

FL/B-23:61 – 169 & 193 Weirs Lane, 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)
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the A2 or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).
4. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. That the applicant submit a Hydrogeological Report that focuses on the sustainability of the applicant's private water supply, wastewater disposal, and associated potential impacts (To the satisfaction of Director, Hamilton Water,).
6. The Owner is to convey to the City an approximate ± 3.0 metre Right-of-Way dedication on Weir's Lane to meet the 20.117 metre Right-of-Way required on Weir's Lane between Highway 8 and the boundary of Dundas as per the Rural Hamilton Official Plan Schedule C-1 – Future Right-of-Way Dedications. The exact dimension of Right-of-Way to be dedicated is to be confirmed by staff with Geomatics & Corridor Management (corrplan@hamilton.ca) and the condition cleared by Transportation Planning (tplanning@hamilton.ca) subject to the satisfaction and approval of the Manager, Transportation Planning.

Notes:

- A. The above dedication is to be required only on the northernmost portion of the property known as 193 Weir's Lane, as demonstrated below in Figure 1, in order to create a uniform Right-of-Way.
- B. Without setting precedent, a ± 3.0 metre dedication (as confirmed by staff upon approval) will be considered sufficient where the total resulting Right-of-Way would be under the required 20.117 metres. Future Right-of-Way will be taken from the eastern properties to meet the requirement in these cases.
- C. Without setting precedent, no dedication is required for the property known as 169 Weir's Lane. Existing infrastructure make dedication unfeasible and the required Right-of-Way is waived for this portion of the property.

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.

Acknowledgement Note: 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. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact 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 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

FL/B-23:61 – 169 & 193 Weirs Lane, Flamborough**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – West Development**

To sever the existing residential lot into two parcels, the severed lands will be a residential lot with a house to remain and the retained lands will contain the existing dwelling which is intended to remain. These properties inadvertently merged in title and the owner wishes to recreate the two original lots.

	Frontage	Depth	Area
Severed Lands	123.4 m	82.3 m	0.61 ha
Retained Lands	322.5 m	392.9 m	14.03 ha

Rural Hamilton Official Plan

The subject site is designated "Rural" and "Open Space" within Schedule D – Rural Land Use Designation.

"F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations: (OPA 18)

a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;

b) Severances that create a new lot(s) may be permitted for only the following purposes:

vii) In the Rural designation only, non-agricultural uses which may only be permitted in accordance with Sections D.4.1, F.1.14.2.1, and F.1.14.2.3;

F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional

uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:

Staff note that the proposal is for a consent to re-establish two parcels of land that were inadvertently merged on title. Staff note that the applicant has indicated that the two parcels of land inadvertently merged in the early 2000s. Staff further note that the applicant has received a NEC permit dated September 28, 2021, which has a note added that the City of Hamilton Official Plan policies also apply to the subject site and therefore, the NEC development approval does not guarantee approval. Staff note that there is no Rural Official Plan policy that speaks to inadvertently merging of lands within the rural area of the City of Hamilton. Due to the length of time passing since the merging of lands, staff have reviewed the consent through the existing policy framework of the rural and open space land use designations. As such, as per the policy noted above, staff are of the opinion that the consent does not maintain the general intent of the Official Plan as the proposal is for the severance to create a new lot for residential purposes.”

Archaeology

No comment.

Cultural Heritage

No comment.

Recommendation:

In conclusion, Staff recommends that the application be **denied** as it does not conform to the Rural Hamilton Official Plan policies noted above.

Zoning:

1. The appropriate Planning Act approvals for lot area may be required for zoning compliance of the lands to be retained; Be advised, a minimum of 40.4 hectares is required for an Agriculture use within the A2 Zone.
2. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.

If the application is approved, we request the following condition(s):

1. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the A2 or alternatively apply for and receive final approval of the appropriate Planning

Act application in order to permit the intended use (Planning Division – Zoning Review Section).

2. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

Source Protection Planning:

Source Protection Planning understands that the applicant wishes to sever the existing residential lot into two parcels, with parcel 1 (169 Weirs Lane) being 0.61 ha in size and parcel 2 (193 Weirs Lane) being 14.03 ha in size. We understand that the application does not include the construction of any additional new dwellings or increasing the size of the existing dwelling such that there would be an increase in septic sewage flows and water supply needs.

Our previous comments from NEC File No.: W/R/2020-2021/689 has not been addressed, and are re-iterated below as follows:

Based on our desktop review of local soils and typical daily sewage flows from a residential dwelling, 1.0 ha represents the minimum sustainable lot size. Given the proposed severance is for 0.61 ha, Hamilton Water cannot support the NEC application at this time. It is understood that a 0.61 ha severance was approved previously. However, since that time of approval, the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services have been approved by Council and in use since 2014. This recommendation for a 1.0 ha lot size (or greater) is based on the principles originating from these guidelines.

Notes for Committee of Adjustment:

Should the Committee grant the approval as currently proposed, as a condition of approval to the satisfaction of Director, Hamilton Water, we would require a Hydrogeological Report that focuses on the sustainability of the applicant's private water supply, wastewater disposal, and associated potential impacts.

Transportation Planning:

1. Transportation Planning has no objection to the proposed severance, as long as the following conditions are met:
 - a. The Owner is to convey to the City an approximate ± 3.0 metre Right-of-Way dedication on Weir's Lane to meet the 20.117 metre Right-of-Way required on Weir's Lane between Highway 8 and the boundary of Dundas as per the Rural Hamilton Official Plan Schedule C-1 – Future Right-of-Way

Dedications. The exact dimension of Right-of-Way to be dedicated is to be confirmed by staff with Geomatics & Corridor Management (corrplan@hamilton.ca) and the condition cleared by Transportation Planning (tplanning@hamilton.ca) subject to the satisfaction and approval of the Manager, Transportation Planning.

2. The above condition is subject to the following notes:
 - A. The above dedication is to be required only on the northernmost portion of the property known as 193 Weir's Lane, as demonstrated below in Figure 1, in order to create a uniform Right-of-Way.
 - B. Without setting precedent, a ± 3.0 metre dedication (as confirmed by staff upon approval) will be considered sufficient where the total resulting Right-of-Way would be under the required 20.117 metres. Future Right-of-Way will be taken from the eastern properties to meet the requirement in these cases.
 - C. Without setting precedent, no dedication is required for the property known as 169 Weir's Lane. Existing infrastructure make dedication unfeasible and the required Right-of-Way is waived for this portion of the property.

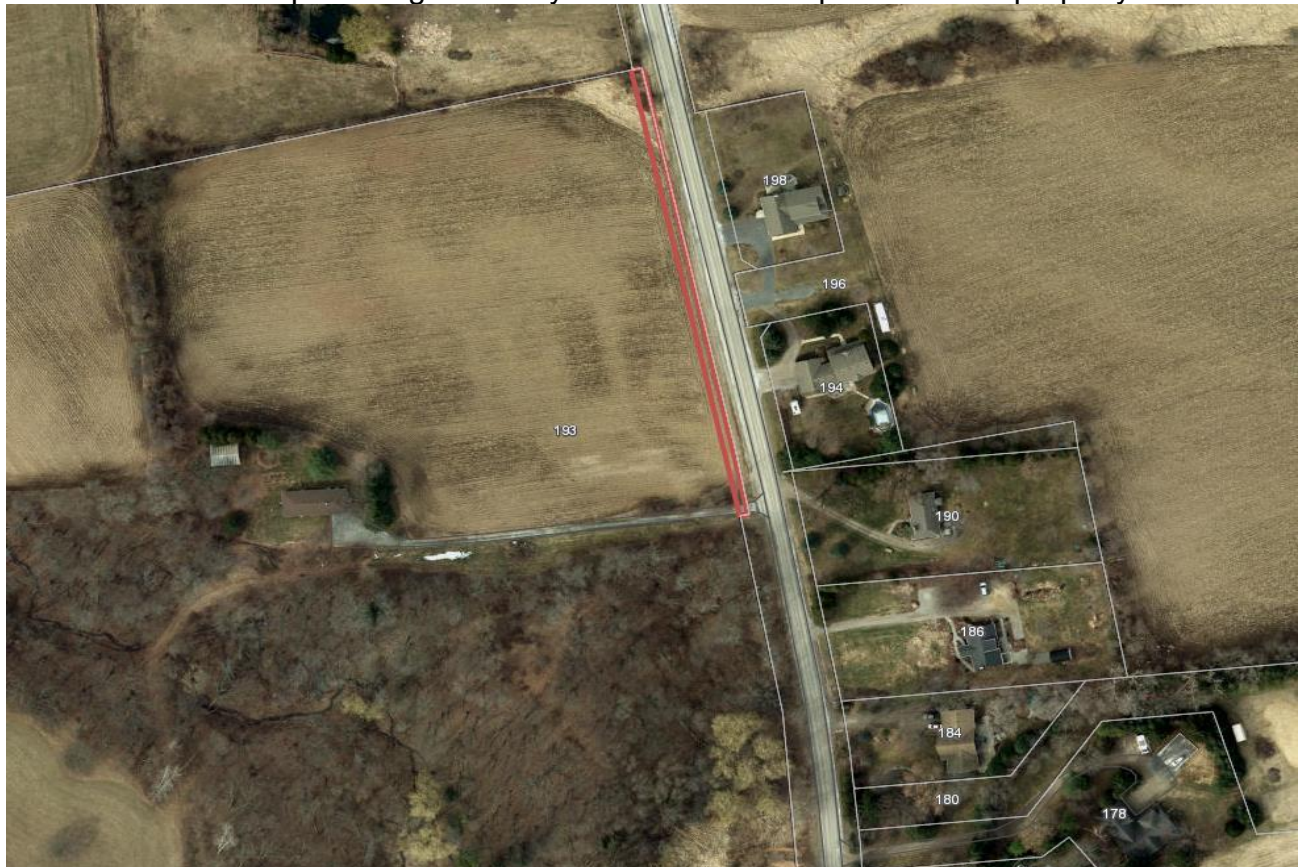


Figure 1: Area of required dedication

Development Engineering:

Provided there are no proposed alterations or additions with respect to servicing, buildings / structures or foundations and the existing drainage patterns are maintained with no adverse impacts to the adjacent lands, then Development Engineering has no comments regarding the Consent Application as proposed.

See attached for additional comments.



Sam Brush, Urban Forest Health Technician
100 King Street West, 14th Floor
Hamilton, ON L8P 1A2
urbanforest@hamilton.ca

Hamilton

Environmental Services Division
Public Works Department

Date: October 13, 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: 169 & 193 Weirs Lane, Flamborough
File: FL/B-23:61

PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, October 19, 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

From: [Obradovic, Andrej \(MNRF\)](#)
To: [Committee of adjustment](#)
Subject: RE: October 19th, 2023 - COA Agenda Available
Date: Wednesday, October 11, 2023 4:51:00 PM
Attachments: [image001.png](#)

Hello,

Thank you for the opportunity to comment on the October 19, 2023 COA agenda. The property at 169 & 193 Weirs Lane, Flamborough is located within the Niagara Escarpment Plan (NEP) area and within the Niagara Escarpment Commission's (NEC) area of Development Control. Any proposed development, land alteration or change in use requires a Development Permit from the NEC. The NEC conditionally approved an application to re-create a lot resulting in a 0.61 hectare severed lot and a 14.03 hectare retained lot on September 16, 2021. The applicant did not fulfill the conditions of approval and the conditional approval lapsed on April 17, 2023. Section 24(3) of the Niagara Escarpment Planning and Development Act (NEPDA) restricts the issuance of building permits, consents and any other decision that relates to development within the NEC's area of Development Control unless the development is exempt or a Development Permit has been issued under the act. NEC staff object to the approval of this application and advise the property owner to obtain a NEC Development Permit prior to acquiring any municipal approvals.

Feel free to reach out to me if you have any questions.

Best,

Andrej Obradovic

Senior Planner | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1
289-924-1166 | www.escarpment.org



Niagara Escarpment Commission
An agency of the Government of Ontario

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

The NEC offices are now open to the public in a limited capacity. In order to ensure a safe and secure environment for staff and clients, the NEC **requires** that you make an appointment to meet with staff in person. Alternatively, the NEC will continue to provide services via telephone and email. Updates can be found on our website: <https://escarpment.org/appointments>

From: [Jeff Tweedle](#)
To: [Committee of adjustment](#)
Cc: francodromano@rogers.ca
Subject: October 19th 2023 - COA - HCA Comments for FL/B-23:61 for 169 & 193 Weirs Ln
Date: Friday, October 13, 2023 9:34:49 AM
Attachments: [image002.png](#)

Good afternoon,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for October 19th, 2023 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for FL/B-23:61 for 169 & 193 Weirs Lane, Flamborough. HCA has cc'd the applicant's agent on this email for their information.

FL/B-23:61 – 169 & 193 Weirs Lane, Flamborough

The subject properties are approximately 13.97 ha (34.51 ac) and 0.61 ha (1.50 ac) in size, located with the Spencer Creek watershed and within the Spring Creek sub-watershed. A tributary of Spring Creek is located within a portion of both 169 and 193 Weirs Ln. The properties are regulated by HCA pursuant to *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*. The regulated area is associated with the erosion hazards produced by the tributary of Spring Creek noted above and surrounding valley slope system. Written permission from HCA is required for any construction, site alteration, or grading completed within the regulated portion of the subject site. The application states the intent of the proposed severance is to re-establish the properties which were inadvertently merged on title. Further, the existing dwellings are to remain and no additional development is proposed through this application. As such, HCA staff do not have any concerns with the proposed technical severance and have no objections to the granting of the requested consent. HCA is satisfied that the application is consistent with the natural hazard policies of the PPS.

HCA staff would note that the majority of the severed lands (169 Weirs Ln) are within HCA's regulated area, including the existing dwelling and driveway, and any future development or site alteration proposed on the severed lands will require written permission from HCA and must comply with HCA Planning & Regulation Policies and Guidelines. If any future development or site alteration is considered, it is recommended the applicant contact HCA staff for review.

Please contact the undersigned if there are any questions regarding the provided comments.

There will be no fee for HCA's review of this application.

Regards,

Jeff Tweedle

Conservation Planner
Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1
Phone: 905-525-2181 Ext. 164
Email: jtweedle@conservationhamilton.ca
www.conservationhamilton.ca



A Healthy Watershed for Everyone

The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever.

From: [ARABIA Gabriel](#)
To: [Committee of adjustment](#)
Subject: City of Hamilton - 169 and 193 Weirs Lane - B-23-61
Date: Monday, October 16, 2023 11:19:03 AM
Attachments: [image001.png](#)

Hello,

We are in receipt of your Application for Consent, B-23-61 dated October 3rd, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

[HydroOne_Map](#)

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map

The screenshot shows the Hydro One website's map interface. At the top right is the Hydro One logo. Below it is a navigation bar with 'MENU', 'HELP', and 'SEARCH' icons. A legend titled 'Customers Affected:' includes color-coded icons for customer counts: red diamond for '>5000', orange diamond for '501-5000', green diamond for '51-500', blue diamond for '21-50', purple diamond for '<=20', and a multi-colored diamond for 'Multiple'. It also includes a black person icon for 'Crew' and a green line for 'Service Area'. The map itself shows a portion of Ontario, Canada, with major cities like Toronto, Mississauga, Hamilton, and Ottawa labeled. Several purple diamond markers are placed on the map, indicating service areas with 20 or fewer customers. A 'Satellite' view button is visible in the bottom right corner of the map area.

If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Dennis De Rango

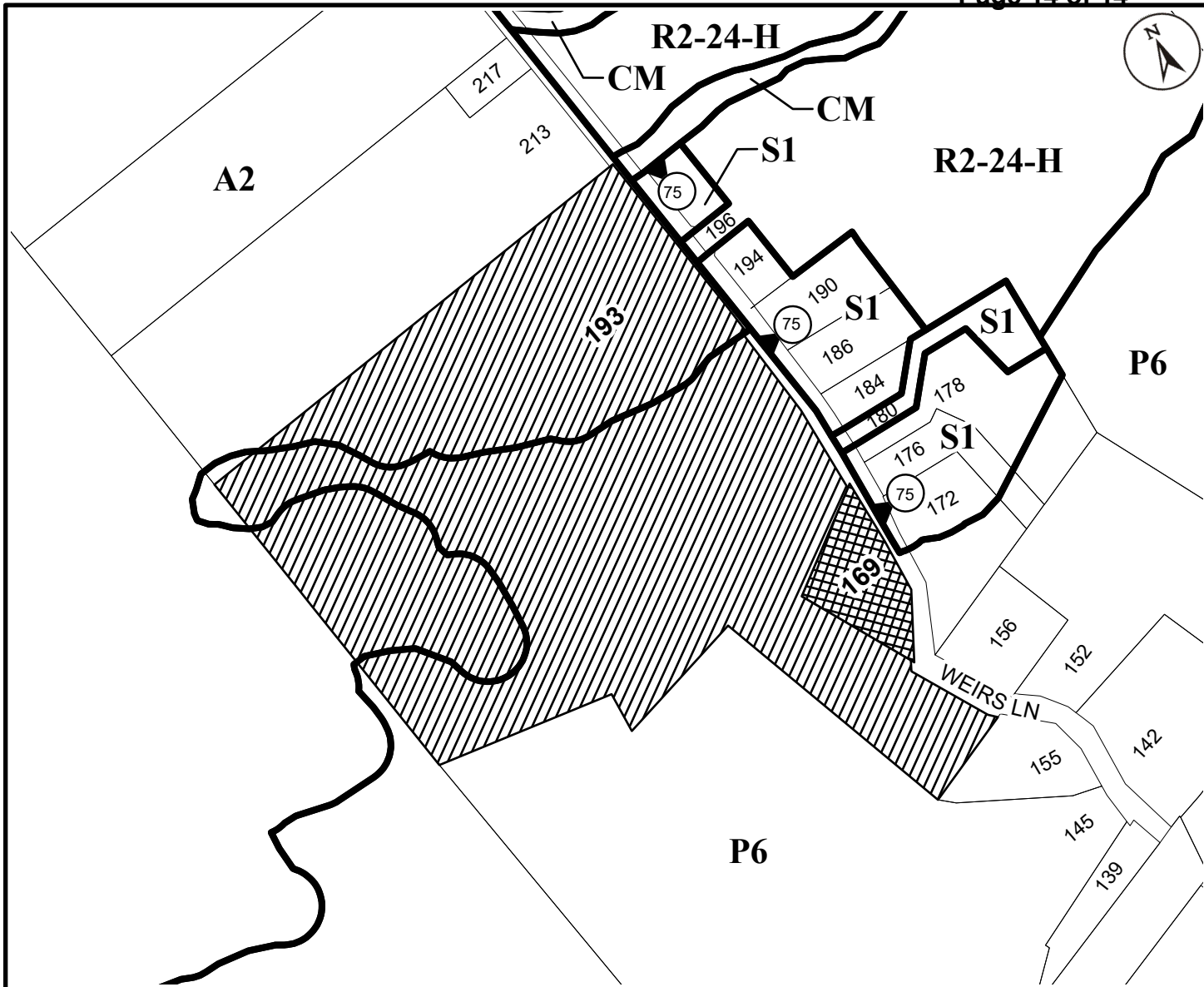
Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

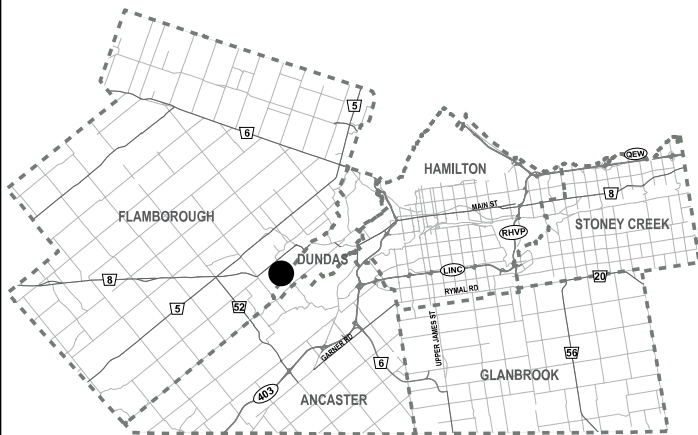
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

This email and any attached files are privileged and may contain confidential information intended only for the person or persons named above. Any other distribution, reproduction, copying, disclosure, or other dissemination is strictly prohibited. If you have received this email in error, please notify the sender immediately by reply email and delete the transmission received by you. This statement applies to the initial email as well as any and all copies (replies and/or forwards) of the initial email



● Site Location





City of Hamilton

Committee of Adjustment

Subject Property

169 & 193 Weirs Lane, Flamborough
(Ward 13)

 Lands to be Retained

 Lands to be Severed

File Name/Number:

FL/B-23:61

Date:

October 10, 2023

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton