

B-25:043 — 1634 & 1636 Concession 2 West, Flamborough

Recommendation:

Approve with the proposed conditions. — 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. The owner submit an Agricultural Impact Assessment to demonstrate no adverse impact to the surrounding agricultural operations, to the satisfaction of the Director of Development Planning.
4. That the lands to be severed be merged in title with the lands municipally known as 1636 2nd Concession Road West, to the satisfaction of the Director of Development Planning.
5. 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).
6. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and lot area 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).
7. As a condition of severance, the Applicant/Owner must provide the following right-of-way dedication: as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (Concession Road 2 West) are to be 26.213 metres.
 - 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.
 - 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->



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[development/planning-policies-guidelines/road-widening-dedication](#). (Transportation Planning)

Proposed Notes:

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

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)

This Division has no concerns with the proposed application (Building Engineering)

Please note that there is no change of use proposed at this time. The new parcel formed through this consent application will continue to remain as a Residential Use at the property Municipally as 1634 Concession 2 West, Hamilton. (Zoning)

Development Planning:

Background

The purpose of the application is to permit the conveyance of a parcel of land to be added to property known municipally as 1636 Concession 2 West.

The lots are to be conveyed as follows:

	Frontage	Depth	Area
SEVERED LANDS (LANDS TO BE SEVERED):	24.38 m±	134.8 m±	11181 m2±
RETAINED LANDS (LANDS TO BE RETAINED):	88.05 m±	1073.53 m±	587722 m2±

Provincial Policy Statement (2024)

“4.3.3.2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Legal or technical reasons: *means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.”*

Per the definition of legal or technical reasons, the proposal is considered a minor boundary adjustment.

Greenbelt Plan (2017)

“4.6.1 Lot creation is discouraged and may only be permitted for:

- e) Minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in prime agricultural areas, including specialty crop areas, and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;”

The proposal does not create a separate lot and there is no increased fragmentation of a key natural heritage or hydrologic features.

Rural Hamilton Official Plan



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The subject property is designated “Agriculture” on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan.

The following Official Plan policies are applicable among others:

F.1.14.2 Lot Creation

“F.1.14.2.1 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).”

Based on the above policies the proposed application is for a lot line adjustment. Staff recommend that an Agricultural Impact Assessment be required as a condition of approval to demonstrate that the proposed addition is compatible and does not hinder surrounding agricultural operations. The proposed lot configuration appears to be zoning compliant, and Planning staff defer to Zoning staff to confirm compliance. Both lots as proposed will have frontage on a public road as demonstrated in the provided site sketch. Staff defer matters of private water and wastewater servicing to Source Protection Planning staff for comment.

“F.1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for legal or technical reasons only provided:

- a) a separate lot is not created for a dwelling or any other non-farm use except in designated Rural Settlement Areas;
- b) there is no increased fragmentation of a key natural heritage feature or key hydrologic feature;
- c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) above with as little acreage as possible taken out of agricultural use; and,

d) the adjustments do not conflict with intent of the policies of this Plan.”

Based on the above policies no new lot is being created for a dwelling or any other non-farm use. There is no increased fragmentation of a key natural heritage feature, and staff defer further comments to Natural Heritage Planning staff. The land area of the lot adjustment does not exceed the land area required to address the technical issue as proposed by the applicant with as little acreage as possible taken out of agricultural use as the applicant has indicated that the land is to be utilised for another form of agricultural operations. The proposed adjustment does not conflict with the intent of the policies of the Rural Hamilton Official Plan.

Natural Heritage

The subject properties are located within the boundaries of the Rural Hamilton Official Plan (RHOP) and have been identified within the Greenbelt Protected Countryside. Based on Schedule B (Natural Heritage System) within the RHOP, Core Areas have been identified within and adjacent to the subject properties. In this case, the Core Areas have been identified as wetlands and a lake. In addition, there may be other Core Areas (i.e., significant habitat for threatened and endangered species, significant wildlife habitat) within the properties that may not have been mapped. In addition, on property 1636 Concession 2 West, the natural heritage features have been zoned as “P6” (Conservation/Hazard Lands-Rural). The intent of this zoning is to protect the features and their ecological functions.

Based on policies within the RHOP (C.2.3.3) any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. Within the Protected Countryside new development and site alteration shall not be permitted within or adjacent to key natural heritage features in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions (C.2.4.8).

As noted in the application, this is a lot line adjustment. If no development/site alteration is to occur, the Core Areas and their functions would not be further impacted. There would be no further concern with this application.

Archaeology

No Comment.

Cultural Heritage

The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Inventory of Heritage Properties, including:

- 1644 Concession 2 West



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- 1632 Concession 2 West
- 1670 Concession 2 West
- 109 Orkney Road

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Rural Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the adjacent properties are of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, sections B.3.4.1.3 and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.

The proponent proposes the conveyance of a parcel of land to be added to property known municipally as 1636 Concession 2 West.

Notwithstanding that the adjacent properties are listed on the Inventory of Heritage Properties; Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent cultural heritage resources will be conserved. Staff have no further comments on the application as circulated.

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

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

Analysis

Based on the above policies staff have reviewed the proposed lot line adjustment against the policies of Section F.1.14.2 of the Rural Hamilton Official Plan and are of the opinion that the proposed lot line adjustment is minor. Staff note that a minimal portion of land is being taken out of active farming and is to be utilised for another form of agricultural operations. Due to the configuration of the proposed lands to be merged the lands will not result in any new lots being created. The lands to be severed are to be merged with 1636 Concession 2 West and are to continue the same land use that is currently occurring on those lands. Staff seek to include a condition for an Agricultural Impact Assessment in order to demonstrate that there are no adverse impacts to surrounding agricultural operations. The proposal conforms to the policies of the Rural Hamilton Official Plan as noted in the



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analysis above. Based on the forgoing **staff are supportive** of the proposed lot line adjustment as it is minor, subject to the proposed conditions.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p>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).</p> <p>2. The owner/applicant shall submit survey evidence that the lands to be severed and the lands to be retained, including the location of any existing structure(s), parking and lot area conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of the appropriate Planning Act application in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p>
Comments:	<p>1. This division has no concerns with the proposed application.</p> <p>2. The lands to be conveyed/retained shall be merged in title with the lands to which they are to be added.</p>
Notes:	Please note that there is no change of use proposed at this time. The new parcel formed through this consent application will continue to remain as a Residential Use at the property Municipally as 1634 Concession 2 West, Hamilton.

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Development Engineering staff has no issue with proposed land assembly.
Notes:	

Building Engineering:

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

Forestry:



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Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>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.</p> <p>No Landscape plan required.</p>
Notes:	<p>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.</p>

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>As a condition of severance, the Applicant/Owner must provide the following right-of-way dedication: as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (Concession Road 2 West) are to be 26.213 metres.</p> <ul style="list-style-type: none">• 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.• 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.
Comments:	
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>The lands to be retained will remain as 1634 Concession 2 West (Flamborough). The lands to be conveyed will be assigned the address of 1636 Concession 2 West (Flamborough).</p>
Notes:	<p>We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Municipal Addressing By-law and Sign By-law, in a manner that is clearly visible from the road.</p>



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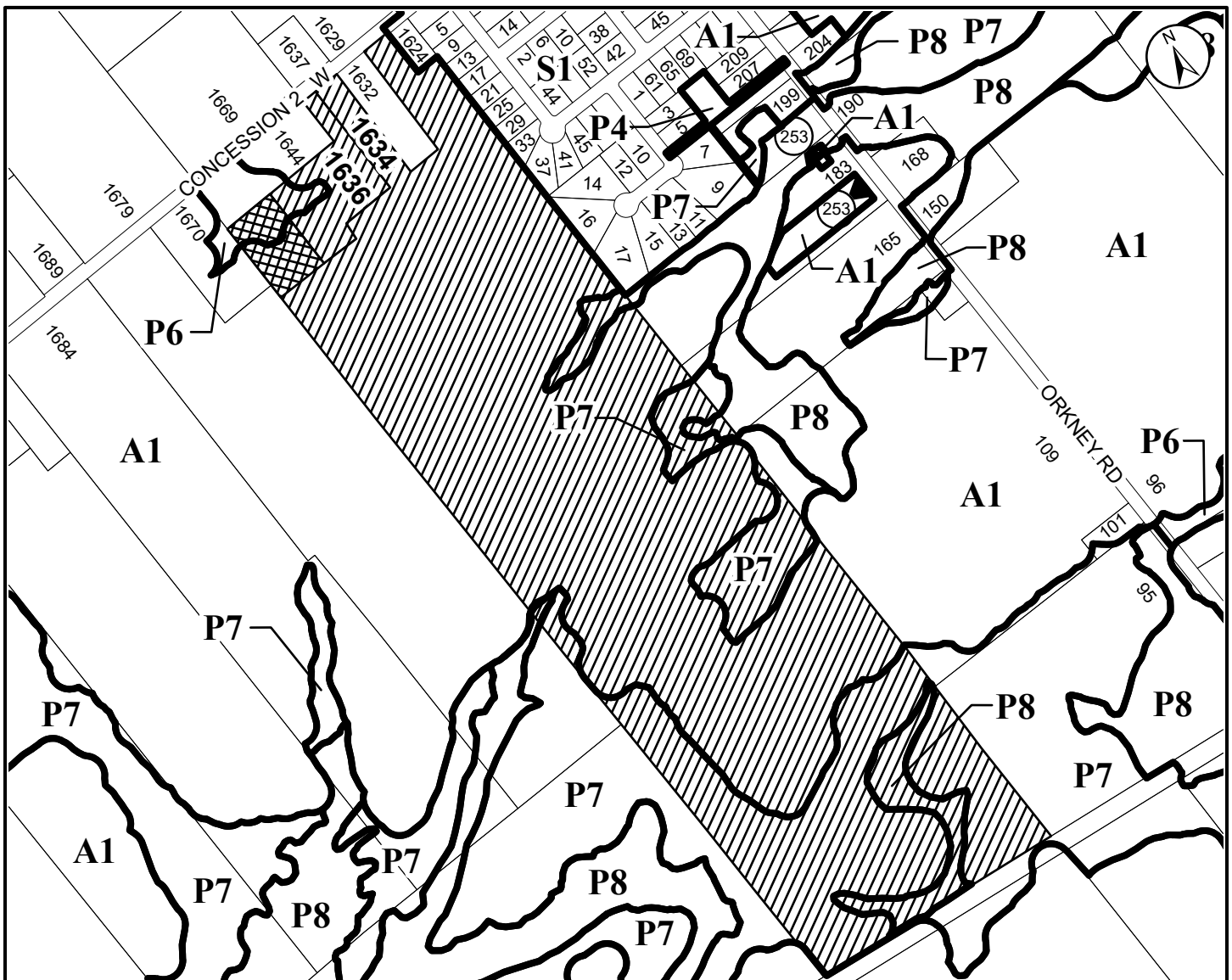
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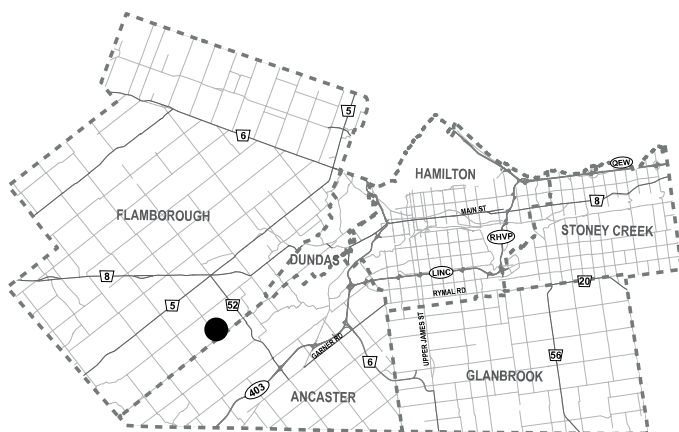
Source Protection Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking to sever the lands at 1634 Concession 2 West, and conveying the parcel to 1636 Concession 2 West. The retained lot would be 58.77 ha in size, and the lot size of 1636 Concession 2 West would increase by 1.12 ha. We also understand that the application does not include the construction of any additional new dwellings or increase the size of the existing dwelling on the parcel at this time.</p> <p>Rural Hamilton Official Plan policies allow for minor lot additions/consent applications for existing and developed lots provided the property conveying land (1634 Concession 2 West) remains sustainable and represents an improvement to the existing situation. We note that the lot sizes for both parcels conform with Rural Hamilton Official Plan Policy F.14.2.7, and as a result, Source Water Protection is able to support the consent.</p>
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

1634 & 1636 Concession 2 West,
Flamborough (Ward 12)



Lands to be Retained



Lands to be Severed

File Name/Number:

B-25:043

Date:

August 5, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department