TO: Chair and Members Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: April 6, 2010

SUBJECT/REPORT NO:
Application for an Amendment to the Township of Glanbrook Official Plan and Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 1280 Hendershot Road (Glanbrook) (PED10042) (Ward 11)

SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department

PREPARED BY: Alvin Chan 905-546-2424, Ext. 1334

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-09-013, by Jeff Tigchelaar, Owner, for Official Plan Amendment No.____ to the Township of Glanbrook Official Plan, in order to permit the severance of a surplus farm dwelling as a result of a farm consolidation, notwithstanding the farm holdings do not abut each other, for the lands located at 1280 Hendershot Road (Glanbrook), as shown on Appendix "A" to Report PED10042, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10042, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Greenbelt Plan and Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
(b) That approval be given to **Zoning Application ZAR-09-051, by Jeff Tigchelaar, Owner**, for a change in zoning from the General Agriculture “A1” Zone to the General Agriculture “A1-259” Zone, with a Special Exception, in order to prohibit the construction of any residential dwelling(s), for the lands located at 1280 Hendershot Road (Glanbrook), as shown on Appendix “A” to Report PED10042, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “C” of Zoning By-law No. 464.

(iii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No. 

**EXECUTIVE SUMMARY**

The purpose of the applications is to permit the severance of a surplus farm dwelling through the consolidation of non-abutting farm parcels, and to prohibit the development of a new residential dwelling on the consolidated farm parcel. The requested amendments are required to satisfy the lot creation policies of the Provincial Greenbelt Plan.

The proposed applications have merit and can be supported as they are consistent with the Greenbelt Plan and the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan. With regard to the new Rural Hamilton Official Plan, it is noted that the proposal would, in principle, conform to the new Rural Hamilton Official Plan. In addition, approval of the subject applications will fulfil conditions of approval for Consent Application GL/B-09:059 (Appendix “D” - Conditions 2 and 4).

*Alternatives for Consideration - See Page 11.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

Financial: None.

Staffing: None.
HISTORICAL BACKGROUND

Consent Application GL/B-09:059

Consent Application GL/B-09:059 was conditionally approved by the Committee of Adjustment on August 13, 2009 (Appendix “D”). The Consent application proposed to sever off the existing farm dwelling from the subject lands on the basis that the dwelling was deemed to be surplus as a result of a farm consolidation of non-abutting farm parcels.

The application was conditionally approved, subject to a number of conditions, in particular, the requirement for an amendment to the Township of Glanbrook Official Plan and Zoning By-law No. 464. The subject Official Plan and Zoning By-law Amendment Application OPA-09-013 and ZAR-09-051 have been submitted to satisfy conditions of approval #2 and #4 regarding Severance Application GL/B-09:059.

Proposal

The applicant has applied to amend Policy D.2.2.6 of the Township of Glanbrook Official Plan in order to permit the consolidation of two non-abutting farm parcels, and the severance of the surplus farm dwelling on the subject lands.

The applicant has also applied for a change in zoning to By-law No. 464 from the General Agricultural “A1” Zone to a site-specific General Agricultural “A1-259” Zone for the retained parcel at 1280 Hendershot Road. The purpose of this modification is to prohibit future residential uses on the retained farm parcel, as required by the lot creation policies of the Provincial Greenbelt Plan.

Details of Submitted Application

Location: 1280 Hendershot Road (see Appendix “A”).
Owner(s): Jeff, Daniel, Frances, and Melissa Tigchelaar.
Applicant: Jeff Tigchelaar.

Property Description:

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Lot Area</td>
<td>39.57 hectares</td>
</tr>
<tr>
<td>Total Lot Frontage</td>
<td>Approximately 192 metres</td>
</tr>
</tbody>
</table>
Lot Depth: Approximately 1,117 metres.

Servicing: Existing private services and storm ditches.

**EXISTING LAND USE AND ZONING**

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Agricultural</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Rural Single Detached Residential and Agricultural</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
</tr>
<tr>
<td>East</td>
<td>Rural Single Detached Residential and Agricultural</td>
</tr>
<tr>
<td>West</td>
<td>Rural Single Detached Residential and Agricultural</td>
</tr>
</tbody>
</table>

**POLICY IMPLICATIONS**

**Greenbelt Plan**

The subject lands are located within the “Protected Countryside” and designated “Prime Agricultural” in the Greenbelt Plan. Lot creation policies are contained in Section 4.6 of the Greenbelt Plan.
In particular, Policy 4.6.3 c) states:

“More specifically, within specialty crop and prime agricultural areas, 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 a 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.”

Severance Application GL/B-09:059 is deemed to be consistent with the lot creation policies found in Section 4.6 of the Provincial Greenbelt Plan.

In addition, Policy 3.1.3.4 states that new land uses and the creation of lots, as permitted by the policies of the Plan, shall comply with the minimum distance separation formulae. The agricultural buildings retained with the consolidated farm parcel are incapable of housing livestock and are, therefore, compliant with Minimum Distance Separation regulations.

Lastly, Policy 4.4.2 states:

“Greenbelt municipalities should work with aboriginal groups and other stakeholders to identify and protect cultural heritage resources and plan toward maintaining, developing, and using these resources in a manner that will benefit the local community and be compatible with the Greenbelt’s vision and goals.”

Staff has included the standard archaeological note in the decision for Consent Application GL/B-09:059 (Appendix “D” - Note 2).

Based on the foregoing, the proposed Official Plan and Zoning By-law Amendment applications are consistent with the policies of the Greenbelt Plan, which permits the severance of a surplus dwelling as a result of a farm consolidation, provided the consolidated farm is rezoned to prohibit the development of any new residential dwelling.

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in
exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under this Act.

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.”

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.”

As previously noted, the subject lands comply with the Minimum Distance Separation Formulae. With regard to the restriction of future residential dwellings on the remaining parcel of farmland, the applicant has submitted the required rezoning application to prohibit the development of any new residential dwelling(s).

Lastly, Policy 2.6.2 states:

“Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintain the heritage integrity of the site, may be permitted.”

As mentioned above, staff has included the standard archaeological note in the decision for Consent Application GL/B -09:059 (Appendix “D” - Note 2). As such, the proposed change in zoning and Official Plan Amendment is consistent with the policies of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject property is designated “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. The proposed severance will
not entail any change in use, and will maintain the agricultural operation on the retained parcel.

Additionally, Policy B-9.2 states that the Region will consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As previously mentioned, archaeological potential for the subject lands has been addressed through the inclusion of the standard archaeological note in the decision for Consent Application GL/B-09:059 (Appendix “D” - Note 2).

With regards to lot creation, Policy D-8.1.1 of the Hamilton-Wentworth Official Plan requires that Area Municipal Official Plans contain detailed policies consistent with this Plan, which limit consents in the Rural Area and on prime agricultural lands, and directs severance activity to Rural Settlement Areas. The Area Municipal policies will also provide locational criteria for those types of consents permitted in the Rural Area.

In addition, policies related to consolidation of agricultural lands, surplus farm houses, continued farm viability and lots limited to appropriate size of intended use must be incorporated into the Area Municipal Official Plans. As directed by the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan contains said policies within Section D of the Plan. Therefore, the subject applications conform with 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 continued working of all existing farmlands and the preservation of prime agricultural land is encouraged. As such, the application conforms to the “Agricultural” policies of the Plan.

However, with regards to farm consolidation, Policy Section 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.”

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**Values:** Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
It is noted that the farm consolidation subject to Consent Application GL/B-09:059 is for a non-abutting farm consolidation. As required under Condition #4 of the decision attached as Appendix “B”, the applicant/owner is required to apply for, and receive, approval of the necessary Official Plan Amendment.

It is noted that upon adoption of the Provincial Greenbelt Plan, the Ministry of Municipal Affairs and Housing has deemed non-abutting farm consolidation to be consistent with the lot creation policies found in Section 4.6 of the Provincial Greenbelt Plan.

Pursuant to Section 8 of the Greenbelt Act, and as the Official Plan Amendment and Zoning By-law Amendment are required to implement a severance that conforms to the Greenbelt Plan, staff supports the proposed site-specific Official Plan Amendment to permit the consolidation of non-abutting farm parcels.

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

The City of Hamilton Rural Official Plan was approved by the Economic Development and Planning Committee on September 5, 2006, 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 Ontario Municipal Board. As a result, the plan does not have legal status at this time.

The subject lands are designated “Agriculture” on Schedule “D” - Rural Land Use Designations. Section F.1.13.2.2 contains policies for the severance of surplus farm dwellings.

Staff notes that the proposed farm consolidation is to occur with three farm holdings in the Region of Niagara. As the Rural Hamilton Official Plan does not have legal status at this time, Policy F.1.13.2.2(c)(i), which requires that farm consolidations occur within the limits of Rural Hamilton, is inoperable. Furthermore, as previously mentioned, the consolidation of non-abutting farms, including those beyond the limits of Rural Hamilton, are permitted under the Provincial Greenbelt Plan and Provincial Policy Statement.

The proposed consolidation shall provide a consolidated farm operation of approximately 66.4 hectares, with approximately 39.2 hectares being provided through the retained agricultural parcel located at 1280 Hendershot Road. This agricultural operation is currently a cash crop (Berry Farm), and contains agricultural buildings which were deemed by staff as incapable of housing livestock and, therefore, in conformity with the Minimum Distance Separation Formulae. The proposal is in conformity with Policies F.1.13.2.2(c)(ii, iii, and vii).
Furthermore, the owners have owned the consolidated farm operation for over a year, and the applicant has submitted the subject application to rezone the lands in order to prohibit any new dwelling(s) on the retained farm parcel, which is in conformity with the provisions of Policies F.1.13.2.2(c)(iv and vi).

Based on the foregoing, as the new Rural Hamilton Official Plan does not have legal status at this time, the proposed Official Plan and Zoning By-law Amendment remain guided by the policies of the current Glanbrook Official Plan and is, in principle, in conformity with the policies of the new Rural Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Traffic Engineering Section, Public Works Department.
- Tax Administration/Building Section, Corporate Services Department.
- Niagara Peninsula Conservation Authority.

Public Consultation

In accordance with Council’s Public Participation Policy, preliminary circulation of the application shall not be required if the application is part of the implementation of a planning study or other application, such as a consent, which has been approved within one year of public involvement and participation opportunities. Since the property was also the subject of Consent Application GL/B-09:059 in August 2009, which includes a Public Meeting, preliminary circulation of the Zoning By-law Amendment and Official Plan Amendment was not required. No public comments/letters were received in response to the circulation of Consent Application GL/B-09:059 and no members of the public were present at the Committee of Adjustment Meeting.

In accordance with the new provisions of the Planning Act, Notice of Complete Application for the Zoning By-law Amendment and Official Plan Amendment were circulated to 42 property owners within 120 metres of the subject property on December 18, 2009. To date, one formal response has been received, seeking additional clarification about the applications (Appendix “E”). Upon receipt of the requested information, the public citizen had no further comments or concerns. Further, a Public Notice sign for the Zoning By-law and Official Plan Amendment was posted on the property on December 21, 2009. Additionally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.
ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the policies of the Provincial Policy Statement and the Greenbelt Plan.
   
   (ii) It conforms to the “Rural Area” policies of the Hamilton-Wentworth Official Plan.
   
   (iii) The proposed amendments satisfy conditions of approval for Consent Application GL/B-09:059, which was approved by the Committee of Adjustment on August 13, 2009 (Appendix “D” - Conditions 2 and 4).

2. The policies of the Provincial Policy Statement and Greenbelt Plan permit the severance of a residence surplus to a farming operation, as a result of a farm consolidation. As mentioned in the Greenbelt Plan policy section above, upon adoption of the Provincial Greenbelt Plan, the Ministry of Municipal Affairs and Housing has deemed non-abutting farm consolidation to be consistent with the lot creation policies found in Section 4.6 of the Provincial Greenbelt Plan. All provincial documents permit such a severance, provided that the planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by the severance.

   The retained parcel on the subject lands will continue to be zoned for agricultural uses under a site-specific General Agricultural “A1-259” Zone with a site-specific modification which will prohibit any new residential dwelling.

3. As noted in the Township of Glanbrook Official Plan policy section above, only farm consolidations of abutting parcels are permitted, as per Policy Section D.2.2.6 of the Official Plan. However, Section 8 of the Greenbelt Act states that the Greenbelt Plan prevails in the case of a conflict between the Greenbelt Plan and an Official Plan. Based on the foregoing, staff supports the proposed site-specific Official Plan Amendment to permit the consolidation of non-abutting farm parcels.

4. 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.
5. The Provincial policies and local Official Plan all contain policies that require new lot creations to comply with the minimum distance separation formulae (MDS). Upon initial review of Severance Application GL/B-09:059, staff had determined that the existing agricultural buildings on site were incapable of housing livestock, and are currently used as a cash crop (Berry Farm) operation. The proposed severance conforms to the requirements of the Minimum Distance Separation Formulae.

6. Staff received one letter of concern, attached as Appendix “E”. The public comment requested additional information regarding the proposal, and upon further clarification of the proposal by staff, there were no outstanding comments and/or concerns with the proposed applications.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed applications, the conditional approval of Consent Application GL/B-09:059 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the subject property would continue to be regulated by the existing General Agriculture “A1” Zone provisions contained in Zoning By-law No. 464.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**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 Official Plan Amendment to the Glanbrook Official Plan.
Appendix “C” - Draft Zoning By-law Amendment to Glanbrook Zoning By-law No. 464.
Appendix “D” - Committee of Adjustment Decision for GL/B-09:059.
Appendix “E” - Public Consultation Letter.

:AC
Attachs. (5)
Draft Amendment No. [Space] to the

Official Plan for the former Township of Glanbrook

The following text, together with Schedule “A” - Land Use Plan, attached hereto, constitute Official Plan Amendment No. [Space] to the Official Plan of the former Township of Glanbrook.

Purpose

The purpose of the Amendment is to permit the consolidation of non-abutting farm parcels to facilitate the severance of a surplus farm dwelling, as approved under City of Hamilton Committee of Adjustment Application GL/B-09:059 for 1280 Hendershot Road.

Location

The lands affected by this Amendment are Part of Lot 1, Block 3, Concession 2, located at the southwest corner of Golf Club Road and Hendershot Road, known municipally as 1280 Hendershot Road, in the former Township of Glanbrook.

Basis

The basis for the Amendment is as follows:

- The amendment will allow for a farm consolidation of two non-abutting farm parcels and facilitate the approved severance application of a surplus farm dwelling in accordance with the Lot Creation policies of the Provincial Greenbelt Plan.

- The proposal is consistent with the Provincial Policy Statement.

- The proposed Amendment conforms to the Hamilton-Wentworth Official Plan.

Actual Changes

Schedule Changes

1. That Schedule “A”, Land Use Plan, be revised by identifying the subject lands as OPA No. [Space], as shown on the attached Schedule “A” of this Amendment.
Text Changes

1. That Section B.1.1.14, Site-Specific Policies, be amended by adding the following subsection:

   “B.1.1.14. Lands located on the southwest corner of Golf Club Road and Hendershot Road, known municipally as 1280 Hendershot Road, being Part of Lot 1, Block 3, Concession 2, former Township of Glanbrook.

   Notwithstanding Section D.2.2.6, for the lands known municipally as 1280 Hendershot Road, the consent of a surplus dwelling as a result of the consolidation of non-abutting farm parcels shall be permitted. The construction of any dwelling unit shall be prohibited on the retained 38.56 hectare farm parcel.”

Implementation

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. passed on the day of , 2010.

The

City of Hamilton

_______________________   _________________________
Fred Eisenberger               Kevin C. Christenson
Mayor                           Clerk
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 of Report 10- of the Economic Development and Planning Committee, at its meeting held on the day of , 2010, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) upon the approval of Official Plan Amendment No. ;
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 “A1-259” 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, “A1-259”, as follows:

“A1-259” 1280 Hendershot Road

Notwithstanding SECTION 8: GENERAL AGRICULTURAL “A1” ZONE, Subsection 8.1 - PERMITTED USES, the following uses shall be prohibited on the lands zoned “A1-259”:

(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 ☐ day of ☐, 2010.

________________________________________  __________________________________________
Fred Eisenberger                      Kevin C. Christenson
Mayor                               Clerk

ZAR-09-051
This is Schedule "A" to By-Law No. 10-
Passed the .......... day of .................., 2010

Schedule "A"
Map Forming Part of By-Law No. 10-_____
to Amend By-law No. 464

Subject Property
Change in zoning from the General Agriculture "A1" Zone to the General Agriculture "A1-259" Zone
Committee of Adjustment
Hamilton City Centre
4th Floor, Suite 400, 17 James St. N.
Hamilton, ON L8R 2K3
Telephone (905) 546-2424, ext. 4271
Fax (905) 546-4202

Hamilton

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. GL/B-09:59
SUBMISSION NO. B-59/09

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 1280 Hendershot Road, formerly in the Township of Glenbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Jeff Tigchelaar on behalf of the owners Jeff Tigchelaar, Daniel Tigchelaar, Frances Tigchelaar and Melissa Tigchelaar, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of an irregular-shaped parcel of land having a frontage of 82.5m± (270.6±), and an area of 0.555ha± (1.37 acres±) containing an existing single family dwelling and detached garage for residential purposes, and to retain an irregular-shaped parcel of land having a total frontage on Hendershot Road of 1,004m± (3,293±), and an area of 38.56ha± (95.3 acres±) containing two existing barns for agricultural purposes.

THE DECISION OF THE COMMITTEE IS:

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

1. The proposal is consistent with the Greenbelt Plan, the Provincial Policy Statement and the Hamilton-Wentworth Regional Official Plan.

2. The proposal does not contravene Zoning By-law requirements.

3. The Committee considers the proposal to be in keeping with development in the area.

4. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following 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.

2. That the owner/applicant shall apply for and receive approval of a Zoning By-law Amendment application prohibiting the construction of any new residential dwellings on the retained lands, to the satisfaction of the Planning and Economic Development Department, Development Planning (East) Division.

3. That the owner/applicant shall demonstrate that all of the individual servicing components (Septic systems, etc.) for the parcel to be severed are contained entirely within the boundaries of the severed parcel, to the satisfaction of the City of Hamilton, Director of Building Services.

4. That the owner/applicant apply for and receive approval of an Official Plan Amendment to the former Township of Glenbrook Official Plan, to the satisfaction of the Planning & Economic Development Department, Development Planning (East) Division.

...)
5. That the owner/applicant dedicate a 7.0m x 7.0m day lighting triangle at the intersection of Golf Club Rd and Hendershot Rd by deed to the City of Hamilton.

6. The owner/applicant 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).

7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

8. That the owner 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.

DATED AT HAMILTON this 13th day of August, 2009.

D. Drury, Acting Chairman

C. Lewis

D. Servatuk

D. Smith

L. Gaddy

L. Tow

V. Abraham

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 20th, 2009.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 20th, 2010) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS September 9th, 2009.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

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 times odours emanating from neighbouring livestock facilities may impede the enjoyment of the outdoor amenity areas of the subject property."  

2. notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Culture (OMCI) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392).

3. The subject lands contain a farm house and accessory buildings that are included in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest. Accordingly, in the event the property owner wishes to demolish the listed structures, Heritage Planning Staff request to be informed by the property owner in order to take the appropriate measures to photo-document the structures prior to their demolition.

4. Based on the attached Plan, and 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 1290 Hendershot Rd, and the lands to be retained will be assigned the municipal address of 1110 Hendershot Road, based on the entrance to the north of the land to be conveyed.
Legend: □ Land to be retained
□ Land to be severed

GOLF CLUB ROAD

LAND TO BE RETAINED

Existing Lots

LAND TO BE CONVEYED

Existing Buildings

Lot 1, Concession 2
1230 Hendershot Rd
RTH Harmon

Land intended to be severed: 5.52 hectares
Land intended to be retained: 3.52 hectares

6L1/8-09:59
SKECH (1)
Chan, Alvin

From: Alison Watkinson [redacted]
Sent: Wednesday, December 23, 2009 2:09 PM
To: Chan, Alvin
Cc: Mitchell, Dave
Subject: Lands at 1280 Hendershot Road, Glenbrook

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I received a notification letter from the city of the Official Plan Amendment and Zoning By-Law Amendment by Jeff Tigchelaar.

I really only have one question regarding the amendments and I find the 'lawyerese' wording in the letter a little confusing.

The farm area marked off on the attached map (was my understanding) his property and his father's before him. Does he want to change the zoning to prohibit any new residential property(s) from being constructed on that parcel of land? If so that's great, and I hope he's successful.

I do have a huge problem with anymore farmland being gobbled up at an alarming rate by developers, or by those individuals who come out to the country, build massive homes and bring with it their city mentality, noise and paraphernalia with them. We've already lost far too much farmland out here with the construction of far too many new homes in Binbrook.

If you could clear this up for me, that would be great. Thank-you.

Regards
Alison Watkinson

De-amalgamation rules!