



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

FL/A-23:336 – 1524 Kirkwall Road, Flamborough

Recommendation:

Development Planning - Table

Proposed Conditions:

N/A

Proposed Notes:

Acknowledgement Note: 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. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact 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 Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”



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Development Planning:

Background

A related application for a Draft Plan of Subdivision (File #: 25T-202401) to facilitate was received by Staff on January 26, 2024. The application process for the Draft Plan of Subdivision is ongoing and comments have not yet been received from commenting departments and external agencies.

Analysis

Greenbelt Plan

The subject lands are identified as part of a “Hamlet” under the Greenbelt Plan. Per Section 3.4 of the Greenbelt Plan, lands within a “Hamlet” permits residential development.

Rural Hamilton Official Plan

The subject lands are designated as part of the “Kirkwall Rural Settlement Area” in Schedule D - Rural Land Use Designation under the Rural Hamilton Official Plan. Policies found in D.5.1.1, amongst others, are applicable.

Kirkwall Rural Settlement Area

The subject lands are designated “Settlement Residential” in Map 9 of the Kirkwall Rural Settlement Area Plan. Per Volume 2, Chapter A – Policy 1.3.1, single detached dwellings are permitted within Rural Settlement Areas.

Archeology

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If



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this minor variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement Note: 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. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact 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 Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

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Cultural Heritage

The subject property is located within the Kirkwall Cultural Heritage Landscape. Accordingly, the following section of the Provincial Policy Statement applies:

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Additionally, the following section of the Rural Hamilton Official Plan, Volume 1, applies:

B.3.4.6.2 *Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.*

The subject property is located *adjacent* to the following properties included in the City’s Inventory of Buildings of Architectural and/or Historical Interest:

- The subject property is adjacent to 1500 Kirkwall Road, Flamborough, a Neo-Classical Ontario Cottage style stone farmhouse built ca. 1860;
- 1817 8th Concession Road West, Flamborough (brick and stone, ca. 1902);
- 1867 8th Concession Road West, Flamborough (frame, ca. 1850-1870);



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- 1896 8th Concession Road West, Flamborough (stone, ca. 1868-1900); and,
- 1528 Kirkwall Road, Flamborough (stone, ca. 1868-1900).

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Accordingly, the following sections of the Rural Hamilton Official Plan, Volume 1, apply:

- B.3.4.1.3 “Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.”
- B.3.4.2.1(g) “Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.” and,
- B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.”

The applicant proposes to create fourteen (14) residential lots.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Notwithstanding that the subject property is found within the Kirkwall Cultural Heritage Landscape and is located adjacent to Inventoried properties, staff have reviewed the application and are of the opinion that the heritage value of the Inventoried properties will be conserved, though there may be impacts to the Kirkwall Cultural Heritage Landscape. Staff encourage the proponent to work with Cultural Heritage staff in order to create a design that is respectful and complementary to the character of the area and the context of the Kirkwall community.

Staff have no further comments on this application as circulated.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Settlement Residential (S1, Exception 53) Zone under Hamilton Zoning By-law No. 05-200. Single detached dwellings are a permitted use.



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Variances 1 and 2

1. A minimum lot width of 27.6 metres shall be permitted whereas the By-law requires a minimum lot width of 30.0 metres.
2. A minimum side yard setback of 2.9 metres shall be permitted whereas the By-law requires a minimum side yard setback of 3.0 metres.

Staff note that the associated Draft Plan of Subdivision application (25T-202401), including the submitted technical studies, is currently under reviewed by staff and external agencies and comments have not been received by Development Planning staff. Therefore, staff are of the opinion that more information is required to evaluate the merits of the Minor Variance Application as the proposed lot area and configuration of the subdivision may change as a result of the technical review. Based on the foregoing, **staff recommend tabling the application.**

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. The Notice shall be amended to remove variance No. two (2). Additional information has been provided by the applicant to determine zoning conformity with the side yard setback. 2. Insufficient information was provided to determine proposed maximum building height. Please be advised additional information is proposed to be provided through future applications. Additional variances may be required if compliance with Section 12.3.3 (f) of the Hamilton Zoning By-law 05-200 cannot be achieved. 3. Insufficient information was provided to determine building/structure encroachments, mechanical equipment and Landscape requirements. Please be advised additional information is proposed to be provided through future applications. Additional variances may be required if compliance with Section 4.6, 4.9 and 4.35 of the Hamilton Zoning By-law 05-200 cannot be changed. 4. Insufficient information was provided to determine compliance with the parking regulations of Section 5 in the Hamilton Zoning By-law 05-200. Please be advised additional information is proposed to be provided through future applications. Additional variances may be required if compliance with Section 5 cannot be achieved.



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	5. Please be advised a portion of the property is under conservation management. Please contact the Grand River Conservation Authority prior to any development.
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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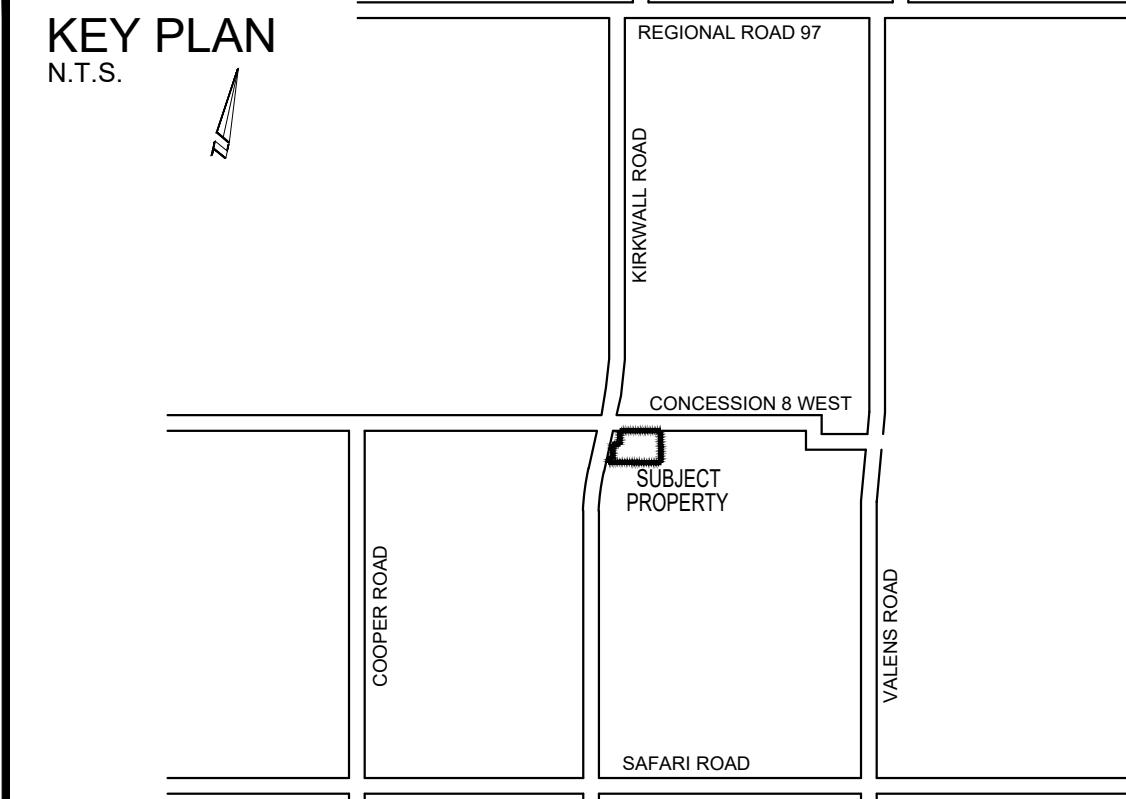
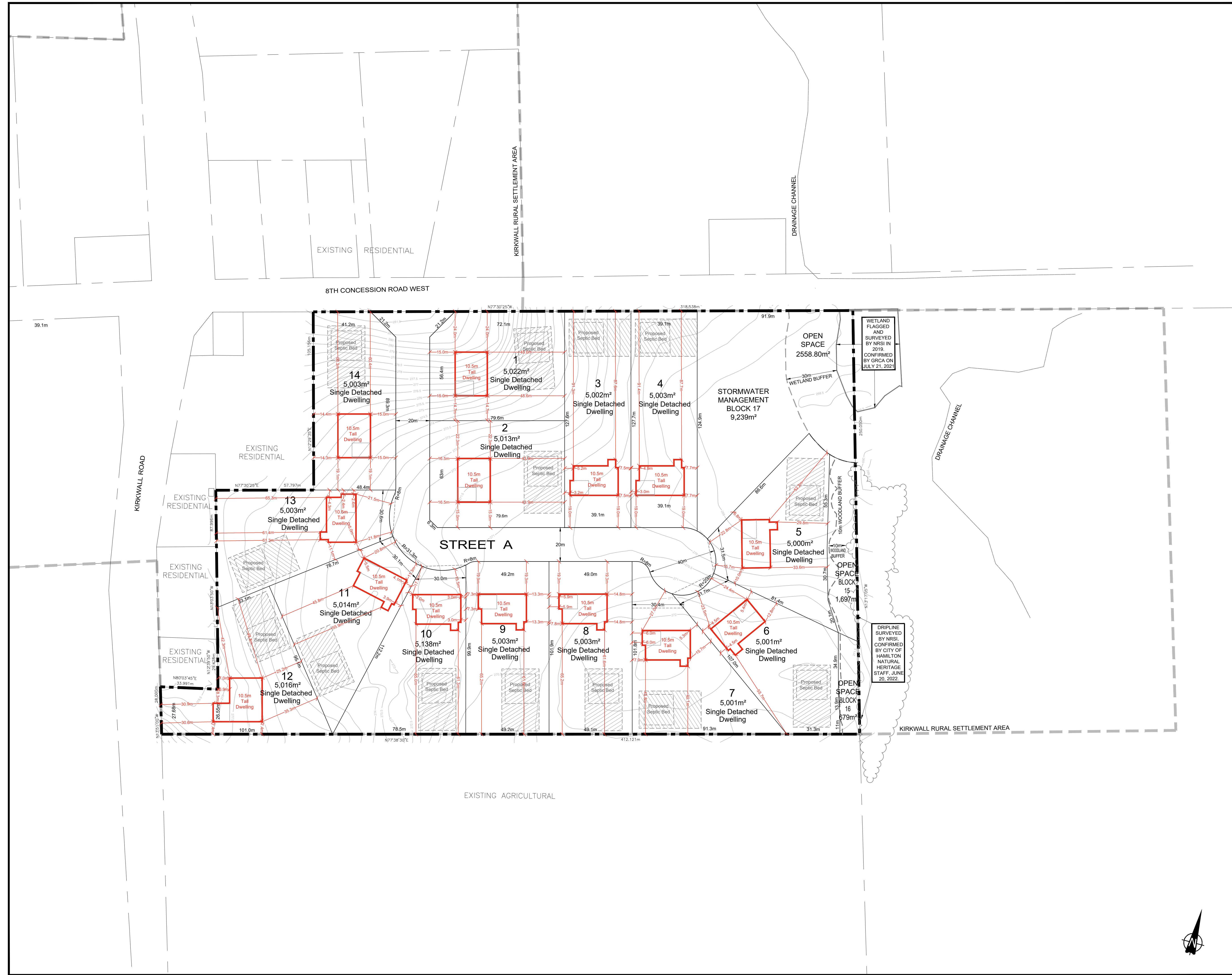
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types</p> <p>A building permit is required for the construction of the proposed single detached dwellings.</p> <p>A building permit is required for the construction of the proposed septic systems.</p>

Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



DRAFT PLAN OF SUBDIVISION

PART OF LOT 19, CONCESSION 7,
(GEOGRAPHIC TOWNSHIP OF BEVERLY)
(FORMERLY TOWN OF FLAMBOROUGH)
CITY OF HAMILTON

1524 KIRKWALL ROAD

LAND USE SCHEDULE			
DESCRIPTION	LOTS/BLKS.	UNITS	AREA (ha.)
SINGLE DETACHED	1-14	14	7.023
OPEN SPACE	15,16		0.237
STORMWATER MANAGEMENT ROADS	17		0.924
TOTAL	17	14	8.910

Notes:
1. Drawing Source: Astrid J Clos Planning Consultants (September 2022)

ADDITIONAL INFORMATION
(UNDER SECTION 51(17) OF THE PLANNING ACT)
INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g,j and l ARE AS SHOWN ON THE DRAFT PLAN.
h) Private Well
i) Silty Gravelly Sand with Trace Clay to Sandy Silt
k) Private Septic

OWNER'S CERTIFICATE
I AUTHORIZE THE GSP GROUP INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO

Carson Reid November 3, 2023
CARSON REID
CARSON REID HOMES (CAMBRIDGE) LTD. DATE

SURVEYOR'S CERTIFICATE
I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

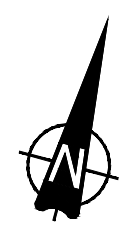
James M. Laws NOVEMBER 2, 2023
JAMES M. LAWS, O.L.S.
VAN HARTEN SURVEYING INC. DATE

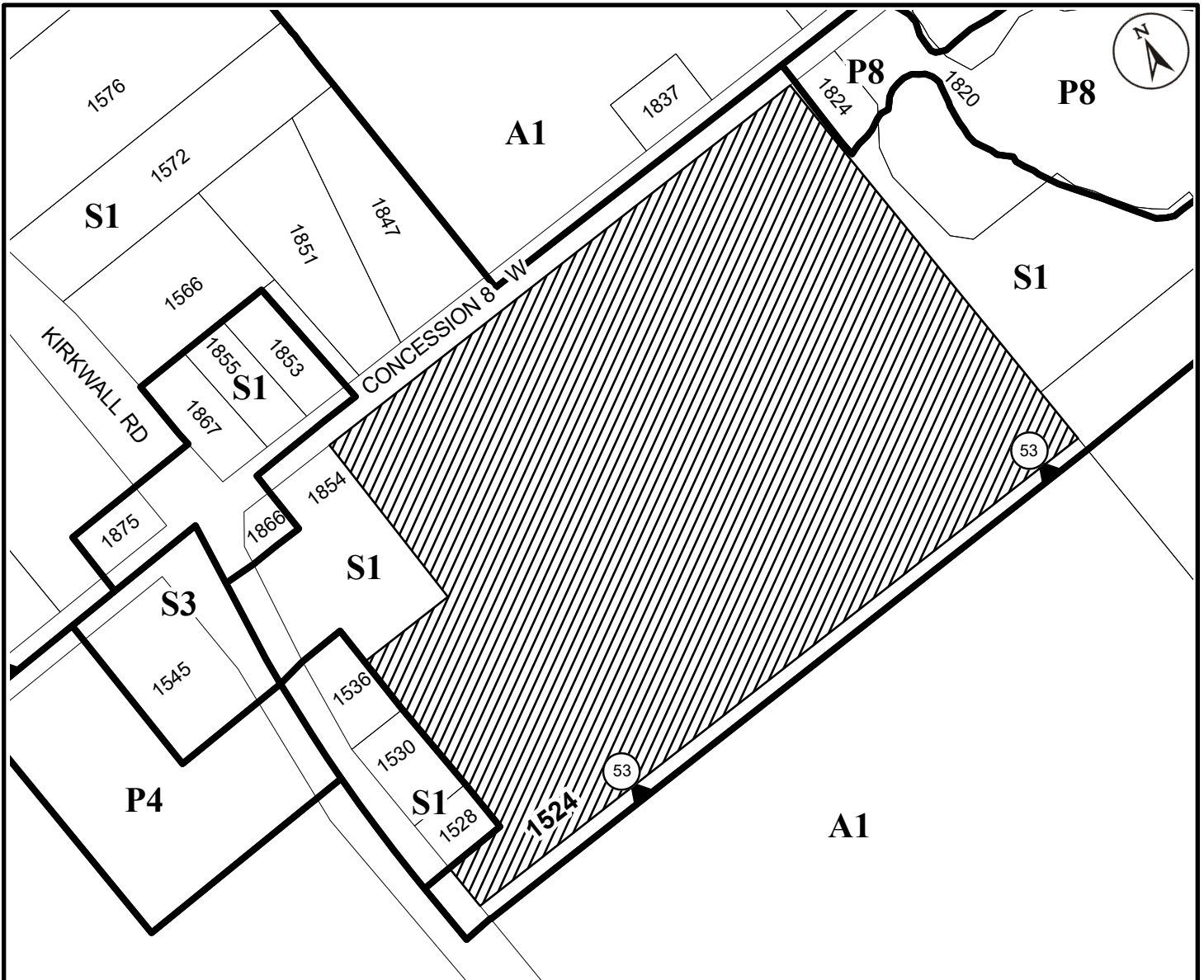
PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

gspgroup.ca

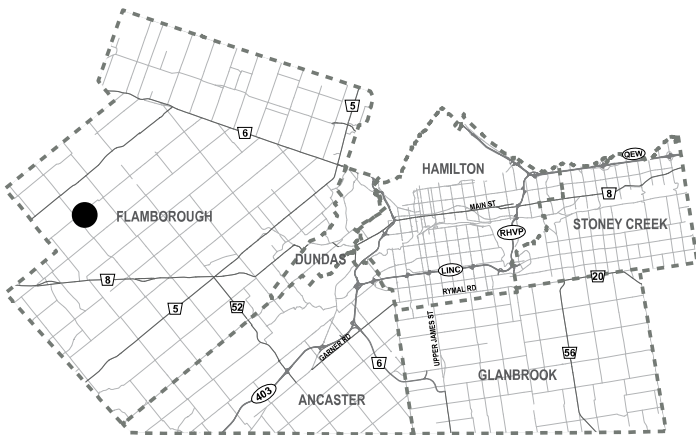
REVISIONS	
GSP REVISED - April 14, 2023 (MN)	
GSP REVISED - Nov 10, 2023 (MN)	

Date: April 14, 2023 Scale: 1:1000 metric Project No.: 23036 Dwg. File Name: dp23036c - Zoning Check.dwg





● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



1524 Kirkwall Road, Flamborough
(Ward 13)

File Name/Number:

FL/A-23:336

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton