



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

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.:	GL/A-23:250	SUBJECT PROPERTY:	3355 GOLF CLUB ROAD, GLANBROOK
ZONE:	"A1" (Agriculture)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: PARADISE FIELDS
 Agent: LIV COMMUNITIES; CORBETT LAND STRATEGIES INC.(ANDREW MULDER)

The following variances are requested:

1. Permit a "Farm Labour Residence" on a lot without an existing permanent principle farm dwelling, whereas a "Farm Labour Residence" is only permitted on a lot with an existing permanent principle farm dwelling.
2. Permit a "Farm Labour Residence" in the basement of an "Agri-Tourism Retreat" building, whereas only an accessory detached dwelling of temporary construction and accessory detached bunk house of temporary construction are permitted.
3. Permit a "Farm Labour Residence" with a maximum floor area of 326 square metres with a maximum number of 10 units.

PURPOSE & EFFECT: To facilitate the construction of a Farm Labour Residence in the basement of an Agri-Tourism retreat building without the presence of an existing principle farm dwelling.

Notes:

- i. Variances have been written exactly as requested by the applicant.

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:	Tuesday, April 9, 2024
TIME:	2:30 p.m.
PLACE:	City Hall Council Chambers (71 Main St. W., Hamilton)

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

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. 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. Written comments must be received no later than noon, **April 5, 2024**

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

Orally: If you would like to speak to this item at the hearing you may do so by attending in person. Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing, as noted above.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding GL/A-23:250, 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.



DATED: March 21, 2024

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.

GOLF CLUB ROAD
(ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2) PIN 17385-0371(LT)

TOPOGRAPHIC SURVEY OF
**PART OF LOTS 3 & 4, BLOCK 4
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF BINBROOK
IN THE
CITY OF HAMILTON**

SCALE 1:1000
20 0 50
METRES

ASHENHURST NOUWENS & ASSOCIATES INC.
COPYRIGHT 2018 ©

METRIC NOTE
DISTANCES AND ELEVATIONS SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY.
NONE

THIS SURVEY WAS PREPARED FOR ROQUE, MARIO AND THE UNDERSIGNED ACCEPTS
NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

ASHENHURST NOUWENS & ASSOCIATES INC.
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
225 KING WILLIAM STREET, SUITE 204, HAMILTON, ONTARIO L8R 1B1
TELEPHONE: (905) 529-6316
(905) 529-4314
FAX: (905) 529-6651
e-mail: an@AshenhurstNouwens.ca

DRAWN BY W.S. CALC'D BY H.K. CK'D BY H.K. FILE NO. 16072 TOPO 3

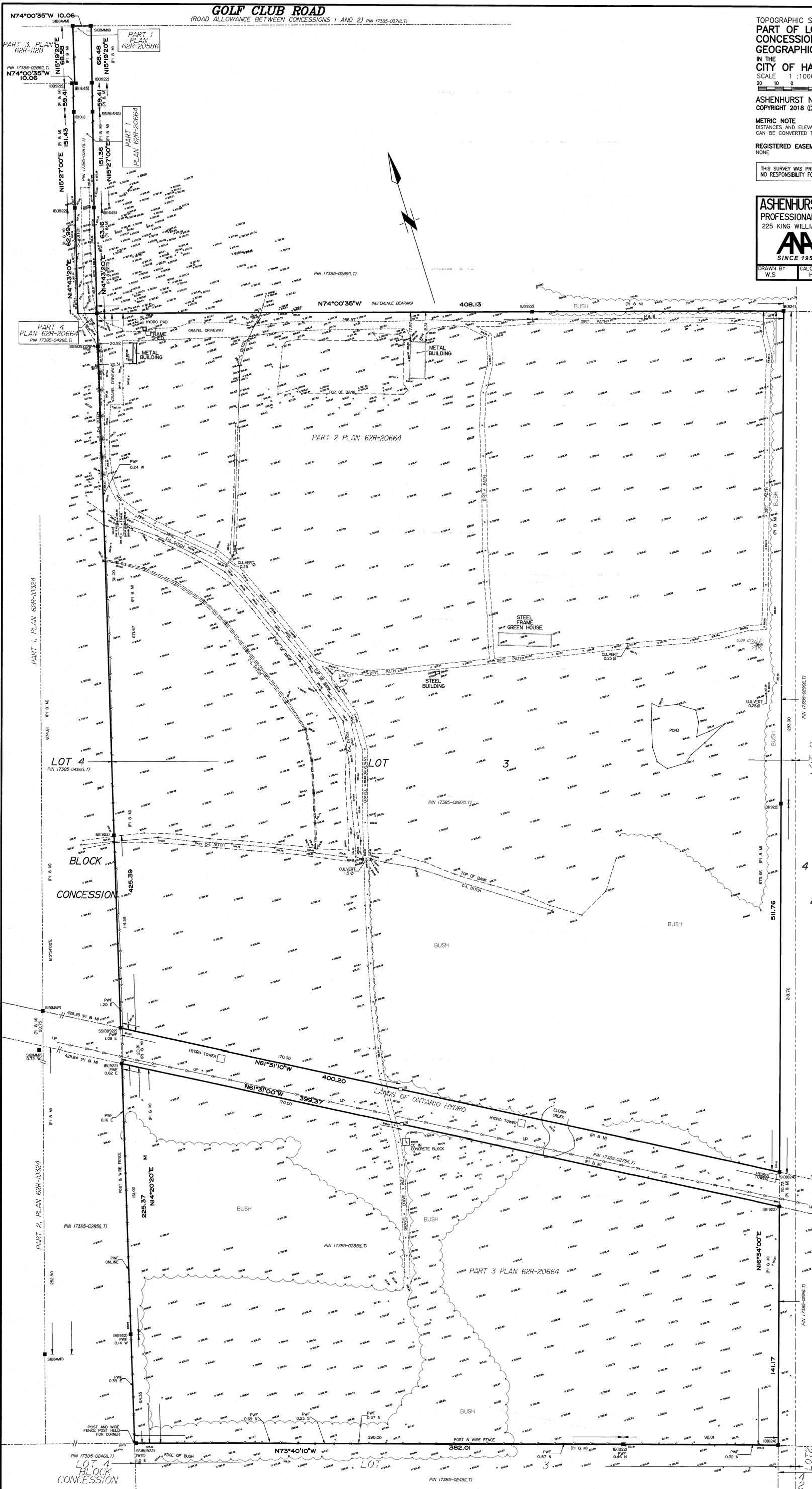
BENCHMARK
CITY OF HAMILTON BENCHMARK No. 0011965U112
HAMILTON-WENTWORTH RED BRICK RESIDENCE ON NORTH SIDE
OF HIGHWAY NO. 53, 6.10M EAST OF MOUNT ALBION ROAD,
TABLE IN NORTH OR REAR CONCRETE FOUNDATION WALL,
30cm FROM NORTHWEST CORNER, 30cm BELOW BRICK.
ELEVATION = 213.551 (DATUM: 12928: 1976)

NOTE
NOTE THE LOCATION OF THE OVERHEAD WIRES
NOTE THE LOCATION OF THE FENCES ALONG THE NORTH, WEST
AND SOUTH LIMITS OF YOUR PROPERTY
NOTE THE LOCATION OF THE GRAVEL DRIVEWAY

BEARING NOTE
BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTH
LIMIT OF PART 3 AS SHOWN ON UNSIGNED PLAN FILE
16072 BY ASHENHURST NOUWENS DATED AUGUST 31ST,
2017, HAVING A BEARING OF N73°40'10"E

LEGEND

■	DENOTES FOUND
□	DENOTES PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES ROUND IRON BAR
M	DENOTES MEASURED
OU	DENOTES ORIGIN UNKNOWN
WIT	DENOTES WITNESS
UP	DENOTES UTILITY POLE
PI	DENOTES PLAN 62R-20664
ORP	DENOTES OBSERVED REFERENCE POINT
MMP	DENOTES MACKAY, MACKAY & PETERS LTD
MM	DENOTES MARSHALL, MACKLIN, MONAGHAN LTD.
1645	DENOTES J. F. WOOLEY, O.L.S.
824	DENOTES A. T. MCLAREN, O.L.S.
1922	DENOTES H. KALANTZAKOS, O.L.S.
PWF	DENOTES POST AND WIRE FENCE



SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYS ACT, THE LAND TITLES ACT AND
REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 10TH DAY OF
DECEMBER, 2018.

DATE: Dec 10, 2018
HARRY KALANTZAKOS
ONTARIO LAND SURVEYOR

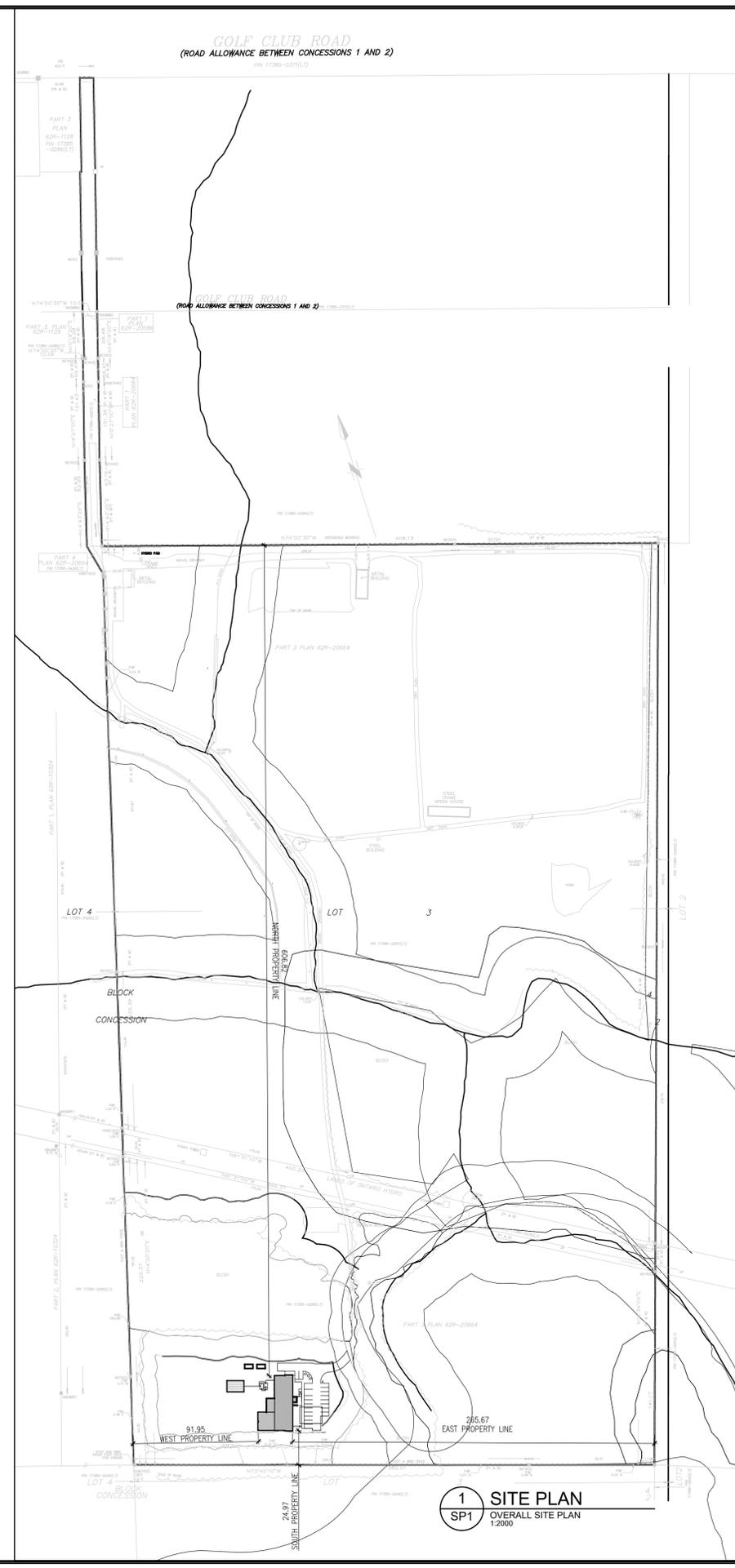


AREA CHART

	sq.m	sq.ft
GROUND FLOOR	703	7562
2ND FLOOR	543	5844
BASEMENT **	530	5706
TOTAL AREA	1776	19,112
BASEMENT AREA FOR WORKERS	383	4125

** NOTE: BASEMENT AREA CALCULATION EXCLUDES UNEXCAVATED AREA

2 SITE PLAN
SP1 SITE PLAN DETAIL
1:400



1 SITE PLAN
SP1 OVERALL SITE PLAN
1:2000

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY.
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.
THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS OR HER WORK.

KEY TO DETAIL LOCATION

No.	DETAIL NUMBER	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)
CLIENT REVIEW	1	07-12-2023
SITE REVISIONS	2	19-09-2023

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING	No.	DATE (DD.MM.YY)

NOT FOR CONSTRUCTION

BUILDING PERMIT NUMBER:
NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMH
ARCHITECTURE • SOLUTIONS

KNYMH INC.
1006 SKYVIEW DRIVE • SUITE 101
BURLINGTON, ONTARIO • L7P 0V1
T 905.639.6595
F 905.639.0394
www.knymh.com info@knymh.com

THIS DOCUMENT IS PRELIMINARY AND MAY NOT BE USED FOR REGULATION APPROVAL. PRELIMINARY CONSTRUCTION DRAWINGS ARE FOR USE BY CONTRACTORS, SUBCONTRACTORS, OWNER AND CONSULTANTS TO PROVIDE INPUT TO THE DEVELOPMENT OF THIS DOCUMENT. DRAWINGS SUBJECT TO CHANGE.

AGRO-TOURISM CENTRE
3355 GOLF CLUB ROAD HANNON, ONTARIO

DRAWING SHEET TITLE:
SITE PLAN

DRAWING SCALE: AS NOTED
PROJECT NUMBER: **23033**

DRAWING VERSION: 001
PLOT DATE: September 19, 2023
DRAWING SHEET NUMBER: **SP1**

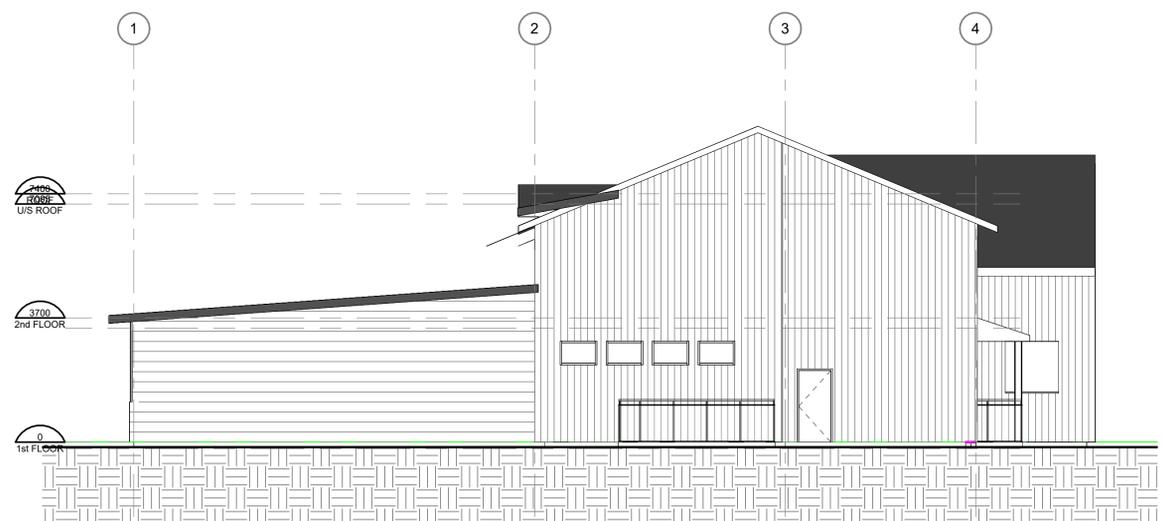
THIS DRAWING IS THE PROPERTY OF KNYMH INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF KNYMH INC.



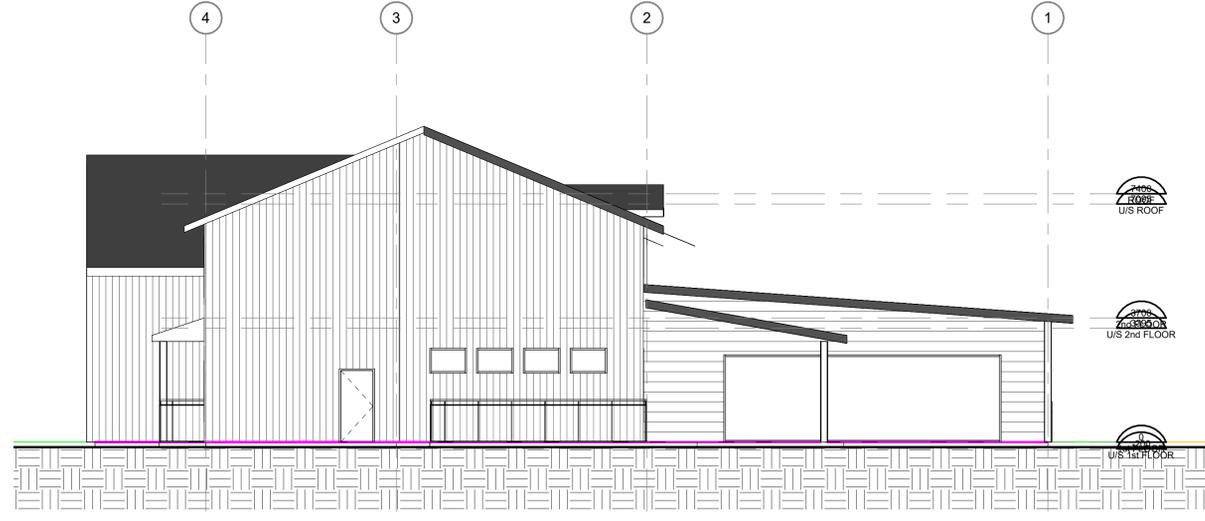
1 EAST ELEVATION
A400 1:100



2 WEST ELEVATION
A400 1:100



3 SOUTH ELEVATION
A400 1:100



4 NORTH ELEVATION
A400 1:100

LEGEND

GL	GLAZING PANEL
SP	SPANDREL PANEL
MF	METAL FLASHING
LV	LOUVRED PANEL
AW	AWNING WINDOW
S1	STUCCO COLOUR 1
S2	STUCCO COLOUR 2
AR	ALUMINUM RAILING W/ GLASS
AB	ALUMINUM BALCONY COLOUR
STN	STONE
MR	PREFINISHED METAL ROOFING

NOTE: BALCONIES, COLUMNS TO BE STUCCO COLOUR 1

CONTRACTOR MUST CHECK AND VERIFY ALL DIMENSIONS AND JOB CONDITIONS BEFORE PROCEEDING WITH WORK.
ALL DRAWINGS MAY BE SUBJECT TO CHANGE DUE TO COMMENTS FROM MUNICIPAL DEPARTMENTS AND OTHER AGENCIES WITH AUTHORITY.
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECTS AND MUST BE RETURNED AT THE COMPLETION OF THE WORK.
THE CONTRACTOR WORKING FROM DRAWINGS NOT SPECIFICALLY MARKED FOR CONSTRUCTION MUST ASSUME FULL RESPONSIBILITY AND BEAR COSTS FOR ANY CORRECTIONS OR DAMAGES RESULTING FROM HIS OR HER WORK.

KEY TO DETAIL LOCATION

No.	DETAIL NUMBER
No.	DRAWING SHEET NUMBER

DRAWING SETS ISSUED	No.	DATE (DD.MM.YY)	BY
	1		

ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED

REVISIONS TO DRAWING	No.	DATE (DD.MM.YY)	BY

NOT FOR CONSTRUCTION

BUILDING PERMIT NUMBER:
NOT FOR CONSTRUCTION WITHOUT PERMIT

KNYMH
ARCHITECTURE • SOLUTIONS

KNYMH INC.
1006 SKYVIEW DRIVE • SUITE 101
BURLINGTON, ONTARIO • L7P 0V1
T 905.639.6595
F 905.639.0394
www.knymh.com info@knymh.com

THIS DOCUMENT IS INCOMPLETE AND MAY BE USED FOR REGULAR APPROVAL PERMITS. CONSTRUCTION SHALL BE FOR USE BY CONTRACTORS, SUBCONTRACTORS, OWNER AND CONTRACTORS TO PROVIDE THEIR INPUT TO THE DETERMINATION OF THIS DOCUMENT.

AGRO-TOURISM CENTRE
3355 GOLF CLUB ROAD
HANNON, ONTARIO

DRAWING SHEET TITLE:
ELEVATIONS

DRAWING SCALE: As indicated	PROJECT NUMBER: 00000
DRAWN BY: Author	CHECKED BY: Checker
DRAWING VERSION: 000	DRAWING SHEET NUMBER: A400
PLOT DATE:	

Tuesday, September 19, 2023

Committee of Adjustment
City of Hamilton
71 Main Street West
Hamilton, Ontario,

Attention | Jamila Sheffield, Secretary Treasurer, Committee of Adjustment

RE: APPLICATION FOR MINOR VARIANCE

Part of Lots 3 & 4, block 4, Concession 2 in the former geographic Township of Binbrook, in the City of Hamilton

Client: Paradise Fields

Applicant: Corbett Land Strategies Inc.

Dear Ms. Sheffield,

On behalf of Paradise Fields (herein referred to as the “Owner”), Corbett Land Strategies Inc. (“CLS”) is pleased to submit the enclosed application for a Minor Variance on lands legally described as Part of Lots 3 & 4, block 4, Concession 2 in the former geographic Township of Binbrook, in the City of Hamilton and municipally described as 3355 Golf Club Road, Hamilton (herein referred to as the “Subject Lands”).

The subject lands are located on the south side of Golf Club Road and east of Fletcher Road. The lands have a total site area of approximately 25 hectares (63 acres). The northern portion of the subject property contains an active organic fruit and vegetable farm that is referred to as “Paradise Fields” The area of the subject lands is surrounded by agricultural uses and natural heritage with some low-rise single family residential dwellings.

Background

On April 18th, 2019, CLS brought forth concurrent Official Plan and Zoning By-law amendments (OPA/ZBA) on behalf of the owner. The amendments were initiated to permit an “Agri-Tourism Facility” use for the subject lands, and site-specific policies enabling a proposed development with that use to occur in the future. In May 2021 an appeal was filed to the Ontario Land Tribunal (OLT). Following the hearing, a decision on the matter was issued on January 24th, 2023, whereby the Tribunal ordered that the appeals relating to the OPA/ZBA application be approved subject to modifications resolved over the course of the hearing. A Holding Provision was adopted setting out conditions which required resolution of matters associated with hydrogeological conditions and archaeology. Resolution of these matters are currently underway.

In addition to the OPA/ZBA application, the owner submitted a site plan amendment and building permit application in support of the construction of a new barn. On May 14th, 2021, the City of Hamilton issued a conditional approval for the site plan application. Final approval has since been granted and the structure has been constructed.

Development Proposal

Since the approval of the Official Plan and Zoning By-law Amendment applications, the owner has advanced the design of the agri-tourism retreat facility. As demonstrated within the submitted materials, the overall facility will consist of washrooms, meeting spaces, classrooms, kitchens, exercise and other rooms, and accommodations in the basement and second floor. Farm labour residences are proposed to be located within the basement of the facility, consisting of approximately 10 rooms for farm workers. The proposed floor area of the farm labour residences is 383 square meters.

As the proposed facility is located to the rear of the site, the existing driveway will traverse from Golf Club Road. Parking will be provided in accordance with zoning requirements.

Please note, further details of the proposed facility will be provided at site plan approval.

Planning Policy

The Provincial Policy Statement (2020) (PPS) provides direction on land use planning and matters of provincial interest. The PPS, as per section 1.1.5.2.(d), permits agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices. Agricultural uses, as defined in the PPS, includes accommodation for full-time farm labour when the size and nature of the operation requires additional employment. The PPS states that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted (sec. 1.1.5.4.).

The Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas aims to help citizens interpret and comprehend the uses that are permitted in Prime Agricultural Areas. As outlined in the PPS, prime agricultural areas are permitted with agricultural uses which include "accommodation for full-time labour when additional labour is required" (Table 1). Housing that is required to support the year-round operation of the farm is recommended to be located in the farm housing cluster to minimize impacts on surrounding agriculture. Should that not be attainable, it is recommended that housing be placed on lower agricultural lands that meet the province's minimum distance separation (MDS) formulae requirements and take out as little land from agricultural production as possible. As submitted within the above noted OLT decision, a Minimum Distance Separation assessment was completed and identified that the location of the proposed facility achieves the formulae requirements. Therefore, the proposed permanent facilities are needed as the residence is necessary to accommodate year-round labourer's and therefore achieve the directions of the guidelines.

Where permitted, the Guidelines direct that farms should consider alternatives to building a new, separate, permanent dwelling for farm help. The guidelines suggest that existing dwellings on a parcel of land that is part of extended farm operation or as a second dwelling unit within an existing building on the farm. The proposed development will feature the labour residences as units within the future building on the farm which will combine the use of farm-labour accommodation as well as the agri-tourism retreat. Further, the lands where the facility is proposed are located on portions of the existing farm operations.

The Place to Grow: Growth Plan for the Greater Golden Horseshoe plan aims to plan for growth and development in the Greater Golden Horseshoe area. Section 4.2.6 (7) asserts that municipalities are encouraged to implement regional agri-food strategies and other approaches to sustain and enhance the Agricultural System by (a) providing opportunities to support access to healthy, local, and affordable food, urban and near-urban agriculture, food system planning and promoting the sustainability of agricultural, agri-food, and agri-product businesses while protecting agricultural resources and minimizing land use conflicts.

The subject lands are identified as *Protected Countryside* under the Greenbelt Plan. Under the *Protected Countryside* identification, the subject lands are designated as Prime Agricultural and within the Natural Heritage System. For those portions of the lands designated as Prime Agricultural section 3.1.3 (1) of the Greenbelt Plan states that a full range of agricultural uses, agricultural-related uses, and on-farm diversified uses are permitted. Using the PPS, the Greenbelt Plan defines agricultural uses as including accommodation for full-time labour, and, therefore, would permit the proposed farm labour residence. The Greenbelt Plan also notes that proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations [sec. 3.1.3 (1)].

The subject lands are designated as *Agriculture* under the Rural Hamilton Official Plan. Permitted uses include agricultural uses, agricultural-related commercial and agricultural-related industrial uses, and on-farm secondary uses. Under the *Agriculture* designation a farm labour residence is permitted as long as it is on the same lot as a primary farm use. The proposed residences are 1 single development is proposing a maximum of 10 units located in the basement of a future agri-tourism facility, as such it will operate through a combined servicing system and will not require the severance of the property in which it is proposed for. As per the OLT decision issued on January 24th, 2023, the subject lands also have a site-specific policy designated to the lands known as Site Specific Area R-50. This Site-Specific Area policy permits the use of an Agri-Tourism Retreat, which is defined by the OLT decision as a healthy living agri-tourism facility which provides education and tourist opportunities to experience organic agriculture.

Under the City of Hamilton Zoning By-law 05-200 the subject lands are zoned as *Agriculture (A1, 824, H129)* zone. Permitted uses include agriculture, community garden, residential care facility, secondary uses to agriculture, single detached dwelling, and veterinary service – farm animal. The *Agriculture* zoning for the subject lands also permits a farm labour residence (under the agriculture use umbrella); however, the zoning by-law permits the residences to be either an accessory detached dwelling of temporary construction or an accessory detached bunk house of temporary construction. In total, there must only be a maximum of one farm labour residence on the lot (sec. 12.1.3.1.j.ii). Given the uniqueness of the facility and operation of the farm, minor variances are necessary and fully detailed below.

Proposed Minor Variances

As detailed through the following zoning table, the proposed development results in the following deficiencies which, given their minor nature, require variances be made to the existing zoning. The variances are as follows:

- Permit a “Farm Labour Residence” on a lot without an existing permanent principle farm dwelling, whereas a “Farm Labour Residence” is only permitted on a lot with an existing permanent principle farm dwelling.
- Permit a “Farm Labour Residence” in the basement of an “Agri-Tourism Retreat” building, whereas only an accessory detached dwelling of temporary construction and accessory detached bunk house of temporary construction are permitted.
- Permit a “Farm Labour Residence” with a maximum floor area of 326 m² with a maximum number of 10 units.

Zoning By-law Standards (Agri-Tourism Facility) – Agriculture (A1, 824, H129)			
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>	<i>Conformance (Y/N)</i>
Maximum Gross Floor Area (OLT)	3,000 m ²	1,776 m ²	Yes

Maximum Ground Floor Area (OLT)	1,500 m ²	703 m ²	Yes
Maximum Lot Coverage (OLT)	3.2%	2.6%	Yes
Parking (OLT)	Minimum parking requirement of 1 space per guest room.	19 Spaces	Yes
Zoning By-law Standards (Farm Labour Residence) – Agriculture (A1)			
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>	<i>Conformance (Y/N)</i>
Minimum Lot Area	19 hectares	25 hectares	Yes (Previous Minor Variance GL/A-17:173)
Minimum Front Yard	15.0 m	15.0 m	Yes
Minimum Side Yard	15.0 m	15.0 m	Yes
Minimum Rear Yard	15.0 m	15.0 m	Yes
Maximum Lot Coverage	20%	5%	Yes
Maximum Height	10.5 m	7.4 m	Yes
Parking	No minimum parking required	Same as above.	Yes

Four Tests of a Minor Variance

i. Is the application minor in nature?

Based on the above, the application can be deemed minor in nature as the inclusion of the farm labour residence in the basement of the Agri-Tourism Facility aims to eliminate the need for a secondary building on the subject lands to house farm labourers. By including the residences within the proposed agri-tourism facility, reduces the need for additional development to occur on the subject lands and ensures that no further agricultural land is lost.

The proposed maximum floor area (383 m²) for the development is also minor in nature when compared against current zoning provisions for farm labour residences in the A1 zone. Both a temporary detached dwelling and temporary bunk house, the permitted types of farm labour residences, are required to have a minimum floor area of 65.6 m². The maximum floor area for a detached dwelling is to be 116.2 square metres however given that the proposed nature of the residences is to be wholly contained within the agritourism facility, the intent of the maximum floor area (to limit the amount of land lost to agriculture production) is not in conflict. Further, the existing farm labour residence provisions do not stipulate the maximum number of rooms or size of room (except for temporary bunk houses which are to provide a minimum gross floor area of 8.36 square metres per resident). The proposed development provides a floor area of 383 sq for the entire area devoted to farm labour residences, spread out across 10 rooms. This equates to approximately 38.3 square metres per room (on average). These rooms ensure that each labourer is provided with spacious accommodations during the time they are working at the farm.

Permitting the farm labour residence on a lot without an existing permanent principle farm dwelling is minor as the lots were historically severed from the principle dwelling and as the agriculture operations are not reliant on a dwelling existing on site for their operations. Rather, the agri-tourism facility, permitted under existing zoning standards, effectively replaces the need for a principle dwelling given the nature and scale of the farming operation of Paradise Fields.

Ultimately, the associated variances satisfy the first test of a minor variance as a result of its use being minor in nature.

ii. *Is the application desirable for the appropriate development of the lands in question?*

The subject lands are surrounded by agriculture and low-rise single family rural dwelling and are utilized for rural and agriculture purposes. The proposed residences are proposed to be located in an area surrounding by natural heritage and are not visible from adjoining properties.

Specific characteristics of the subject lands include a vegetable garden, a greenhouse, and several hundred fruit trees. The proposed farm labour residence not only aligns with the agriculture nature of the subject lands and surrounding area, but also conforms with overarching Provincial planning policies. Under the Greenbelt Plan the subject lands are identified as Protected Countryside which permits agricultural uses, including accommodation for full-time farm labour.

The proposed floor area of 383 square metres (devoted to farm labour residences) is desirable given that it is to be located within the future agri-tourism facility. Also, the location of the residences within the basement is believed to be appropriate as the existing zoning by-law standards for farm labour residences do not prohibit the location of the rooms within a basement and are necessary given the current needs of the farm. Further, the *Guidelines on Permitted Uses in Prime Agricultural Areas* establishes farm labour residences as an agricultural use when full-time accommodation is necessary in accordance with the size and nature of the operation. Residences, required to house labourers for the day-to-day operation of the farm, are directed to be located on lower-priority agricultural lands which meet the provinces MDS formulae requirements and take out as little agricultural land as possible. As there is no existing farm building cluster, the inclusion of the residences within the future agri-tourism facility is appropriate and ensures that the residences do not take out more land from agricultural production than is needed.

For these reasons, the proposed development is appropriate and desirable for the subject lands and their current use.

iii. *Does the application conform to the general intent of the Zoning By-law?*

The City of Hamilton zoning by-law zones the subject lands as *Agriculture*. Based on the permitted uses for lands zoned as *Agriculture*, noted in the Planning Policy section, the general intent of this zone is to prioritize agriculture or nature-based uses through the additional of supportive and compatible uses. The proposed development for the subject lands does not infringe upon this intent and, instead, seeks to provide accommodation for labourers that engage in agriculture. Importantly, the A1 zone identifies Farm Labour Residence as a permitted use. As the proposed development seeks to develop the use in the basement of another permitted use, the proposed development aligns with the general intent of the zoning by-law but requires variances as a result of the nature of the facility and farm labour residence type.

The proposed variances are considered to conform to the intent of the zoning by-law on the basis that they are largely necessary due to the zoning by-law not including policy which envisions this type of residence. The zoning by-law envisions two types of residences; a temporary bunk house and detached dwelling. While these labour residences are most common, alternative forms of accommodations are growing in popularity and therefore new standards need to be advanced. The proposed variances are largely qualitative in nature, which introduce new provisions but still achieve most of the standards of the zoning by-law.

The variances therefore conform to the general intent of the zoning by-law.

iv. *Does the application conform to the general intent of the Official Plan?*

The Rural Hamilton Official Plan designates the subject lands as *Agriculture*. The primary intent of lands designated as such is to protect the prime agricultural areas for agricultural use over the life of the Official Plan (sec. D.2.0). More specifically, this designation permits the creation of a farm labour residence on the same lot as a primary farm use. The subject lands are predominately used for farming related activities, such as the cultivation of vegetable gardens and the hundreds of fruit trees that are present on the subject lands. The proposed development seeks to provide a use that is permitted under the Official Plan designation for the subject lands and that ensures that the agricultural nature of the subject lands remains the primary focus.

In accordance with Sec. D.2, 2.1.1.6 of the RHOP, farm labour residences are permitted on the same lot of the residence subject to the size and nature of farm operation requiring the additional on-site employment for regular periods of time, a maximum of one farm labour residence is permitted without amendment to the zoning by-law and which is serviced by the same private sewer and water systems used by the principal farm residence, and that no severance is required for a farm labour residence. The residences are appropriate given the size and nature of the existing agricultural operations and are necessary to accommodate year-round farm workers.

As such, it is our opinion that the proposed development conforms with the overall vision and permitted uses of the *Agriculture* designation.

CONCLUSION

The proposed variances will not alter the current and primary use of agriculture on the subject lands, rather, they will supplement and ensure the continued and successful operation of Paradise Fields. While the subject lands will continue to operate with farming as the primary and predominant use, the proposed farm labour residences is to be located within an agri-tourism facility which has largely been permitted through previous planning approvals. This is beneficial as the combination of the uses in a single building reduces the amount of land removed from potential agricultural production and ensures that the residences are directed to an area which is screened and which is considered to contain the lowest agricultural production capability. Overall, the minor variances are necessary to permit a nuanced form of the farm labour residence however, it is noted that farm labour residences are a permitted use. Therefore, we are of the opinion that the proposed minor variances are desirable and appropriate for the subject lands, are minor in nature and are in conformance with the general intent and purpose of the Official Plan and Zoning Bylaw. We recommend that the variances be approved as proposed as they are appropriate and represent good planning.

In accordance with the submission requirements, please find enclosed the following digital materials in support of our request:

1. Fully executed Minor Variance Application Form;
2. Minor Variance fee,
3. Cover Letter and Justification Brief, prepared by Corbett Land Strategies Inc., dated September 19th, 2023;
4. Minor Variance Sketch prepared by KNYMH Architecture Solutions, dated September 19th, 2023;

and

5. Survey Plan prepared by Ashenhurst Nouwens & Associates Inc., dated December 10th, 2018.

We trust that you will find the above materials satisfactory. If there are any questions or concerns as they relate to this application, please do not hesitate to contact either of the undersigned.

Prepared by:

Approved by:

Liam Morgan

Liam Morgan, BES, MEPP
Associate Development Planner
liam@corbettlandstrategies.ca
(365) 292-4470

Nick Wood

Nick Wood, MCIP, RPP
Vice President
nick@corbettlandstrategies.ca
(416) 420-5544



Hamilton

Committee of Adjustment

City Hall, 5th Floor,

71 Main St. W.,

Hamilton, ON L8P4Y5

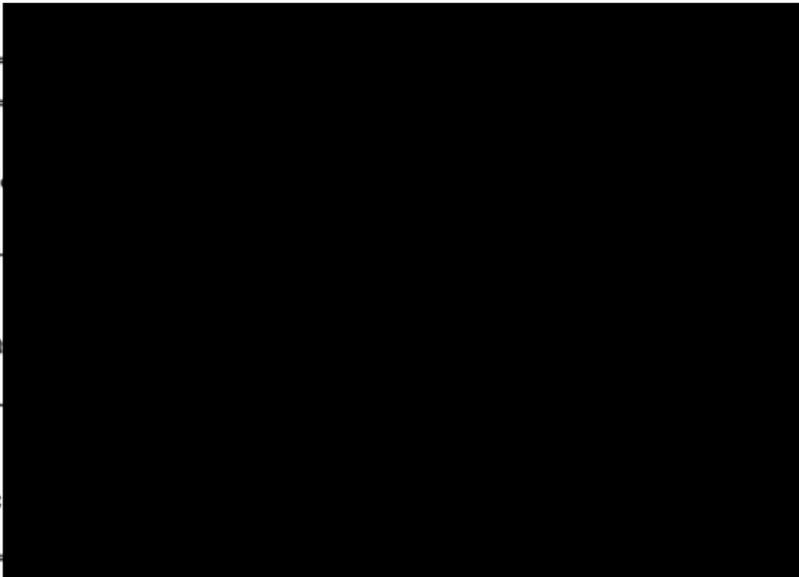
Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

**APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE PLANNING ACT**

1. APPLICANT INFORMATION

	NAME
Registered Owners(s)	Paradise Fields (Mario Ro
Applicant(s)	Andrew Mulder, LIV Communities; Corbett Land Strategies Inc
Agent or Solicitor	Andrew Mulder, LIV Communities Corbett Land Strategies Inc



1.2 All correspondence should be sent to Purchaser Owner
 Applicant Agent/Solicitor

1.3 Sign should be sent to Purchaser Owner
 Applicant AgentSolicitor

1.4 Request for digital copy of sign Yes* No

If YES, provide email address where sign is to be sent



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	3355 Golf Club Road, Hamilton, ON		
Assessment Roll Number			
Former Municipality	Township of Binbrook		
Lot		Concession	2
Registered Plan Number	62R-20664	Lot(s)	
Reference Plan Number (s)		Part(s)	3 and 4

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:

Hydro Corridor.

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:

The proposed development seeks to permit a "Farm Labour Residence" in the basement of an "Agri-Tourism" retreat building without the presence of an existing principle farm dwelling.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

A "Farm Labour Residence" is not permitted without the presence of an existing permanent principle farm dwelling and additional floor are maximums are required to be established.

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
9.12m	673.66m	25 ha (63 acres)	6.0 m

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
Market Building	160m	520m	21.06m/20m	Unknown
Greenhouse x 3	160m	450m	232m/20m	Unknown
Metal Shed	160m	500m	200m/17.97m	Unknown

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Agri-Tourism Retreat Building	15 m	15 m	15 m	

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
Market Building	531 sq. m.		1	
Greenhouse x 3	1,364 sq. m.		1	
Metal Shed	195 sq. m.		1	

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Agri-Tourism Retreat Building	703m ²	1776 m ²	2-storeys	7.4 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 right of way
- municipal road, seasonally maintained other public road
- municipal road, maintained all year _____
- 4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):
- Agri-Tourism Retreat Building and Farm Labour Residence
- 4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):
- Agricultural and Single-Family detached.

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

Rural Hamilton Official Plan designation (if applicable): Agriculture

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.

The proposed development seeks to provide a use that promotes and protect the agriculture nature of the subject lands.

- 7.6 What is the existing zoning of the subject land? ZAC-19-028 Agriculture (A1, 824, H129)

- 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: ZAC-19-028

-
- 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?
 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: 0

8.2 Number of Dwelling Units Proposed: 0

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

See attached memo and cover letter.

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study
