



Hamilton

B-24:82 — 3531 Governors Road, Flamborough

Recommendation:

Table — Development Planning

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. Governors Road is to be 36.576 metres from Brinkley Road to West City Boundary. The existing right-of-way at the subject property is approximately ± 30 metres. Approximately ± 3.045 metres are to be dedicated to the right-of-way on Governors Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications.
 - a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
 - b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. <https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication>. (Transportation Planning)
 - c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
4. The owner/applicant shall 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. The owner / applicant shall submit evidence that the lands to be retained conform with the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
6. If a condition for a road widening and/or daylight triangle is required, the owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including lot with, lot area, the location of any existing structures, 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 applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).

7. That the lands to be severed are to be merged on title with the lands to the east, municipally known as 3503 Governors Road, to the satisfaction of the Director of Development Planning.
8. The owner shall demolish the two existing accessory buildings (Barns), subject to a demolition permit issued in the normal manner, to the satisfaction of the Director of Development Planning.
9. That the owner shall demonstrate that the resulting lot being created through the lot addition meets a minimum area of 40.4 hectares in area, to the satisfaction of the Director of Development Planning.

Proposed Notes:

If this consent is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement Note: 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. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact 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 of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM. Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). 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).” (Development Planning)

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. (Legislative Approvals)



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application. (Forestry)



Development Planning:

Background

The purpose of the application is to permit the conveyance of land to be added to property known municipally as 3503 Governors Road, Part Lot 17, Concession 1 Beverly, PA3503 Governors Road RT 4-14, 62R95. All existing structures to remain.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
Severed Lands:	80 m±	537.8 m±	105,221 m2 ±
Retained Lands:	131 m±	80 m±	1 ha±

Provincial Planning Statement (2024)

All planning decisions including decisions for consents and lot creation shall be consistent with policies found in the Provincial Planning Statement (2024).

The following policies within the Provincial Planning Statement (2024) are applicable among others:

- “4.3.3.1 Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:
 - a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
 - c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and



d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.”

Based on the forgoing Provincial policies staff require additional details in accordance with policy 4.3.3.1 c) 1. Staff require justification for the area of the retained lot as this policy requires the lot to be limited to a minimum size that can accommodate the use, sewage and water services. Staff also note for policy 4.3.3.2 lot adjustments may be permitted for legal or technical reasons, and based on the information provided in the application insufficient justification has been provided.

Rural Hamilton Official Plan

The subject property is designated “Agriculture” on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. Policies D.2.1 among others are applicable.

The forgoing Official Plan policies are applicable among others:

“B.3.2.2.1 Small scale housing with supports, including residential care facilities, shall be permitted as a stand alone use in the form of a single detached dwelling in accordance with Policies C.3.1.2 c), C.5.1, and Volume 2, A.1.3.1.

C.1.4.5 Prior to submission of a Planning Act application for properties wholly or partially within a Wellhead Protection Area the proponent is required to provide a full disclosure report and receive approval of a Restricted Land Use Application (Section 59 Notice) from the City of Hamilton Risk Management Office. (OPA 42)

C.1.4.6 For any development or redevelopment within a Wellhead Protection Area, the City shall require the submission of a Chloride Impact Study as part of a complete application, unless otherwise determined through the formal consultation process. (OPA 42)”

Based on the forgoing policies the existing single detached dwelling is permitted in accordance with policy B.3.2.2.1. Staff also note in accordance with policies C.1.4.5 and C.1.4.6 the lands are within a Wellhead Protection Area and additional information is required.

“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)



- 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).

- 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.”

It is not clear if policy F.1.14.2.1 of the Rural Hamilton Official Plan is being maintained. The lands are outside of a Rural settlement Area. Staff do not have enough information to provide a recommendation regarding the compatibility with surrounding agricultural operations. Conformity to the Zoning By-law would need to be determined. Staff defer to Source Water Protection staff for site servicing. Staff require additional details to determine if the proposed lot size of 1 hectare is appropriate where the maximum lot size is limited to the minimum of 0.4 hectares in area and whether the proposed lot maintains the intent of subsection f) that as little acreage as possible is being taken out of agricultural use.

“F.1.14.2.5 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,



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

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).”

Based on the forgoing policies it is not clear if policy F.1.14.2.5 of the Rural Hamilton Official Plan is being maintained. The minimum lot area shall be 0.4 hectares in area, as proposed by the applicant the area of the lot will be 1 hectare in size. The proposal does not comply to this policy as the proposed retained lot (resulting lot) will be 1 hectare in size. Staff need additional details to convey that there will be no impacts to surrounding agricultural operations. Lastly, per policy F.1.14.2.5 c) the severed lands and the lands in which the severed lands are to merge will need to result in an area of 40.4 hectares. The applicant has not demonstrated the total area of the resulting lot.

Natural Heritage:

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Protected Countryside. Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas have been identified within and adjacent to the subject property. These Core Areas have been identified as Significant Woodland, watercourses, and unevaluated wetlands. The watercourses and woodlands are also regulated by the Grand River Conservation Authority (GRCA).

Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions (policy C.2.3.3). In addition, within the Protected Countryside new development and site alteration shall not be permitted within or adjacent to key natural heritage features unless it has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions. To protect the natural features and their functions, minimum vegetation protection zones (VPZ) have been identified within the RHOP. The minimum VPZ for woodlands, wetlands, and watercourses is 30 metres.

Since it is unclear if an adequate VPZ will be provided to the features, it is the opinion of Natural Heritage Planning staff that this application be tabled.

Archaeological:

The subject property meets four (4) 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;
- 2) In an area of sandy soil in areas of clay or stone;



Hamilton

- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the Provincial Planning Statement apply to the subject application.

Cultural Heritage:

No comments.

City of Hamilton Zoning By-law 05-200

The subject property is zoned Agriculture (A1) in the City of Hamilton Zoning By-law No. 05-200. The A1 Agriculture zone permits a variety of residential and agricultural uses.

Analysis

Staff are not able to provide a formal recommendation of the proposal and require additional details in order to formulate a fulsome analysis of the proposal. The application at this time has not provided sufficient justification for the proposed lot addition. Staff require additional details for the proposed lot sizes given that the resulting retained lot will be 1 hectare as opposed to the maximum 0.4 hectares required in the Rural Hamilton Official Plan. Staff require additional details detailing the area of all resulting lots being created through the proposed lot addition as required in accordance with Policy F.1.14.2.5 c) of the Rural Hamilton Official Plan. Staff defer concerns of site servicing and wastewater to Source Water Protection staff.

Based on the forgoing staff recommend that the application for lot addition be **tabled** so that the applicant can provide additional information.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<ol style="list-style-type: none"> 1. The owner/applicant shall 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). 2. The owner / applicant shall submit evidence that the lands to be retained conform with the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).



Hamilton

	<p>3. If a condition for a road widening and/or daylight triangle is required, the owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including lot with, lot area, the location of any existing structures, 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 applications 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"> 1. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added. 2. The appropriate Planning Act approvals to allow the existing “out buildings” (now deemed to be buildings accessory to the existing Single Detached Dwelling) will be required for zoning compliance of the lands to be retained; specifically, to allow for a maximum lot coverage greater than 200 square metres for all accessory buildings and to allow for a height exceeding the maximum permitted height of 6.0 metres for an accessory building. 3. The owner / applicant should obtain an appropriate municipal address for the proposed parcel from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit. 4. In order to clear conditions, the owner / applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees. 5. Please be advised that a portion of the lands to be retained and the lands to be conveyed are within an area regulated by the Grand River Conservation Authority. 6. The lands to be retained and the lands to be conveyed are located within the Source Water Protection Area. As such, written authorization from Source Protection Planning in the Hamilton Water Division is required prior to the application for any building permit. 7. This property is listed in the City of Hamilton’s Inventory of Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner for further information.
Notes:	



Hamilton

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided there are no proposed alterations or additions with respect to servicing, buildings / structures or foundations and the existing drainage patterns are maintained with no adverse impacts to the adjacent lands, then Development Engineering has no comments regarding the Consent Application as proposed.
Notes:	N/A

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	This Division has no concerns with the proposed application.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	Governors Road is to be 36.576 metres from Brinkley Road to West City Boundary. The existing right-of-way at the subject property is approximately ± 30 metres. Approximately ± 3.045 metres are to be dedicated to the right-of-way on Governors Road, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. <ul style="list-style-type: none"> a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication. c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
Comments:	
Notes:	



Hamilton

Source Protection Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	Source Protection Planning understands the application is seeking to sever the existing lot at 3531 Governors Road, and conveying the parcel to 3503 Governors Road. The retained lot would be 1 ha, and the lot size of 3503 Governors Road would increase by 10 ha. The application does not include the construction of any additional new dwellings or increasing the size of the existing dwelling such that there would be an increase in septic sewage flows and water supply needs. Further, we also understand that the proposed application does not seek to change the exiting land use of the property. Therefore, we have no comments at this time.
Notes:	

Urban Forestry:

Recommendation:	Approve
Proposed Conditions:	
Comments:	There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required. No Landscape plan required.
Notes:	Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application.

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The lands to be retained (Lot B) will remain as 3531 Governor’s Road (Flamborough) . The lands to be severed (Lot A) will be assigned the address of 3503 Governor’s Road (Flamborough) .
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.

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



February 6, 2025

via email

GRCA File: B-24-82 – 3531 Governors Road

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

Dear Ms. Sheffield,

Re: Application for Consent B-24:82
3531 Governors Road, City of Hamilton
Purchaser: Todd Renton
Owner: Jordan and Maria Stewart
Agent: Don Robertson

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted consent application for a proposed lot line adjustment.

Recommendation

The GRCA has no objection to the proposed consent application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the retained parcel contains a watercourse, floodplain, and the regulated allowance adjacent to these features. The lands to be severed and merged contain watercourses, floodplain, wetlands, and the regulated allowance adjacent to these features. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, portions of the subject lands are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

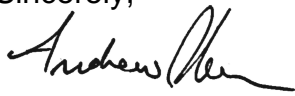
The consent application proposes to sever the agricultural lands from 3531 Governors Road and merge the land with 3503 Governors Road as a lot addition. It is understood

that the existing agricultural uses on the retained parcel will continue and no development is proposed at this time. The retained parcel is developed with existing residential uses and no new lots will be created as part of this application. As such, the GRCA has no objection to the proposed consent application.

Consistent with GRCA's approved fee schedule, this application is considered a minor consent and the applicant will be invoiced in the amount of \$465.00 for the GRCA's review of this application.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, written over a white background.

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Todd Renton (via email)
Jordan & Maria Stewart (via email)
Don Robertson (via email)



Legend

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

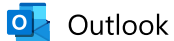
Lands to be Severed and Merged with 3503 Governors Road

Lands to be Enlarged (3503 Governors Road)

Lands to be Retained

Copyright Grand River Conservation Authority, 2025.

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. See Sources and Citations for details.



Hamilton - 3531 Governors Road - B-24:82

From LANDUSEPLANNING <LandUsePlanning@HydroOne.com>

Date Wed 2/5/2025 10:59 AM

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-24:82 dated 2025-01-27. We have reviewed the documents concerning the noted Plan 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

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 the address in question by entering the address or by zooming in and out of the map.

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

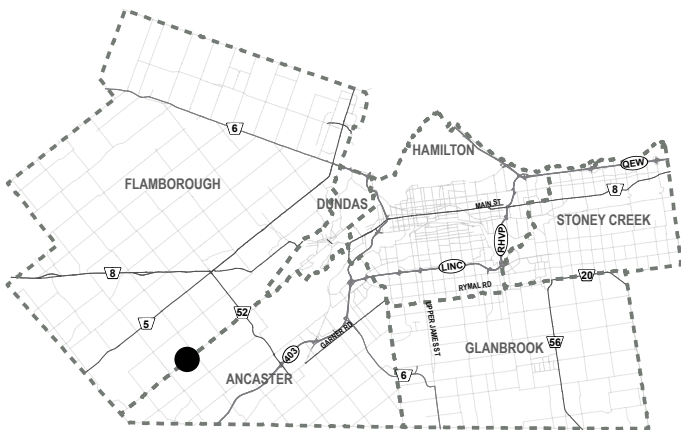
If you have any questions please feel free to contact myself.

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



● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

3531 Governors Road, Flamborough
(Ward 12)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:82

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department