Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING Consent/Land Severance

You are receiving this notice because you are either:

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

APPLICATION	AN/B-23:19	SUBJECT	357 BOOK ROAD W, ANCASTER
NO.:		PROPERTY:	

APPLICANTS: **Owner**: S E AND P MACALUSO

Agent: FOTHERGILL PLANNING & DEVELOPMENT INC. C/O ED FOTHERGILL

Applicant: BRAUN NURSERY

PURPOSE & EFFECT: To permit the conveyance of a parcel of land to be added to property known

municipally as 287 Book Road West, Ancaster.

	Frontage	Depth	Area
SEVERED LANDS:	None m [±]	290 m [±]	2.9 ha [±]
RETAINED LANDS:	122.0 m [±]	196.4 m [±]	1.85 ha [±]

Associated Planning Act File(s): N/A

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

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

DATE:	Thursday, May 4, 2023		
TIME:	10:30 a.m.		
PLACE:	Via video link or call in (see attached sheet for details)		
	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:

AN/B-23:19

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- 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, <u>including deadlines</u> 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 or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding AN/B-23:19, 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.

AN/B-23:19



DATED: April 18, 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.

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



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca 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.

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

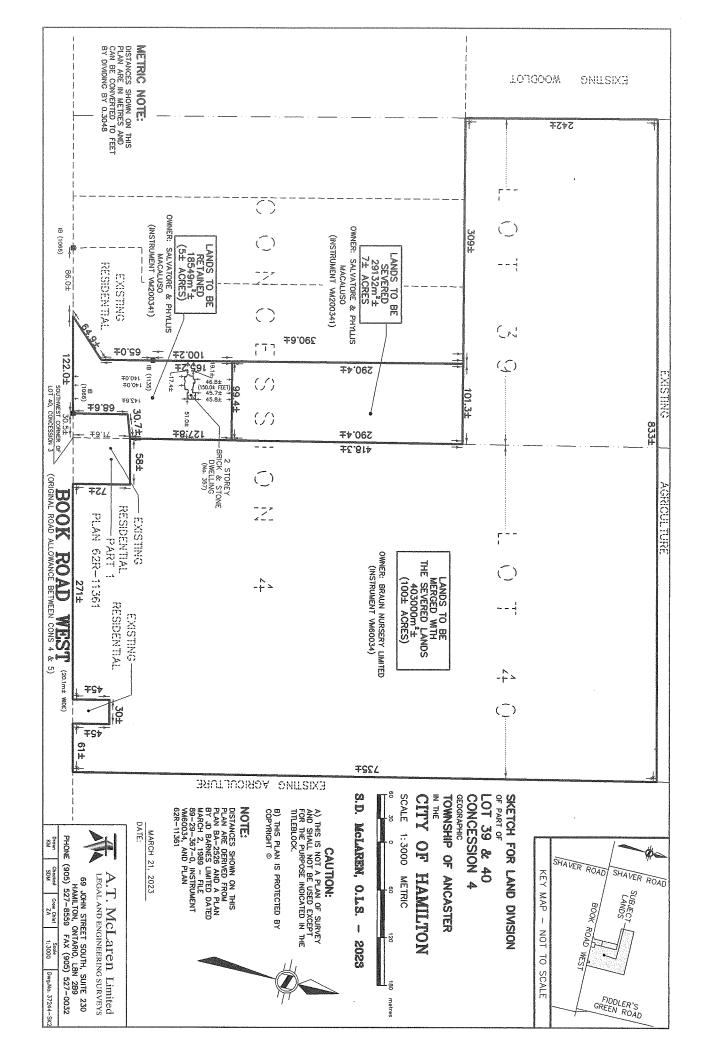
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

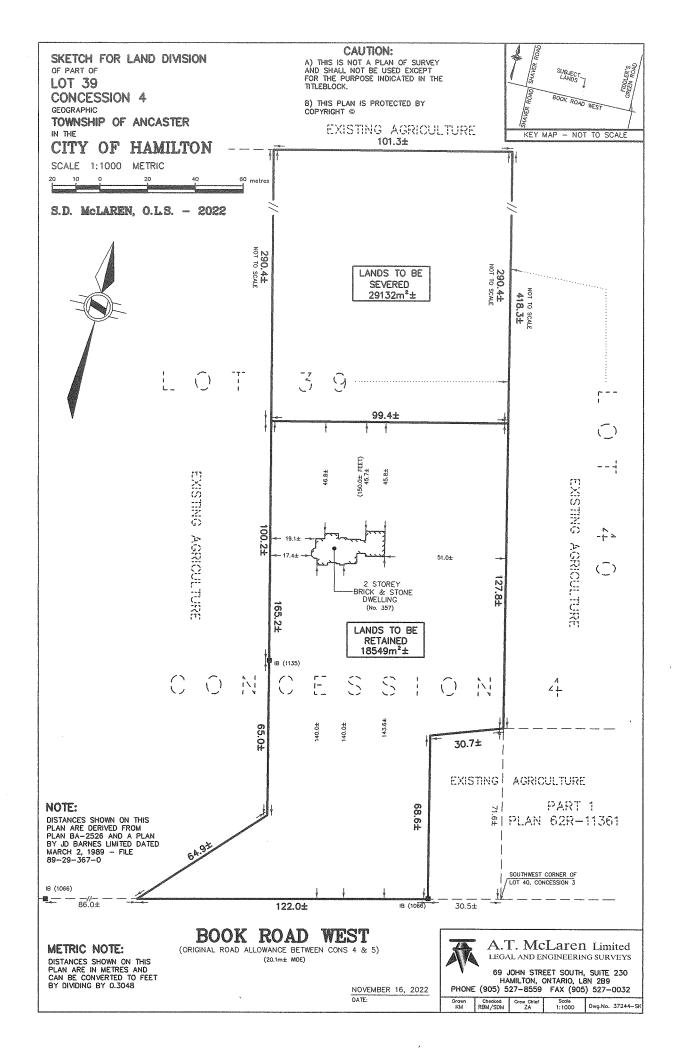
To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via 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.

All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

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.





FOTHERGILL PLANNING & DEVELOPMENT INC

62 DAFFODIL CRES. • HAMILTON, ON L9K IEI • PHONE: (905) 577-1077 • FAX: (905) 546-0545 • E-MAIL: edf@nas.net

March 27, 2023

Ms. Jamila Sheffield Committee of Adjustment City of Hamilton 71 Main St. W. Hamilton ON L8P 4Y5

Dear Jamila:

Re: Application for Lot Line Adjustment 357 Book Road – Braun Nursery Limited

Please find enclosed application for a severance to permit a lot addition to transfer lands from the owner of a residential lot on Book Road to the abutting farm owned by Braun Nursery Limited. The application material includes the following:

- 1. Signed application form.
- 2. Cheque made payable to the City of Hamilton in the amount of \$3655.00.
- 3. Cheque made payable to the Grand River Conservation Authority in the amount of \$465.00.
- 4. Planning Report dated March 27, 2020, prepared by Fothergill Planning & Development Inc.
- 5. Survey sketches of proposed severance.

We look forward to this application being brought forward to the next available meeting of the Committee of Adjustment.

Sincerely,

FOTHERGILL-PLANNING & DEVELOPMENT INC.

E.J. Fothergill MCIP RPP

President

Encl.

cc. Dave Braun Charlie Toman

PLANNING REPORT

Application for Consent for Lot Line Adjustment 357 Book Road Braun Nursery Limited

This report provides support for an application for lot line adjustment at the above address. The intent is to sever a 2.9 hectare block from a 4.7 hectare parcel. The retained lands will continue to be used as a residential lot for a single family dwelling on a 1.8 hectare site.

The severed lands are intended to be merged with the abutting farm property to the north and east, owned by Braun Nursery Limited. The purpose of this severance will allow for the use of the severed lands for agricultural purposes as part of an existing farm operation.

The lands to be severed in the past have been farmed by Braun Nursery Limited on a leasehold basis. This application would allow for the expansion of the existing farm property of approximately 40 hectares and limiting the residential use to a smaller retained parcel.

The size and configuration of the retained parcel is determined by the location of the existing house, the desire to maintain an appropriate rear yard amenity area of approximately 45 metres, and the presence of a watercourse.

The proposal is consistent with the policies of the Provincial Policy Statement which allow for technical severances and lot line adjustments. The proposal is also consistent with policies in the Growth Plan which call for the protection and preservation of agricultural land and the enhancement of agricultural practices.

The Rural Hamilton Official Plan provides policy direction in Section F.1.14.2.5 for a situation where the severance will result in a lot addition. This proposal is consistent with the intent of that direction and complies with the policies in the Plan in the following manner:

- 1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:
 - a) No new lots shall be created;

No new lots will be created.

- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,

The parcel to be retained is 1.8 hectares

ii) be compatible with and not hinder surrounding agricultural operations.

The retention of the existing dwelling together with appropriate rear yard amenity areas will not affect the ongoing agricultural operation. As noted, agricultural operations have occurred on the lands to be severed for a number of years.

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

The size of the adjacent farm property owned by Braun Nursery Limited will increase from 40.3 hectares to 45 hectares

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

Not applicable.

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

Not applicable.

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

The retained lot maintains the integrity of the watercourse that traverses the property.

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

The retained lands represent the minimum size required to accommodate the watercourse feature on the site and the existing dwelling.

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

The severed lands will be added to the abutting farm property owned Braun Nursery Limited as a condition of approval.

The application also satisfies the criteria regarding minor lot line adjustments, minor boundary adjustments in the following manner:

- 1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for *legal* or *technical* reasons only provided:
 - a) a separate lot is not created for a dwelling or any other non-farm use except in designated Rural Settlement Areas;

The application does not create a new lot.

b) there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;

The natural heritage feature on the site will be preserved.

the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) above with as little acreage as possible taken out of agricultural use; and,

The retained lands represent the minimum size required to represent the watercourse feature on the site and the existing dwelling and maximizes the amount of land available for long-term agricultural purposes.

d) the adjustments do not conflict with intent of the policies of this Plan

The application does not conflict with the intent of the policies of the Rural Hamilton Official Plan. The proposal helps to achieve the intent of the Plan to preserve agricultural land and promote agricultural activities.

In my opinion, the proposal represents good planning as it allows for an opportunity for lands that are currently used as part of a single family dwelling to be assembled into an existing farm property. The size and dimensions of the lands to be retained are appropriate to accommodate the continued residential use at 357 Book Road and at the same time maximize the amount of land that can be used for agricultural purposes.

For these reasons the application represents good planning and can be supported.

Sincerely,

FOTHERGILL PLANNING AND DEVELOPMENT INC.

Ed Fothergill, MCIP, RRP

President

March 27, 2023



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 CONSENT TO SEVER LAND and VALIDATION OF TITLE

UNDER SECTION 53 & 57 OF THE PLANNING ACT

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

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Purchaser*			
Registered			
Owners(s)			
Applicant(s)**			
Agent or			
Solicitor			
ourchaser must provi	ide a copy of the portion	of the agreement of purcha	ase and sale that authoriz

the purchaser to make the application in respect of the land that is the subject of the application. ** Owner's authorisation required if the applicant is not the owner or purchaser. 1.2 All correspondence should be sent to ☐ Purchaser ☐ Applicant Agent/Solicitor 1.3 Sign should be sent to ☐ Purchaser ☐ Owner ☐ Applicant ☑ Agent/Solicitor ✓ Yes* 1.4 Request for digital copy of sign □ No If YES, provide email address where sign is to be sent ✓ Yes* ПΝο 1.5 All correspondence may be sent by email 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 s	sections:					
Μι	ınicipal Address	357 BOOK F	ROAD V	VEST			
As	sessment Roll Number						
Fo	rmer Municipality	ANCASTER					
Lo	<u> </u>	39		Concession	4		
Re	gistered Plan Number			Lot(s)			
Re	ference 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 APP	LICATION					
3.1	Type and purpose of prop	oosed transac	tion: (ch	neck appropriate	box)		
	☐ creation of a new lot(s) ☐ addition to a lot ☐ an easement ☐ validation of title (must also complete section 8) ☐ cancellation (must also complete section 9 ☐ creation of a new non-farm parcel (must also complete section 10) (i.e. a lot containing a surplus farm dwelling resulting from a farm consolidation)						
3.2	Name of person(s), if knocharged:	own, to whom	land or	interest in land is	to be transferr	∍d, leased or	
	BRAUN NURSERY						
3.3	If a lot addition, identify the 287 BOOK ROAD WEST		ich the	parcel will be add	ded:		
3.4	4 Certificate Request for Retained Lands: Yes* * If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)						
4	DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION						
4.1	Description of subject lan	d:					
All د	dimensions to be provided	in metric (m.)	m² or ha	a), attach additior	nal sheets as n	ecessary	
	Retained (remainder)	Parcel 1		Parcel 2	Parcel 3*	Parcel 4*	

Identified on Sketch as:	RETAINED	SEVERED				
Type of Transfer	N/A					
Frontage	122.0	NONE				
Depth	196.4	290 m				
Area	1.85 ha	2.9 ha				
Existing Use	RESIDENTIAL	RESIDENTIA	L			
Proposed Use	RESIDENTIAL	AGRICULTUF	RE			
Existing Buildings/ Structures	2 ST. BRICK DWELLING	NONE				
Proposed Buildings/ Structures	NONE	NONE				
Buildings/ Structures to be Removed	NONE	NONE				
* Additional fees	apply.					
a) Type of access: (check appropriate box) □ provincial highway □ municipal road, seasonally maintained □ municipal road, maintained all year b) Type of water supply proposed: (check appropriate box) □ publicly owned and operated piped water system □ privately owned and operated individual well c) Type of sewage disposal proposed: (check appropriate box) □ publicly owned and operated sanitary sewage system □ privately owned and operated individual septic system □ privately owned and operated individual septic system □ other means (specify)					water body	
4.3 Other Service	ces: (check if the	service is availa	able)			
☑ electricity ☑ telephone ☑ school bussing ☑ garbage collection						
5 CURRENT I	LAND USE					
5.1 What is the	existing official pla	an designation	of the subject land	! ?		
Rural Hamilt	ton Official Plan d	lesignation (if a	pplicable): AGRIC	CULTURE	STRANGE - COLOMBAN	
	Rural Settlement Area:					

	Urban Hamilton Official Plan designation (if applicable)
	Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.
5.2	Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? ☐ Yes ☐ No ☐ Unknown
	If YES, and known, provide the appropriate file number and status of the application.
5.3	What is the existing zoning of the subject land? AGRICULTURE - A1
	If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?
5.4	Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision? ☐ Yes ☐ No ☐ Unknown
	If YES, and known, provide the appropriate file number and status of the application.
5.5	Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)
An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable		ABUTTING LANDS
A land fill		NO
A sewage treatment plant or waste stabilization plant		NO
A provincially significant wetland		NO
A provincially significant wetland within 120 metres		NO
A flood plain	V	YES
An industrial or commercial use, and specify the use(s)		NO
An active railway line		NO
A municipal or federal airport		NO

6.1	Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the <i>Planning Act</i> ? ☐ Yes ☐ No ☑ Unknown
	If YES, and known, provide the appropriate application file number and the decision made on the application.
6.2	If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.
6.3	Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land? Yes No UNKNOWN
	If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.
6.4	How long has the applicant owned the subject land? 20 YEARS PLUS
6.5	Does the applicant own any other land in the City? ☐ Yes ☑ No If YES, describe the lands below or attach a separate page.
7	PROVINCIAL POLICY
7.1	Is this application consistent with the Policy Statements issued under Section 3 of the <i>Planning Act</i> ?
	☑ Yes □ No (Provide explanation)
	PROMOTES INVESTMENT IN AGRICULTURE.
7.2	Is this application consistent with the Provincial Policy Statement (PPS)? ☑ Yes ☐ No (Provide explanation)
	LOT ADJUSTMENT POLICY 2.3.4.2
7.3	Does this application conform to the Growth Plan for the Greater Golden Horseshoe? ☑ Yes ☐ No (Provide explanation)
	SUPPORTS AGRICULTURE SYSTEM POLICIES IN 4.2.6.
7.4	Are the subject lands subject to the Niagara Escarpment Plan? ☐ Yes ☐ No (Provide explanation)

HISTORY OF THE SUBJECT LAND

7.5	Are the subject land ☐ Yes	ds subject to t ☑ No	the Parkway Belt West Plan? (Provide explanation)
7.6	Are the subject land	ds subject to t	the Greenbelt Plan? (Provide explanation)
	PROMOTES NORM	1AL FARM PR	ACTICES - CONSOLIDATION (POLICY 3.1.3.1)
7.7	Are the subject land ☐ Yes	ds within an a ☑ No	rea of land designated under any other provincial plan or plans? (Provide explanation)
8	ADDITIONAL INFO	ORMATION -	VALIDATION
8.1	Did the previous o	wner retain ar	ny interest in the subject land?
	☐Yes	□N o	(Provide explanation)
8.2	Does the current of	wner have an	y interest in any abutting land?
	☐Yes	□ No	(Provide explanation and details on plan)
8.3	Why do you consid	er your title m	nay require validation? (attach additional sheets as necessary)
9	ADDITIONAL INFO	ORMATION -	CANCELLATION
9.1	Did the previous ov	wner retain ar	y interest in the subject land?
	□Yes	□No	(Provide explanation)
9.2	Does the current o	wner have an	y interest in any abutting land?
	□Yes	□No	(Provide explanation and details on plan)
			(1. 10 tide oxplanation and details on plan)
9.3	Why do you require	e cancellation	of a previous consent? (attach additional sheets as necessary)

	10	ADDITIONAL INFORMA	AIION - FARM (CONS	OLIDATION		
	10.1	Purpose of the Application (Farm Consolidation)					
		If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicat if the consolidation is for:					
		☐ Surplus Farm Dw	elling Severance	e from	an Abutting Farm Con	solidation	
		☐ Surplus Farm Dw	elling Severance	from	a Non-Abutting Farm (Consolidation	
	10.2	Location of farm consoli	dation property:				
	Muni	icipal Address					
	Asse	essment Roll Number					
	Form	ner Municipality					
	Lot				Concession		
	Regi	stered Plan Number			Lot(s)		
		rence Plan Number (s)	, , , , , , , , , , , , , , , , , , , ,		Part(s)		
10.4		Description of farm consolidation property:					
		Frontage (m):		Area	a (m² or ha):		
		Existing Land Use(s):		Proposed Land Use(s):			
10.5		Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)					
		Frontage (m):		Area (m² or ha):			
10.6		Existing Land Use:		Proposed Land Use:			
10.7		Description of surplus dwelling lands proposed to be severed:					
		Frontage (m): (from Section 4.1)		Area (m² or ha): (from Section 4.1)			
		Front yard set back:					
		a) Date of construction: ☐ Prior to December 16, 2004		☐ After December 16, 2004			
		b) Condition: ☐ Habitable] Non-Habitable		

COMPLETE APPLICATION REQUIREMENTS 11.1 All Applications Application Fee Site Sketch Complete Application Form ☐ Signatures Sheet 11.2 Validation of Title All information documents in Section 11.1 Detailed history of why a Validation of Title is required All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary. 11.3 Cancellation All information documents in Section 11.1 Detailed history of when the previous consent took place. All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary. Other Information Deemed Necessary Cover Letter/Planning Justification Report Minimum Distance Separation Formulae (data sheet available upon request) Hydrogeological Assessment Septic Assessment Archeological Assessment Noise Study Parking Study