



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING
Minor Variance

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	AN/A-22:398	SUBJECT PROPERTY:	1584 POWER LINE ROAD W, ANCASTER, ANCASTER, Ontario
ZONE:	“A1, P4 & P7 & P8” (Open Space, Conservation Hazard Land – Rural and Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: Joseph Loewith & Sons Limited
Agent: Ruchika Angrish

The following variances are requested:

Retained lands (known municipally at 1584 Powerline Rd. W.)

1. A minimum lot area of 5.6ha shall be permitted instead of the minimum 40.4ha required.

Severed lands (to be added to adjacent lands known municipally as 1650 Powerline Road W)

2. A minimum lot area of 16.01ha shall be permitted instead of the minimum 40.4ha required.

PURPOSE & EFFECT: To facilitate the severance of a parcel of land as per Consent Application AN/B-22:87.

Notes:

The variances are necessary to facilitate Consent Application AN/B-22:87.

- i. The applicant requested a variance for a lot area reduction of 29.33 hectares to the retained lands. However, the lands are traversed by a roadway which appears to be owned by Conservation Authority. Please note that since the parcels are not directly abutting, Section 4.16 “Lot Consolidation” is not applicable. Therefore, these have been treated as two separate parcels for zoning purposes. The applicant shall ensure that the requested variance to the lot reduction on the northerly parcel to the retained lands is correct; otherwise, further variances shall be required.
- ii. Condition 8.a) of the Notice of Decision for Consent Application No. AN/B-22:87 requires the

AN/A-22:398

dedication of lands to the City of Hamilton for purposes of a road widening. The applicant shall ensure that the proposed lot area figures subject to the requested variances reflect the lot area figures which will result from any road widening required as a condition of the Consent Decision, otherwise additional variances may be required.

- iii. A site plan drawing identifying setbacks from the new lot line to any adjacent buildings or structures on each lot, as well as the lot coverage proposed on each lot, has not been included and a complete zoning review could not be carried out. The applicant shall ensure that any existing buildings or structures shall not be located within 15 m of the newly created lot line dividing 1584 and 1650 Powerline Rd W and that the total lot coverage on each lot shall not exceed 20%, otherwise additional variances may be required.

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, February 2, 2023
TIME:	4:05 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:

- 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.

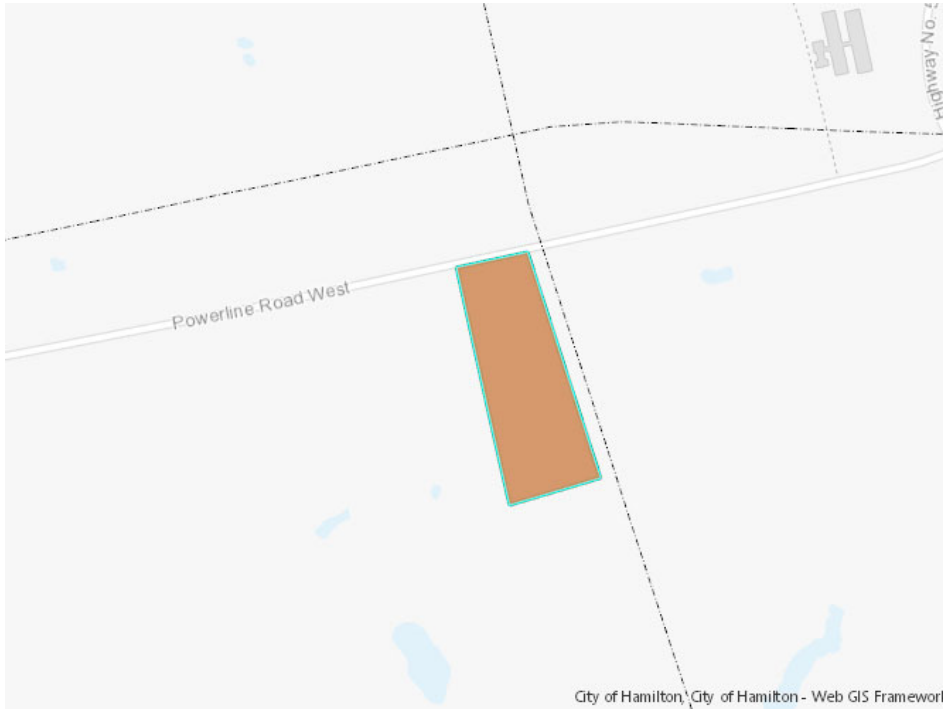
FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/A-22:398, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of

AN/A-22:398

Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer 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.



DATED: January 17, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

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



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

PARTICIPATION PROCEDURES

Written Submissions

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

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.

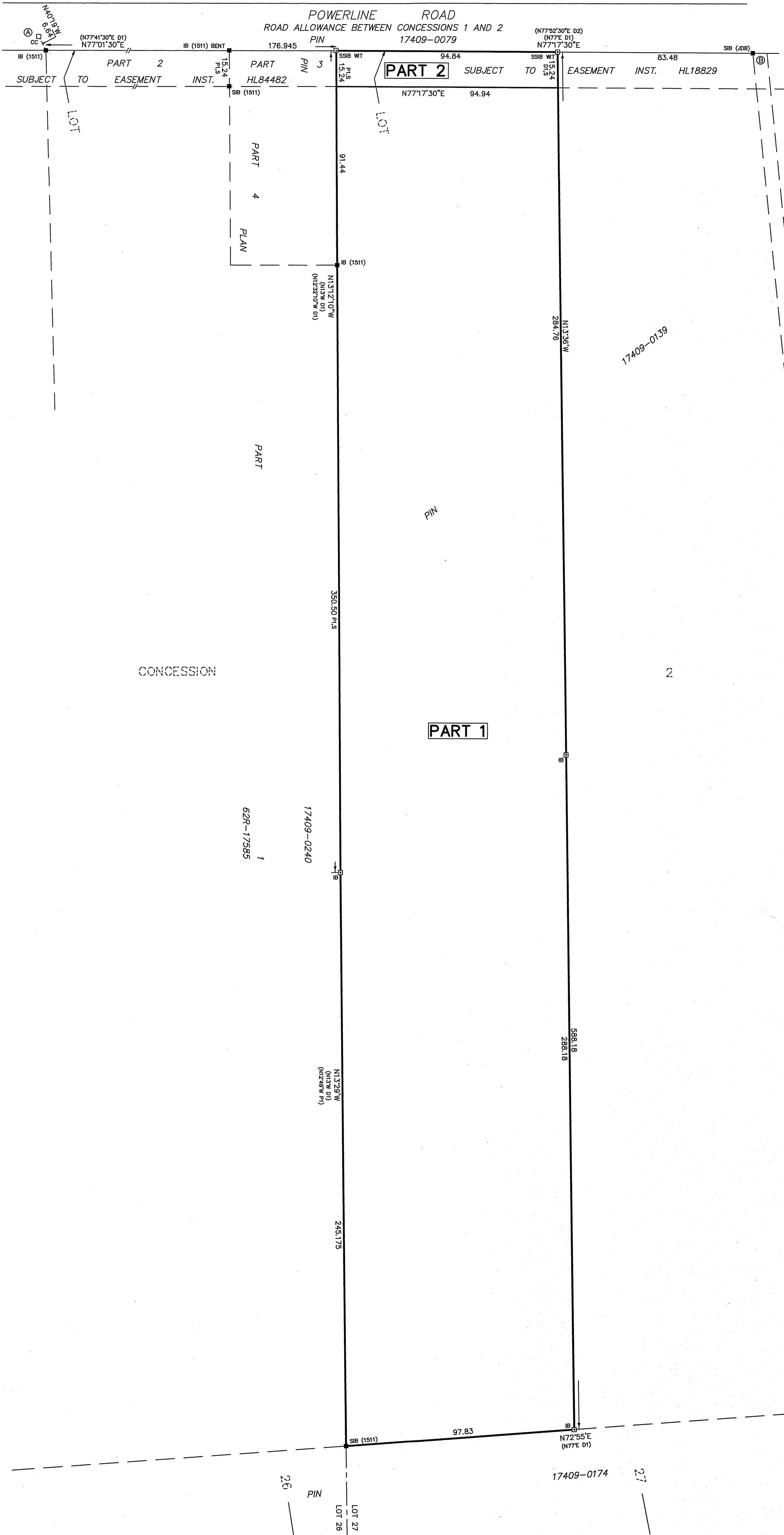
A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

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.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE JUNE 21, 2022

J. MUIR

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRANT (No. 2).

PLAN 2R- _____

RECEIVED AND DEPOSITED.

DATE _____

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA IN HECTARES
1	PART OF 27	2	17409-0139	5.573
2				0.145

PARTS 1 AND 2 TOGETHER COMPRISE PART OF PIN 17409-0139.
PART 2 IS SUBJECT TO A RIGHT OF WAY DESCRIBED IN INST. HL18829.

PLAN OF SURVEY OF
PART OF LOT 27
CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON
SCALE 1:1000

MacAULAY, WHITE & MUIR LTD.

- LEGEND
- SIB - STANDARD IRON BAR
 - SSIB - SHORT STANDARD IRON BAR
 - IB - IRON BAR
 - CC - CUT CROSS
 - CP - CONCRETE PIN
 - - PLANTED
 - - FOUND
 - - ROUND
 - WT - WITNESS
 - S - SET
 - P1 - PLAN 62R-17585
 - D1 - PIN 17409-0139 (INST. 123113AB)
 - D2 - PIN 17409-0139 (INST. HL18829)

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

NOTE:
BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010). FOR BEARING COMPARISONS, A ROTATION OF 1°05'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 2R-7266.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996.
ALL DIMENSIONS ARE MEASURED UNLESS QUALIFIED.
ALL FENCES ARE "ON LINE" UNLESS TIES TO THE PROPERTY LINE ARE SHOWN.
ALL PINS ARE LT UNLESS NOTED (R).

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010)
CO-ORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF O. REG 216/10.

POINT ID	NORTHING	EASTING
A	4786098.59	575329.44
B	4786172.53	575679.97

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20th DAY OF JUNE, 2022.

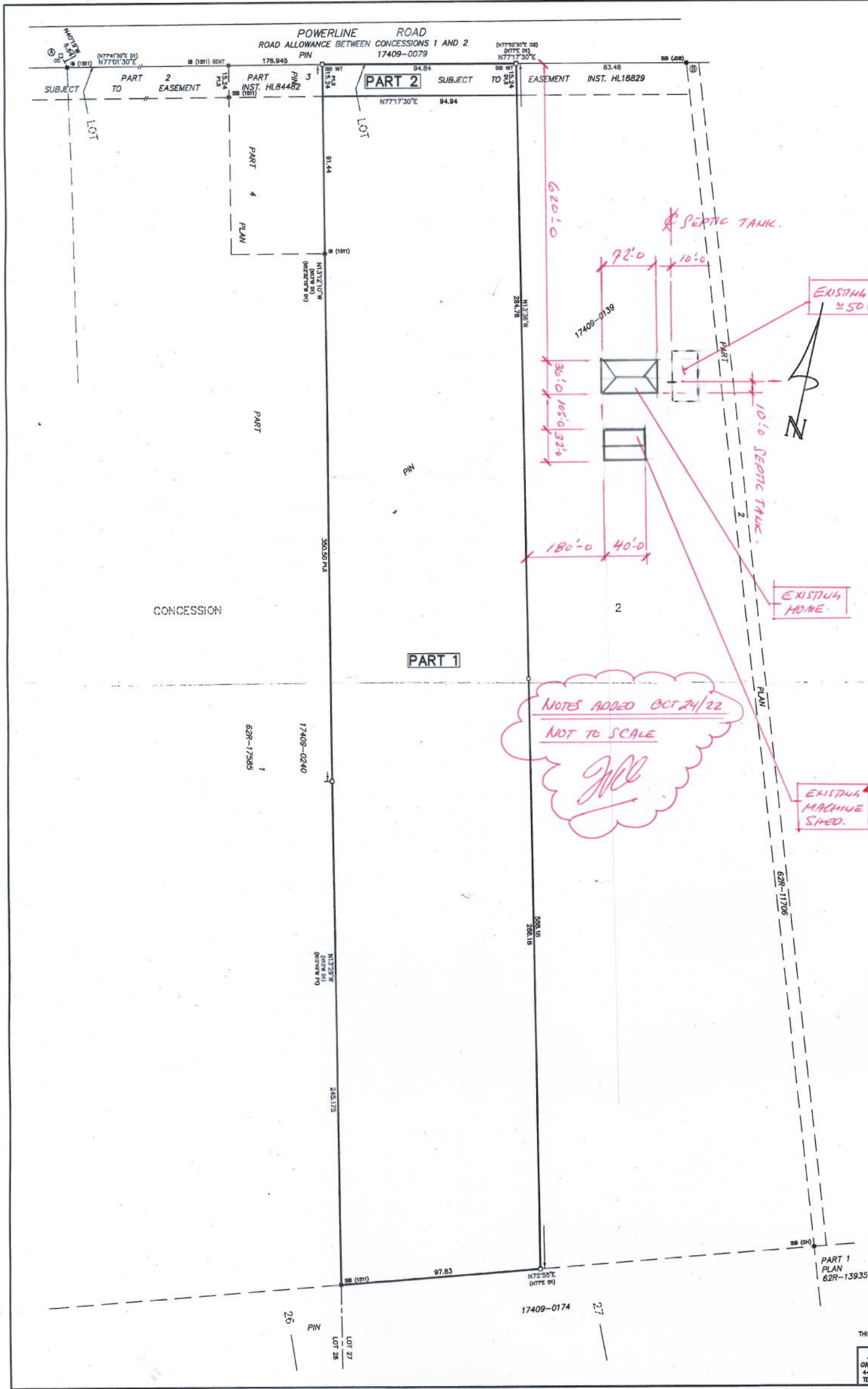
JUNE 21, 2022

JOHN W. MUIR
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-XXXXX.

MacAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
440 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3T 5L8
TEL 519-752-0040 FAX 519-752-0087 mmsurvey@bellnet.ca

22-133



1 REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE JUNE 9, 2022

J. MUIR

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF BRANT (No. 2).

PLAN 2R- _____
RECEIVED AND DEPOSITED.

DATE _____

SCHEDULE

PART	LOT	CONCESSION	PIN	AREA IN HECTARES
1	PART OF 27	2	17409-0139	5.573
2				0.145

PARTS 1 AND 2 TOGETHER COMPRISE PART OF PIN 17409-0139.
PART 2 IS SUBJECT TO A RIGHT OF WAY DESCRIBED IN INST. HL18829.

PLAN OF SURVEY OF
PART OF LOT 27
CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF ANCASTER)
CITY OF HAMILTON
SCALE 1:1000

MacAULAY, WHITE & MUIR LTD.

- LEGEND
- SIB - STANDARD IRON BAR
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 - P1 - PLAN 62R-17585
 - D1 - PIN 17409-0139 (INST. 123113AB)
 - D2 - PIN 17409-0139 (INST. HL18829)

NOTES ADDED OCT 24/22
NOT TO SCALE
JML

EXISTING MACHINE SIZED.

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

NOTE:
BEARINGS ARE GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (2010). FOR BEARING COMPARISONS, A ROTATION OF 1°09'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 2R-7266.
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SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 31st DAY OF MAY, 2022.

JUNE 9, 2022

JOHN W. MUIR
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-16161

MacAULAY, WHITE & MUIR LTD.
ONTARIO LAND SURVEYORS - CANADA LANDS SURVEYORS
440 HARDY ROAD, UNIT 2, BRANTFORD, ONTARIO, N3T 5L8
TEL. 519-752-0040 FAX 519-752-0087 mmmuir@bellnet.ca



THE ANGRISH GROUP

156 Charing Cross Street, Brantford, ON, N3R 2J4

Planning Justification Report

1584 Powerline Road, Ancaster, ON

Prepared For: Loewith and Verhey

Prepared By: The Angrish Group

November 10, 2022

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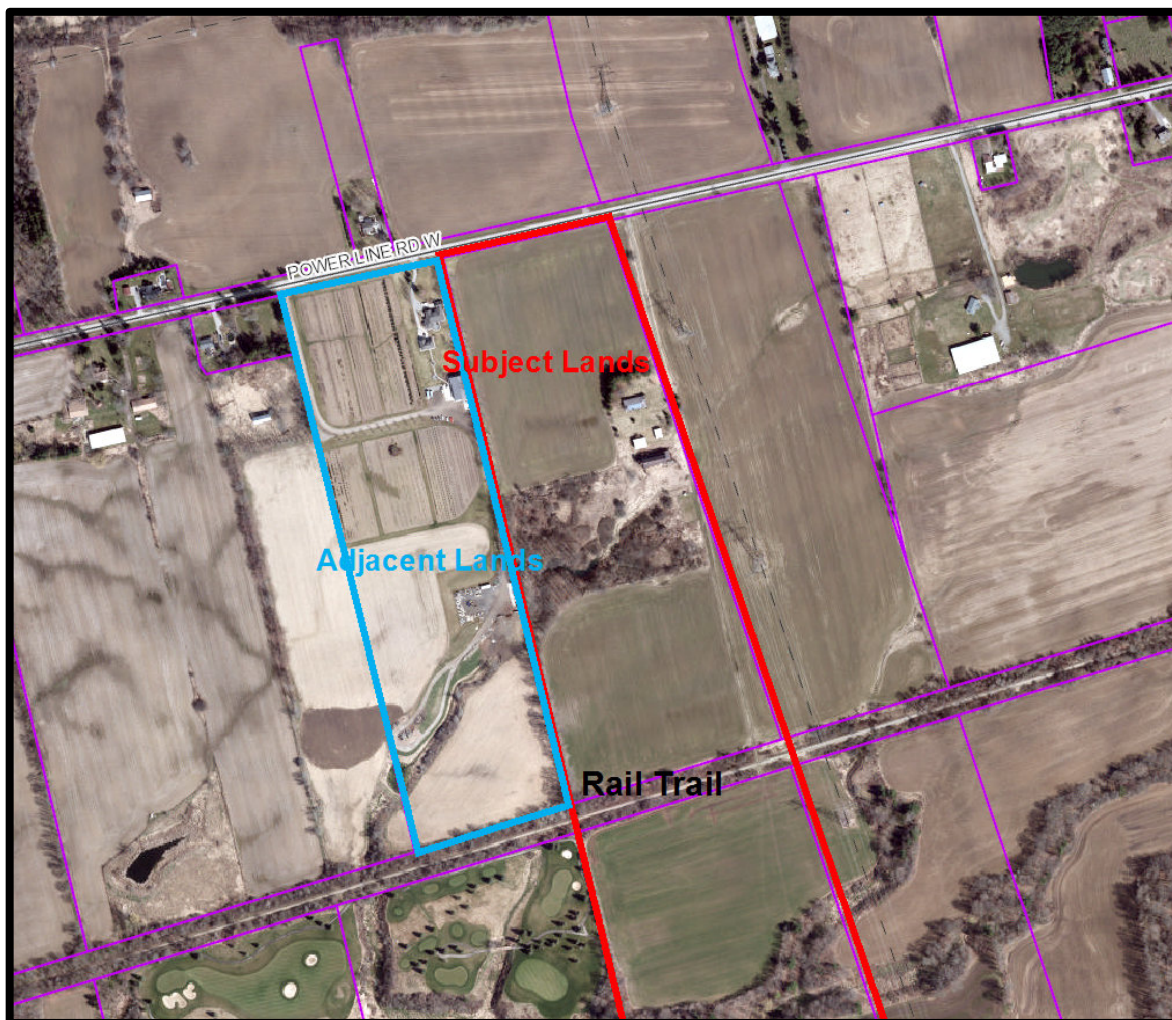
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1. Introduction and Background

The Planning Justification Report has been prepared by The Angrish Group on behalf of Walter & Maria Verhey and Joseph Loewith & Sons Limited, for the property municipally known as 1584 Powerline Road West, Ancaster. The report outlines a request for a Minor Variance required as a result of a provisionally approved Consent Application AN.B.22.87, requested for the expansion of an existing agricultural use located at 1650 Powerline Road West, Ancaster. Scenic Grove Nursery owned and operated by Walter & Maria Verhey, has been operating on 1650 Powerline Road West (“Adjacent Lands”) since 2006. Joseph Loewith & Sons Limited (“Owners”) own the adjoining farm on 1584 Powerline Road West (“Subject Lands”).

Map 1 shows the aerial view of the lands subject to this application.

Map 1: Aerial View of lands



The Planning Justification Report provides an analysis of the provincial and municipal planning framework and provide a professional planning opinion related to the proposed Minor Variance Application. The report should be read in conjunction with the original proposal for the lot line adjustment.

2. Location and Description

The Subject Lands are located at 1584 Powerline Road West, and are legally described as Part Lot 27, Concession 2 Ancaster, as in AB123113 lying North of The Hamilton Region Conservation Authority & West of The H.E.P.C.; S/T H1188829 Ancaster; Hamilton.

The property is approximately 34.9 hectares (+/-86.2 acres) in size with a frontage of around 178.32 meters (+/-585 feet) on Powerline Road West.

Map 2 shows the location of the property and the surrounding area.

Map 2: Location of Subject Lands and Surrounding Area

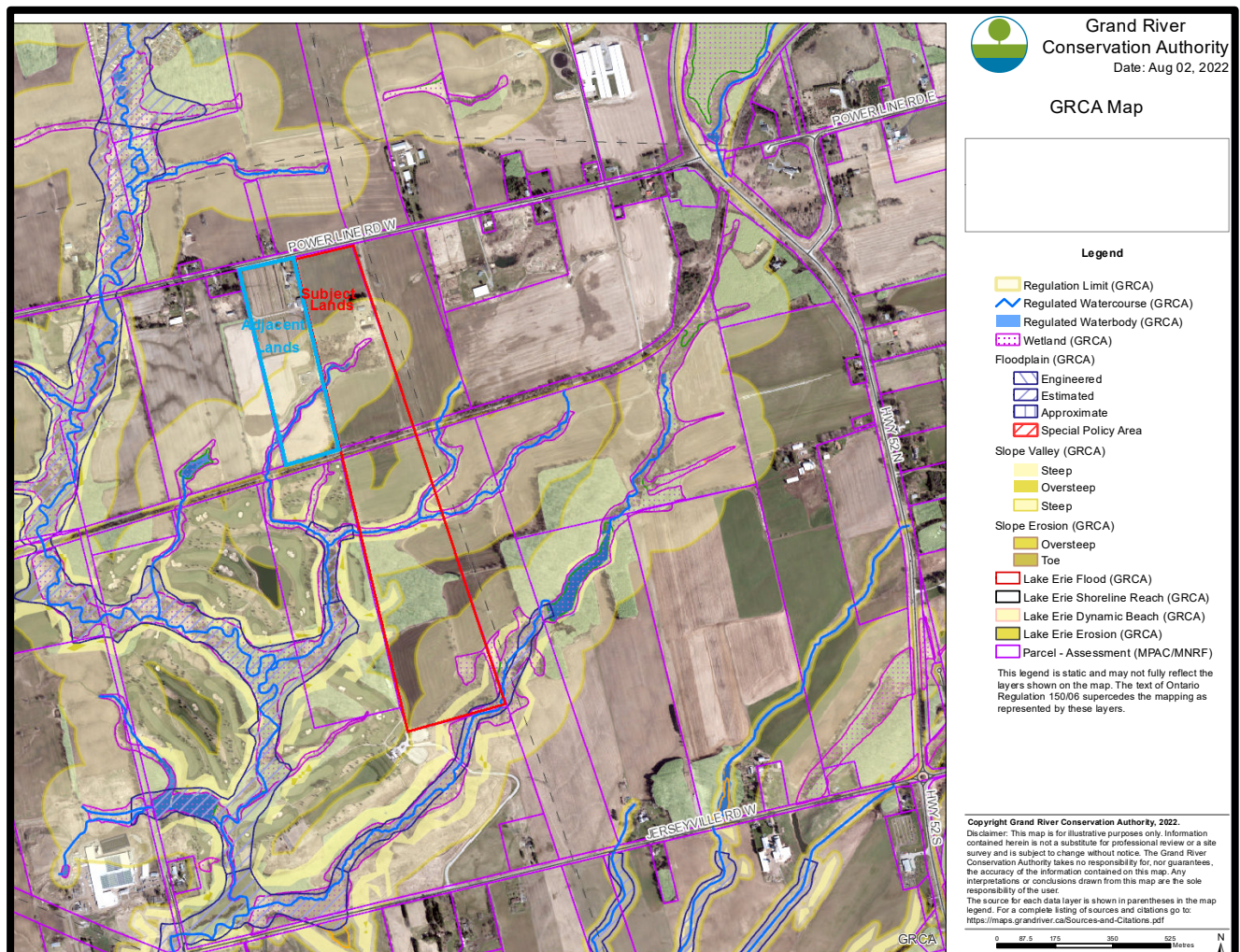


The subject property is located on the south side of Powerline Road West, north side of Jerseyville Road West and west side of Highway No. 52 North.

There is an existing single detached dwelling and a barn located on the property. The Subject Lands are currently serviced by private well and septic system. The parcel is split through the middle by a rail trail. The lands are actively being farmed by Loewith family who own a number of other agricultural properties in the immediate surrounding area.

Natural heritage features in terms of a small creek and wetlands are present on the subject property and the Adjacent Lands. There are complex woodlands and vegetation and steep slopes located to the rear of the Subject Lands south of the rail trail. The lands are located within the regulation limit of Grand River Conservation Authority (GRCA) and Map 3 shows the extent of these features on both Subject Lands and the Adjacent Lands.

Map 3: GRCA Regulation Map



The lands are surrounded by agricultural properties. There is a golf course located to the south-west of the subject property.

The Adjacent Lands are 26 acres in size with a frontage of approximately 170 meters along Powerline Road West. The Adjacent Lands were created via a 2006 Consent Application to allow establishment of a nursery and landscaping business. The business has been operating on the property for last 16 years.

The Adjacent Lands contain a single detached dwelling, a detached accessory structure and a building containing a landscaping contractors yard establishment. The property is serviced by private well and septic system. Additionally, the farm grows flowers, plants and trees related to the nursery and the landscaping business. A portion of the property is used for planting crops as well. The area used for the landscaping establishment is approximately 2 acres which is located towards the eastern property line.

3. Proposal

The owners have received a provisional consent for a lot line adjustment on September 22, 2022 by the Committee of Adjustment to sever approximately 5.573 hectares of land from 1584 Powerline Road West and add it to the Adjacent Lands on 1650 Powerline Road West.

Map 4 shows a draft reference plan of the severed lands. The severed portion will have a frontage of 94.84 meters and a depth of 588.18 meters. The retained parcel will have an area of 29.33 hectares with a frontage of 83.48 meters and a depth of 588.18 meters.

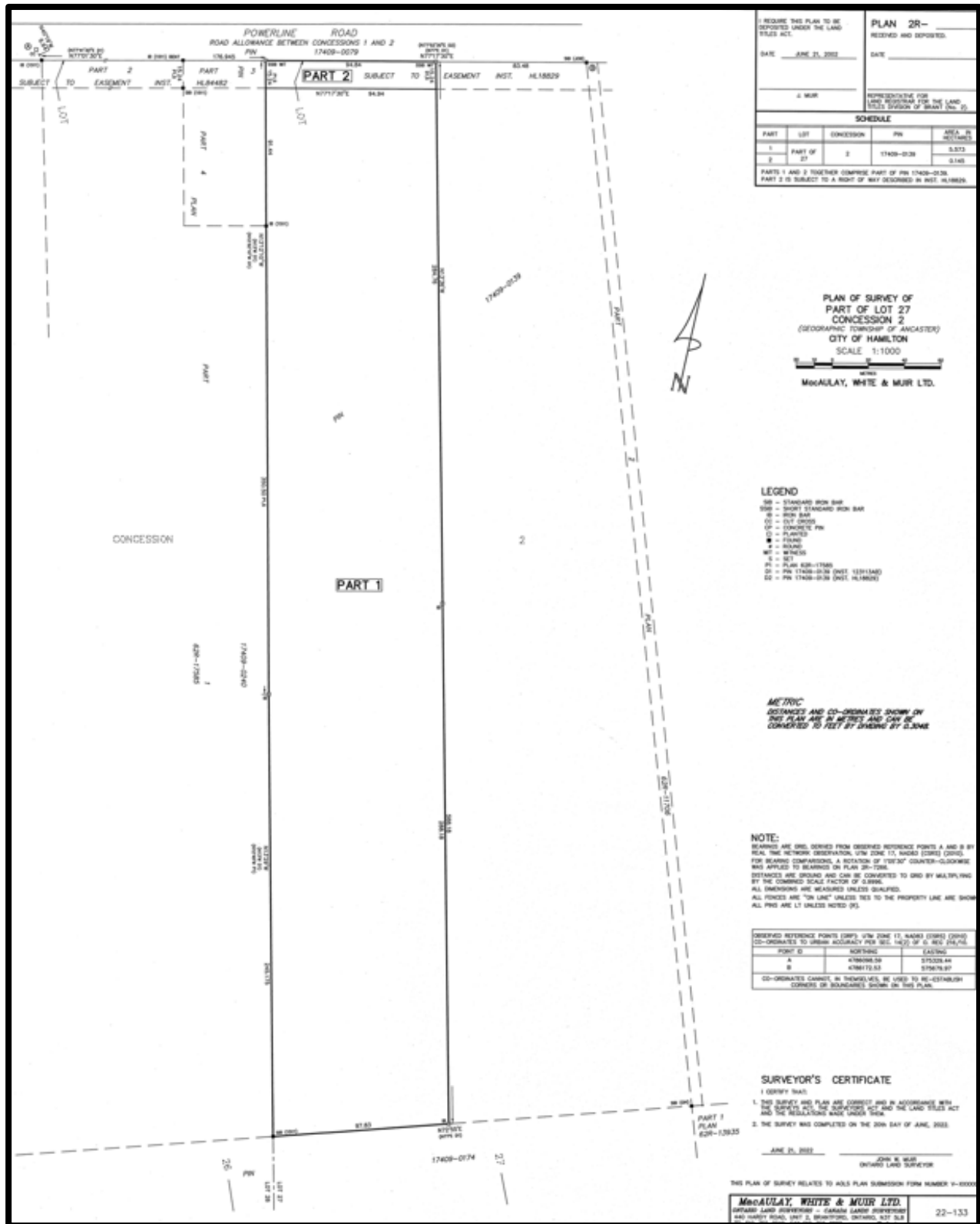
The Subject Lands are currently zoned Agriculture (A1), Open Space (P4), Conservation/Hazard Land Rural (P7 and P8) Zone in the City of Hamilton Comprehensive Zoning By-Law 05-200. The Adjacent Lands are zoned Agriculture (A1) and special exception Agricultural (A1-253).

As per section 12.1.3 of the Zoning By-Law 05-200, minimum lot area required for Agricultural (A-1) Zone is 40.4 hectares.

A Minor Variance is proposed for the following:

- a) Reduced lot area of 16.09 hectares for the Adjacent Lands on 1650 Powerline Road West; and
- b) Reduced lot area of 29.33 hectares for the Subject Lands on 1584 Powerline Road West.

Map 4: Draft Reference Plan



4. The Policy Context

The applications are subject to the provisions of the Planning Act, as amended. All Planning Act applications are evaluated to ensure that the proposal is consistent with the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe (2020), Greenbelt Plan (2017) and is in conformity with the Official Plan. This section demonstrates that the proposed lot addition application is consistent with, and conform to, the applicable provincial and local planning policy framework.

4.1. Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) is issued in accordance with Section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” the PPS.

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario and sets the policy foundation for regulating the development and use of land. The PPS encourages efficient development patterns that support sustainability by promoting strong, livable, healthy, and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The wise use and management of natural heritage resources, water resources, agricultural resources, mineral resources, and cultural heritage and archaeological resources over the long term is a key provincial interest.

Section 1.1.1 of the PPS advocates for healthy, liveable, and safe communities.

The proposal for a lot addition to support expansion of an existing agricultural use has received a provisional consent by the City of Hamilton Committee of Adjustment. A Minor Variance is required to recognize the reduced lot areas for both parcels. No new lots in agricultural area will be created through these applications.

Section 2.1 of PPS outlines policies related to natural heritage systems. Natural features and areas are to be protected for the long term and include significant wetlands, significant woodlands, significant valley lands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands.

There is a small creek and wetlands present to the south of the Subject Lands. The lands are located within the regulation limit of Grand River Conservation Authority (GRCA). Through preliminary review of the application, GRCA noted no concerns related to the lot addition. No buildings or structures are proposed in or near any natural heritage features or required buffers. No grading or site alteration will be proposed in or adjacent to these features. There will be no negative impact on the natural environment located on the lands.

Section 2.3 of PPS provides policies for Prime Agricultural Areas and highlights the importance of protecting the agricultural resources of Ontario. Permitted uses and activities include agricultural uses, agriculture-related uses, and on-farm diversified uses.

The lands located within the prime agricultural area of the City and are currently being farmed. Both the Subject Lands and Adjoining Lands will continue to be used for agricultural purposes.

It is my professional opinion that the proposed application is consistent with the Provincial Policy Statement (2020).

4.2. Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan”) is prepared under the Places to Grow Act, 2005. The Growth Plan provides policy direction for growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It implements Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. The Growth Plan recognizes the significance of the natural areas and agricultural lands that provide significant contribution to the Ontario’s resilience and ability to adapt to a changing climate. The Growth Plan notes that the agricultural lands will be protected for the provision of healthy, local food for future generations.

The Subject Lands are designated Rural Area and Natural Heritage System in the City’s Official Plan. The lands are further classified as Agriculture under the Rural Area designation. The proposed application for a Minor Variance is required to satisfy the conditions of approval for the Consent Application AN.B.22.87. There is no loss of farmland or impact on the natural heritage features proposed through these applications. No new lots are being created in agricultural area. The natural heritage features will remain protected on the lands.

It is my professional opinion that the proposed application is in conformity with the policies of the Growth Plan for Greater Golden Horseshoe (2020).

4.3. Growth Plan for the Greater Golden Horseshoe (2020)

The Greenbelt Plan was introduced in 2005 to protect the Greater Golden Horseshoe (GGH) and establishes a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and ecological and hydrogeological features, areas and functions occurring on the landscape. The Plan contains designations and policies to manage development and preserve resources.

The lands are identified as Protected Countryside in the Greenbelt Plan. The Subject Lands and the Adjacent Lands are currently being used for agricultural uses. The proposed application is required for the expansion of an agricultural use and will enhance the economic base of the City's rural area. The proposal supports a planned agricultural investment by a local business.

There is no loss of farmland or impact on the natural heritage features proposed through these applications. No new buildings or structures or additions to existing buildings are proposed.

It is my professional opinion that the proposed application is in conformity with the policies of The Greenbelt Plan (2017).

4.4. Official Plan

The Rural Official Plan (the "Official Plan") of the City of Hamilton was adopted by Council on September 27, 2006 and was approved by the Ministry of Municipal Affairs and Housing on December 24, 2008. The Official Plan came in effect on March 7, 2012. The city has completed its review of the current Rural Official Plan and By-Law 22-146 was adopted by City Council on May 25, 2022. The revised document was prepared to update policies reflecting current updates to the provincial policies. The By-Law has been submitted to the Ministry of Municipal Affairs and Housing for final approval.

The Official Plan provides a framework of objectives and strategies, land use designations and policies intended to guide the future growth and development in the City supporting Vision 2020 for a vibrant, healthy, and sustainable city. The Rural Official Plan applies to all lands within Rural Hamilton (OPA 26).

The subject property is designated as Agricultural and Natural Heritage System in the Rural Official Plan. The lands are identified within the prime agricultural area of the city. Map 5 provides an excerpt of the property showing the land use designations.

Section C.2.0 of the Rural Official Plan provides policy direction for Natural Heritage System. A large portion of the city has been identified as part of the Natural Heritage System of the Protected Countryside in the Greenbelt Plan.

The Subject Lands and the Adjacent Lands are identified Protected Countryside in the Official Plan. The Subject Lands and the Adjacent Lands are currently used for agricultural uses and are proposed to continue as such. The proposed lot addition will not have any impact on the natural heritage system as no site alteration is being proposed in or adjacent to the natural features. No major development or new buildings or structures or any land use changes are being proposed that will impact the natural environment.

Section C.3.0 General Land Use Provisions and Designations provides policy direction on the uses permitted in various land use designations. Section 3.1 notes policies related to Rural Area.

Both the Subject Lands and the Adjacent Lands are permitted to continue for agricultural uses. Both parcels are currently serviced by private well and septic system. No new development is proposed through these applications.

Section F.1.13 of the Official Plan provides policies related to Minor Variances.

The lot addition is required for the expansion of the nursery and landscaping business. It is proposed to sever approximately 5.573 hectares (13.77 acres) of land from 1584 Powerline Road West and add it to the Adjacent Lands on 1650 Powerline Road West. The lot area for adjacent land will be increased from 10.5 hectares (26 acres) to approximately 16.09 hectares (39.77 acres). The retained parcel will have an area of 29.33 hectares with a frontage of 83.48 meters. No land is being taken out of agricultural production as a result of the application. The Minor Variance application will recognize the reduced lot area for both parcels.

The farms will remain economically viable and appropriate in size as compared to other farms in the area. no new lots will be created in the agricultural area. The proposal is in keeping with the surrounding agricultural operations.

It is my professional opinion that the proposed application is required for expansion of an agricultural use and conforms with the policies of City of Hamilton Rural Official Plan.

5. Minor Variance

A Minor Variance Application is required to recognize the reduced lot area of 16.09 hectares for 1650 Powerline Road West and a reduced lot area of 29.33 hectares for 1584 Powerline Road West.

In accordance with the requirements of *the Planning Act*, in the consideration of an application for Minor Variance, there are “four tests” which are required to be satisfied, they are:

1. Does the application conform to the general intent of the Official Plan?
2. Does the application conform to the general intent of the Zoning Bylaw?
3. Is the application desirable for the appropriate development of the lands?
4. Is the application minor?

a) Official Plan Conformity

The lands are designated Agricultural and Natural Heritage System in the Official Plan. The policies of this designation allow for agricultural uses and expansion of agricultural related

uses. The variance will allow the reduced lot area for both parcels and will not have any negative impact on the surrounding area. There will be no impact on the existing natural heritage features as no new development or site alteration is proposed.

It is my opinion that the intent of the Official Plan is maintained through the requested variance.

b) Conformity with the general intent of the Zoning By-Law

The Zoning By-Law requires a lot area of 40.4 hectares for agricultural parcels. Both the Subject Lands and the Adjacent Lands are currently undersized. The lot addition will allow expansion of an agricultural business and will not have any negative impact on the viability of the farming operations.

It is my opinion that the variance is needed for efficient use of the land and would maintain the general intent of the Zoning By-Law as there are no negative impacts to the surrounding properties.

c) Appropriateness of the Minor Variance for the desirable development of the lot

From a public interest perspective, there are not any impacts to neighbouring properties due to the proposed Minor Variance. The variance required to satisfy conditions of approval for a lot addition will allow for expansion of an agricultural commercial use.

The requested variance will not result in any negative impact on the surrounding neighbourhood. The variance is required for the efficient use of lands and is in keeping with the form of development in the surrounding area.

It is my opinion that the proposed variance provides for the desirable use of the lands.

d) Proposed Variance is Minor in nature

Based on the review of the Official Plan policies, Zoning By-Law regulations, and a review of the appropriateness of the proposed variance in the surrounding area along with the three (3) tests as outlined in this report, it is my opinion that the request for variance is minor in nature and is required for the efficient use of the lands.

6. Summary and Recommendations

The proposed Minor Variance application is requested to satisfy condition of approval for the Consent Application AN.B.22.87. The application will allow for a lot line adjustment for the expansion of an existing nursery. The proposed application is required for the sustainability of an agricultural use.

It is my professional opinion that the proposal is:

- consistent with the Provincial Policy Statement;
- in conformity with the Growth Plan for the Greater Golden Horseshoe;

- conforms to The Greenbelt Plan;
- conform to the policies of the City of Hamilton Rural Official Plan; and
- in keeping with the regulations of the City of Hamilton Zoning By-Law.

The proposed application represents good planning, and it is requested to the Committee of Adjustment that the application be approved.

Respectfully Submitted,

TAG – The Angrish Group



Ruchika Angrish, MPlan, B.Tech., MCIP, RPP
Co-Founder

CC: Ben Loewith, Owner of 1584 Powerline Road West
Walter Verhey, Owner of 1650 Powerline Road West

I hereby certify that this Planning Justification Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners' Institute Act, 1994.



November 10, 2022

I hereby certify that this plan/report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.
November 10, 2022
Date 
Ruchika Angrish
Registered Professional Planner



Hamilton

Committee of Adjustment

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

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.	
APPLICATION NO. _____	DATE APPLICATION RECEIVED _____
PAID _____	DATE APPLICATION DEEMED COMPLETE _____
SECRETARY'S SIGNATURE _____	

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	MAILING ADDRESS
Registered Owners(s)	Joseph Loewith & Sons Limited	[REDACTED]
Applicant(s)*	Ruchika Angrish	
Agent or Solicitor	Ruchika Angrish	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

N/A

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

Relief from Section 12.3.1 of the Zoning By-Law to allow a reduced lot area of 16.09 hectares for 1650 Powerline Road West and a reduced lot area of 29.33 hectares for 1584 Powerline Road West.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

The lot addition for the expansion of a nursery operation was conditionally approved by CoA Application AN.B.22.87. Both parcels currently are undersized and will continue to remain as such.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

1584 Powerline Road West, Hamilton
Assessment Roll #: 251814021042400
Part of 27, Concession 2

7. PREVIOUS USE OF PROPERTY

Residential Industrial Commercial

Agricultural Farmland Vacant

Other _____

8.1 If Industrial or Commercial, specify use N/A

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes No Unknown

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes No Unknown

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes No Unknown

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes No Unknown

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes No Unknown

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes No Unknown

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes No Unknown

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes No Unknown

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

8.11 What information did you use to determine the answers to 8.1 to 8.10 above?

The lands have been used for agricultural uses specifically farming for decades.

8.12 If previous use of property is industrial or commercial or if YES to any of 8.2 to 8.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes No

9. **ACKNOWLEDGEMENT CLAUSE**

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

Date Nov 7/2022

Signature Property Owner(s) [Signature]
Print Name of Owner(s) DAVID LOEWITH BEN LOEWITH Carl Loewith

10. Dimensions of lands affected:

Frontage SEE ATTACHED
Depth SITE PLAN FOR DETAILS
Area _____
Width of street _____

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: Both parcels contain agricultural buildings and structures along with single detached dwellings, which are not impacted by the proposed application.

Proposed Agricultural related. Expansion of plantations related to a greenhouse business.

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

Existing: See attached site plan

Proposed: No buildings proposed.

13. Date of acquisition of subject lands:
-
14. Date of construction of all buildings and structures on subject lands:
NA
15. Existing uses of the subject property (single family, duplex, retail, factory etc.):
Agricultural
16. Existing uses of abutting properties (single family, duplex, retail, factory etc.):
Agricultural
17. Length of time the existing uses of the subject property have continued:
many decades
18. Municipal services available: (check the appropriate space or spaces) NA
Water _____ Connected _____
Sanitary Sewer _____ Connected _____
Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
Agricultural and Natural Heritage
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Subject lands -A1, P4, P7 and P8. Adjacent Lands A1, A1-253
21. Has the owner previously applied for relief in respect of the subject property? (Zoning By-law Amendment or Minor Variance)
 Yes No
If yes, please provide the file number:
Unknown
- 21.1 If a site-specific zoning by-law amendment has been received for the subject property, has the two-year anniversary of the by-law being passed expired?
 Yes No
- 21.2 If the answer is no, the decision of Council, or Director of Planning and Chief Planner that the application for Minor Variance is allowed must be included. Failure to do so may result in an application not being "received" for processing.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
 Yes No
23. Additional Information (please include separate sheet if needed)
The Minor Variance is required as a result of a provisionally approved Consent Application AN.B.22.87 required for the expansion of an existing agricultural use located at 1650 Powerline Road West, Ancaster
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.