



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.:	A-24:84	SUBJECT PROPERTY:	963 Garden Lane, Flamborough
ZONE:	"S1 & A1" (Settlement Residential and Agriculture Zone)	ZONING BY-LAW:	Zoning By-law City of Hamilton 05-200, as Amended

APPLICANTS: Owner: 2702370 Ontario Inc.
Agent: Justin Mamone (c/o Paul Brown & Associates Inc.)
Applicant: Falbo Farm Ltd. (Claudette Falbo)

The following variances are requested:

1. To permit a minimum lot area of 2.49 hectares on the land lands zoned A1, whereas a minimum lot area of 40.4 hectares is required.
2. To permit a minimum lot area of 0.14 hectares on the lands zoned S1, whereas a minimum lot area of 0.4 hectares is required.
3. To permit a minimum lot width of 24.5 metres on the lands zoned S1, whereas a minimum lot width of 30.0m is required.

PURPOSE & EFFECT: To facilitate the creation of a new lot.

Notes:

The variances requested are to facilitate severance application B-24:21.

"Please note that these lands may be:

- Regulated by a Conservation Authority;
- Located within or adjacent to an Environmentally Sensitive Area (ESA);
- Designated under the Ontario Heritage Act;
- Listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest; and/or,

A-24:84

- Included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest.

Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property."

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, May 21, 2024
TIME:	2:25 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

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
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221

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, written comments must be received no later than noon May 17, 2024

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon May 17, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:84, 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.



 **Subject Lands**

DATED: May 2, 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.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. 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. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

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

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

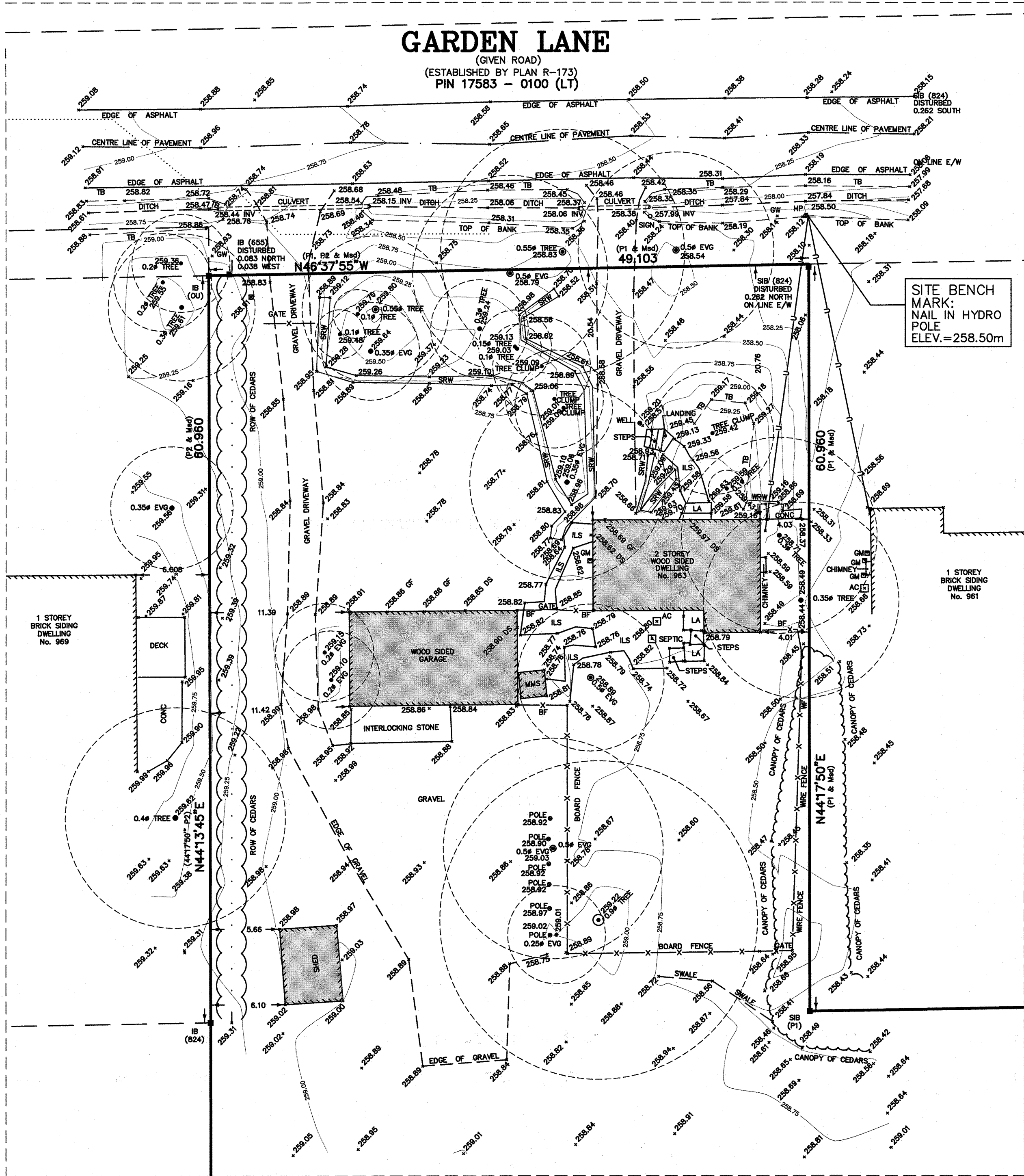
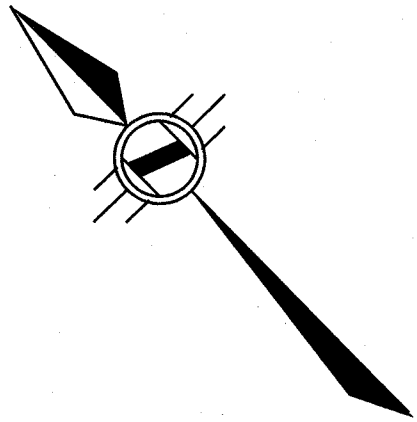
2. In person Oral Submissions

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 on the Notice of Public Hearing.

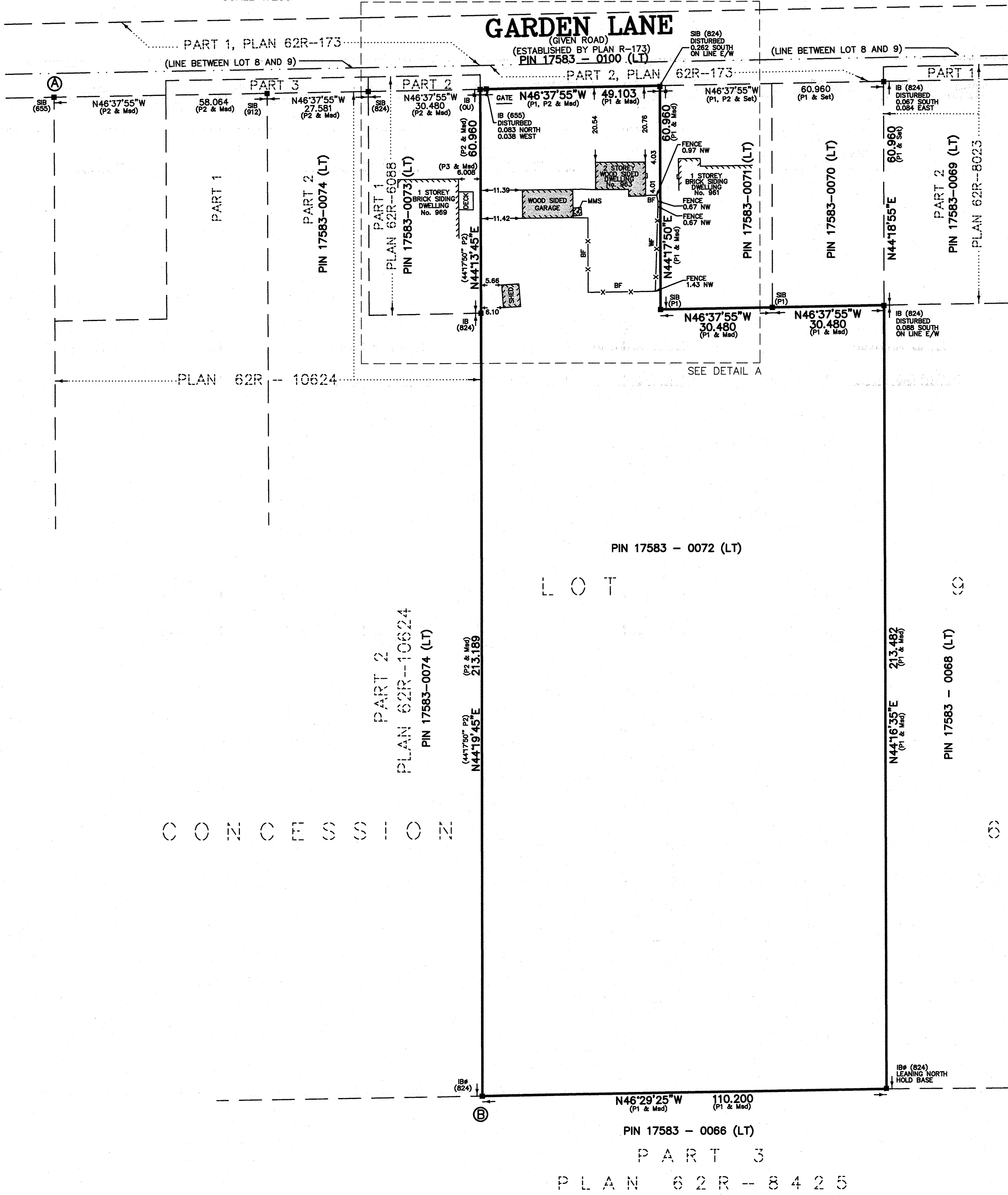
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-977-1654.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

SURVEYOR'S REAL PROPERTY REPORT
PART 1, PLAN OF PART OF
LOT 9
CONCESSION 6
GEOGRAPHIC
TOWNSHIP OF EAST FLAMBOROUGH
IN THE
CITY OF HAMILTON
SCALE 1:750 METRIC
R.A. McLAREN, O.L.S. - 2024



DETAIL A
SCALE 1:250



SURVEYOR'S REAL PROPERTY REPORT
(PART 2)
PART OF LOT 9, CONCESSION 6, IS NOT
SUBJECT TO ANY EASEMENTS.
THIS PLAN DOES NOT CERTIFY COMPLIANCE
WITH ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR
JUSTIN MAMONE.

BENCHMARK:

MONUMENT 0011975U110
IRON PIPE WITH BRASS CAP, ALONG EAST
FLAMBOROUGH CONCESSION ROAD VI, 1.8 KM
NORTHEAST OF HIGHWAY NO. 6 AND 1.1 KM
SOUTHWEST OF CENTRE ROAD, 8.8 M
SOUTHEAST OF CENTRE LINE OF ROAD, 17.7 M
SOUTHEAST OF HYDRO POLE NO. 64, 15 CM
NORTHWEST OF BENCH MARK SIGN POST,
SLIGHTLY ABOVE ROAD LEVEL.
ELEVATION: 258.687 metres CGVD28:78

NOTE:

UNDERGROUND SERVICE AND UTILITY LOCATIONS
MUST BE VERIFIED PRIOR TO CONSTRUCTION.
INVERTS MUST BE VERIFIED PRIOR TO
CONSTRUCTION.

BEARING COMPARISON

FOR BEARING COMPARISONS A
ROTATION OF 0°46'25" COUNTER
CLOCKWISE WAS APPLIED TO
BEARINGS ON PLAN 62R-10684
TO CONVERT TO GRID BEARINGS

METRIC NOTE:

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

BEARING NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE
POINTS A AND S, BY REAL TIME NETWORK, UTM ZONE 17,
NAD83 (CSRS) (2010.0)

NOTE:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9998554851

INTEGRATION DATA

OBSERVED REFERENCE POINTS (SCP's): UTM ZONE 17, NAD83 (CSRS) (2010.0)		
COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF REG. 216/10		
POINT ID	NORTHING	EASTING
SCP	4801235.194	585746.708
SCP	4800959.326	585639.656

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND:

- DENOTES MONUMENT SET
- MONUMENT FOUND
- IB IRON BAR
- RB ROUND IRON BAR
- SB STANDARD IRON BAR
- SSB SHORT STANDARD IRON BAR
- 824 A.T. McLAREN, O.L.S.
- 825 J.T. PETERS, O.L.S.
- 912 A.J. CLARKE, O.L.S.
- MEASURED
- P1 PLAN BY SEWELL & SEWELL, O.L.S.
- DATED JUNE 28, 1974
- P2 PLAN BY A.T. McLAREN, O.L.S.
- DATED MARCH 22, 1991, FILE NO. 25358
- AC AIR CONDITIONER
- OU ORIGIN UNKNOWN
- BB BOTTOM OF BANK
- BF BOARD FENCE
- CONC CONCRETE
- DS DOOR SILL
- EVS EXISTING
- GF GARAGE FLOOR
- GM GAS METER
- GW GUY WIRE
- HP HYDRO POLE
- LS INTERLOCKING STONE
- IN INVERT
- LA LANDING
- MMS MOVABLE METAL FENCE
- SRV STONE RETAINING WALL
- TB TOP OF BANK
- WF WIRE FENCE
- WW WOOD RETAINING WALL
- Ø DIAMETER

SURVEYOR'S CERTIFICATE

1. I CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 14th DAY OF FEBRUARY, 2024.

DATE

2024

R.A. McLAREN, O.L.S.

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 71728

© R.A. McLAREN, O.L.S. - 2024. NO PERSON MAY COPY
REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF R.A. McLAREN, O.L.S.

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
PHILIPPIAN, ONTARIO, L9A 3P9
PHONE (905) 527-5559 FAX (905) 527-0032

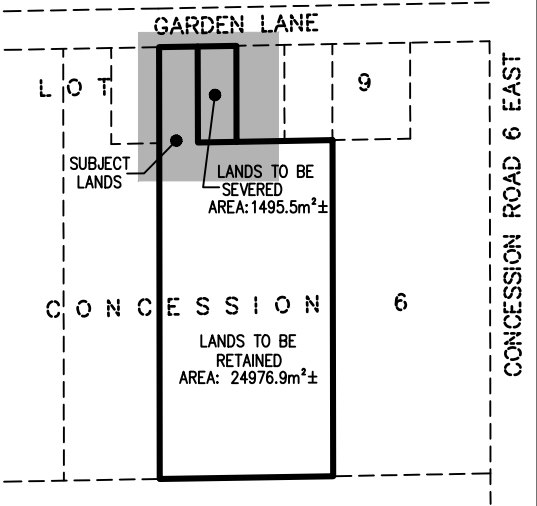
Drawn AS Checked RBM Overlaid JS/KC Scale 1:750 Dwg.No. 37671-T

SKETCH FOR LAND DIVISION
OF
963 GARDEN LANE
IN THE
CITY OF HAMILTON
SCALE 1:300 METRIC

R.A. McLaren, O.L.S. – 2024

CAUTION:

A) THIS IS NOT A PLAN OF
SURVEY AND SHALL NOT BE
USED EXCEPT FOR THE
PURPOSE INDICATED IN THE
TITLE BLOCK.
B) THIS PLAN IS PROTECTED
BY COPYRIGHT ©



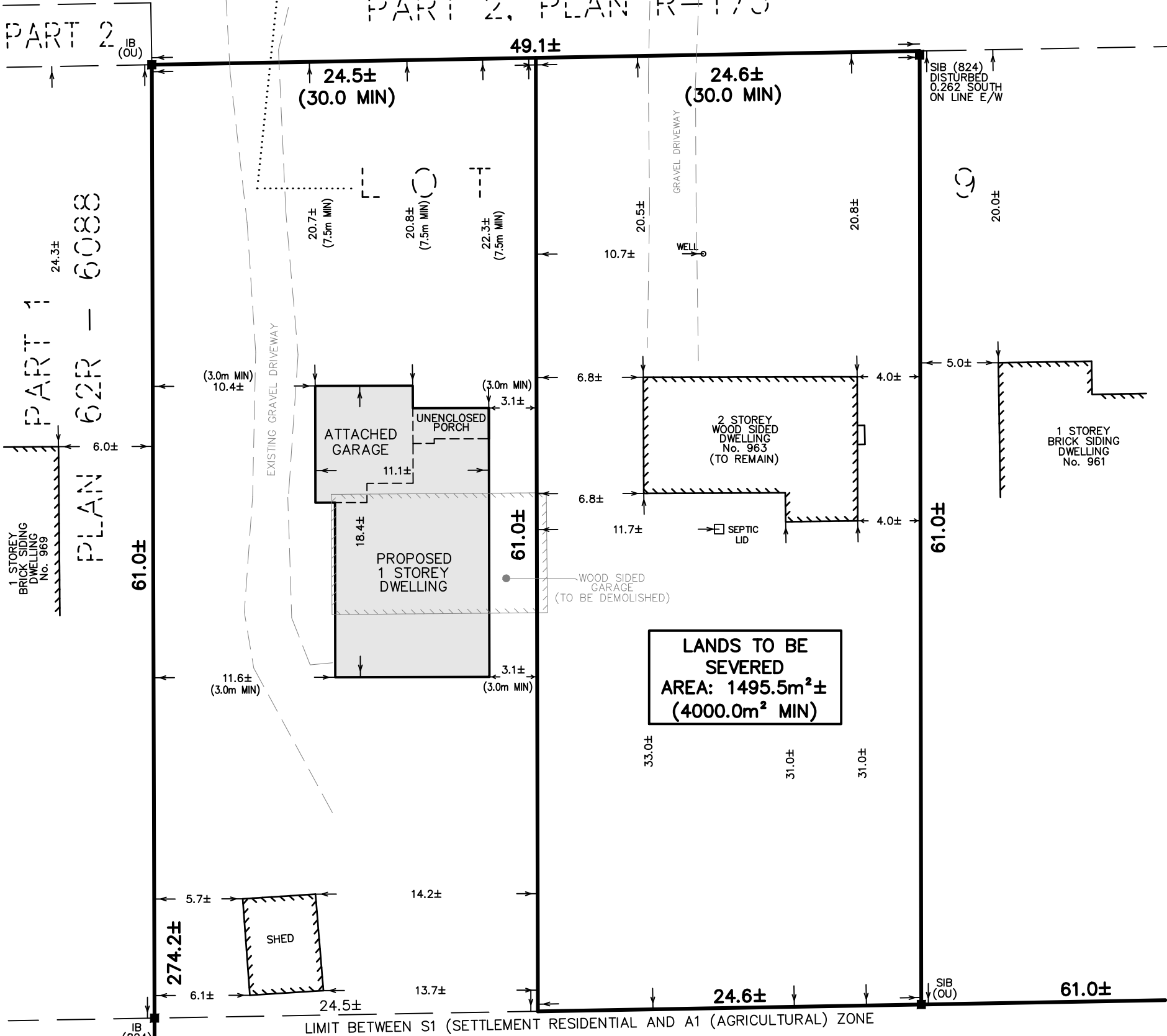
KEY MAP – NOT TO SCALE

GARDEN LANE

(ESTABLISHED BY PLAN R-173)
(20.117 WIDE)

LIMIT BETWEEN LOTS 8 & 9

PART 2, PLAN R-173



NOTE:

DISTANCES SHOWN ON THIS
PLAN ARE DERIVED FROM A
PLAN BY SEWELL & SEWELL,
O.L.S. DATED JUNE 28, 1974

NOTE:

THIS PLAN COMPRISES PART
OF LOT 9, CONCESSION 6,
GEOGRAPHIC TOWNSHIP OF
EAST FLAMBOROUGH, IN THE
CITY OF HAMILTON.

LANDS TO BE
RETAINED

AREA: 24976.9m² ±

METRIC NOTE:

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

MARCH 22, 2024
DATE



A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032

Drawn KM	Checked RBM	Crew Chief JK	Scale 1:300	Dwg.No. 37671-SK
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SIMPLE LIVING

BUNGALOW
HOMES

Lynden

↔ 1414 sq.ft.

🛏 3 bed

🚿 2 bath



**Your lot. Your dream.
Custom Built.**

213 Arthur Street, P.O. Box 370 | Wingham, Ontario, Canada N0G 2W0

Tel: (519) 357.2606 | Toll Free: 1.800.265.3083 | E-mail: Royal@RoyalHomes.com | RoyalHomes.com



Scenic Views. Modern Living.

The Lynden is perfect for a town or country lot. The large great room is an ideal gathering spot for family and friends. The kitchen is simply efficient, with a generous pantry opening up to the great room. You get the feeling of more space on the inside of the home than you would expect from the outside. This is an innovative design as The Lynden boasts 3 bedrooms, with the master having the luxury of its own ensuite.

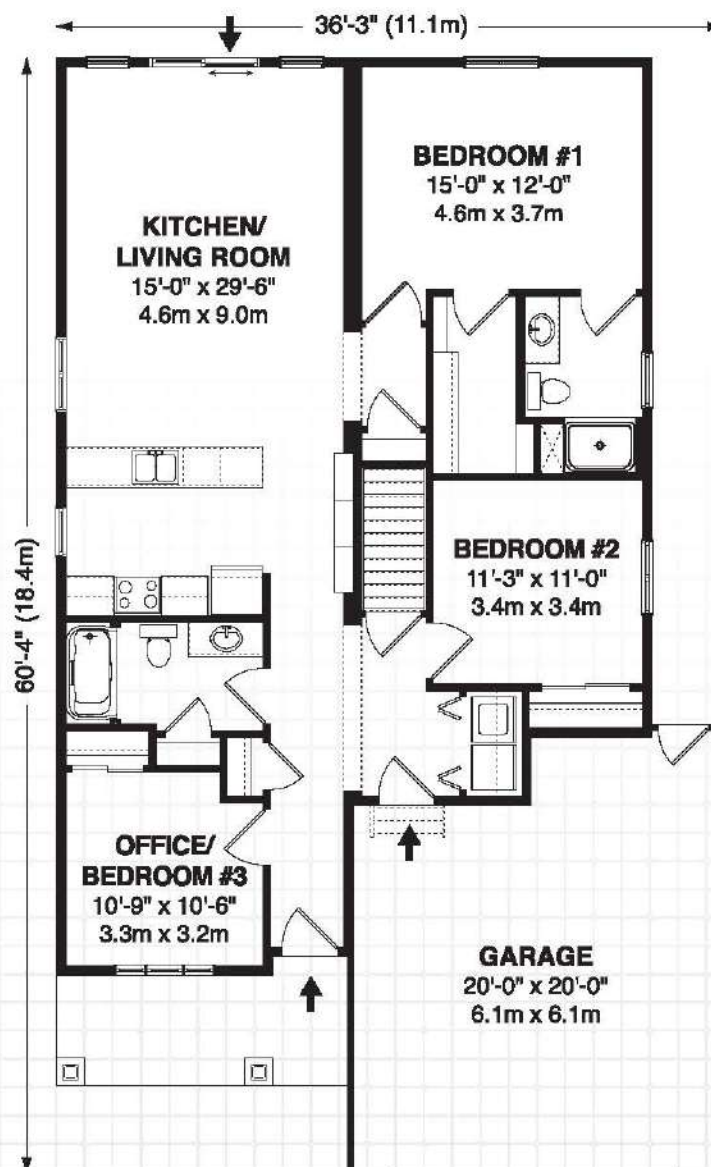
Lynden Highlights

- Three Bedrooms
- Private Ensuite Bathroom
- Large Great Room
- Generous Pantry

Customization & Options

- Bedrooms, to have luxury carpeting – Cashmere – Champagne
- Modern vinyl tiles through the kitchen, and great room
- Ensuite to have a tiled shower, with bench seat and clear glass door

Main Floor



*Actual usable floor space may vary from stated floor area. Copyright by Royal Homes. All designs, floor plans and elevations contained herein are the exclusive property of Royal Homes. No home may be constructed in accordance with these plans, except as authorized in writing by the copyright owner. Plans are artist renderings only. For exact dimensions and specifications, please see blueprints.



**PAUL BROWN
& ASSOCIATES INC.**

April 3, 2024

Committee of Adjustment
City of Hamilton
71 Main Street West
Hamilton, ON L9T 3G6

Attn: Ms. Jamila Sheffield, Secretary Treasurer

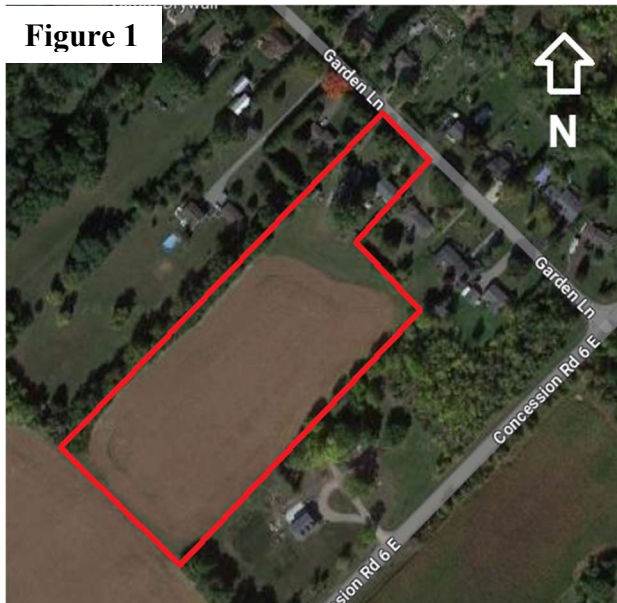
Re: 963 Garden Lane, Flamborough Centre
APPLICATIONS FOR CONSENT AND MINOR VARIANCE
City of Hamilton, ON

Dear Ms. Sheffield,

INTRODUCTION

Paul Brown & Associates Inc. (PBA) has been retained by Falbo Farm Ltd. and the Falbo family (the owners) to submit the enclosed applications for Consent and Minor Variance on the property located at municipal address 963 Garden Lane in the Hamlet of Flamborough Centre, City of Hamilton (subject lands). The purpose of our applications are to facilitate the creation of a new residential lot, approximately 0.14 hectares (0.35 acres) in size.

Figure 1



Description of Lands

The subject lands are located within the rural hamlet of Flamborough Centre and known municipally as 963 Garden Lane. The property is approximately 2.6 ha (6.5 acres) in size, with 49.1m (161 feet) of frontage along Garden Lane. The property is irregular in shape and contains an existing residential dwelling and two (2) accessory structures (garage and shed), with two (2) existing driveway accesses onto Garden Lane. The property widens behind the existing dwelling into an actively farmed area that is approximately 2.3 ha (5.6 acres) in size, measures and 110m (360 ft) across at its widest point – see Figure 1.

The property is situated on the fringe of the hamlet area and is predominantly surrounded by other rural residential lots varying in size with single detached dwellings – most of which are half-acre lots with approximately 30m (100 feet) of frontage, but can range in depth from 200 up to 500 feet.

Paul Brown & Associates Inc.

Municipal Consultants and Advisors

162 Guelph St., Suite 225

Georgetown, ON

L7G 5X7

Phone (416) 346-7227 Email: paulb@pbpm.ca



The subject lands, as well as the entire Flamborough Centre community, are serviced by private water and wastewater services (well and septic tank).

Development Proposal

The owners wish to create a new residential lot approximately 0.14 hectares (0.35 acres) in size, with approximately 24.5m (80 feet) of frontage along Garden Lane. It is envisioned that the existing accessory structure (garage) located on the north side of the existing property would be demolished and replaced with a single detached dwelling on the retained lands, which would be 2.49 hectares (6.2 acres) in size and also have 24.5m of frontage – see Figure 2.

The new dwelling would utilize the existing second driveway access and be connected to private water and wastewater services, in accordance with the requirements under the Ontario Building Code (OBC) and the City of Hamilton. The existing dwelling would remain on the severed lands resulting in side yard setbacks of greater than 4.0 metres on either side, and a comfortably sized rear yard over 31 metres (101 feet) in depth that has already been fenced off by the owners for a number of years for privacy. It will remain connected to the existing septic and well facilities, which are located directly in front of and to the rear of the existing dwelling, entirely contained within the severed lands.

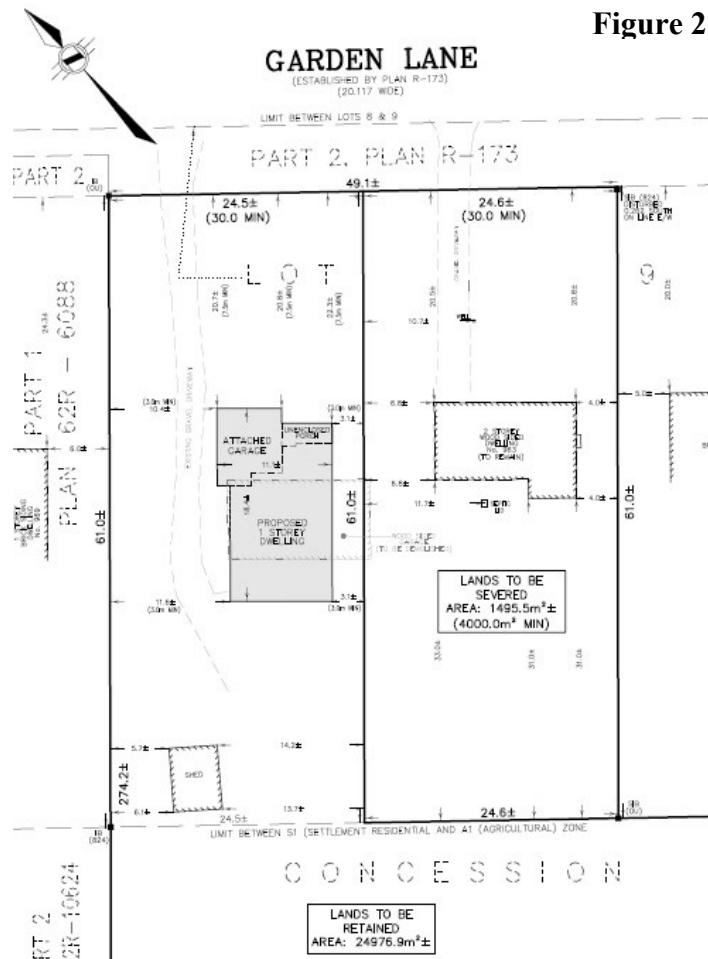
The owners propose to construct a new 1,400 square foot bungalow on the retained lands, that would be sited appropriately so that it aligns with the setbacks of the adjacent homes on the street, meets all zoning requirements, and will still allow for a driveway access to be maintained for farm equipment along the north side of the property. The owners intend to build the home for their child as a response to the current affordable housing crisis, so that they may live comfortably and independently.

PLANNING FRAMEWORK

Greenbelt Plan (2017)

The Greenbelt was introduced in 2005 and is the cornerstone of Ontario's Greater Golden Horseshoe Growth Plan (Growth Plan) which is an overarching strategy that provides clarity and certainty about urban

Figure 2



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structure, where and how future growth should be accommodated and what must be protected for current and future generations. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and other natural features.

The subject lands are designated as “Protected Countryside” under the Provincial Greenbelt Plan, as is the entire hamlet of Flamborough Centre.

One of the main goals of the Protected Countryside, as noted in section 1.2.2.1, is to protect “prime agricultural areas by preventing further fragmentation and loss of the agricultural land base caused by lot creation and the redesignation of prime agricultural areas”. As the proposed lot severance will maintain the existing agricultural area of the property, and will not fragment it, it is our opinion that this conforms with the Greenbelt Plan.

Furthermore, for lands within Hamlets in the Protected Countryside, these are subject to the policies of the Growth Plan and continue to be governed by municipal official plans and are not subject to the policies of the Greenbelt Plan, where limited growth is generally permitted through infill and intensification of Hamlets subject to appropriate water and sewage services. The proposed lot severance is also in conformity with this policy.

Provincial Policy Statement / Growth Plan (2020)

The Provincial Policy Statement (PPS) is a consolidated statement of the government’s policies on land use planning. It gives provincial policy direction on key land use planning issues that affect communities, such as the efficient use and management of land and infrastructure, the provision of sufficient housing to meet changing needs, and the protection of the environment and resources including farmland, and natural resources, among other objectives. The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of agricultural areas. Below are a few excerpts of policy relating to lot creation and growth in rural settlement areas:

Section 1.1.3 of the PPS states that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment generally where infrastructure can support their growth.

Furthermore, section 1.1.4.2 provides that in rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. When directing development in rural settlement areas in policy 1.1.4.3 directs that planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels. In the case of the proposed lot severance, the scale of development is consistent with the rural character of the surrounding hamlet area.

As it relates to private servicing, section 1.6.6.4 indicates that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Specifically in settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

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Although the lot creation policies found within section 2.3.4.3 of the PPS state that the creation of new residential lots in prime agricultural areas shall not be permitted, we do not believe these are applicable in the context of this application. For clarity, only a portion of the subject lands is considered to be located within a Prime Agricultural Area. It should be acknowledged that the proposed lot severance is located outside of these areas, and is found within a settlement area as outlined in the municipal official plan (to be discussed further below, as illustrated on Figure 3).

In response to the ongoing affordability crisis, the Province has also recently been focused on increasing the housing supply, with the goal of building 1.5 million new homes over the next 10 years. However, we understand that this must also be balanced with the need of protecting agricultural and other natural uses by directing non-related development to areas where it will minimize constraints on these uses. This is reflected in policies of the PPS as well as the provincial Growth Plan that encourage an affordable mix and range of housing, through intensification and directing growth to settlement areas where appropriate.

Accordingly, it is our opinion that the proposed lot severance is consistent with the PPS and the Growth Plan as the proposed severance would encourage gentle infill development within a settlement area, achieving the Province's goals and objectives to increase the housing supply, while also preserving prime agricultural areas.

City of Hamilton Official Plan (RHOP)

The subject lands are partially located with the "Flamborough Centre Rural Settlement Area Plan", and are partially designated "Settlement Residential" in the Rural Hamilton Official Plan. They are also partially designated as "Agriculture". For reference, the proposed lands to be severed are entirely located within the "Settlement Residential Designation" – see Figure 3.

Under the general policies for the Rural Settlement Areas (Section A.1.2), any development shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of the Plan, and proposed new lots shall not be less than one acre in size.

Corresponding with the Provincial Planning Policies, severances that create a new lot for residential uses are generally prohibited, unless they meet certain agricultural related criteria. However, section A.1.14.2.4 of the RHOP states that where the creation of a new lot is permitted within designated Rural Settlement Areas, all proposed severances that create a new lot shall:

- comply with the policies of this Plan including a rural settlement area plan where one exists;
- be compatible with and not hinder surrounding agricultural operations;
- conform to the Zoning By-law;
- only be permitted when both severed and retained lots have frontage on a public road; and,

Paul Brown & Associates Inc.

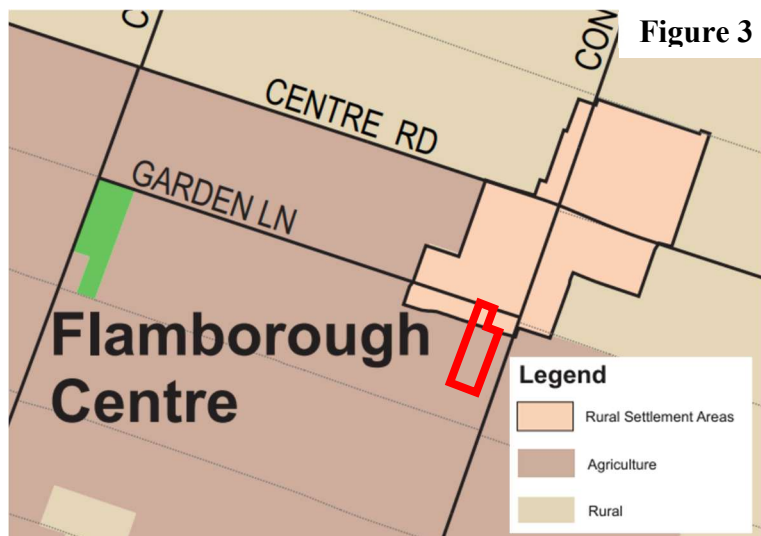
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- meet the requirements of Section C.5.1, Private Water and Wastewater Services.

Although the proposed severance would create a lot that is less than one acre in size, it is consistent with the lot fabric of the surrounding settlement area and residential community, where lots vary in size and many on the west side of Garden Lane are 0.5 acres in size or less. Furthermore, although we understand that the intent of the OP policy requiring the one acre minimum is intended to ensure adequate space for the provision of private water and wastewater services. The proposed new lot, which contains the existing dwelling and private services, will continue to function appropriately in a legal non-conforming scenario. For reference, the proposed new private services will be located on the retained lands, which will be larger than one acre in size (6.2 acres to be exact), and will meet the requirements of this policy.

Therefore, it is our opinion that the proposed lot severance maintains the general intent of the RHOP.

City of Hamilton Zoning By-law 05-200

The subject lands are dually zoned A1 – Agriculture and S1 – Settlement Residential under the City of Hamilton Zoning By-law 05-200.

Under the A1 zone, the minimum lot size is 40.4 ha (100 acres). Although, the existing lands are only 6.75 acres, they are considered “legal non-conforming”. However, an application for land severance to create a new lot will require a Minor Variance to meet the minimum lot size.

Under the S1 zone, the minimum lot width (which is measured 6.0m / 20 feet from the front lot line) is 30m. Given that the existing lot width is only 50m, the creation of any new lot would be less than 30m and a Minor Variance would be required to legally permit both the severed and retained lots. Additionally, the minimum lot size under this zone is 0.4ha (or 1 acre). As the existing “front portion” of the property (located within the settlement area zone) is already less than 1 acre, an additional Minor variance would be required to facilitate the creation of a new lot.

Based on the analysis of the proposed variances below, we believe that that the required variances (listed in detail below) are minor in nature, and generally maintain the intent of the Zoning By-law.

Proposed Minor Variances

Accordingly, to facilitate the proposed lot severance our enclosed application requests the following Minor Variances:

1. To permit a minimum lot area of 2.49 hectares on the retained lands whereas City of Hamilton Zoning By-law 05-200 requires a minimum lot area of 40.4 hectares (100 acres) in an A1 Zone.
2. To permit a minimum lot area of 0.14 hectares on the severed lands whereas City of Hamilton Zoning By-law 05-200 requires a minimum lot area of 0.4 hectares (1 acre) in an S1 Zone.
3. To permit a minimum lot width of 24.5 metres on both the severed and retained lands, whereas City of Hamilton Zoning By-law 05-200 requires a minimum lot width of 30.0 metres in an S1 Zone.

Paul Brown & Associates Inc.

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L7G 5X7

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When considering requests for a Minor Variance, the Committee of Adjustment must weigh the merits of the proposal against the “4 tests” as set out under the *Planning Act*:

1. *Is it minor in nature?*

The requests for a reduction in the minimum lot area and lot widths are minor in nature, as they would not propose a radical change or significant deficiency from the minimum requirement. It would facilitate the construction of a permitted dwelling (and much needed housing) on an appropriately sized and functional lot within the context of a rural settlement area, and in consideration of the site-specific lot configuration.

2. *Is it desirable for the appropriate development or use of the land/building/structure?*

The requests for a reduction in the minimum lot area and lot widths are desirable, as they would permit a lot size that is consistent and compatible with other lots in this rural community. It does not create a lot size that is too small, and will still allow for the continued agricultural use of the property while also providing much needed housing.

3. *Does it maintain the general intent and purpose of the Official Plan?*

In alignment with the PPS and Greenbelt Plan, the general intent of the OP policy (RHOP) in rural and agricultural areas is to protect the integrity and functionality of Agricultural lands, and more specifically Prime Agricultural Areas, by directing growth to settlement areas and urban areas. The policies of the RHOP also speak to minimum lot sizes, which are intended to maintain both the rural character of settlement areas, and also ensure that private servicing can be accommodated. As the surrounding context contains a range of rural residential lots that vary in size, including others less than the one acre minimum, the proposed new lot is still an appropriate size and provides a functional, spacious property – while also maintain its agricultural integrity. Therefore, it maintains the general intent of the RHOP.

4. *Does it maintain the general intent and purpose of the Zoning By-law?*

Similar to the above statement relating to the Official Plan, the intent of the zoning regulations under the S1 and A1 zones are generally to maintain both the rural character of settlement areas, and also ensure that private servicing can be accommodated. Again, as the surrounding context contains a range of rural residential lots that vary in size, including others less than the one acre minimum, the proposed new lot is still an appropriate size and provides a functional, spacious property that also maintains its agricultural integrity. Therefore, it maintains the general intent of the Zoning By-law.

We would appreciate that during their review, staff confirm if any additional variances are required to facilitate the proposed lot severance. We acknowledge that a future application for additional variances may be submitted to the Committee when the owners have finalized an architectural design for the proposed dwelling on the proposed retained lands, and are in a position to submit a building permit application to the City (if any deficiencies are flagged during staff review), however one is not anticipated at this time.

PRELIMINARY CONSULTATION

In advance of filing these applications, we have inquired with staff at the City of Hamilton Planning Department to gauge their opinion for the creation of a new lot at the subject lands. Our original proposal

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& ASSOCIATES INC.

during these discussions involved the creation of a one acre sized lot that extended beyond the boundary of the “Settlement Residential” designation, and into the “Agriculture” area. Upon review, staff advised that they would not be in a position to support the application given that the property is partially located outside of the Rural Settlement Area (and within the Agricultural Area). They also cited concerns relating to the requirements to facilitate Private Water and Wastewater Services.

In response to this feedback, we conferred with the owners and revised the proposed severance to the enclosed form consisting of a 0.14 hectare (0.35 acres) lot entirely within the Rural Settlement Area. We trust that these modifications, in light of the policy review, will allow staff to now support the requested severance and variances.

CONCLUSION

Based on the review of the planning framework and current provincial policy direction to “build more housing”, it is our opinion that the enclosed applications for Consent and Minor Variance represent Good Planning and also meet the 4 tests of a minor variance.

Accordingly, enclosed please find the following submission materials in digital (PDF) format:

1. One (1) completed Application for Consent;
2. One (1) completed Application for Minor Variance;
3. One (1) copy of a Topographic/Boundary Survey dated March 8, 2024 prepared by A.T. McLaren limited;
4. One (1) copy of a Consent Sketch dated March 22, 2024 prepared by A.T. McLaren Limited; and
5. One (1) copy of sample floor plans (“Lynden”), prepared by Royal Homes for reference.

We respectfully request that you accept our applications and provide payment instructions for the application fees accordingly. Upon payment, we ask to be scheduled for the next possible Committee of Adjustment agenda.

Yours Truly,

Paul Brown & Associates Inc.

Justin Mamone, BES, MCIP, RPP
Associate

cc: Claudette Falbo, Falbo Farm Ltd.
Lindsay J. McLaren, RE/MAX
Paul Brown, PBA

encl.

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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)	2702370 ONTARIO INC., F/
Applicant(s)	FALBO FARM LTD. (CLAUDETTE FALBO)
Agent or Solicitor	JUSTIN MAMONE c/o PAUL BROWN & ASSOCIATES INC.

1.2 Primary contact

☐ Applicant

☐ Owner

☒ Agent/Solicitor

1.3 Sign should be sent to

☐ Applicant

☐ Owner

☒ Agent/Solicitor

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 be sent by email.

1.6 Payment type

☐ In person

☒ Cheque

☐ Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	963 GARDEN LANE, FLAMBOROUGH CENTRE		
Assessment Roll Number	303610724000000		
Former Municipality	FLAMBOROUGH		
Lot	PT LOT 9	Concession	6
Registered Plan Number	N/A	Lot(s)	
Reference Plan Number (s)	N/A	Part(s)	

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:

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:

TO PERMIT A MINIMUM LOT AREA OF 2.49 HA ON THE LANDS ZONED A1, WHEREAS A MIN. LOT AREA OF 40.4 HA IS REQUIRED, TO PERMIT A MIN. LOT AREA OF 0.14 HA ON THE LANDS ZONED S1, WHEREAS A MIN. LOT AREA OF 0.4 HA IS REQUIRED AND TO PERMIT A MINIMUM LOT WIDTH OF 24.5 M ON THE LANDS ZONED S1, WHEREAS A MIN. LOT WIDTH OF 30.0M IS REQUIRED UNDER ZONING BY-LAW 05-200.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

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

TO PERMIT THE CREATION OF A NEW LOT (APPLICATION FOR CONSENT SUBMITTED CONCURRENTLY) AND LEGALIZE THE MINIMUM LOT SIZE FOR THE RETAINED/EXISTING LOT.

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
49.1m (EX.) / 24.5m (PR)	274.2m (EX.) / 60.9m (PR)	2.49 + 0.149 ha	20.0m (ESTIMATED)

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
RES. DWELLING	20.5m	31.0m (PROPOSED)	4.0 m / 6.8 m (PROP.)	01/01/1970
GARAGE (TO BE DEMO.)	27.0 m	N/A	11.0 m	
SHED	N/A	N/A	5.7 m	

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
DWELLING (RET. LOT)	20.7 m	N/A	3.1 m / 10.4 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
RES. DWELLING	104 m2	200 m2	2	UNKNOWN
GARAGE (TO BE DEMO.)	100 m2	100 m2	1	UNKNOWN
SHED	30 m2	30 m2	1	UNKNOWN

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
DWELLING (RET. LOT)	200 m2	130 m2	1	6.0 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
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
- ☐ right of way
☐ other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

SEVERED LOT (EXISTING DWELLING) & RETAINED LOT (NEW DWELLING) +
CONTINUED AGRICULTURAL USE AT REAR.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

RESIDENTIAL DWELLINGS AND AGRICULTURE

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

1989

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

RESIDENTIAL DWELLING AND AGRICULTURE

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

RESIDENTIAL DWELLING AND AGRICULTURE

7.4 Length of time the existing uses of the subject property have continued:

35+ YEARS

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

Rural Hamilton Official Plan designation (if applicable): SETTLEMENT RES./AGRICULTURE

Rural Settlement Area: FLAMBOROUGH CENTRE

Urban Hamilton Official Plan designation (if applicable) N/A

Please provide an explanation of how the application conforms with the Official Plan.

THE PROPOSED LOT SEVERANCE IS ENTIRELY WITHIN THE RURAL SETTLEMENT AREA/DESIGNATION, AND IS COMPATIBLE WITH EXISTING USES AND RESIDENTIAL LOT FABRIC IN THE AREA. IT WILL BE SERVICED BY EXISTING PRIVATE SERVICES. REFER TO COVER LETTER FOR MORE INFORMATION.

7.6 What is the existing zoning of the subject land? A1 / S1

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: A1 / S1

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: TBD - SUBMITTED CONCURRENTLY

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1 (2 UNITS INCLUDING EXISTING)

8.2 Number of Dwelling Units Proposed: 1

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

PLEASE REFER TO COVER LETTER FOR FURTHER INFORMATION AND
PLANNING JUSTIFICATION / SUMMARY OF FOUR TESTS.

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

N/A