

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: June 7, 2011	
SUBJECT/REPORT NO: Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 3157 Hendershot Road (Glanbrook) (PED11094) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424, Ext. 4283
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-11-015, by P & L Livestock Limited, Owner**, for a change in zoning from the General Agricultural "A1" Zone to the General Agricultural "A1-269" Zone, with a Special Exception, in order to prohibit the construction of any residential dwelling(s), for the lands located at 3157 Hendershot Road (Glanbrook), as shown on Appendix "A" to Report PED11094, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11094, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Glanbrook Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to amend the Glanbrook Zoning By-law in order to prohibit the construction of any residential dwelling(s) on the subject lands. This is necessary to implement a condition of Consent Application GL/B-09:104, as established through Minutes of Settlement before the Ontario Municipal Board (OMB) (see Condition 2 of Appendix “B” to Appendix “C”). The condition is required in order to comply with the Greenbelt Plan, which allows for lot creation due to farm consolidation only when the planning authority ensures a dwelling is not permitted in perpetuity on the retained lot of farmland.

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Glanbrook Official Plan, and the Council and Ministry of Municipal Affairs and Housing approved Rural Hamilton Official Plan.

Alternatives for Consideration - See Page 8.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal

The applicant has applied to rezone the lands from the General Agricultural “A1” Zone to the General Agricultural “A1-269” Zone in order to prohibit any residential dwelling(s) on the subject lands.

Chronology:

February 11, 2010: Consent Application GL/B-09:104 is denied by the Committee of Adjustment (see Appendix “D”).

February 25, 2010: The decision of the Committee of Adjustment is appealed by the applicant to the Ontario Municipal Board.

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February 1, 2011: Proposed Minutes of Settlement are approved by the City of Hamilton Planning Committee.

February 9, 2011: The proposed Minutes of Settlement are approved by Hamilton City Council.

February 22, 2011: Minutes of Settlement are issued by the Ontario Municipal Board, which grants approval of the Consent Application subject to certain conditions, including the requirement that the owner/applicant apply for and receive approval of a Zoning By-law Amendment application prohibiting the construction of any new residential dwelling on the retained lands (see Condition 2 of Appendix "B" to Appendix "C").

March 11, 2011: Zoning Application ZAR-11-015 is deemed complete.

March 18, 2011: Circulation of Notice of Complete Application for Application ZAR-11-015 to all residents within 120 metres of the subject lands.

May 20, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Applications:

Location: 3157 Hendershot Road (Glanbrook)

Owner: P & L Livestock Limited
(c/o Dave Pitblado)

Property Description:

Area: 40.14 hectares

Frontage: 962.4 metres

Depth: 410 metres

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Agricultural	General Agricultural "A1" Zone
<u>Surrounding Lands:</u>		
North	Single-Detached Dwellings and Agricultural	General Agricultural "A1" Zone
South	Agricultural	General Agricultural "A1" Zone
East	Single-Detached Dwellings and Agricultural	General Agricultural "A1" Zone
West	Single-Detached Dwellings and Agricultural	General Agricultural "A1" Zone

POLICY IMPLICATIONS

Greenbelt Plan:

The subject lands are designated "Protected Countryside" and within the "Prime Agricultural Area" in the Greenbelt Plan. The proposal conforms to the policies of the Greenbelt Plan in that the application to rezone the subject lands to prohibit residential uses implements Policy 4.6.3, which states that within the prime agricultural area, lot creation is permitted for:

- "c) The severance of a residence surplus to a farming operation as a result of a farm consolidation, which residence was an existing use as of the date this Plan came into force, provided that 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."

Provincial Policy Statement:

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development.

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Policy 2.3.4.1 c) states:

“Lot creation in prime agricultural areas is discouraged, and may only be permitted for:

A residence surplus to a farming operation as a result of farm consolidation provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.”

The subject rezoning application is for the prohibition of any future residential dwellings on the retained farm parcel.

Additionally, Policy 2.3.3.3 states:

“New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”

Minimum Distance Separation Formulae was reviewed through the related Severance Application GL/B-09:104, and was deemed to comply as there is no livestock operation in the vicinity of the new lot and the existing barn is not capable of housing livestock.

Therefore, the proposed change in zoning is consistent with the policies of the Provincial Policy Statement.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are not located within a built-up area, as defined by Places to Grow. Policies 2.2.9.4 and 4.2.2.2 state that the applicable policies in the Greenbelt Plan would apply.

Hamilton-Wentworth Official Plan:

The subject lands are designated as “Rural Area - Prime Agricultural Area” in the Hamilton-Wentworth Official Plan. Policy C-3.2.2 states that agriculture will continue to be the predominant use in the rural areas of the Region, and Policy D-8.1.1 states that policies related to consolidation of agricultural lands and surplus farm houses must be incorporated into the Area Municipal Official Plans. As the proposed change in zoning prohibits residential uses in accordance with the lot creation policies in the Glanbrook Official Plan, the proposal would conform to the policies of the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan:

The subject property is designated “Agricultural” in the Township of Glanbrook Official Plan. The following policy, among others, is currently applicable to the subject property.

Section B.1.1.1 of the Plan identifies the predominant use of the lands designated “Agricultural” as agriculture, forestry, and activities connected with the conservation of soil and wildlife. The subject lands would remain a working farm and, therefore, the application conforms to the “Agricultural” policies of the Plan.

However, with regard to farm consolidation, Policy D.2.2.6 states:

“A consent may be considered if it is necessary for the consolidation of productive agricultural holdings by the acquisition of abutting lands for the purposes of increasing the size of, or establishing a viable farming operation.”

It is noted that the farm consolidation subject to Consent Application GL/B-09:104 is for a non-abutting farm consolidation. While staff initially provided comments to the Committee of Adjustment noting that an Official Plan Amendment would be needed as the farm consolidation is non-abutting, it was determined by the OMB, through the attached Minutes of Settlement (see Appendix “C”), that an Official Plan Amendment would not be required.

City of Hamilton Rural Official Plan (For Information Purposes Only)

The City of Hamilton Rural Official Plan was adopted by Council on September 27, 2006, and approved, with modifications, by the Province on January 7, 2009. The Plan has been appealed to the OMB. As a result, the plan is not in force and effect.

The subject lands are designated “Agriculture” on Schedule “D” - Rural Land Use Designations. As the retained farm parcel will remain as an agricultural land use, the proposal conforms to this designation. With regard to the lot creation, Section F.1.14.2.2(c) of the Plan contains the policies and criteria for the severance of surplus farm dwelling as a result of a non-abutting farm consolidation.

The applicant has addressed Sub-Policies (i) through (iv) and (vi) of the Rural Official Plan, as the owner/applicant operates and maintains a consolidated farm operation greater than the minimum 38.4 hectares (95 acres) within Rural Hamilton containing an existing dwelling; the farm parcel subject to the severance has been in possession since 2009 and meets the minimum 16.2 hectares (40 acres); and the submission of the subject rezoning to prohibit residential dwellings will restrict the future use of the lands to be conveyed to agricultural uses. The proposal also conforms to the Minimum Distance Separation Formulae as the existing barn is not capable of housing livestock.

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However, the implementation of the above noted policies is not required until such time as the Rural Hamilton Official Plan is in force and effect and, accordingly, Sub-Policy (v), the requirement for a restrictive covenant, cannot be addressed at this time.

Lastly, the policies of Section F.1.14.2.2(d) apply to all forms of farm consolidations and corresponding severances of a surplus farm dwelling. The severed lot satisfies the pertinent criteria as it maintains the required 0.4 hectare (1 acres) lot; maintains the existing private servicing (Private Well and Septic with a rural cross-section); is of a lot configuration that shall not impair agricultural operations on the retained land; does not exceed 122 metres (400 feet) in depth; does not include any barns or other farm buildings as part of the severance, and the dwelling to be severed is at least 25 years old. Therefore, based on the foregoing, the proposed change in zoning is in conformity with the policies of the new Rural Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Traffic Engineering Section, Public Works Department.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application was circulated to 51 property owners within 120 metres of the subject property on March 18, 2011. Preliminary Circulation was not required as the proposed development was already subject to a related Consent Application that was approved within one year of other public involvement and participation. A Public Notice sign was also posted on the property on March 25, 2011, and Notice of the Public Meeting was given on May 20, 2011, in accordance with the requirements of the Planning Act. To date, no responses have been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan and Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);

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- (ii) It conforms to the Hamilton-Wentworth Official Plan, and implements the “Agricultural” designation in the Glanbrook Official Plan;
 - (iii) It implements the approval by the OMB of Consent Application GL/B-09:104; and,
 - (iv) The proposal complies with the Surplus Farm Dwelling Severance policies from the new Rural Hamilton Official Plan.
2. As noted in the Executive Summary and Policy Review above, the purpose of this application is to change the zoning on the retained farm property created through Consent Application GL/B-09:104 in order to prohibit residential uses. This is needed in order to satisfy requirements of the Greenbelt Plan and Provincial Policy Statement (and approved City of Hamilton Rural Official Plan), which require that the remnant farm parcel created through surplus farm dwelling severances from non-abutting farms be rezoned in order to prohibit residential uses. The intent of this policy is to ensure that no new residential lots are created as a result of a surplus farm dwelling severance.
3. As a result of the proposed zoning modification to prohibit residential uses on the retained farm parcel, farm help houses, home occupations, home professions, home industries, and bed and breakfast establishments can no longer be established since each of these uses are permitted only when accessory to a single-detached dwelling.
4. The Provincial policies and Local Official Plan all contain policies that require new lot creations to comply with the minimum distance separation formulae (MDS). The existing barn on the retained lands that is located in close proximity to the existing farm residence is not utilized for any livestock activities, and the farm is only a cash crop operation. The existing barn is also in extremely poor condition and could not likely be utilized to house livestock.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the lands could continue to be utilized for any of the uses permitted under the General Agricultural “A1” Zone, and the conditions of approval of Consent Application GL/B-09:104 would lapse. The existing residential dwelling would remain on the property at 3151 Hendershot Road.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

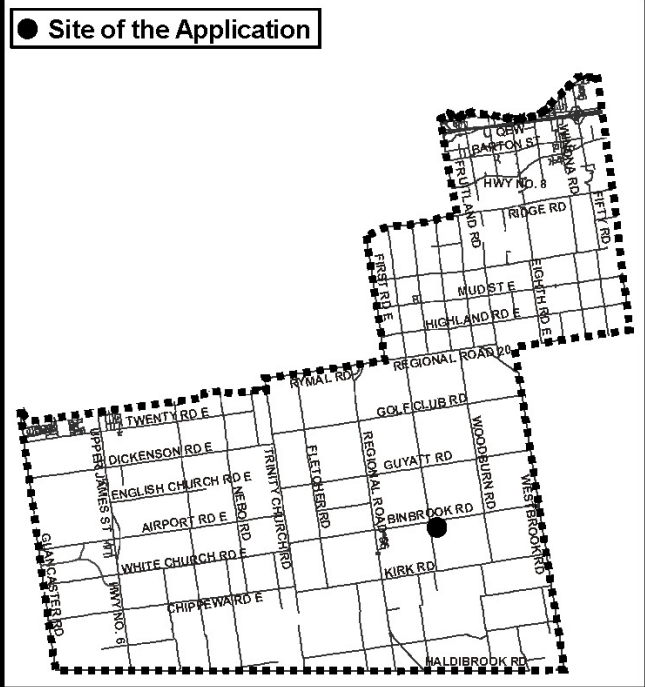
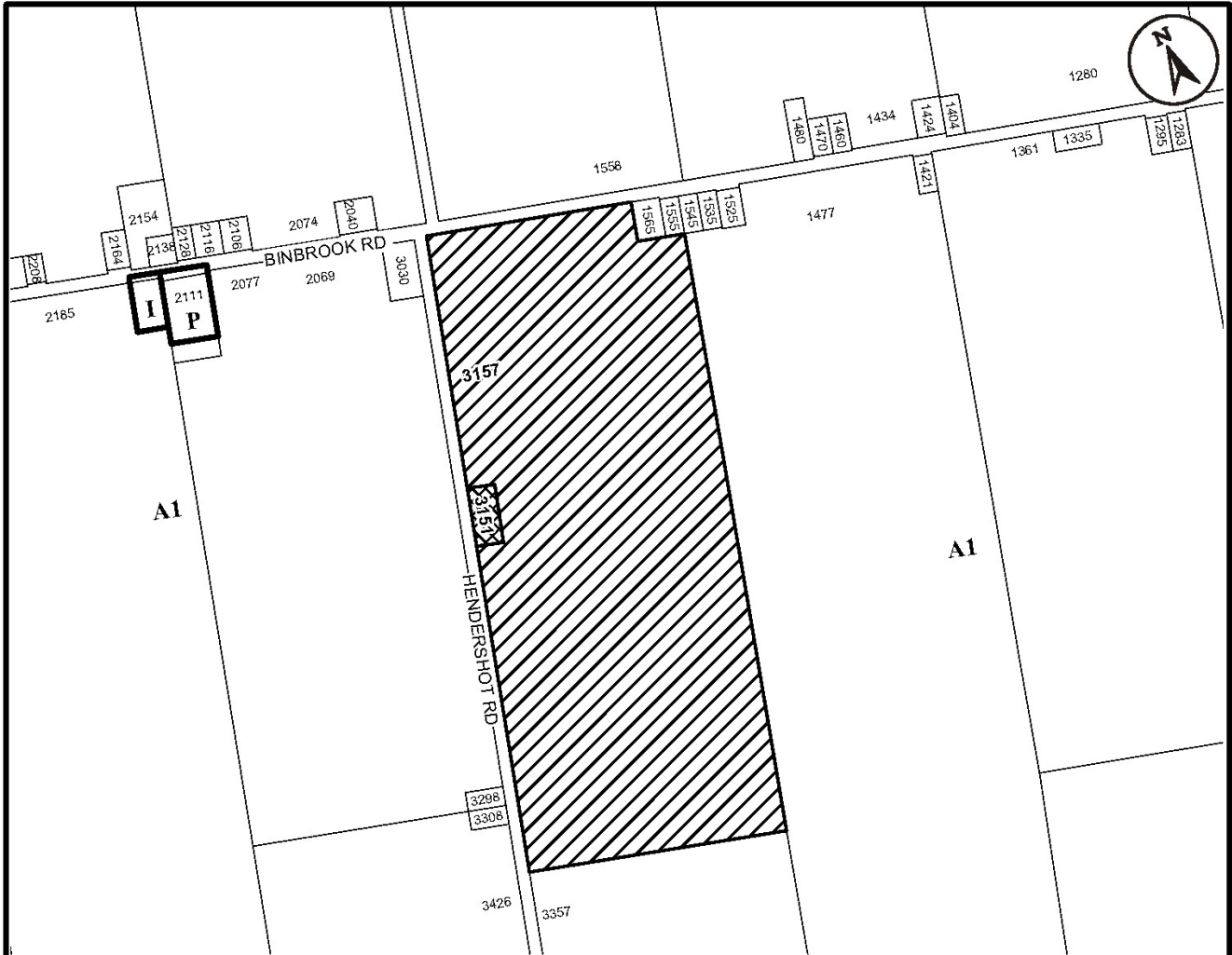
Environmental Stewardship

- ◆ Natural resources are protected and enhanced.
- ◆ No new development is associated with these applications.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Minutes of Settlement for Consent Application GL/B-09:104
- Appendix "D": Notice of Decision and Severance Sketch for Related Consent Application GL/B-09-104

:GM
Attachs. (4)



Ward 11 Key Map N.T.S.

Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAR-11-015	Date: April 20, 2011	
Appendix "A"	Scale: N.T.S.	Planner/Technician: GM/AL

Subject Property
 3157 & 3151 Hendershott Road

Change in Zoning from the General Agricultural "A1" Zone to the General Agricultural "A1-269" Zone

Additional lands of applicant (Severed lot)

Authority: Item [REDACTED]
Planning Committee
Report 11-[REDACTED] (PED11094)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3157 Hendershot Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City Of Hamilton";

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City Of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "C", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the General Agricultural "A1" Zone to the General Agricultural "A1-269" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "A1-269", as follows:

"A1-269" 3157 Hendershot Road

Notwithstanding **SECTION 8: GENERAL AGRICULTURAL "A1" ZONE**, Sub-section 8.1 - **PERMITTED USES**, the following uses shall be prohibited on the lands zoned "A1-269":

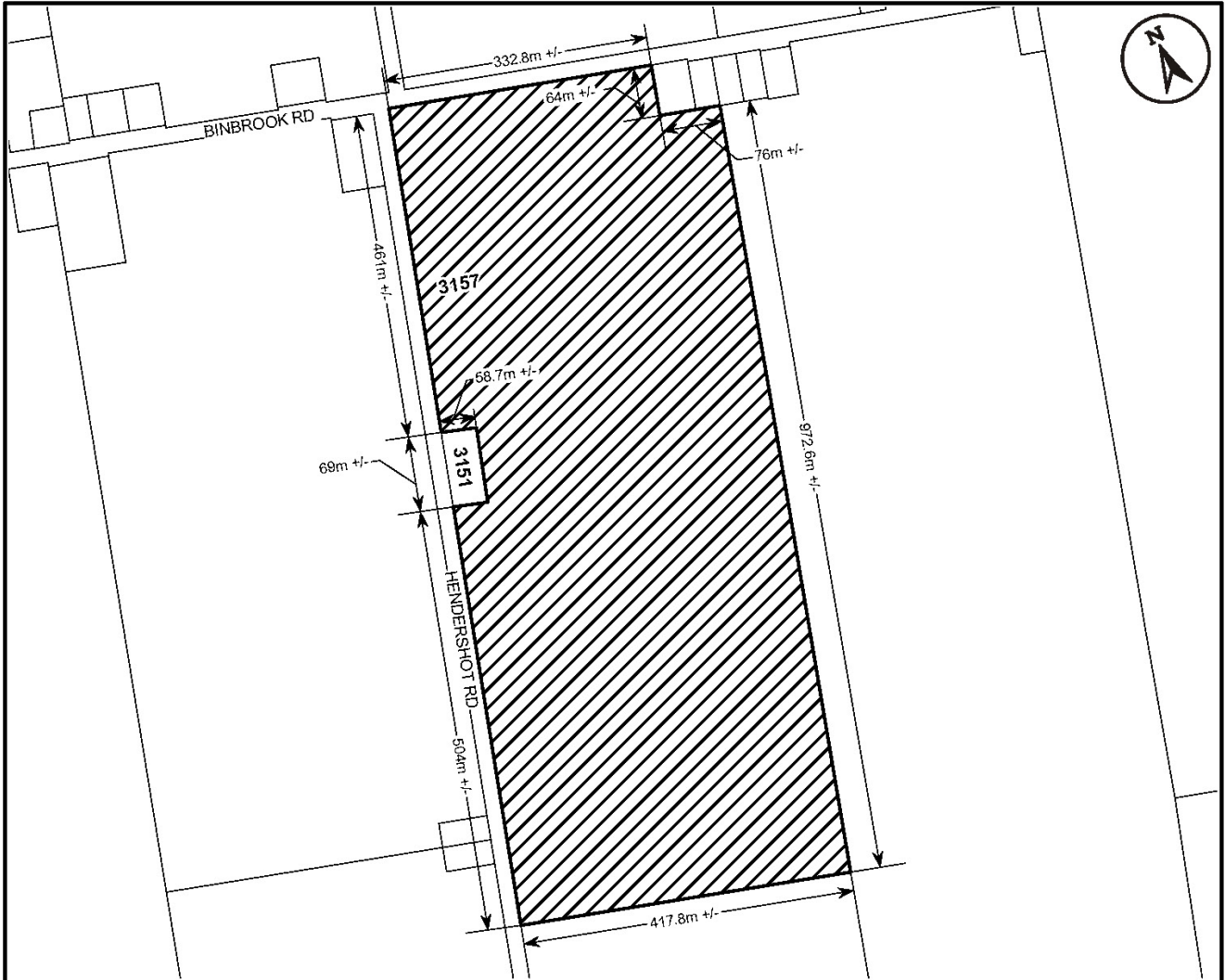
- (a) A single-detached dwelling.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2011.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAR-11-015



This is Schedule "A" to By-Law No. 11-

Passed the day of, 2011

Clerk


Mayor


Schedule "A"

Map Forming Part of
By-Law No. 11-_____

to Amend By-law No. 464

Subject Property
3157 Hendershot Road

 Change in Zoning from the General Agricultural "A1" Zone to the General Agricultural "A1-269" Zone

Scale: N.T.S.	File Name/Number: ZAR-11-015	 Hamilton
Date: May 5, 2011	Planner/Technician: GM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:/ Applicant: P & L Livestock Limited (Paletta)
Subject: Consent
Property Address/Description: 3328 Golf Club Road
Municipality: City of Hamilton
OMB Case No.: PL100118
OMB File No.: PL100118
Municipal No.: B-71/09

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:/ Applicant: P & L Livestock Limited (Paletta)
Subject: Consent
Property Address/Description: 3151 Hendershot Road
Municipality: City of Hamilton
OMB Case No.: PL100118
OMB File No.: PL100255
Municipal No.: B-104/09

IN THE MATTER OF subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:/ Applicant: P & L Livestock Limited (Paletta)
Subject: Consent
Property Address/Description: 455 Tapleytown Road
Municipality: City of Hamilton
OMB Case No.: PL100120
OMB File No.: PL100120
Municipal No.: B-72/09

MINUTES OF SETTLEMENT

WHEREAS the Ontario Municipal Board teleconference in this matter is scheduled for February 24 at 2:00 pm;

AND WHEREAS the parties hereto have come to an agreement on all outstanding issues between them, relating to these appeals, which Agreement is set forth in these Minutes of Settlement;

AND WHEREAS the Planning Committee has directed the City Solicitor to enter into minutes of settlement as per Item 8 of Planning Committee Report 11-002 (approved by Council on February 9, 2011);

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:


1. The Parties consent to these Minutes of Settlement in respect of all matters set out in the above-noted title of proceedings.

2. The Parties agree to make submissions to the Ontario Municipal Board on February 24, 2011, in support of these Minutes of Settlement to be filed as an Exhibit.
3. The parties consent to an Order of the Ontario Municipal Board:
 - a. Allowing conditional consent to sever 3328 Golf Club Road subject to the conditions listed in Appendix A to these Minutes of Settlement;
 - b. Allowing conditional consent to sever 3151 Hendershot Road subject to the conditions listed in Appendix B to these Minutes of Settlement;
 - c. Withholding the Board's final Order until the appeal of 455 Tapley Town Road, OMB Case and File No. PL100120, has been withdrawn.
4. These Minutes of Settlement constitute the entire agreement between the Parties and there are no other oral or written agreements in respect of the matters herein.

SIGNED this 22 day of February, 2011.


P. & L. BIVESTOCK LIMITED (PALETTA)
Per:

SIGNED this 22nd day of February, 2011


CITY OF HAMILTON
Per: Peter Barkwell, City Solicitor

APPENDIX A

Proposed Conditions for Consent to Sever Application GL/B-09:71, 3328 Golf Club Road (Glanbrook)

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.
2. The owner/applicant shall apply for and receive approval of a Zoning By-law Amendment application prohibiting the construction of any new residential dwelling on the retained lands, to the satisfaction of the Planning and Economic Development Department, Development Planning (East) Division.
3. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Services Division).
4. Confirmation shall be provided that compliance with Minimum Distance Separation requirements is achieved for the lot to be conveyed, to the satisfaction of the Planning and Economic Development Department (Building Services Division)
5. The owner/applicant shall submit survey evidence from a qualified designer (Part 8 Sewage System), professional engineer or architect that the existing septic system is located entirely within the lands to be severed and/or retained to the satisfaction of the Planning and Economic Development Department (Building Services Division).
6. The owner shall dedicate by deed to the City of Hamilton a road widening across the entire frontage of the severed and retained parcel adjacent to Golf Club Road, in order to achieve a right-of-way width of 13.1 metres from the original centreline of construction of Golf Club Road, to the satisfaction of the Planning and Economic Development Department, Development Engineering East Division.
7. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.
8. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

NOTE:

1. Staff advise that the following warning clause should be included in any future purchase and sale and/ or lease/ rental agreements for the conveyed lands, advising prospective purchasers/ tenants of the following:

"Purchasers/ tenants are advised that at time odours emanating from neighbouring livestock facilities may impede the enjoyment of the outdoor amenity areas of the subject property."
2. The owner/ applicant should be made aware that a municipal address will be assigned for the conveyed lands at the time when a building permit is applied for in the future. Please contact Paul Toffoletti in the Legislative Approvals Section 905-546-2424 ext. 4348 or ptoffole@hamilton.ca prior to submitting for the above permits

APPENDIX B

Proposed Conditions for Consent to Sever Application GL/B-09:104, 3151 Hendershot Road (Glanbrook)

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.
2. The owner/applicant shall apply for and receive approval of a Zoning By-law Amendment application prohibiting the construction of any new residential dwelling on the retained lands, to the satisfaction of the Planning and Economic Development Department, Development Planning (East) Division.
3. The owner/applicant shall submit survey evidence from a qualified Designer (Part 8 Sewage System), Professional Engineer or Architect 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 Services Division).
4. The owner shall submit survey evidence that the existing structures located on both the lands to be conveyed and the lands to be retained conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division).
5. The owner shall dedicate to the City of Hamilton by deed, sufficient land along the entire frontage of the remnant lands in order to establish the property line 15.24 m (50 feet) from the original centreline of Binbrook Road East, to the satisfaction of the Planning and Economic Development Department, Development Engineering (East) Division.
6. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
7. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.00, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.

NOTE:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as 3151 Hendershot Road, and the lands to be retained will be assigned the municipal address of 3157 Hendershot Road, based on the location of the existing barn that is to remain. It should also be noted that the correct spelling of the street is Hendershot, with one "T".



Committee of Adjustment
Hamilton City Centre
4th floor, Suite 400, 77 James St. N.
Hamilton, ON L8R 2K3
Telephone (905) 546-2424, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. GL/B-09:104
SUBMISSION NO. B-104/09

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 3151 Hendershot Road, formerly in the Township of Glanbrook, now in the City of Hamilton;


AND IN THE MATTER OF AN APPLICATION by the agent Dave Pitblado on behalf of the owner P & L Livestock Limited, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 69m± (226'±) x 58.7m± (192.5'±) containing an existing single family dwelling and shed for residential purposes, and to retain a parcel of land having a total frontage on Hendershott Road of 962.4m± (3,157'±), and an area of 40.14ha.± (99.18 acres±) containing an existing barn (to be maintained) for agricultural purposes.

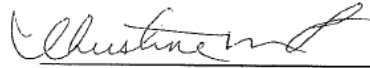
THE DECISION OF THE COMMITTEE IS:

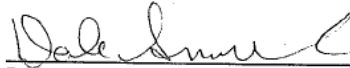
That the said application, as set out in paragraph three above, **IS DENIED** for the following reasons:

1. The proposal does not comply with the Severance Policies of the Hamilton-Wentworth and Township of Glanbrook Official Plans.
2. The proposal does not appear to be in the interest of proper planning and development for the area.
3. The proposal does not comply with the requirements of the Zoning By-law.
4. The proposal does not comply with Section 51(24) of The Planning Act.

DATED AT HAMILTON this 4th day of February, 2010.

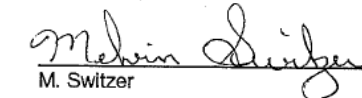

M. Dudzic, Chairman


C. Lewis


D. Smith


V. Abraham

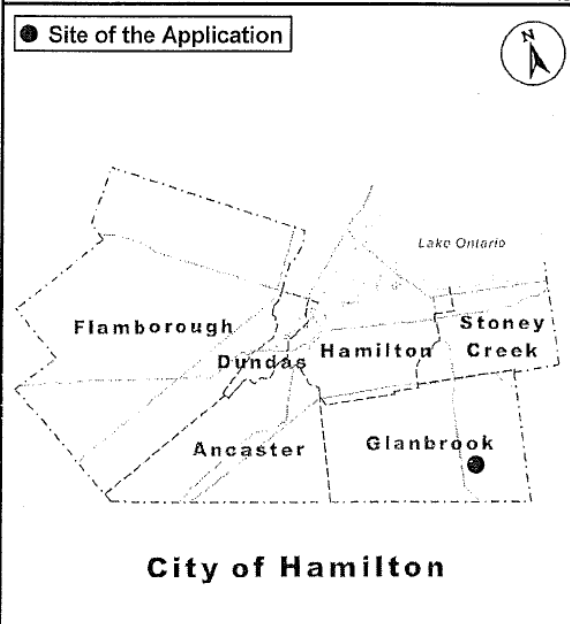
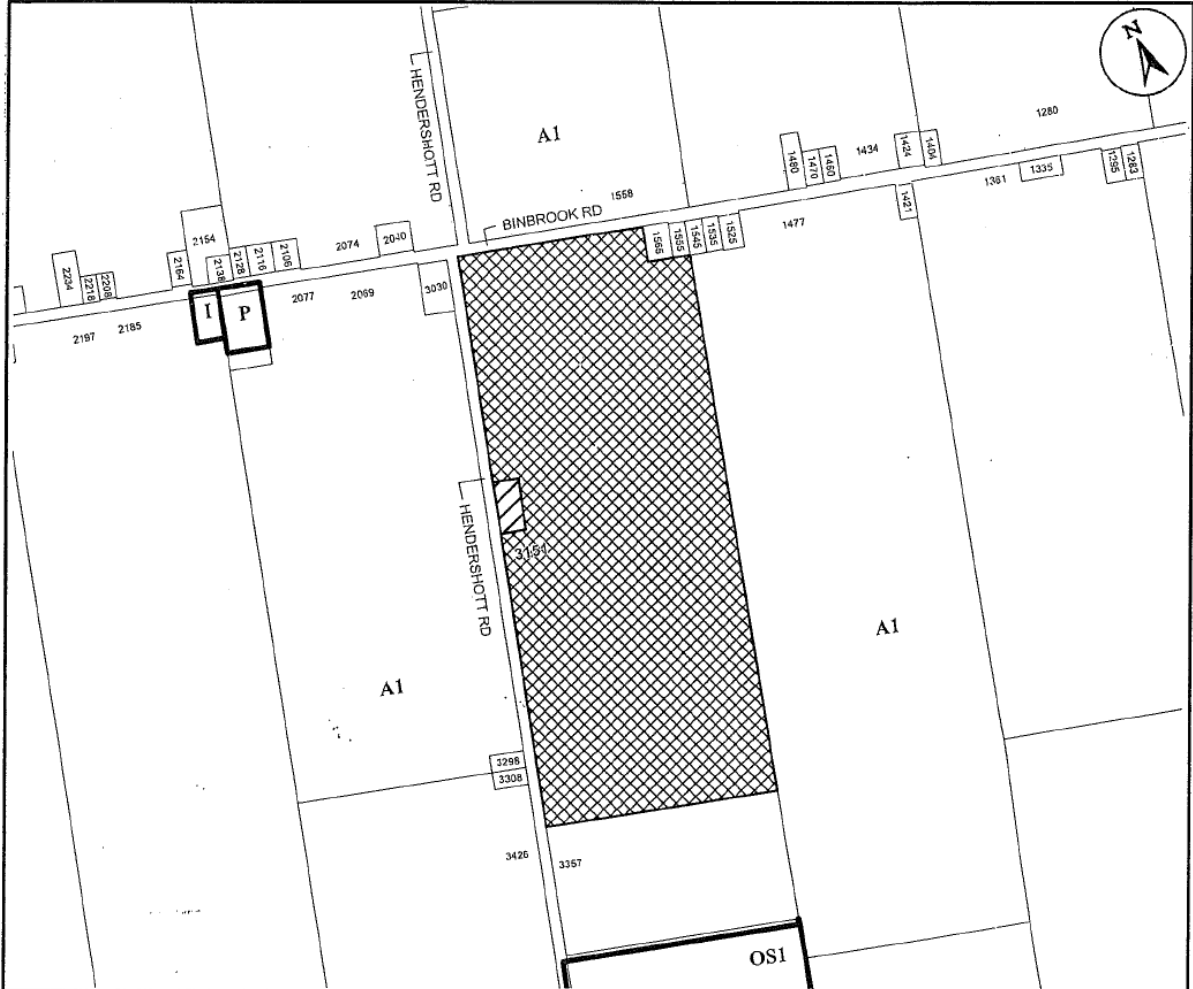

L. Gaddy


M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS February 11th, 2010.

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS March 3rd, 2010.

THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.



Committee of Adjustment

<p>Subject Property 3151 Hendershott Road</p> <p> Lands to be Retained Lands to be Severed </p>	<p>File Name/Number: GL/B-09:104</p>
	<p>Date: January 25, 2010</p>
	<p>Technician: KA</p>
	<p>Map Not to Scale</p>
	<p>Appendix "A"</p>
<p>Hamilton</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	