SUBJECT: Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 3552 Regional Road 56 (Glanbrook) (PED08104) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-08-004, by Richard Lewis, Agent for P & L Livestock Limited, Owner, for a change in zoning from the General Agriculture “A1” Zone to the General Agriculture “A1-234” Zone in order to prohibit residential uses and the use of the existing barns for livestock, and a reduced side yard setback for an existing barn on Block “1”, and for a change in zoning from the General Agricultural “A1” Zone to the General Agriculture “A1-235” Zone in order to permit an increase in maximum lot coverage for the existing garage on Block “2”, for the lands located at 3552 Regional Road 56, (Glanbrook), as shown on Appendix “A” to Report PED08104, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

(c) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning to prohibit the development of a new residential dwelling and the use of the existing barns for the housing of livestock. These modifications in zoning are required as a condition of approval for Consent Application GL/B-07:92, and are necessary to ensure that the retained lands comply with existing Provincial policies. In addition, this application proposes a number of modifications to the General Agricultural “A1” Zone requirements to ensure both the retained and conveyed parcels conform to Zoning By-law No. 464.

The proposed modifications in zoning have merit and can be supported as they are consistent with the Provincial Policy Statement and the Greenbelt Plan, and conform to the Hamilton-Wentworth Official Plan and the “Agricultural” designation of the Township of Glanbrook Official Plan. In addition, approval of the application fulfils a condition of approval for Consent Application GL/B-07:92 (Appendix “C” – Condition 2).

BACKGROUND:

Proposal

The applicant has applied for a change in zoning from the General Agricultural “A1” Zone to a site-specific General Agricultural “A1-234” Zone for the retained parcel of 3552 Regional Road 56 (Block “1”). The purpose of the modification is to prohibit future residential uses on the retained farm parcel, to prohibit the existing barns from being used for the housing of livestock, and to reduce the minimum side yard setback from 15.0 metres to 10.2 metres on Block “1”. The proposed modifications will satisfy conditions of approval for Consent Application GL/B-07-92 (see Appendix “C” - Conditions 2, 3 and 4).

The applicant has also applied for a change in zoning from the General Agricultural “A1” Zone to a site-specific General Agricultural “A1-235” Zone for the conveyed parcel of 3352 Regional Road 56 (Block “2”) in order to increase the maximum lot coverage requirement for the accessory garage from 5% to 8.35%.

Consent Application GL/B-07:92

Consent Application GL/B-07:92 was conditionally approved by the Committee of Adjustment on August 30, 2007 (see Appendix “C”). 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. The effect of the Consent application was to create a new lot containing an existing residential dwelling and garage from the subject lands, and to retain a parcel of land containing three existing barns for agricultural purposes (see Appendix “D”). The proposed conveyed lot has a frontage of 55.0 metres and a lot area of 4,213.5 square metres. The retained lot has a frontage of approximately 310 metres and a lot area of approximately 56.7 hectares. The conveyed lot (Block “2”) will remain known as 3552 Regional Road 56,
and the lands to be retained (Block “1”) will be assigned the municipal address of 2860 Kirk Road since the location of the existing driveway is on Kirk Road.

The Provincial Policy Statement and the Greenbelt Plan permit lot creations 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 in perpetuity on any vacant remnant parcel of farmland. The Provincial Policy Statement and the Greenbelt Plan also require new lot creations to comply with the *minimum distance separation formulae* (MDS). With the creation of the proposed new lot, some of the existing barns on the subject lands would be located in close proximity to the severed residential dwelling. In this respect, the applicant has requested to preclude the use of the existing barns for the housing of livestock on the retained lands (Block “1”).

**Details of Submitted Application**

**Location:** 3552 Regional Road 56 (see Appendix “A”)

**Owner:** P & L Livestock Limited

**Applicant/Agent:** Richard Lewis, Paletta International Corporation

**Property Description:**
- Total Lot Area: +/- 57.12 hectares
- Total Lot Frontage: +/- 325 metres
- Lot Depth: +/- 1240 metres
- Servicing: Existing private services

**EXISTING LAND USE AND ZONING**

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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td><strong>Subject Lands</strong></td>
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<td><strong>Surrounding Lands</strong></td>
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<td>North</td>
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<td>South</td>
<td>Agriculture, Existing Single Detached Dwellings</td>
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<td>East</td>
<td>Agriculture, Existing Single Detached Dwellings</td>
<td>General Agriculture “A1” Zone, Private Open Space “OS1-160” Zone</td>
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<td>West</td>
<td>Agriculture</td>
<td>General Agriculture “A1” Zone</td>
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ANALYSIS/RATIONALE:

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 with the “Rural Area” policies of the Hamilton-Wentworth Official Plan and is consistent with the policies of the City’s adopted Rural Official Plan.

   (iii) The proposal conforms to the “Agricultural” designation of the Township of Glanbrook Official Plan.

   (iv) The proposed change in zoning satisfies conditions of approval for Consent Application GL/B-07:92, which was approved by the Committee of Adjustment on August 30, 2007 (Conditions 2, 3, and 4 - Appendix “C”).

2. The retained parcel of the subject lands will continue to be zoned for agricultural uses. A wide range of agricultural uses are permitted on the subject lands under the existing General Agricultural “A1” Zoning regulations. The proposed zoning modification will prohibit any new residential development on the retained agricultural lands. Therefore, the only structures that will be permitted by the zoning will be for agricultural uses. This is consistent with the policies of the Provincial Policy Statement and the Greenbelt Plan, which requires that the development of a new residential dwelling be prohibited on any retained lands when a surplus dwelling is severed from a farm property as a result of a farm consolidation. It will ensure that the primary use of the lands remains agricultural, and prevent agricultural lands from losing its viability by becoming fragmented.

   As a result of the proposed zoning modification to prohibit residential uses on the retained farm parcel (Block “1”), 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.

3. The proposed zoning modifications also prohibit the existing barns from being used for the housing of livestock, as the location of the existing barns are in close proximity to the severed dwelling unit. If the barns were used for housing livestock, they would not meet the current minimum distance separation formulae (MDS) for separation from residential uses. This would conflict with the policies of the Provincial Policy Statement and the Greenbelt Plan, which require that any severances for surplus dwellings, resulting from farm consolidations, comply with the MDS. The effect of the rezoning application is to preclude livestock operations only within the existing barns/accessory structures, but not on the retained lands.
In addition to compliance with the MDS for the subject lands, the applicant was also required as a condition of Consent (see Appendix “C” - Condition 3) to ensure compliance between the severed residential dwelling and neighboring farm operations. Staff notes that the rezoning application will only satisfy a portion of the condition, and the applicant is still required to provide proof through documentation, to the satisfaction of the Director of Planning, confirming compliance with the MDS between the existing dwelling and any adjacent farm operation before the condition can be cleared.

4. The applicant has requested modifications to the General Agricultural “A1” Zone that relate to the side yard setback for the agricultural building on the retained lot (Block “1”), and the lot coverage of the accessory building on the conveyed lot (Block “2”). The proposed modifications are discussed below.

Setback for Agricultural Building (Block “1”)

The applicant is proposing a minimum side yard setback of 10.2 metres for the existing barn; whereas the “A1” Zone requires a minimum side yard setback of 15 metres for agricultural buildings and structures, subject to the Minimum Distance Separation (MDS) Formulae. As previously mentioned, the applicant has also requested to restrict the existing barns from being used for the housing of livestock because of the proximity to the severed residential lot. As a result, staff is of the opinion that the reduced yard setback is appropriate.

Lot coverage (Block “2”)

The applicant is proposing a maximum lot coverage of 8.35% for the accessory garage on the conveyed lot (Block “2”); whereas the “A1” Zone provisions permit a maximum lot coverage of 5% for all accessory buildings. The area of the severed lot is 4,213.5 square metres and the existing garage has a gross floor area of 351.12 square metres. The increase in lot coverage for the accessory building is considered minor and can be supported.

5. It is also noted that Consent Application GL/B-07:92 to sever the surplus residential property from the subject lands does not comply with the strict interpretation of Lot Creation Policy D.2.2.6 of the Township of Glanbrook Official Plan. Policy D.2.2.6 states that 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.

However, recent decisions by the Ontario Municipal Board on similar severance applications in the Glanbrook agricultural area rejected strict interpretation of the Township of Glanbrook Official Plan. The decision of the Board stated that modern farm consolidations should not be required to directly abut the current land holdings of a farming business to allow the severance of a surplus dwelling. The Board made the following statement in those cases. “The Board finds that it
would be wrong to interpret the Township OP so strictly that land consolidations, which further Provincial and Regional policies, would be discouraged.” For these reasons, Consent Application GL/B-07:92 was deemed to comply with all applicable policies and subsequently approved by the Committee of Adjustment on August 30, 2007. Staff also supports the necessary zoning modifications to enforce the Provincial policies relating to this Consent.

6. Staff received two written responses (Appendix “E”) as a result of the circulation of the application. One response was requesting clarification on the effect of the application and whether residential or commercial development would be permitted on the subject lands. Staff notes that the application is to prohibit a future residential dwelling from being constructed on the retained farm parcel. The permitted uses are limited to Section 8.1 General Agricultural “A1” Zone of Zoning By-law No. 464, in which commercial uses are not permitted, except a kennel, commercial greenhouse operation, and seasonal farm produce stands.

The second response expressed an objection towards the proposal since it was very similar to another severance application which was not supported by the Planning Division. The Consent application that is referenced in the objection letter and the proposal by P & L Livestock Limited are not similar in terms of the severance scenario. The proposal by P & L Livestock Limited is permitted under the Lot Creation policies of the Provincial Policy Statement and Greenbelt Plan, as the surplus farm dwelling was severed off as a result of a farm consolidation. The Consent application that is referenced in the objection letter is a different scenario where the owner was proposing to sever off the farm help house, and there are no Provincial or local severance policies that would support that type of severance.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the conditional approval of Consent Application GL/B-07-92 will lapse and the applicant will not be able to sever the existing 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.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a change in Zoning.
POLICIES AFFECTING PROPOSAL:

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. The application is consistent with the Rural Area policies of Section 1.1.4 and the Agriculture Policies of Section 2.3 of the Provincial Policy Statement which permit the severance of a surplus dwelling as a result of a farm consolidation.

Greenbelt Plan

The subject lands are also located within the “Protected Countryside” of 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 agricultural, agricultural-related and secondary uses are supported and permitted. The application is consistent with the Greenbelt Plan, particularly with regards to the following specific policies.

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 MDS. The applicant has requested to prohibit livestock to be housed within the existing barns on the retained lands to satisfy this policy.

Policy 4.6.3 c) states that lot creation is permitted for the severance of a residence surplus to a farming operation as a result of a farm consolidation, provided that the planning authority ensures that a residential dwelling is not permitted on the retained lot of farmland created by the severance.

Hamilton-Wentworth Official Plan

The subject property is designated as “Rural Area - Prime Agricultural Lands” in the Hamilton-Wentworth Official Plan. As the nature of the application is to implement the severance of a surplus residential dwelling, as a result of a farm consolidation; to prohibit the use of the existing barns for the housing of livestock; and to prohibit residential dwellings on the retained lands (Block “1”), the proposal conforms 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. 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.
City of Hamilton Rural Official Plan (pending Ministry approval)

The City of Hamilton Rural Official Plan has been adopted by City Council and is pending approval by the Province. As such, the plan does not have legal status at this time. The subject property is located in the “Rural Area” of the Plan, on lands designated as “Prime Agriculture”. The City of Hamilton Rural Official Plan gives agricultural uses a priority in Rural Hamilton. Policy D.2.0 states that the primary intent of the Agriculture designation is to protect the prime agricultural area for agricultural use. The following specific policies, among others, would apply to the subject property:

Policy F.1.13.2.2 c) permits surplus farm dwelling severances where a farm dwelling is made surplus as a result of acquisition as part of a farm operation. Applications for severance must comply with a number of conditions and lot requirements; two of which relate to the proposed zoning modifications.

Policy F.1.13.2.2 c) vi) requires that 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.

Policy F.1.13.2.2 c) vii) requires that barns and farm buildings situated on the land retained as a result of surplus dwelling severance shall comply with the Minimum Distance Separation 1 Formulae of the Province.

Therefore, since the application proposes to sever a surplus dwelling as a result of a farm consolidation, and to prohibit the use of the existing barns for the housing of livestock, the application conforms to the proposed Rural Official Plan policies.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Traffic Engineering and Operations Section, Public Works Department
- Forestry and Horticulture Section, Public Works Department
- Health Protection Division, Public Health Services Department
- Hamilton Police Service
- Emergency Services Department
- Horizon Utilities Corporation
- Union Gas
- Bell Canada
- Mountain Cable Vision

Public Consultation

In accordance with the Public Participation Policy that was approved by Council, 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 a Consent application in August 2007, which was a public process, preliminary circulation was not required.

The Consent application was approved by the Committee of Adjustment on August 30, 2007. No letters were received in response to the circulation of the severance application, and one resident was in attendance at the Committee of Adjustment hearing.

However, in accordance with the new provisions of the Planning Act, 111 notices of Complete Application were mailed to all property owners within 120 metres of the subject property. To date, two formal responses have been received (see Appendix “E”) and are discussed in the Analysis/Rationale section of the report (see Comment 6). Further, a Public Notice sign was posted on the property on February 10, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- **Community Well-Being is enhanced.** ☑ Yes ☐ No
  The function of the agricultural community is preserved.

- **Environmental Well-Being is enhanced.** ☑ Yes ☐ No
  The proposed zoning will prevent unnecessary residential development in the agricultural area.

- **Economic Well-Being is enhanced.** ☑ Yes ☐ No
  Farm consolidation improves the farm economy by helping farmers to remain economically viable.

**Does the option you are recommending create value across all three bottom lines?**

☑ Yes ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

☐ Yes ☑ No

:JD

Attachs: (5)
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 3552 Regional Road 56

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 ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2008, 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 “D”, appended to and forming part of By-law No. 464 (Glanbrook) is amended:
(a) by changing from the General Agricultural “A1” Zone to the General Agricultural “A1-234” Zone, the land comprised as Block “1”; and,

(b) by changing from the General Agricultural “A1” Zone to the General Agricultural “A1-235” Zone, the land comprised as Block “2”; 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, “A1-234”, as follows:

“A1-234” 3552 Regional Road 56

Notwithstanding SECTION 8: GENERAL AGRICULTURAL “A1” ZONE, Subsection 8.1 – PERMITTED USES, the following uses shall be prohibited on the lands zoned “A1-234”;

(a) a single detached dwelling; and,

(b) the use of the barns, existing at the date of passing of this amending By-law, being the day of , 2008, for the housing of livestock.

Notwithstanding the regulations of SECTION 8: GENERAL AGRICULTURAL “A1” ZONE, Subsection 8.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 8.1 (AGRICULTURAL USES), Clause (e)(i), the following regulations shall apply only to the barns existing at the date of passing of this amending By-law, being the day of , 2008, for lands zoned “A1-234”;

(e) Minimum Side Yard

(i) Agricultural Buildings
    and Structures …………………………………………………………… 10.2 metres, subject to Subsection 7.27 of this By-law

3. 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, “A1-235”, as follows:

“A1-235” 3552 Regional Road 56

Notwithstanding the regulations of SECTION 8: GENERAL AGRICULTURAL “A1” ZONE, Subsection 8.3 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (b) OF SUBSECTION 8.1 (SINGLE DETACHED DWELLINGS), Clauses 2(e), the following regulation shall apply only to the buildings or structures existing at the date of passing of this amending By-law, being the day of , 2008, for lands zoned “A1-235”;

...
2. **Accessory Buildings**

   (e) The maximum lot coverage for all accessory buildings shall be 8.35%.

4. 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], 2008.

_________________________  ___________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                        City Clerk

ZAR-08-004
This is Schedule "A" to By-Law No. 08-____
Passed the .......... day of ...................., 2008

Schedule "A"
Map Forming Part of By-Law No. 08-____
to Amend By-law No. 464

Subject Property
3552 Regional Road 56

- Block "1" - Change in Zoning from the General Agricultural "A1" Zone to the General Agricultural "A1-234" Zone
- Block "2" - Change in Zoning from the General Agricultural "A1" Zone to the General Agricultural "A1-235" Zone

Scale:
N.T.S.

Date:
February 12, 2008

Planner/Technician:
JD / MF

File Name/Number:
ZAR-08-004

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. GL/B-07:92
SUBMISSION NO. B-92/07

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 3552 Highway #56, formerly in the Township of Glanbrook, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Turkstra Mazza Associates (Scott Snider) 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 an irregular shaped parcel of land having a frontage of 55m± (180.44') and an area of 4214m²± (1.04 acres±) containing an existing 1½ storey dwelling and detached garage for residential (surplus farm dwelling) purposes, and to retain an irregular shaped parcel of land having a frontage of 325m± (1066.27') and an area of 56.7ha (140.10 acres±) containing barns, sheds and a garage for agricultural purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the goals of the Provincial Policy Statement, the Regional Official Plan and the Township Official Plan are met as the requested severance will facilitate the consolidation of farmland into economically viable parcels and therefore further sustainability.

2. The Committee is of the opinion that the severance application has regard to all relevant matters set out in Section 51(24) of The Planning Act.

3. The Committee is satisfied that the proposal represents good planning and is in the public interest.

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 Rezoning Application prohibiting the construction of any new residential dwellings on the retained portion; and,

3. That the owner/applicant shall confirm to the satisfaction of the Director of Planning, of the City of Hamilton, that the proposed severance is in conformity with the Minimum Distance Separation Formulae.

..../2
4. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Development Department (Building Services Division).

5. The septic system shall be located entirely within the lands to be retained/conveyed to the satisfaction of the Planning and Economic Development Department (Building Services Division).

6. 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 costs of setting up a new tax account for the newly created lot.

7. That sufficient land is dedicated to the City, be deed, along the entire frontage of both the lands to be conveyed and the remnant lands in order to establish the property line 18.28m (60 feet) from the original centreline of Highway #56, if required.

NOTES (TO BE INCLUDED IN DECISION IF APPROVED):

1. The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the applicant is advised to conduct a Stage 1 and 2 archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture.

Should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Culture (MCL) should be notified immediately (519.875.7742). In the event that human remains are encountered during construction, the applicants/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8393).

2. Based on the application being approved and all conditions met, the lands to be conveyed will remain as 3552 Regional Road 56. The lands to be retained will be assigned the municipal address of 2880 Kirk Road based on the location of the existing driveway on Kirk Road. Please note that the street name of Highway No. 56 was changed in 1999 to Regional Road 56.

DATED AT HAMILTON this 30th day of August, 2007.

M. Dudzic, Chairman

C. Lewis

D. Smith

D. Drury

L. Tew

V. Abraham

L. Gaddy

M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS September 6th, 2007. HEREFIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (September 6th, 2008) 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 26th, 2007.
February 25, 2008

{file# zar-08-004}

Dear Peter J De Iulio,
Senior Project Manager
Development Planning - East Section

Re-Notice of Complete Application for Zoning By-Law Amendment Paletta Corp. 3552 Highway # 56, Glanbrook

I hereby wish to state my objection for this application for the following reasons. This application is very similar to Council David Mitchell’s application, it seems to me that David Mitchell’s has even more merit. I believe that one rule should apply to all. There should be no room for prejudice. Therefore I strongly object.

William Beldman
1260 Highway # 56

[I donnot personally know Council Dave Mitchell, nor have I had any contact with him.]

1260 Regiana Rd 56
R2H Hannam, Ontario
L0R 1P0.
d'Andrade, Jennifer

From: Leanna
Sent: Wednesday, March 12, 2008 3:51 PM
To: d'Andrade, Jennifer
Subject: file no. ZAR-08-004
Importance: High

Jennifer Dandrad,

We received a notice re: application for Zoning By-law amendment regarding land located at 3552 Highway 56, Glenbrook; to modify the General Agricultural A1 Zone.

We are homeowners of property adjacent to the above address (at 3521 Highway 56) and are asking for clarification regarding this application. What is the current General Agricultural A1 zone, as opposed to the amendment? Will this amendment mean that new residential buildings will be permitted? Or that the land will remain for agricultural use? Not sure we understand the notice explanation. Our concern is related to new developments in the Binbrook area. We are hopeful that the land across from us will remain for agricultural use and not for residential/commercial development. We are unfamiliar with the zoning By-laws, but are interested in learning more - to ensure our surrounding land remains for agricultural use. After reading the notice sent to my address, I am left feeling unsure as to what the future holds for the land surrounding our property. Any further information/clarification would be greatly appreciated.

Regards,
Jay Colderley & Leanna Porter
3521 Highway 56, RR2
Binbrook, Ontario
L0R 1C0