

FL/B-23:28 – 449 Carlisle Rd., Flamborough

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

Advisory Note:

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this easement is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the Planning Act.

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PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural

Background

The purpose of this application is to facilitate the creation of a mutual access easement between the lands of 449 and 451 Carlisle Road, just east of the Carlisle Settlement Area boundary.

	Frontage	Depth	Area
SEVERED LANDS (Part 2): (For Easement)	N/A m[±]	112.18 m[±]	504 m^{2±}
RETAINED LANDS (Part 1):	101.8 m[±]	186 m[±]	20,397 m^{2±}

Greenbelt Plan

For lands falling within the Protected Countryside, the following policies shall apply:

“4.6 Lot Creation

e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;

As the application is not creating a new lot and only to facilitate an easement for access. The proposal complies with the Greenbelt Plan as it is not fragmenting a key Natural Heritage feature.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Rural” in Schedule D – Rural Land Use Designation to which the use complies. The following amongst other policies apply:

1.14.2.5.c) 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;

b) All resulting lots shall be:

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

ii) be compatible with and not hinder surrounding agricultural operations. As the proposed easement will not be resulting in a new lot or hinder surround agricultural operations, the application complies with the Rural Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Rural (A2) Zone, to which the use complies.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

Advisory Note:

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application, which would normally require an archaeological assessment. This application is centred around an adjustment of property boundaries and will not result in significant soil disturbance. If this easement is granted the City does not require an archaeological assessment, but the applicant is advised that the City retains the authority to require an archaeological assessment for any future applications on the subject property under the Planning Act.

Recommendation:

Having regard for the matters under subsection 51(2) of the *Planning Act*, staff recommend that the application be **approved**, as it generally complies with the Rural Hamilton Official Plan and Zoning By-law, is minor in nature and desirable for the subject property.

Zoning:

- i. This Division has no concerns with the proposed application.

Development Engineering:

No comments. Development Engineering has no issues with the proposed creation of private mutual access easements for the existing driveway between 449 and 451 Carlisle Road properties.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
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urbanforest@hamilton.ca

Hamilton

Environmental Services Division
Public Works Department

Date: May 26, 2023

To: Jamila Sheffield, Committee of Adjustment Secretary/Treasurer
Development Planning
City Hall – 71 Main Street West – 5th Floor

From: Sam Brush – Urban Forestry Health Technician

Subject: 449 Carlisle Road, Carlisle.
File: FL/B-23:28

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, June 01, 2023, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

SCOPE

There are municipal tree assets on site although it is determined that no impacts are anticipated through this application; therefore, no Tree Management Plan is required.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director. Email urbanforest@hamilton.ca for questions or public tree permit application.

TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

LANDSCAPE PLAN

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

SUMMARY

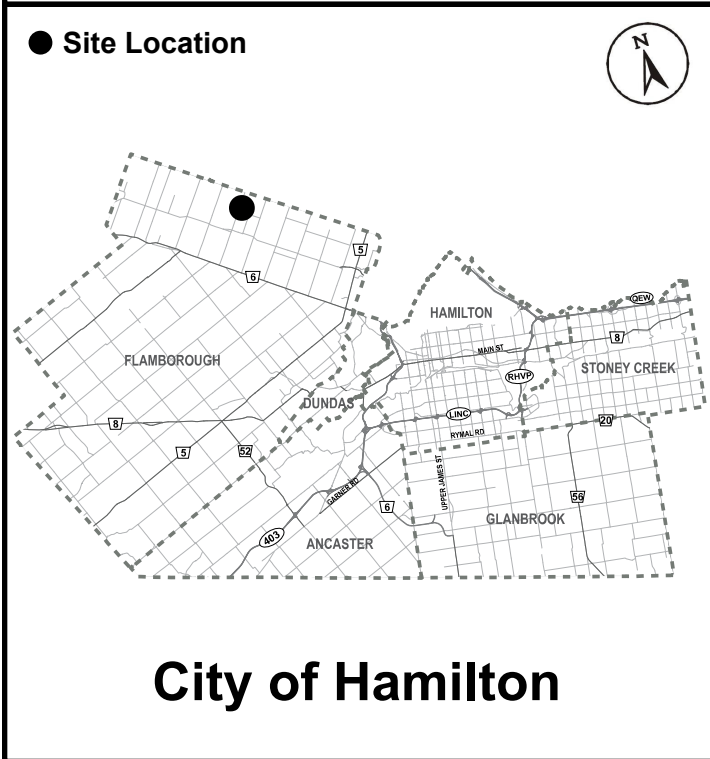
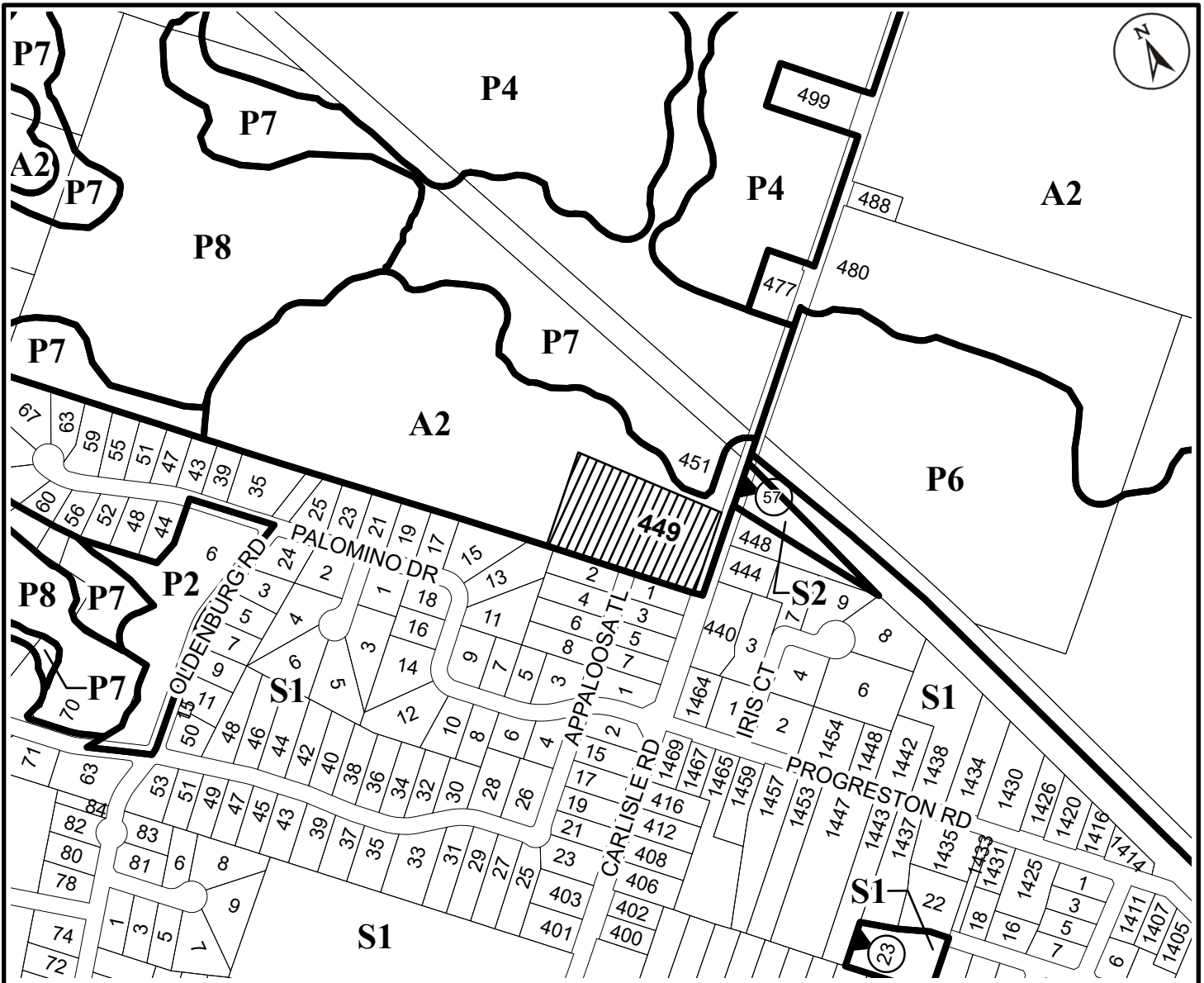
- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized and cursive.

Sam Brush
Urban Forest Health Technician



Committee of Adjustment

Subject Property



449 Carlisle Road, Flamborough
(Ward 15)

File Name/Number:
FL/B-23-28

Date:
May 19, 2023

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton