



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-24:183	SUBJECT PROPERTY:	2405 Highway 5 West, Flamborough
ZONE:	A1 (Agriculture)	ZONING BY-LAW:	Zoning By-law Hamilton 05-200

APPLICANTS: Owner: Lammert & Gretha Koonstra
 Applicant: Victoria May & Greg Royce
 Agent: Ruchika Angrish

The following variances are requested:

1. To permit a 2.6 metres side yard to the accessory building on the retained lands whereas the zoning by-law requires a minimum side yard of 15.0 metres.

PURPOSE & EFFECT: So as to facilitate the clearing of conditions and create a new lot through Consent application FL/B-23:81.

Notes: N/A

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, September 10, 2024
TIME:	2:55 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

A-24:183

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

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

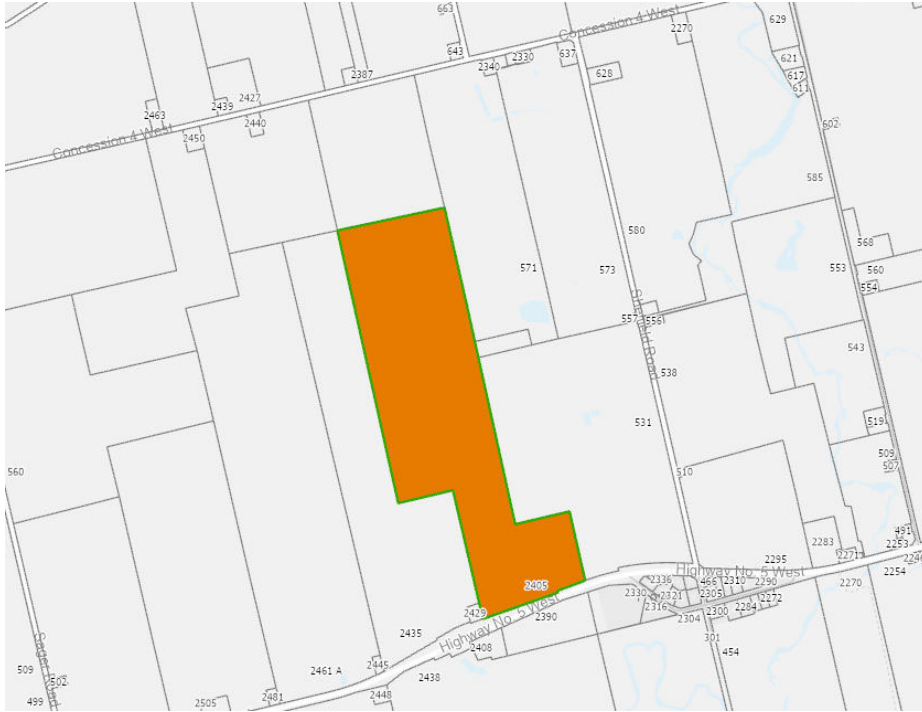
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon September 6, 2024

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 September 9, 2024

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:183, 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: August 22, 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.

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.

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

**PLAN OF SURVEY OF
PART OF LOT 5
CONCESSION 3
GEOGRAPHIC TOWNSHIP
OF BEVERLY
CITY OF HAMILTON**

SCALE - 1 : 500
WEST & RUUSKA LTD.

NOTE:

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A and B, BY THE CANCEL CAN-NET REAL TIME NETWORK OBSERVATION, UTM ZONE 17, NAD83 (CSRS) (1997)

FOR BEARING COMPARISONS, A ROTATION OF 00°02'15" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLANS 2R- 4369, 2R-5399, 2R-6741, 2M-1842, 2M-1843.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9995.

OBSERVED REFERENCE POINTS (ORPs)
UTM ZONE 17
NAD83 (CSRS) (1997.0) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4784689.912	548386.899
ORP B	4784653.856	548240.203

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

SCHEDULE			
PART	LOT	CONCESSION	P.I.N.
1	PART OF 5	3	PART OF 17556-0087(LT)

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

DATED _____

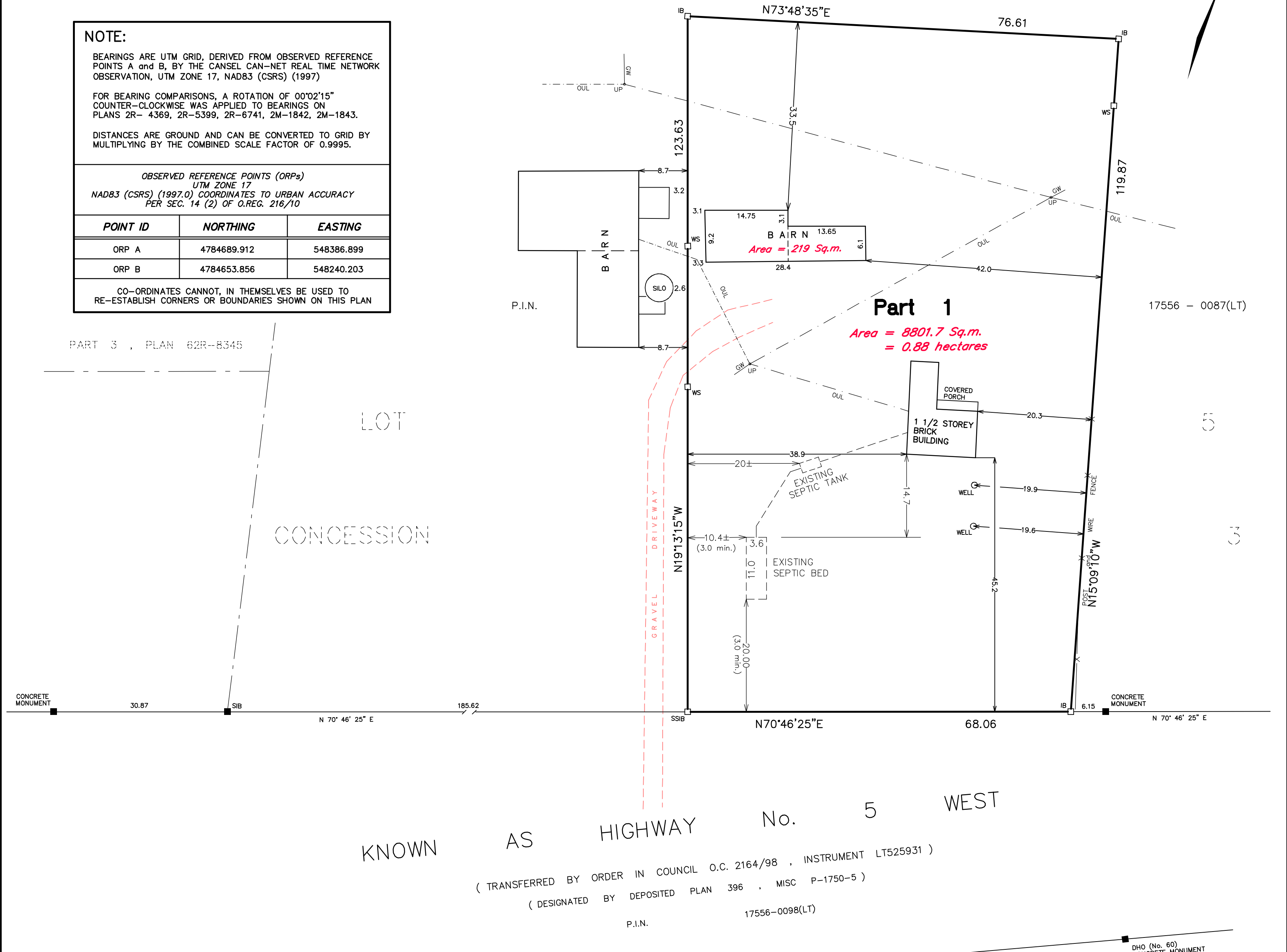
JIM JOHNSON, O.L.S.

PLAN 62R- _____

RECEIVED AND DEPOSITED

DATED _____

REPRESENTATIVE FOR THE LAND REGISTRAR
THE LAND TITLES DIVISION OF
WENTWORTH (No. 62)



KNOWN AS HIGHWAY No. 5 WEST
(TRANSFERRED BY ORDER IN COUNCIL O.C. 2164/98 . INSTRUMENT LT525931)
(DESIGNATED BY DEPOSITED PLAN 396 . MISC P-1750-5)
P.I.N. 17556-0098(LT)

DRAFT COPY
(subject to change)

NOTE:
THE SEPTIC LOCATION HAS BEEN INVESTIGATED and CONFIRMED BY J.H. COHOON ENGINEERING.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

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

DATED: _____

JIM JOHNSON
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM NUMBER V-

LEGEND

□	DENOTES	SET MONUMENT
■	"	FOUND MONUMENT
IB	"	IRON BAR
IBR	"	ROUND IRON BAR
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
1889	"	WEST & RUUSKA LTD., O.L.S.
UP	"	UTILITY POLE
GW	"	GUY WIRE
OUL	"	OVERHEAD UTILITY LINE
WS	"	WOOD STAKE

NOTE:
ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN and/or PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.

WEST & RUUSKA LTD.
Land Surveyors

17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6
Telephone (519)752-8641

DRAWN BY: Ted S. KUTYLA, CST, CET CHECKED BY: _____ K230146

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

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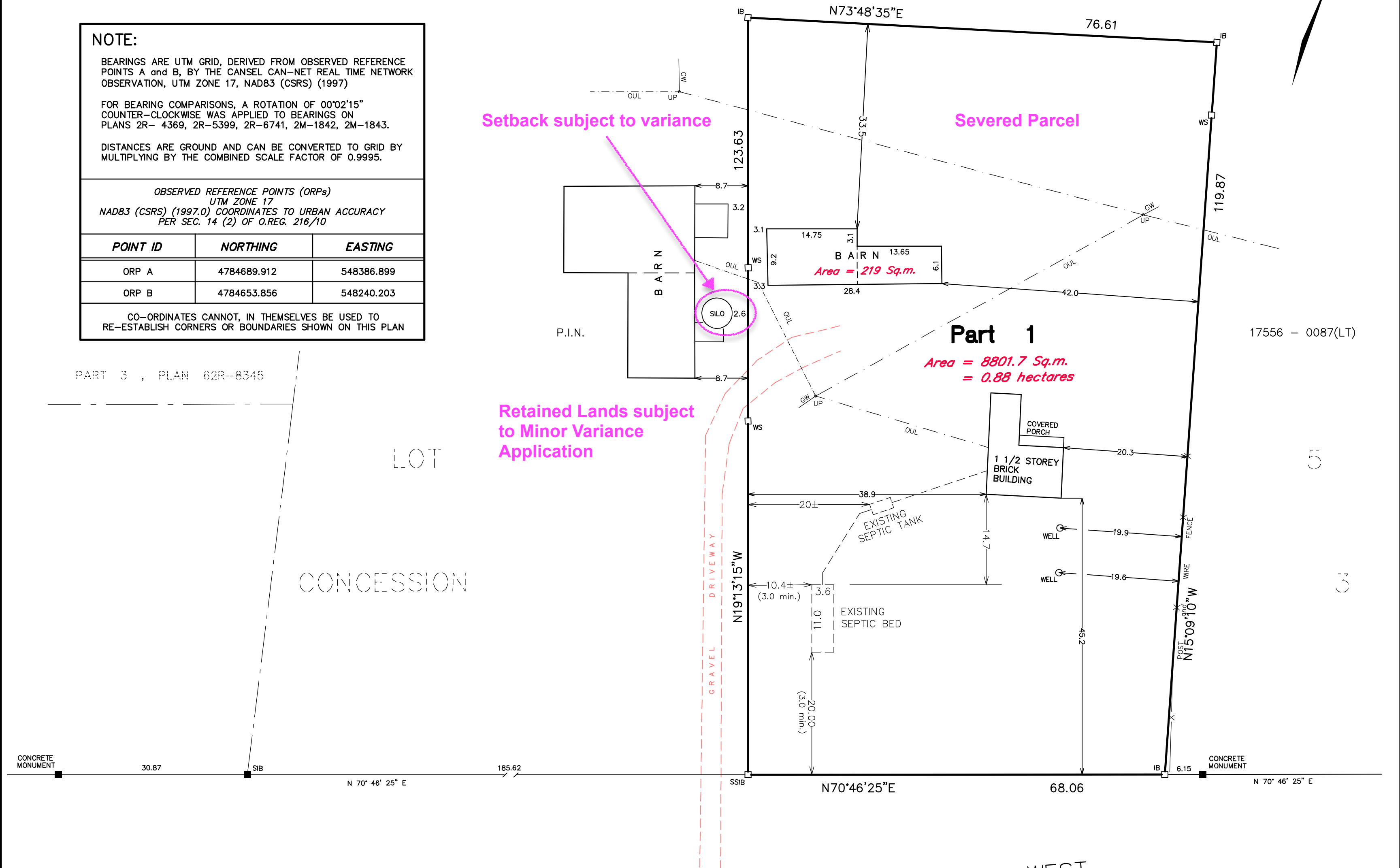
PLAN 62R-
RECEIVED AND DEPOSITED
DATED _____
REPRESENTATIVE FOR THE LAND REGISTRAR
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2. THE SURVEY WAS COMPLETED ON THE DAY OF _____
DATED: _____
JIM JOHNSON
ONTARIO LAND SURVEYOR

LEGEND

□	DENOTES	SET MONUMENT
■	"	FOUND MONUMENT
IB	"	IRON BAR
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DRAWN BY: Ted S. KUTYLA, CST, CET CHECKED BY: K230146

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM NUMBER V-

Severance Sketch

Retained

Severed

SHEEPFIELD RD

TROY RD

HWY 5W



Subject Lands with Dimensions



+/- 415m

+/- 1,203m

+/- 1,038m

+/- 212m

+/- 212m

+/- 270m

+/- 487m

HWY 5W

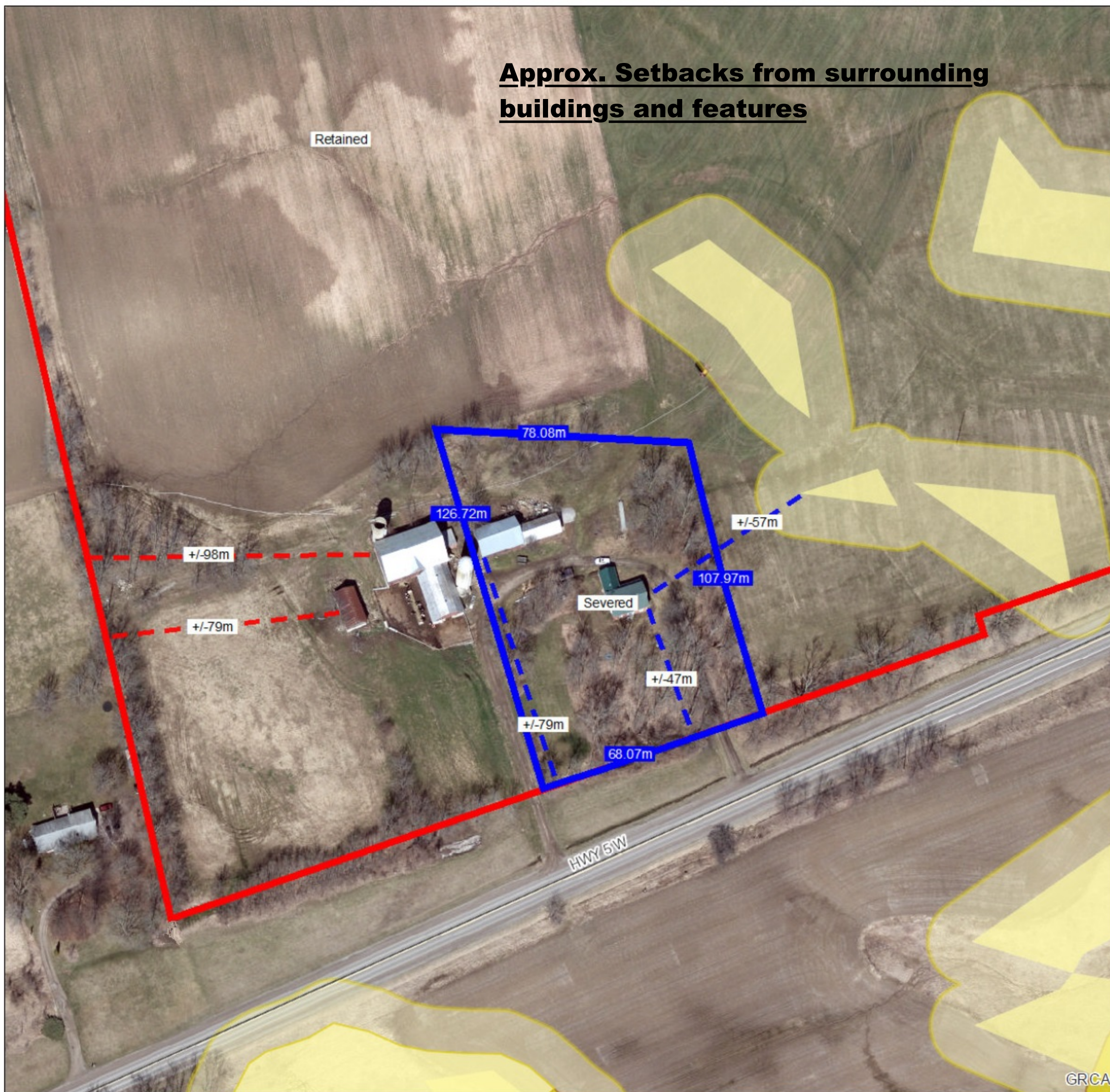
+/- 415m

SHEFFIELD RD

TROY RD



Approx. Setbacks from surrounding buildings and features

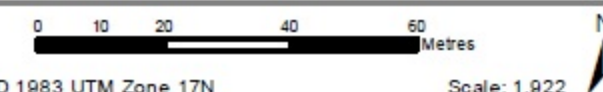


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





THE ANGRISH GROUP

156 Charing Cross Street, Brantford, ON, N3R 2J4

Planning Justification Report

2405 Highway #5 West, Flamborough

Prepared For: Victoria May & Greg Royce

Prepared By: The Angrish Group

June 06, 2024

File: 2023_128

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1. Introduction

The Planning Justification Report has been prepared by The Angrish Group in support of a Minor Variance Application required for the development of the lands. The report has been prepared on behalf of Victoria May and Greg Royce, applicants on behalf of the owners of the property (Lammert Koonstra and Gretha Koonstra) municipally known as 2405 Highway #5 West, Flamborough.

The report outlines a request for a Minor Variance required as a result of a provisionally approved Consent Application FL.B.23.81, approved by the Committee of Adjustment on January 18, 2024, to permit a surplus farm dwelling severance.

The Planning Justification Report provides an analysis of the provincial and municipal planning framework and provide a professional planning opinion related to the proposed Minor Variance Application. The report should be read in conjunction with the original proposal for the lot line adjustment and the Planning Justification Report dated November 2, 2023 prepared by The Angrish Group.

2. Location and Description

The subject lands are described as Part Lots 4 and 5, Concession 3, former Municipality Flamborough and are located at 2405 Highway #5 West, Flamborough.

The property is approximately 57.5 hectares (+/-142 acres) in size, with a frontage of around 403 meters (+/-1,322.9 feet) on Highway # 5 West.

The subject lands contain a single dwelling house, two (2) barns and one (1) silo. The two barns are not active and currently are just used to hold farm equipment and personal storage.

The house is one storey and has an area of approximately 1,500 square meters, and the barn is one storey with a size of approximately 2,400 square meters.

The immediate surrounding area consists of large agricultural parcels with farm dwellings and farm related structures. The lands are located approximately 5 KM to the east of Village of St. George.

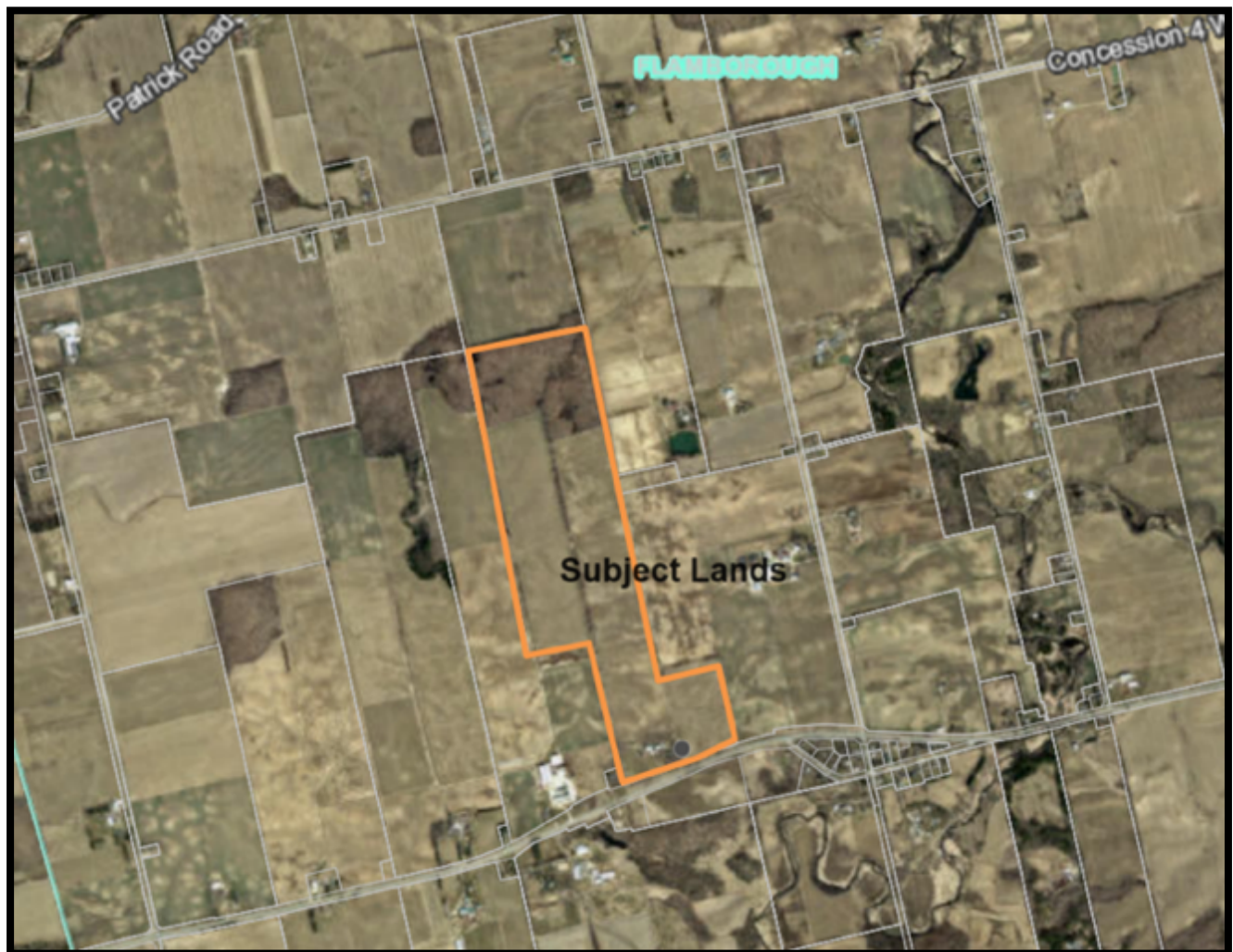
The single detached dwelling on the subject lands is over 100 years old and is labeled "Inventoried Properties" within the heritage mapping system of the City of Hamilton - meaning they have been surveyed for being historical interest, but currently have no database or legal status.

The dwelling is being rented out by the owner to the applicants and is currently being resided in. Photos and further information regarding the condition of this dwelling are located within the proposal section of this report.

The subject lands are currently serviced by private well and septic system.

Map 1 show the location of the property and the surrounding land uses noting significant agricultural area in the vicinity of the property.

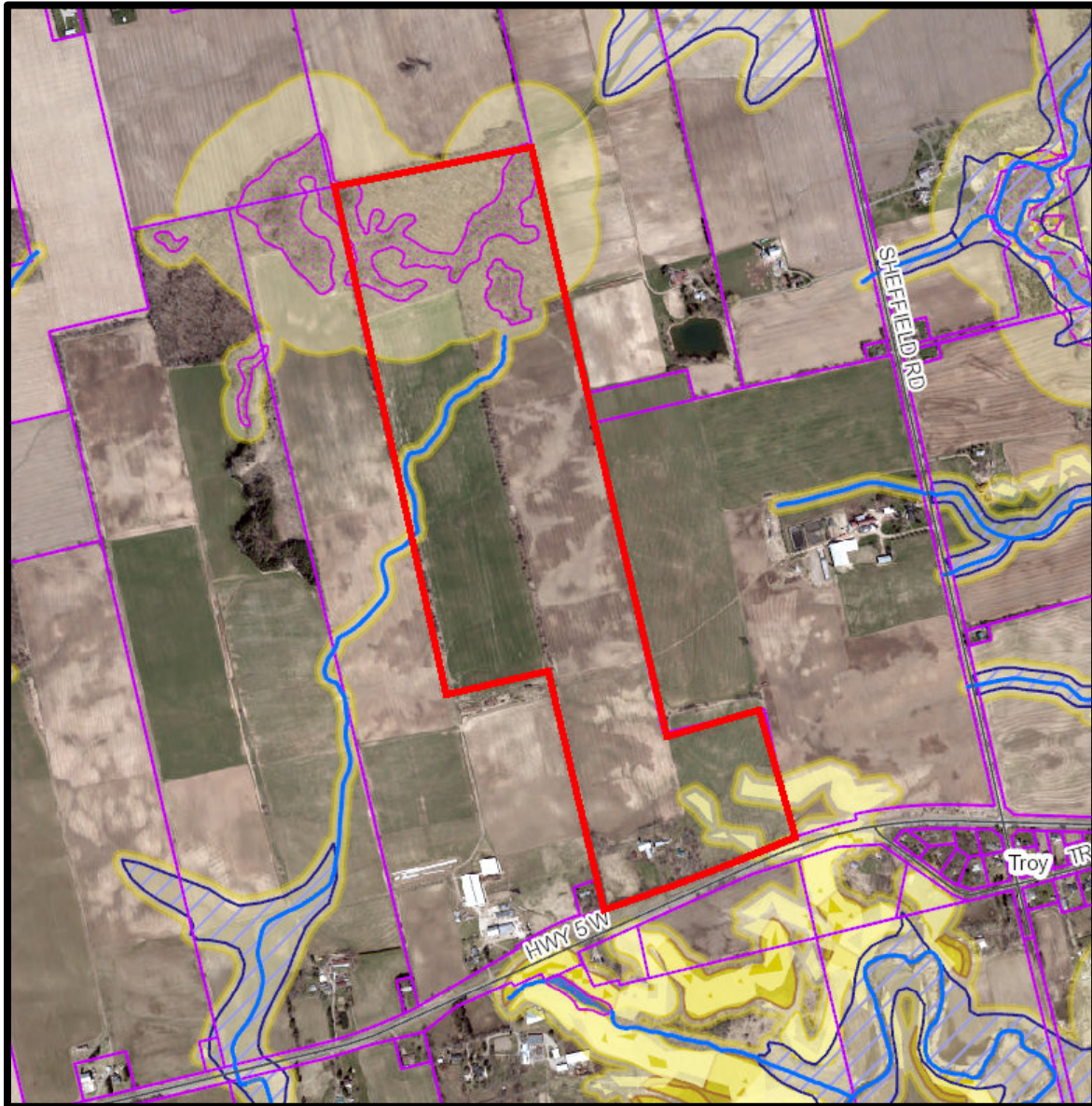
Map 1: Location of Subject Lands



The subject lands contain a wetland and small watercourse to the north side of the farm and slight slopes on the south-side of the property. The lands are regulated by Grand River Conservation Authority due to the presence of natural features.

Map 2 shows an excerpt from Grand River Conservation Authority regulation mapping.

Map 2: GRCA Regulation Mapping

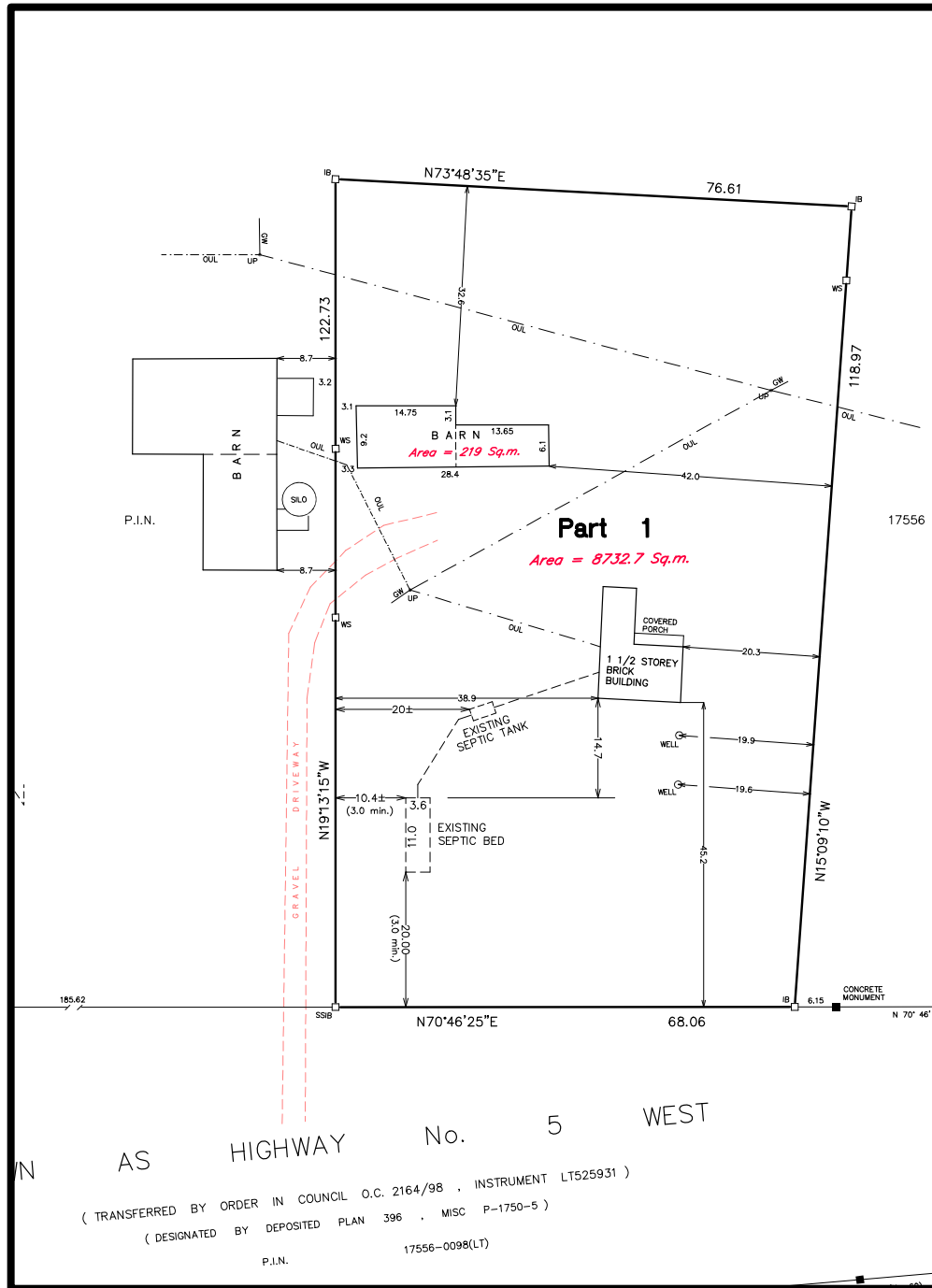


3. Proposal

The owners have received a provisional consent for a lot line adjustment on January 18, 2024 by the Committee of Adjustment to sever approximately 0.85 hectares (2.09 acres) in size with a frontage of approximately 68.07 meters on Highway #5 as a surplus farm dwelling.

Map 3 shows a draft reference plan of the severed lands. The retained lands will be approximately 55.8 hectares (138 acres) with a frontage of approximately 133-meters on the west side and 199-meter frontage on the east side of Highway #5, which will be continued to be used for agricultural purposes.

Map 3: Draft Reference Plan



The property is currently zoned Agricultural (A1) and Conservation/Hazard Land (P6) in the City of Hamilton Comprehensive Zoning By-Law 05-200.

Through the review of the zoning clearance, it was noted that the existing agricultural structure does not meet the required 15 meter setback from the property line. As per Section 4.8.1.3.b and Section 12.1.3.1 of the Zoning By-Law 05-200, a minimum side yard required for Agricultural (A-1) Zone for all agricultural accessory structures with area more than 18 square meters is 15 meters. There is an existing barn that is 219 square meters and is located 8.7 meters from the new lot line. There is also a small silo located 2.6 meters from the eastern property line.

A Minor Variance is proposed for the following:

- a) Reduced Side Yard of 2.6 meters.

The report provides a planning analysis for the requested variance.

4. The Policy Context

The applications are subject to the provisions of the Planning Act, as amended. All Planning Act applications are evaluated to ensure that the proposal is consistent with the Provincial Policy Statement (2020), conforms with the policies of the Greenbelt Plan (2005), conform to the Growth Plan for the Greater Golden Horseshoe (2020) and is in conformity with the municipal Official Plan. This section demonstrates that the proposed Application is consistent with, and conform to, the applicable provincial and local planning policy framework.

4.1. Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) is issued in accordance with Section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” the PPS.

The PPS provides policy direction on matters of provincial interest related to land use planning and development in Ontario and sets the policy foundation for regulating the development and use of land. The PPS encourages efficient development patterns that support sustainability by promoting strong, livable, healthy, and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The wise use and management of natural heritage resources, water resources, agricultural resources, mineral resources, and cultural heritage and archaeological resources over the long term is a key provincial interest.

Section 1.1.1 of the PPS advocates for healthy, liveable, and safe communities.

The proposal for a surplus farm dwelling severance has received a provisional consent by the City of Hamilton Committee of Adjustment. A Minor Variance is required to allow reduced side yard for the agricultural accessory structure. No new lots in agricultural area will be created through these applications.

2.0 of the Provincial Policy Statement's intent is to ensure Ontario's wise use and management of resources for long-term prosperity, environmental health, and social well-being by conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Section 2.1 and 2.1.2 focus on the long-term protection, maintenance, restoration, and where possible improvements of natural features, and ensuring diversity and connectivity of natural features in the area.

The subject lands contain steep slope erosions on the east side, a regulated watercourse to the north and protected wetlands and wooded areas at the rear northern portion of the property. These have been recognized while assessing the land for severance as the new lot lines are approximately 56 meters away from the eastern slope erosion and over 500 meters away from the natural features to the north. There will not be any negative effects on the protected natural heritage features.

Section 2.3 of PPS provides policies for Prime Agricultural Areas and highlights the importance of protecting the agricultural resources of Ontario. Permitted uses and activities include agricultural uses, agriculture-related uses, and on-farm diversified uses.

The subject lands are located within the Protected Countryside of the City of Hamilton and are designated as Agricultural in the Rural Hamilton Official Plan (2012). The property is serviced by a private well and septic system.

The lands will continue to be used for agricultural uses and the farm consolidation resulting is a surplus farm dwelling severance does not result in any new lots. A restrictive covenant will be included on the retained lands to ensure no new dwellings can be constructed. There are no impacts related to Minimum Distance Separation Guidelines as noted in the original Planning Justification Report dated November 2, 2023.

The existing agricultural accessory structure is located close to the newly established property line, requiring a variance. No negative impacts to the agricultural operations or the surroundings are expected through the application.

It is my professional opinion that the proposed application is consistent with the Provincial Policy Statement (2020).

4.2. Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the “Growth Plan”) is prepared under the Places to Grow Act, 2005. The Growth Plan provides policy direction for growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. It implements Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. The Growth Plan recognizes the significance of the natural areas and agricultural lands that provide significant contribution to the Ontario’s resilience and ability to adapt to a changing climate. The Growth Plan notes that the agricultural lands will be protected for the provision of healthy, local food for future generations.

The subject lands are designated Agriculture in the Rural Hamilton Official Plan.

The proposed application for a Minor Variance is required to satisfy the conditions of approval for the Consent Application FL.B.23.81. The existing agricultural accessory structure is located close to the newly established property line, requiring a variance. No negative impacts to the agricultural operations or the surroundings are expected through the application. The accessory structure is used for agricultural storage, and no livestock is permitted in the building. There are no impacts related to Minimum Distance Separation Guidelines as noted in the original Planning Justification Report dated November 2, 2023.

There is no loss of farmland or impact on the natural heritage features proposed through these applications. No new lots are being created in agricultural area. The natural heritage features will remain protected on the lands.

There are no changes to land uses, or site alterations proposed in future that will conflict with the existing cultural resource.

It is my professional opinion that the proposed application is in conformity with the policies of the Growth Plan for Greater Golden Horseshoe (2020).

4.3. Greenbelt Plan

The Greenbelt Plan was introduced in 2005 to help shape the future of this region. The Greenbelt Plan 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 structure, where and how future growth should be accommodated and what must be protected for current and future generations. With the rapid growth in this region, urban development and sprawl have become a major threat to natural and rural areas in the landscape. The Greenbelt Plan has been designed in conjunction to the Growth Plan to protect these areas from the risks of urban sprawl and development.

The Subject Lands are located within the "Protected Countryside" area within the Greenbelt Plan. Protected Countryside allows agricultural uses and existing dwellings. The proposed application for a variance is required to satisfy conditions of approval of provisionally approved Consent Application FL.B.23.81 for a surplus farm dwelling severance.

The proposal will have no negative impacts on the prime agricultural or the natural features located on the retained lands. No new buildings or structures or additions to existing buildings are proposed.

It is in my professional opinion that the proposed application is in conformity with the Greenbelt Plan.

4.4. Official Plan

The Rural Official Plan (the "Official Plan") of the City of Hamilton was adopted by Council on September 27, 2006 and was approved by the Ministry of Municipal Affairs and Housing on December 24, 2008. The Official Plan came in effect on March 7, 2012. The city has completed its review of the current Rural Official Plan and By-Law 22-146 was adopted by City Council on May 25, 2022. The revised document was prepared to update policies reflecting current updates to the provincial policies. The amendments were approved by the Ministry of Municipal Affairs and Housing in November 2022.

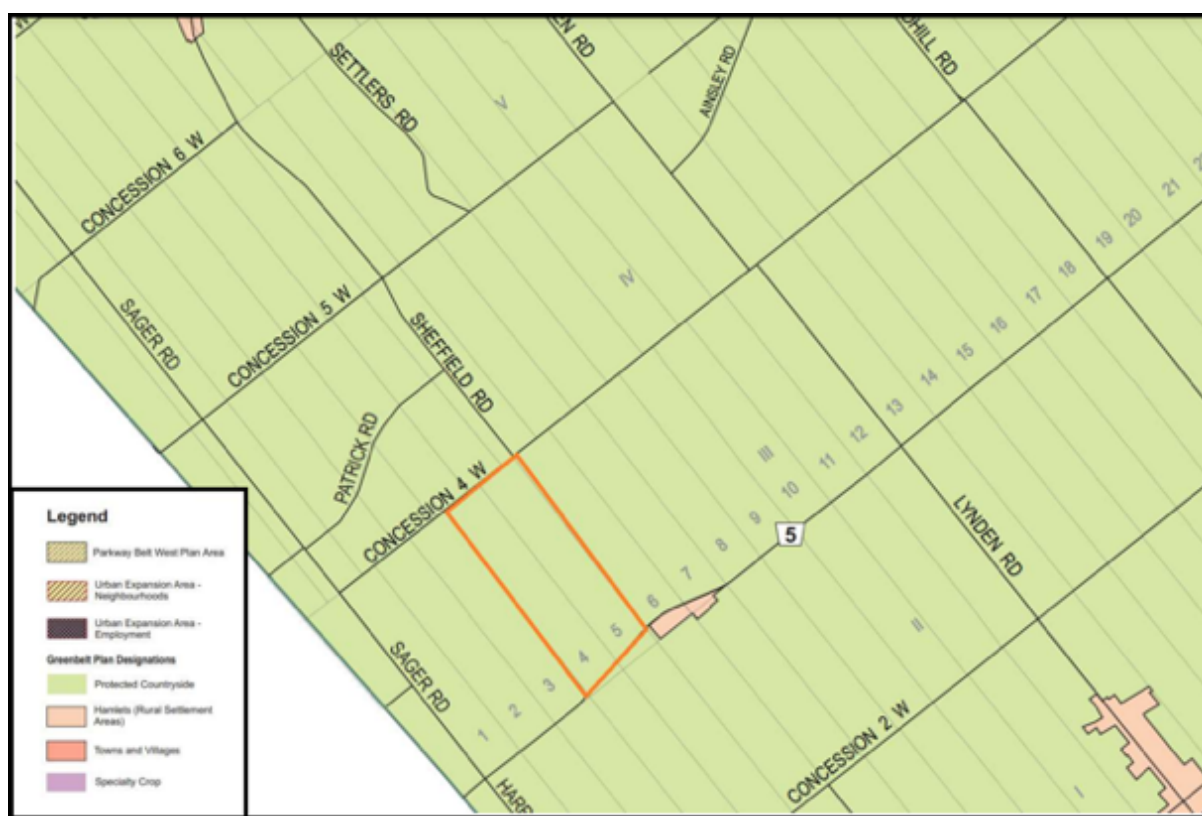
The Official Plan is a guiding document for the City to achieve its vision. The plan provides direction and guidance on the management of our communities, land use change and physical development over the next 30 years. The Official Plan provides a framework of

objectives and strategies, land use designations and policies intended to guide the future growth and development in the City supporting Vision 2020 for a vibrant, healthy, and sustainable city. The Rural Official Plan applies to all lands within Rural Hamilton (OPA 26).

The subject property is designated as Agricultural and Natural Heritage System in the Rural Official Plan. The lands are identified within the prime agricultural area of the City. The lands are also within the Protected Countryside of the Greenbelt Plan.

Map 4 provides an excerpt of the property showing the Protected Countryside designation and Map 5 notes the land use designation on the lands.

Map 4: Excerpt from Rural Official Plan Schedule A



Section C.2.0 of the Rural Official Plan provides policy direction for Natural Heritage System. A large portion of the city has been identified as part of the Natural Heritage System of the Protected Countryside in the Greenbelt Plan.

The Subject Lands are identified Protected Countryside in the Official Plan. As per Section C.2.2.2, the policies do not prohibit the continuation of the existing agricultural uses within or adjacent to the Natural Heritage System lands. The Subject Lands are currently used for agricultural uses and are proposed to continue as such. The conditionally approved surplus farm dwelling severance will not have any impact on the natural heritage system as no site alteration is being proposed in or adjacent to the natural features. No major development or new buildings or structures or any land use changes are being proposed that will impact the natural environment.

Map 5: Excerpt from Rural Official Plan Schedule D



The objective of Section C.5.1 is to ensure all rural developments have established and maintained sustainable private services.

There are no changes proposed to the existing private services on the Subject Lands and they will be able to continue to function with no negative impacts to

the lands or surrounding areas. No new development or construction of buildings or structures is proposed through this application.

Section F.1.13 of the Official Plan provides policies related to Minor Variances.

Severances in Agricultural Areas is prohibited except if the lot is created as a residential surplus to the farming operations and as a result of farm consolidation. The proposed application for a Minor Variance is required to satisfy conditions of approval of provisionally approved Consent Application FL.B.23.81 for a surplus farm dwelling severance.

The severed and retained lot complies with the regulations of the Zoning By-Law 05-200. Both severed and retained lands will have frontage on Highway #5. No land is being taken out of agricultural production as a result of the application.

The dwelling was built over 100 years ago and is currently occupied by tenants. Pictures of the dwelling showing that it is habitable have been included in the submission. No new construction or demolition is proposed or required for the lands.

The farm will remain economically viable and appropriate in size and no new lots will be created in the agricultural area. A Restrictive Covenant will be granted in favour of the City for the retained lands to ensure no new dwellings are permitted. The City will rezone the retained lands to prohibit residential uses in the housekeeping amendment to the Zoning By-Law.

The proposal is in keeping with the surrounding agricultural operations.

The accessory structures are used for storage and the variance is required to permit a reduced side yard setback from the newly established lot line.

It is my professional opinion that the proposed application conforms with the policies of the Rural Hamilton Official Plan.

5. Zoning By-Law

The City of Hamilton's Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005 and is being implemented in stages.

Zoning By-law No. 05-200 includes several sections including definitions, general provisions, parking regulations as well as the various zones. The zones structured are to

identify permitted and prohibited uses as well as the regulations applicable to a permitted use. Definition, general provisions, and parking regulations work in conjunction with the zones and need to be reviewed for all development applications to determine compliance.

The subject lands are zoned Agricultural (A1) and Conservation/ Hazard Land-Rural Zone (P6) in the Zoning By-Law 05-200. Single Detached Dwellings are permitted within A1 zones in the Zoning By-Law 05-200.

A variance is proposed for the reduced side-yard setback for the agricultural accessory structure located on the retained lands as a result of the provisionally approved Consent Application FL.B.23.81 for a surplus farm dwelling severance. All other zoning provisions are met.

It is my professional opinion that the proposal meets the regulations of the Zoning By-Law.

6. Minor Variance

A Minor Variance Application is required to permit a reduced side yard setback of 2.6 meters whereas the by-law requires 15 meters for accessory structures.

In accordance with the requirements of *the Planning Act*, in the consideration of an application for Minor Variance, there are “four tests” which are required to be satisfied, they are:

1. Does the application conform to the general intent of the Official Plan?
2. Does the application conform to the general intent of the Zoning Bylaw?
3. Is the application desirable for the appropriate development of the lands?
4. Is the application minor?

a) Official Plan Conformity

The lands are designated Agriculture in the Official Plan. The policies of this designation allow for agricultural uses and surplus farm dwelling severances. The Subject Lands have been provisionally approved for a surplus farm dwelling severance. The variance will allow a reduced side yard setback for the agricultural accessory structure on the retained parcel and will not have any negative impact on the surrounding area. There will be no impact on the existing natural heritage features as no new development or site alteration is proposed.

It is my opinion that the intent of the Official Plan is maintained through the requested variance.

b) Conformity with the general intent of the Zoning By-Law

As per Section 4.8.1.3.b and Section 12.1.3.1 of the Zoning By-Law 05-200, a minimum side yard required for Agricultural (A-1) Zone for all agricultural accessory structures with area more than 18 square meters is 15 hectares. The existing barn used for farm equipment storage is located 219 square meters and is located 3.2 meters from the new lot line. There is also a small silo that is located 2.6 meters from the new lot line. A variance is required for the side yard setback for the silo.

It is my opinion that the variance is needed for efficient use of the land and would maintain the general intent of the Zoning By-Law as there are no negative impacts to the surrounding properties.

c) Appropriateness of the Minor Variance for the desirable development of the lot

From a public interest perspective, there are not any impacts to neighbouring properties due to the proposed Minor Variance. The variance is required to satisfy conditions of approval for a surplus farm dwelling.

The requested variance will not result in any negative impact on the surrounding neighbourhood. The variance is required for the efficient use of lands and is in keeping with the form of development in the surrounding area.

It is my opinion that the proposed variance provides for the desirable use of the lands.

d) Proposed Variance is Minor in nature

Based on the review of the Official Plan policies, Zoning By-Law regulations, and a review of the appropriateness of the proposed variance in the surrounding area along with the three (3) tests as outlined in this report, it is my opinion that the request for variance is minor in nature and is required for the efficient use of the lands.

7. Summary and Recommendations

The proposed Minor Variance application is requested to satisfy condition of approval for the Consent Application FL.B.23.81. The application will allow completion of the surplus farm dwelling severance as a result of farm consolidation. The proposed application is required for the sustainability of an agricultural uses.

It is my professional opinion that the proposed application is:

- consistent with the Provincial Policy Statement;

- in conformity with the Growth Plan for the Greater Golden Horseshoe;
- in conformity with the Greenbelt Plan
- conform to the policies of the Rural Hamilton Official Plan; and
- in keeping with the regulations of the City of Hamilton Zoning By-Law 05-200.

The proposed application represents good planning, and it is requested to the Committee of Adjustment that the application be approved.

Respectfully Submitted,

TAG – The Angrish Group



Ruchika Angrish, MPlan, B.Tech., MCIP, RPP
Co-Founder

CC: Victoria May and Greg Royce, Applicants

I hereby certify that this Planning Report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners' Institute Act, 1994.



June 6, 2024

I hereby certify that this plan/report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

June 6, 2024
Date



Ruchika Angrish
Registered Professional Planner



Hamilton

COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF DECISION
Consent/Land Severance

APPLICATION NO.:	FL/B-23:81	SUBJECT PROPERTY:	2405 Highway No. 5. W., Flamborough
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APPLICANTS: Owner: Lammert & Gretha Koonstra
Agent: Ruchika Angrish
Applicant: Victoria May & Greg Royce

PURPOSE & EFFECT: To permit the conveyance of surplus farm dwelling and to retain a parcel of land for agricultural purposes. All existing structures to remain.

	Frontage	Depth	Area
SEVERED LANDS:	68.07 m [±]	126.72 m [±]	0.85 Ha [±]
RETAINED LANDS:	336.5 m [±]	1,510 m [±]	55.8 Ha [±]

Associated Planning Act File(s): N/A

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out above, Approved as Amended with Conditions, for the following reasons:

1. The proposal does not conflict with the intent of the Urban/Rural Hamilton Official Plan.
2. The proposal does not contravene Zoning By-law requirements.
3. The Committee considers the proposal to be in keeping with development in the area.
4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
5. The submissions made regarding this matter affected the decision by supporting the granting of the application, with amendments.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be

FL/B-23:81

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 owner shall submit survey evidence that the lands to be severed, including the location of any existing structure(s), maximum size and size of the existing barn on the severed lands, parking and landscaping etc., 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).
5. If a Condition for a road widening and/or daylight triangle dedication is required, the owner/applicant shall submit survey evidence that the lands to be severed including the lot width, lot area, the location of any existing structure(s), parking 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).
6. 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).
7. That the owner submits and receives approval of a Landscape Plan, prepared by a qualified tree management professional (i.e. certified arborist, registered professional forester or landscape architect), to the satisfaction of the Manager of Heritage and Urban Design.
8. That the owner shall provide a scoped hydro geological report to determine the ultimate lot size for the severed portion, to the satisfaction of the Source Water Protection.

DATED AT HAMILTON, January 18, 2024.

D. Smith (Chairman)

M. Dudzic

B. Charters

T. Lofchik

N. Mleczko

D. Serwatuk

M. Smith

M. Switzer

The date of the giving of this Notice of Decision is **January 25, 2024**. Above noted conditions **MUST** be fulfilled within **TWO (2) YEARS** of the date of this Notice of Decision (January 25, 2026) or the application shall be deemed to be REFUSED (Planning Act, 53(41)).

NOTES:

1. THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO LAND TRIBUNAL (OLT) MAY BE FILED IS **February 14, 2024** A Notice of Appeal must be filed with the Secretary-treasurer of the Committee of Adjustment, must set out the reasons for the appeal and must be accompanied by the applicable fee. See Appeal Information Consents/Severances for more information.
2. **This Decision is not final and binding unless otherwise noted and must not be acted upon until the period of appeal has expired.**
3. The Decision does not release any persons from the necessity of observing the requirements of building regulations, the license by-law, or any other by-law of the City of Hamilton.



Hamilton

June 17, 2024

FILE: ALR
 FOLDER: 24- ALR (TBD)
 ATTENTION OF: Victoria Brito
 TELEPHONE NO: (905) 546-2424
 EXTENSION: 7628

Ruchika Angrish
 156 Charing Cross Street
 Brantford, ON N3R-2J4

Attention: Marcus

Re: APPLICABLE LAW REVIEW – ZONING BYLAW (CLEARANCE OF CONDITIONS)
Present Zoning: A1 (Agriculture)
File: CONSENT APPLICATION FL/B-23:81
Address: 2404 Highway 5 West, Flamborough

An Applicable Law Review respecting zoning bylaw compliance has been completed and the following comments are provided.

COMMENTS:

1. The applicant wishes to clear conditions #4 and #5 of Land Severance FL/B-23:81 for the conveyance of surplus farm dwelling and to retain a parcel of land for agricultural purposes.
2. A single detached dwelling and agricultural uses are permitted in the current A1 zone.
3. The proposal will maintain the existing single detached dwelling on Part 1 of the land and maintain Part 2 of the lands for agricultural purposes.
4. The proposal has been reviewed to the standards of the A1 Zone and the Hamilton Zoning By-law 05-200 as shown on the following chart:

	Required By By-Law	Provided	Conforming/ Non-Conforming
Section 12.1.3.1 – Agriculture (Part 2)			
Minimum Lot Area [as per section 12.1.3.1 a) of the Hamilton Zoning By-law 05-200]	i) 40.4 hectares; ii) Notwithstanding i) above, for the lots delineated on Figure “7.0” - Specialty Crop of Schedule “F” – Special Figures, the minimum Lot Area shall be 16.2 hectares. Note: This property is not located in Figure 7.0 of Schedule “F”	A minimum lot area of 55.8ha is proposed to be maintained.	Conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
Minimum Yards [as per section 12.1.3.1 b), c) and d) of the Hamilton Zoning By-law 05-200]	A minimum front yard of 15.0m.	The proposal does not change the front yard. The existing front yard is greater than 15.0m	Existing conforming
	A minimum Side yard of 15.0m	A minimum side yard 8.7m is proposed to the new lot line. In addition, the applicant confirms that the portion of the building located as close as 3.2m to said new lot line is part of the building. A setback of 2.6m is shown from the silo to the proposed new lot line.	Non-conforming
	A minimum Rear yard of 15.0m	The proposal does not change the rear yard. The existing rear yard is significantly greater than 15.0m.	Existing conforming
Maximum Lot coverage [as per section 12.1.3.1 e) of the Hamilton Zoning By-law 05-200]	i) 20%; ii) Notwithstanding i) above, the maximum lot coverage for greenhouse operations shall be 70%	The proposed lot coverage has not been clearly indicated. However, it is noted a lot coverage significantly less than 20.0% is proposed to be maintained.	Conforming
Section 12.1.3.3 – Single Detached Dwelling (Part 1)			
Minimum Lot Area [as per section 12.1.3.3 a) of the Hamilton Zoning By-law 05-200]	0.4 hectares	A minimum lot area of 0.85ha is to be maintained	Conforming
Minimum Lot Width [as per section 12.1.3.3 b) of the Hamilton Zoning By-law 05-200]	30.0m	A minimum lot width of 68.07m is to be maintained.	Conforming
Minimum front yard [as per section 12.1.3.3 d) of the Hamilton Zoning By-law 05-200]	10.0m	The proposal does not change the front yard. The existing front yard is greater than 10.0m	Existing Conforming
Minimum Side yard [as per section 12.1.3.3 e) of the Hamilton Zoning By-law 05-200]	3.0m	Dwelling: A minimum westerly side yard of 38.9m is proposed to the new lot line.	Conforming
		The proposal does not change the existing easterly side yard. The existing easterly side yard is 20.3m.	Existing conforming
		Barn: A minimum westerly side yard	Conforming

	Required By By-Law	Provided	Conforming/ Non-Conforming
		of 3.1m is proposed to the new lot line. The proposal does not change the existing easterly side yard. The existing easterly side yard is 42.0m.	Existing Conforming
Minimum rear yard [as per section 12.1.3.3 f) of the Hamilton Zoning By-law 05-200]	10.0m	The proposal does not change the existing rear yard. The existing rear yard is significantly greater than 10.0m.	Conforming
Section 4.8.1.2 – Buildings Accessory to Single Detached Dwellings in an A1 zone (Part 1)			
Accessory buildings greater than or equal to 18.0m² [as per section 4.8.1.3 b) of Hamilton Zoning By-law 05-200]	In addition to Subsection 4.8 f), all Accessory Buildings having a Gross Floor Area greater than or equal to 18 square metres shall conform to the regulations for the principal use.	The proposal will maintain an accessory building (barn) having a area of 219.0m ² .	See compliance comments above
Section 5 – Parking (Part 1 and 2)			
Minimum parking [as per Section 5 of Hamilton Zoning By-law 05-200]	A total of 1 parking space for a single detached dwelling. No parking is required for Agriculture.	Required parking can be accommodated on site for the single detached dwelling.	Conforming

- Please note that as the proposal results in zoning non-conformities as noted in the chart above; as such, staff are unable to clear condition #4 of Land Severance FL/B-23:81. A successful minor variance application is a course of action you might take in order to address the zoning issues. For further information, please contact Development Planning at pdgening@hamilton.ca or Committee of Adjustment at cofa@hamilton.ca.
- Based on submitted Plan of Survey along with Land Severance Decision FL/B-23:81, staff can confirm that a condition for a road widening and/or daylight triangle dedication is not required at this time. **As such, Conditions # 5 Land Severance FL/B-23:81, can now be cleared.**

Yours truly



for the Manager of Zoning and Committee of Adjustment



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)	Lammert & Gretha Konn
Applicant(s)	Victoria May & Greg Royce
Agent or Solicitor	Ruchika Angrish The Angrish Group

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 sent by email.

1.6 Payment type

In person

Credit over phone*

Cheque

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	2405 Highway #5 Troy, ON L0R 2B0 (Retained Parcel)		
Assessment Roll Number	30131004400		
Former Municipality	Flamborough		
Lot		Concession	3
Registered Plan Number		Lot(s)	4&5
Reference Plan Number (s)		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:

While clearing condition 4 of Land Severance FL/B-23:81, it was determined that the proposed side yard for an existing silo is 2.6 m from the new lot line, requiring a variance. All other setbacks and regulations are complied with.

Second Dwelling Unit Reconstruction of Existing Dwelling

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

A minimum side yard of 15.0m is required for agricultural accessory structure, but the existing agricultural accessory structure(silo) has a side yard of 2.6m, requiring a variance.

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
+/- 336m	+/-1510m	+/-55.8 ha	NA

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
Barn	+55m	+1000m	3.2m , +100m	NA
Silo	+50m	+1000m	2.6m, +100m	NA
Barn	+50m	+32m	3.1m, 42m	NA
Brick Building(house)	+45m	+40m	20.3m, +38m	NA

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
NO NEW				
BUILDINGS OR				
STRUCTURES				
PROPOSED				

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
Barn				+10m
Silo		+/-50 sq.mt.		
Barn		219 sq.mt	1 storey	>6m
Brick Building(house)		+/-1500 sq.mt.	1.5 storeys	>10m

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
NO NEW				
BUILDINGS OR				
STRUCTURES				
PROPOSED				

- 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)

None exist _____

- 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) NO NEW PROPOSED

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
- Highway #5

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

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

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:
October 2018

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

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)
agricultural accessory structures (house has been severed as a surplus farm dwelling)

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

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

Rural Hamilton Official Plan designation (if applicable): Agricultural

Rural Settlement Area: NA

Urban Hamilton Official Plan designation (if applicable) NA

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

The application causes no negative impacts on the existing agricultural lands. The

7.6 What is the existing zoning of the subject land? _____

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: _____

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: FL.B.23.81

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 1

8.2 Number of Dwelling Units Proposed: 0

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

The existing dwelling has been severed as a surplus farm dwelling severance and no new buildings or structures are proposed on the retained lands.

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
-
-