



Hamilton

A-24:171 – 1248 Concession 6 West, Flamborough

Recommendation:

Development Planning – Table

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS:	50.71 m±	171.2 m±	1 ha±
RETAINED LANDS:	300 m±	715 m±	28.58 ha±

The purpose of Consent application B-24:42 is to permit the conveyance of a surplus farm dwelling lot containing an existing dwelling for residential purposes and to retain a parcel of land for agricultural purposes. Staff note that Minor Variance application A-24:171 is a concurrent application to facilitate the proposed severance.

Analysis

Greenbelt Plan

The subject lands are designated as “Protected Countryside” and “Greenbelt Natural Heritage System” under the Greenbelt Plan. Section 4.6.1 f) of the Greenbelt Plan states the following:

- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - ii. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and
 - iii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” in Schedule D - Rural Land Use Designations of the Rural Hamilton Official Plan. The subject lands are identified as “Protected Countryside” in Schedule A – Provincial Plans of the Rural Hamilton Official Plan. The subject lands are further identified as “Greenbelt Protected Countryside” and “Greenbelt Natural Heritage System”, and Core Areas have been identified on and adjacent to the subject lands on Schedule B – Natural Heritage System of the Rural Hamilton Official Plan. These Core Areas have been identified as significant woodlands and wetland. Policies C.1.2.3, C.5.1, D.2.1, F.1.14.2.1 and F.1.14.2.8, amongst others, are applicable and permit the existing agricultural use.



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Staff defer to Natural Heritage staff regarding Natural Heritage concerns and to Source Protection staff regarding the private servicing requirements of Section C.5.1.

Policy F.1.14.2.8 a) and c) state the following:

“F.1.14.2.8. An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

a) In all cases where surplus farm dwellings are to be severed the following shall apply:

- ii. The farm consolidation shall have been completed prior to the time of application.
- iii. The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
- iv. The proposed surplus farm dwelling:
 - 1) shall have been built on or before December 16, 2004; and,
 - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City’s standards for occupancy without requiring substantial demolition and new construction.
- v. The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- vi. A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vii. The shape and dimensions of the surplus farm dwelling lot shall:
 - 2. Not impair agricultural operations on the retained land; and,
 - 3. Generally not exceed a depth of 122 metres (400 feet);
- viii. The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.
- ix. Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.



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c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- ii. The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation;
- iii. The parcels of land comprising the consolidated farm operation shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture and Rural designations and 14.2 hectares (35 acres) in the Speciality Crop designation; (OPA 30)
- iv. The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Speciality Crop in Schedule D – Rural Land Use Designations or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;
- v. Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
 2. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
 3. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit. If the land owner grants a restrictive covenant in favour to the City, the City shall rezone the farm parcel to prohibit the construction of any dwelling unit.

Staff note that the proposed severed lands exceed the required minimum 0.4 hectare lot size for the surplus farm dwelling lot and also exceed the 122 metre depth identified in Policy F.1.14.2.8 a) vi).

Staff further note that a Minimum Distance Separation (MDS) Report prepared by Soil Solutions Plus was submitted in support of this application. In this report, Soil Solutions Plus notes that the existing small brick shed, which serves as a small chicken coop, is below 10 square metres in size and the capacity of the structure is below the flock size of Poultry Quota requirements and below the 5 Nutrient Unit minimum for the *Nutrient Management Act*. In discussing the existing barn structure, the report is generally of the opinion that due to the barn's poor state of repair and the cost and infeasibility of repair, the structure is no longer structurally or reasonably capable for housing livestock and is not subject to MDS requirements. The report also notes that it is currently used for storage purposes. Further discussions are required with the applicant regarding the existing coop as modifications or demolition of the building may be required

Per Policy F.1.14.2.1 e), all proposed severances and lot additions are required to meet Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. In discussing neighbouring livestock operations, the report states that 1182 and 1199 Concession 6 West warranted MDS I calculations, whereas 1251, 1279 and 1288 Concession 6 West did not. The included MDS I sketch attached to the report shows that the subject



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lands (1248 Concession 6 West) are well outside of any setback concerns from the active livestock operations at 1182 and 1199 Concession 6 West. Therefore, staff are of the opinion that the conclusions of the report demonstrate that the RHOP policies are satisfied.

However, staff note that Policy F.1.14.2.8 a) vii) does not permit the severed farm dwelling lot to include agricultural buildings or retain agricultural structures as accessory structures and Policy F.1.14.2.8 a) viii) states that staff may require any such farm buildings nearby the dwelling to be demolished or removed.

As discussed in the Planning Justification Report prepared by The Angrist Group submitted with this application, the subject surplus farm dwelling was constructed in 1878 and photographs depicting the livable conditions of the dwelling are shown in Figure 7 of the Planning Justification Report.

Staff note that this application is the result of a non-abutting farm consolidation, where the non-abutting lands are approximately 39 hectares in size and the proposed retained lands are 28.58 hectares in size. This exceeds the minimum required lot areas identified in Policy F.1.14.2.8 c) where an overall minimum size of 38.4 hectares for the consolidated farm operation and a minimum of 16.2 hectares for the proposed retained lands is achieved.

Policy F.1.14.2.8 c) iv) requires that prior to granting of final consent, either a restrictive covenant be granted in favour of the City or that the land owner apply for and receive final approval of a Zoning By-law Amendment to prohibit the construction of a dwelling unit. Staff are recommending a condition of approval that a Zoning By-law Amendment be applied for and receive final approval, in accordance with F.1.14.2.8 c) iv) 1.

In summary, staff have concerns regarding the size and depth of the surplus farm dwelling lot and the inclusion of farm buildings on the lot. Staff cannot support this severance application at this time and request revisions to the proposal to address staff's concerns.

Based upon review of the above policies and the materials provided in support of this severance application, staff are requesting this consent application be tabled to provide staff an opportunity to work with the applicant to address staff's concerns. **Staff recommend the proposed severance be tabled.**

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan and has been identified within the Greenbelt Protected Countryside. Core Areas have been identified within and adjacent to the subject property. These areas have been identified as Significant Woodlands and wetland.

Based on Policy C.2.3.3 of the Rural Hamilton Official Plan, any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological



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functions. Since the proposed severance will not fragment the Core Areas, it is anticipated that there will be no further negative impacts.

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

The subject lands are zoned Agriculture (A1) Zone and Conservation/Hazard Land – Rural (P6) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and agricultural uses are permitted. The severed lands are proposed to have a frontage of 50.71 metres and an area of 1 hectare. The retained lands are proposed to have a frontage of 300 metres and an area of 28.58 hectares. The proposed severed lands would exceed the 30 metre frontage and 0.4 hectare minimum size requirements for a single detached dwelling. The proposed retained lands would not meet the minimum required lot size of 40.4 hectares for agricultural uses. Staff note Minor Variance application A-24:171 was submitted to address this non-conformity.

Variance 1

- 2. A minimum lot area of 28 hectares shall be permitted instead of the 40.4 hectares required.

The intent of this provision is to ensure agricultural lots are of a minimum size for farm operations to be economically viable.

Staff note that the proposed severance is the result of a non-abutting farm consolidation with the non-abutting lands being approximately 39 hectares in size, in addition to the 28.58 hectares of the proposed retained lands.

Staff recommend this minor variance application be tabled until such time that staff concerns regarding Consent Application B-24:42 are addressed. **Staff recommend this application be tabled.**

Zoning:

Recommendation:	Comments and Conditons/Notes
Proposed Conditions:	N/A
Comments:	N/A
Proposed Notes:	<p>i) Please be advised zoning is unable to determine if the proposal complies to Section 4.8.1.2 b) Gross Floor Area for accessory buildings and Section 5 – Parking as there was not enough details on the site plan, additional variances may be required.</p> <p>ii) Variances written as requested by the applicant.</p>

Development Engineering:

Recommendation:	No Comments
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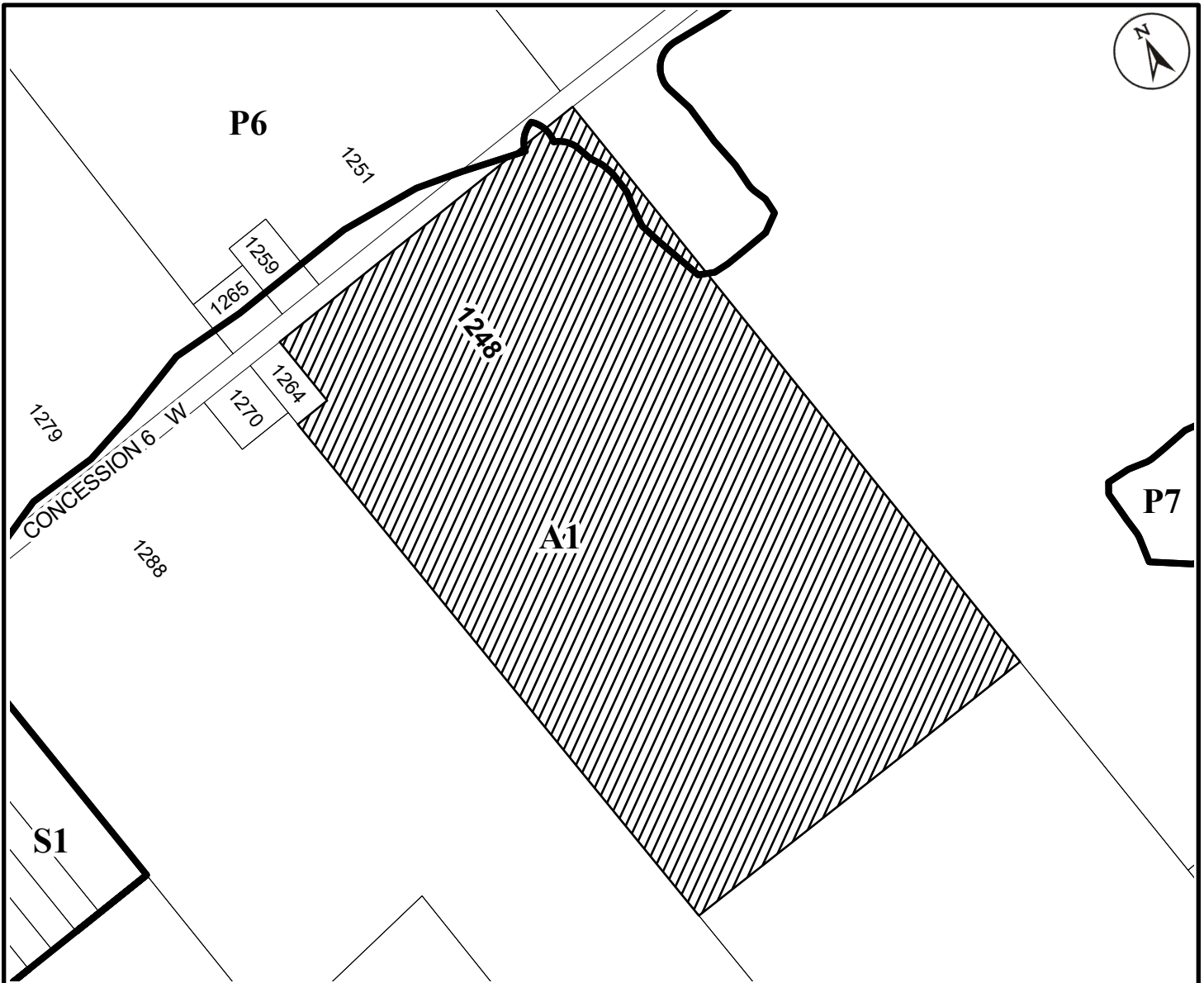
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no comments.
Proposed Notes:	N/A

Building Engineering:

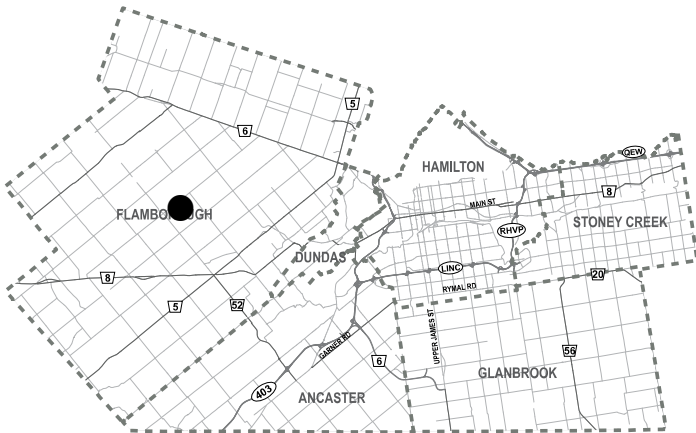
Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1248 Concession 6 West,
Flamborough (Ward 13)

File Name/Number:
A-24:171

Date:
August 9, 2024

Technician:
NB

Map Not To Scale

Appendix "A"



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