



Hamilton

AN/A-24:37 – 933 Highway 52, Ancaster

Recommendation:

Approve

Proposed Conditions:

1. That the owner submits Minimum Distance Separation II calculations that show the proposed addition to the existing barn structure will not negatively impact surrounding sensitive land uses, to the satisfaction of the Director of Development Planning.
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, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
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:



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Development Planning:

Background

To facilitate a proposed addition to an existing farm building. Staff note that, as shown on the application form submitted with this application and per correspondence with the applicant, the proposed accessory structure addition is not meant to expand the existing livestock operation and is intended for storage purposes only (farming equipment, hay, etc.).

Staff further note that Minimum Distance Separation II calculations are required prior to the approval of a Building Permit application for a first or altered livestock facility occupying an area greater than 10 square metres or any anaerobic digester. Minimum Distance Separation calculations were not provided with this application

Analysis

Greenbelt Plan

The subject lands are designated as “Protected Countryside” under the Greenbelt Plan. Per Section 3.1.4.2, the existing agricultural use is permitted.

Rural Hamilton Official Plan

The subject lands are designated as “Rural” in Schedule D – Rural Land Use Designations. Policies D.4.1, D.2.1.1, and F.1.16.1, amongst others, are applicable and permit the existing agricultural use. Policy F.1.16.1 states the following:

“F.1.16.1 New land uses, including the creation of lots, and new or expanding livestock facilities and expansion to existing uses permitted by the policies of this Plan shall comply with the Minimum Distance Separation (MDS) Formulae. The formulae for calculating required minimum distance separation between land uses shall be implement in the Zoning By-law.”

Staff note that, the applicant has stated the proposed addition to the existing barn structure is not intended for an expansion of the livestock operation itself but for storage purposes only. Staff are recommending that Minimum Distance Separation II calculations be provided as a condition of approval for this application.

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:



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- 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 an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria defines 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 this 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 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 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).”

Cultural Heritage

No comment.

Natural Heritage

It is unclear as to whether the proposed addition will impact trees on the subject lands, further clarification is requested from the applicant. Per RHOP C.2.10.1, tree conservation is important to the



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City of Hamilton. A Tree Protection Plan and Landscape Plan to be completed following the City of Hamilton Tree Protection Guidelines (2010) will be required. The 2024 Tree Protection Fee is \$715.00.

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

The subject lands are zoned Rural (A2) Zone in the City of Hamilton Zoning By-law No. 05-200. The existing residential use, agricultural use and accessory structure are permitted.

Variations 1 and 2

1. A minimum southerly side yard of 11.5 metres shall be permitted instead of the minimum 15.0 metre side yard required.
2. A minimum rear yard of 11.5 metres shall be permitted instead of the 15.0 metre rear yard required.

The intent of these provisions is to ensure that agricultural structures are setback far enough from property lines to mitigate potential impacts caused by obnoxious odours on neighbouring properties and more sensitive land uses.

Staff note that the nearest sensitive land uses, being existing single detached dwellings, are approximately 290 metres to the east of the existing barn structure and approximately 330 metres to the west of the existing barn structure. Staff further note that the existing barn structure and proposed addition abut open fields to the east and south, against the lot lines where reduced setbacks are being requested. Staff are of the opinion that the requested variations maintain the intent of the Zoning By-law.

Staff are of the opinion that the requested variations meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval subject to the recommended conditions.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Requested variance is required to facilitate an addition to an existing farm building. <ul style="list-style-type: none"> • The applicant has indicated no livestock is proposed.



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	<ul style="list-style-type: none"> Please be advised that a portion of the property is regulated by the Grand River Conservation. Please contact Grand River Conservation authority at 905-336-1158 for further information.
Proposed Notes:	

Cultural Heritage:

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

Natural Heritage:

Recommendation:	Approve
Proposed Conditions:	
Comments:	<p>The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Protected Countryside and Greenbelt Natural Heritage System. Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas have been identified within the subject property. The Core Areas have been identified as Significant Woodland, Copetown Ballpark Woodlot Environmentally Significant Area (ESA), watercourse, unevaluated wetland, and ponds. These features have been zoned as “P6” (Conservation/Hazard Lands-Rural) within the City’s 05-200 Zoning By-law. In addition, the wetland, watercourse and ponds are regulated by the Grand River Conservation Authority (GRCA).</p> <p>As per policies within the RHOP, any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions (policy C.2.3.3). New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone (policy C.2.4.2).</p> <p>The distance of the proposed development from the “P6” (Conservation/Hazard Lands-Rural) has not been clearly identified.</p>



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	However, the proposed development is located within an area that has been previously disturbed and is located away from the Core Areas. As a result, it is anticipated that the proposed development will not further negatively impact the Core Areas and their functions. An Environmental Impact Statement is not required.
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 to facilitate the construction of a farm building. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



June 3, 2024

via email

GRCA File: AN-A-24-37 – 933 Highway 52 North

Jamila Sheffield
City of Hamilton
City Hall, 5th floor
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Ms. Sheffield,

Re: Application for Minor Variance AN/A-24:37
933 Highway 52 North, Ancaster, City of Hamilton
Michael Mogavero

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation

The GRCA has no objection to the proposed minor variance application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains wetlands and the regulated allowance adjacent to the wetlands. A copy of GRCA's resource mapping is attached.

Due to the presence of the features noted above, portions of the subject property are regulated by the GRCA under Ontario Regulation 41/24 – Prohibited Activities, Exemptions and Permits Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

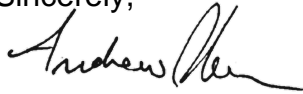
The minor variance application requests reduced rear and side yard setbacks to allow the construction of an addition to an existing farm building. The proposed addition is located outside of the natural hazards and GRCA regulation limit noted above. As such, impacts to the adjacent wetlands are not anticipated as a result of this application.

The building addition as proposed in the circulated plans will not require a GRCA permit under Ontario Regulation 41/24.

Consistent with GRCA's approved fee schedule, this application is considered a 'minor' minor variance. The applicant was invoiced in the amount of \$300.00 for GRCA's initial review of this application in March of 2024.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Herreman". The signature is fluid and cursive, written over the word "Sincerely,".

Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Michael Mogavero (via email)



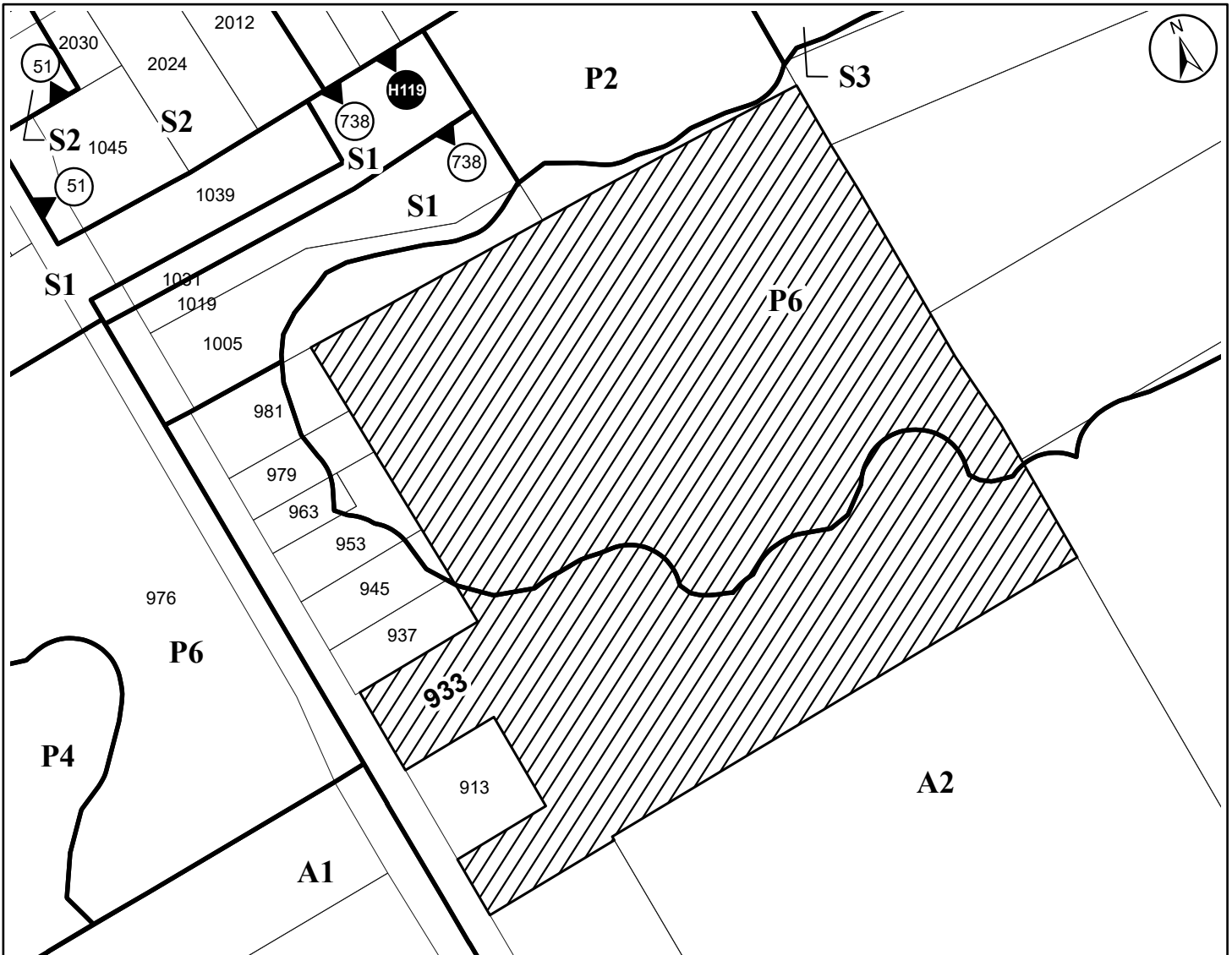
Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
 - Steep
 - Oversteep
 - Toe
- Slope Valley (GRCA)
 - Steep
 - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)
- Conservation Area Boundary (GRCA)

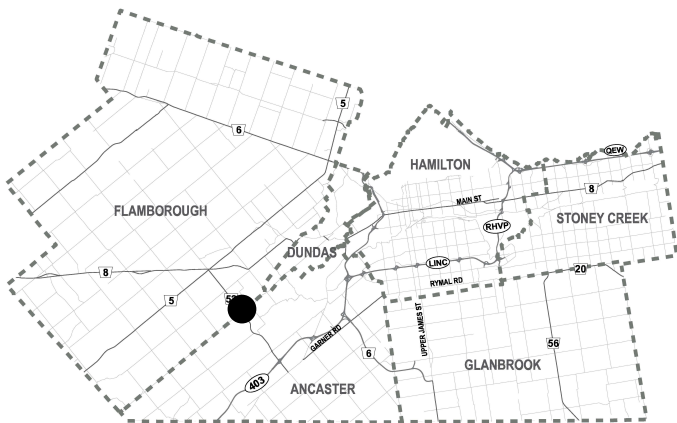
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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. See [Sources and Citations](#) for details.






● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 933 Highway 52, Ancaster (Ward 12)

File Name/Number:

AN/A-24:37

Date:

May 31, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton