

**RE: April 23, 2024 - COA MV Application A-24:53 - 541-577 Skinner Road**

Ashley Gallagher <agallagher@hrca.on.ca>

Fri 4/19/2024 11:46 AM

To: Committee of adjustment <cofa@hamilton.ca>

Cc: Emma DeFields <edefields@hrca.on.ca>

Good Morning,

Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Policy Statement [PPS, Sections 3.1.1-3.1.7] and/or provincial plans).

Documents reviewed as part of this submission included:

*Waterdown Market Site Plan* (A-1.0), prepared by Baldassara Architects, dated October 2022

#### Proposal

The applicant ultimately proposes to develop a shopping centre consisting of six single-storey, commercial/retail use buildings. This minor variance application (A-24:53) is required to facilitate development under Site Plan Control application DA-23-004. The variances being proposed include:

- Permitting a minimum of 693 parking spaces instead of the minimum 730 parking spaces required
- Permitting an outdoor commercial patio along the northerly lot line for the convenience restaurants municipally known as 573 and 577 Skinner whereas the Zoning By-Law states that no outdoor commercial patio shall be permitted on a lot where any lot line abuts a Residential Zone.

#### Background

CH previously reviewed and had no objections to approval of the related Site Plan application (DA-23-004), and supported the removal of Holding provisions that applied to the site, which related to regulated features and hazardous sites. Through prior reviews, CH confirmed that the realigned GS-1 Branch 3 feature that runs along the north portion of the site is no longer regulated by CH.

#### Ontario Regulation 41/24

Effective April 1, 2024, CH's regulation, Ontario Regulation 162/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses under Section 28 of the *Conservation Authorities Act* (CA Act) was repealed and replaced by Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits. Complementary provisions under Part VI ("Regulation of Areas Over Which Authorities Have Jurisdiction") and Part VII ("Enforcement and Offences") of the CA Act were proclaimed on the same date.

Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. The subject property at 541, 545, 557, 561, 577 Skinner Road, Hamilton is located adjacent to Grindstone Creek, and the flooding and erosion hazards (meander belt, stable top of bank) of this watercourse. The property is also adjacent to wetlands. CH regulates 15 metres from the greater of the limit of the floodplain, meander belt, or stable top of bank at this location, and 30 metres from the limit of wetlands. Permission is required from CH prior to undertaking development activities within CH's regulated area and applications for development are reviewed under the *Conservation Authorities Act*, *Ontario Regulation 41/24* and CH's Regulatory Policies and Guidelines (<https://conservationhalton.ca/policies-and-guidelines>).

Staff advise that although a 15 metre development setback from the wetlands in this location was established through the related subdivision (25T-200513), under Ontario Regulation 41/24, CH regulates 30 metres from the wetlands. The 30 metre limit is not shown on the constraints plan, but is understood to be contained within the trail block and therefore outside of the subject lands.

#### Provincial Policy Statement (Sections 3.1.1-3.1.7)

As the development contemplated through this variance application is located outside of regulated hazardous lands, sites and access allowances, it is consistent with PPS Policies 3.1.1-3.1.7.

#### Recommendation

Based on review of the materials provided with this submission, the development activities associated with the requested variances are located outside of CH's regulated area. As such, CH has no objection to approval of the proposed minor variance application.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

Thank you,

**Ashley Gallagher**

Planning &amp; Regulations Analyst

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**From:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>**Sent:** Thursday, April 4, 2024 12:27 PM**To:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>**Subject:** [EXTERNAL]April 23, 2024 - COA Agenda Available - In Person Hearing

Good Afternoon,

Attached is a copy of the Agenda for the **April 23<sup>rd</sup>, 2024** In Person Hearing date, please follow the link below for a copy of the submitted materials.

[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

(Please allow enough time to download, as the files are sometimes very large.)

Staff Written Comment Deadline: **April 15<sup>th</sup>, 2024 at noon**

Public Agency Written Comment Deadline: **April 19<sup>th</sup>, 2024 at noon**

Staff comments **must** be provided in one of the 3 attached templates. Public Agencies wishing to have their comments included with the staff comment package must submit comments by the Staff deadline. Any written comments from City Departments or agencies are solicited and should be prepared in a timely fashion and received in the office of the Committee of Adjustment, Attn: Jamila Sheffield via [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Comments received after the date and time noted above will not be provided to the Committee of Adjustment in the comment package. If you are unable to meet this time frame you should be prepared to attend the hearing to provide your comments or concerns verbally, in person.

If you would like to provide verbal comments or want to be available to answer questions from the Committee about your written comments, you must attend the Hearing, in person. Virtual attendance is not available for this Hearing.

Decision Posting Date: **April 26<sup>th</sup>, 2024 by the end of day**

Decisions will be posted at the link above on the date above.

The link above contains the material that is sent to the area residents and is available to everyone; you can forward the above link to anyone. You can also direct all inquiries to the Committee of Adjustment office: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

Further Delegated Authority files will not be Heard by the Committee of Adjustment. They will be decided upon by the Director of Planning and Chief Planner and no public hearing will take place. Delegated Authority files are posted on the website under the Delegated Consent Authority Tab. Please refer to the Notice of Application for additional information, provided on the website. Written comment deadlines and when Decisions will be available remain as noted.

Please Note that if your Department or Division has a concern or condition that is important, you should plan on attending the Hearing. This will enable you to answer questions as to why the concern or condition is required and defend your position. The Committee of Adjustment is unable to and will not justify or defend your concerns or conditions.

Thank you,

COA

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