



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

B-24:20 – 3751 Highway No. 6, Glanbrook

**Recommendation:**

Development Planning: Deny  
Source Protection Planning: Deny

**Proposed Conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. The Applicant is required to establish a vehicle and pedestrian easement right-of-way in favour of #3727 & #3737 Highway 6 for vehicle and pedestrian ingress & egress. The established easement is required to also detail a right-of-way maintenance agreement. The easement is required to be registered on title in perpetuity. (Transportation Planning)
5. The subject lands are located within the MTO Permit Control Area. The Applicant is advised to circulate the proposed severance application for MTO for comment. (Transportation Planning)
6. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – **Plan Examination Section**).
7. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division –**Plan Examination Section**)
8. The owner/applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the Rural (A2)



## Hamilton

zone or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).

9. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
10. The owner/applicant shall submit survey evidence that the lands to be severed and lands to be retained including the location of any existing structure(s), parking, lot area and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
11. That the applicant/owner shall pay the outstanding Municipal Act Water commutation amount of \$1,256.60 as at July 30, 2024 to the satisfaction of the Development Charges Programs and Policies Section. Please contact [developmentofficer@hamilton.ca](mailto:developmentofficer@hamilton.ca) if payment is at a later date.

### **Proposed Notes:**

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

The lands to be retained will be assigned the address of 3715 Highway No. 6 (Glanbrook).

The lands to be conveyed (Land 1 & 2) will be assigned the addresses of 3723 Highway No. 6 (Glanbrook) & 3719 Highway No. 6 (Glanbrook). 3751 Highway No. 6 (Glanbrook) will be retired.



**Development Planning:**

**Background**

To permit the conveyance of two parcels of land for residential use and to retain a vacant parcel of land. Existing structures (including dwelling) to remain on Severed Lands 1, existing barn on Severed Lands 2 to be removed.

	Frontage	Depth	Area
<b>SEVERED LANDS 1</b>	N/A	varies m±	1.13 ha±
<b>SEVERED LANDS 2</b>	N/A	91 m±	0.28 ha±
<b>RETAINED LANDS</b>	22.8 m	470 m±	10.66 ha±

**Analysis**

**Rural Hamilton Official Plan**

The property is designated “Agriculture” in Schedule D – Rural Land Use Designations. Policies C.4.5.8.4, C.5.1.1, F.1.14.2.1 and F.1.12.6, amongst others, are applicable and do not permit lot creation for residential purposes on lands designated “Agriculture” nor permit the creation of lots that have no frontage onto a public road. Additionally, the subject lands are identified as “Protected Countryside” within the Greenbelt Plan Designations on Schedule A – Provincial Plans of the Rural Hamilton Official Plan.

**C.1.2.3** The following policies in this Plan which are more restrictive than the policies in the Greenbelt Plan and do not conflict with Greenbelt Plan shall continue to apply:

- a) Residential lot creation for lands in Rural Hamilton in accordance with Section F.1.14.2, Lot Creation, of this Plan;

**C.4.5.8.4** New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.

**C.5.1.1** No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following: (OPA 23)(OPA 26)

- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete



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information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as maybe approved or amended from time to time. (OPA 23)

c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:

iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26)

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

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

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation, provided the dwelling is not a farm labour residence; and, (OPA 39)

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

c) All proposed severances that create a new lot shall:

iv) only be permitted when both severed and retained lots have frontage on a public road; and,

**F.1.12.6** A single detached dwelling may be permitted on an existing vacant legal lot of record subject to the following conditions:

b) The existing vacant legal lot of record must have frontage on an open public street;

The purpose of these policies within the Protected Countryside of the Greenbelt Plan is for the protection of prime agricultural areas by preventing further fragmentation and loss of the agricultural land base. Staff note that the proposed lots do not comply with minimum lot sizes, and that information



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for private services has not been submitted with the application. Staff defer any source water concerns to Source Water Planning. Staff note that the proposed severed parcels of land do not have frontage onto a public road, therefore, are creating landlocked parcels and do not meet the policy of the Rural Hamilton Official Plan. Furthermore, staff note that the proposal is to convey land within the “Agriculture” designation for residential purposes that do not meet the criteria of a surplus farm dwelling and the lands are not located within a Rural Settlement Area. Staff note that as per Policy F.1.14.2.1 mentioned above, the proposed consent is not permitted within the Rural Hamilton Official Plan. Based on the foregoing, staff are of the opinion that the proposed Consent Application does not meet the policies of the Rural Hamilton Official Plan and recommend that the application be **denied**.

## Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none"> <li>1. The owner/applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the Rural (A2) zone or alternatively apply for and receive final approval of the appropriate Planning Act application in order to permit the intended use (Planning Division – Zoning Review Section).</li> <li>2. The owner/applicant shall apply for a demolition permit to demolish all or an appropriate portion of any buildings straddling the proposed property line, or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</li> </ol> <p>The owner/applicant shall submit survey evidence that the lands to be severed and lands to be retained including the location of any existing structure(s), parking, lot area and landscaping conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p>
Comments:	<ol style="list-style-type: none"> <li>1. The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.</li> <li>2. Its its noted that the parcel shown as “Land 2 to be conveyed” does not appear to meet any minimum lot area requirements as set out in section 12 of Hamilton Zoning By-law 05-200</li> </ol> <p>It is noted that parcels shown as “Land 1 to be conveyed” and “Land 2 to be conveyed” do not appear to have frontage on a street. As per</p>



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	section 4.3 of Hamilton Zoning By-law 05-200, a minimum 4.5 metre frontage on a street is required
Notes:	

**Water and Sewer:**

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	That the applicant/owner shall pay the outstanding Municipal Act Water commutation amount of \$1,256.60 as at July 30, 2024 to the satisfaction of the Development Charges Programs and Policies Section. Please contact developmentofficer@hamilton.ca if payment is at a later date.
Comments:	
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**

Recommendation:	Comments and Conditons/Notes
Proposed Conditions:	<p>The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division – <b>Plan Examination Section</b>).</p> <p>The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – <b>Plan Examination Section</b>)</p>
Comments:	
Notes:	<p>In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.</p> <p>The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with The Ontario Building Code with respect to its location</p>



	to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
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**Transportation Planning:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Transportation Planning has no objection to the severance if the following right-of-way is dedicated to the City of Hamilton:</p> <ol style="list-style-type: none"> <li>1. The Applicant is required to establish a vehicle and pedestrian easement right-of-way in favour of #3727 &amp; #3737 Highway 6 for vehicle and pedestrian ingress &amp; egress. The established easement is required to also detail a right-of-way maintenance agreement. The easement is required to be registered on title in perpetuity.</li> <li>2. The subject lands are located within the MTO Permit Control Area. The Applicant is advised to circulate the proposed severance application for MTO for comment.</li> </ol>
Comments:	
Notes:	

**Forestry:**

Recommendation:	Approve
Proposed Conditions:	None
Comments:	<p>There are no Municipal Tree Assets on site. No public tree permit is required.</p> <p>No Landscape plan required.</p> <p>Forestry has no concerns or conditions regarding this application.</p> <p>For questions please contact: <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a></p>
Notes:	

**Source Protection Planning:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	Source Protection Planning understands the applicant is seeking to sever the lands at 3751 Highway 6, with the first severed lot being 1.13 ha in size,



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	<p>the second severed lot being 0.28 ha in size, and the retained lot being 10.66 ha in size. We also understand that there is currently no new buildings being proposed for any of the three lots.</p> <p>Hamilton Water cannot support the proposed severance of 0.28 ha for the second lot at this time, as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. The applicant bears the responsibility of engaging a qualified professional to verify the minimum sustainable lot size in accordance with the City of Hamilton Guideline for Hydrogeological Studies and Technical Standards for Private Servicing (2023, <a href="https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf">https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf</a>).</p>
Notes:	

**Legislative Approvals:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p>The lands to be retained will be assigned the address of <b>3715 Highway No. 6 (Glanbrook)</b>.</p> <p>The lands to be conveyed (Land 1 &amp; 2) will be assigned the addresses of <b>3723 Highway No. 6 (Glanbrook) &amp; 3719 Highway No. 6 (Glanbrook)</b>. 3751 Highway No. 6 (Glanbrook) will be retired.</p>
Comments:	
Notes:	<p>We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City’s Sign By-law, in a manner that is clearly visible from the road.</p>

Please Note: Public comment will be posted separately, if applicable.



Hamilton - 3751 Highway No. 6 - B-24-20

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Fri 7/12/2024 5:53 PM

To:Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

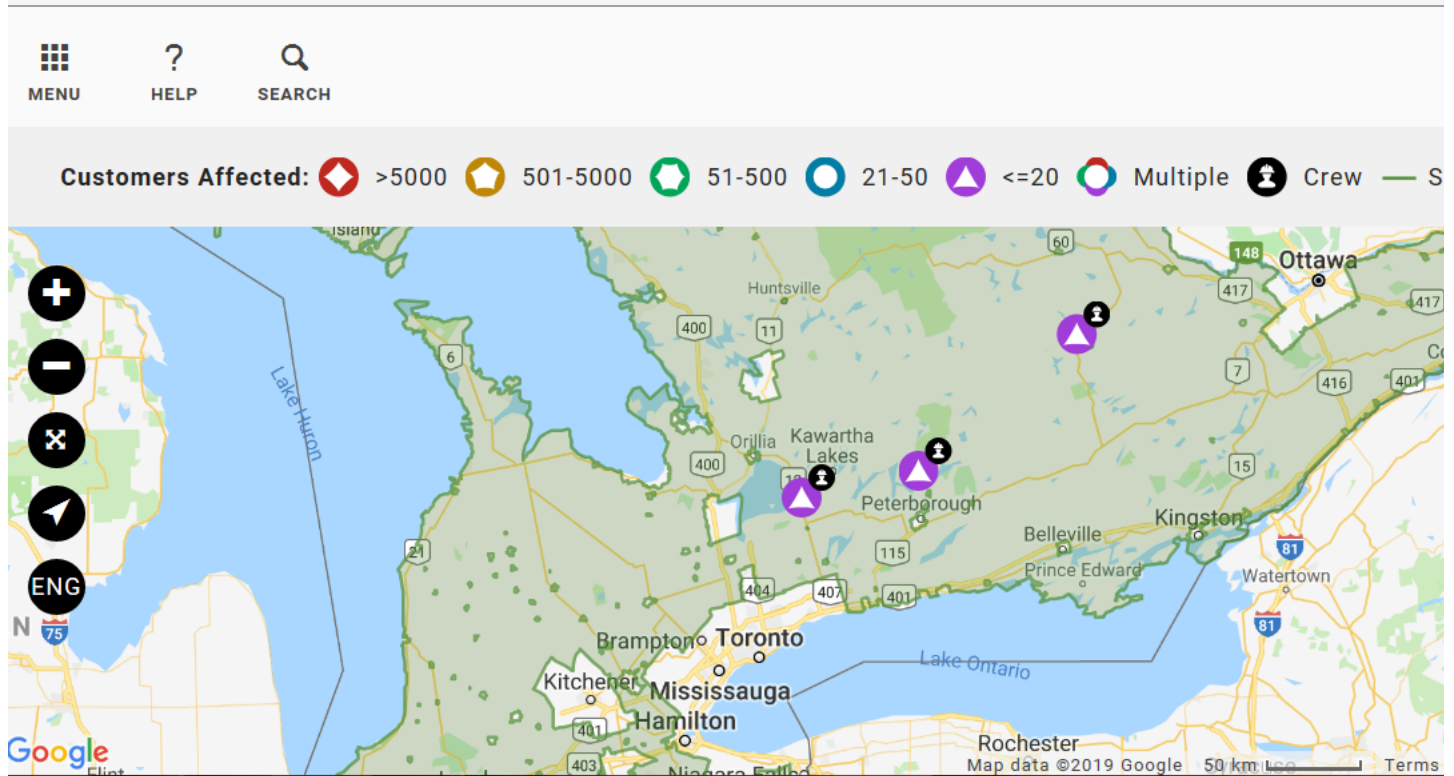
Hello,

We are in receipt of your Application for Consent, B-24-20 dated July 5<sup>th</sup>, 2024. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

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

To confirm if Hydro One is your local distributor please follow the following link: [Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

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



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

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

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

## NPCA comments - July 23, 2024 COA Agenda Available

Meghan Birbeck <[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)>

Fri 7/12/2024 11:47 AM

To: Committee of adjustment <[CofA@hamilton.ca](mailto:CofA@hamilton.ca)>

📎 1 attachments (597 KB)

Regulated land map - 3751 Highway No. 6.pdf;

**External Email:** Use caution with links and attachments

Good afternoon,

Of the properties included in Hamilton's CoA agenda for July 23, 2024, only one property is in the NPCA's jurisdiction with regulated features (3751 Highway 6).

3751 Highway No. 6 (Municipal File B-24:20) contains regulated watercourse and possible unevaluated wetlands. Additionally, there is unmapped floodplain to the south.

Technical staff have had a review and they do not have a flooding concern with the proposed lands to be severed.

Additionally, the proposed lot lines are not in the area of the regulated watercourse and possible unevaluated wetlands.

As such, the NPCA does not have an objection and will not require a review fee.

Best,  
Meghan



**Meghan Birbeck (MS)**  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext 278

[www.npca.ca](http://www.npca.ca)

[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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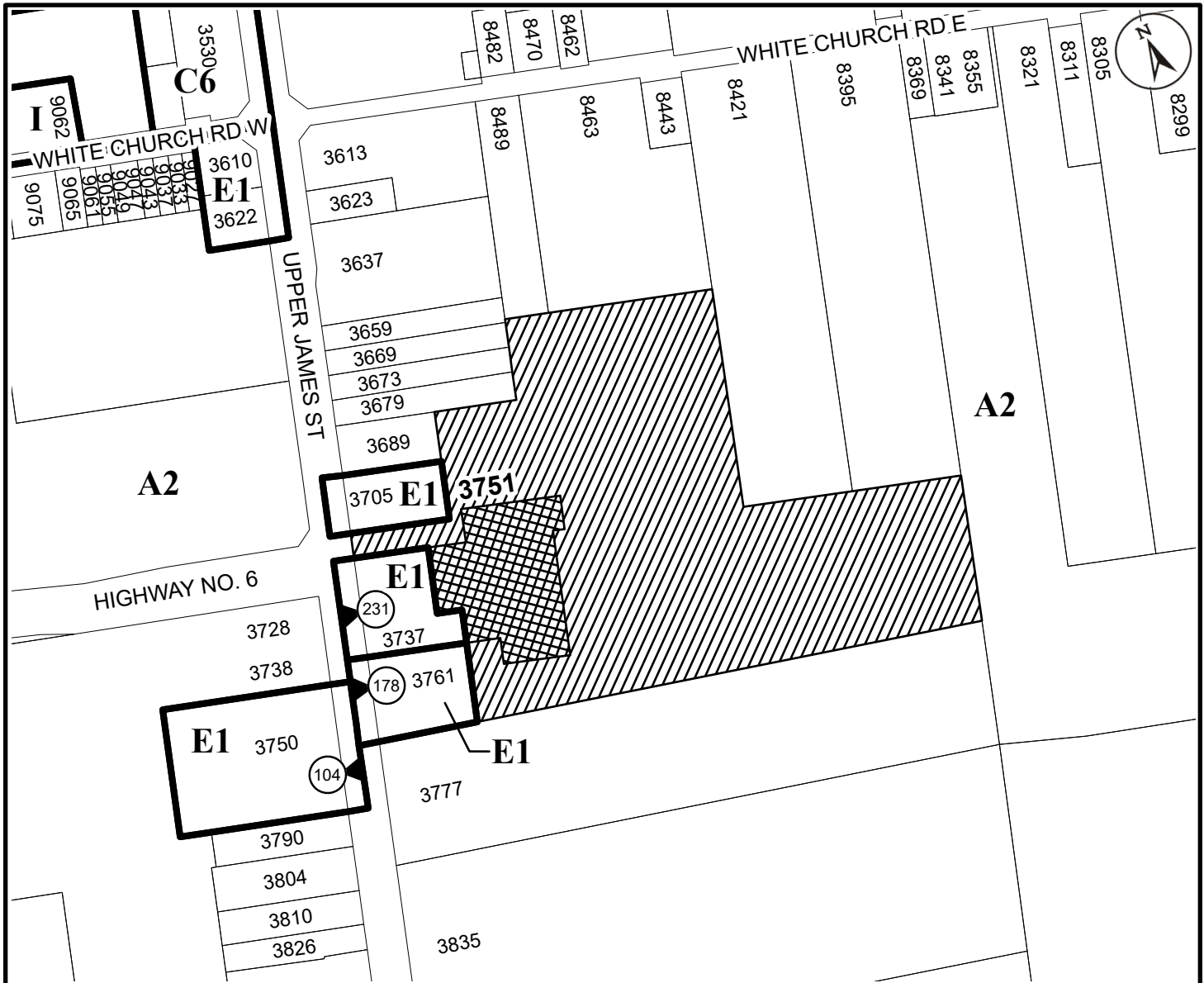
**From:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>

**Sent:** Thursday, July 4, 2024 11:46 AM

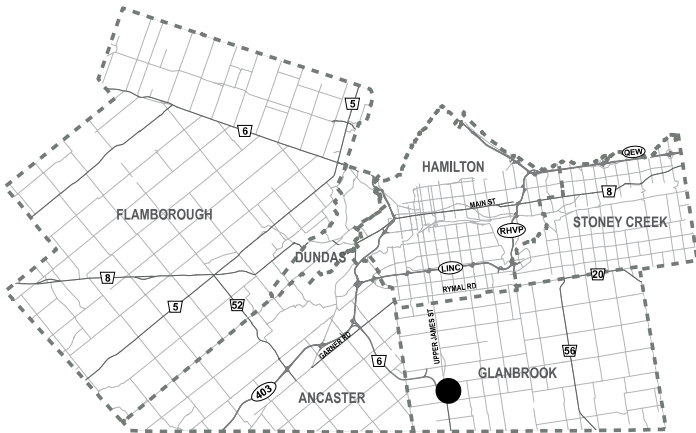
**To:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>

**Subject:** July 23, 2024 COA Agenda Available

Good Morning,



● Site Location





**City of Hamilton**

# Committee of Adjustment

**Subject Property**

3751 Hwy No. 6, Glanbrook (Ward 11)

-  Lands to be Retained
-  Lands to be Severed

**File Name/Number:**  
B-24:20

**Date:**  
July 8, 2024

**Technician:**  
AL

Map Not To Scale

**Appendix "A"**



Hamilton