That Council agrees to the following actions, as detailed in Report PED12103, respecting the appeal of the City of Hamilton Committee of Adjustment Consent/Land Severance Application AN/B-12:18, by Marion Goodbrand, 3134 Jerseyville Road West Formerly Town of Ancaster, as shown on Appendix “A” to Report PED12103, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application AN/B-12:18.

(b) That Council directs appropriate Legal Services and Planning staff to attend the future OMB Hearing to support the appeal.
EXECUTIVE SUMMARY

Application AN/B-12:18 to permit the severance of a 6,257 m.² lot containing an existing dwelling was considered by the City of Hamilton Committee of Adjustment on April 5th, 2012. Comments to the Committee of Adjustment from the Planning and Economic Development Department did not support the application, as it was the opinion of staff that the proposal did not conform to the severance policies as set out in the Greenbelt Plan, the Provincial Policy Statement, the Hamilton-Wentworth Official Plan, and the Former Town of Ancaster Official Plan. The Committee of Adjustment approved the application, subject to conditions on April 5th, 2012, (see Appendix “C”). Due to the appeal period, Planning and Economic Development Department staff submitted an appeal letter and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process, subject to Council's approval/ratification.

Alternatives for Consideration - See Page 13.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: Planning and Economic Development Department staff has submitted the required fee of $125.00 to the Minister of Finance to begin the appeal process. Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets. Therefore, no additional funds would be required.

Staffing: One representative from each of Development Planning and Legal Services would be required for preparation and attendance at an Ontario Municipal Board Hearing.

Legal: No legal implications are expected.

HISTORICAL BACKGROUND (Chronology of events)

Chronology:

March 7th, 2012: Submission of Consent Application AN/B-12:18 by Neal Miller, on behalf of Marion Goodbrand.

April 5th, 2012: Notice of Decision issued approving application.

April 24th, 2012: Appeal filed by City of Hamilton.
Proposal

The subject property is located at 3134 Jerseyville Road West (former Town of Ancaster). The application proposes to sever a 6,257 m² lot containing an existing dwelling from an existing 15.9ha lot and retain a 15.5ha lot which also contains an existing farm help house and other agricultural buildings, as shown on Appendix “B”.

The application was reviewed against all applicable planning policy documents which included the Provincial Greenbelt Plan, the Provincial Policy Statement, the Hamilton-Wentworth Official Plan, and the Former Town of Ancaster Official Plan. Planning and Economic Development Department staff recommended denial of the application on the basis of non-conformity with the above noted policy documents.

The Committee of Adjustment approved the application on April 5th, 2012, subject to conditions (see Appendix “C”).

Details of Submitted Application

Location: 3134 Jerseyville Road West (Ancaster)

Owner: Marion Goodbrand

Applicant: Neal Miller

Property Description: Frontage: Approximately 245 metres
Depth: Approximately 517 metres
Area: Approximately 15.5 hectares

Existing Land Use And Zoning

<table>
<thead>
<tr>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands: Agriculture with a Single Detached Dwelling, a Farm Help House, and Barns</td>
<td>Agricultural “A” Zone</td>
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Surrounding Lands:

<table>
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<th>North</th>
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<td>Agriculture and Single Detached Dwelling</td>
<td>Agricultural “A” Zone</td>
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<th>South</th>
<th>Existing Land Uses</th>
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<td>South</td>
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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

Provincial Greenbelt Plan

The subject lands are designated as “Protected Countryside – Prime Agricultural Area” within the Greenbelt Plan. Policy 3.1.3.1 states that within prime agricultural areas, as identified in Municipal Official Plans, normal farm practices and a full range of existing and new agricultural, agricultural-related and secondary uses are supported and permitted.

Policy 4.6 addresses lot creation for lands falling within the Protected Countryside. Policy 4.6.3 c) states that within the specialty crop area and prime agricultural area, lot creation is permitted for:

“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;”

Staff note that the applicant is seeking the severance of an existing dwelling as a result of a future non-abutting farm consolidation. The 15.5 hectare (38.3 ac) portion of the property to be retained is to form part of the applicants future additional agricultural land holdings. However, the retained property is proposed to also retain a dwelling. Staff note that the dwelling on the lands to be retained was established through By-law 79-38 and the intent of the By-law was to allow a farm help house on the property. (See Appendix “D”)

In addition, while the farm help house on the lands to be retained was legally established, it is not considered an existing farm residence. Therefore, staff cannot ensure that a residential dwelling is not permitted in perpetuity on the retained lot of farmland. Finally policy 4.6.3 c) states that the surplus residence must be created as a result of a farm consolidation, to date no farm consolidation has occurred, therefore the existing dwelling is not surplus to a farming operation as a result of a farm consolidation.
In addition, staff note that Policy 3.1.3.4 states that new land uses and the creation of lots, as permitted by the policies of this Plan, and new or expanding livestock facilities shall comply with the minimum distance separation formulae. Implementation Guideline # 8 of the Minimum Distance Separation (MDS) Guidelines states that "...MDS I is applied to a proposed lot with an existing dwelling when the dwelling is presently located on the same lot as the subject livestock facility." However, staff note that as part of the subject application, the applicant has indicated that the livestock facility on the retained lands is to be demolished. This would remove the potential for any MDS conflicts to arise.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 2.3.4 addresses lot creation and lot adjustments within agricultural areas. Specifically, Policy 2.3.4.1 c) states that lot creation in prime agricultural areas is discouraged and may 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;”

Further, Policy 2.3.4.3 states that the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1 (c).

Staff note that the applicant is seeking the severance of an existing dwelling as a result of an intended future non-abutting farm consolidation. The 15.5 hectare (38.3 acres) portion of the property to be retained is intended to form part of the applicants future additional agricultural land holdings. However, the retained property is proposed to also retain a dwelling. As discussed above, the dwelling on the lands to be retained was established through By-law 79-38 and the intent of the by-law was to allow a farm help house on the property. In addition, while the farm help house on the lands to be retained was legally established, it is not considered an existing farm residence and, therefore, is not eligible to benefit from the above Policy.

Policy 1.6.4.1 requires planning for sewage and water services to be sustainable and protect human health and the natural environment. The subject application has been reviewed by the Infrastructure and Source Water Planning (I&SWP) Section who advise that the proposed lot size of 0.4 hectares (1 acre) is not adequate to ensure sufficient natural infiltration to attenuate contaminant concentrations at lot boundaries.
As such, the minimum required lot size of the lands to be severed should be 0.63 hectares (1.55 acres). Therefore, in the absence of the proposal being modified to establish a lot with a minimum lot area of 0.63 hectares the proposal does not conform to the policy.

Policy 2.3.3.3 states that new land uses, including the creation of lots, and new and expanding livestock facilities shall comply with the minimum distance separation formulae. As noted above, Implementation Guideline # 8 of the Minimum Distance Separation (MDS) Guidelines states that "...MDS I is applied to a proposed lot with an existing dwelling when the dwelling is presently located on the same lot as the subject livestock facility." However, staff note that as part of the subject application, the applicant has indicated that the livestock facility on the retained lands is to be demolished. This would remove the potential for any MDS conflicts to arise.

Finally, Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Staff note that 3142 Jerseyville Road West is identified as being of architectural and/or historical interest and is listed within Hamilton’s Heritage Volume II.

**Hamilton-Wentworth Official Plan**

The subject lands are designated as “Rural Area – Prime Agricultural Area” within the Hamilton-Wentworth Official Plan. Policy D-8 of the Plan addresses land severances and states that the severance of land on prime agricultural lands is generally inconsistent with the principles of sustainable development. However, Policy D-8.1.1 states that policies related to Rural Settlement Areas, mineral aggregate areas, separation distances from watercourses, the Agricultural Code of Practice, 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.

Policy D-8.2.1 states that the Region will establish a minimum lot size in the Rural Area of 0.4 hectares (approximately 1 acre). A larger lot size may be required by the Regional Public Health Department depending upon soil and site conditions or the findings of a hydrogeological study. A potable water supply must be available for the intended use of the land. Staff note that the parcel of land to be severed is 0.4 hectare (1 acre) in size and is to contain an existing single detached dwelling serviced by an individual well and septic system. Further, the subject application has been reviewed by the I&SWP Section who advise that the proposed lot size of 0.4 hectares (1 acre) is not adequate to ensure sufficient natural infiltration to attenuate contaminant concentrations at lot boundaries. As such, the minimum required lot size of the lands to be severed should be 0.63 hectares (1.55 acres). Therefore, in the absence of the proposal being...
modified to establish a lot with a minimum lot area of 0.63 hectares the proposal does not conform to the policy.

In addition, Policy B-9.2 states that 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 noted above, 3142 Jerseyville Road West is identified as being of architectural and/or historical interest and is listed within Hamilton’s Heritage Volume II.

Rural Hamilton Official Plan

The subject lands are designated as “Agriculture” under the Rural Hamilton Official Plan. Staff note that the OMB issued an order on June 28, 2011 approving portions of the Rural Hamilton Official Plan, including the “Agriculture” designation; however, errors in this decision have led to the City to request corrections to the order and one appellant to request a review of the decision in its entirety. An OMB ruling on the matter, including whether or not portions of the Rural Hamilton Official Plan came into effect June 28, was issued on March 7, 2012. As the subject application was received on March 7, 2012, the policies of this plan are applicable, save and except for the severance policies of the Plan, which did not come into full force and effect until an OMB order was issued on April 25, 2012. However, as the current severance application was submitted March 7th, 2012, those severance policies below, are provided for information purposes only.

Staff advise that Policy F.1.14.2.2 states that an existing farm dwelling that is a residence, surplus to a farm operation, as a result of a farm consolidation may be severed provided that:

b) The lot to be created for the surplus farm dwelling shall comply with the provisions of Section F.1.14.2.2 d) of this Plan.

c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

i) The owner and operator of the farm maintains an existing dwelling on land that is also part of the consolidated farm operation and is located in Rural Hamilton;

ii) The parcels of land comprising the consolidated farm operation shall be a minimum of 38.4 hectares (95 acres) in total;
iii) The parcel of land from which the surplus dwelling is severed shall be a minimum of 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;

iv) The parcel of land from which the surplus dwelling is severed shall have been owned and part of the consolidated farm operation for at least one year;

v) The owner of the retained land shall grant in favour of Hamilton a restrictive covenant prior to the granting of final consent which prohibits the construction of any dwelling unit;

vi) The land retained as a result of the severance of a surplus dwelling shall be rezoned prior to the granting of final consent to prohibit the construction of any dwelling unit; and

vii) Barns and farm buildings situated on the land retained as a result of surplus farm dwelling severance shall comply with the Minimum Distance Separation 1 formula of the Province; and,

d) States that in all cases where surplus farm dwellings are to be severed the following conditions shall also apply:

i) The surplus dwelling to be severed shall be at least 25 years old;

ii) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Sustainable Private Water and Wastewater Services of this Plan;

iii) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of this Plan;

iv) The shape and dimensions of the surplus farm dwelling lot shall not impair agricultural operations on the retained land and shall not exceed 122 metres (400 feet) in depth; and

v) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.

For information purposes, the subject application would not meet policy F.1.14.2.2 c) iv) as the parcel of land from which the surplus dwelling is being severed from is not currently owned as part of consolidated farm operation. In addition, the parcel of land to be severed is 0.4 hectares (1 acre) in size and is to contain an existing single detached dwelling serviced by an individual well and septic system.
The subject application has been reviewed by the I&SWP Section who advise that the proposed lot size of 0.4 hectares (1 acre) is not adequate to ensure sufficient natural infiltration to attenuate contaminant concentrations at lot boundaries. As such, the minimum required lot size of the lands to be severed should be 0.63 hectares (1.55 acres). Therefore, in the absence of the proposal being modified to establish a lot with a minimum lot area of 0.63 hectares the proposal does not conform to the policy of the Rural Hamilton Official Plan.

The subject property comprises an existing dwelling and farm dwelling and the property is included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. As the proposal is to establish the principal dwelling that is of Historical Interest on a separate lot and will not result in the demolition of the existing dwelling staff are of the opinion that the heritage attributes of the heritage property will be conserved and as such, have no further comments from a built heritage perspective.

Town of Ancaster Official Plan

Although the subject lands are now officially designated within the Rural Official Plan, because the severance policies of the ROP were not in effect at the time the application was submitted, the following policies of the Ancaster Official Plan have been used for assessment purposes.

The subject property was designated “Agricultural” in the Town of Ancaster Official Plan. Policy 4.1.1 states “The predominant use of lands designated Agricultural on Schedule A shall be for agriculture, forestry, and activities connected with the conservation of soil and wildlife. Agriculture uses shall include field crops, cattle, sheep, swine, and poultry production, apiaries, nurseries, greenhouses and mushroom farms.”

Policy 4.1.3 states “In addition to the predominant uses of land expressed in Policy 4.1.1 and the ancillary uses in Policy 4.1.2, the following additional uses may be permitted on a limited basis:

- A detached dwelling on an existing lot of record.”

Policy 7.7.2.1 states “In considering consents for severance in the Agricultural Area, regard shall be had to the policies of this plan, the Hamilton-Wentworth Official Plan, and within the area of the Niagara Escarpment Plan, the provision of the Niagara Escarpment Plan. No consent shall be permitted unless the application complies with the policies of the relevant land use designation, Policy 7.7.1 and the following policies:
i) Any proposal for consent within the Agricultural Area shall:

a. not prejudice the existing and/or potential viability for a farm unit; nor interfere with the efficient agricultural operation of remaining lands or adjacent agricultural lands;

b. not adversely affect the natural environment of the particular area or existing and/or proposed adjacent agricultural uses;

c. result in uses compatible with existing or proposed nearby land uses and shall not adversely affect the surrounding rural landscape;

d. only be permitted where evidence is submitted that the requirements of the Ministry of the Environment and the Regional Department of Health or its agent can be complied with including the availability of private sewage disposal facilities and potable water supply;

e. comply with the minimum distance requirements of the Agricultural Code of Practice, as amended from time to time, where applicable; and,

f. be encouraged to locate on the least productive portion of the applicants land holding where possible.”

Policy 7.7.2.5 i) state “An application for one severance may be permitted where abutting farms have been consolidated by common ownership into one agricultural unit resulting in an extra surplus dwelling, the existing dwelling may be conveyed provided that no severance has been granted within the previous 3 years, a severance has not been granted under section 7.7.2.2 and 7.7.2.3 and that all parcels of land in the consolidated unit are registered in the same name and title”.

The proposed lands to be severed are to be integrated into the farming operation of the property at 3029 Jerseyville Road West, however the property at 3029 Jerseyville Road West is not abutting the lands to be severed nor have they been consolidated into common ownership, consequently the proposal will not conform to policy 7.7.2.5 i) of the Town of Ancaster Official Plan. Furthermore, as the applicant is proposing a minimum lot size of 0.4 hectares and as a minimum lot size of 0.63 hectares is required for on-site private services the proposal would not conform to policy 7.7.2.1 d) of the Town of Ancaster Official Plan.
Town of Ancaster Zoning By-law

The subject property is zoned Agricultural “A” Zone in the Town of Ancaster Zoning By-law, to which the proposed use complies.

The proposed lands to be severed and lands to be retained will meet the minimum lot area requirement of 2,000 sq. m. and the minimum lot frontage requirement of 30m.

In 1979 approval was given to establish a second dwelling on the property. Based on a review of a report to the Town of Ancaster Council dated March 23, 1979, the second dwelling was required for the purposes of having full time assistance on the farm, therefore the second dwelling is a farm help house. The report dated March 23, 1979, also indicated that the applicant did not want to sever a building lot and wanted to retain full ownership of the 112 acre lot (see Appendix “D”).

In situations in which a surplus farm dwelling severance is proposed for non-abutting agricultural properties, staff require that a condition of rezoning be imposed on the vacant farm parcel to prohibit a dwelling and therefore no new building lot is created. This is in order to be consistent with the applicable Provincial Plans and Policies. If the farm help house were to remain on the farm parcel, the land will not be vacant and in the absence of the farm help house being demolished, a rezoning to prohibit a dwelling would contradict the existing site conditions and therefore a separate building lot would be established.

As the farm parcel would maintain the existing farm help house and would maintain the potential for the construction of a new dwelling, the potential exists that a lot will not remain consolidated with a farming operation, but instead will revert back to a stand alone lot. This would clearly be contrary to the above cited Provincial and Municipal plan policies.

Finally, it should be noted that the site specific zoning that was approved in 1979 was not carried over into the new Town of Ancaster Zoning By-law No. 87-57 and therefore a second dwelling is legal non-conforming. As the use is legal non-conforming, the potential exists for the legal non-conforming dwelling to disappear over time and the property be brought into conformity with the By-law. If the proposed severance is approved, the existing legal non-conforming situation would not disappear over time and would become permanent.

RELEVANT CONSULTATION

- N/A
Roles and Responsibilities of the Committee of Adjustment (PD02116(a))

In December 2002, City Council endorsed a staff report related to the roles and responsibilities of the Committee of Adjustment. The recommendations included the following:

“That the Planning and Development Department be authorized and directed to prepare an Information Report to the Committee of the Whole when an appeal is made to the Ontario Municipal Board, of a decision made by the Committee of Adjustment to deny an application(s) that was supported by staff. In response to such a report, Council may determine its position on the Committee of Adjustment decision and may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.”

The situation with the subject Jerseyville Road application is one in which the Committee of Adjustment “approved” an application that was “not” supported by staff. What is consistent between the above resolution and the subject application is that the Committee of Adjustment decided against the staff recommendation. As a result, the above application is being brought to the attention of Council for their consideration and direction.

Due to the short appeal time frame regulated through the Planning Act, the prescribed fee and appeal letter were submitted to begin the appeal process, subject to confirmation of this action from Council.

As detailed above the proposal is not consistent with the policies of the Provincial Policy Statement and does not conform to the policies of the Provincial Greenbelt Plan, Hamilton-Wentworth Official Plan, Rural Official Plan, and Ancaster Official Plan.

Council Direction

At its meeting of February 28th, 2012, Planning Committee passed a motion to direct staff to obtain an outside Planning opinion on the interpretation of the Provincial Policy Statement and the Greenbelt Plan respecting farm consolidation and residence surplus to a farming operations severances. This analysis was undertaken by Registered Professional Planner Mark Dorfman, the findings of which were presented to Planning Committee at its meeting of April 3rd, 2012. Mr. Dorfman’s concluded the following:
“A severance for a surplus farm dwelling on its own lot must be considered and consented to by the authority, subject to the policies of the official plan, when the owner has acquired the farm as part of a farm consolidation, and only afterwards determines that an existing farm dwelling located on the farm that is part of the consolidation is surplus to the needs of the farming operation; and

A farm help house dwelling that originally was constructed on a farm, and that is a legal use of the building, is an accessory use on the farm, is not considered as a principal farm residence and therefore cannot be determined as a ‘residence surplus to a farming operation’ as a result of a farm consolidation.”

Based on these conclusions, Planning Committee moved forward with a motion to proceed with an appeal filed by the City of Hamilton for an application to sever a farm help house from a non-consolidated farming operation.

The proposal for 3134 Jerseyville Road West fails to meet the tests provided by Mr. Dorfman’s analysis respecting the applicable policies of the PPS and the Greenbelt Plan, as the farming operation has not been consolidated and the existing dwelling is considered to be a farm help house. As such, proceeding with the appeal on the subject lands is consistent with the Council direction recently established.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

**Option 1**

Council could proceed with the appeal and direct appropriate Legal Services and Planning staff to attend the OMB Hearing in opposition to the approved severance application, as recommended in this Report.

**Option 2**

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the OMB.

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


Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Healthy Community

• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: AN/B-12:18 Severance Sketch
• Appendix “C”: AN/B-12:18 Severance Decision
• Appendix “D”: Original Zoning Amendment Report for Farm Help House

:EJ/ra

Attachs. (4)
Appendix "A" to Report PED12103
(Page 1 of 1)

Committee of Adjustment

Subject Property
3134 Jerseyville Road West
- Lands to be Severed
- Lands to be Retained

City of Hamilton

File Name/Number: ANB-12/18
Date: March 29, 2012
Technician: AL
Map Not to Scale
Appendix "A"
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. AN/B-12-18
SUBMISSION NO. B-18/12

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 3134 Jerseyville Road West, Formerly in the Town of Ancaster, Now in the City of Hamilton;

AND IN THE MATTER OF AN AMENDED APPLICATION by the agent Neal Miller on behalf of the owner Marion Goodbrand, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the severance of a parcel of land with approximately 35.6m of frontage along Jerseyville Road West with an area of approximately 6257m² containing the existing dwelling known municipally as 3142 Jerseyville Road West, for residential purposes and to retain a parcel of land with approximately 245m of frontage on Jerseyville Road West and an area of approximately 15 hectares containing the farm residence known municipally as 3134 Jerseyville Road West for farm 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 does not conflict with the intent of the Hamilton-Wentworth and City of Hamilton Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

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. The owner shall satisfy ALL requirements financial and otherwise of the City of Hamilton, Planning and Economic Development Department, Development Planning (West) Division.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding separation distances to the satisfaction of the Planning and Economic Development Department (Building Services Division).
4. 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).
5. The owner shall demolish the accessory structures located on the lands to be severed to the satisfaction of the Planning and Economic Development Department (Building Services Division) or a successful application for minor variance is required to permit the accessory structures to remain on the severed lands when no main use/building has been established. Demolition of the accessory building/structure is subject to a demolition permit issued in the normal manner.

.../2
6. 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).

7. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer 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).

8. That the Owner dedicate to the City of Hamilton be deeded, 10 feet (3.048m) of land from the lands to be severed for road allowance widening purposes to establish the property line 43 feet (13.106m) from the centre of the Jerseyville Road West road allowance.

9. That the lands be consolidated into the farming operation as proposed in the application and evidence be provided to the satisfaction of the Secretary Treasurer.

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

DATED AT HAMILTON this 5th day of April, 2012.

I. Dunlop, Acting Chairman

D. Smith

L. Gaddye

D. Serwatuk

K. Audzis

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS April 12th, 2012.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (April 12th, 2013) 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 May 2nd, 2012.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
March 23, 1979

Mayor Ann Sloat and Members
of Ancaster Town Council

Reference - Application for second dwelling on farm
Applicant - Mr. W. C. Goodbrand
Location - 3142 Jerseyville Road West, Lot 14, Conc. 3
Acreage - 112
Frontage - 1000 feet

Madam Mayor & Members,

Reasons for application - The applicant, Mr. W. Goodbrand, intends to increase his herd of cattle and this will necessitate full time assistance on the farm. He intends to form a partnership with his son and feels that by increasing the herd there will be sufficient income to support two families. Mr. Goodbrand wishes to retain full ownership in the 112 acres and therefore does not want to sever a building lot.

Mr. Goodbrand has owned the farm for 30 years and it has been his sole source of income in that time. He has not obtained any severances in the past and is therefore eligible, under the present Interim Consents Policies, for a severance.

Mr. Goodbrand also owns an additional 40 acres on Jerseyville Road and rents 24 acres adjacent to this property. The land is used as follows, 30 acres in oats, 30 acres in corn and the balance of tillable land in hay. The total land under his control is 176 acres.

Mr. Goodbrand intends to build the house and also extend the barn an additional 12 stalls as soon as he is permitted to do so.

Recommendation - We are satisfied that Mr. Goodbrand is a bona-fide farmer, he has presented valid reasons for requiring assistance on the farm and he has supplied proof that the farm operation, when increased will provide sufficient income to support two families.

continued.................2
Mayor Sloat and Members

March 23, 1979

We therefore recommend a Zoning By-law exemption to allow the construction of a second dwelling on the 112 acre parcel.

Respectfully submitted,

WGO/rs

W. G. Oliver,
Planning,
Town of Ancaster.
Appendix "D" to Report PED12103

THE IS SCHEDULE "A"
TO BY-LAW No. _______
PASSED THIS _______ DAY
OF _______ 1979

MAYOR

CLERK

TOWN OF ANCASTER

SCHEDULE "A"

MAP FORMING PART OF BY-LAW No. _______
TO AMEND BY-LAW No. 1890

AREA AFFECTED BY BY-LAW
NOT TO SCALE.