

## FL/B-23:73 – 2050 Centre Road, 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 owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s) and lot coverage 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).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
5. The owner is to convey to the City an approximate  $\pm 3.0$  metre Right-of-Way dedication on Concession 4 West for a total Right-of-Way of approximately 23.0 metres. 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.

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.

Note: The Rural Hamilton Official Plan requires a 30.480 metre Right-of-Way on Centre Road between 305m north of Carlisle Road and Campbellville Road. Without setting precedent, a reduced total Right-of-Way of  $\pm 23.0$  metres is acceptable to create a continuous Right of Way with 2030 Centre Road and as future widenings will be taken from the westerly properties.

**FL/B-23:73 – 2050 Centre Road, Flamborough**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – West Development**

To sever the existing residential lot into two parcels, the severed lands contain an existing dwelling (to remain) and the retained lands contain an existing dwelling and barns (to remain).

**Rural Hamilton Official Plan**

The Rural Hamilton Official Plan designates the property as "Rural" in Schedule D - Rural Land Use Designations.

"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 applicant has indicated that the subject site inadvertently merged on title prior to 2004. Staff note that there is no Rural Hamilton 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.

### **Archeology**

The subject property meets four (4) 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;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer Euro-Canadian settlement; and,
- 4) 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 severance 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*.

### **Cultural Heritage**

No Comment

### **Hamilton Zoning By-law 05-200**

The subject lands are zoned Rural (A2), Conservation / Hazard Land - Rural Zone (P7), and Conservation / Hazard Land - Rural Zone (P8).

### **Recommendation:**

Based on the preceding information, Staff recommends that the application be **denied**.

**Zoning:**

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. No dimensions for the existing structures on the lands to be retained have been shown on the submitted survey; therefore, this Division cannot confirm zoning compliance regarding lot coverage in relation to the existing Agricultural Buildings or Gross Floor Area of the existing Accessory Buildings. Should the reduction in lot area result in the buildings not being in compliance with applicable Zoning requirements, an application for the appropriate Planning Act application may be required.
3. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.

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

1. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structure(s) and lot coverage 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).
2. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

**Source Protection Planning:**

Source Protection Planning understands that the applicant wishes to sever the lot into two parcels, with the severed land being 4,089.2 m<sup>2</sup> (0.41 ha) in size and the retained land being 414,340.58 m<sup>2</sup> (41.43 ha) in size. We understand that the application does not include the construction of any additional new dwellings or increase the size of the existing dwelling on each proposed parcel, and we understand that the proposed application does not seek to change the exiting land use of the property, which will continue to be used for only residential purposes. Our comments are as follows:

Based on the site-specific surficial geology and typical wastewater flows from a 3-bedroom dwelling, the minimum sustainable lot size would be 7,300 m<sup>2</sup>. It is the responsibility of the applicant to retain a qualified professional to confirm the minimum sustainable lot size. Without an amendment to the severed lot area, Source Protection Planning cannot support the application as proposed. If the application is tabled and an increase of severed lot area is of at least 7,300 m<sup>2</sup> in a future submission, we would be able to support the application with the condition of a Scoped Hydrogeological Report to the satisfaction of Director, Hamilton Water completed by a qualified professional (P.Eng., P.Geo.). This Scoped Hydrogeological Report would focus on the sustainability of the applicant's private water supply. It should consider all the uses proposed on-site and will need to be completed in accordance with the City of Hamilton Guideline for Hydrogeological Studies and Technical Standards for Private Servicing (link: <https://www.hamilton.ca/sites/default/files/2022-09/pedpolicies-guidelineshydrogeologicalstudies.pdf>).

Scope of work would include but not necessarily limited to:

1. A water supply assessment should be conducted by a qualified professional in accordance with the City of Hamilton's Hydrogeological Guideline. It should include expected water use / flows and provide evidence that onsite water supply well will meet the capacity of the proposed use through the completion of a minimum of 6-hour pumping test.
2. It is assumed a private well supports the existing dwelling and its water servicing. As a result, the applicant shall forward the Ministry of Environment Water Well Record for the existing well to Source Protection Planning for our review. If the Water Well Record cannot be located or if the well is more than 10 years old, it shall be inspected by a licensed water well contractor for its condition and its sustainable pumping rate verified to demonstrate that the existing well can sustainably support the residential use. Any improvement to the condition of the well suggested by the water well contractor (i.e., in order to comply with Regulation 903) shall be implemented and associated documentation shall be forward to Source Protection Planning for review. Find licensed water well contractor here: <https://www.ontario.ca/page/find-licenced-well-contractors>
3. The water well contractor or other qualified professional (P.Eng., P.Geo.) shall obtain water quality samples from the onsite well. Parameters to be analyzed shall be at minimum, general chemistry, major ions, nutrients, metals, E. coli, total coliforms. If a new well is to be drilled to support the development, the proponent shall test water quality parameters stated in Tables 1 through 4 as found in the document "Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines" (2006). Gross Alpha and Gross Beta screening can be done for radiological activity. If the screening yields a negative result, there is no need to test for any of the parameters under Table 3.

Find licensed laboratories here: <https://www.ontario.ca/page/list-licensed-laboratories>

4. Completion of a water well survey within a 500m radius of the site to confirm the existing groundwater use in the area.
5. A revised site plan shall indicate the location of the well and septic system components (tank(s) and leaching bed) and demonstrate that the location conforms with minimum clearance distances within Part 8 of the Ontario Building Code. A reserve area bed shall be delineated to conform to Rural Hamilton Official Plan requirements.
6. As per Ontario Regulation 903, if any wells onsite are to be abandoned, they should be decommissioned by a licensed water well contractor.

If the applicant disagrees with the City's assessment, they have the option to conduct a Full Hydrogeological Report, following the City's Guideline for Hydrogeological Studies and Technical Standards for Private Services

The applicant should be aware that a Full Hydrogeological Report does not necessarily promote favorable outcome and may simply confirm the City's findings.

#### **Transportation Planning:**

1. Transportation Planning has no objection to the proposed severance, provided the following conditions are met:
  - a. The owner is to convey to the City an approximate  $\pm 3.0$  metre Right-of-Way dedication on Concession 4 West for a total Right-of-Way of approximately 23.0 metres. 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. As a note:
  - a. The Rural Hamilton Official Plan requires a 30.480 metre Right-of-Way on Centre Road between 305m north of Carlisle Road and Campbellville Road. Without setting precedent, a reduced total Right-of-Way of  $\pm 23.0$  metres is acceptable to create a continuous Right of Way with 2030 Centre Road and as future widenings will be taken from the westerly properties.

#### **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.**



Shannon Clarke, Urban Forest Health Technician  
100 King Street West, 14<sup>th</sup> Floor  
Hamilton, On L8P 1A2  
urbanforest@hamilton.ca

# Hamilton

Environmental Services Division  
Public Works Department

**Date:** November 28, 2023

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

**From:** Shannon Clarke, Urban Forest Health Technician

**Subject:** 2050 Centre Road, Flamborough  
File: FL/B-23:73

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## PREAMBLE

In response to your Agenda listing for the upcoming meeting on Thursday, December 7, 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 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.

## 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. 4407.

Regards,

A handwritten signature in cursive script that reads "Shannon Clarke".

Shannon Clarke  
Urban Forest Health Technician



November 28, 2023

Jamila Sheffield, Secretary-Treasurer  
Committee of Adjustment  
City of Hamilton Planning  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Planning & Watershed Management  
905.336.1158 | Fax: 905.336.6684  
2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
conservationhalton.ca

**BY E-MAIL ONLY (cofa@hamilton.ca)**

To Jamila Sheffield:

**Re: Consent/ Land Severance  
City File Number: FL/B-23:73  
CH File Number: PSEV-805  
2050 Centre Road, Flamborough  
Applicant: Nathan Aubert & Megan Bros, Owner: Marion Pawlik, Agent: Patrick G. Morris**

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Conservation Halton (CH) has reviewed the severance application for 2050 Centre Road (File B-23-73) as per our responsibilities under Ontario Regulation 162/06 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)).

### **Proposal**

CH staff understands the proposed request is to sever the existing residential lot into two parcels, the severed lands contain an existing dwelling (to remain), and the retained lands contain an existing dwelling and barns (to remain).

### **Ontario Regulation 162/06**

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The property is traversed by a tributary to Bronte Creek and the flooding and erosion hazards associated with that watercourse. The property also contains a portion of Lower Mountsberg Creek Wetland Complex, which is a Provincially Significant Wetland (PSW). CH regulates 15m from the limit of the greater hazard for Bronte Creek and 120m from the PSW. Permission is required from CH prior to undertaking any development within CH's regulated area and applications for development are reviewed under CH's Policies and Guidelines for the Administration of Ontario Regulation 162/06.

The proposed severance is consistent with CH's Policies as the proposed lot to be severed is located outside of CH's regulated area based on CH's Approximate Regulation Limit mapping.

### **Ontario Regulation 686/21 and Provincial Policy Statement (Sections 3.1.1-3.1.7)**

CH reviews applications based on its provincially delegated responsibilities under Ontario Regulation 686/21 to represent the Province on the natural hazard policies of the PPS (3.1.1-

3.1.7 inclusive). Given that the severance is to take place outside of the flooding and erosion hazards, the proposal is consistent with the natural hazards policies of the PPS.

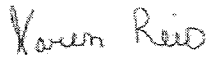
**Conclusion**

Based on the above, CH has no objection to the proposed land severance.

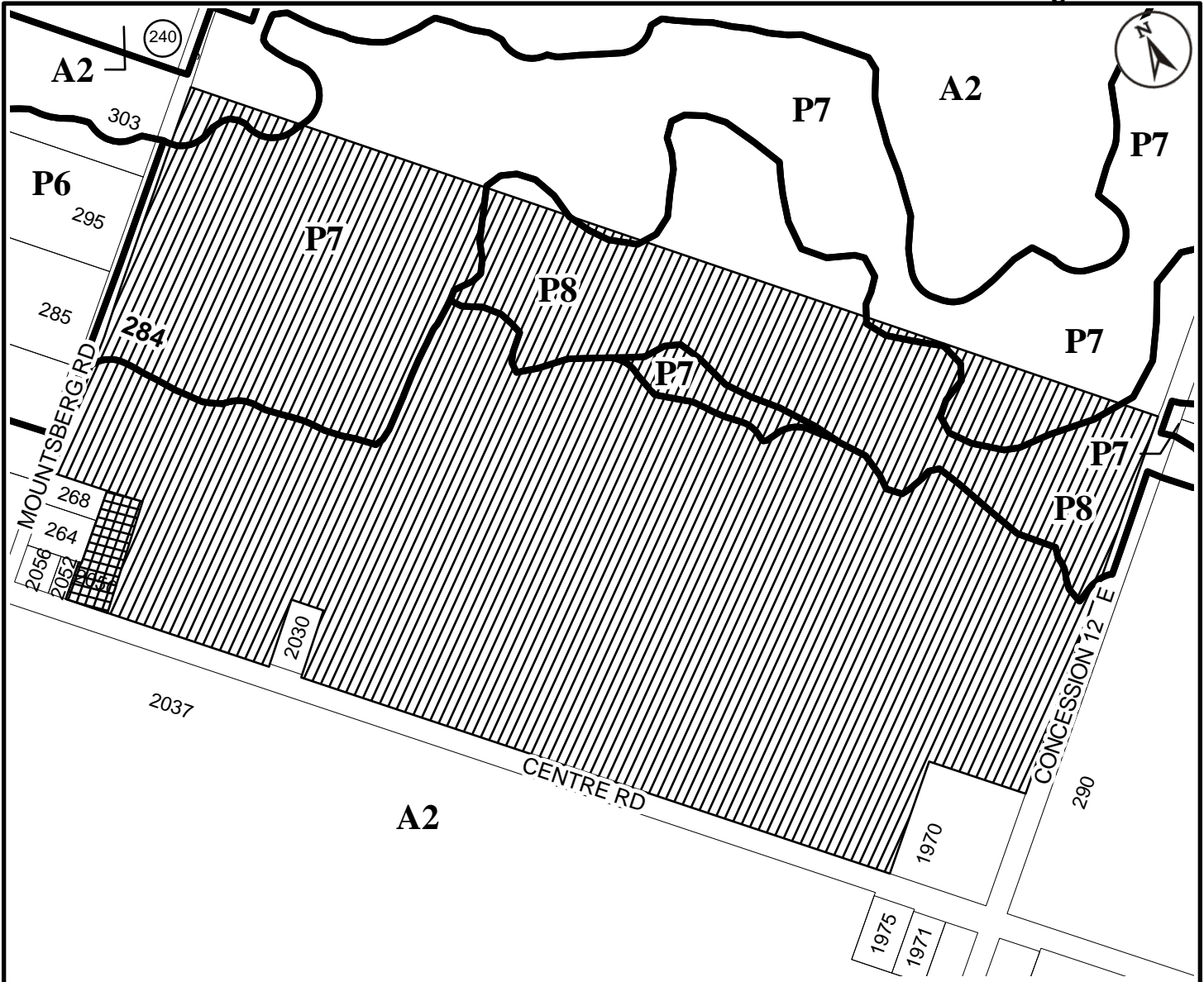
**Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.**

We trust the above is of assistance. Please contact the undersigned with any questions.

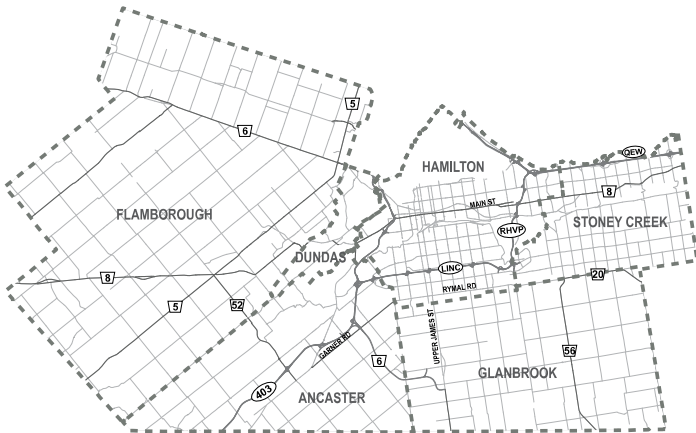
Sincerely,



Karen Reis  
Planning and Regulations Analyst  
905.336.1158 ext. 2267  
[kreis@hrca.on.ca](mailto:kreis@hrca.on.ca)



● Site Location





**City of Hamilton**

**Committee of Adjustment**

**Subject Property**

2050 Centre Road, Flamborough (Ward 15)

 Lands to be Retained

 Lands to be Severed

File Name/Number:  
FL/B-23:73

Date:  
November 30, 2023

Technician:  
AL

Map Not To Scale

Appendix "A"



Hamilton