



Hamilton

A-24:100 – 90 Golf Club Road, Glanbrook

Recommendation:

Development Planning - Deny
Natural Heritage – Deny

Proposed Conditions:

If the application is approved, the following conditions would be required.

1. That the owner submits and receives approval of an Environmental Impact Statement to the satisfaction of the Manager of Heritage and Urban Design. The Environmental Impact Statement is to be prepared in accordance with the City's Council adopted Guidelines (revised March 2015).
2. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
3. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

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 archaeological 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.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) In the event that human remains are encountered during construction, the proponent should immediately contact both MCM



Hamilton

STAFF COMMENTS

HEARING DATE: June 11, 2024

and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416- 212-7499).”



Hamilton

Development Planning:

Background

To facilitate the construction of a proposed detached garage.

Analysis

Rural Hamilton Official Plan

The subject lands are designated “Agricultural” in Schedule D – Rural Land Use Designations within the Rural Hamilton Official Plan. The lands are further identified as “Core Areas” and “Key Natural Heritage Feature Significant Woodlands”. Policy C.2.3.3, C.2.4.8, C.2.4.10, C.2.4.11, and C.2.4.13 among others, are applicable.

C.2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions.

C.2.4.8 Beyond the Greenbelt Natural Heritage System within the Protected Countryside new development and site alteration shall not be permitted within or adjacent to key natural heritage features in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions.

C.2.4.10 An Environmental Impact Statement shall also propose a vegetation protection zone which:

a) Has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible, restores or enhances the Core Area and/or its ecological functions; and

b) Is established to achieve, and be maintained as natural self-sustaining vegetation

C.2.4.11 Where vegetation protection zones have not been specified by watershed and sub-watershed plans, Secondary or Rural Settlement Area Plan policies, Environmental Assessments and other studies, the following minimum vegetation protection zone width objectives shall be evaluated and addressed by Environmental Impact Statements:

e) Significant Woodlands: a minimum 30-metre vegetation protection zone measured from the drip line of trees at the woodlands edge;

Staff note that as per policy C.2.4.8, any new development and site alteration shall not be permitted within or adjacent to key natural heritage features in the Greenbelt Protected Countryside unless it has



Hamilton

been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no negative impacts on the natural features or their ecological functions. Staff note that the subject lands are identified as a Key Natural Heritage Feature Significant Woodlands. Staff note that the applicant has not submitted an Environmental Impact Statement to satisfy that policy to ensure that there will be no negative impacts to the feature. Staff defers any natural heritage concerns to Natural Heritage staff. Staff note that prior to the submission and approval of an EIS, staff are of the opinion that the Official Plan policy is not being maintained.

City of Hamilton Zoning By-law No. 05-200

The subject site is zoned “P6” (Conservation / Hazard Land – Rural Zone) Zone, which permits the use.

Variations 1-3

1. An Accessory building shall be permitted in the front yard.
2. A maximum accessory building height of 7.5m shall be permitted instead of the maximum 4.5m accessory building height permitted.
3. A maximum aggregate gross floor area of all accessory buildings of 275 square metres shall be permitted instead of the maximum Gross Floor Area of all Accessory Buildings shall not exceed 45 square metres or 7.5% total lot coverage required.

The intent of these provisions is to ensure that an accessory building is screened from the street view and to limit the size of an accessory structure and to keep it subordinate to the primary dwelling.

Staff are of the opinion that the general intent of the Rural Hamilton Official Plan is not being maintained as the applicant has not yet demonstrated through an Environmental Impact Statement that the proposed accessory structure will not negatively impact the Core Area or Natural Heritage Feature Significant Woodland. Staff are of the opinion that the variations are neither minor in nature nor desirable for the development as impacts to the subject lands or surrounding area are unable to be determined. Staff are of the opinion that the variations do not meet the four tests of a minor variance. Based on the foregoing, **staff do not support the variations.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variations are required to facilitate the construction of a proposed detached garage.
Proposed Notes:	



Hamilton

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. 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.</p> <p>If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:</p> <p>“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 archaeological 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</p> <p>Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) 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).”</p> <p>Cultural Heritage:</p> <p>No comments.</p>
Proposed Notes:	



Hamilton

Natural Heritage:

Recommendation:	Deny
Proposed Conditions:	<p>If the application is approved, the following conditions would be required.</p> <ol style="list-style-type: none"> 1. That the owner submits and receives approval of an Environmental Impact Statement to the satisfaction of the Manager of Heritage and Urban Design. The Environmental Impact Statement is to be prepared in accordance with the City’s Council adopted Guidelines (revised March 2015). 2. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010). 3. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.
Comments:	
Proposed Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction the proposed detached garage.



Hamilton

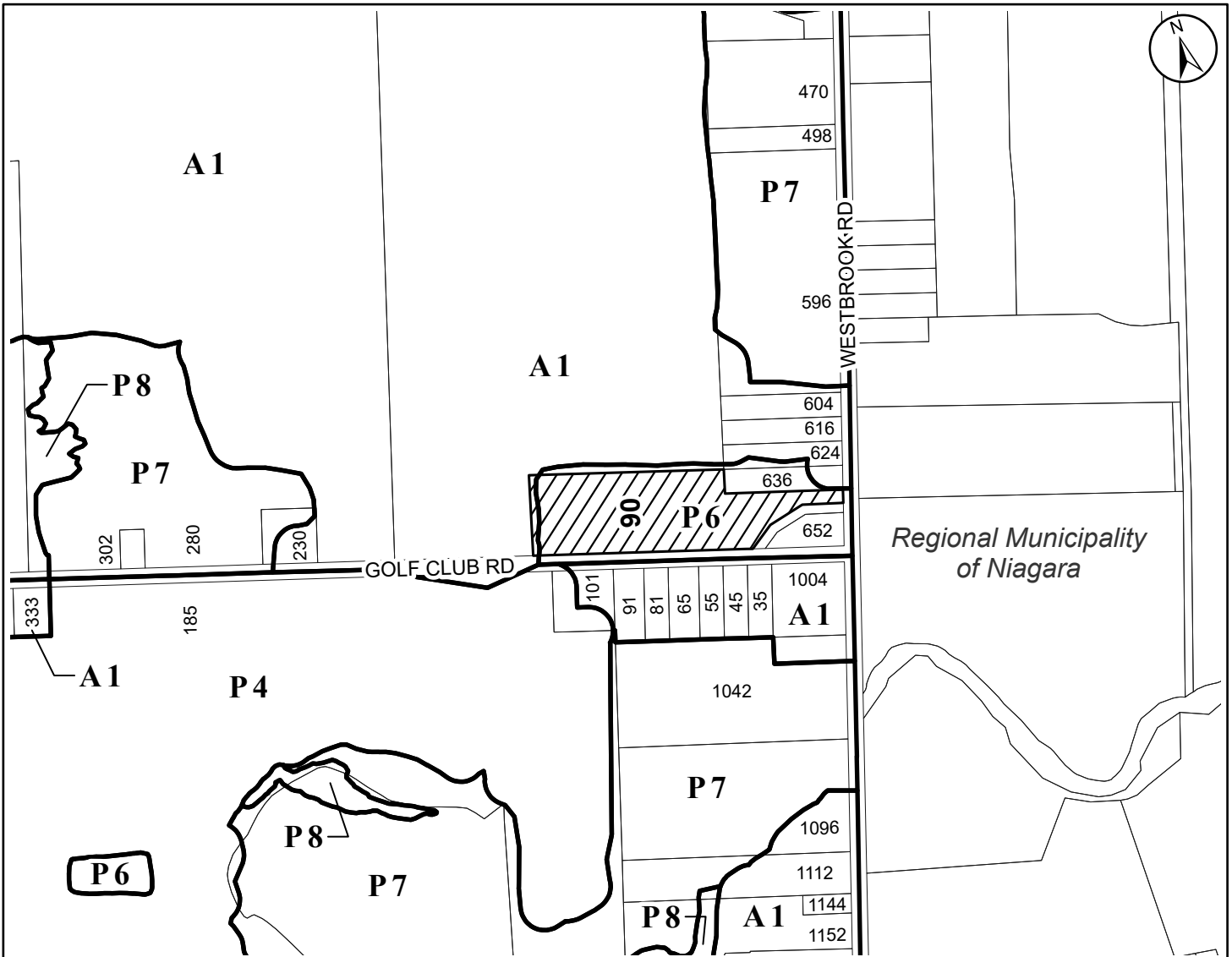
STAFF COMMENTS

HEARING DATE: June 11, 2024

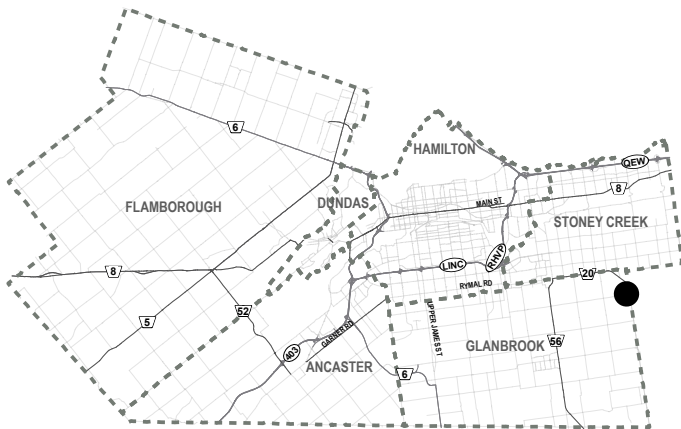
	Be advised that Ontario Building Code regulations may require specific setback and construction types.
--	--

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

90 Golf Club Road, Glanbrook (Ward 11)

File Name/Number:

A-24:100

Date:

May 29, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton