

November 2nd, 2017

GL/A-17:368 (2301 Kirk Road, Glanbrook)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Rural:

The purpose of this application is to permit the construction of a 1 storey pole barn accessory to the existing single detached dwelling notwithstanding that a maximum gross floor area of 259.0m² shall be provided for all buildings accessory to a single detached dwelling instead of the requirement in the By-law which states that all buildings accessory to a single detached dwelling shall not exceed an area of 120.0m².

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS), namely the Rural Lands in Municipalities policies 1.1.4. Staff are of the opinion that the application is consistent with the policies that manage growth and regeneration within rural areas.

Greenbelt Plan

The Greenbelt Plan Designates the subject property as "Protected Countryside". The following policies, amongst others are applicable:

"4.5.1 All existing uses are permitted.

4.5.2. Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record for *agricultural uses* and discourage non-agricultural uses where appropriate. "

Since the single detached dwelling was constructed prior to the Greenbelt Plan coming into effect the use is allowed to continue on the subject property.

Rural Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as "Agriculture" in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

"C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: (OPA (R)-5) a) Except as permitted in Sections D.2.1.1.4 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;"

...../2

GL/A-17:368
Page 2

The single detached dwelling predates the Rural Hamilton Official Plan, notwithstanding the dwelling is permitted to continue to exist on the subject lands and the intent of the Rural Hamilton Official Plan is maintained.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone.

Variance 1

The applicant is requesting to have a total of 259m² of GFA for all accessory buildings to a single detached dwelling whereas the By-law permits a total of 120m² of GFA for all accessory buildings to a single detached dwelling. An existing pole barn having an area of approximately 100±m² will be torn down in favour of a new 222.96 m² pole barn. The subject property is located in an agricultural area and is characterized by large lots and vacant farmland. The subject property is narrow and the proposed accessory structure will be located near the rear of the property, adjacent to vacant farmland. Based on the information provided, the proposed pole barn is in character with the neighbourhood and the impact on neighbouring properties is minimal due to the lack of residential homes in the area. The accessory structure is for personal use and does not facilitate a business. The variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan, City of Hamilton Zoning By-law 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

NOTE:

"Acknowledgement: 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 proponent is advised to conduct an 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 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

GL/A-17:368
Page 3

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

Building Division:

1. The variance should be altered to include in the notes the following:

Please be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation Authority prior to any development.

2. The variance should be altered to include in the notes the following:

It appears that the subject property may have been merged in title with the adjacent lands to the south.

3. Subject to the issuance of a building permit in the normal manner.

Development Engineering:

Provided that the existing drainage patterns are maintained, Development Approvals has no concerns from a drainage perspective.

PUBLIC WORKS DEPARTMENT

Corridor Management (Traffic):

1. Corridor Management has no comments relating to the specifics of this Committee of Adjustment Application.
2. During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Temporary Lane Closure Permit (formerly Road Occupancy Permit) must be obtained from the Corridor Management Section. Should long-term occupancy be required (3 months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane/sidewalk closures, crane locations, and truck haul routes. Approval of this Plan must be obtained from the Corridor Management Section at CorridorPlanning@hamilton.ca

GL/A-17:368
Page 4

3. Should water and/or sewer connections be required, the Applicant requires the approval of Development Engineering. Should the Applicant be required to close the road during these connection(s), the Applicant must obtain a Temporary Road Closure Permit from Corridor Management. More information as well as a copy of the application can be found at <http://hamilton.ca/cm>

See attached for additional comments.