



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
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

APPLICATION NO.:	GL/B-22:117	SUBJECT PROPERTY:	695 Glover Rd, Glanbrook
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APPLICANTS: Owner: Guerrino and Irene DiCarlo
Agent: Arcadis IBI Group – Jared Marcus

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known municipally as 663 Glover Road.

	Frontage	Depth	Area
SEVERED LANDS:	N/A m [±]	130.2 m [±]	7,851 m ² [±]
RETAINED LANDS:	44.491 m [±]	191.1 m [±]	14,674 m ² [±]

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, December 8, 2022
TIME:	1:45 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	2nd floor City Hall, room 222 (see attached sheet for details), 71 Main St. W., Hamilton
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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

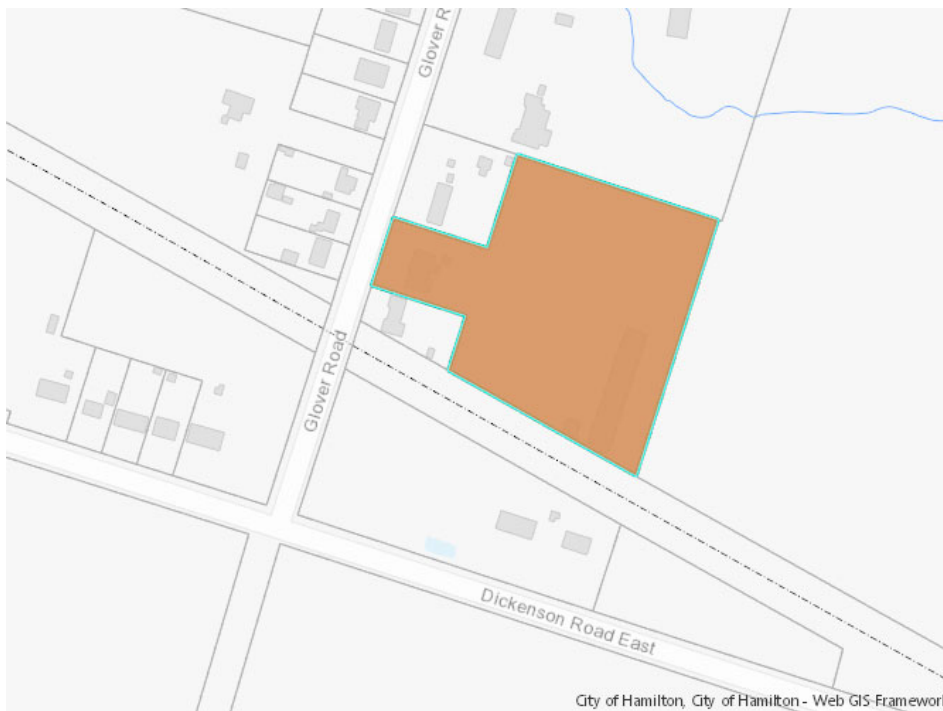
GL/B-22:117

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th 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.



 **Subject Lands**

DATED: November 22, 2022

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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

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

GL/B-22:117

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 or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5.



Hamilton

COMMITTEE OF ADJUSTMENT

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E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

Comment packages are available two days prior to the Hearing and are available on our website: 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. 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.

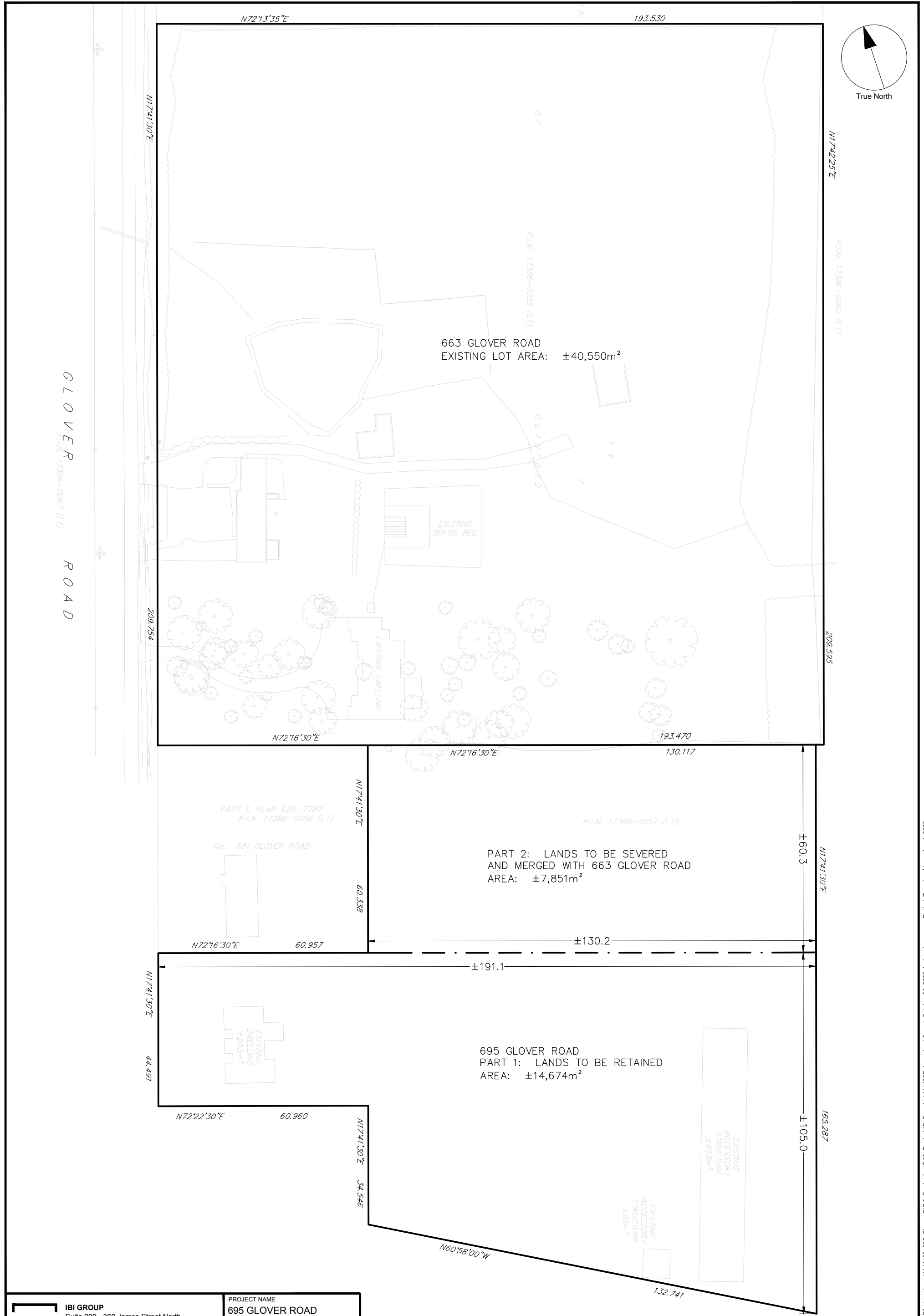
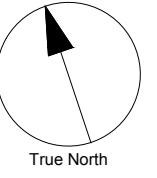
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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 (2nd 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 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.



	IBI GROUP Suite 200 - 360 James Street North Hamilton ON L8L 1H5 Canada tel 905 546 1010 fax 905 546 1011 ibigroup.com	
	FIGURE NAME SEVERANCE SKETCH	FIGURE NO. 1

PROJECT NAME 695 GLOVER ROAD	
695 GLOVER ROAD HANNON, ON L0R 1P0	
SCALE: 1:1000	DATE: 2022-10-25
PROJECT MGR: J.MARCUS	DRAWN BY: J.MARCUS
CHECKED BY: T.TUCKER	APPROVED BY: J.MARCUS
PROJECT NO: 141139	

November 4, 2022

Ms. Jamila Sheffield, ACST
Secretary Treasurer-Committee of Adjustment
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**695 GLOVER ROAD, HANNON
CONSENT APPLICATION**

On behalf of the property owners, Guerrino DiCarlo and Irene DiCarlo, we are pleased to submit a Consent application for the above noted property.

The application seeks to sever a parcel of land approximately 7,851m² in size to be merged with the adjacent property 663 Glover Road. The owners would retain a parcel of land approximately 14,674m² in size. Both properties would comply with the minimum lot frontage and lot area requirements of the Rural (A2) zone.

In support of the application please find enclosed the following information:

- One (1) copy of the completed Consent application form;
- One (1) copy of the Consent sketch; and,
- One (1) copy of the Planning Opinion memo supporting the proposed Consent.

Please note that a cheque in the amount of \$3,375.00 made payable to the City of Hamilton will be submitted under separate cover. The requisite NPCA review fee will be couriered to their attention under separate cover.

Should you require any additional information please do not hesitate to contact the undersigned.

Thanks,



Jared Marcus, CPT
Associate, Manager – Planning

November 1, 2022

Ms. Jamila Sheffield
Secretary - Treasurer, Committee of Adjustment
City of Hamilton
71 Main Street West - 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield:

**695 GLOVER ROAD, HANNON
CONSENT APPLICATION**

On behalf of the property owners, Guerrino DiCarlo and Irene DiCarlo, we are pleased to submit a Consent application for the above noted property. The application seeks to sever a parcel of land approximately 7,851m² in size to be merged with the adjacent property 663 Glover Road. The owners would retain a parcel of land approximately 14,674m² in size. Both properties would comply with the minimum lot frontage and lot area requirements of the Rural (A2) zone.

The subject lands are located on the east side of Glover Road and have a frontage of 44.4m and lot area of 22,525m². The subject lands are used for residential purposes and contain an existing one-storey dwelling. There are also several accessory structures on the property. The subject lands consist predominantly of manicured lawn with sparse vegetation. In the northern part of the subject lands is a small, wooded area that spans across the northern lot line into 663 Glover Road, and a small row of trees separating the subject lands from the adjacent agricultural fields to the east. There are no agricultural uses on the subject lands and the make up of the property would likely preclude agricultural uses in the future.

To the north and west of the subject lands along Glover Road the predominate land use is residential, with a few small areas for access to adjacent agricultural fields. Approximately 400m to the north is located the current urban boundary of Hamilton and the North Glanbrook Industrial Business Park. To the immediate south of the subject lands is a residential property and a Hydro One corridor. To the east of the subject lands are agricultural fields.

663 Glover Road is also a predominantly residential property with a lot frontage of 209m and a lot area of 40,550m². A new dwelling was recently constructed and there are two existing accessory structures on the property. The northern third of the property appears to be used for agricultural production. Similar to the above, there is a small, wooded area that spans across the mutual lot line with 695 Glover Road.

There are no new dwellings or structures proposed as part of this application. The subject lands and the adjacent parcel are both currently used for residential purposes and no new lot creation is proposed, nor will any acreage be taken out of agricultural use. A wooded area with fragmented property ownership will become part of one ownership if the application is successful.

The image below shows the subject lands outlined in red and the lands to be severed are shown in grey hatch with blue outline.

Ms. Jamila Sheffield – November 1, 2022



Figure 1: Surrounding Context around Subject Lands, Retrieved from City of Hamilton Mapping

Lot additions in the Rural areas within the City of Hamilton are subject to compliance with the policies contained within in Chapter F – Implementation of the Rural Hamilton Official Plan (“RHOP”), the specific clauses and a brief comment regarding compliance follows:

Section 1.14.2.5 – Lot Additions in All Designations

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

a) No new lots shall be created;

Comment: No new lot is being created. The proposed severed lands will be merged with 663 Glover Road.

b) All resulting lots shall be: i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and, ii) be compatible with and not hinder surrounding agricultural operations.

Comment: The remaining lands of 695 Glover Road will be approximately 1.4ha. in size. There will be no change to the functionality of the agricultural lands to the east as a result of this application.

c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).

Comment: The subject lands are used for residential purposes and there are no agricultural uses on the subject lands.

d) For lands within the Specialty Crop designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 16.2 hectares (40 acres).

Comment: Subject lands are not within the Specialty Crop designation.

Ms. Jamila Sheffield – November 1, 2022

e) For lands within the Rural designation where a lot addition will result in the creation of a non-agricultural lot, any existing building or structure for an established residential, commercial or industrial use shall be located on the proposed non-agricultural lot;

Comment: The subject lands and adjacent lands are existing residential lots of record, the lot addition does not propose the creation of a new non-agricultural lot.

f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.

Comment: The subject property does not contain any area designated as Open Space or Natural Heritage System. Nonetheless, the minimum lot size requirement has been met. However, there is a small, wooded area that is currently bisected by the northerly mutual lot line and this wooded area will now be consolidated under one ownership which reduces the risk of further fragmentation or impact to its viability.

g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, ***with as little acreage as possible taken out of agricultural use. [emphasis added]***

Comment: The lot addition application proposes to sever approximately 0.78ha. from the existing lot to be merged with a property to the north. While the size of the proposed severance may at first glance appear to be at odds with the above policy, in our opinion the last sentence of the policy contains the key to the review for compliance with the policy.

The goals of the RHOP seeks to maintain and promote the right-to-farm throughout Rural Hamilton, to preserve and enhance prime agricultural areas for farming, and encourage all lands used for agricultural areas and specialty crop area for farming. Similarly, policy (g) above is clear in that the intent of the policy is to ensure that lot line additions are not removing lands from agricultural purposes to be used to support the expansion of a non-agricultural use, and further the policies do not provide guidance for lot line additions in the rural area that deal with a lot line adjustment between two non-agricultural uses.

As explained earlier in this letter, both the subject lands and the property which the lands will be merged with are used for residential purposes. The proposed severance of land does not impact any existing farm operation and does not remove existing agricultural land from production. Rather the severance is a transfer of manicured lawn and a wooded area from one residential property to another.

It would therefore be our opinion that the intent of the policy is not to set a limit for the size of a lot addition in all situations, but rather the intent of the policy is to ensure that rural lot additions that involve active production land are reduced in scope to limit farm operation fragmentation and ensure that the stated goals in the RHOP are preserved. In the case of the subject application there is no impact to any active agricultural operation and no loss of production land. There is no change in land use as a result of the application and the result will be net neutral to the existing function of the agricultural area.

h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.

Comment: The lands to be severed are proposed to be merged with 663 Glover Road.

Ms. Jamila Sheffield – November 1, 2022

2.0 CONCLUSION AND RECOMMENDATIONS

Based on our review of the existing context, the proposed plan, and applicable planning policy and legislation, it is our opinion that the proposed applications should be approved. The proposed severance application complies with the intent of the land division policies set out in Section 1.14.2.5 of the RHOP, does not involve an active agricultural operation, does not create a new non-agricultural property, and will not remove any agricultural land from production.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Regards,
IBI Group



Jared Marcus, CPT
Associate – Manager, Planning

**APPLICATION FOR CONSENT TO SEVER LAND
 and VALIDATION OF TITLE
 UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			Phone:
			E-mail:
Registered Owners(s)	Guerrino DiCarlo and Irene DiCarlo		
Applicant(s)**			
Agent or Solicitor	Arcadis IBI Group c/o Jared Marcus		

*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.

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

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

1.3 Sign should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.4 Request for digital copy of sign Yes* No
 If YES, provide email address where sign is to be sent _____

1.5 All correspondence may be sent by email Yes* No
 If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	695 Glover Road		
Assessment Roll Number			
Former Municipality	Hannon,		
Lot	16	Concession	2
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

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:

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|--|
| <input type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input checked="" type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10)
(i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation) | |

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

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

663 Glover Road

3.4 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)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

	Retained (remainder)	Parcel 1	Parcel 2	Parcel 3*	Parcel 4*
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Identified on Sketch as:	Part 1	Part 2			
Type of Transfer	N/A				
Frontage	44.491m	N/A			
Depth	191.1m	130.2m			
Area	14,674sq.m	7,851sq.m			
Existing Use	Residential	Residential			
Proposed Use	Residential	Residential			
Existing Buildings/ Structures	Single Detached Dwelling	None			
Proposed Buildings/ Structures	None	None			
Buildings/ Structures to be Removed	None	None			

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

b) 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) _____

c) 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): Rural

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) _____

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

- 5.2 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 known, provide the appropriate file number and status of the application.

- 5.3 What is the existing zoning of the subject land? Rural (A2)

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number? _____

- 5.4 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 known, provide the appropriate file number and status of the application.

- 5.5 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 * Submit Minimum Distance Separation Formulae (MDS) if applicable	<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"/>	+/-420m
An active railway line	<input type="checkbox"/>	
A municipal or federal airport	<input type="checkbox"/>	