

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.: FL/A-21:147

APPLICANTS: Agent Joe Lakatos
Owner Zoran Barandoski

SUBJECT PROPERTY: Municipal address **940 8th Conc. Rd. W., Flamborough**

ZONING BY-LAW: Zoning By-law 05-200, as Amended 15-173

ZONING: "A1 and P7" (Agriculture (A1) Zone and Conservation/Hazard Land Rural (P7) Zone

PROPOSAL: To 1. permit a vacant parcel of land to be added to a lot containing an existing single detached dwelling and to permit the construction of an accessory building on the lands to which the vacant parcel is to be added, notwithstanding,

2. A lot area of 10.19 hectares shall be provided for the lands to be retained instead of the minimum lot area of 40.4 hectares required to be provided for Agriculture uses;
3. A lot area of 0.27 hectares shall be provided for the lands to which the vacant parcel is to be added instead of the minimum lot area of 0.4 hectares required to be provided for the use of a single detached dwelling; and,
4. A maximum lot coverage of 5.5% of the total lot area for the lands to which the vacant parcel is to be added shall be permitted for all accessory buildings instead of the maximum permitted lot coverage of 5% of the total lot area.

NOTES:

1. The proposed building height has not been provided in accordance with "Building Height" and "Grade" as defined within the Zoning By-law. A further variance will be required if the proposed building height exceeds 6.0 metres when calculated in accordance with "Building Height" and "Grade" as defined within the Zoning By-law.
2. A further variance will be required should the eave and gutter of the proposed accessory building encroach greater than 0.5 metres into the required 1.0 metre setback from a side or rear lot line.
3. The applicant has not indicated the location to which the existing shed is to be relocated to determine zoning compliance.

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

DATE: Thursday, June 3rd, 2021
TIME: 2:10 p.m.
PLACE: Via video link or call in (see attached sheet for details)
To be streamed at
www.hamilton.ca/committeeofadjustment
for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

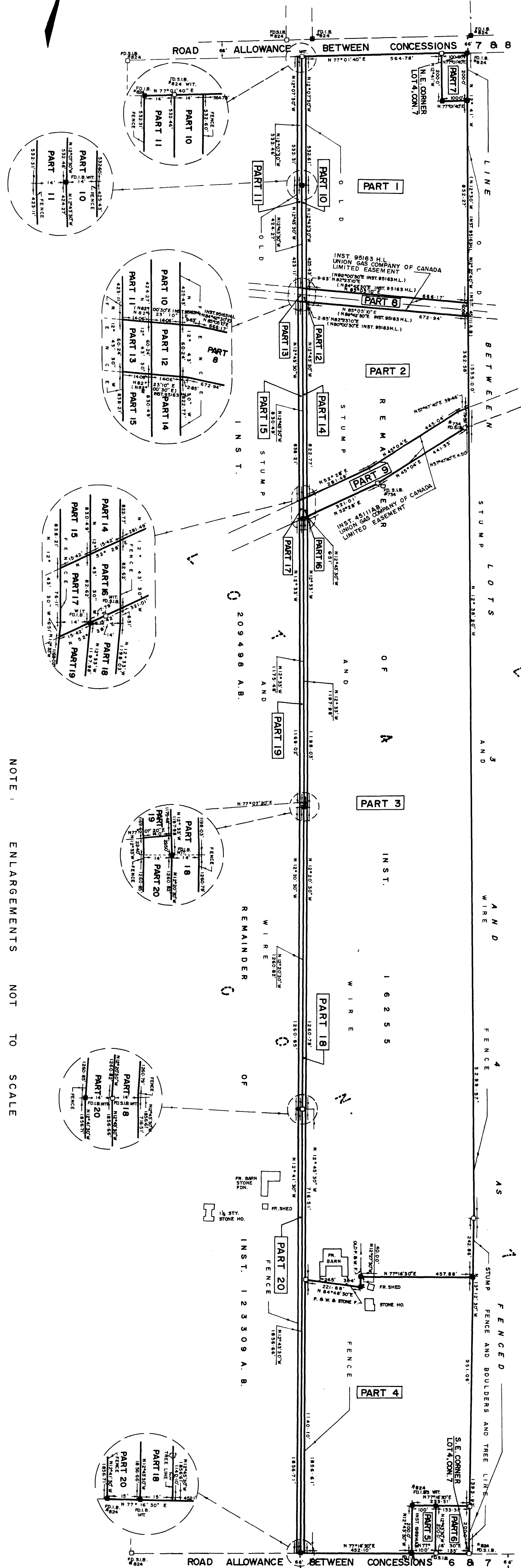
DATED: May 18th, 2021.

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.

PLAN
OF PART OF
LOT 4, CONCESSION 7
IN THE
TOWNSHIP OF WEST FLAMBOROUGH
COUNTY OF WENTWORTH
SCALE : 1 INCH = 200 FEET
A. T. McLAREN, O.L.S. - 1973

RECEIVED AND DEPOSITED AS
PLAN 62R-1464
Date February 1, 1974
By A. T. McLaren
LAND REGISTRAR FOR THE
REGISTRY DIVISION OF
WENTWORTH
I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER PART II
OF THE REGISTRY ACT.
Date DEC. 31, 1973
A. T. McLaren
A. T. McLAREN, O.L.S.



NOTE : ENLARGEMENTS NOT TO SCALE

SCHEDULE					
PART	LOT	CON.	OWNER	INST. N°	AREA
5	PART OF LOT 4 CONCESSION 7		EVELYN SMITH	198914A.B.	0.459 AC.
1					14.963 AC.
2					9.237 AC.
3			JAMES ADDISON SMITH	REMAINDER OF 16255	51.759 AC.
4					6.833 AC.
6					0.616 AC.
7					0.459 AC.
8					0.931 AC.
9					1.320 AC.

PART	LOT	CON.	OWNER	INST. N°	AREA	REMARKS
10	PART OF LOT 4 CONCESSION 7		JAMES ADDISON SMITH	REMAINDER OF 16255	0.307 AC.	SUBJECT TO RIGHTS OF WAY IN INST. 123309A.B. 209498A.B.
12					0.019 AC.	
14					0.266 AC.	
16			JOSEPH FRASSON, ANNE FRASSON (JOINT TENANTS)	209498A.B.	0.026 AC.	SUBJECT TO RIGHT OF WAY FOR OWNERS OF LOT
18					1.403 AC.	
11					0.307 AC.	
13			ARMAND FRASSON, JACQUELINE HELEN FRASSON (JOINT TENANTS)	REMAINDER 123309A.B.	0.019 AC.	
15					0.268 AC.	
17					0.026 AC.	
19					0.377 AC.	
20					1.026 AC.	

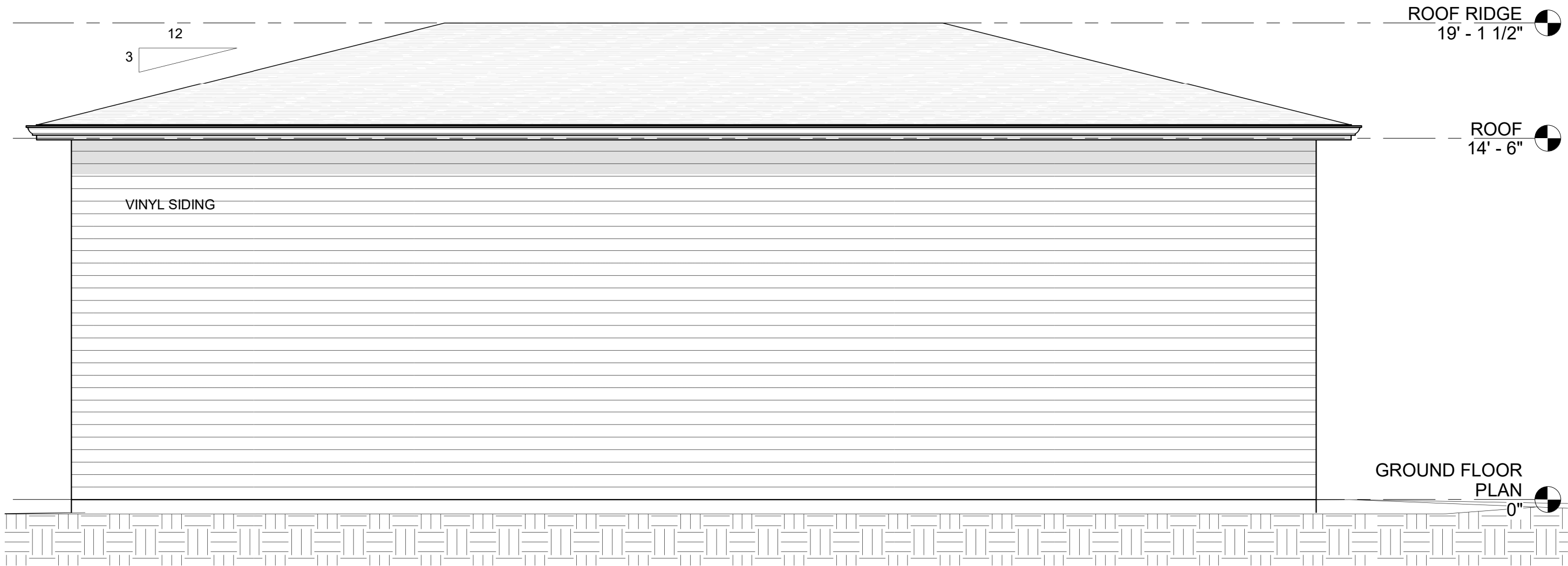
NOTE : BEARINGS ARE ASTROMOMIC IN NATURE AND ARE REFERRED TO THE NORTH LIMIT OF LOT 4, CON. 7 AS BEING N 77°01'40"E.

"CAUTION : This plan is not a plan of subdivision within the meaning of section 29, 32 or 33 of The Planning Act."

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER;
2. THE SURVEY WAS COMPLETED ON THE 29th DAY OF DEC., 1973.
DATE DEC. 31, 1973
A. T. McLaren
A. T. McLAREN, O.L.S.

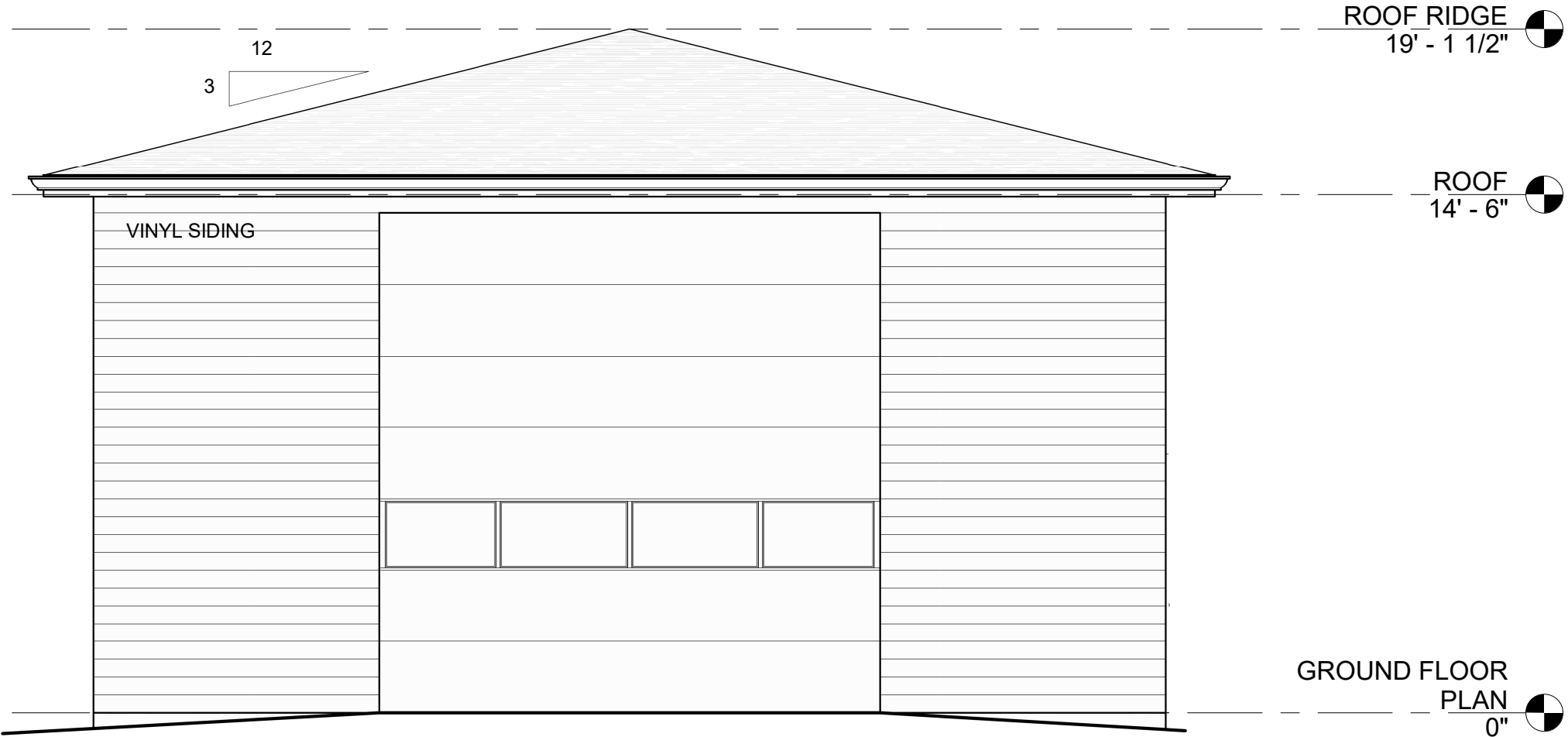
A. T. McLAREN LIMITED
ONTARIO LAND SURVEYORS
66 KING ST. EAST, HAMILTON, ONT.
527-8559 • 527-0032
Drawn L. K. Checked J. H. Scale 1"=200' Dwg. No F2-3105

3 1/2 FEET LONG



1 NORTH ELEVATION
1 : 50

No.	Description	Date	<div>IDM (2005) CONSULTANTS INC.</div> <div>5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542</div>	<div>NEW GARAGE</div> <div>940 8TH CONCESSION RD. W. FLAMBOROUGH, ON</div>	<div>NORTH ELEVATION</div>	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						Author	Checker	
						S-103		



① WEST ELEVATION
1 : 50

No.	Description	Date

**IDM (2005)
CONSULTANTS INC.**

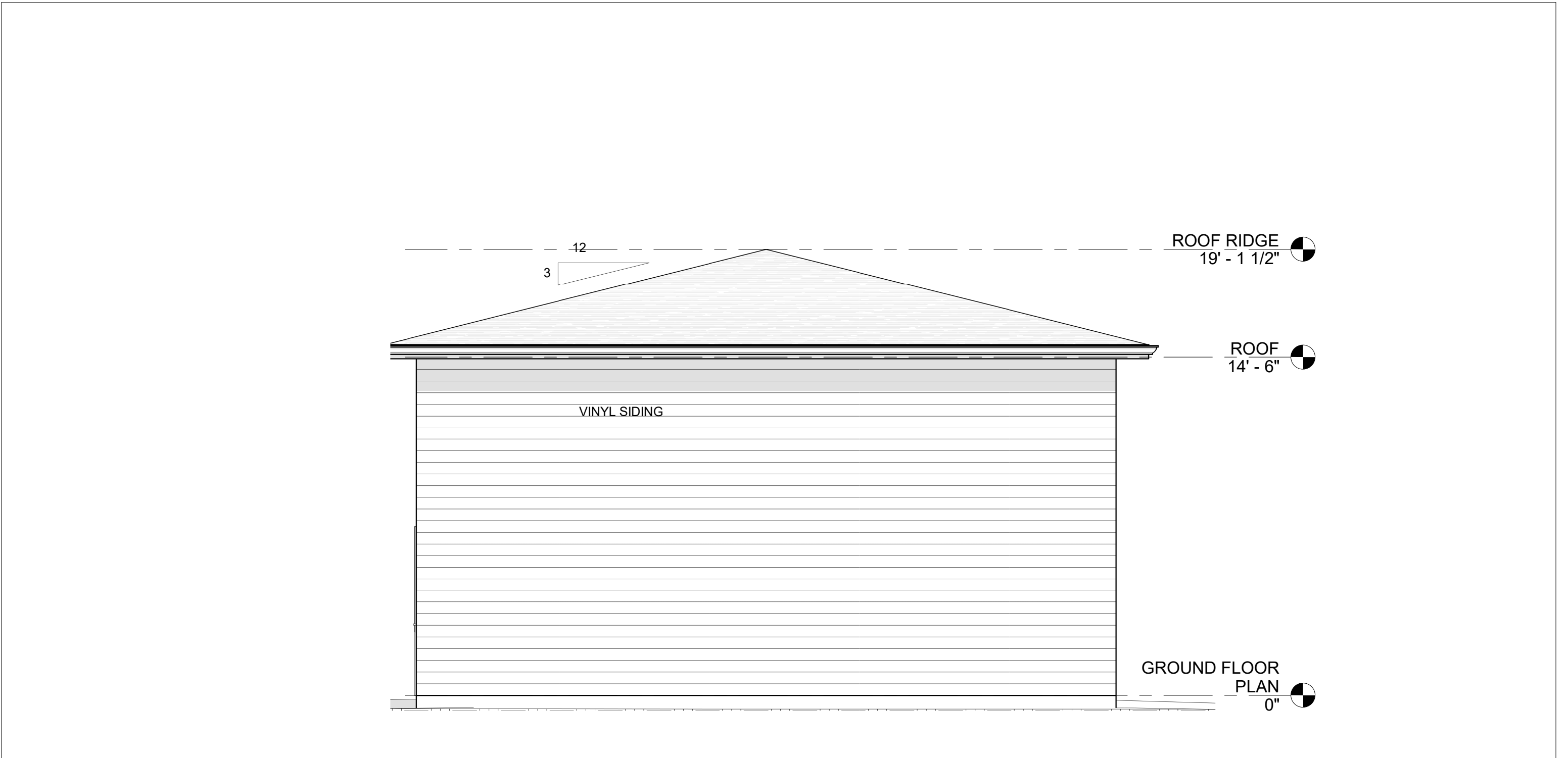
5325 HARVESTER RD,
BURLINGTON ONTARIO L9L 0A3
TEL. 905-928-2542

NEW GARAGE

940 8TH CONCESSION RD. W.
FLAMBOROUGH, ON

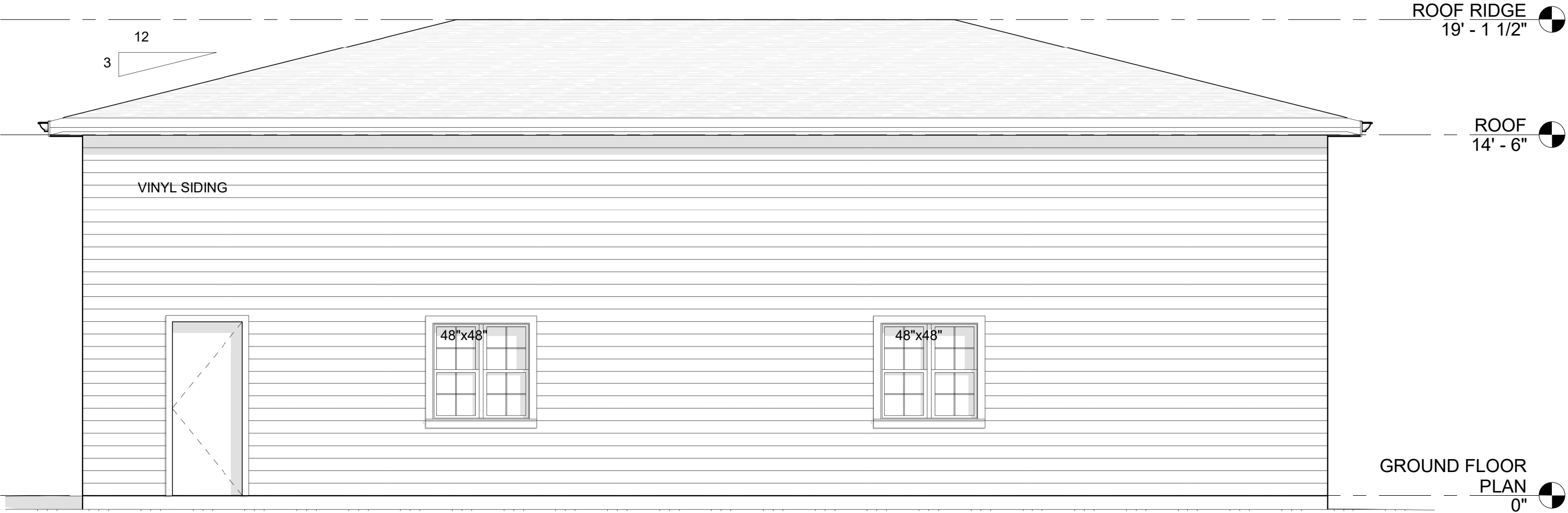
**WEST
ELEVATION**

Date	Scale	Project number
Issue Date	1 : 50	--
Drawn by	Checked by	
Author	Checker	
S-104		



1 EAST ELEVATION
1 : 50

No.	Description	Date	<div>IDM (2005) CONSULTANTS INC.</div> <div>5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542</div>	<div>NEW GARAGE</div> <div>940 8TH CONCESSION RD. W. FLAMBOROUGH, ON</div>	<div>EAST ELEVATION</div>	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						S.K.	P.T.	
						S-105		

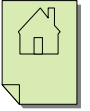


① SOUTH ELEVATION
1 : 50

No.	Description	Date	IDM (2005) CONSULTANTS INC. 5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542	NEW GARAGE 940 8TH CONCESSION RD. W. FLAMBOROUGH, ON	SOUTH ELEVATION	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						S.K.	P.T.	
						S-106		

A. J. Lakatos Planning Consultant

Land Use Planning and Design www.andrewjlakatos.com



Turi 1910

Land Use Planning . Site Planning . Urban Design . Landscape Design

April 1, 2021

City of Hamilton
Committee of Adjustment
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

ATTENTION: Secretary-Treasurer, Committee of Adjustment

RE: O Concession 8 W and 940 Concession 8 W, Hamilton, Consent to Sever Application/Minor Variance Application

Please find enclosed a Planning Justification Brief with supporting documents pertaining to the proposed consent to sever application and minor variance application including the following:

- Two (2) copies of the completed Consent to Sever and Minor Variance Applications with original signatures.
- One (1) cheque in the amount of \$ 6,570.00 (both applications) payable to the City of Hamilton.
- One (1) cheque in the amount of \$805.00 payable to the Hamilton Conversation Authority, if applicable.
- Two (2) copies of the Draft Reference Plan.
- One (1) copy of Survey Plan/Deposited Reference Plan pertaining to the lands to be severed.
- One (1) USB with electronic copies of the above referenced documents.

We trust this package is complete. Should you have any questions, please do not hesitate to contact Joe Lakatos at 519-829-6153.

Respectfully submitted,

A.J. Lakatos, BLA, MCIP, RPP

**Planning Justification Brief
Consent to Sever and Minor Variance**

0 and 940 Concession 8 West, City of Hamilton (Flamborough)

Prepared by:

AJ Lakatos Planning Consultant

1006-160 Macdonell Street, Guelph, ON, N1H 0A9

March 2021

1. Introduction

A.J. Lakatos Planning Consultant has been retained by the applicant to prepare a Planning Justification Brief for a Consent to Sever and Minor Variance application, for lands referred to as 0 Concession 8 West and 940 Concession 8 West, Flamborough, in the City of Hamilton. The purpose of the Consent to Sever and Minor Variance is to facilitate a lot addition to 940 Concession 8 West to allow for the construction of a detached accessory building. The detached accessory building will be accessory to the existing single detached dwelling located on the existing lot of record, being 940 Concession 8 West.

The following Planning Justification Brief provides a general overview of the subject lands, a detailed description of the development proposal, and an overview of the pertinent planning framework applicable to the subject lands followed by professional planning opinion.

1.1 Description of Lands to be Conveyed

0 Concession 8 West is located in Flamborough, now the City of Hamilton and legally referred to as Parts 1, 2, 8, 10, 12 and 14 of Plan 62R-1464 in the Geographic Township of West Flamborough, City of Hamilton.

0 Concession 8 West is a large agricultural interior lot in the former Town of Flamborough, now the City of Hamilton ("subject lands"). The subject lands have a total lot area of approximately 10.3 hectares (25.42 acres) with an approximate lot frontage of 172.14 metres on Concession 8 West. The subject lands are vacant and used for crop agriculture. There are no existing buildings on the property (**refer to Figure 1 - Location Map**).

1.2 Description of Lands subject to Lot Addition

940 Concession 8 West is located in Flamborough, now the City of Hamilton.

940 Concession 8 West is an existing lot of record and is legally described as Part 7 of 62R-1464 in the Geographic Township of West Flamborough, City of Hamilton. The subject lands have a total lot area of approximately 0.186ha hectares (0.459 acres) with a lot frontage of 30.48 metres on Concession 8 West. The subject lands are used for a rural residential use occupied by one (1) single detached dwelling (**refer to Figure 1 - Location of Subject Lands**).

1.3 Surrounding Land Use

The subject lands are located in a primarily agricultural area with some rural residential uses. The existing Settlement Area of Kirkwall is to the east.

Figure 1: Location of Subject Lands



2. Proposed Development

The proposed Consent to Sever to convey 929 square metres from 0 Concession 8 West is to facilitate a lot addition 940 Concession 8 West, Flamborough, an existing lot of record occupied by a single detached dwelling with private services. The intent of the lot addition is to accommodate the construction of a detached accessory building. The proposed detached accessory building will conform to applicable zoning requirements, provided the proposed boundary adjustment is successful (**Refer to Appendix A - Draft R-Plan and Appendix B - Proposed Garage Plans**).

Both the lands referred to as 0 Concession 8 West and 940 Concession 8 West currently do not conform to the Agriculture (A1) Zone land area for agriculture and single detached dwelling uses, respectively. The proposed lot addition will not bring the lot areas into conformity. As such, a minor variance application is required to permit the proposed lot areas.

A subsequent Building Permit application is required to facilitate the construction of a detached accessory building to 940 Concession 8 West.

3. Planning Framework

This section reviews the planning documents applicable to the subject lands, which includes the Planning Act, Provincial Policy Statement, 2020, Greenbelt Plan, the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200.

3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (“PPS”) was issued under section 3 of the *Planning Act* and came into effect on May 1, 2020 and replaces the PPS, 2014. PPS as a policy-led regulating document that provides direction on provincial interest related to managing land use planning and development. The subject lands are located within the Rural Area, within the municipal limits of the City of Hamilton. The proposal has been reviewed with respect to the Provincial Policy Statement (PPS).

The following policies have been noted:

1.1.4 Rural Areas in Municipalities

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) using rural infrastructure and public service facilities efficiently*

1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5 Rural Lands in Municipalities

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses*

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

2.3 Agriculture

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

Planning Comment:

The proposed boundary adjustment for a minor lot addition of 929 square metres from 0 Concession 8 West to 940 Concession 8 is within the City of Hamilton's rural area, and is between the Kirkwall Rural Settlement Area to the west and Kirkwall Rural Settlement Area to the east. The proposed lot addition will be aligned with the rural character and provide a traditional rural residential lot function with a detached accessory building and is therefore appropriate for the local area. The proposed lot addition will not impact existing rural infrastructure. The proposed lot addition will not impact Prime Agricultural areas.

The proposed is **consistent** with the *Provincial Policy Statement, 2014*.

3.2 Growth Plan for Greater Golden Horseshoe (2017)

The Places to Grow - Growth Plan for the Greater Horseshoe is a comprehensive strategy that works with municipal plans to encourage complete communities, manage growth patterns, maximize land use policy and manage quality of life.

The following policies of the Growth Plan were examined:

4.2.6 Agricultural System

3. Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an agricultural impact assessment.

5. The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

Planning Comment:

The proposed lot addition will not impact the existing interface between the agricultural use of 0 Concession 8 West to the non-agricultural use of 940 Concession 8 West. 0 Concession 8 West will continue to be used for agricultural uses.

The proposal **conforms** with the Places to Grow: Growth Plan for the Greater Golden Horseshoe.

3.3 Greenbelt Plan (2017)

The Greenbelt Plan (2017), together with the Growth Plan, the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan, builds on the Provincial Policy Statement (PPS) to establish a land use planning framework for the Greater Golden Horseshoe. Approved by the Lieutenant Governor in Council, Order in Council No 1025/2017, as an amendment to the Greenbelt Plan effective July 1, 2017. The Greenbelt Plan was prepared and approved under the Greenbelt Act, 2005 and took effect on December 16, 2004.

The subject lands are not within the Niagara Escarpment Plan or the Oak Ridges Moraine Conservation Plan. The subject lands are within the Greenbelt Plan's Protected Countryside and are Rural Lands.

Applicable policies have been reviewed below:

3.1.4 Rural Lands Policies

- 1. Rural lands support and provide the primary locations for a range of recreational, tourism, institutional (including cemetery) and resource based commercial/ industrial uses. They also contain many historic highway commercial, non-farm residential and other uses which, in more recent times, would be generally directed to settlement areas but which are recognized as existing uses by this Plan and allowed to continue and expand subject to the policies of section 4.5. Notwithstanding this policy, official plans may be more restrictive than this Plan with respect to the types of uses permitted on rural lands, subject to the policies of section 5.3.*

4.5 Existing Uses

- 1. All existing uses are permitted.*
- 2. Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record for agricultural uses and discourage non-agricultural uses where appropriate.*

4.6 Lot Creation

- 1. For lands falling within the Protected Countryside, the following policies shall apply: 1. Lot creation is discouraged and may only be permitted for:*
 - f) 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;*

Planning Comment:

0 Concession 8 West is an existing lot of record used for agricultural uses. 940 Concession 8 West is an existing lot of record used for a non-farm residential use. Both lots and their respective uses are permitted on rural lands and are therefore permitted to continue and expand. Furthermore, the in effect zoning permits a single detached dwelling. The proposed boundary adjustment for a minor lot addition to an existing residential lot will not impact 0 Concession 8 West from continuing to be used for agricultural uses. The proposed boundary adjustment/minor lot addition is not on lands within a specialty crop area and will not result in the fragmentation of key natural heritage or hydrologic features.

The proposed minor lot addition **conforms** to the Greenbelt Plan, 2017.

3.4 Rural Hamilton Official Plan

The Rural Hamilton Official Plan ("RHOP") was declared in force and effect on March 7, 2012. The RHOP outlines the land use goals, objectives and policies that the municipality has determined are in the best interest of the long-term growth of the City.

The subject lands are designated **Agriculture** on Schedule 2 - Land Use Plan of the OP.

Applicable policies have been reviewed below:

1.12 Non-Conforming and Non-Complying Uses

1.12.4 The expansion or enlargement or change in non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan, in particular Sections C.5.1, Sustainable Private Water and Wastewater Services and C.2.0, Natural Heritage System and any other requirements of the Planning Act.

Planning Comment

940 Concession 8 West has an existing single detached dwelling with a lot area of 0.186ha (0.459ac). A single detached dwelling is permitted, however, the lot is non-conforming to the required minimum lot area of ZBL 05-200 is 0.4ha. Policies of Sections C.5.1 and C.2.0 are maintained as the existing single detached dwelling has existing private services, approved at building permit and natural heritage features will not be impacted by the proposed lot addition.

0 Concession 8 West is an existing lot of record used for agricultural uses with a lot area of 10.3ha (25.42 acres). The agricultural use is permitted; however, the lot is non-conforming to the required minimum lot area of ZBL 05-200 of 40ha. The proposed severance of 929 square metres will not impact the lot of record's ability to continue as for an agricultural use.

1.14 Lot Additions in All Designations (Amended by OPA 18)

1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;*
- 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.*
- f) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.*

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

Planning Comment

The proposed lot addition to 940 Concession 8 West of 929.0 square metres will not establish a new lot. 940 Concession 8 West is an existing lot of record with an existing lot area of 0.186ha with a privately serviced single detached dwelling that conforms to C.5.1. With the proposed lot addition, the lot will be approximately 0.282ha. However, the policy F.1.12.4 is maintained, as reviewed above. 940 Concession 8 West and the residential land use exists in harmony with surrounding agricultural operations and the proposed lot addition will not result in adverse impacts to the operations. The proposed 929.0 square metre lot addition is the minimum size required to permit a detached accessory building that conforms to zoning regulations and be functional. No new water services are proposed. The lands severed from 0 Concession 8 West are to be merged on title with 940 Concession 8 West, an abutting property.

The proposal **conforms** to the Hamilton Rural Official Plan

3.5 The City of Hamilton Zoning By-law No. 05-200

The City of Hamilton Zoning By-law No. 05-200, as amended, has been in force in force and effect for Rural Zones as of July 10, 2015. Both 0 Concession 8 West and 940 Concession 8 West are zoned Agriculture (A1) Zone.

0 Concession 8 West is an existing lot of record that is approximately 10.3ha (25.42 acres). The lands are used for Agriculture uses and there are no building existing or proposed on the property. The property is legal non-conforming in lot area. The proposed conveyance of 929 square metres to be merged with 980 Concession 8 West will result in a lot area of 10.2ha (25.19 acres). Therefore, a variance is required to permit a lot area of 10.2ha for an Agriculture use.

As reviewed, the proposed conveyance for a lot addition to 940 Concession 8 West conforms to the intent of the Rural Hamilton Official Plan. The variance is minor as the lot can continue for Agriculture uses and will not impact the rural character of Flamborough. The variance is desirable as it will allow for the existing residential lot of record to be minorly increased to allow for a detached accessory building.

940 Concession 8 West is an existing lot of record that is approximately 0.18ha, which is non-conforming to the A1 lot area requirement of 0.4ha for a single detached dwelling. The lands are occupied by a single detached dwelling with private services. The property is legal non-conforming in lot area. The proposed lot addition of 929 square metres will result in a lot area of 0.282ha (0.697 acres). Therefore, a variance is required to permit a lot area of 0.28ha for single detached dwelling.

As reviewed, the proposed lot addition conforms to the intent of the Rural Hamilton Official Plan. The variance is minor as the lot can continue to be used for a single detached dwelling without impacting the adjacent agricultural use nor impact the rural character of Flamborough. The variance is desirable as it will allow for the existing residential lot of record to be minorly increased to allow for a detached accessory building.

4.0 Planning Rationale

The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

1. The proposal is consistent with the Provincial Policy Statement, the Places to Grow Growth Plan and the Greenbelt Plan which permits minor boundary adjustments and lot additions when prime agricultural resources, natural heritage and hydrological features are not impacted;
2. The proposal conforms to the Rural Hamilton Official Plan as the proposed conveyance and lot addition will not impact existing rural infrastructure and existing legal non-conforming lots of record will continue to be used for their existing land uses without conflict;
3. The existing uses are permitted per Zoning By-law No. 05-200 and are existing as legal non-conforming to the required lot area. The proposed variances for lot area will ensure the existing lots of record conform to the zoning by-law.

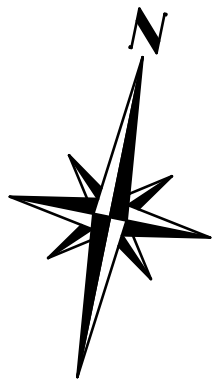
5.0 Conclusion

In summary, the proposed land conveyance of 929 square metres from 0 Concession 8 West to 940 Concession 9 West is minor and will not adversely impact the agricultural uses of Hamilton's Rural area. The proposed boundary adjustment, lot addition and associated variances are appropriate, desirable, and reflects good land use planning for the subject lands.

Respectfully Submitted,
A.J. Lakatos Planning Consultant

Mr. Joe Lakatos MCIP, RPP

APPENDIX A: Draft R-Plan



ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8

P.I.N. 17536-0002 (U)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE:

E.G. SALZER O.L.S.

PLAN 62R- RECEIVED AND DEPOSITED

DATE.....

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (62)

SCHEDULE

PART	LOT	CON/PLAN	P.I.N.	AREA
1	PART OF LOT 4	CONCESSION 7	PART OF 17536-0118 (LT)	929.0 SQ.M.

PLAN OF SURVEY OF
**PART OF LOT 4
CONCESSION 7**
IN THE
**GEOGRAPHIC TOWNSHIP OF WEST FLAMBOROUGH
CITY OF HAMILTON**

SCALE 1:250
0 4 8 12 metres

L.G. WOODS SURVEYING INC.
2021

LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- C.C. DENOTES CUT CROSS
- IB DENOTES IRON BAR
- IB# DENOTES ROUND IRON BAR
- O/U DENOTES ORIGIN UNKNOWN
- P1 DENOTES PLAN 62R-1464

P.I.N. 17536-0121 (LT)

ORP# DERIVED FROM GPS. OBSERVATIONS USING THE SKIJA POWERNET NETWORK UTM ZONE 17, CENTRAL MERIDIAN BY 00° W LONGITUDE, NAD83 (CSRS) COORDINATES ARE TO URBAN ACCURACY AS PER O. REG. 216/10 SEC 14.2 (0.050 M.)		
POINT ID	NORTHING	EASTING
ORP 1	4 802 994.878	577 224.780
ORP 2	4 803 043.167	577 425.872
DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY USING A SCALE FACTOR OF 0.99994		
COORDINATES CANNOT IN THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN		

ELEVATION NOTE:

ELEVATIONS ARE GEODETIC AND ARE DERIVED FROM REALTIME GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17 NORTH, NAD-83, CSRS-2010

BEARING NOTE:

BEARINGS ARE GRID BEARINGS AND ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17 NORTH, NAD-83, CSRS-2010

BEARING COMPARISONS:

FOR THE PURPOSE OF BEARING COMPARISONS PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM GRID ROTATION OF - 00° 31' 40" BASED ON MEASUREMENTS BETWEEN ORP1 AND ORP2 AS SHOWN ON P1

METRIC NOTE:

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

I CERTIFY THAT:

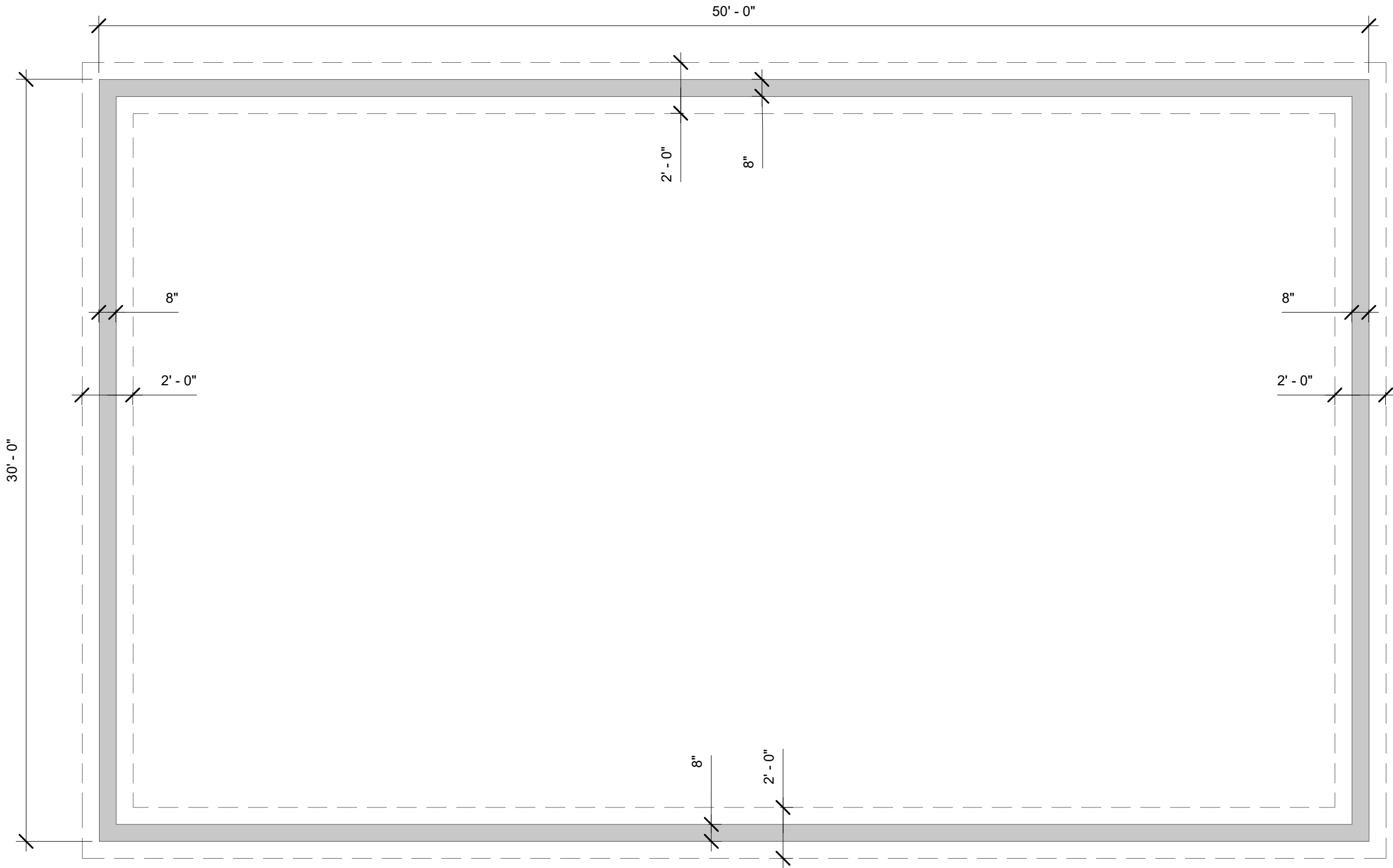
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON

DATE

E.G. SALZER, O.L.S., O.L.I.P.

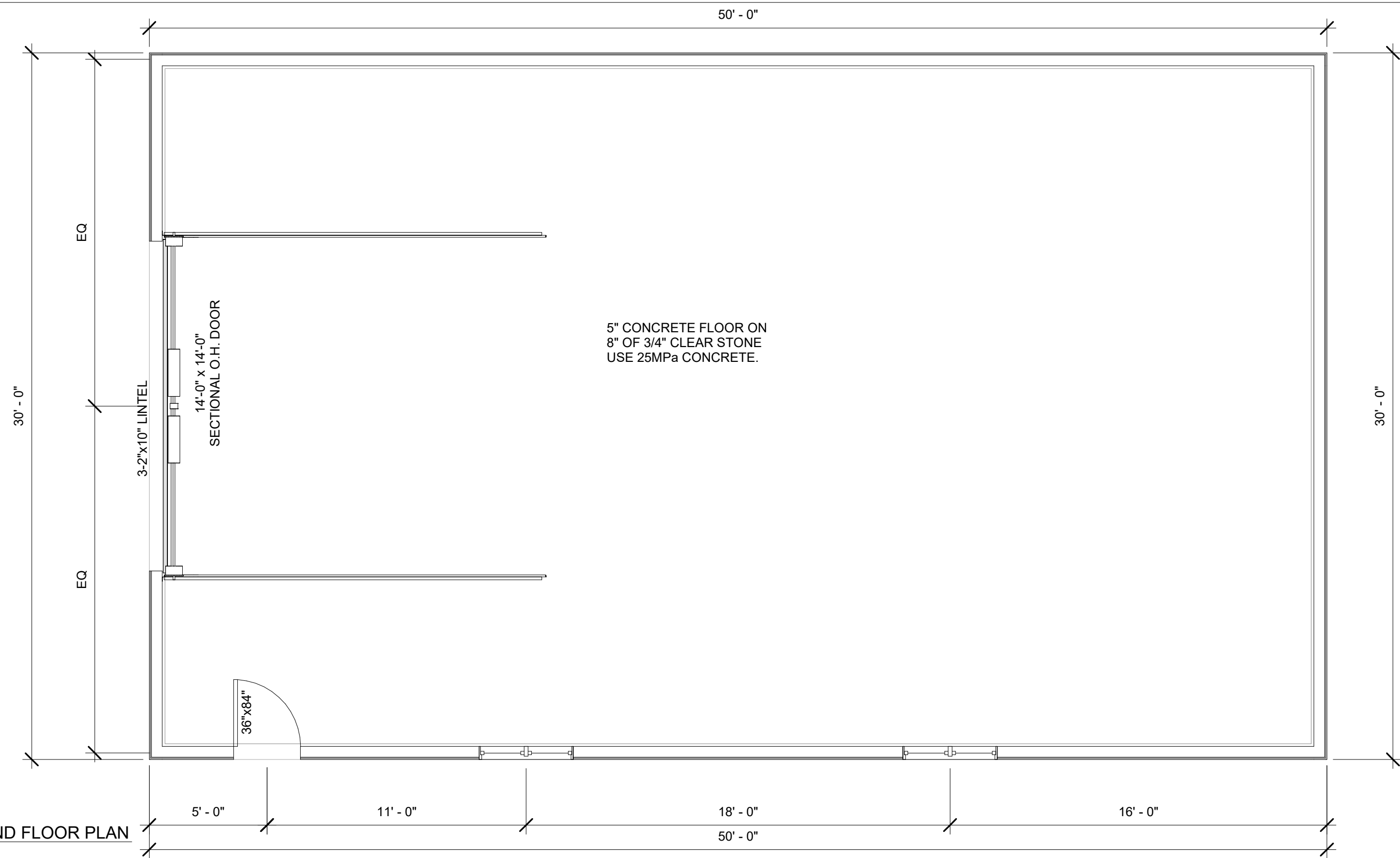
L.G. WOODS SURVEYING INC.
PROFESSIONAL LAND SURVEYORS
334 HATT STREET - DUNDAS DISTRICT
CITY OF HAMILTON, L9H 2H9
TEL (905) 627-0978 - FAX (905) 627-2818

APPENDIX B: Proposed Garage Plans



① FOUNDATION PLAN
1 : 50

No.	Description	Date	IDM (2005) CONSULTANTS INC. 5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542	NEW GARAGE 940 8TH CONCESSION RD. W. FLAMBOROUGH, ON	FOUNDATION PLAN	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						S.K.	P.T	
						S-100		



1 GROUND FLOOR PLAN
1 : 50

No.	Description	Date

IDM (2005)
CONSULTANTS INC.

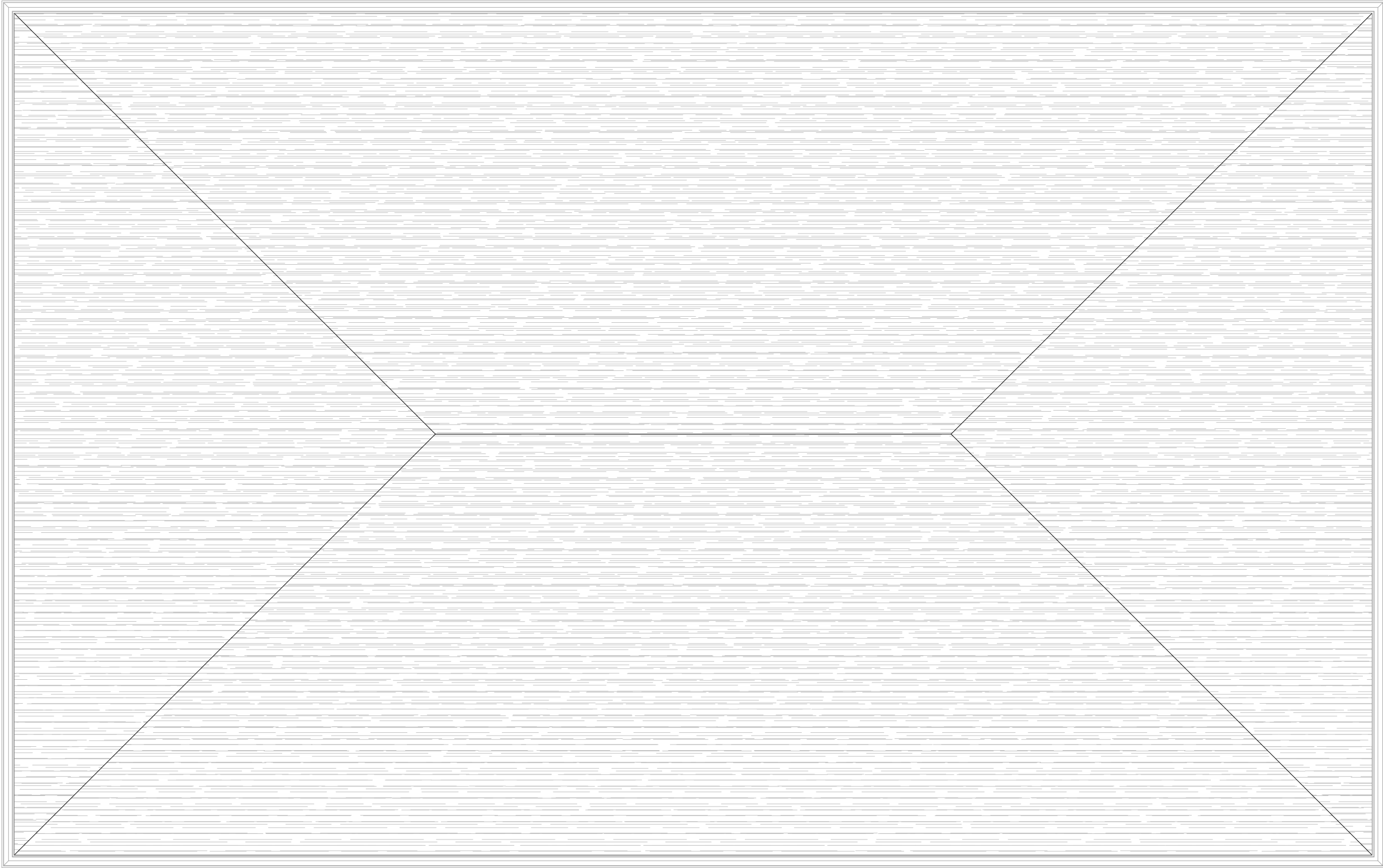
5325 HARVESTER RD,
BURLINGTON ONTARIO L9L 0A3
TEL. 905-928-2542

NEW GARAGE

940 8TH CONCESSION RD. W.
FLAMBOROUGH, ON

FLOOR PLAN

Date Issue Date	Scale 1 : 50	Project number --
Drawn by S.K.	Checked by P.T.	
S-101		



① ROOF PLAN
1 : 50

No.	Description	Date

**IDM (2005)
CONSULTANTS INC.**

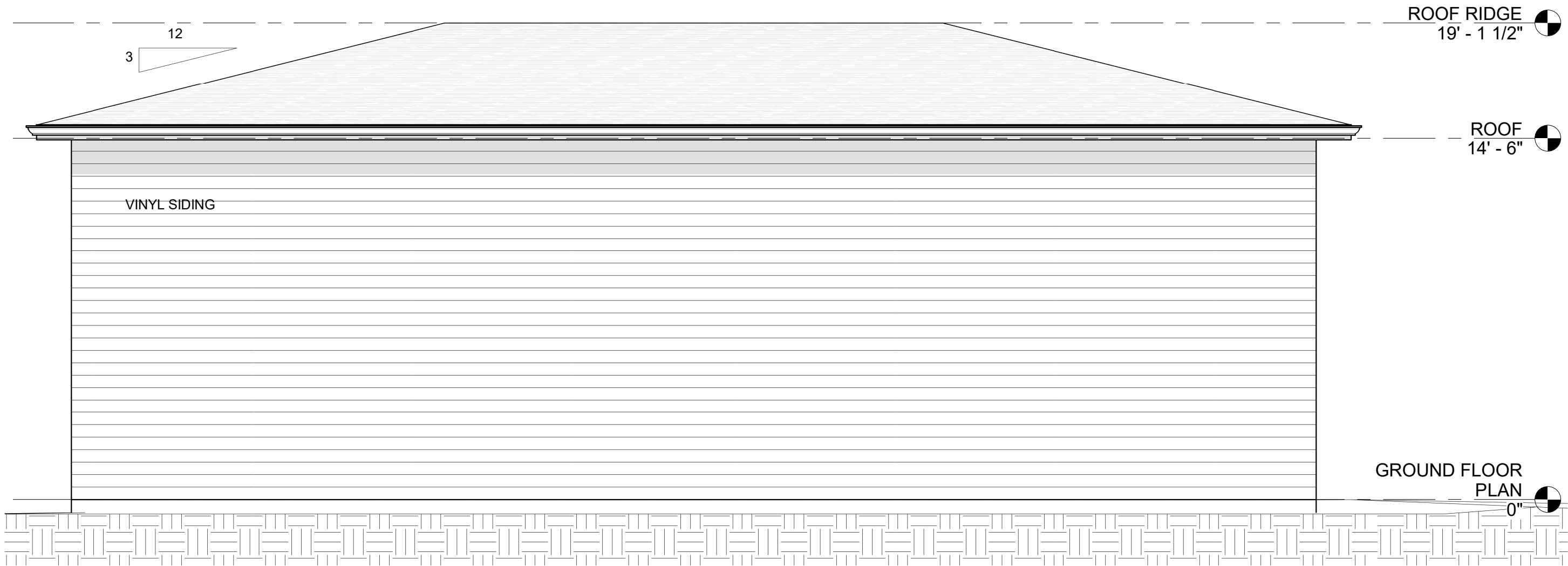
5325 HARVESTER RD,
BURLINGTON ONTARIO L9L 0A3
TEL. 905-928-2542

NEW GARAGE

940 8TH CONCESSION RD. W.
FLAMBOROUGH, ON

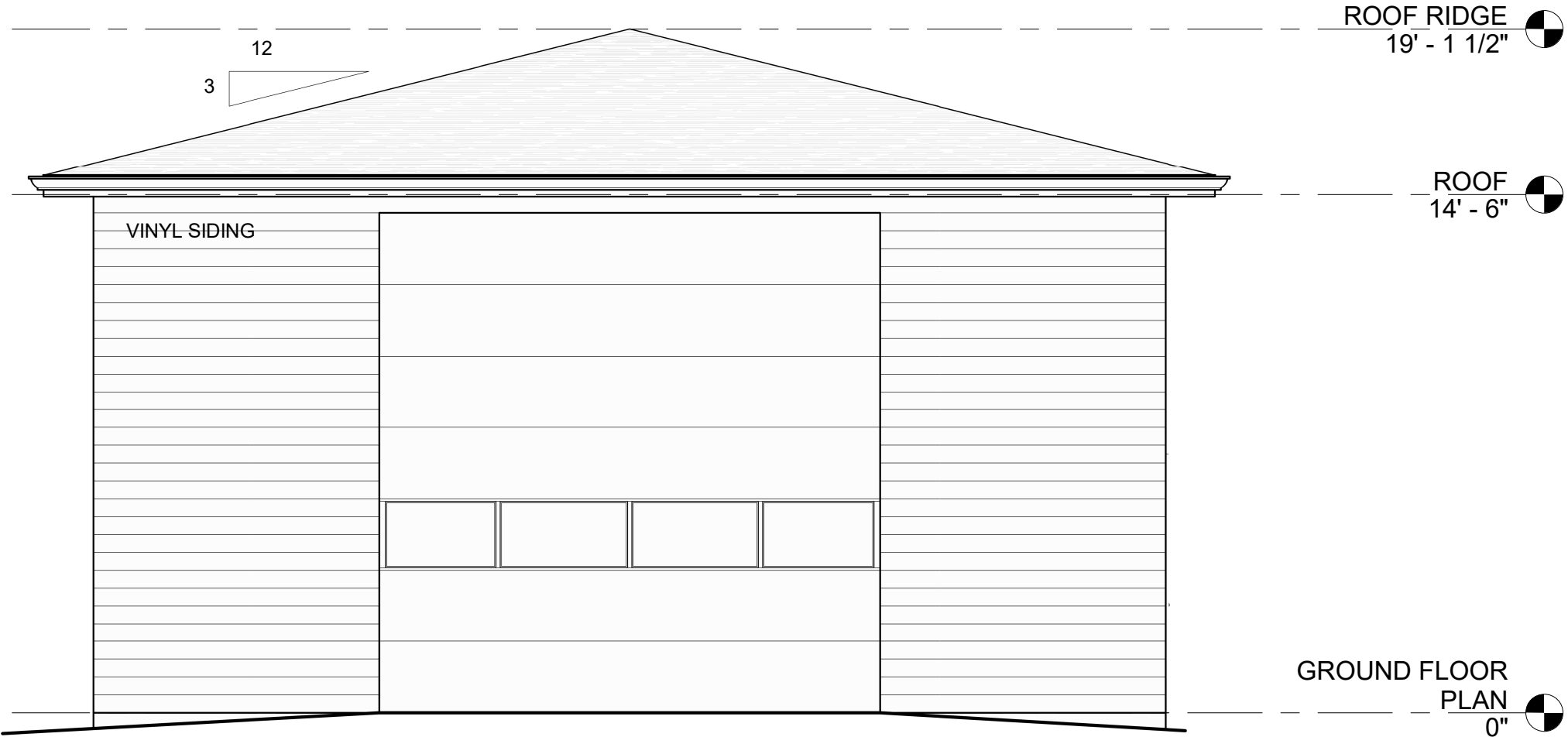
ROOF PLAN

Date	Scale	Project number
Issue Date	1 : 50	--
Drawn by	Checked by	
S.K.	P.T.	
S-102		



1 NORTH ELEVATION
1 : 50

No.	Description	Date	<div>IDM (2005) CONSULTANTS INC.</div> <div>5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542</div>	<div>NEW GARAGE</div> <div>940 8TH CONCESSION RD. W. FLAMBOROUGH, ON</div>	<div>NORTH ELEVATION</div>	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						Author	Checker	
						S-103		



① WEST ELEVATION
1 : 50

No.	Description	Date

**IDM (2005)
CONSULTANTS INC.**

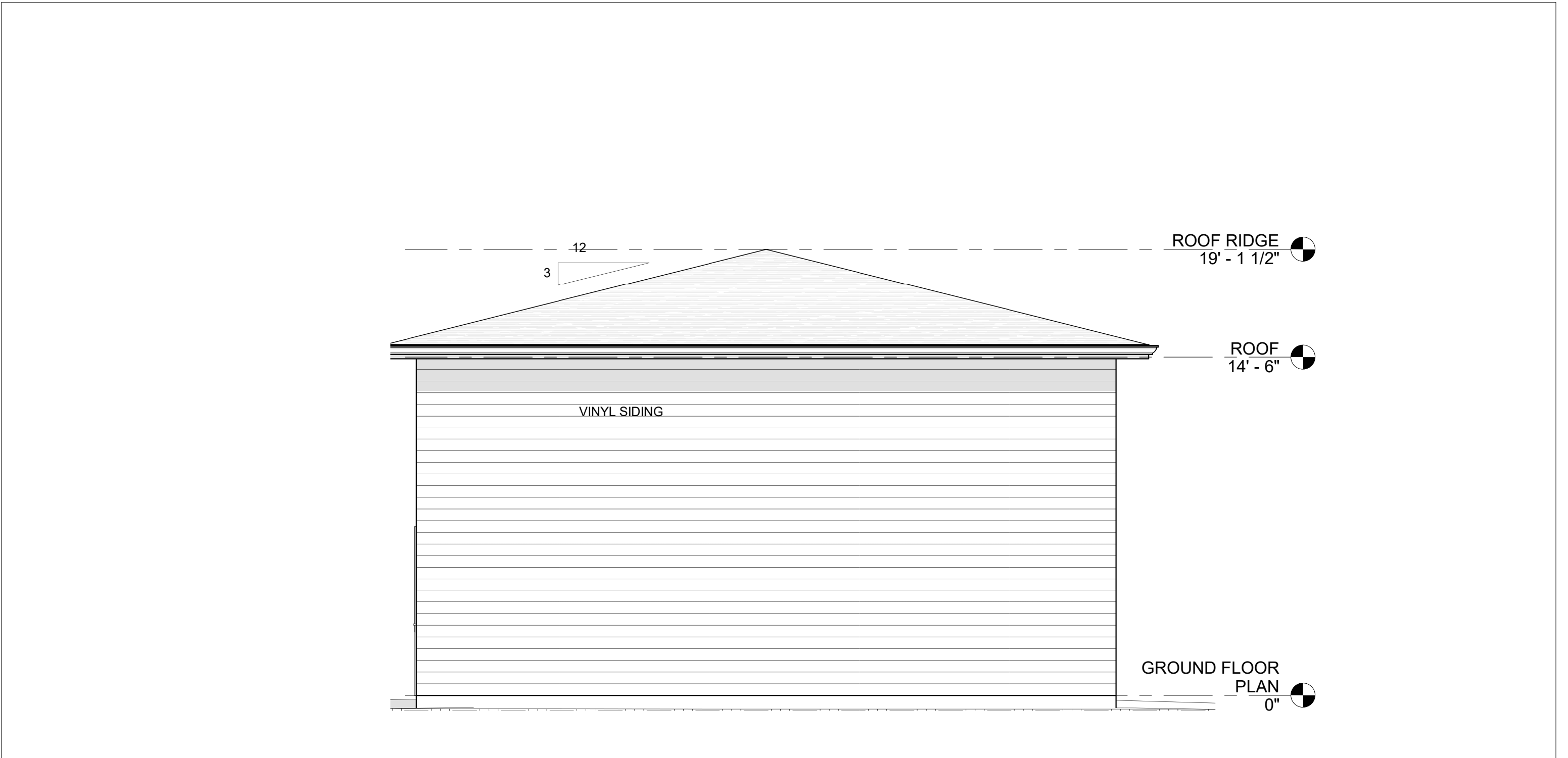
5325 HARVESTER RD,
BURLINGTON ONTARIO L9L 0A3
TEL. 905-928-2542

NEW GARAGE

940 8TH CONCESSION RD. W.
FLAMBOROUGH, ON

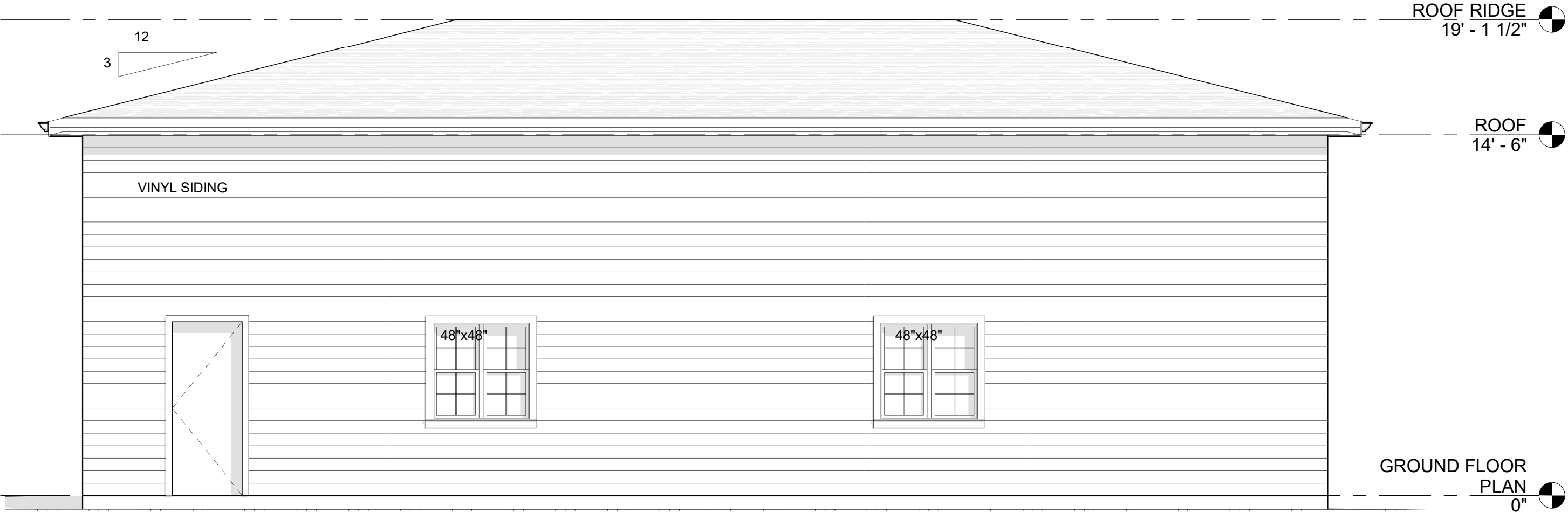
**WEST
ELEVATION**

Date	Scale	Project number
Issue Date	1 : 50	--
Drawn by	Checked by	
Author	Checker	
S-104		



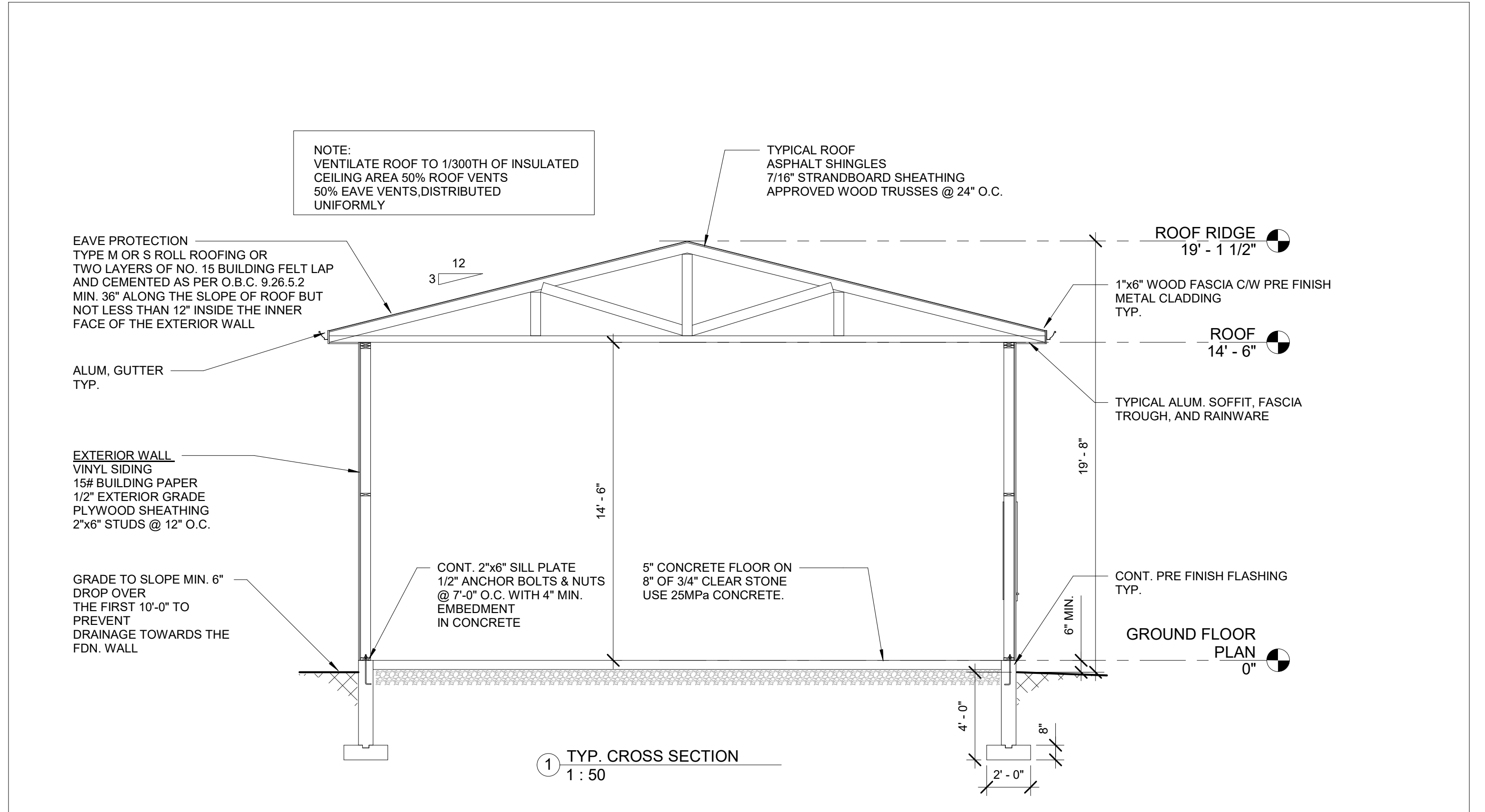
1 EAST ELEVATION
1 : 50

No.	Description	Date	<div>IDM (2005) CONSULTANTS INC.</div> <div>5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542</div>	<div>NEW GARAGE</div> <div>940 8TH CONCESSION RD. W. FLAMBOROUGH, ON</div>	<div>EAST ELEVATION</div>	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						S.K.	P.T.	
						S-105		

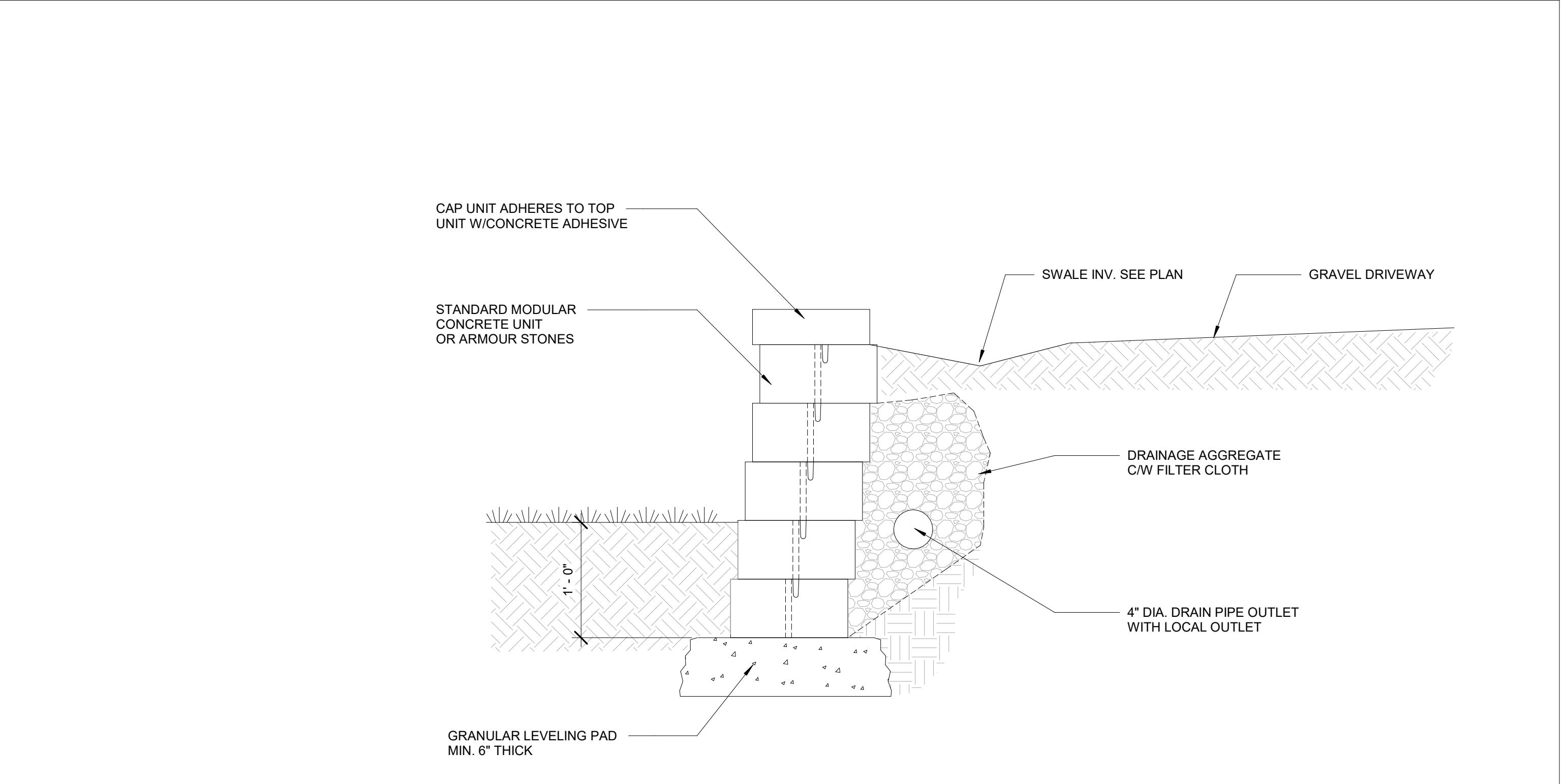


① SOUTH ELEVATION
1 : 50

No.	Description	Date	IDM (2005) CONSULTANTS INC. 5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542	NEW GARAGE 940 8TH CONCESSION RD. W. FLAMBOROUGH, ON	SOUTH ELEVATION	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						S.K.	P.T.	
						S-106		



No.	Description	Date	IDM (2005) CONSULTANTS INC. 5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542	NEW GARAGE 940 8TH CONCESSION RD. W. FLAMBOROUGH, ON	CROSS SECTION	Date	Scale	Project number
						Issue Date	1 : 50	--
						Drawn by	Checked by	
						S.K.	P.T.	
						S-107		



1 RETAINING WALL
1 : 10

No.	Description	Date	IDM (2005) CONSULTANTS INC. 5325 HARVESTER RD, BURLINGTON ONTARIO L9L 0A3 TEL. 905-928-2542	NEW GARAGE 940 8TH CONCESSION RD. W. FLAMBOROUGH, ON	RETAINING WALL SECTION DETAIL	Date	Scale	Project number
						Issue Date	1 : 10	--
						Drawn by	Checked by	
						Author	Checker	
						S-108		



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

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____

PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS
Registered Owners(s)	J.D Smith (0 Concession 8 W) Zoran Barandovski (940 Concession 8 W)	
Applicant(s)*	Zoran Barandovski	
Agent or Solicitor	A.J Lakatos Planning Consultants c/o Joe Lakatos	

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:
Lot area per A1 Zone of ZBL 05-200. Please see Planning Justification Brief for more details.

Lot sizes are legal non-conforming and established prior to the passing of Hamilton Zoning By-law No. 05-200. The Consent to Sever application triggers a Minor Variance application to bring lot sizes into conformity with By-law.

5. Why it is not possible to comply with the provisions of the By-law?
Lot sizes are legal non-conforming and established prior to the passing of Hamilton Zoning By-law No. 05-200. The Consent to Sever application triggers a Minor Variance application to bring lot sizes into conformity with By-law.
6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

0 Concession 8 W	940 Concession 8 W
Part of Lot 4, Concession 7	Part of Lot 4, Concession 7
Parts 1, 2, 8, 10, 12, 14 of 62R-1464	Part 7 of 62R-1464
In The Geographic Township of West Flamborough	In The Geographic Township of West Flamborough

7. PREVIOUS USE OF PROPERTY

Residential ☐ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐

Other 0 Concession 8 W is Agricultural Use; 940 Concession 8 W is Residential

- 8.1 If Industrial or Commercial, specify use _____
- 8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?
Yes ☐ No ☒ Unknown ☐
- 8.3 Has a gas station been located on the subject land or adjacent lands at any time?
Yes ☐ No ☒ Unknown ☐
- 8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
Yes ☐ No ☒ Unknown ☐
- 8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?
Yes ☐ No ☐ Unknown ☒
- 8.7 Have the lands or adjacent lands ever been used as a weapon firing range?
Yes ☐ No ☒ Unknown ☐
- 8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?
Yes ☐ No ☒ Unknown ☐
- 8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?
Yes ☐ No ☒ Unknown ☐

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's knowledge.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☐

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application.

MARCH 31, 2021
Date

10. Dimensions of lands affected:

Frontage	0 Concession 8 W: +/- 176.41 m	940 Concession 8 W: 30.48 m
Depth	+/- 563.5 m	91.44 m
Area	+/- 10 ha	2,773.2 sq. m
Width of street		

11. Particulars of all buildings and structures on or proposed for the subject lands: (Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

0 Concession 8 W: None

940 Concession 8 W: Front: 18.41 m, Left Side: 3.31 m, Right Side: 5.08 m, Rear: 51.37 m

Proposed

0 Concession 8 W: None

940 Concession 8 W: Refer to garage plans.

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

0 Concession 8 W: None

940 Concession 8 W: Front: 18.41 m, Left Side: 3.31 m, Right Side: 5.08 m, Rear: 51.37 m

Proposed:

0 Concession 8 W: None

940 Concession 8 W: Refer to garage plans.

13. Date of acquisition of subject lands:
OCTOBER 29, 2020 & 1976, 940 CONCESSION 8 W & 0 CONCESSION 8 W,
RESPECTIVELY
14. Date of construction of all buildings and structures on subject lands:
 Approx. 2010 - 940 CONCESSION 8 W, 0 CONCESSION 8 W
VACANT LAND
15. Existing uses of the subject property:
 0 Concession 8 W: Agriculture
16. Existing uses of abutting properties: +
 940 Concession 8 W: Residential
 Agriculture, Residential
17. Length of time the existing uses of the subject property have continued:
 0 Concession 8 W: Unknown, 940 Concession 8 W: Approx. 2010
18. Municipal services available: (check the appropriate space or spaces)
 Water _____ Connected _____
 Sanitary Sewer _____ Connected _____
 Storm Sewers _____
19. Present Official Plan/Secondary Plan provisions applying to the land:
 Rural Hamilton Official Plan - Agriculture
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
 A1 - Agriculture in Hamilton ZBL No. 05-200
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
 If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☒ Yes ☐ No
23. Additional Information
 Application for Consent to Sever submitted concurrently with this application.
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.