



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

A-24:188 (3417 Tyneside Rd., Glanbrook)

Recommendation:

Development Planning – Deny Severance and Variances

Proposed Conditions:

N/A

Proposed Notes:

If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry Citizenship and Multiculturalism. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).



Hamilton

Development Planning:

Background

To permit the conveyance of a parcel of land to be added to property known municipally as 3325 Tyneside Road.

	Frontage	Depth	Area
SEVERED LANDS	236.36m±	Varies m±	9.0 ha ±
RETAINED LANDS	768.20 m±	Varies m±	6.7 ha ±

Analysis

Rural Hamilton Official Plan

The subject lands are designated “Agricultural” on Schedule D – Rural Land Use Designations within the Rural Hamilton Official Plan. The lands are further identified as “Protected Countryside” within Schedule A of the Rural Hamilton Official Plan. Policies F.1.14.2.1.d), e), f) and F.1.14.2.5 among others, are applicable and only permit lot creation and lot additions under very specific circumstances. Staff defer any private water and wastewater concerns to Source Water Planning.

Policy F. 1.14.2.1 states that 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:

d) All proposed lot additions shall:

- i) comply with the policies of this Plan including rural settlement area plans where one exists;
- ii) be compatible with and not hinder surrounding agricultural operations;
- iii) conform to the Zoning By-law;
- iv) only be permitted when both lots will retain frontage on a public road;
- v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).



Hamilton

- e) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.
- f) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.

Policy F.1.14.2.5 states that lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
 - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
 - ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- f) The minimum lot size requirements in F.1.14.2.5 b), c), and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.

Staff note that the application proposes a lot addition from 3417 Tyneside Road with the lands to be added to 3325 Tyneside Road. Staff note that no physical changes are being proposed. Staff note that Policy F.1.14.2.5 c) states that lands within the agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares. Staff note that



Hamilton

both of the resultant lots are well below the 40.4 hectare (100 acre) area requirement. The resultant lots will be going from ± 4.1 hectares and ± 15.7 hectares in size, to ± 13.1 hectares and ± 6.7 hectares in size, respectively. Staff note that the larger of the two parcels is going from ± 15.7 hectares to ± 13.1 hectares, which may reduce its future viability as productive farmland. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in Policy F.1.14.2.5 c). The proposed lot line adjustment does not comply with the Rural Hamilton Official Plan.

Staff also note that portions of the lands are within the Regulated Area of the Niagara Peninsula Conservation Authority. Policy B.3.6.5.11 states that development approvals shall not be granted within hazard lands or on lands adjacent to hazard lands that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority. Staff have not received any such correspondence or consent.

Based on the foregoing staff recommend the severance application be denied.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

Hamilton Zoning By-law No. 05-200

The subject site is zoned "A1" Agriculture, which permits a single detached dwelling.

Variance 1 and 2

Lands to be retained;

1. A minimum lot area of 6.7 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required.

Lands to be severed;



Hamilton

2. A minimum lot area of 13.1 hectares for an agricultural use shall be permitted instead of the minimum 40.4-hectare lot area for an agriculture use required

The intent of this provision is to ensure conformity with Policy F.1.14.2.5 c) of the Rural Hamilton Official Plan. Staff note that the larger of the two parcels is going from ±15.7 hectares to ±13.1 hectares, which may reduce it's future viability as productive farmland. Accordingly, the proposed lot line adjustment does not meet the minimum area requirements for lot line adjustments for agricultural purposes outlined in the Rural Hamilton Official Plan and does not been the intent of the Rural Hamilton Official Plan. Staff are of the opinion that the variance is not minor in nature nor is it in keeping with the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law No. 05-200.

Staff are of the opinion that the variances do not meet the four tests of a minor variance. Based on the foregoing, **staff recommend the variances be denied.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Variances are required to facilitate severance application B-24:49. 2. Variances written as requested by applicant.
Notes:	

Development Engineering:

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

Building Engineering:

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

Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The Applicant must provide the right-of-way dedications as per B-24:49.
Notes:	



Hamilton

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

STAFF COMMENTS

HEARING DATE: September 10, 2024

ENB_R240822-003ON - Enbridge Notification Response - Applications B-24.49 and A-24.188

Kevin Bailey <kbailey@bastudios.ca>

Thu 8/29/2024 1:58 PM

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

Cc:notifications <notifications@enbridge.com>

External Email: Use caution with links and attachments

Hello,

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquid Pipeline Network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their liquid pipeline infrastructure to ensure that it occurs in a safe and successful manner.

We would like to remind you to always obtain a locate request to identify the precise location of underground infrastructure. In addition, if any future planning or development work is proposed within 220 metres of Enbridge infrastructure, we request that this information be sent to notifications@enbridge.com for our review and comment.

Do not hesitate to contact me with any questions or comments. We appreciate receiving your notifications and look forward to continuing to receive them at notifications@enbridge.com for our review and comment.

Thank you,
-Kevin Bailey



ENBRIDGE

notifications@enbridge.com

10175 101 Street NW, Edmonton, Alberta T5J 0H3

enbridge.com

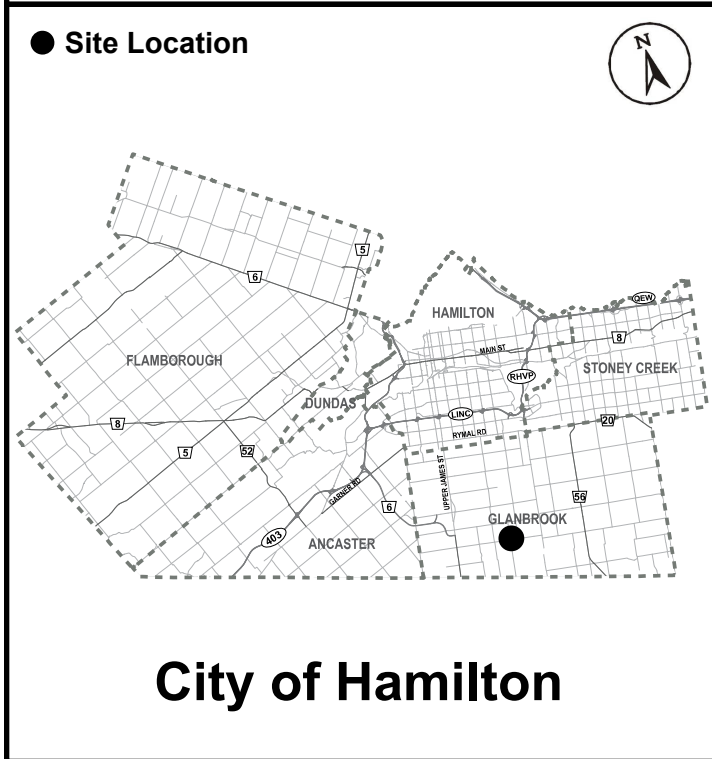
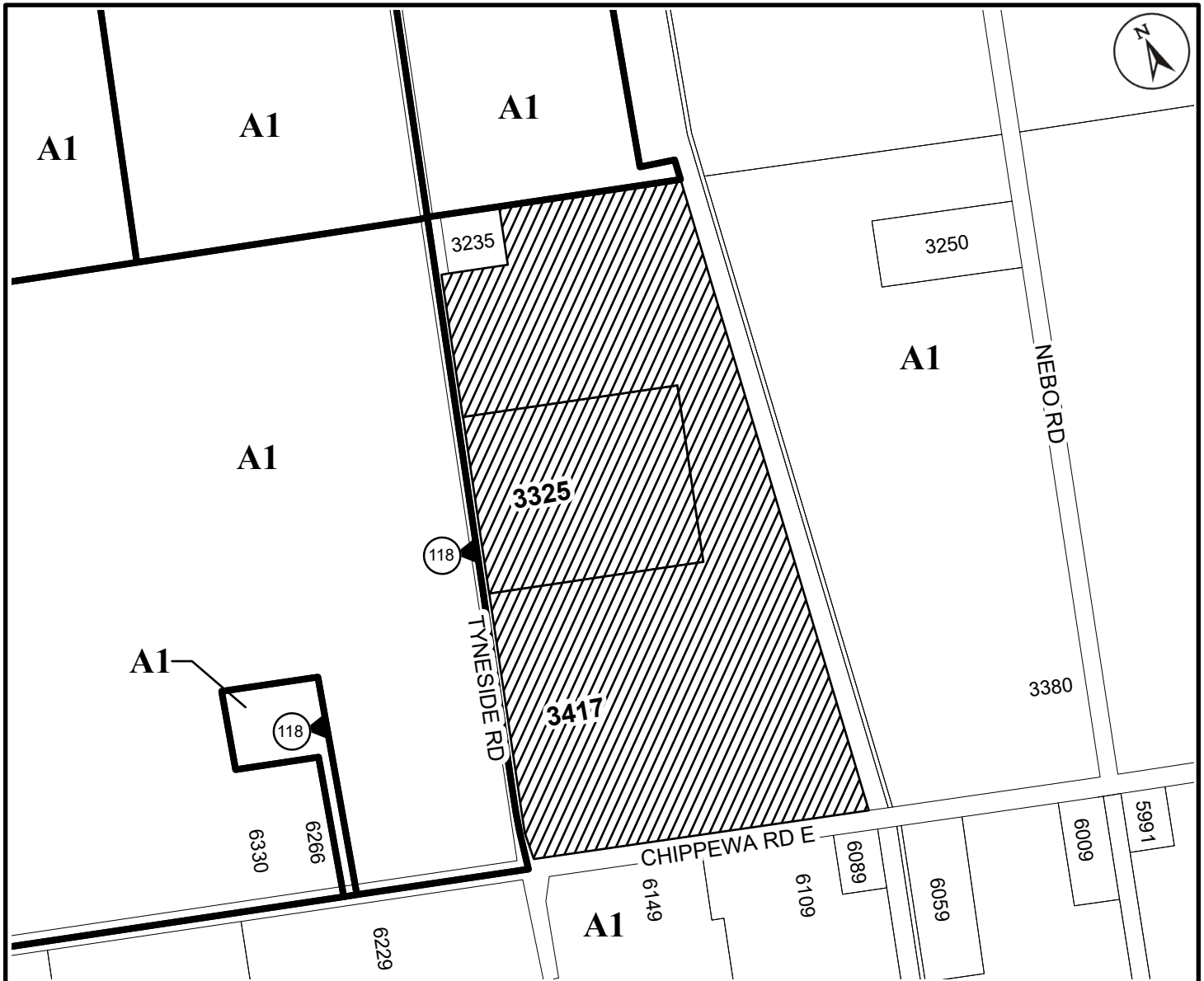
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Kevin Bailey, BA, BEd, MPlan

Community Planner, **B&A**


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Committee of Adjustment

Subject Property

 3417 Tyneside Road & 3325 Tyneside Road, Glanbrook (Ward 11)

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: A-24:188
Date: August 29, 2024
Technician: AL
Map Not To Scale
Appendix "A"
 Hamilton