



Hamilton

COMMITTEE OF ADJUSTMENT

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

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

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

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

APPLICATION NO.:	FL/A-22:400	SUBJECT PROPERTY:	414 5TH CON ROAD E, FLAMBOROUGH, Ontario
ZONE:	"A2" (Rural)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended 17-240

APPLICANTS: Owner: Connon Holdings Inc.
 Applicant: Connon Nurseries
 Agent: WEBB Planning Consultants

The following variances are requested:

1. The farm labour residence shall be permitted on a lot where no permanent principal Farm dwelling is located whereas the by-law requires the farm labour residence to be on a lot with a principal farm dwelling.
2. A farm labour residence shall not be within 30.0 metres of a principal farm dwelling whereas the farm labour residence is required within 30.0m of the principal farm dwelling.
3. A maximum of four self-contained farm labour residence units which are attached together within one building shall be permitted instead of the requirement that a maximum of one (1) farm labour residence shall be permitted on a lot.
4. The farm labour residence shall utilize the existing farm driveway which services the nursery operation instead of the requirement to utilize the existing driveway access to a farm dwelling.
5. To permit each of the farm labour residence units to have a maximum gross floor area of 150 square metres whereas the by-law requires a maximum gross floor area of 116.2 square metres for a farm labour residence.

PURPOSE & EFFECT: To permit the construction of a farm labour residence.

Notes:

These variances are necessary to facilitate site plan control application SPAR-22-080.

Please note that temporary construction is defined as a structure/building constructed without a foundation. Within the application and other supporting documents no mention of a foundation for the proposed development has been mentioned.

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:	4:10 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 FL/A-22:400, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of 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.



 Subject Lands

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.

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.

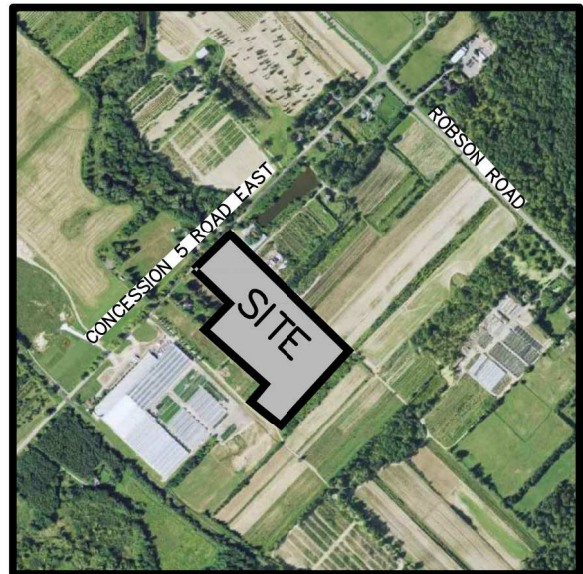
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

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.

SITE INFORMATION (ZONING REQUIREMENTS & SITE ANALYSIS)		
EXISTING ZONING:	'A2' - AGRICULTURAL	
LOT USE:	AGRICULTURE	
LOT AREA: (MINIMUM)	REQUIRED	PROVIDED
	404000m ²	125822.4m ²
LOT COVERAGE		
TOTAL BUILDING COVERAGE (70% MAX)	MAXIMUM	PROVIDED
	88075.7m ²	31308.0m ² (25%)

EX. GREENHOUSE BUILDING		
	REQUIRED	EXISTING
BUILDING HEIGHT: (MAXIMUM)	10.5m	N/A
NORTH SIDE SETBACK: (MINIMUM)	15m	59.85
SOUTH SIDE SETBACK: (MINIMUM)	15m	N/A
EAST SIDE SETBACK: (MINIMUM)	15m	14.33m
WEST SIDE SETBACK: (MINIMUM)	15m	15.46m
GROSS FLOOR AREA:	N/A	30720m ²

PROP. WAREHOUSE ADDITION AND FARM HELP DWELLING		
	REQUIRED	PROVIDED
BUILDING HEIGHT: (MAXIMUM)	10.5m	7.19m
NORTH SIDE SETBACK: (MINIMUM)	15m	41.63m
SOUTH SIDE SETBACK: (MINIMUM)	15m	N/A
EAST SIDE SETBACK: (MINIMUM)	15m	49.66m
WEST SIDE SETBACK: (MINIMUM)	15m	37.25m
BUILDING FOOTPRINT AREA: (WAREHOUSE)	N/A	285.34m ²
BUILDING FOOTPRINT AREA: (DWELLING)	N/A	302.64m ²
GROSS FLOOR AREA: (WAREHOUSE)	N/A	285.34m ²
GROSS FLOOR AREA: (DWELLING)	N/A	605.28m ²
NUMBER OF DWELLING UNITS	N/A	4



LEGEND:

- EXISTING CATCHBASIN MANHOLE
- ▲ PROPOSED MANDOOR

SITE PLAN NOTES:

- All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Development and Real Estate Division, Planning and Economic Development Department.
- Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
- Main driveway dimensions at the property line boundaries are plus or minus 7.5m unless otherwise stated.
- All driveways from property line for the first 7.5m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
- The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
 - Building Permit
 - Sewer and water permits
 - Road cut permits
 - Relocation of services
 - Approach approval permits
 - Encroachment Agreements (if required)
 - Committee of Adjustment
- Abandoned accesses must be removed and the curb and boulevard restored with sod at the owner's expense to the satisfaction of the Corridor Management Section, Public Works Department.
- All signs must comply with Sign By-law No. 10-197.
- Minimum 3.0m clearances from the existing O/H line(s) must be maintained at all times according to the Occupation Health and Safety Act.
- Do not excavate within 2.0m hydro poles and anchors. Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant is required. All cost associated with this work will be at the owner's expense.
- Call before you dig. Arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call at 1-800-400-2255.
- Clearance from overhead and underground existing electrical distribution system must be maintained according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
 - Electrical Safety Code Rule 75-312
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards)
 - CAN/CSA-C22.3 No. 7-10 Underground Systems

UNDERTAKING FILE#
RE: Cannon Nurseries

I,(We), _____ the owner(s) of the land, hereby undertake and agree without reservation,
(a) to comply with all content of this plan and drawing and not to vary therefrom;

(b) to perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter dated

(c) to maintain to the satisfaction of the City and at my(our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown on this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways;

(d) The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Culture.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and the Consumer Services (416.326.8392).

(e) In the event that the Owner does not comply with the plan dated _____, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan;

Dated this _____ of _____ 20____
Witness (signature) _____ Owner(s) (signature) _____ (seal)
Address of Witness _____

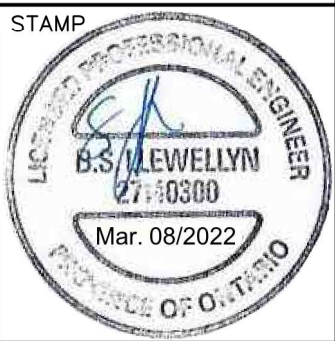
BENCH MARK NOTE:

TOWNSHIP: HAMILTON - WENTWORTH
BRIDGE OVER CREEK ALONG CENTRE ROAD, 3.2km NORTHWEST OF INTERSECTION WITH HIGHWAY NO. 5, 0.5km NORTHWEST OF EAST FLAMBOROUGH CONCESSION ROAD V, TABLET IN NORTHEAST FACE OF NORTHWEST CONCRETE ABUTMENT, 57cm FROM NORTH CORNER OF BRIDGE, 1.2m BELOW TOP OF CORNER POST.

ELEVATION=249.132m

NO.	DATE	BY	REVISIONS	
DESIGN	CD	CHK'D	SL	DATE
DRAWN	CD	CHK'D	SL	MAR. 2022
SCALE				
1: 750				

APPROVALS



S. LLEWELLYN & ASSOCIATES LIMITED
CONSULTING ENGINEERS
Tel. (905) 631-6978
Website: www.sla.on.ca
email: info@sia.on.ca

3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

CLIENT

CONNON NURSURIES
656 ROBSON ROAD HAMILTON, ON
L0R 2H1

PROJECT NAME

CONNON PHASE 3-6
414 5TH CONCESSION ROAD EAST
CITY OF HAMILTON

TITLE

SITE PLAN AMENDMENT

PROJECT No.

15073

DRAWING No.

C101



- GENERAL NOTES
1. THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB PRIOR TO CONSTRUCTION.
 2. BEFORE ORDERING ROOF TRUSSES, VERIFY ALL DIMENSIONS ON THE JOB.
 3. DRAWINGS ARE NOT TO BE SCALED.
 4. ALL CONSTRUCTION IS TO MEET THE CURRENT REQUIREMENTS OF THE ONTARIO BUILDING CODE (O.B.C.) AND MUNICIPAL BY-LAWS. THE REQUIRED PERMITS AND APPROVALS ARE TO BE OBTAINED BEFORE THE CONTRACTOR COMMENCES WITH THE WORK.
 5. IF THERE ARE ANY DESIRED CHANGES TO THE DESIGN OF THE BUILDING IN WHICH THE BUILDING PERMIT WAS ISSUED FOR, THE DESIGNER MUST BE NOTIFIED OF SUCH 'DESIRED CHANGES' AND GIVE APPROVAL BEFORE THE CHANGE COMMENCES.
 6. IF ANY ERRORS ARE DISCOVERED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED BEFORE CONSTRUCTION COMMENCES.

No.	DATE	DESCRIPTION
D001	11.25.2021	Preliminary Design
D002	11.01.2022	Issued For Review

No.	DATE	DESCRIPTION
D001	11.25.2021	Preliminary Design
D002	11.01.2022	Issued For Review

iDESIGN
DRAFTING

580 Sheffield Rd., R.R.#1,
Troy, Ontario L0R 2B0

Office: 519-647-3223
Cell: 519-751-8412 i-design.ca

Ian Jonkman reviews and takes responsibility for the design work on behalf of a firm, Andy Jonkman Construction Ltd., registered under sub-section 3.2.4. of Division C of the Building Code.

Individual BCIN: 45579
Firm BCIN: 103245

Ian Jonkman
NAME SIGNATURE

PROJECT INFORMATION

Connon Farm Help

SHEET TITLE

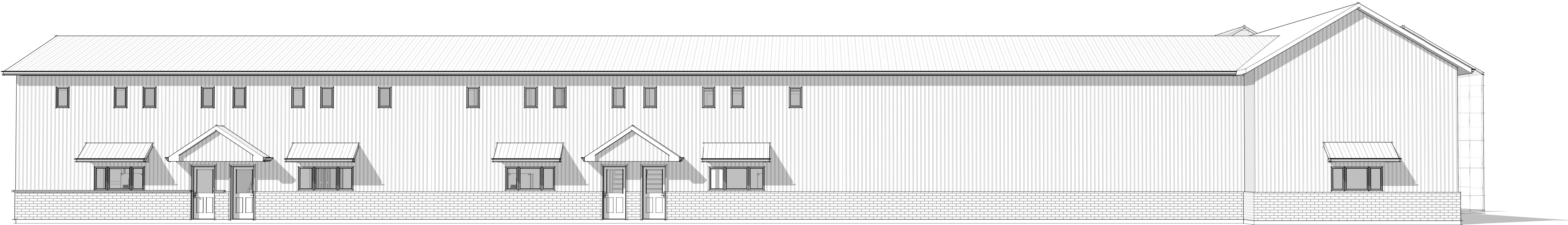
Title Page

OWNER: Connon Nurseries

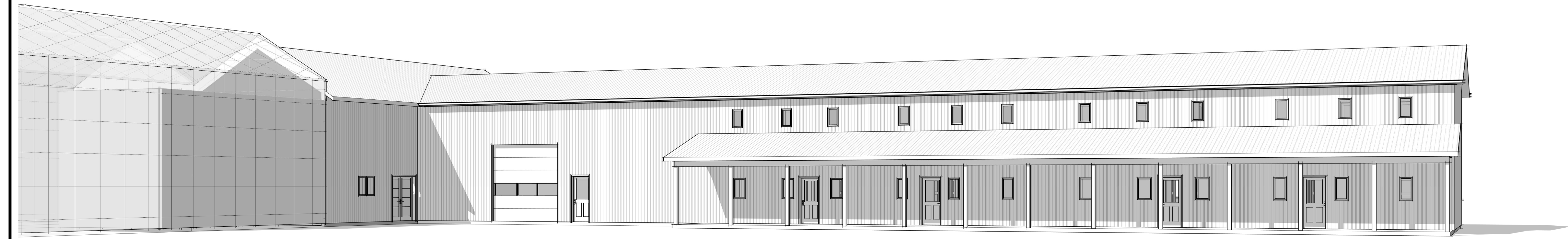
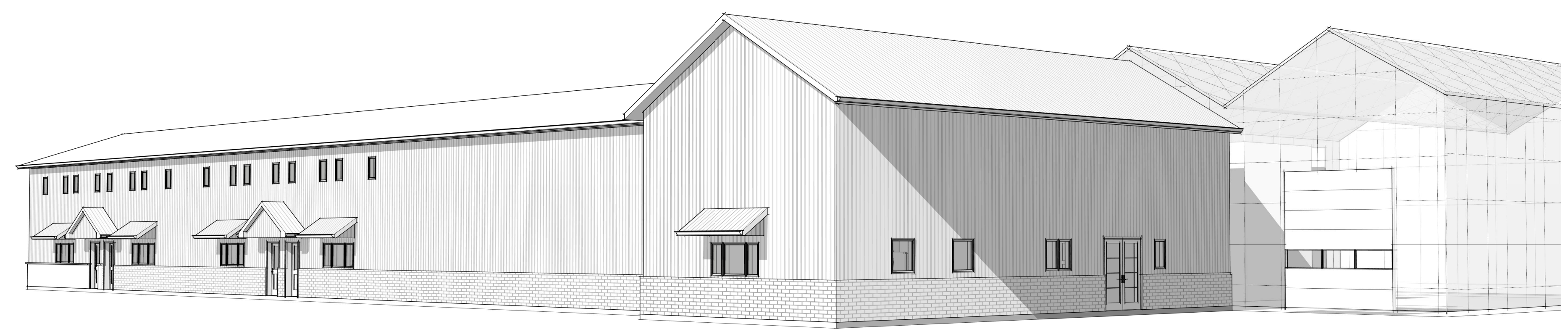
DRAWN BY: B.Powell

CHECKED BY: I. Jonkman

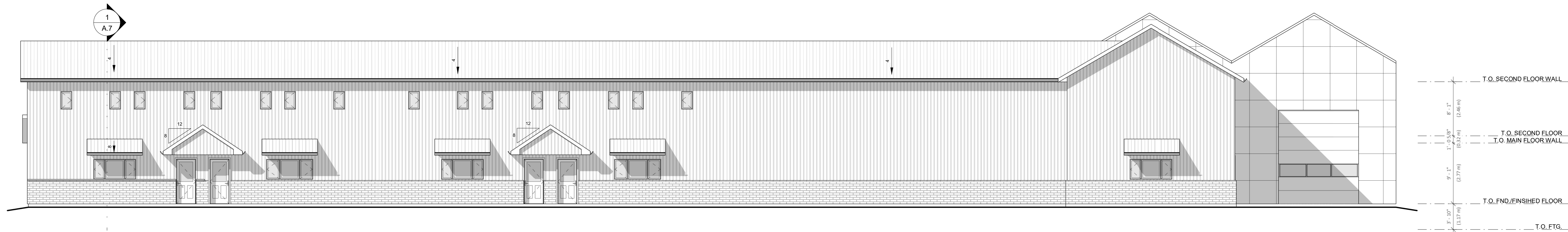
DATE	11.01.2022	SHEET
SCALE	1/4" = 1'-0"	A.1
PROJECT No. :	J20152	OF



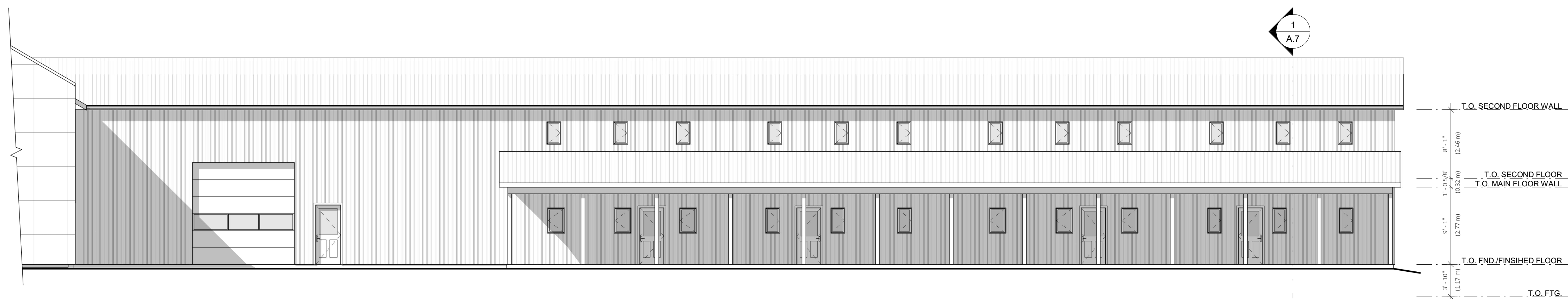
Connon Farm Help



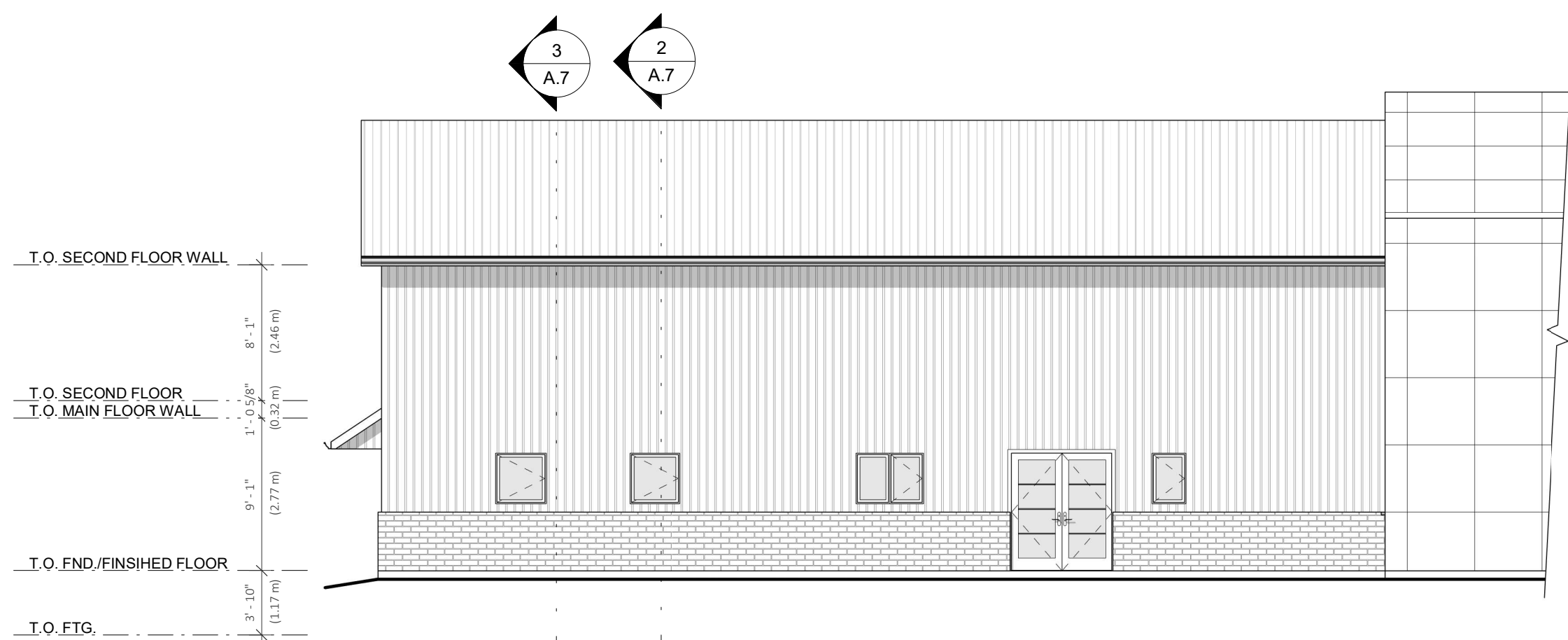
ITEM	DESCRIPTION
1.	Building Area & Gross Area Proposed Footprint = 3,102 sq. ft. (288.2 sq.m.) (warehousing, offices & lunch room) Residential Footprint = 3,227 sq. ft. (299.8 sq.m.) Total Footprint = 6,329 sq. ft. (587.9 sq.m.) Residential GFA = 6,415 sq. ft. (595.9 sq.m.) Building Height = 27'-4" (8.33m)
2.	Storeys = 2 storey
3.	Specified Snow Load = 1.5kPa
4.	Climatic Zone = Zone 1 (<5000 Degree Days)
5.	Compliance Package = SB-12 Prescriptive Compliance Package A2



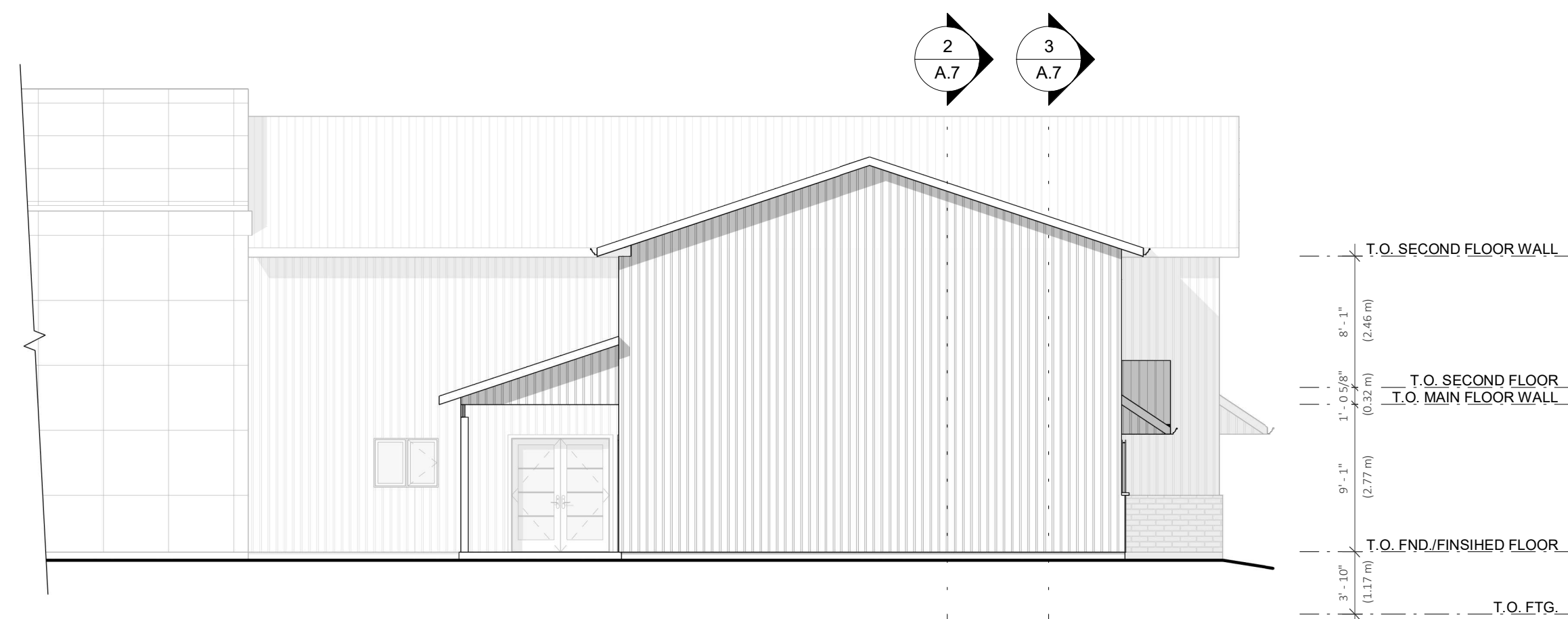
1 NORTH ELEVATION
A.2
1/8" = 1'-0"



2 SOUTH ELEVATION
A.2
1/8" = 1'-0"



3 WEST ELEVATION
A.2
1/8" = 1'-0"



4 EAST ELEVATION
A.2
1/8" = 1'-0"

GENERAL NOTES

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3. DRAWINGS ARE NOT TO BE SCALED.
4. ALL CONSTRUCTION IS TO MEET THE CURRENT REQUIREMENTS OF THE ONTARIO BUILDING CODE (O.B.C.) AND MUNICIPAL BY-LAWS. THE REQUIRED PERMITS AND APPROVALS ARE TO BE OBTAINED BEFORE THE CONTRACTOR COMMENCES WITH THE WORK.
5. IF THERE ARE ANY DESIRED CHANGES TO THE DESIGN OF THE BUILDING IN WHICH THE BUILDING PERMIT WAS ISSUED FOR, THE DESIGNER MUST BE NOTIFIED OF SUCH 'DESIRED CHANGES' AND GIVE APPROVAL BEFORE THE CHANGE COMMENCES.
6. IF ANY ERRORS ARE DISCOVERED ON THE DRAWINGS, THE DESIGNER MUST BE NOTIFIED BEFORE CONSTRUCTION COMMENCES.

DESCRIPTION

Preliminary Design
Issued for Review

DATE
11.25.2021
11.01.2022

No.
D41
D42



580 Sheffield Rd., R.R.#1,
Troy, Ontario L0R 2B0

Office: 519-647-3223
Cell: 519-751-8412 i-design.ca

Ian Jonkman reviews and takes responsibility for the design work on behalf of a firm, Andy Jonkman Construction Ltd., registered under sub-section 3.2.4. of Division C of the Building Code.

Individual BCIN: 45579
Firm BCIN: 103245

Ian Jonkman
NAME SIGNATURE

PROJECT INFORMATION

Connon Farm Help

SHEET TITLE

Elevations

OWNER: Connon Nurseries

DRAWN BY: B.Powell

CHECKED BY: I. Jonkman

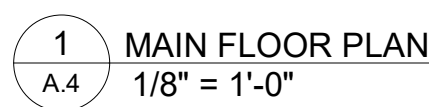
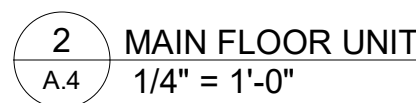
DATE 11.01.2022 SHEET

SCALE 1/8" = 1'-0" OF A.2

PROJECT No.: J20152



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5. IF THERE ARE ANY DESIRED CHANGES TO THE DESIGN OF THE BUILDING (WHICH THE BUILDING PERMIT WAS ISSUED FOR) THE DESIGNER MUST BE NOTIFIED OF SUCH "DESIRRED CHANGES" AND GIVE APPROVAL BEFORE THE CHANGE COMMENCES.
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[illegible]

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Troy, Ontario LOR 2B0

Office: 519-647-3223
Cell: 519-751-8412 i-design.ca

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Individual BCIN: 45579
Firm BCIN: 103245

NAME SIGNATURE

PROJECT INFORMATION

Connon Farm Help

SHEET TITLE

Main Floor Plan

OWNER: Cannon Nurserie

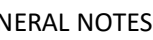
DRAWN BY: B.Powell

CHECKED BY: I. Jonkman

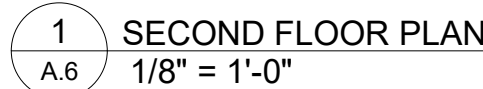
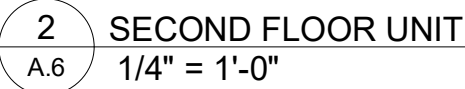
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11.01.2022	A 1

SCALE	A.4
As indicated	OF

PROJECT No. :	J20152
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- THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB BEFORE TO CONSTRUCTION.
- BEFORE ORDERING ROOF TRUSSES, THE CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS ON THE JOB. DRAWINGS ARE NOT TO BE SCALED.
- THE CONTRACTOR IS TO MEET THE ENTIRE REQUIREMENTS OF THE CURRENT BUILDING CODE (O.B.C.) AND MUNICIPAL BY-LAWS. THE CONTRACTOR OBTAINS ALL REQUIRED PERMITS AND APPROVALS BEFORE COMMENCING WORK. NO WORK IS TO BE OBTAINED BEFORE THE CONTRACTOR COMMENCES WITH HIS WORK.
- IF THERE ARE ANY DESIRED CHANGES TO THE DESIGN OF THE BUILDING IN WHICH THE BUILDING PERMIT WAS OBTAINED FOR, THE DESIGNER MUST BE NOTIFIED OF SUCH "DESIRED CHANGES" AND GIVE APPROVAL BEFORE THE CHANGE COMMENCES.
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EX. GREENHOUSE
HEAD HOUSE

WAREHOUSE

[illegible]

580 Sheffield Rd., R.R.#1,
Troy, Ontario LOR 2B0

Phone: 519-647-3223
Fax: 519-751-8412 i-design.ca

Jonkman reviews and takes responsibility for the design work on behalf of a firm, Andy Jonkman Construction Ltd., registered under section 3.2.4. of Division C of Building Code.

Individual BCIN: 45579
 n BCIN: 103245

Jonkman	
NAME	SIGNATURE

PROJECT INFORMATION

Connon Farm Help

HEET TITLE

Second Floor Plan

OWNER: Cannon Nurserie

AWN BY: B.Powell

HECKED BY: I. Jonkman

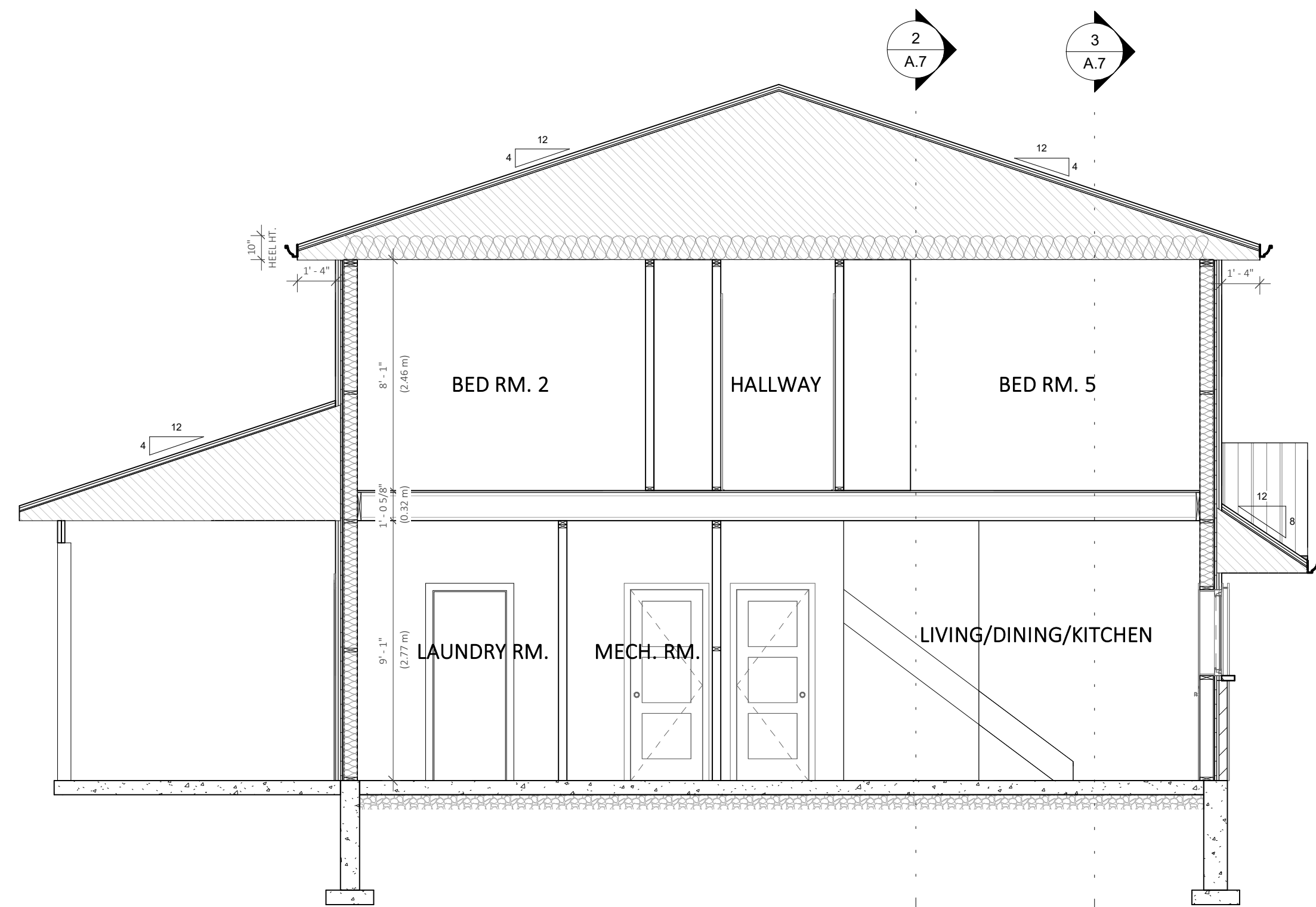
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11.01.2022 | A 6

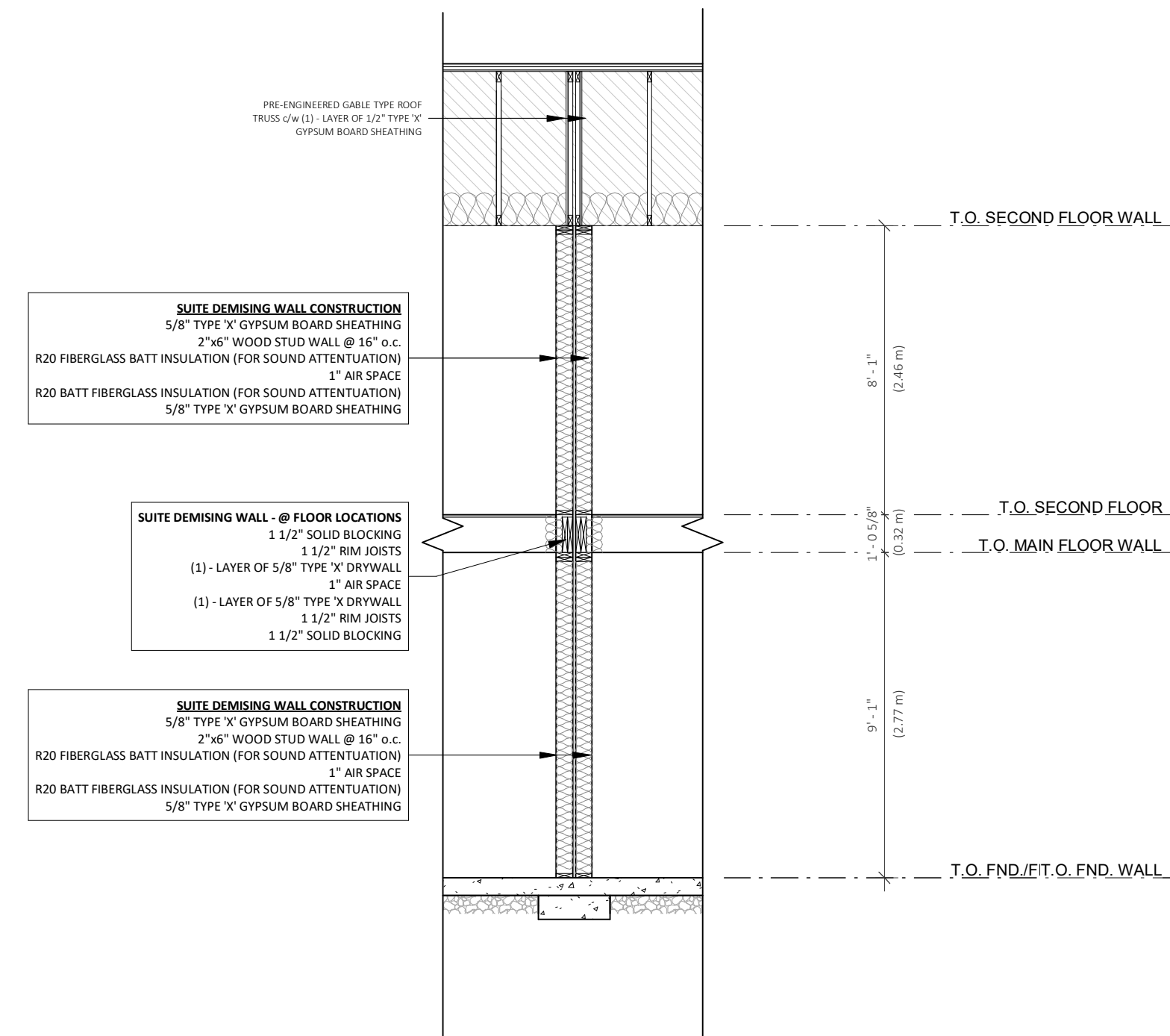
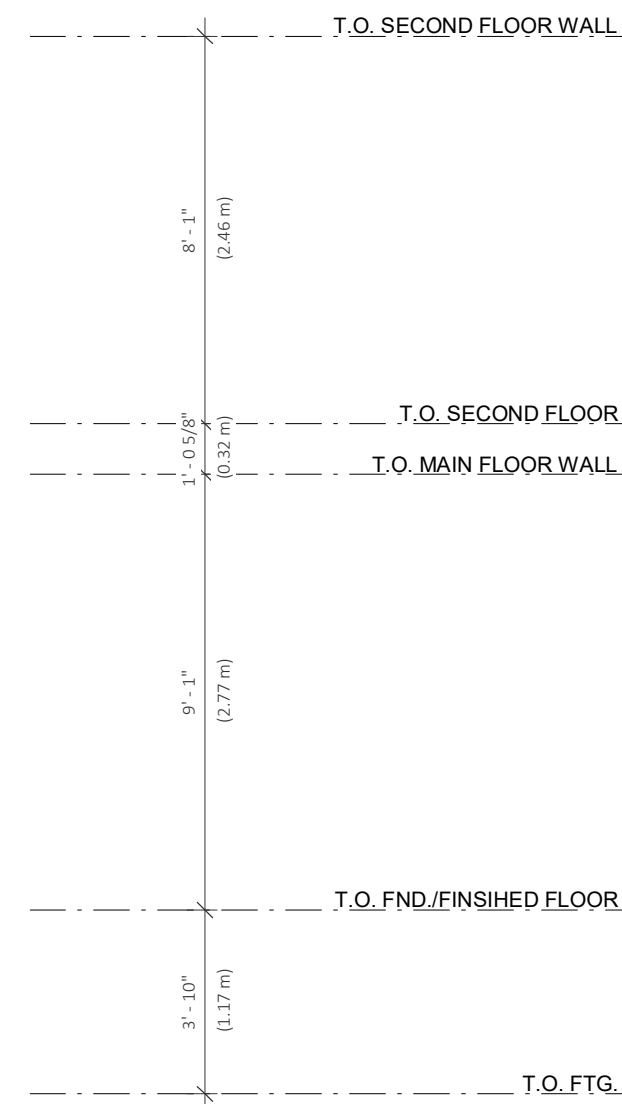
SALE	7.0
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As indicated OF

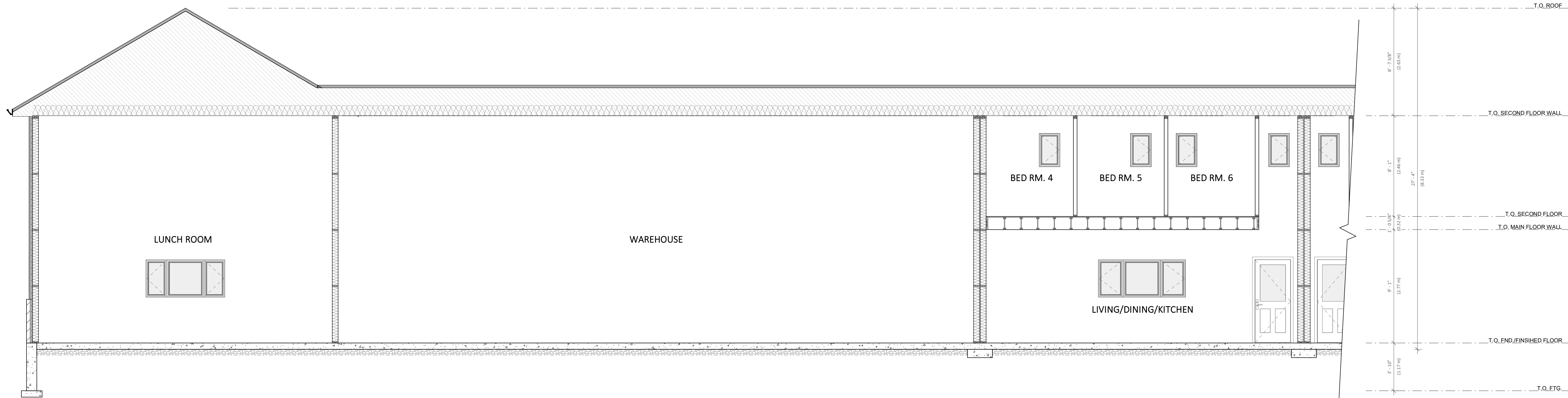
DIRECT No. : I20152



1 CROSS SECTION 1
1/4" = 1'-0"



2 SUITE DEMISING WALL SECTION
1/4" = 1'-0"



3 CROSS SECTION 3
1/4" = 1'-0"

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No.	DESCRIPTION	DATE
001	Preliminary Design	11.25.2021
002	Issued for Review	11.01.2022

003		
004		
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PROJECT INFORMATION
Connon Farm Help

SHEET TITLE
Building Sections & Details

OWNER: Connon Nurseries
DRAWN BY: B.Powell
CHECKED BY: I. Jonkman
DATE: 11.01.2022
SCALE: 1/4" = 1'-0" OF
PROJECT No.: J20152



December 9, 2022

City of Hamilton
Planning & Economic Development Department
Committee of Adjustment
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Ms. Jamila Sheffield
Secretary Treasurer

Dear Ms. Sheffield,

Re: Application for Minor Variance – Connon Holdings
Proposed Farm Labour Residence
414 - 5th Concession, Flamborough, City of Hamilton

WEBB Planning Consultants are retained by Connon Holdings Inc. to provide land use planning services in connection with their extensive agricultural operations located in the rural area of the former Town of Flamborough.

The following discussion provides an overview of Connon's existing operations and sets out the planning rationale in support of their proposal to develop a new Farm Labour Residence intended to house a portion of their existing migrant labour force.

1.0 CONNON NURSERIES – EXISTING OPERATIONS

Connon Nurseries presently operate six separate farm properties generally located within the area bounded by the 5th Concession, Robson Road and Parkside Drive. With a combined acreage of 325 acres, these properties are collectively in use as a significant agricultural operation that includes the growing of plant materials, shipping and receiving facilities, wholesale and retail operations and a central administration facility located on Robson Road.

Connon has historically relied upon migrant worker programs to support the continued growth of their extensive farm operations, these workers shouldering a significant portion of required full time labour as there is a real lack of people that are interested in farm labour. The Provincial and Federal Farm Worker Programs recognize this need and facilitate the supply of much need labour from the international community to support agriculture.

In 2022 there were a total of 48 migrant workers employed by Connon, complementing the local work force for a total employment base of 300 people. As Connon's operation continues to grow, there will be increased reliance on migrant workers, projected as 55 workers for 2023 and 60 in 2024.

The current housing for the migrant workers is varied and includes rented properties in the Waterdown Urban Area, temporary dwellings in the form of trailers on farm properties and other dwellings in the adjoining rural area. The implication is that the workers are dispersed from one another, not necessarily residing on the farm properties which requires added travel requirement.

A further challenge that could be rectified by the proposed new housing is economics. The current housing has range of punitive financial challenges – the cost of rental housing in the urban area is significant due to the severe overall shortage of rental housing, existing temporary housing requires significant reinvestment for maintenance, dispersed housing necessitates unnecessary travel and, lastly, the scale and cost of traditional farm labour housing is expensive relative to the number of persons that can be accommodated.

For the reasons stated above, Connon are proposing to proceed with an alternative form of new purpose built accommodation to address their on-going labour needs.

2.0 PROPOSED FARM LABOUR RESIDENCE

Connon intends to build a new purpose built residence on their property located on the 5th Concession that will accommodate a portion of their existing migrant farm workers. The new building will be constructed as an addition to existing production facilities and will provide the highest quality of housing at a location that is central to Connon's operations. The form and scale of the residence has the added social benefit of housing a larger number of workers at a single location, fostering a sense of community among the migrant workers.

The specific built form of the residence is illustrated by the accompanying plans. The proposal is to construct additional multipurpose building space to complement the existing nursery operation to include warehousing, offices, lunch room and the residence. The advantage of a single connected building is the future opportunity to convert the residence space to warehousing in the event the residence is no longer required.

The preliminary design of the residence is a permanent building addition that will include 4 distinct housing units, each of the units designed with 6 individual bedrooms, kitchen and dining areas, washrooms and amenity areas. The combined residence can accommodate a total of 24 residents at any one time, meeting the staggered employment needs of Connon's migrant workers.

Services for the new building are to be provided by a new private sewage system and existing production wells. A preliminary Hydrogeologic Study has been completed to confirm the water supply is adequate with respect to volumes and water quality. A sewage system design brief has been completed to confirm the size of the required in-ground sewage system with supporting analysis confirming the system will not have an adverse impact on groundwater quality.

An Application for Site Plan Approval illustrating the details of the development proposal was submitted to the City of Hamilton in March to of 2022 and considered by City staff at a Development Review Team meeting on May 11th. The outcome of the meeting was to deem the application premature pending resolution of compliance with the applicable Planning Framework.

3.0 CURRENT PLANNING FRAMEWORK

The planning framework applicable to the agricultural use includes the PPS, Greenbelt Plan, Ministry Guidelines and local Policy and Regulations of the City's Official Plan and Zoning By-law. The following discussion highlights the directly relevant policies for the purpose of evaluating the proposed development.

3.1 Provincial Policy Statement

The proposal is consistent with the PPS on the basis the primary use of the property is Agriculture. The proposed FLR associated with Connon nursery operations is specially acknowledged as a permitted Agricultural Use as per the definition as below:

Agricultural Use: Means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. (Our emphasis)

The proposed addition of the FLR is warranted based on the scale of Connon nursery operations and the historical and planned demands for additional employment to support the agricultural use, promoting a viable agriculture business.

OMAFRA's Guideline on Permitted Uses in Ontario's Prime Agricultural Areas is specifically intended to assist with the interpretation of Policies in the PPS. Specific to the Permitted Use Policies of the PPS, the Guidelines acknowledge Policy that allows accommodation for full time farm labour when additional labour is required. Directly relevant to the subject application is that the Guidelines make a distinction between farm operations that require labour on a year round basis versus a seasonal basis. Where accommodation is required on a seasonal basis the Guidelines encourage temporary structures as the preferred alternative form of housing.

The distinction provided by the Guidelines reinforces the intent of the subject application where the proposed form of construction is more permanent compared to Hamilton's approach of temporary construction. Agriculture is protected as the operator has the ability to curtail the use and convert the building to an alternative purpose should the need no longer exist.

3.2 Greenbelt Plan

The property is identified as Protected Countryside by the Greenbelt Plan and identified as Rural in the local plan pursuant to Provincial (OMAFRA) mapping and guidelines. The proposal conforms with the Vision and Goals of the Plan, specifically Policy 1.2.2.1 – Agricultural Viability Protection, supporting the protection of the agricultural land base and the evolving agricultural economy. The proposal implements the Rural Area Policies, Section 3.1.4 of the Plan, where the full range of agricultural uses are supported and permitted.

3.3 Rural Hamilton Official Plan

With regard to the local planning policy framework, the lands are located within the Rural Area of the City and subject to the Policies of the Rural Hamilton Official Plan (RHOP) and the Rural Zones of Comprehensive Zoning By-law 05-200.

According to Schedule “D” of the RHOP, Rural Land Use Designations, the property is designated as Rural. The Natural Heritage System is illustrated by Schedule “B” with the subject property identified as Greenbelt Protected Countryside. The on-going use of the subject property for agriculture conforms with the Policies of the RHOP including Policies that permit the development of farm labour residences where warranted.

Agricultural Uses are also defined in keeping with the definitions of the PPS which is provided above.

The RHOP Glossary provides two additional directly relevant definitions as below:

Farm Labour Residence: means secondary accommodations provided for full-time farm labour where the size and nature of the *farm operation* requires additional employment in the form of either of the following:

- a) An accessory apartment attached to and forming part of the principal farm residence; or
- b) An accessory detached dwelling of temporary construction, such as a mobile home or bunk house, located in close proximity to the farm cluster. (OPA 9)

Farm Operation: means a single farm business operated by a person, (an individual, corporation, or partnership), and which is comprised primarily of an agricultural use and all of the land holdings and utilized land associated with the farm business.

Noteworthy is that definition of Farm Operation does not reference a farm dwelling as a pre-requisite for an agricultural use. The distinction is that the FLR may provide secondary accommodation in circumstance where the farm operation includes a dwelling for the farm operator. However, the FLR can simply be secondary to the primary agricultural operation where the size and nature required additional employment.

As noted, the subject property is designated as Rural. While Rural lands are characterized as having lower capability for agriculture compared to lands Designated Agriculture due to a range of factors, the intent of the Plan is to protect and maintain agricultural uses as the primary and predominant land use and to protect farm operations from incompatible forms of development so as to preserve these lands for agricultural use.

The permitted uses in the Rural Designation are the same as the uses permitted by the Agriculture Designation which includes a farm labour residence subject to the Conditions that are set out in Policy D.2.1.1.6. The Conditions include confirmation the size and nature of the farm operation requires additional on-site employment and a maximum of one FLR in the form of an accessory apartment or accessory detached dwelling.

The proposal conforms with the above Policies as proposed dwelling is to be established as part of the cluster of farm buildings that comprise the farm (nursery) operation, the dwelling attached to and forming part of the primary buildings of the nursery. The temporary aspect of the dwelling is acknowledged through the ability to convert the building to an alternative use should the primary agricultural operation cease at which time the FLR would no longer be a permitted use under the Regulations of the Zoning By-law.

3.4 City of Hamilton Zoning By-law 05-200

With regard to Zoning, the property is Zoned as Rural “A2” Zone. The property is legal non-conforming with regard to lot area as an existing lot of record. The proposed scale and placement of the building complies with the applicable performance Regulations of the “A2” Zone for Agricultural Uses including setbacks and maximum lot coverage, these Regulations are noted on the Site Plan Drawing.

The permitted uses of the Rural Zone include a FLR as a permitted Agriculture use with specific performance Regulations set out in Section 12.2.3.1 (j). A maximum of one FLR that is accessory to Agriculture and on the same lot as a permanent principal farm dwelling may be permitted in the form of an accessory detached dwelling or an accessory detached bunk house, both of temporary construction, and subject to the following additional Regulations:

- Shall be located within 30.0 metres of the farm Dwelling;
- Shall have a maximum building height of 10.5 metres;
- Shall utilize the existing driveway access to the farm Dwelling;
- Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres; 5.
- Any temporary bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater

The proposed FLR is accessory to the Agricultural Use (nursery) however this particular property does not include a primary farm dwelling, necessitating a Variance. In this context the Zoning Regulations are more restrictive than the Applicable Official Plan Policies which

do not necessarily require a principal farm dwelling. Further, the Official Plan Policies acknowledge the temporary aspect of the farm dwelling wherein the owner agrees to remove the dwelling or convert to alternative uses (warehousing) if no longer required as a FLR.

The proposed FLR does require additional Variances as the context of the proposal does not comply with additional Regulations including the requirement to locate within 30 metres and use the same driveway access as the principal farm dwelling, and in increase in the scale of the intended FLR.

The above noted Variances are evaluated in a following section of this letter.

4.0 FARM LABOUR RESIDENCE POLICY REVIEW

City of Hamilton Planning Staff are presently undertaking a review of the current Policy and Zoning framework and intend to proceed with amendments. A Discussion Paper was presented to the City's Planning Committee in March of 2022 and Staff anticipate tabling a Report with recommended Policy and Zoning amendments in Q2 of 2023.

The Discussion Paper includes a series of preliminary recommendations that align with the proposal by Connon – allowing more than one FLR per lot with a maximum aggregate floor area, maximum floor area for individual FLR, and the requirement for separate services between the FLR and principal farm residence.

With regard to built form the discussion paper has alternatives to whether the FLR's remain as temporary structures. It is the opinion of the farm operators such as Connon that this approach undermines the intent of providing a long term solution to needed farm worker housing that is of higher standard of housing compared to temporary construction. The rationale for the temporary nature appears to be a matter of concern for non-farm housing, that can readily be addressed by Zoning enforcement and agreement by farm operators to convert the space to an alternative use. We are aware of a particular Decision by LPAT where this principle was accepted in support of a proposal for a similar form of FLR.

The principle of temporary housing also does no longer aligns with the employment needs. A Nursery operates 12 months a year, differentiated from certain types of agriculture where crop cycles have a defined period of activity requiring temporary workers for only a few weeks a year, therefore only limited need for farm labour. The proposed Connon residence will accommodate workers on a year round basis therefore supporting the principle of permanent construction.

5.0 RECENT PRECEDENTS FOR FARM LABOUR RESIDENCES

It is recognized that the proposed form of farm labour housing does not directly comply with the current Zoning By-law Regulations as there is no primary residence on the property and the form of construction is not intended to be temporary form such as a mobile home.

However, we are aware of two recent precedents in the City of Hamilton where similar Farm Labour Residences have been approved: the Decision of the Committee of Adjustment for a property located at 1218 – 4th Concession, and a LPAT Decision for the property at 374 - 4th Concession, both located in the former Town of Flamborough in proximity to the subject property.

Beverly Greenhouses made application to the Committee of Adjustment for a single building comprised of 3 individual self-contained units for farm labour residences having a total GFA of 513 square metres. Similar to the Connon property, there was no principal farm dwelling on the property and the building would be of a permanent construction. The scale of the Beverly Greenhouse Operation also similar in size to the Connon operation. Application FL/A-16:379 was approved by the Committee of Adjustment on April 26th, 2017.

Aldershot Greenhouses made an application to the Committee of Adjustment for a permanent farm labour residence consisting of three dwelling units contained within one building to house a total of 30 persons, also on a property of a similar size to the Connon Operation. The Committee granted partial approval of the Variances, two of the variances were appealed and adjudicated by the Tribunal (LPAT)– permission for a permanent farm labour residence containing three dwelling units, and secondly, permission for an increase in the total gross floor area to 513 square metres.

In this instance, the Tribunal accepted the planning evidence that the proposal supports agriculture, has no adverse impact, is visually attractive and compatible with adjacent development.

The Tribunal acknowledged that the proposal sought to provide a higher standard of housing compared to temporary construction and concluded the proposal constituted good land use planning.

Copies of both Decisions are appended to this letter.

6.0 PROPOSED VARIANCES AND PLANNING ANALYSIS

To implement the proposed development, the following Variances are proposed

1. The Farm Help House shall be located on a lot where no permanent principal Farm Dwelling is located (and not within 30.0 metres of the farm dwelling);
2. A maximum of four (4) self contained farm labour residence units which are attached together within one building shall be permitted instead of the requirement that a maximum of one (1) farm labour residence shall be permitted on a lot.

3. The farm labour residence shall be permitted to utilize the existing farm driveway which services the nursery operation instead of the requirement to utilize the existing driveway access to a farm dwelling;
4. Each of the farm labour residence units shall have a maximum gross floor area of 150 square metres and the entire residential component of the building shall have an aggregate gross floor area of 596 square metres instead of the requirement for a maximum gross floor area of 116.2 square metres.

It is our opinion that the proposed Variances are appropriate for the proposed development of the lands. As summarized below, the Variance has been considered in the context of the four tests outlined by Section 45 (1) of the Planning Act and in all respects comply.

The Variance has been considered in the context of the Official Plan and in our opinion maintain the general purpose and intent.

The general purpose and intent of the Official Plan policies is to provide for the appropriate form and scale of housing for farm operations that require additional on-site employment for extended periods of time. In the example of Connon Nursery, this threshold is met based on existing and planned employment levels of migrant farm labour that has historically been in the range of 40 – 50 employees on an annual basis and anticipated to increase over time as the operation continues to grow.

Policies state that a FLR is permitted on the same lot as the primary farm use and farm operation, the definition of which does not assume the presence of a principal farm dwelling. This is consistent with the growth and expansion of agricultural businesses which no longer fit the traditional model of a family farm. In this example Connon operate some 5 separate properties with a total of 325 acres of production facilities. The properties do not operate as traditional farms yet have considerable demand for labour.

A further intent of the Policies is to Regulate the location of the FLR to avoid the potential of a future severance applications. This is achieved by direction to locate the FLR within the farm cluster and utilize existing sewage and water systems. The proposal maintains the intent by attaching the proposed dwelling to the existing nursery buildings and utilizing the existing water supply system and construction a new septic system that is designed to serve both the nursery operation and the new dwellings. To address the temporary aspect, the owner is in agreement to convert the building to an alternative use should the operation no longer require farm labour, this would be a Condition of Site Plan Approval consistent with similar approvals.

The Variance has been considered in the context of the Zoning By-law and in our opinion maintains the general purpose and intent.

In this instance, Connon seeks approval of a permanent form of construction to accommodate a portion of their overall migrant farm labourers onto a single property. The scale of the dwelling is larger than the Zoning currently anticipates but a direct outcome of the scale of Connon requirements. The proposal represents an opportunity to consolidate housing at a single location that is conveniently located within the agricultural operation, avoiding multiple locations and replacing the current situation of labourers living within the adjoining Waterdown settlement area.

The current Zoning Regulations do permit FLR's but at a scale and form that is inconsistent with evolving needs of agriculture. City Planning staff acknowledge the current framework is inadequate and have Council's authorization to proceed with amendments to the Official Plan and Zoning By-law to update the framework. Based on our review, the proposal by Connon generally aligns with the preliminary staff review including the form and scale of housing and the option of securing permanent rather than temporary construction.

The Variances are Minor.

The appropriate test to establish that the Variances are minor is to consider if any adverse or negative impacts arise from the development.

An application for Site Plan Approval has been submitted to the City and will provide for the comprehensive review of the proposal having regard for the siting of the proposed new building to ensure compatibility with the surrounding agricultural uses and the provision of sustainable private services.

A further consideration of adverse impact is precedent. In this example the proposal does not set a new precedent, the proposal in fact aligning with two recent examples approved for the similar form of farm labour housing that were granted approval by the Committee of Adjustment and the Local Planning Appeal Tribunal.

The proposed development is desirable for the appropriate development of the lands.

It is our opinion that the Variances will provide for the desirable and appropriate development of the lands, supporting agriculture and providing high quality housing for the current and future farm labourers.

Connon could await the outcome of the City's updating of the FLR Policies and Regulations and implement housing that would likely not require any Variances. Connon instead recognize the urgency to replace the existing housing options and the expedient path is to pursue modifications to the framework pursuant to an Application to the Committee of Adjustment.

It is our opinion that the Variances required to implement the proposal are within the jurisdiction of the Committee of Adjustment on the basis of meeting the four tests of the Planning Act. The proposal is generally consistent with the direction of the City's initiative to

update the policies and Regulations for FLR's. The proposal will provide for the appropriate development of the property, support agriculture and provide needed high quality housing for migrant farm labourers.

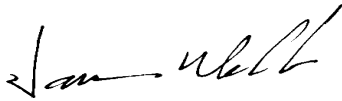
In keeping with the City's requirements for the submission of an Application for Minor Variance, the following materials are enclosed:

- Application for Minor Variance;
- Application Fee of \$3,465.00 payable to the City of Hamilton (to be paid via CC);
- Site Plan, prepared by S. Llewellyn & Associates;
- Elevations and Floor Plans, prepared by Ian Jonkman;
- Notice of Decision, Committee of Adjustment, FL/A-16:379;
- LPAT Decision, Case No. PL180154.

We trust that you will find the enclosed materials complete and suitable for the purpose of processing this Application for Minor Variance. Please contact our office immediately should you have any questions or require additional information in support of this submission.

Yours truly,

WEBB Planning Consultants Inc.

A handwritten signature in black ink, appearing to read 'James Webb', is written over a horizontal line.

James Webb, MCIP, RPP

cc: Connon Holdings



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/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT***

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS
Registered Owners(s)	Connon Holdings Inc.	
Applicant(s)	Connon Nurseries	
Agent or Solicitor	WEBB Planning Consultants	

- 1.2 All correspondence should be sent to ☐ Owner ☐ Applicant
☒ Agent/Solicitor
- 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 jwebb@webbplanning.ca
- 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	414 5th Concession Road East, Former Township of East Flamborough		
Assessment Roll Number			
Former Municipality	Town of Flamborough		
Lot		Concession	
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

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

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Construct Farm Labour Residence, refer to Appendix "A" attached for list of Variances

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

Proposed form of residence is not currently anticipated by Zoning By-law

3.3 Is this an application 45(2) of the Planning Act.

☐ Yes

☒ No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
142.6 m	510.6 m	12.58 ha	20.0 metres

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

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Greenhouses	50.0 m	>150 m	W: 30 m, E: 12.0 m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Farm Help Dwelling	43.0 m	> 300 m	W: 60.5m, E: 49.6m	2023
Warehouse/Office Addition	41.6 m	> 300 m	W: 37.2, E: 81.2	2023

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Greenhouses	30720 sq m	30720 sq m	one	6.0 m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Farm Help Dwelling	299.8 sq m	595.9 sq m	two	8.3 m
Warehouse/Office Addition	288.2 sq m	288.2 sq m	one	8.3 m

- 4.4 Type of water supply: (check appropriate box)
- ☐ publicly owned and operated piped water system
- ☒ privately owned and operated individual well

- ☐ lake or other water body
- ☐ other means (specify)
-

- 4.5 Type of storm drainage: (check appropriate boxes)
- ☐ publicly owned and operated storm sewers
- ☒ swales

- ☒ ditches
- ☐ other means (specify)
-

- 4.6 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) _____

4.7 Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year

- ☐ right of way
☐ other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
 Agriculture - Nursery

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
 Nursery, Agricultural, non-farm residential

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Agriculture

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
 Agriculture

7.4 Length of time the existing uses of the subject property have continued:
 In excess of 25 years

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

Rural Hamilton Official Plan designation (if applicable): Rural

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) N/A

Please provide an explanation of how the application conforms with the Official Plan.
 Refer to attached cover letter for detailed discussion of Official Plan conformity

7.6 What is the existing zoning of the subject land? "A2" - Rural Zone, By-law 05-200

7.8 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:

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*? ☐ Yes ☒ No

If yes, please provide the file number:

7.10 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? N/A
☐ Yes ☐ No

7.11 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.

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: None

8.2 Number of Dwelling Units Proposed: 4 unit farm labour residence, single bld.

8.3 Additional Information (please include separate sheet if needed):

Refer to accompanying letter by WEBB Planning Consultants for detailed analysis

APPENDIX "A" – SCOPE OF VARIANCES

Proposed Farm Labour Residence

Application for Minor Variance

414 – 5th Concession East, Flamborough

1. The Farm Help House shall be located on a lot where no permanent principal Farm Dwelling is located (and not within 30.0 metres of the farm dwelling);
2. A maximum of four (4) self contained farm labour residence units which are attached together within one building shall be permitted instead of the requirement that a maximum of one (1) farm labour residence shall be permitted on a lot.
3. The farm labour residence shall be permitted to utilize the existing farm driveway which services the nursery operation instead of the requirement to utilize the existing driveway access to a farm dwelling;
4. Each of the farm labour residence units shall have a maximum gross floor area of 150 square metres and the entire residential component of the building shall have an aggregate gross floor area of 596 square metres instead of the requirement for a maximum gross floor area of 116.2 square metres.