision of Land**

**50 (1)** In this section and in section 53,

“consent” means,

(a) where land is situate in a lower-tier municipality, a consent given by the council of the upper-tier municipality,



- (b) where land is situate in a single-tier municipality that is not in a territorial district, a consent given by the council of the single-tier municipality,
- (c) where land is situate in a prescribed single-tier municipality that is in a territorial district, a consent given by the council of the single-tier municipality, and
- (d) except as otherwise provided in clauses (a), (b) and (c), a consent given by the Minister. 2002, c. 17, Sched. B, s. 18.

### ***Subdivision control***

- (3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,
  - (f) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.”

### **Summary:**

Section 45(1) of the Planning Act allows for the Committee of Adjustment to permit variances from the provisions of the Zoning By-Law. The criteria used to evaluate variances are based on the following four tests:

- *Do the requested variances maintain the general intent and purpose of the Official Plan?*
- *Do the requested variances maintain the general intent and purpose of the Zoning By-Law?*
- *Are the requested variances desirable and appropriate for the lands?*
- *Are the requested variances minor in nature*

The proposed development and Minor Variance Application will be judged against the ‘Four Tests’. An explanation as to how each one of these tests are met is described in **Section 5.0** of this Report.

In addition, the severance of land falls under **Section 50(3)(f)** of the Planning Act, which requires that any severance be considered land division under the umbrella of Subdivision. As such, land division must not be premature, and must generally meet the intent of the Provincial policies and City Official Plan.

## **4.2 Provincial Policy Statement (2020):**

The Provincial Policy Statement (PPS) for the Province of Ontario was recently updated in May 2020. It provides Provincial Policy direction on matters of Provincial interest related to land development under the Planning Act. The Goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Simply put, when municipal governments contemplate land use policies (e.g. Official Plan, Secondary Plan, Zoning By-law, Site Plan, etc.) or consider planning applications under these policies, the PPS must be considered.

These applicable PPS policies have already been incorporated into the City's Official Plan, and therefore by way of the current policies (and minor variance application), have been considered.

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Applicable excerpts from the Provincial Policy Statement are as follows:

### **“Part V: Policies**

#### **1.0 Building Strong Healthy Communities**

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

##### **1.1.1 Healthy, liveable and safe communities are sustained by:**

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- h) promoting development and land use patterns that conserve biodiversity;

##### **1.1.3 Settlement Areas**

###### **1.1.3.1 Settlement areas shall be the focus of growth and development.**

**1.1.3.2** Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation;

**1.1.3.4** Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

#### **1.1.4 Rural Areas in Municipalities**

**1.1.4.1** Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

**1.1.4.2** In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

**1.1.4.3** When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

### **1.4 Housing**

**1.4.1** To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

**1.4.3** Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

## **1.6 Infrastructure and Public Service Facilities**

### **1.6.6 Sewage, Water and Stormwater**

**1.6.6.4** Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

**1.6.6.7** Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

## **1.7 Long-Term Economic Prosperity**

**1.7.1** Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;

## **2.0 Wise Use and Management of Resources**

### **2.6 Cultural Heritage and Archaeology**

**2.6.1** Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

**2.6.2** Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

**2.6.3** Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.”

### **4.3 Growth Plan for the Greater Golden Horseshoe (2019):**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a Provincial Policy that aims to control growth and development within the Greater Golden Horseshoe Area in a way that supports economic prosperity, protects the environment and improves the quality of life for all residents. The Growth Plan also encourages intensification by directing a significant portion of new growth to the built-up areas of communities, thus protecting agricultural areas from encroaching development and incompatible land uses.

The Growth Plan update (2019) further enhances the provincial direction to locate new growth within settlement areas, support urban intensification, create complete communities, maximize utility efficiency, and encourage transit usage.

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The subject property is located within the ‘**Growth Plan**’ designation (**Appendix ‘B’**), as well as located within a rural settlement area of the City of Hamilton.

*Applicable excerpts from the related Growth Plan policy are as follows:*

#### **“2 Where and How to Grow**

#### **2.2 Policies for Where and How to Grow**

#### **2.2.1 Managing Growth**

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

b) growth will be limited in settlement areas that:

*i. are rural settlements;*

*ii. are not serviced by existing or planned municipal water and wastewater systems; or*

*iii. are in the Greenbelt Area;*

4. Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;

## **2.2.6 Housing**

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
  - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
    - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;
2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
  - a) planning to accommodate forecasted growth to the horizon of this Plan;
  - b) planning to achieve the minimum intensification and density targets in this Plan;
  - c) considering the range and mix of housing options and densities of the existing housing stock; and
  - d) planning to diversify their overall housing stock across the municipality.

## **2.2.9 Rural Areas**

1. Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses.
6. New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

## **4 Protecting What is Valuable**

### **4.2 Policies for Protecting What is Valuable**

#### **4.2.7 Cultural Heritage Resources**

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision making.”

#### **4.4: Greenbelt Plan (2017):**

The Greenbelt Act is legislation that enables the ‘Greenbelt Plan’. The Greenbelt Plan is a provincial policy that aims to preserve agricultural lands and environmental natural areas to encourage a prosperous and sustainable Ontario.

The Greenbelt Plan works together with the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, and the Growth Plan for the Greater Golden Horseshoe.

The subject property is within the ‘**Outer Boundary**’ of the Greenbelt Plan Area, and as such, the policies of the Greenbelt Plan will apply (**Appendix ‘C’**). However, the lands have also been identified by the City of Hamilton as a Rural Settlement Area (Greensville), as such, given the ‘A Place to Grow’ policies and the City’s Official Plan (under Section 3.4.4 of the Greenbelt Plan) are available for development.

*Applicable excerpts from the Greenbelt Plan have been included as follows:*

- “1            **Introduction**
  - 1.2         **Vision and Goals**
  - 1.2.2      **Protected Countryside Goals**
  - 4.           **Settlement Areas**
- a)         Support for a strong rural economy by allowing for the social, economic and service functions through the residential, institutional and commercial/industrial uses needed by the current and future population within the Greenbelt, particularly within settlement areas;
  - b)         Sustaining the character of the countryside and rural communities;
  - c)         Support for the achievement of complete communities that promote and enhance human health and social well-being, are economically and environmentally sustainable, moving towards low-carbon communities, with the long-term goal of net-zero communities; and
  - d)         Serving as centres for the development of community hubs where compatible services are co-located to address local needs in convenient locations that are accessible by active transportation and, where available, transit.



### **3 Geographic-Specific Policies in the Protected Countryside**

#### **3.4 Settlement Areas**

The settlement areas have been placed into two categories: Towns/Villages and Hamlets. These settlement areas vary significantly in both spatial and population size, economic activity, diversity/intensity of uses, the type(s) of water and sewage services and the role they play within their municipalities. Settlement areas of all types are found throughout the Protected Countryside. Towns/Villages and Hamlets are identified on Schedule 1. To determine the precise settlement area boundaries, reference should be made to official plans.

Towns/Villages have the largest concentrations of population, employment and development within the Protected Countryside and tend to be the central settlement area(s) for their respective municipalities. Although most have full municipal water and sewer services, some only have a municipal water service and/or a combination of private and municipal water services. Towns/Villages are the focus of development and related economic and social activity.

Hamlets are substantially smaller than Towns/Villages and play a significantly lesser role in accommodating concentrations of residential, commercial, industrial and institutional development. Further, they are typically serviced with individual on-site sewage and water services and thus are not locations to which growth should be directed.

##### **3.4.2 General Settlement Area Policies**

- 2.** Municipalities shall incorporate policies in their official plans to facilitate the development of community hubs that:
  - d)** Enable the adaptive reuse of existing facilities and spaces in settlement areas, where appropriate.
- 3.** Municipalities shall collaborate and consult with service planning, funding and delivery sectors to facilitate the co-ordination and planning of community hubs and other public service facilities.
- 7.** Municipal planning policies and relevant development proposals shall incorporate best practices for the management of excess soil generated and fill received during development or site alteration, including infrastructure development, to ensure that:
  - a)** Any excess soil is reused on-site or locally to the maximum extent possible and, where feasible, excess soil reuse planning is undertaken concurrently with development planning and design;
  - c)** Fill quality received and fill placement at a site will not cause an adverse effect with regard to the current or proposed use of the property or the natural environment, and is compatible with adjacent land uses.

#### 4.4 Hamlet Policies

For lands within Hamlets in the Protected Countryside, the following policy shall apply:

1. Hamlets 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, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2. Limited growth is permitted through infill and intensification of Hamlets subject to appropriate water and sewage services.”

#### 4.5: Niagara Escarpment Plan (2017):

The Niagara Escarpment Planning and Development Act is legislation that enables the Niagara Escarpment Plan. The Niagara Escarpment Plan aims to maintain the Niagara Escarpment and land in its vicinity as a continuous natural environment and to ensure that only development that is compatible with that natural environment is permitted.

According to the updated Niagara Escarpment Plan (2017), although the subject property is in close proximity, it **is not located** within the Niagara Escarpment Development Control Area (**Appendix ‘D’**). as such, the policies of the Niagara Escarpment Plan **do not apply** to the subject property.

#### 4.6: Ministry of Transportation (MTO):

The subject property is not recognized as an ‘MTO Controlled Area’ according to the Ministry of Transportation. As such, a Ministry of Transportation Development Permit will not be required for any development or redevelopment of the subject lands.

#### 4.7: Hamilton Conservation Authority (HCA):

The subject property **is not located** within the jurisdiction of the Hamilton Conservation Authority. **and no portion of the subject property is situated within an area regulated by the authority (Appendix ‘E’)**.

As such a Conservation Development Permit **should not** be required for any proposed redevelopment of the subject site.

#### 4.8: Rural City of Hamilton Official Plan (2013):

The current and in effect version of the Official Plan (OP) for the City of Hamilton was approved in 2011 and amended several times with the most recent office consolidation being in 2019.

The OP is the leading planning document for guiding growth, land use and development within the City of Hamilton. The document addresses matters such as infrastructure, population growth, servicing, transit, natural heritage, cultural heritage, and administrative municipal policies.

The following Rural City of Hamilton Official Plan designations apply to the subject property:

- The subject property is located within the **'Hamlets'** designation (**Appendix 'F'**)
- The subject property is located within the **'Greenbelt Protected Countryside'** (**Appendix 'G'**).
- The segment of Old Brock Road that fronts the subject property is classified as a **'Local Road'** (**Appendix 'H'**).
- The segment of Old Brock Road and Moxley Road are required to allocate a **'Future Right-of-Way Dedication'** to bring the total R.O.W. to 20.117 m (**Appendix 'I'**).
- The subject property is located within the **'Rural Settlement Area'** designation (**Appendix 'J'**).
- The subject property is located on lands that have **'Archaeological Potential'** (**Appendix 'K'**).
- The subject property is located within the **'Greenville Rural Settlement Plan'** and is classified as being within the **'Settlement Residential'** land use designation and **'Major Development Area A'** (**Appendices 'L'** and **'M'**).

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*Applicable excerpts from the Rural Hamilton Official Plan are as follows:*

## **"CHAPTER B – COMMUNITIES**

### **B.2.0 DEFINING OUR COMMUNITIES**

**2.1** Communities in the rural area of the City of Hamilton can be defined in multiple ways. Land use definitions of communities include:

- b) rural settlement area boundaries which set the limits for residential, non-farm, and non-resource-based growth. Rural settlement area boundaries shall not be expanded.

### **3.2.2 General Policies for Rural Housing**

**3.2.2.1** Small scale housing with supports, including residential care facilities, shall be permitted as a stand-alone use in the form of a single detached dwelling in accordance with Policies C.3.1.2 c), C.5.1, and Volume 2, A.1.3.1.

**3.2.2.2** The existing stock of housing in the rural areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Property Standards by-law and incentive programs financed by the City or by senior levels of government. (OPA 26)

**3.2.2.3** Where dwellings are demolished without being replaced on the same site or are demolished and moved to another part of an agricultural parcel, the proponent shall be required to rehabilitate the land to the same average soil quality as any adjacent agricultural lands. 3.3 Design Policies (OPA 5)

### **3.4 Cultural Heritage Resources Policies (OPA 5)**

#### **3.4.2 General Cultural Heritage Policies**

- 3.4.2.1** The City of Hamilton shall, in partnership with others where appropriate:
- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
  - d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.
  - g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.
  - h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas.
  - i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies to appropriately manage, conserve and protect Hamilton’s cultural heritage resources.

**3.4.2.2** The City consists of many diverse districts, communities, and neighbourhoods, each with their own heritage character and form. The City shall recognize and consider these differences when evaluating development proposals to maintain the heritage character of individual areas.

#### **3.4.4 Archaeology Policies**

The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

#### **Archaeological Assessment Requirements**

**3.4.4.2** In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:

- a) official plan amendment or rural settlement plan amendment unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance;
- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

**3.4.4.3** In areas of archaeological potential identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

- a) may be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve soil disturbance or site alteration:
  - i) site plan applications; and,
  - ii) plans of condominium.
- b) may be required for the following planning matters under the Planning Act when they involve soil disturbance or site alteration:
  - i) minor variances; and,
  - ii) consents / severances.
- c) Shall only be required for the lands on which soil will be disturbed or site alteration will be conducted as a direct result of the proposal.

**3.4.4.4** Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.5 – Archaeological Assessments.

**3.4.4.5** Prior to site alteration or soil disturbance relating to a Planning Act application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may require a higher standard of conservation, care and protection for archaeological resources based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.

**3.4.4.7** To conserve these resources, avoidance and protection in situ shall be the preferred conservation management strategies. Where it has been demonstrated in an archaeological assessment by a licensed archaeologist that avoidance is not a viable option, alternative mitigation measures shall be agreed upon by the Province and the City and in accordance with the Archaeology Management Plan.

- 3.4.4.8** The City may use all relevant provisions of the Planning Act to prohibit the use of land and the placement of buildings and structures in order to protect and conserve sites or areas of significant archaeological resources.

## **CHAPTER C – CITY WIDE SYSTEMS AND DESIGNATIONS**

### **C.4.0 INTEGRATED TRANSPORTATION NETWORK**

#### **4.5 Roads Network**

##### Functional Classification

**4.5.2** The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- b) Arterial roads, subject to the following policies:
  - i) The primary function of an arterial road in the rural area is to carry relatively high volumes of intra-municipal and inter-regional traffic through the rural area in association with other types of roads.
  - ii) Land accesses shall be permitted but are a secondary consideration to the function of the road.
  - iii) The maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right-of-way width of 45.720 may be required, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Dedications (Rural). (OPA 18)
  - iv) Arterial roads in the rural area shall generally be organized in a grid pattern.
  - v) Paved shoulders may be provided to accommodate farm vehicles and equipment, pedestrians, and cyclists.
  
- c) Collector roads shall be subject to the following policies:
  - i) The function of a collector road in the rural area is equally shared between carrying moderate volumes of intra- municipal and interregional traffic through the rural area and providing direct land access.
  - ii) The maximum basic right-of-way widths for collector roads in the rural area shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Dedications (Rural). (OPA 18)
  - iii) Collector roads in the rural area shall generally be connected with local, collector and arterial roads.
  - iv) Wider lanes or paved shoulders may be in place to accommodate farm vehicles and equipment, pedestrians, and cyclists.

- v) Separate facilities may be in place to accommodate cyclists and pedestrians.
  - vi) Sidewalks may be provided on both sides of the street in Rural Settlement Areas.
- d) Local roads, subject to the following policies:
- i) The primary function of a local road in the rural area is providing direct property access, while the secondary function is to move low volumes of traffic to collector roads.
  - ii) The maximum basic right-of-way widths for local roads in the rural area shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Dedications (Rural). (OPA 18)
  - iii) Local roads shall generally be connected with other local and collector roads.
  - iv) Sidewalks should be provided on one or both sides of the street in Rural Settlement Areas, but cycling facilities are generally not required.
  - v) The minimum right of way width for local road classifications shall be 20.117 metres. Right-of-Way Dedications (OPA 18)

**4.5.6** The City may reserve or obtain land for future right-of-way dedications for rights of-way as described in Schedule C-1 – Future Right-of-Way Dedications (Rural). Where a future right-of-way dedication is not described in Schedule C-1 – Future Right-of-Way Dedications (Rural), the City may reserve or obtain land for right of-way dedications for rights-of-way as described in Section C.4.5.2. The aforesaid right-of-way land conveyances may be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

**4.5.6.1** The City may require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, sufficient lands to be conveyed to provide for a road right-of-way in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-1 – Future Right-of Way Dedications (Rural).

**4.5.6.2** Land conveyances for future right-of-way dedications obtained though land severance or consent shall be taken from both the severed and retained parcels of land unless in the opinion of the City obtaining the land conveyance from both parcels would not be practicable or feasible. 4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policies C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:

- i) existing built form;
- ii) natural heritage features;
- iii) an existing streetscape; and,
- iv) a known cultural heritage resource; it is not feasible or desirable to widen an existing road allowance to the maximum right-of-way dedication or provide the full daylight triangle as set out in Section C.4.5.2, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, and that the City’s objectives for sustainable infrastructure, complete streets and mobility can be achieved; or,
- b) An alternative road width or daylight triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 12)

**4.5.6.6** Where a right-of-way width less than the maximum road allowance or a reduced daylight triangle is established in accordance with Policy C.4.5.6.5, the City may require the establishment of an easement for the installation and maintenance of municipal infrastructure. (OPA 12)

**4.5.6.7** Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Right of-Way Dedications (Rural), where applicable to denote only the basic requirement for the section of the road. Additional right-of-ways may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/intersection geometric design. There may also be additional requirements for right-of-ways to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right of-way.

**Access Management**

**4.5.8.3** Private access to arterial and collector roads shall be designed to minimize the number of driveways where feasible.

**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.

**C.5.0 INFRASTRUCTURE**

**C.5.1 Private Water and Wastewater Services**



**5.1.1** No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following:

- c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:
  - i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;
  - ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and,
  - iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26)
- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f). (OPA 26)
- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
- f) The existing or proposed wastewater system shall not include a sewage disposal holding tank.
- g) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system. (OPA 26)
- h) Notwithstanding Policy C.5.1.1 g), a cistern that meets current accepted standards may be used as a primary water source in the following circumstances: (OPA 18)
  - i) the building of a dwelling on an existing lot in accordance with Policy F.1.12.6, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent.
  - ii) redevelopment of an existing use, on an existing lot, which is serviced by an existing water cistern, provided there is no negative impact of the proposal on the cistern.

- iii) new development on an existing lot if it is demonstrated by an applicant, through the submission of evidence in the form of a well test, hydrogeological study or other, that groundwater quality or quantity is inadequate to support the use, to the satisfaction of the City.
- iv) the severance of an existing dwelling in accordance with Section F.1.14.2, serviced by an existing water cistern, provided there is no negative impact on the cistern.

**5.1.3** The landowner shall be responsible for the maintenance and repair of all private water supply and sewage disposal systems in accordance with all applicable legislation.

## **CHAPTER D – RURAL SYSTEMS, DESIGNATIONS AND RESOURCES**

### **D.5.0 RURAL SETTLEMENT AREAS**

The Rural Settlement Area designation on Schedule D – Rural Land Use Designations, designates those areas where a variety of land uses and developments have clustered together on a small scale outside the designated Urban Area. These areas are intended to be residential and service centres that serve the immediate community and the surrounding rural area. Nineteen (19) Rural Settlement Areas have been identified and designated on Schedule D – Rural Land Use Designations. Lands designated Rural Settlement Area shall be subject to Rural Settlement Area general policies and Secondary Plan policies for each Rural Settlement Area set out in Volume 2 of this Plan.

#### **5.1 Other Provisions**

**5.1.1** Development proposed within a provincial plan area identified on Schedule A – Provincial Plans shall comply with Section C.1.0, Provincial Plans, of this Plan.

## **CHAPTER F – IMPLEMENTATION**

### **1.2 Rural Settlement Area Plans**

Secondary Plans and Rural Settlement Area Plans are used to provide detailed and community specific guidance to growth and change in smaller geographic areas of the City. They identify more detailed land uses densities, design requirements, infrastructure requirements and other implementing actions appropriate for the community. These Plans are not intended to repeat the policies in Volume 1 of this Plan, but to supplement Volume 1 policy directions and land use designations. Once Secondary Plans are completed, they are adopted as amendments to this Plan. Volume 2 of this Plan contains the Secondary Plans and Rural Settlement Area Plans. Rural Settlement Area Plans have been completed for communities outside the Urban Area. Rural Settlement Area Plans have the same function as Secondary Plans in the Urban Area.

**1.2.1** Secondary Plans and Rural Settlement Area Plans may be prepared as needed for planning districts, neighbourhoods, nodes, corridors or any other area of the City, and in particular:

- a) Large tracts of vacant or underutilized land to ensure the appropriate and orderly use of land, co-ordinate local development with City-wide planning infrastructure strategies and ensure the efficient provision of infrastructure;

**1.2.2** The individual Secondary Plan and Rural Settlement Area Plan policies and designations are contained in Volume 2 of this Plan. Secondary Plan designations shall be identified on the maps appended to the specific Secondary Plan areas. It is intended the Secondary Plan policies are to be read in conjunction with the policies and designations contained in Volume 1. However, should there be a discrepancy between the policies and/or designations, the policies and designations of the Secondary Plan shall prevail.

## **1.8 Holding By-laws**

There are instances where the intended use and zoning is known for lands, but development should not take place until the planned details and phasing of development is determined, and/or facilities are in place or conditions for development are met. Under the Planning Act, Council may pass a "Holding" By-law that places an "H" symbol over the zoning of land and specifies the conditions that shall be met before the "H" symbol is removed and the lands can be developed.

**1.8.1** Council may use the Holding "H" symbol in conjunction with the Zoning By-law pursuant to the provisions of the Planning Act to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased development and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the "H" symbol.

**1.8.2** A Holding symbol may be applied under any or all of the following circumstances:

- a) Where development is contingent upon other related matters occurring first, such as (but not limited to):
  - i) Completion of required site or area specific studies;
  - ii) Consolidation of land ownership of abutting properties to ensure orderly development and phasing of development;
  - iii) Fulfillment of financial obligations;
  - iv) Securement of funding agreements on necessary infrastructure or services; and
  - v) Fulfillment of conditions imposed by the City through other Planning Act tools;
- b) Where phasing is necessary in order to ensure orderly development and/or achieve one or more objectives of this Plan;
- c) Where municipal infrastructure is not adequate or yet installed to support the ultimate use; and

- d) Where environmental constraints currently preclude development or redevelopment without planned mitigative or remediated measures.

**1.8.3** Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an existing use or another use that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.

**1.8.4** Council shall pass a By-law to remove the Holding “H” symbol for all or part of the property only when the City is satisfied all the conditions of:

- a) The “H” zone have been fulfilled; and
- b) The provisions of this Plan are met.

## **1.14 Division of Land**

Development of lands may require further subdivision of existing lots or tracts of land.

### **1.14.2 Lot Creation (OPA 5)**

#### **Lot Creation within Designated Rural Settlement Areas**

**1.14.2.4** Within designated Rural Settlement Areas all proposed severances that create a new lot and proposed lot additions shall:

- 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). (OPA 18)

## **VOLUME 2, CHAPTER A – RURAL SETTLEMENT AREA PLANS**

### **A.1.0 GENERAL POLICIES**

#### **1.2 General Policies**

**1.2.2** The following policies apply to all nineteen Rural Settlement Areas identified and designated on Schedule D – Rural Land Use Designations.

**1.2.3** The predominant use of land in Rural Settlement Areas shall be single detached residential development. Small scale commercial uses, parks, institutional uses serving the rural

community, such as schools and places of worship, may also be permitted, as set out in the following policies, and Schedules and Maps of Volume 2 this Plan.

**1.2.4** Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:

- a) Within the Rural Settlement Areas, development shall be of a height, density, area and nature to be compatible with the existing built environment;
- b) All development shall be required to obtain approval from the City for servicing. Any development shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of this Plan, and in no case shall a proposed new lot be less than one acre; and (OPA 26)
- c) The development shall comply with the Natural Heritage System Policies, Section C.2.0, Volume 1 of this Plan.

**1.2.7** Where policies of the Copetown and Greensville Rural Settlement Area Plans conflict with the policies of Volume 2, Section A.1.0, General Policies, the policies of the Rural Settlement Area Plans shall prevail.

**1.2.8** To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites and the overall settlement character.

**1.2.9** To conserve the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.

### **A.3.0 FLAMBOROUGH RURAL SETTLEMENT AREA PLANS**

#### **3.5 Greensville Rural Settlement Area Plan**

##### **3.5.3 General Development Policies**

**3.5.3.1** New development in the Greensville Rural Settlement Area Plan Area shall be integrated and compatible with the existing community through the following general policies which apply to all land use designations.

**3.5.3.2** The predominant land use of newly developable areas shall be single detached dwellings. Related community facilities such as parks, schools and libraries shall be provided as required on lands designated appropriately.

**3.5.3.3** Development shall generally occur through the subdivision process. Infilling of a minor nature may also be permitted through consent.

**3.5.3.5** Development shall take place in accordance with Map 8a of this Rural Settlement Area Plan. Regard shall also be had to the other Schedules and relevant policies in other sections of this Plan.

**3.5.3.6** New development shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.

### **3.5.5 Settlement Residential**

Those lands designated Settlement Residential on Map 8a may be permitted to be developed for residential purposes in accordance with the following policies:

**3.5.5.1** In order to provide guidelines to determine the extent and density of residential development that can be sustained without degradation of the ground and surface waters within and outside the Rural Settlement Area Plan boundary, a Comprehensive Servicing Study shall be undertaken. The study shall include a comprehensive examination of the quality and quantity of ground and surface water and shall establish future growth of Greensville. The study shall review the existing information available and update that information to meet present day awareness of water resource impacts.

**3.5.5.2** The Terms of Reference for such a study shall be developed by the City in consultation with the Ministry of the Environment, the Niagara Escarpment Commission, the Ministry of Natural Resources and the Hamilton Conservation Authority. This does not commit public agencies to funding the study. Funding may come partially or totally from landowners who benefit from the study. In the interim, development shall take place in accordance with Section A.3.5.13, of Volume 2.

**3.5.5.3** The predominant form of residential development shall continue to be the single detached dwelling.

**3.5.5.4** Residential development in the Rural Settlement Area Plan area shall predominantly take place by registered Plan of Subdivision. Plans of Subdivision shall comply with the land use designations and policies of this Rural Settlement Area Plan. Infilling by the consent process may be permitted where the size and location of a property precludes it from being developed by Plan of Subdivision or in conjunction with another Plan of Subdivision and where it will not interfere with existing or future development.

**3.5.5.5** Development of residential areas shall be integrated with parks, open space and school sites. To achieve this integration, consideration shall be given, in the development process, to potential walking and bicycle trails to connect residential areas with parks, open space and schools.

**3.5.5.6** The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed

appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.

**3.5.5.7** New residential development shall be integrated and compatible with the existing residential character. In this respect, when development occurs adjacent to or as infilling in existing areas, the bulk, mass and height shall be similar to that of existing residential uses. In addition, consideration shall be given to the use of increased setbacks, screening and buffering to minimize any adverse impacts on existing development.

**3.5.5.11** In accordance with appropriate provincial regulations and guidelines, distance separations and/or warning clauses and any other measures identified in the reports may be required through the subdivision or consent approval process.

### **3.5.11 Transportation**

**3.5.11.4** Arterial roads, such as Brock Road provide access to provincial highways and other parts of the City. Direct access for residential lots onto arterial roads will be discouraged. The City shall give consideration to reverse frontage lots and joint accesses in development plans. The minimum right-of-way for arterial roads shall be 32 metres (105 feet).

**3.5.11.5** Municipal roads consist of collector roads and local streets.

- a) Collector roads gather the traffic from residential areas and distribute it to the provincial and arterial roads. Collector roads may be constructed in the Rural Settlement Area Plan area at locations shown on Schedule B.16-2 of the former Town of Flamborough Official Plan. Minor alterations to these roads shall not require an amendment to this Plan. The City shall endeavour to secure a minimum right-of-way width of 26 metres (86 feet) for collector roads.
- b) Local streets provide access to individual residential lots. The location of local streets shall be determined as Plans of Subdivision are approved. The minimum right-of-way shall be 20 metres (66 feet). Of particular importance to the phasing of development in the Rural Settlement Area Plan area shall be the provision of adequate access points of local roads to both arterial and collector roads.

### **3.5.12 Storm Water Management**

**3.5.12.1** It is the intent of this Rural Settlement Area Plan that existing storm water drainage systems continue to serve the Rural Settlement Area Plan area and that a master storm water drainage study be completed. A master storm water drainage study can become part of the comprehensive servicing study.

**3.5.12.2** The City shall give consideration to the impact the proposed development may have on the existing storm drainage systems, on existing or other proposed development up or down stream, and the effects of peak flows on major watercourses and

ecological systems. The master storm water drainage study shall have regard to the possible impacts upon Spencer Creek, which contains a significant warm-water fishery. Methods described in the drainage study shall ensure that the Department of Fisheries and Oceans objective of no net loss of fish habitat shall be applied.

- 3.5.12.3** A master storm water drainage plan shall be completed for the Rural Settlement Area Plan area by an independent engineer and approved by the City. Alternatively, storm water drainage plans may be prepared for the Major Development Areas shown on Map 8b in consultation with the Ministry of Natural Resources.
- 3.5.12.4** Storm water drainage shall be provided in accordance with the conclusions of the master storm water drainage study or alternative storm water drainage plans. New development, prior to the preparation of a master drainage plan, will be required to have site specific storm water management plan including details of water quality and peak flows. In any event, storm water management works for all development will be subject to approval pursuant to the Ontario Water Resources Act.
- 3.5.12.5** Channelization and drainage work required shall be the financial responsibility of the affected landowner. Any proposed work must be submitted for approval under the Lakes and Rivers Improvement Act of the Ministry of Natural Resources.
- 3.5.12.6** A limited amount of development may be considered on a site specific basis prior to the completion of a storm water management plan, provided that such development is incorporated into the storm water management plan when it is completed.

**3.5.13 Servicing**

- 3.5.13.1** It is the intent of this Rural Settlement Area Plan that development of the Rural Settlement Area Plan area be based on private or communal water and private sewage disposal systems, and with Municipal solid waste collection.
- 3.5.13.2** Development in the Rural Settlement Area Plan area may occur on the basis of private water supply or a communal water system, approved by the City.
- 3.5.13.3** Development shall take place on private sewage disposal systems.
- 3.5.13.4** Residential development, by Plan of Subdivision or by consent to sever, shall be based upon a professional hydrogeologic and soils study, prepared and reported to the satisfaction of the Province, the City, and the Niagara Escarpment Commission. Such a hydrogeologic study shall include, but not necessarily be limited to, the percolation rate and grain size distribution of the soil, the amount of overburden to the depth of at least seven feet, the depth of the water table if less than 10 feet, and an impact assessment of the proposed subdivision or consent on the local water resources. The assessment must consider both on-site and off-site impacts related to the quantity and quality of water. All development shall be permitted only in accordance with the results of the study and on lots capable of accommodating a Class 4 (septic tank and tile bed) or Class 6 (aerobic) septic system including and area equal to the original tile bed area which is left free of development or hard



surfaces to provide for a replacement tile bed in the event of failure to the original system, as determined by the City. Residential development is subject to conformity with policies in Sections A.3.5.12.5 to A.3.5.12.9 inclusive, and A.3.5.13, Volume 2 of this Plan.

- 3.5.13.5** The purpose of the study outlined in Section A.3.5.12.4 Volume 2 is to ensure that an adequate supply of potable water is available to service the proposed development, and that there will be no unacceptable adverse effect on the quality and quantity of ground and surface waters as a result of the proposed development. In this regard, test wells shall be established and these wells along with existing wells shall be monitored for a period of two years after 10 out of the 12 units are occupied, (or a shorter period as determined by the Ministry of the Environment and the City).
- 3.5.13.6** A monitoring program for test wells and existing wells as determined by the Province shall include, but not necessarily be limited to existing conditions before construction, conditions during the construction process as specified in the subdivision agreement and for a period of two years after 10 out of 12 of the units are occupied, (or for a shorter period as determined by the Province and the City).
- 3.5.13.7** If the monitoring program of the wells reveals detrimental impacts on the water supply in the surrounding area, mitigation measures to minimize such impacts will be proposed by the developer. The mechanisms for implementing the mitigation measures will be identified and carried out to the satisfaction of the City, the Province, and the Niagara Escarpment Commission. The monitoring program shall include, where deemed necessary by the Province, the impacts of development on the quality of down gradient streams and waterbodies.
- 3.5.13.8** The carrying out of the monitoring program work shall be the responsibility of property owners/developers.
- 3.5.13.9** The City shall encourage electrical, telephone, cable and gas servicing to be placed underground.
- 3.5.13.10** Consideration shall be given to the effects of the installation of utilities, roads and services on buildings, sites and areas of historical, architectural, scenic or archaeological importance prior to the approval of such installation.

### **3.5.16 Implementation**

- 3.5.16.3** Map 8a and Map 8b of this Secondary Plan, and B.16-2 of the former Town of Flamborough Official Plan, constitute part of the Rural Settlement Area Plan and must be read in conjunction with the textual policies.

### **3.5.17 Interpretation and Boundaries**

- 3.5.17.1** The boundaries separating land use designations on Map 8a are approximate except where they coincide with roads, water courses or other clearly identifiable features.

Minor adjustments to these boundaries shall not require an amendment to the Rural Settlement Area Plan where the general intent of the Plan is upheld. Similarly, all figures used in the text are approximate and no amendment shall be needed for minor variances from these figures.”

#### **4.9 Town of Flamborough Zoning By-Law 90-145-Z:**

The subject property falls within the jurisdiction of the former Town of Flamborough Zoning By-Law 90-145-Z.

The site is currently zoned ‘R2-14-H’, **Settlement Residential Exception 14** within Zoning By-Law 90-145-Z, and is subject to a historic **Holding Provision** which restricts development on the property until specified conditions are met (**Appendix ‘N’**).

Applicable excerpts from Zoning By-Law 90-145-Z, as amended, give context to the planning permissions currently affecting the subject property.

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*Applicable excerpts from the City of Hamilton Zoning By-law are as follows:*

#### **“Section 4 – Zones**

##### **4.5 HOLDING ZONES (H)**

Notwithstanding any other provisions of this By-law, where the zone symbol on Schedules A-1 to A-48 inclusive has the suffix (H), no lot shall be used or no building or structure shall be erected, located or used therein except for the following purposes until the suffix (H) has been removed from the zone symbol by a by-law passed pursuant to Sections 34 and 35(4) of the Planning Act, R.S.O. 1983, Chapter 1, as amended from time to time:

- (a) Existing Uses; and,
- (b) General provisions in accordance with the provisions of Section 5 hereof.

##### **4.6 EXCEPTION TO THE ZONE PROVISIONS**

Where a symbol on Schedules A-1 to A-48 inclusive is followed by a dash and a number (for example R1-7), the lot, buildings and structures shall be subject to all the regulations of the zone except as otherwise provided by the regulations specified in an exception number to that zone.

##### **4.8 MINIMUM DISTANCE SEPARATION FORMULAE #07-112**

That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.

## **Section 5 – General Provisions**

### **5.14 LOT AREA AND FRONTAGE REQUIREMENTS**

All lots without either municipal water service or sanitary sewers or both shall be subject to the requirements of the Regional Department of Health Services for the minimum lot area, provided that if the requirements of the Regional Department of Health Services are less than the requirements of this By-law, this By-law shall prevail.

### **5.17 MINIMUM DISTANCE SEPARATION**

The following setbacks shall apply to any agricultural use and any adjacent use:

- (a) no dwelling unit, recreational use or institutional use shall be established or enlarged adjacent to a lot containing any buildings or structures used for livestock, excluding a dwelling unit on the same lot as the livestock use, except in accordance with the requirements of the Minimum Distance Separation Formula One included in Appendix A attached to this By-law; and,
- (b) no building or structure used or intended to be used for the raising of livestock shall be established or enlarged on a lot except in accordance with the requirements of the Minimum Distance Separation Formula Two included in Appendix A attached to this By-law.

### **5.21 PARKING REGULATIONS**

#### **5.21.1 Parking Space Requirements**

The owner of any building, structure or use shall provide and maintain parking spaces on the same lot and within the same zone, in accordance with the following:

#### **Type of Use:**

##### Residential

- (a) Single detached, Semi-detached, Duplex, Triplex and Converted dwellings Street Townhouses and farm related residences

#### **Minimum Number of Parking Spaces Required:**

1 parking space per dwelling unit

## **SECTION 7 – Settlement Residential Zone R2**

No person shall use any lot or erect, alter or use any building or structure within any Settlement Residential Zone - R2 except in accordance with the following provisions or as otherwise specified in the provisions of Subsection 7.3.

### **7.1 PERMITTED USES**

- (a) Single Detached Dwelling

**7.2 ZONE PROVISIONS**

- (a) Lot Area (minimum).....2000 square metres (0.2 ha)
- (b) Lot Frontage (minimum) .....30 metres
- (c) Height (maximum) .....11 metres
- (d) Lot Coverage (maximum) .....**20%**
- (e) Front Yard (minimum) .....7.5 metres
- (f) Rear Yard (minimum) .....10 metres
- (g) Interior Side Yard (minimum) .....1.8 metres
- (h) Exterior Side Yard (minimum).....7.5 metres
- (i) Landscaped Open Space (minimum).....No Minimum
- (j) General Provisions - in accordance with the provisions of Section 5 hereof.

**7.3 EXCEPTION NUMBERS**

**7.3.9 R2-9 (See Schedule Numbers A-37 and A-43)**

**Permitted Uses:**

- (a) Subsection 7.1 shall apply.

**ZONE PROVISIONS**

- (c) Height (maximum) .....11 metres
- (d) Lot Coverage (maximum) .....**10%**
- (e) Front Yard (minimum) .....7.5 metres
- (f) Rear Yard (minimum) .....10 metres
- (g) Interior Side Yard (minimum) .....3 metres
- (h) Exterior Side Yard (minimum).....7.5 metres
- (i) Landscaped Open Space (minimum).....No Minimum
- (j) General Provisions - in accordance with the provisions of Section 5 hereof.

**7.3.14 R2-14 (See Schedule Numbers A-36, A-37 and A-43) #19-079 (H Removal)**

**Permitted Uses:**

- (a) Subsection 7.1 shall apply.

**Zone Provisions:**

- (a) Lot Area (minimum).....8000 square metres (0.8 ha)
- (b) Lot Frontage (minimum).....35 metres
- (c) All other zone provisions of Subsection 7.3.9 shall apply.”

## **5.0 PLANNING JUSTIFICATION:**

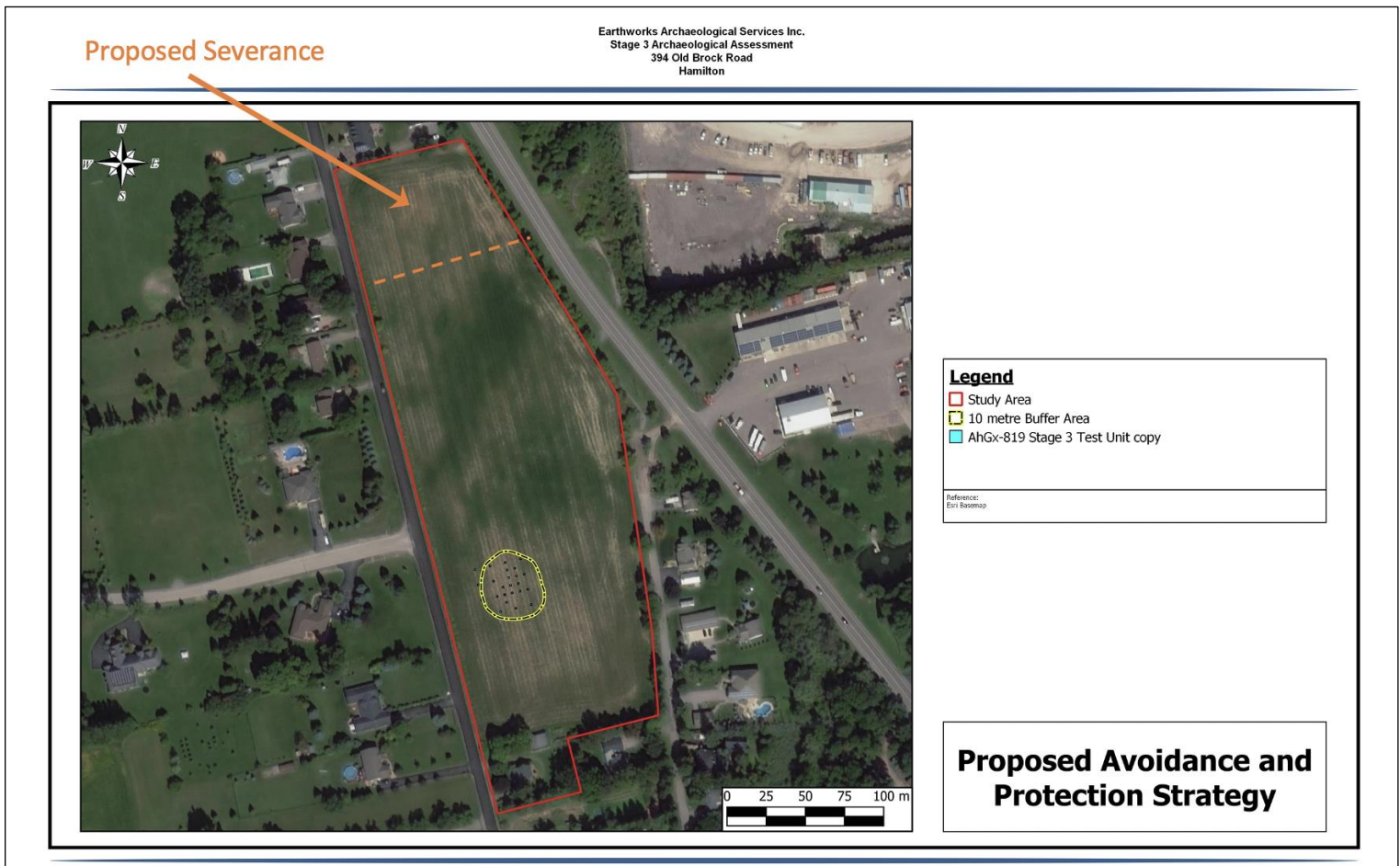
### **5.1 Site Suitability:**

The subject property is located within the Greensville Rural Settlement Area, which is intended by the City of Hamilton to be an area of focus for residential infill/intensification. It is also designated ‘Settlement Residential’ and ‘Major Development Area A’ within the Greensville Secondary Plan.

The subject property is ideally located with access to Old Brock Road and has a generally flat topography. The property contains no natural heritage features and limited mature trees (at its boundary). This surrounding rural hamlet community predominantly features large rural residential lots with single-detached homes similar to the lot proposed through this consent / minor variance application.

The current overall property contains an identified Cultural Heritage site near the central south side of the property, as noted in the Stage 3 Archaeological Assessment by Earthworks Archaeological Services Inc. Since the proposed severance is at the extreme north side of the property, there is no conflict with this avoidance area, and this area will be identified with construction fencing for extra security.

**Figure 9: Archeological Avoidance Area – to be fenced (with construction fencing)**



## **5.2 Provincial Policy Statement (PPS) (2020):**

The community of Greensville is made up of a mix of older agricultural remnant parcels, rural residential development, and newer urban type residential subdivisions. The subject property and many of the surrounding agricultural parcels are designated as settlement residential and located within the settlement boundary. This is important as the development of the remaining agricultural remnant parcels within the settlement area boundary are not designated agricultural, and therefore are permitted to be developed and shall be the focus of growth and development (1.1.3.1).

The principal severances (i.e. infill/intensification) within settlement areas will encourage long-term economic prosperity (1.7.1), the wise use of the available land resource to meet dynamic market-based needs within the housing supply (1.7.1 (b)), and increase the supply of housing options.

As such, the proposed development is consistent with the objectives of the Provincial Policy Statement.

## **5.3 Growth Plan for the Greater Golden Horseshoe (2019):**

According to the policies of the Growth Plan, the subject property is defined as being within the 'Greenbelt Plan Area', however, the lands have also been identified by the City of Hamilton as a Rural Settlement Area (Greensville), and as such are available for development. Residential intensification within the Greensville Settlement Area will contribute to the City of Hamilton's intensification target of 50% of all development occurring within a delineated built-up area (**2.2.2.1(a)**), and in turn will lessen the housing pressure on non-settlement areas for new development.

As such, the proposed development conforms with the objectives of the Growth Plan for the Greater Golden Horseshoe.

#### **5.4 Greenbelt Plan (2017):**

According to the policies of the Greenbelt Plan, the subject property is technically defined as being within the 'Protected Countryside', however, the lands have also been identified by the City of Hamilton as a Rural Settlement Area (Greensville). Given the policies of the Growth Plan and the City's Rural Official Plan (under Section 3.4.4 of the Greenbelt Plan), the subject lands are available for development. Settlement Areas within the protected countryside are to be the focus of growth and development which sustain the character of the rural landscape (**1.2.2.4**).

As such, the proposed development conforms with the policies of the Greenbelt Plan.

#### **5.5 City of Hamilton Official Plan (2013):**

The subject property is designated '**Rural Settlement Area**' within the Rural Hamilton Official Plan. Rural Settlement Areas are delineated by a settlement area boundary which separates agricultural and non-agricultural uses (**B.2.1.b**). The proposed severance complies with the policies of the rural settlement area plan and meets the requirements for provision of private water and wastewater services (**C.5.1 & F.1.14.2.4**).

As designated within the Greensville Rural Settlement Area Plan (**V.2 3.5.3**), the proposed severance application is for the creation of one (1) new single detached residential lot (**V.2 3.5.3.2**). Since the proposed consent is for the creation of one (1) new development lot, the application can be considered minor in nature and permitted through the policies of the settlement area plan (**V.2 3.5.3.3**) which is the predominant land use.

Within the Greensville Settlement Area, the supply of potable water is continuously monitored through the development application process. Edmond & Associates (P.Eng) has reviewed the existing on-site water supply, as well as neighbouring well records, and has established sufficient potable water quality and quantity. The water availability is more than sufficient to meet the needs of one (1) new single-detached residential home, as per the guidelines (**V.2 3.5.5.1**). The proposed development of a single-detached residential home on the lot created through the proposed consent application will be serviced through on-site septic design (**V.2 3.5.13.3**). An evaluation of private septic services for the potential consent was also carried out by Edmond & Associates (P.Eng) and it was determined that the area is suitable for accommodating a private septic system (**V.2 3.5.13.4**) on the proposed lot area.

The subject property is within an area recognized as having a ‘high potential’ for the existence of archeological resources. As such, a complete assessment of the subject lands was carried out by Earthworks Archeological Services, according to the standards of the official plan (B.3.4.4). As previously noted, the proposed severance has been proven not to have any impact on the site’s archeological avoidance area, and the identified area (away from the severance site), will be fenced with highly visible construction fencing for extra security.

The proposed severance requires access via Old Brock Road which is considered a local roadway (4.5.2 d) and is an appropriate selection (V.2 3.5.11.5 b) given the other two roadways abutting the subject lands are considered collector roads which limit private access (4.5.2 c).

As outlined by municipal staff, a right-of-way dedication is required and is proposed as part of this severance application along two road frontages abutting the subject property, as well as a one-foot reserve along Brock Road. The ultimate right-of-way as identified by municipal staff is 20.117 metres for both Moxley Road and Old Brock Road, and the one-foot reserve will be located along the Brock Road frontage.

As such, the proposed development conforms with the policies of the City of Hamilton Rural Official Plan.

## **5.6 Former City of Flamborough Zoning By-Law 90-145-Z:**

The proposed severance application will create one new single-detached rural residential lot within the rural community of Greensville. The proposed minor variance will be applicable to the proposed severed lands, while the retained lands will maintain the current zoning designation of ‘Settlement Residential’ (R2-14). In addition, a minor increase to the maximum lot coverage is also proposed to allow a variety of single-detached built forms that include on-site septic and well construction (that are included within the lot coverage calculation). All other provisions of the Settlement Residential (R2-14 zoning) can be met as demonstrated in Table 1 below.

**Table 1: Site Statistics and Requested Variances**

<b>R2-14 Zone</b>	<b>Required</b>	<b>Severed</b>	<b>Retained</b>
Minimum Lot Area**	8000 m <sup>2</sup>	7,415.57 m <sup>2</sup>	39,400.0 m <sup>2</sup>
Minimum Lot Frontage	35.0 m	79.5 m	344.0 m
Maximum Height	11.0 m	11.0 m	11.0 m
Maximum Lot Coverage	10.0%	20.0%**	10.0%
Minimum Front Yard	7.5 m	12.0 m	10.32 m
Minimum Rear Yard	10.0 m	52.92 m	29.91 m
Minimum Interior Side Yard	1.8 m	16.55 m & 21.33 m	17.94 m
Minimum Exterior Side Yard	7.5 m	N/A	N/A
Landscape Open Space	No Minimum Required	N/A	N/A
<b>Accessory Building</b>			



Maximum Lot Coverage	5%	4.51%	N/A
Maximum Building Height	4.6 m	4.6 m	N/A
Minimum Interior Side Yard	>1 m	7.44 m	35.04 m
Minimum Rear Yard	>1 m	29.55 m	15.81 m

\*\*As per R2-14 zone provisions

\*\*It should be noted that the actual proposed lot coverage for the severed lands is 13.2%, but because the building on the severed property is conceptual, the applicant is requesting 20% lot coverage for the severed lands.

**NOTE:** Since the subject property currently has a historic ‘Holding Provision’ on it as previously discussed, it is understood that as a condition of approval, the Holding Provision will technically need to be removed.

## 6.0 Four Tests of a Minor Variance

Section 45(1) of the Planning Act states that the Committee of Adjustment may authorize variances from the provisions of the Zoning By-Law provided that the four tests are met. This section provides an analysis that evaluates the proposal’s required variances within the context of the four tests as follows:

### 1. Do the requested variances maintain the general intent and purpose of the Official Plan?

The City of Hamilton Official Plan recognizes the need for intensification and infill development mandated by the Growth Plan provincial policy, as well as its own rationalized consideration of its municipal future (**Section 5.7 of this report**). As such, the City’s Official Plan generally permits new development such as the proposed single-detached residential lot. Furthermore the Greensville Secondary Plan anticipates appropriate residential development in this area (and on these subject lands), and therefore it is the Author’s opinion that the proposed minor variance meets the general intent of the Official Plan policies.

### 2. Do the requested variances maintain the general intent and purpose of the Zoning By-Law?

The City of Hamilton (Flamborough) Zoning By-Law is designed in a manner that generally supports intensification and redevelopment within prescribed areas/zones. Given the development constraints of the subject property (required on-site septic and well design), feasible development of the proposed lot will require slight variation from the prescribed zoning provisions for lot coverage. In addition, a minor reduction in lot area is proposed to respect a more compact lotting design resulting from recent septic design innovations, while reserving the retained lands for future development potential (*not currently contemplated under this application*). The reduced lot area is also supported by City Staff through their Formal Consultation comments.

All provisions of the R2-14 Zone can be met thorough the proposed design with the exception of the proposed minor variances (**Table 1**). As such, the proposed minor variance for reduced lot area and increased lot coverage will see the site developed with one single-detached residential use. Finally, the current Holding Provision is a technical matter that is easily resolved as a condition of severance or minor variance approval.

As such, in the Author's opinion, the proposed minor variance(s) met the general intent of the City's Zoning By-Law No. 90-145-Z, as amended.

### **3. *Are the requested variances desirable and appropriate for the lands?***

The requested minor variance(s) will facilitate the development of one (1) new infill development rural lot that is in character with the surrounding lot sizes, maintains an existing density of the area, and promotes the compatible development of the Greensville settlement area.

As such, in the Author's opinion, the proposed minor variance is both appropriate and desirable.

### **4. *Are the requested variances minor in nature?***

The proposed development is seeking to create a (1) single new residential rural lot for one (1) single-detached dwelling. The proposed lot and associated dwelling will maintain the character, density, and intent of the Greensville Secondary Plan Area, while also utilizing currently non-developed lands within the settlement area.

As such, in the Author's opinion, the proposed minor variance is minor in nature.

## **7.0 Severance Justification**

The proposed severance will result in the creation of one new lot (and one retained lot) in a location that has proven to be capable to being privately serviced, is appropriately sized (Section C.5.1, 5.1.1C, iii – City Official Plan), and suitable for limited new low-density development. The proposed redevelopment of the lot will be compatible with the surrounding neighbourhood, building sizes, and local streetscape as well as the prevailing built form and block patterns of Old Brock Road. As such, the proposed severance is aligned with the consent regulations of the Planning Act, and generally conforms with the Provincial, Regional, and Local planning policies.

## **8.0 CONCLUSION**

It is the Author's professional planning opinion as a Registered Professional Planner, that given the respective policies, surrounding conditions, including the current Official Plan, Secondary Plan, and Zoning designations on the subject property, the proposed consent application and minor variance(s) are considered to be of '**Good Planning**', that is in the public interest, is consistent with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, conforms with City of Hamilton Official Plan and maintains and complements the character of the surrounding Greensville Settlement Area.

Furthermore, given the City's expectation for residential development on these lands, and the proposal for one (1) single new lot on private services with access to an existing improved roadway, the severance application is not considered premature.

As such, the proposed consent and minor variance(s) applications should be approved.

Given the analysis presented in this Justification Report, there is enough merit to support the two (2) variances, that meet the four tests, as well as appropriate support for the proposed severance for the single new rural lot.

---

I hereby certify that this Planning Justification Report was prepared and reviewed by Registered Professional Planner (RPP), within the meaning of the Canadian Institute of Planners and the *Ontario Professional Planners Institute Act, 1994*.

Prepared by:



Victoria Colantonio, BURPI

Planner/Development Coordinator

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

Reviewed by:



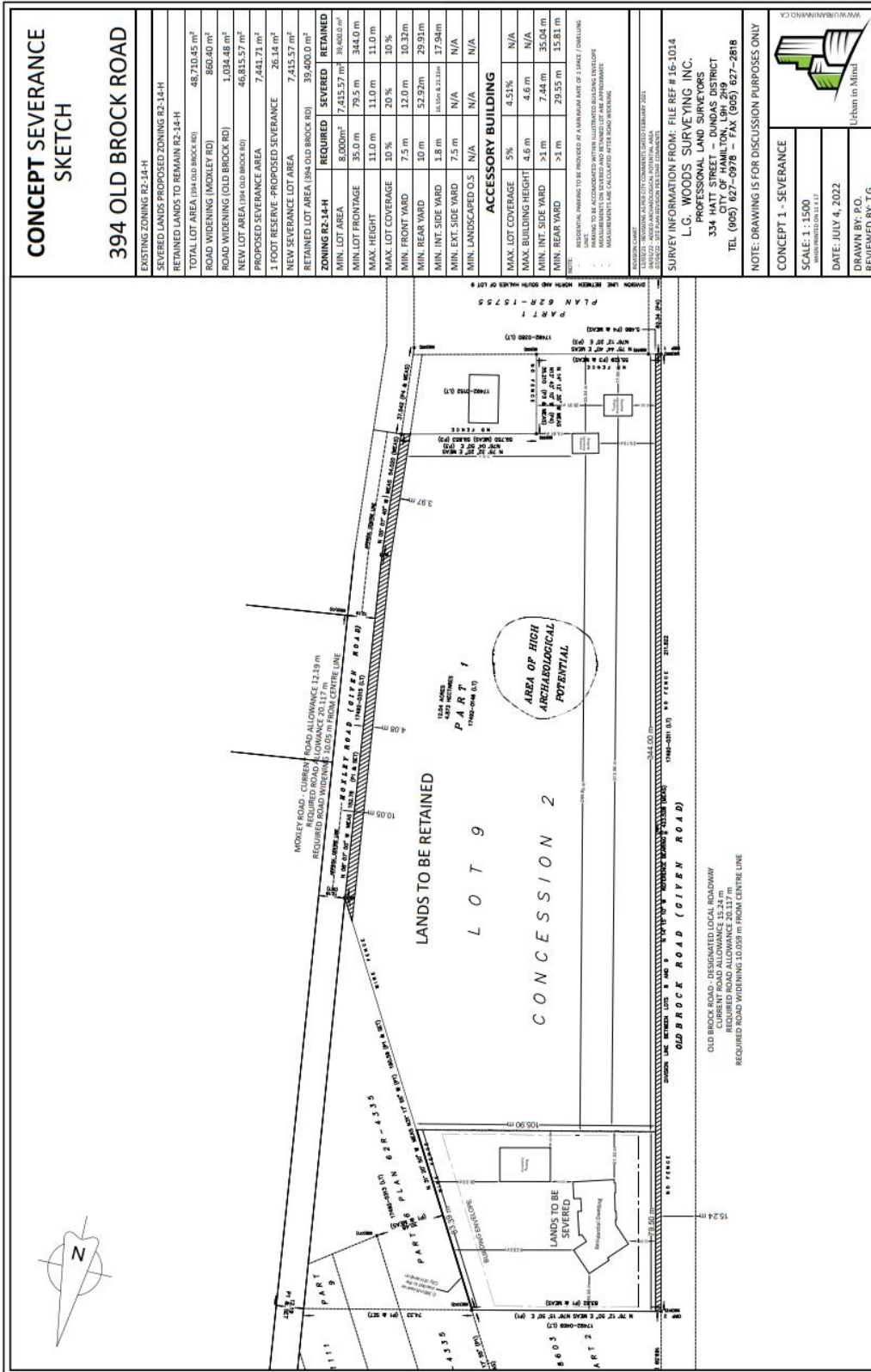
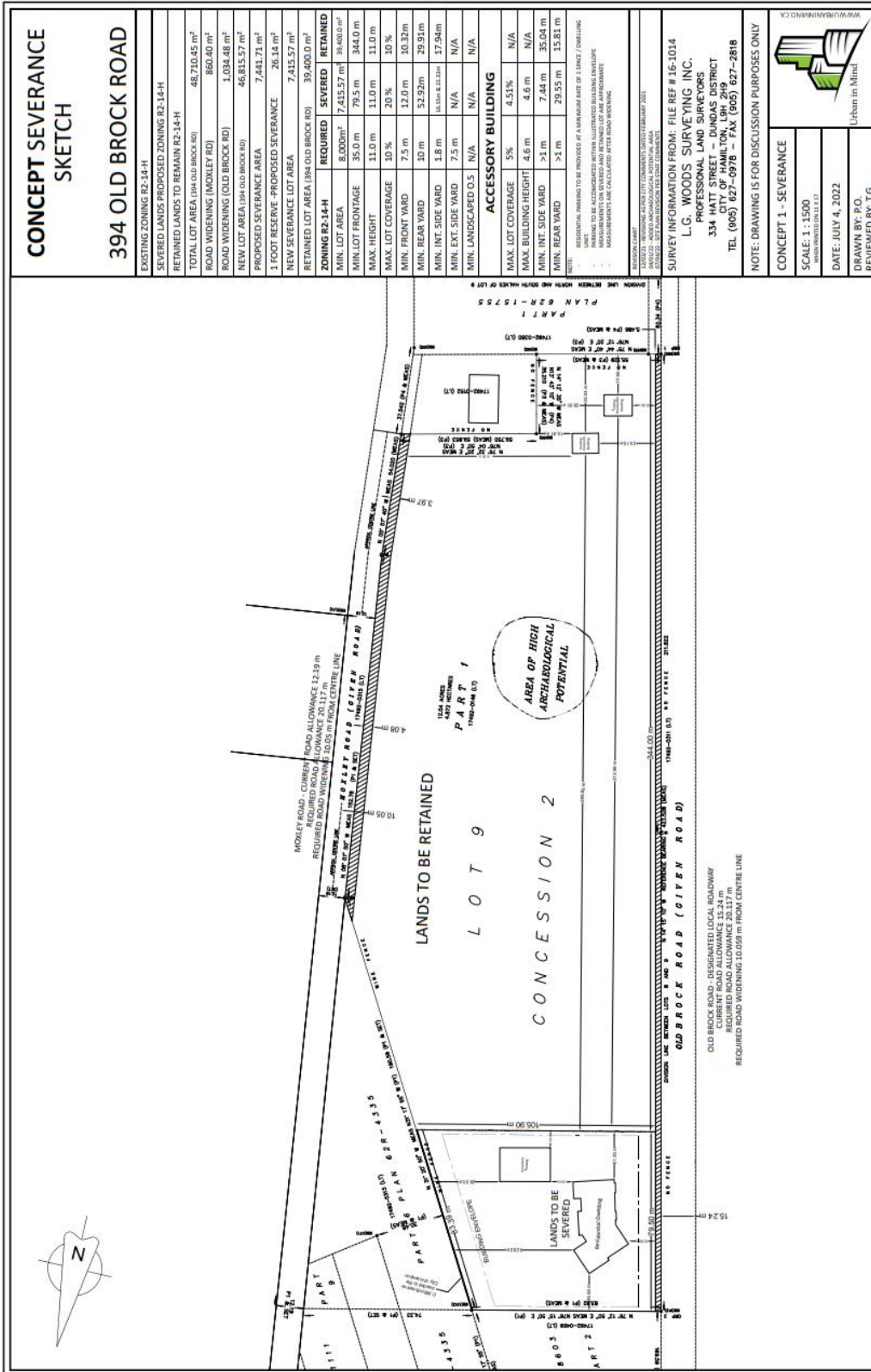
Terrance Glover, RPP, CPT

Principal

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants

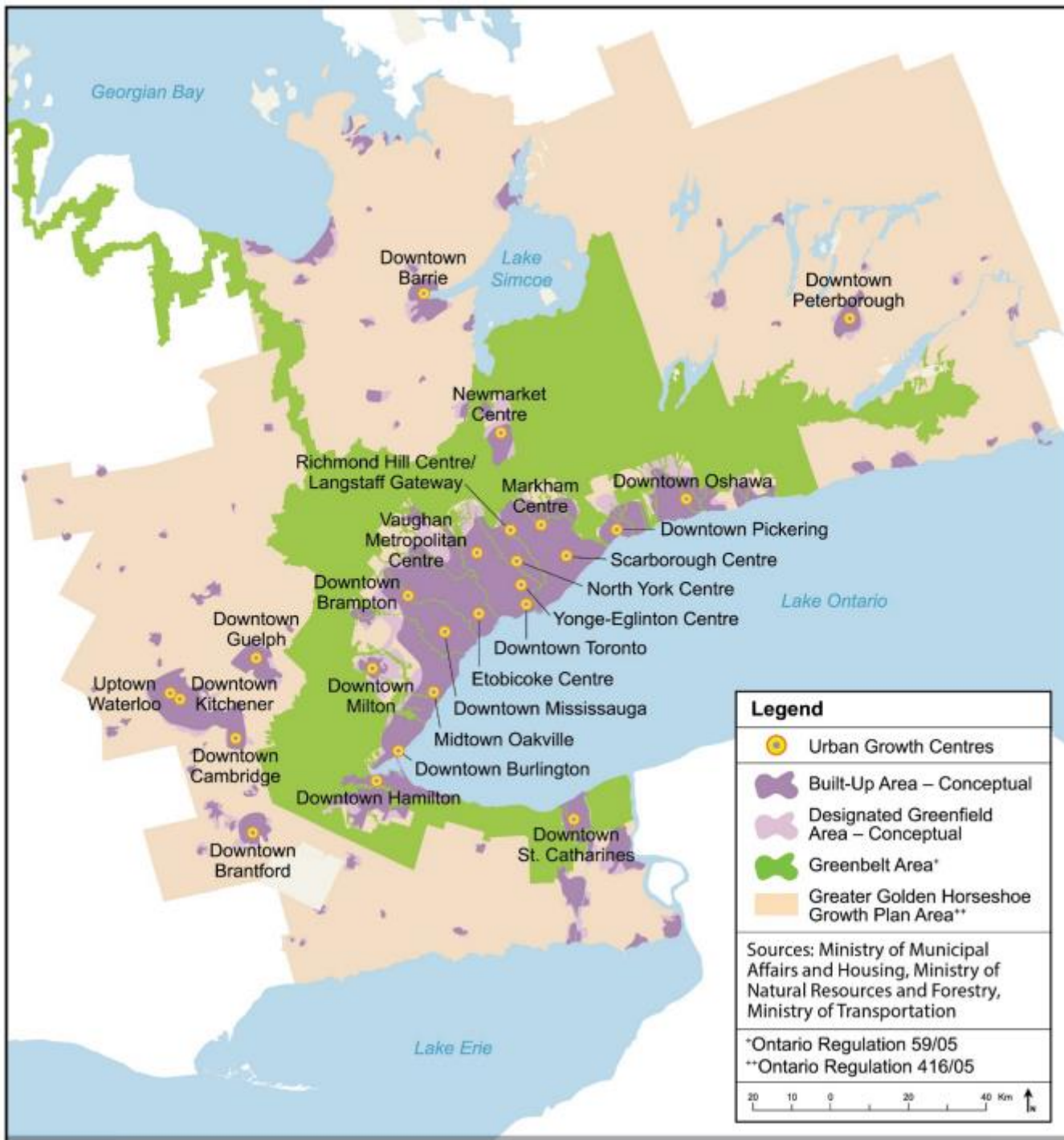


# Appendix 'A': (Survey of Existing Conditions – Subject Property)

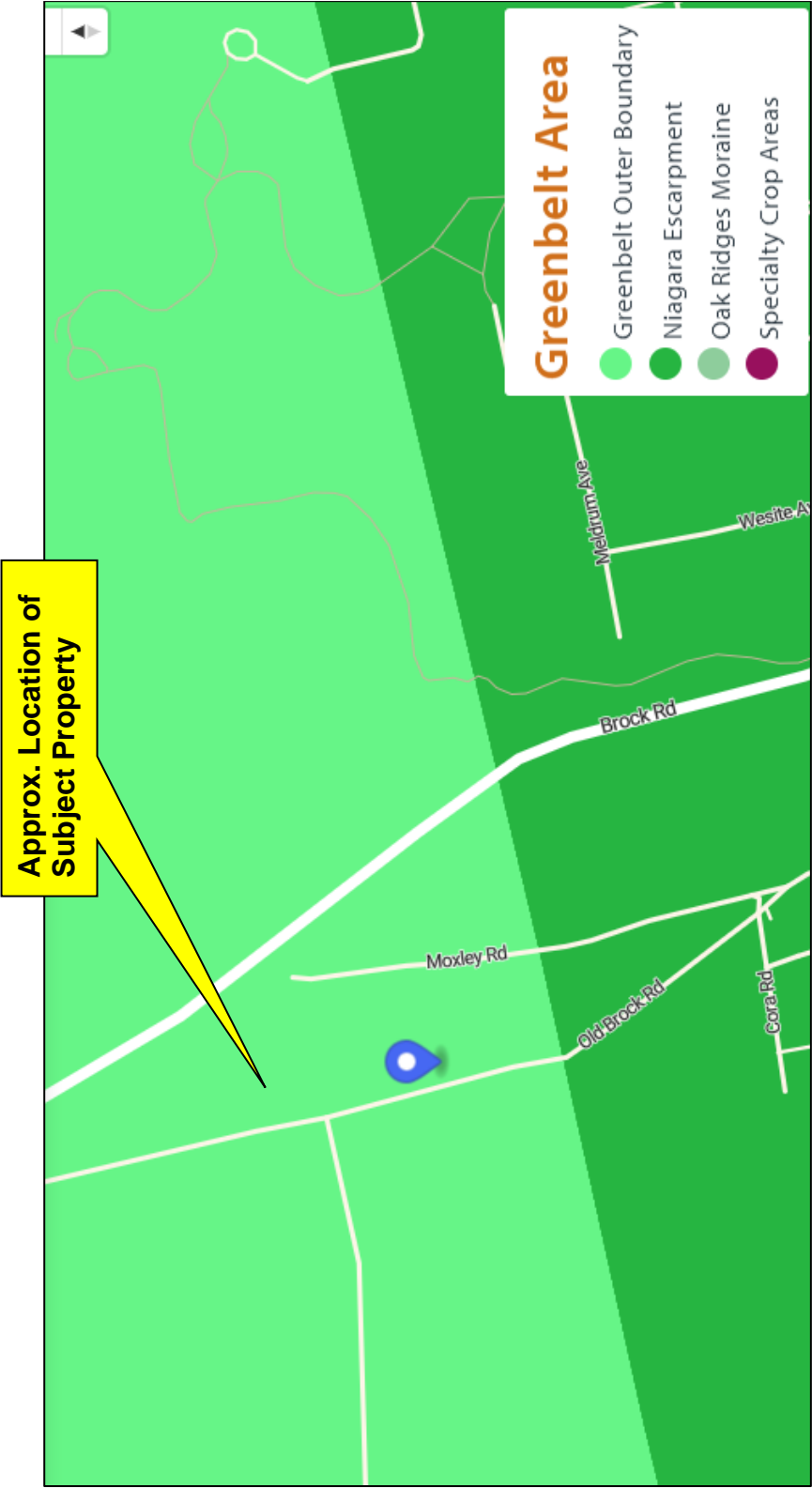


## Appendix 'B':

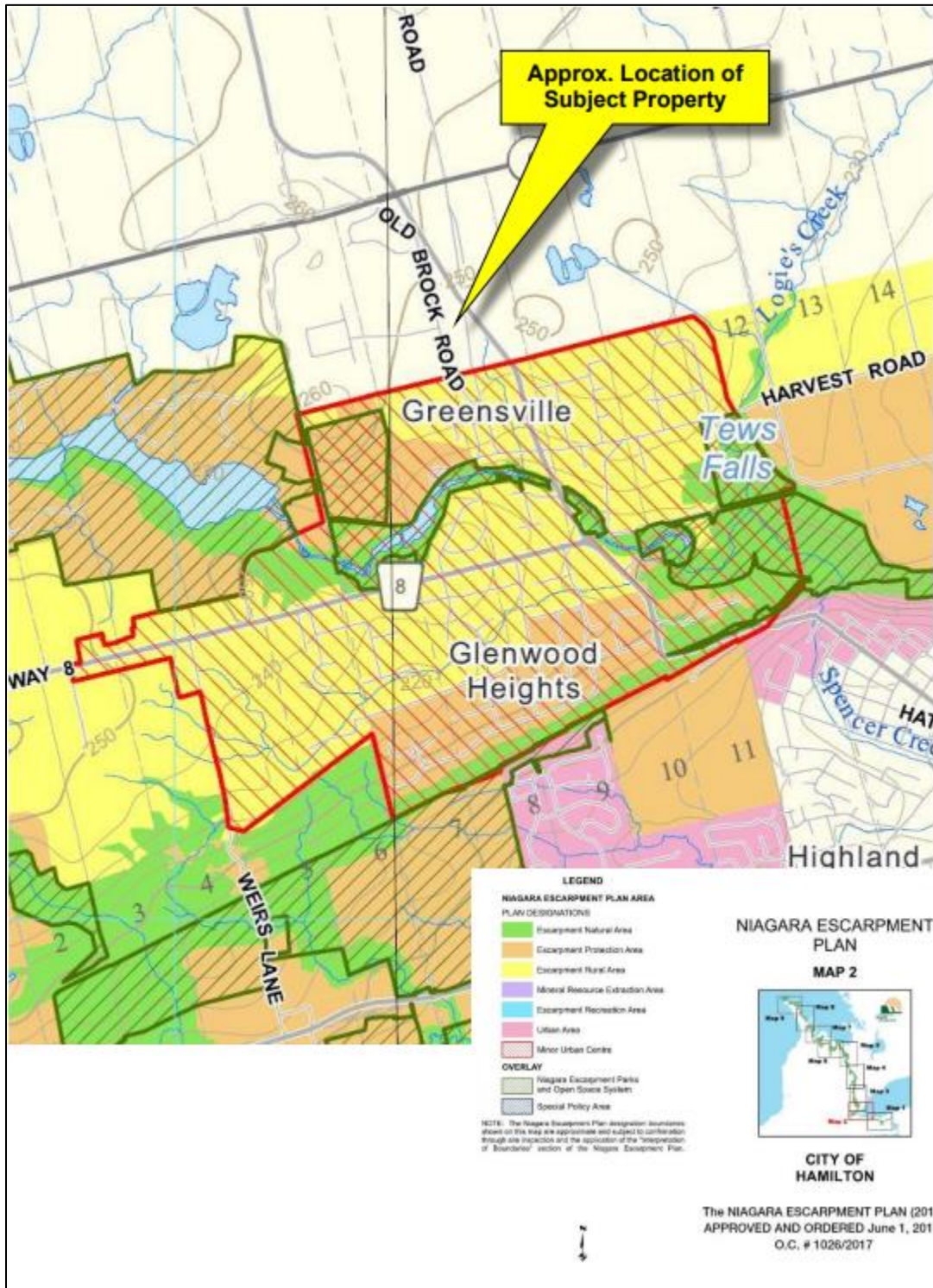
### (Growth Plan for the Greater Golden Horseshoe – Schedule 4 – Urban Growth Centres)



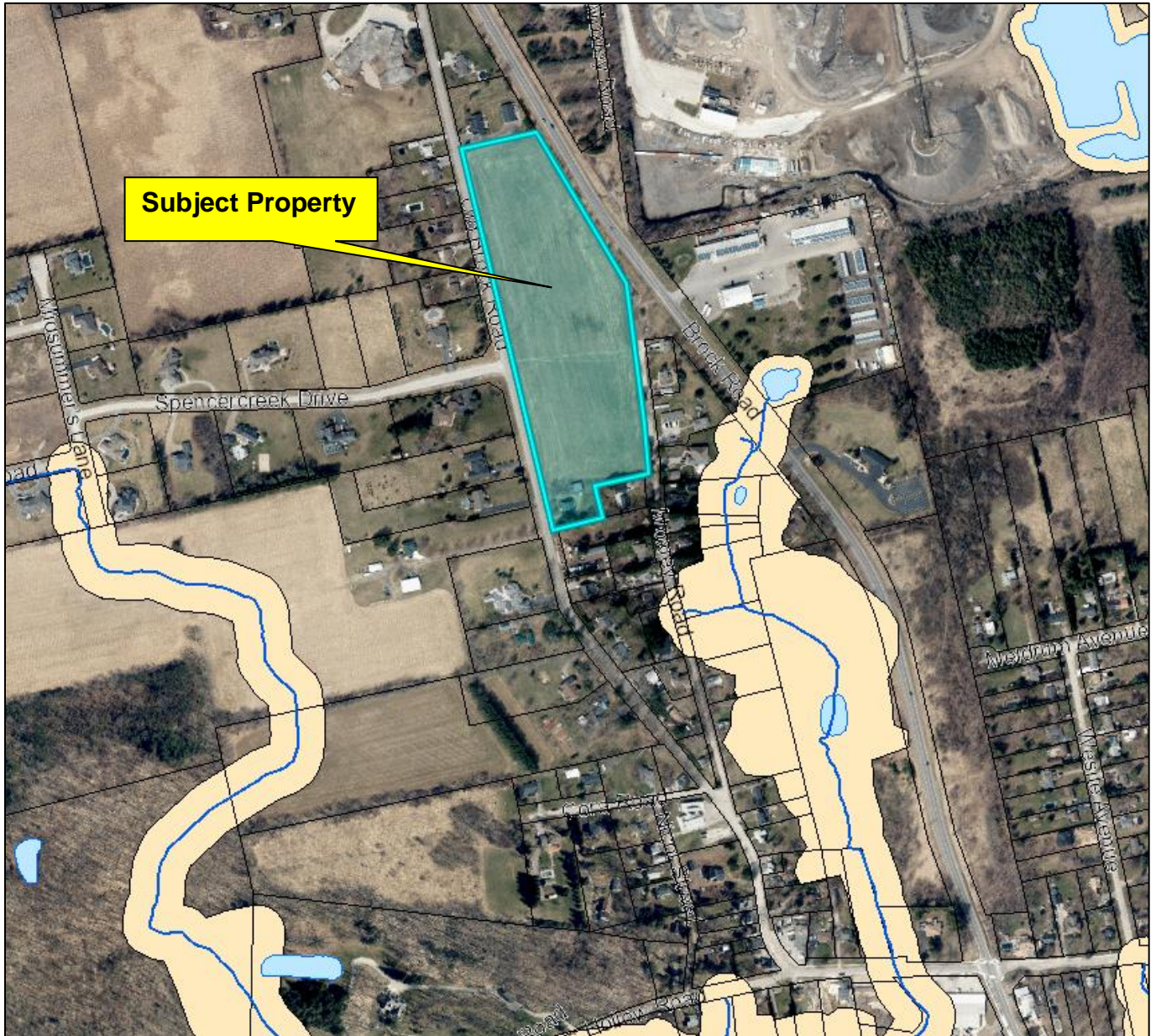
**Appendix 'C':  
(Greenbelt Plan – Greenbelt Plan Area)**



**Appendix 'D':**  
**(Niagara Escarpment Plan – Development Control Area)**

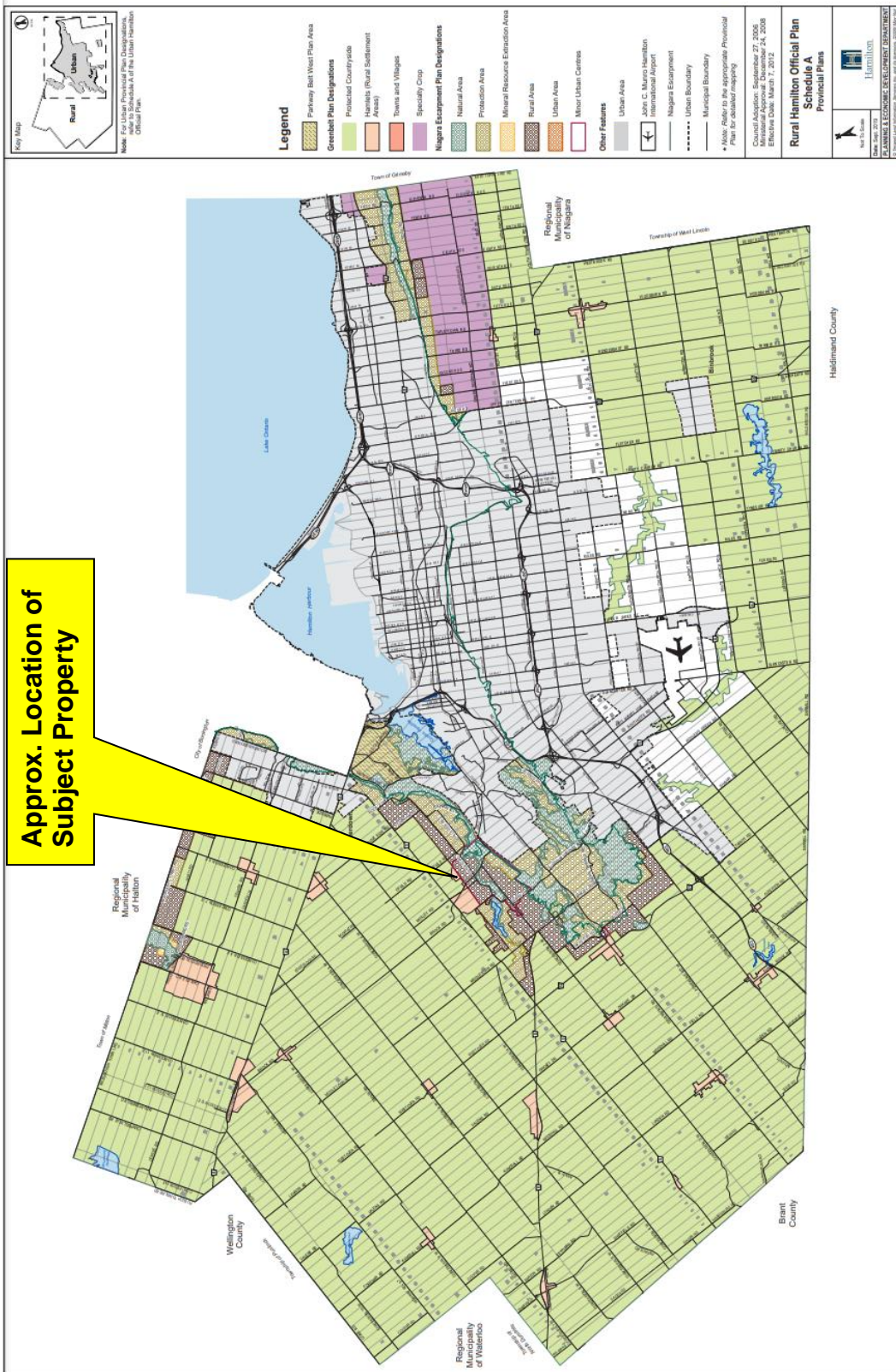


**Appendix 'E':  
(Hamilton Conservation Authority – Regulated Area)**



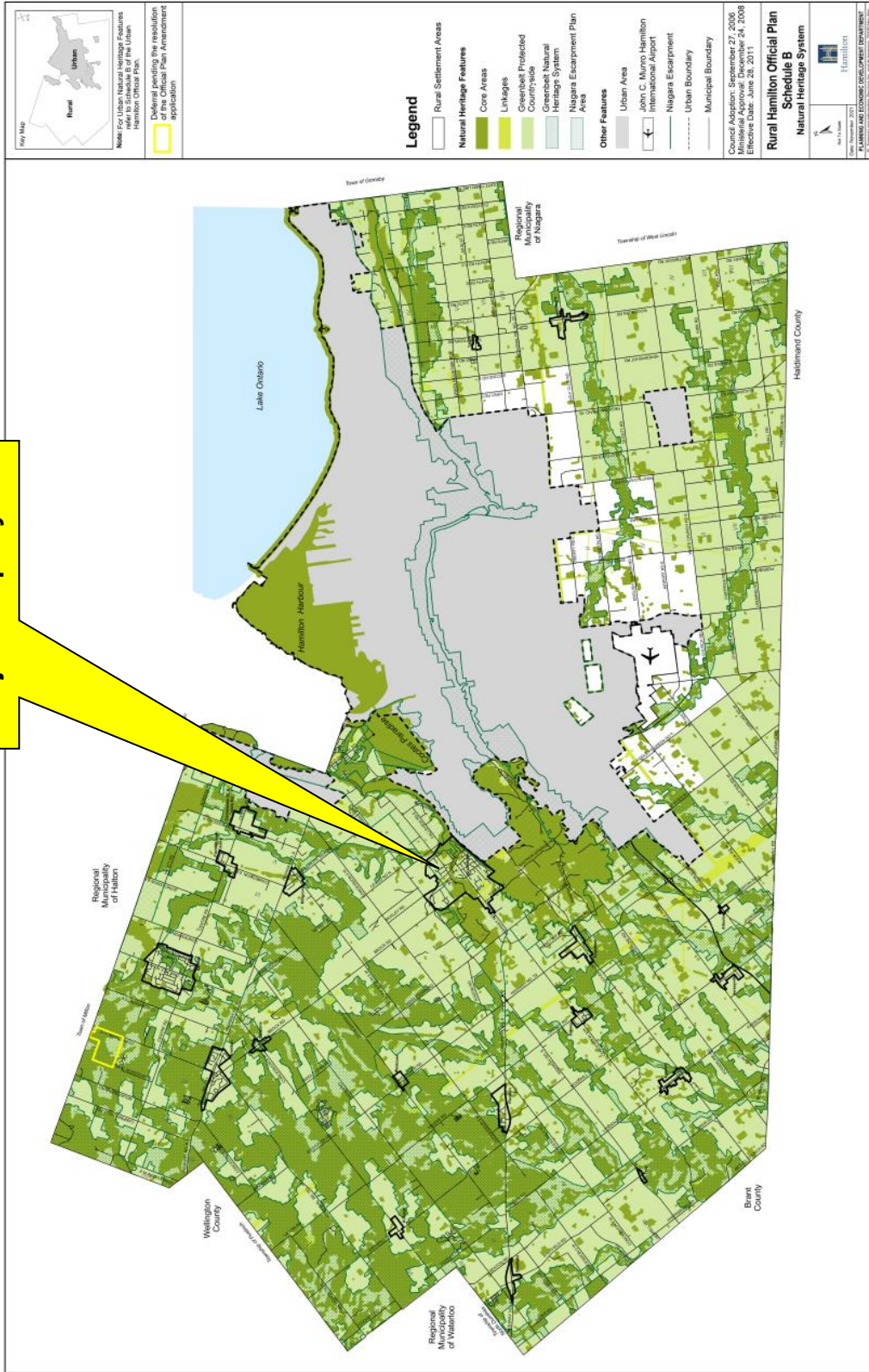


# Appendix 'F': (City of Hamilton Rural Official Plan – Schedule A)



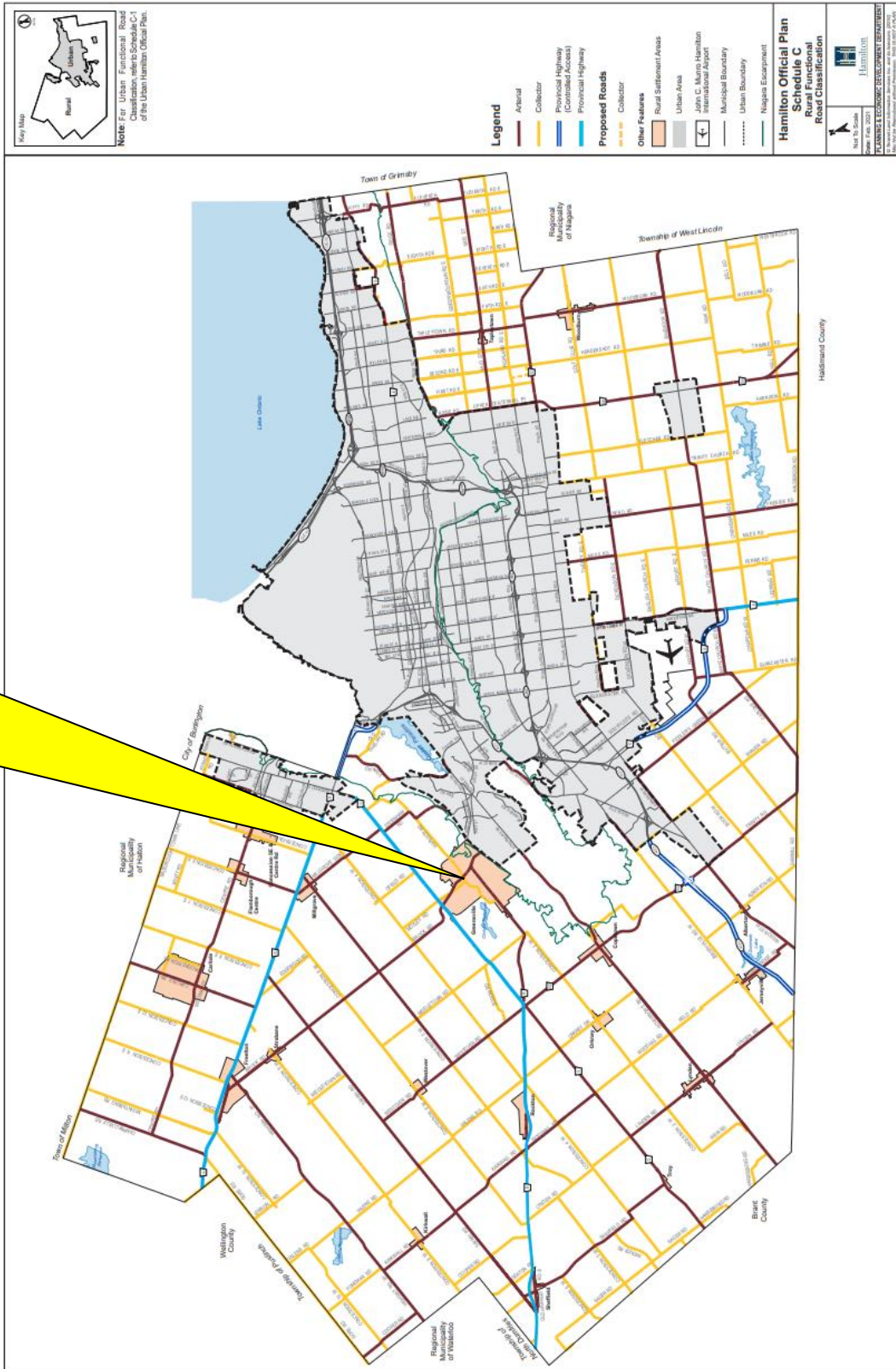
# Appendix 'G': (City of Hamilton Rural Official Plan – Schedule B)

Approx. Location of Subject Property



# Appendix 'H': (City of Hamilton Rural Official Plan – Schedule C)

Approx. Location of Subject Property

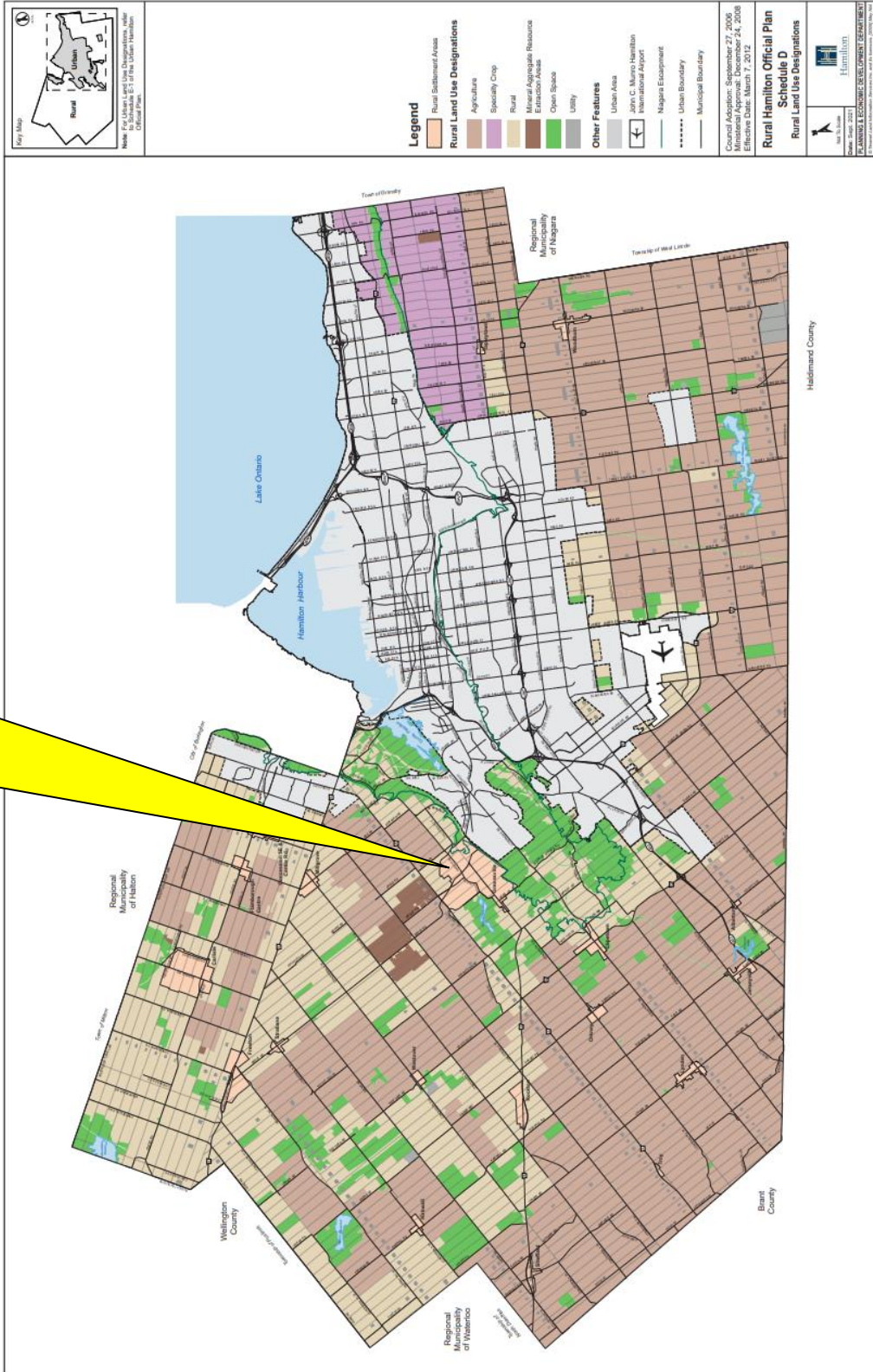


**Appendix 'I':  
(City of Hamilton Rural Official Plan – Schedule C-1)**

<b>Road</b>	<b>From</b>	<b>To</b>	<b>Future Right-of-Way Width (metres)</b>
2nd Con. Road W.	West of Weir Road	South Dumfries Boundary	20.117
Ainsley Road	5th Con Road W.	Lynden Road	20.117
Airport Road	Butter Road	Glancaster Road	30.480
Airport Road West	Glancaster Road	Highway 6	26.213
Alderson Road	Carlisle Road	Remaining Length	20.117
Barton Street	Urban boundary	Fifty Road	36.576
Binbrook Road	Trinity Church Road	Fletcher Road	30.480
Blackheath Road	Highway # 56	Haldibrook Road	26.213
Blagden Road	Progreston Road	Remaining Length	20.117
Brock Road	South of Harvest Road	Highway 8	26.213
Brock Road	North of Harvest Road	Highway 5	30.480
	Highway 5	Freelton Road	26.213
Butter Road	Airport Road	Fiddlers Green	26.213
Campbellville Road	Highway 6	Milborough Line	26.213
Carlisle Road	Highway 6	Milborough Line	26.213
Carluk Road	Glancaster Road	Sawmill Road	30.480
Centre Road	Parkside Drive	305 m North of Carlisle Road	36.576
	305 m North of Carlisle Road	Campbellville Road	30.480
Collinson Road	Highway 5	Highway 5	20.117
Cooper Road	Highway 8	8th Con. Road W.	20.117
Cooper Road	Regional Road 97	Gore Road	30.480
Cora Road	Old Brock Road	Remaining Length	20.117
Crooks Hollow Road	Old Brock Road	Highway 8	20.117
Dickenson Road East	Nebo Road	Upper James Street	36.576
Eleventh Con E	Freelton Road	Highway 6	26.213
Eleventh Road East	Ridge Road	Mud Street	26.213
Evans Road	Parkside Drive	Dundas Street	26.213
Fifty Road	Urban boundary	Ridge Road	26.213
Fletcher Road	Kirk Road West	Binbrook Road	26.213

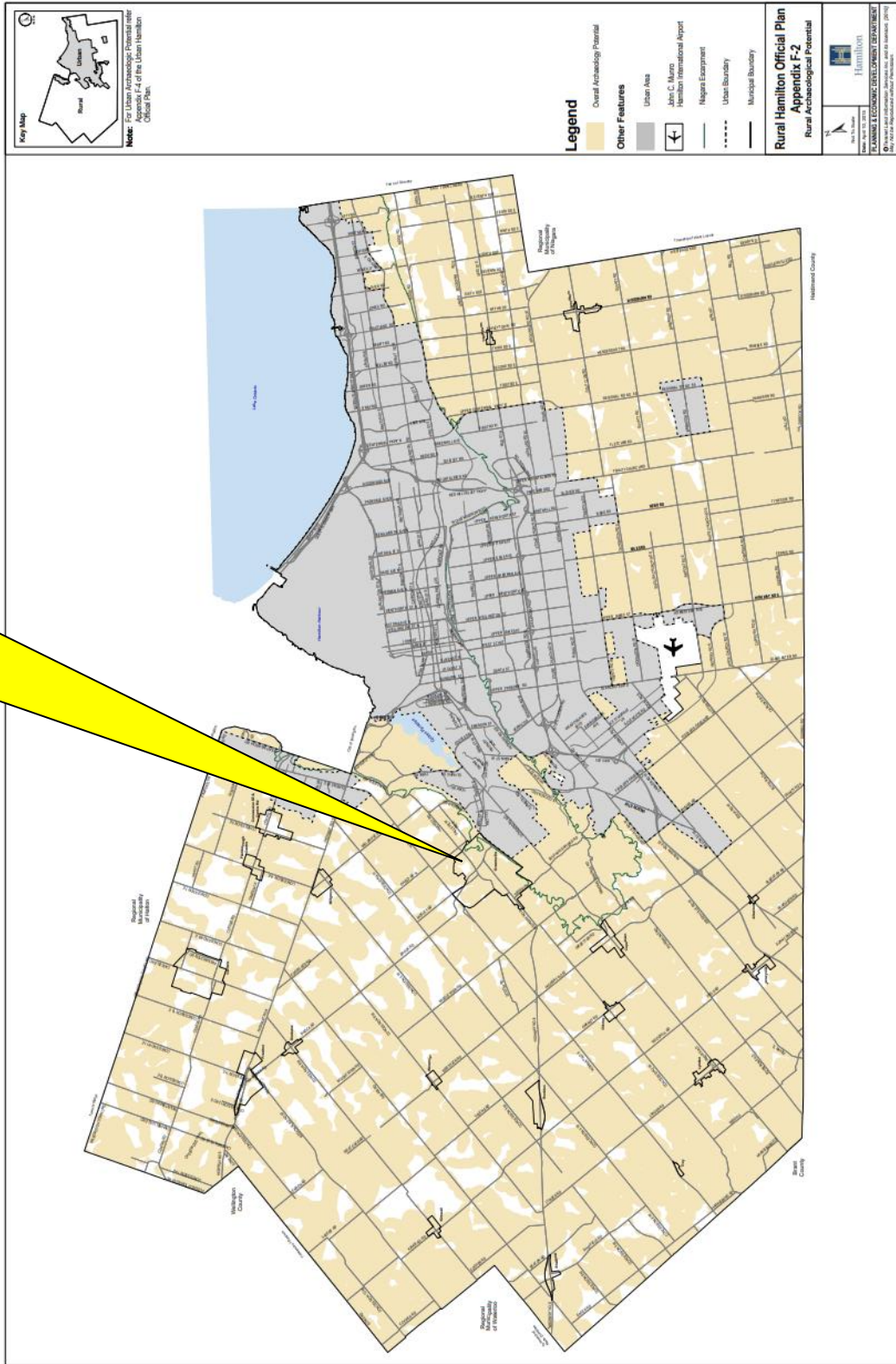
# Appendix 'J': (City of Hamilton Rural Official Plan – Schedule D)

Approx. Location of Subject Property

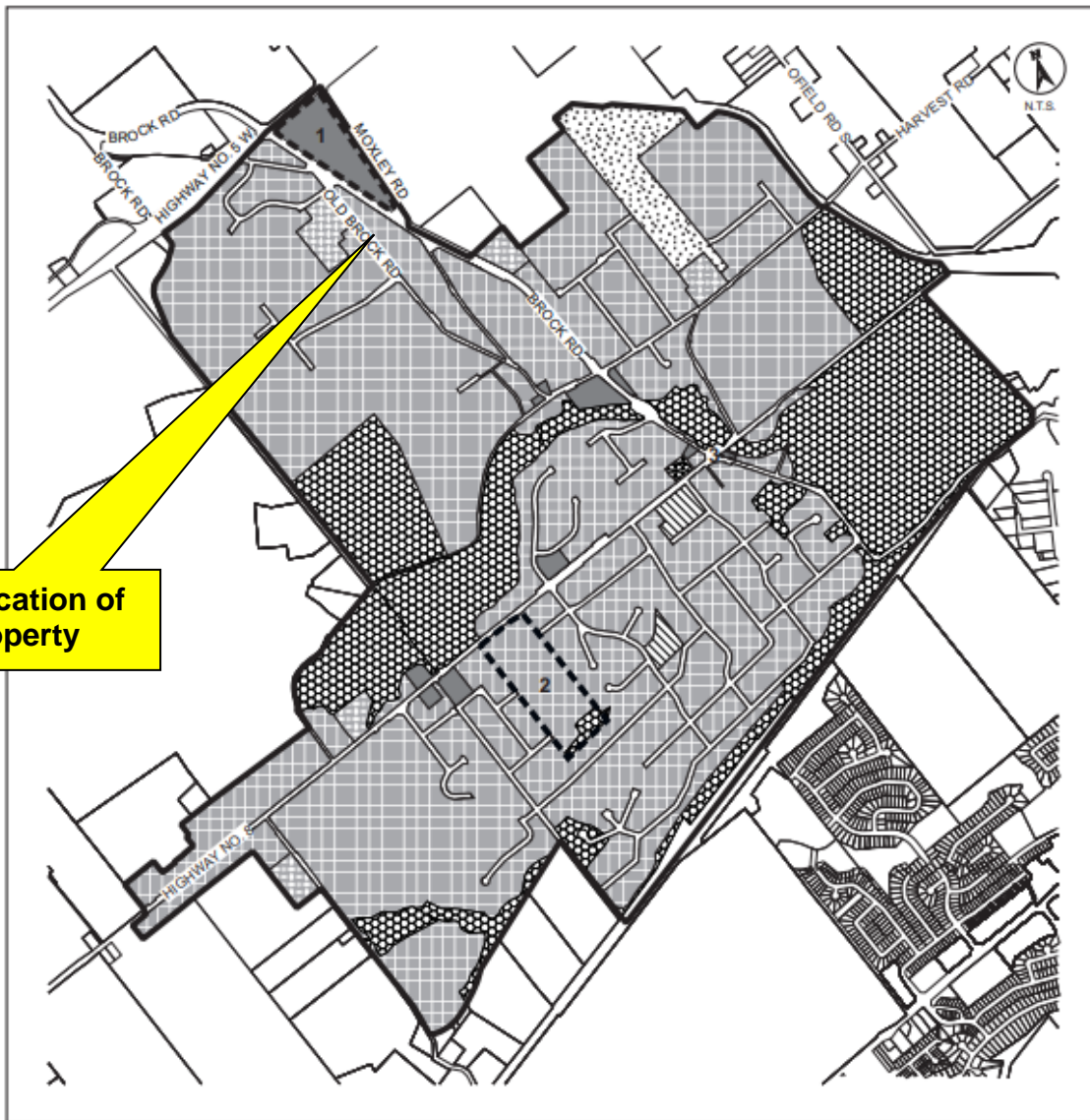


# Appendix 'K': (City of Hamilton Rural Official Plan – Appendix F-2)

Approx. Location of  
Subject Property



**Appendix 'L':  
(Greenville Rural Settlement Area Plan – Volume 2: Map 8a)**



**Approx. Location of Subject Property**

**Legend**

- Settlement Area Boundary
- - - Site Specific Area

**LAND USE DESIGNATIONS**

- Settlement Residential
- Settlement Commercial
- Settlement Institutional

**Open Space and Parks Designations**

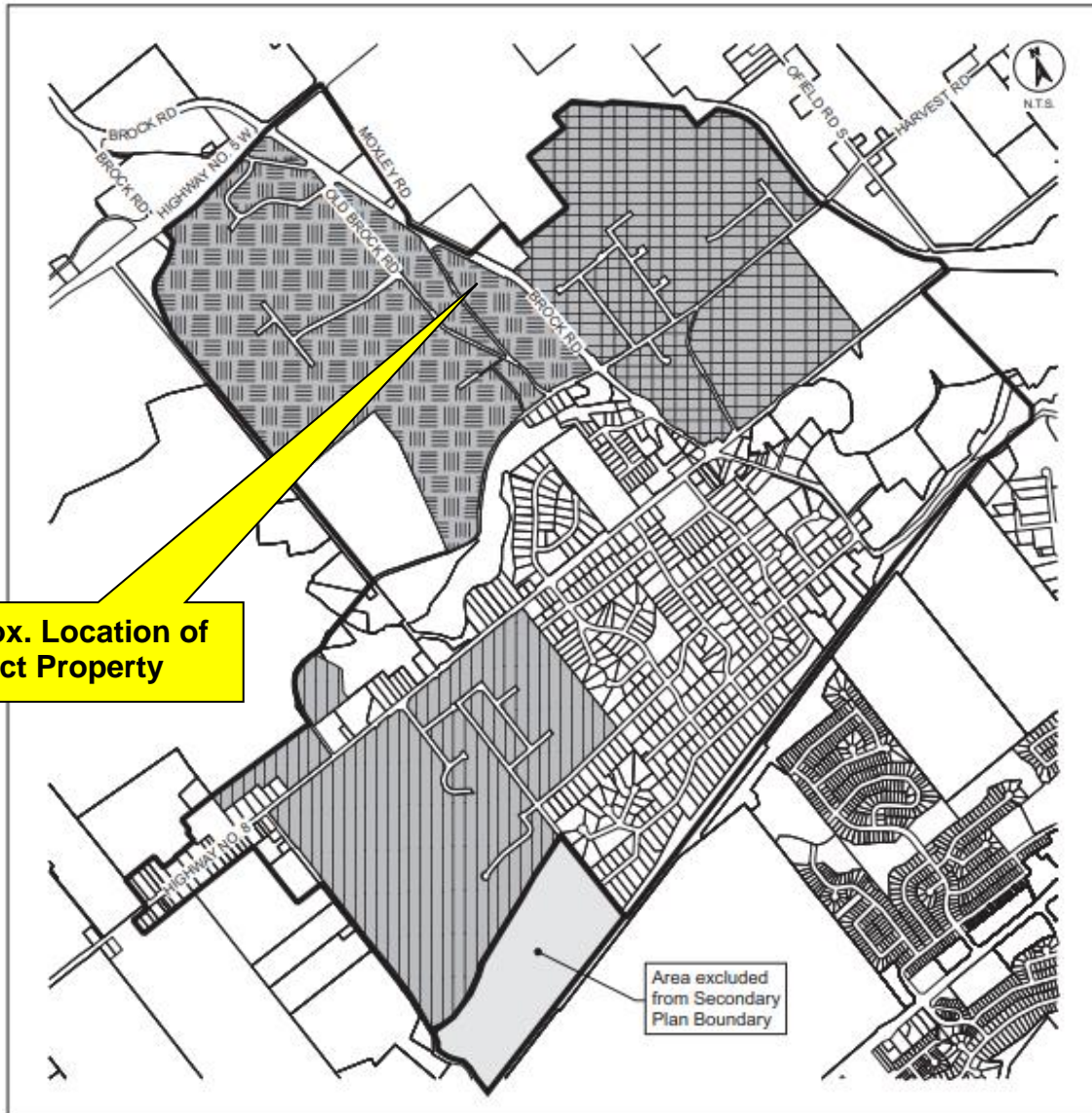
- Community Park
- General Open Space
- Natural Open Space (Hazard Lands)
- Neighbourhood Park

**Volume 2: Map 8a  
Greenville Rural Settlement Area Plan  
Rural Hamilton Official Plan**

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: November 2021



**Appendix 'M':  
(Greenville Rural Settlement Area Plan – Volume 2: Map 8b)**



**Approx. Location of Subject Property**

**Volume 2: Map 8b  
Greenville Major Development Areas  
Rural Settlement Area Plan**

- Legend:**
- Settlement Area Boundary
  - Site Specific Area 1
  - Area Excluded from Secondary Plan Boundary
  - Major Development Area A
  - Major Development Area B
  - Major Development Area C

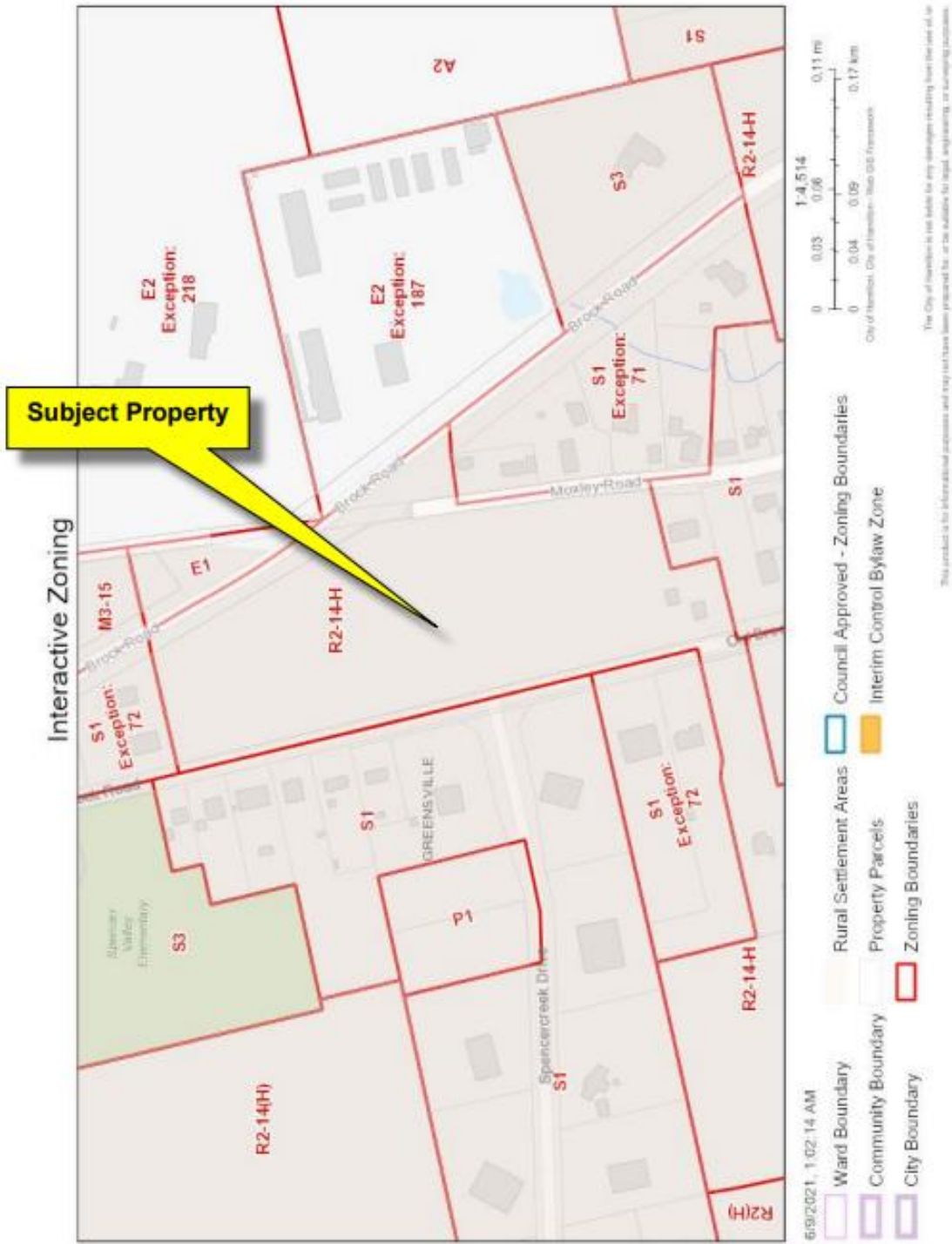
Rural Hamilton Official Plan  
Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012



**Note:** This map is unchanged from Schedule B.16-3 of the former Town of Flamborough Official Plan.



## Appendix 'N': (Former Town of Flamborough Zoning By Law – Interactive Map)





Hamilton

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

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

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

Office Use Only

Date Application Received:	Date Application Deemed Complete:	Submission No.:	File No.:
----------------------------	-----------------------------------	-----------------	-----------

**1 APPLICANT INFORMATION**

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Tracy Kowalchuk		
Applicant(s)**	Urban in Mind c/o Terrance Glover		
Agent or Solicitor			Phone:
			E-mail:

\*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application. (O. Reg. 786/21)

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

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

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

2.1 Area Municipality Hamilton	Lot PT 9	Concession Concession 2	Former Township West Flamborough
Registered Plan N°.	Lot(s)	Reference Plan N°.	Part(s)
Municipal Address 394 Old Brock Road			Assessment Roll N°.

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

[Empty box for describing easement or covenant]

**3 PURPOSE OF THE APPLICATION**

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

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

- creation of a new lot
- addition to a lot
- an easement
- Other:  a charge
- a lease
- a correction of title

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

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

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

[Empty box for name of person(s)]

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

[Empty box for identifying lands]

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

4.1 Description of land intended to be **Severed (lease, easement, charge etc.):**

Frontage (m)	Depth (m)	Area (m <sup>2</sup> or ha)
79.5 m	<i>varies</i>	7,415.57 m <sup>2</sup>

Existing Use of Property to be severed:

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

Proposed Use of Property to be severed:

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

Building(s) or Structure(s):

Existing: Agricultural

Proposed: Single-detached dwelling

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify)

4.2 Description of land intended to be **Retained (remainder)**:

Frontage (m) 344.0 m	Depth (m) varies	Area (m <sup>2</sup> or ha) 39,400.0 m <sup>2</sup>
-------------------------	---------------------	--

Certificate Request for Retained Lands:  Yes\*

\* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (**O. Reg. 786/21**)

Existing Use of Property to be retained:

- Residential  
 Agriculture (includes a farm dwelling)  
 Other (specify) no change to existing retained use
- Industrial  
 Agricultural-Related
- Commercial  
 Vacant

Proposed Use of Property to be retained:

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

Building(s) or Structure(s):

Existing: Single-detached dwelling

Proposed: N/A

Existing structures to be removed: N/A

Type of access: (check appropriate box)

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

Type of water supply proposed: (check appropriate box)

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

Type of sewage disposal proposed: (check appropriate box)

- publicly owned and operated sanitary sewage system  
 privately owned and operated individual septic system  
 other means (specify)

4.3 Other Services: (check if the service is available)

- electricity       telephone       school bussing       garbage collection

**5 CURRENT LAND USE**

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): Hamlets (Rural Settlement Area), Greensville Secondary Plan

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

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

See Planning Justification Report

5.2 What is the existing zoning of the subject land?

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? R2-14-H

5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard*	<input type="checkbox"/>	
A land fill	<input type="checkbox"/>	
A sewage treatment plant or waste stabilization plant	<input type="checkbox"/>	
A provincially significant wetland	<input type="checkbox"/>	
A provincially significant wetland within 120 metres	<input type="checkbox"/>	
A flood plain	<input type="checkbox"/>	
An industrial or commercial use, and specify the use(s)	<input type="checkbox"/>	Concrete and aggregate supplier (400 m)
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	

\*Complete MDS Data Sheet if applicable

6 PREVIOUS USE OF PROPERTY

- Residential       Industrial       Commercial  
 Agriculture       Vacant       Other (specify)

- 6.1 If Industrial or Commercial, specify use \_\_\_\_\_
- 6.2 Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred?  
 Yes       No       Unknown
- 6.3 Has a gas station been located on the subject land or adjacent lands at any time?  
 Yes       No       Unknown
- 6.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?  
 Yes       No       Unknown
- 6.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands?  
 Yes       No       Unknown
- 6.7 Have the lands or adjacent lands ever been used as a weapons firing range?  
 Yes       No       Unknown
- 6.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?  
 Yes       No       Unknown
- 6.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?  
 Yes       No       Unknown

- 6.10 Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?  
 Yes     No     Unknown
- 6.11 What information did you use to determine the answers to 6.1 to 6.10 above?  
 Based off of historic aerial photos and discussions with the owner.
- 6.12 If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.  
 Is the previous use inventory attached?  
 Yes     No

**7 PROVINCIAL POLICY**

- 7.1 a) Is this application consistent with the Policy Statements issued under subsection of the *Planning Act*? (Provide explanation)  
 Yes     No  
 See Planning Justification Report
- b) Is this application consistent with the Provincial Policy Statement (PPS)?  
 Yes     No    (Provide explanation)  
 See Planning Justification Report
- c) Does this application conform to the Growth Plan for the Greater Golden Horseshoe?  
 Yes     No    (Provide explanation)  
 See Planning Justification Report
- d) Are the subject lands within an area of land designated under any provincial plan or plans? (If YES, provide explanation on whether the application conforms or does not conflict with the provincial plan or plans.)  
 Yes     No
- e) Are the subject lands subject to the Niagara Escarpment Plan?  
 Yes     No  
 If yes, is the proposal in conformity with the Niagara Escarpment Plan?  
 Yes     No  
 (Provide Explanation)
- f) Are the subject lands subject to the Parkway Belt West Plan?  
 Yes     No  
 If yes, is the proposal in conformity with the Parkway Belt West Plan?  
 Yes     No    (Provide Explanation)
- g) Are the subject lands subject to the Greenbelt Plan?  
 Yes     No

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

Yes       No      (Provide Explanation)

See Planning Justification Report

**8 HISTORY OF THE SUBJECT LAND**

8.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?

Yes       No       Unknown

If YES, and known, indicate the appropriate application file number and the decision made on the application.

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

8.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?  Yes       No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

8.4 How long has the applicant owned the subject land?

8.5 Does the applicant own any other land in the City?       Yes       No

If YES, describe the lands in "11 - Other Information" or attach a separate page.

**9 OTHER APPLICATIONS**

9.1 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?       Yes       No       Unknown

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

9.2 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

Yes       No       Unknown

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

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

**10 RURAL APPLICATIONS**

10.1 Rural Hamilton Official Plan Designation(s)

Agricultural       Rural       Specialty Crop  
 Mineral Aggregate Resource Extraction       Open Space       Utilities  
 Rural Settlement Area (specify)      Greenville      Settlement Residential

Settlement Area      Designation

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation.

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

- Agricultural Severance or Lot Addition
  - Agricultural Related Severance or Lot Addition
  - Rural Resource-based Commercial Severance or Lot Addition
  - Rural Institutional Severance or Lot Addition
  - Rural Settlement Area Severance or Lot Addition
- } (Complete Section 10.3)
- Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)
  - Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation (Complete Section 10.5)

10.3 **Description of Lands**

a) Lands to be Severed:

Frontage (m): (from Section 4.1) 79.5 m	Area (m <sup>2</sup> or ha): (from in Section 4.1) 7,415.57 m <sup>2</sup>
--	---

Existing Land Use: Open Space Proposed Land Use: Single-detached dwelling/rural residential

b) Lands to be Retained:

Frontage (m): (from Section 4.2) 344.0 m	Area (m <sup>2</sup> or ha): (from Section 4.2) 39,400.0 m <sup>2</sup>
---	--

Existing Land Use: Single-detached dwelling/agricultural Proposed Land Use: Rural residential/agricultural (no change)

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

a) Location of abutting farm:

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

b) Description abutting farm:

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

Existing Land Use(s): \_\_\_\_\_ Proposed Land Use(s): \_\_\_\_\_

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

Frontage (m):	Area (m <sup>2</sup> or ha):
---------------	------------------------------

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

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

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
----------------------------------	---

Front yard set back: \_\_\_\_\_

e) Surplus farm dwelling date of construction:

- Prior to December 16, 2004
- After December 16, 2004

f) Condition of surplus farm dwelling:

- Habitable
- Non-Habitable



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

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

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

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

a) Location of non-abutting farm

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

b) Description of non-abutting farm

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

c) Description of surplus dwelling lands intended to be severed:

Frontage (m): (from Section 4.1)	Area (m <sup>2</sup> or ha): (from Section 4.1)
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Front yard set back: \_\_\_\_\_

d) Surplus farm dwelling date of construction:

Prior to December 16, 2004  After December 16, 2004

e) Condition of surplus farm dwelling:

Habitable  Non-Habitable

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

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

**11 OTHER INFORMATION**

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

See Planning Justification Report regarding lot size and lot coverage explanation
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**12 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.

June 8<sup>th</sup>, 2022  
Date

Tracy Kowalchuk  
Signature of Owner