



Hamilton

**COMMITTEE OF ADJUSTMENT**

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**NOTICE OF PUBLIC HEARING**  
**Minor Variance**

**You are receiving this notice because you are either:**

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

<b>APPLICATION NO.:</b>	<b>A-24:173</b>	<b>SUBJECT PROPERTY:</b>	1335 Highway 8, Stoney Creek
<b>ZONE:</b>	R2 (Low Density Residential – Large Lot )	<b>ZONING BY-LAW:</b>	Zoning By-law City of Hamilton 05-200, as Amended

**APPLICANTS:**      Owner: Phil & Marlene Elgersma  
                                 Agent: Ruchika Angrish (The Angrish Group)

The following variances are requested:

For Part 1:

1. To permit a minimum lot area of 526.2 square metres whereas a minimum lot area of 630 square metres is required.
2. To permit a maximum lot coverage of 40% whereas a maximum lot coverage of 35% is required.

For Part 2:

1. To permit a minimum lot area of 524.0 square metres whereas a minimum lot area of 630 square metres is required.
2. To permit a maximum lot coverage of 40% whereas a maximum lot coverage of 35% is required.

For Part 3:

1. To permit a minimum lot area of 619.4 square metres whereas a minimum lot area of 630 square metres is required.
3. To permit a maximum lot coverage of 40% whereas a maximum lot coverage of 35% is required.

**A-24:173**

**PURPOSE & EFFECT:** To facilitate severance application B.24.25 and create 3 new lots.

**Notes:**

**This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.**

This application will be heard by the Committee as shown below:

<b>DATE:</b>	<b>Tuesday, August 20, 2024</b>
<b>TIME:</b>	<b>1:20 p.m.</b>
<b>PLACE:</b>	<b>Via video link or call in (see attached sheet for details)</b>
	<b>City Hall Council Chambers (71 Main St. W., Hamilton)</b>
	<b>To be streamed (viewing only) at</b> <b><a href="http://www.hamilton.ca/committeeofadjustment">www.hamilton.ca/committeeofadjustment</a></b>

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)
- Visit Committee of Adjustment staff at 5<sup>th</sup> floor City Hall, 71 Main St. W., Hamilton

## **PUBLIC INPUT**

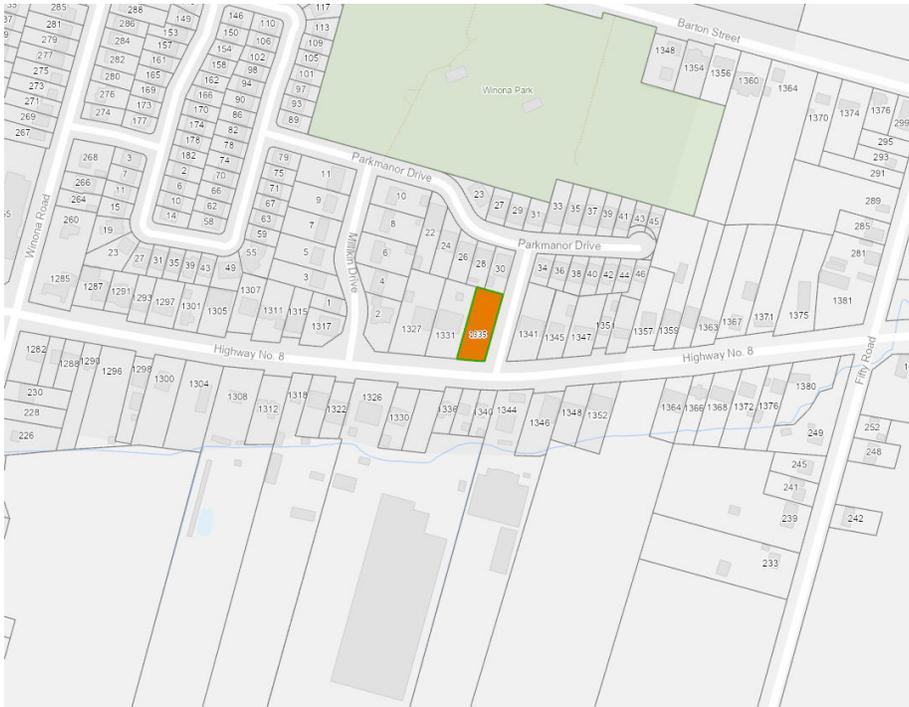
**Written:** If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon August 16, 2024

**Orally:** If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon August 19, 2024

## **FURTHER NOTIFICATION**

If you wish to be notified of future Public Hearings, if applicable, regarding A-24:173, you must submit a written request to [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

DATED: August 1, 2024

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Jamila Sheffield,  
Secretary-Treasurer  
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



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## COMMITTEE OF ADJUSTMENT

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### PARTICIPATION PROCEDURES

#### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing [cofa@hamilton.ca](mailto:cofa@hamilton.ca) or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Friday prior to the Hearing and are available on our website: [www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

#### Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

##### 1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email [cofa@hamilton.ca](mailto:cofa@hamilton.ca). The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

##### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

We hope this is of assistance and if you need clarification or have any questions, please email [cofa@hamilton.ca](mailto:cofa@hamilton.ca).

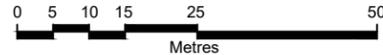
Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.





# PRELIMINARY SITE DEVELOPMENT PLAN

1335 Highway 8, Winona



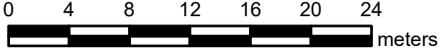
NOTE: This concept should be considered as a preliminary demonstration model that illustrates an 'order of magnitude' development scenario for the site. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning approvals.

Scale 1:500 | July 9, 2024 | Project No. 24049 | Drawn By: ML



**GSP**  
group

**SCALE**



**PROPERTY INDEX MAP**

WENTWORTH(No. 62)

**LEGEND**

- FREEHOLD PROPERTY
- LEASEHOLD PROPERTY
- LIMITED INTEREST PROPERTY
- CONDOMINIUM PROPERTY
- RETIRED PIN (MAP UPDATE PENDING)
- PROPERTY NUMBER 0449
- BLOCK NUMBER 08050
- GEOGRAPHIC FABRIC
- EASEMENT

**THIS IS NOT A PLAN OF SURVEY**

**NOTES**

**REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED



July 9, 2024

GSP File No. 24094

City of Hamilton  
Committee of Adjustment  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, ON L8P 4Y5

Attn: Ms. Jamila Sheffield  
Secretary-Treasurer, Committee of Adjustment

**RE: Applications for Consent to Sever, Partial Discharge of Mortgage, and Minor  
Variances  
1335 Highway 8, Winona (Stoney Creek)**

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On behalf of our client 1849315 Ontario Inc. (the “Owner”), GSP Group is pleased to submit applications for Consent to Sever and Minor Variances to facilitate the creation of two (2) new residential lots for single detached dwellings on lands known municipally known as 1335 Highway 8 in Winona. The remnant lot (Part 1) will also be redeveloped with a new single detached dwelling. A Partial Discharge of Mortgage is requested for Parts 2 and 3, which are the lots to be severed.

Parts 4 and 5 are proposed municipal land dedications associated with Highway 8. Should these dedications not be required/requested as conditions of approval, please advise the applicant so that any application materials can be amended prior to Committee consideration.

Accompanying this covering letter and Planning Justification Brief are the following materials:

- One (1) copy of the signed and completed Application Forms;
- A cheque payable to the City of Hamilton for \$17,140.00;
- One (1) copy of the PIN Map and Parcel Register for the subject lands;
- One (1) copy of a Severance Sketch prepared by A.T. McLaren Surveyors (dated June 25<sup>th</sup>); *and*
- One (1) copy of a Preliminary Site Development Plan Diagram prepared by GSP Group.

A site visit was undertaken by the report author on July 4, 2024 to evaluate the site and potential impacts of the development proposal. Photographs from that visit are included as **Appendix I** to this report.

Please note that a Stage 1 and 2 Archaeological Assessment has been completed for the property by Detritus Consulting Ltd. The report is currently being prepared by the Archaeologist and will be submitted to the City of Hamilton once available. The report is expected to be available by July 19<sup>th</sup>, 2024, at the earliest.

## **PLANNING JUSTIFICATION BRIEF**

The following Planning Opinions are provided in relation to the submitted applications.

### **Overview of the Subject Lands and Surrounding Area**

The subject lands are located within the Winona community within the City of Hamilton on the north side of Highway 8 and west side of Maple Gate Drive, south of Park Manor Drive. The property is located within the Winona Settlement Area Boundary and the Provincially delineated Built Boundary. Further east of the subject lands the Greenbelt Plan applies, and south of Highway 8 the Niagara Escarpment Plan applies. The location of the subject lands in relation to boundaries of these areas are shown in **Appendix II** to this report.

The property currently contains a one-storey single detached dwelling addressed as 1335 Highway 8. The northern portion of the property contains a fenced yard, and the southern yard along Highway 8 is vacant of structures. The boulevard across the flankage with Maple Gate Drive contains several boulevard street trees which appear to have been planted as part of the development of the adjacent subdivision (Plan 62M-671) to the north.

The surrounding area is predominantly residential in terms of land uses and built form, containing primarily single detached dwellings and parcels of land of vary scales and ages. The older dwellings and larger lots are generally found along Highway 8. North of these lots are more recent subdivision developments containing newer detached homes on smaller urban lots. The subject lands are located within approximately 335 linear metres of a school (St. Gabriel Catholic Elementary School) and a roughly 200 metre walk from Winona Park.

South of the subject lands are a mix of residential dwellings with on-site commercial and agricultural uses. All lots on the south side of Highway 8 are located within the Niagara Escarpment Plan Area and are subsequently designated as Escarpment Protection Area.

The subject lands have been surveyed by A.T. McLaren to measure +/- 1,798.9 square metres in total land area with 26.5 metres of frontage along Highway 8 and 66.0 metres of flankage along Maple Gate Drive. Based on a review of relevant legal plans, there are also two segments of municipal roadway reserves along Maple Gate Drive, being Block 19 and Block 20 of Plan 62M-671. A copy of the severance sketch is included as **Appendix III** to this report.

### **Overview of the Development Proposal**

The Owner is proposing the demolition of the existing single detached dwelling (#1335 Highway 8) on the property and the development of three (3) new single detached dwellings in its place. Each lot will be serviced and accessible from Maple Gate Drive.

The proposed sizes of the lots are shown in **Table 1** below, and measure as follows:

**TABLE 1 – Lot Area and Frontages**

<b>Part</b>	<b>Area (630 sq. m min)</b>	<b>Frontage (18.0 m min)</b>
Part 1 (Retained)	526.2 sq. m.	20.0 m
Part 2 (Severed)	524.0 sq. m	20.0 m
Part 3 (Severed)	619.4 sq. m.	21.0 m

To facilitate the proposed lotting plan, Minor Variance approvals will be required for reduced minimum lot areas for each of the lots. Each of the proposed lot areas are less than the 630 square metres required by R2 Zoning provision 15.3.2.1 (a) within City of Hamilton Zoning By-law 05-200. An additional, elective variance is also requested by the Owner to increase maximum lot coverage from 35% to 40%

It is noted that Part 3, being the lot at the corner of Highway 8 and Maple Gate Drive, has been made intentionally larger due to increased exterior side yard setback requirements from Highway 8. Due to the provision of a 0.3 metre reserve between the roadway and proposed lot, the frontage for Part 3 should be considered as Maple Gate Drive.

### Official Plan Designation

The Urban Hamilton Official Plan (UHOP) designates the subject lands as “Neighbourhoods” on Schedule E1 (Land Use Designations). The Neighbourhoods designation permits a range of residential dwellings and similar uses, including single detached dwellings.

The Fruitland-Winona Secondary Plan (FWSP) is also applicable to the applications. The subject lands are designated on Map B.7.4-1 of the FWSP as “Low Density Residential 1”. This designation permits single detached dwellings exclusively, with a maximum development density of 20 units per hectare permitted.

The subject lands do not contain any mapped natural heritage features or hazards shown on Map B.7.4-2 (Fruitland-Winona Secondary Plan – Natural Heritage System) of the Official Plan.

### Zoning By-law

The subject lands are Zoned as Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law 05-200. This Zone is generally applied to existing low-density neighbourhoods and requires larger lot areas and increased setbacks for development.

The R2 Zoning, as recently amended by By-law 24-051 on April 10, 2024, permits an extended range of residential land uses including single detached dwellings, semi-detached dwellings, street townhouse dwellings and plexes. Similar residential uses such as care facilities, lodging houses, retirement homes as well as small scale community uses are also permitted.

A Zoning Compliance Table is provided below as **Table 2** showing how the proposed lots align with the Single Detached Dwelling provisions of the R2 Zone.

**TABLE 2 – Zoning Compliance – Single Detached Dwellings**

Section 15.3 Low Density Residential – Large Lot (R2) Zone	Provision	Requirement	Part 1	Part 2	Part 3
15.3.2.1 (a)	Minimum Lot Area	630 square metres	<b>526.2 square metres</b>	<b>524.0 square metres</b>	<b>619.4 square metres</b>
15.3.2.1 (b)	Minimum Lot Width	18.0 metres	20.0	20.0	21.0
15.3.2.1 (c)	Minimum Setback from the Front Lot Line	4.0 metres	4.0 metres	4.0 metres	4.0 metres
15.3.2.1 (d)	Minimum Setback from a Side Lot Line	2.0 metres	2.0 metres	2.0 metres	2.0 metres
15.3.2.1 (e)	Minimum Setback from a Flankage Lot Line	3.0 metres	N/A	N/A	3.0 metres
15.3.2.1 (f)	Minimum Setback from the Rear Lot Line	7.5 metres	7.5 metres	7.5 metres	7.5 metres
15.3.2.1 (g)	Maximum Building Height	10.5 metres	< 10.5 metres	< 10.5 metres	< 10.5 metres
15.3.2.1 (h)	Maximum Lot Coverage	35%	<b>40%</b>	<b>40%</b>	<b>40%</b>
15.3.2.1 (i)	Minimum Landscaped Area	40%	40%	40%	40%

As demonstrated in **Table 2**, Zoning relief is required for Minimum Lot Area for each lot. An elective variance for increased lot coverage for each parcel is also requested to facilitate additional development potential on each of the lots.

## **Consent Assessment**

### **Ontario Planning Act - Section 53 – Consents**

Applications for lot creation including Consents to Sever and/or Draft Plans of Subdivision / Condominium are subject to the requirements of Section 53 of the Planning Act. Section 53 (12) requires that the approval authority is to have regard for the legislative framework set forth in Section 51 (24) of the Planning Act, as well.

Section 51 (24) the Act prescribes that *“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”* items a) to m). This test is also applied to consent applications.

An overview of how each item is addressed by the applications is provide below in italics.

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

*The development has regard for matters (d), (f), (i), (j), (p) and (q) of Section 2 of the Planning Act. An assessment of each noted criterion is provided herein.*

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

*The owner has commissioned the completion of a Stage 1 and 2 Archaeological Assessment of the subject lands to determine Archaeological potential.*

*The Stage 1 analysis completed by Detritus Consulting Ltd. recommended assessment of the subject lands. This field work was conducted on June 11, 2024 and consisted of 30 centimetre tests pits being dug at 5 metre intervals throughout the property. Through these efforts no archaeological resources were encountered and the Archaeologist has recommended that no further study is necessary.*

*The final Archaeologists report will be submitted to the City and Ontario Ministry of Citizenship and Multiculturalism for review and approval. A condition to this effect is anticipated to be applied to the consent applications.*

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

*Maple Gate Drive contains full municipal services (water, sanitary sewer, storm sewer) and utilities which can be utilized to support the proposed lots.*

*The proposed lots will be eligible for curbside waste collection, in the same manner the existing dwelling is serviced.*

- (h) the orderly development of safe and healthy communities;

*The Consent applications facilitate the orderly redevelopment of a large-scale property within the Winona community. The lotting pattern is deemed to be efficient, balanced, and reflective of lotting sizes found on adjacent streets within the surrounding community.*

*The subject lands are located within walking distance of municipal parkland (Winona Park) and the commercial area centred around Highway 8 / Winona Road, which will assist in supporting active transportation-based trips.*

- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

*The proposed development will occur within walking distance of an existing school and municipal parkland.*

- (j) the adequate provision of a full range of housing, including affordable housing;

*The Winona community is predominantly comprised of single detached dwellings. There is an existing range of lot sizes, with larger lots located typically along Highway 8, and smaller lots located to the north within subdivision developments.*

*The Winona community is desirable and has home sales prices that are close to, or over one-million dollars based on a review of recent listings in June and July of 2024. The provision of these additional dwellings within the community may provide some variation in housing availability and affordability.*

- (p) the appropriate location of growth and development;

*The subject lands are an appropriate location for growth and development as they are proximate to Highway 8, Winona Park and have municipal services available within the Maple Gate Drive right-of-way.*

*The subject lands are designated and zoned for low density residential development in City planning documents and are proposed to be utilized for that purpose.*

- b) whether the proposed subdivision is premature or in the public interest;

*The applications are not premature and are appropriately timed for consideration.*

*The subject lands have access to full municipal services and utilities and are located along a publicly maintained roadway. The development will be located within an established neighbourhood in proximity to parkland, commercial land uses and a school. Such elements are desirable and support new housing development and the achievement of complete communities.*

*The Consent applications are considered to be in the public interest as they facilitate the appropriate development and infilling of serviced, urban lands. The development plan will establish three (3) new homes on the property which will contribute towards the City of Hamilton's housing, intensification and growth targets.*

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

*The proposed lots conform to the Official Plan and Fruitland-Winona Secondary Plan as they facilitate a development density below the maximum threshold of 20 units per hectare and can each accommodate an adequately sized single detached dwelling.*

*The provision of additional housing opportunities is desirable, especially in mature areas that have nearby parkland, multimodal accessibility and are proximate to community resources such as schools.*

*As the subject lands are also within the delineated built-up area, the dwellings will contribute to the achievement of growth and intensification targets set out in Provincial and local planning documents.*

*The proposed lotting configuration will blend in with the adjacent subdivision to the north and mimics lotting found on Millikin Drive, which is the other main access into the neighbourhood, to the west, east of Winona Road.*

- d) the suitability of the land for the purposes for which it is to be subdivided;

*The lands are well suited for development and have a large, unencumbered area that can yield development and density that is similar in type and scale to surrounding land uses.*

*Although a reduction in minimum lot area is requested through concurrent Minor Variance applications, the lot sizes are considered to be suitable and similar to other lots in the surrounding area and capable of facilitating residential development at an appropriate scale.*

*There are no limitations to development on the property, save for an anticipated road widening along Highway 8 and the lifting of existing municipal reserves along the west side of Maple Gate Drive.*

*A comprehensive plan for site drainage, servicing and boulevard plantings across all three lots can be completed as a condition of approval to ensure the proposed lots function well and do not negatively affect the existing streetscape.*

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

*Affordable Housing, as defined within provincial and local planning documents is not proposed as part of the application.*

- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

*The existing dwelling on the subject lands utilizes Maple Gate Drive for driveway access. This condition will be emulated by all three of the proposed lots.*

*Maple Gate Drive connects to Highway 8 which provides intermunicipal and interregional access between the City Hamilton and the Regional Municipality of Niagara and north/south roadways connecting to the QEW and above the escarpment.*

- f) the dimensions and shapes of the proposed lots;

*The proposed lots will be generally square in shape and consistent in size and frontage with one another. Parts 1 and 2 are similarly shaped and sized lots with 526.2 / 524.0 square metres of lot area and 20.0 metres of frontage along Maple Gate Drive, respectively. Part 3, being the lot at the corner of Maple Gate Drive and Highway 8 is slightly larger in size at 619.4 square metres and has a proposed frontage of 21.0 metres.*

*Additional Parts 4 and 5 shown on the severance sketch are proposed as a 0.3 metre reserve and a road widening along Highway 8, respectively. If these Parts are not required for dedication, they can be added back into Part 3 which would increase the lot size and frontage.*

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

*There are no restrictions to the development of the subject lands for additional detached dwellings. Servicing installations will be required for each lot and may include external works within the Maple Gate Drive right-of-way.*

*As part of the development review process the Owner has commissioned the completion of an archaeological assessment. The field assessment completed by Detritus Consulting Ltd. yielded no finds and the site is deemed to be free of archaeological potential.*

- h) conservation of natural resources and flood control;

*The subject lands do not contain and are not adjacent to any watercourses or floodplains that would pose a risk to the properties. The subject lands also do not contain any natural resources.*

- i) the adequacy of utilities and municipal services;

*The subject lands are proximate to existing municipal services and utilities within Maple Gate Drive.*

- j) the adequacy of school sites;

*The subject lands are located within walking distance of St. Gabriel Catholic Elementary School which is located approximately 335 metres to the north, through Winona Park.*

- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

*No lands, exclusive of highways or related elements, are proposed for dedication to the municipality through these applications.*

*Parkland dedication will be provided as cash-in-lieu, as there is no identified need to dedicate lands from the property for public purposes. Winona Park is also located to the north which provided a parkland function for the neighbourhood.*

- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

*Energy efficient design can be explored through the development of detailed building plans.*

- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

*The new detached dwellings will not be subject to Site Plan Control.*

**Is the severance consistent with the Policy Statements issued under Section 3 of the Planning Act and the Provincial Policy Statement (PPS)?**

Yes, the proposed severance is consistent with the Provincial Policy Statement (PPS, 2020).

As stated in Section 1.1.3 of the PPS, growth within municipalities shall be directed to Settlement Areas. Further to this, intensification, redevelopment, and compact development are promoted and supported within Settlement Areas by the Province. The proposed development plan and severances are consistent with the PPS in this regard and will facilitate additional residential growth within the Winona Community.

Consistent with Section 1.4 of the PPS, the applications will support the City's efforts to provide a range and mix of housing opportunities in varying contexts and areas of the municipality to the planning horizon. The new lots will also utilize existing municipal (urban) services and public roadways to support development, consistent with the direction of Section 1.6 of the PPS.

Promoting development within Settlement Areas limits unnecessary growth pressure on agricultural lands and natural heritage features located outside of the Settlement Area Boundary, consistent with the policy directions of Section 2.1 and 2.3 of the PPS.

Lastly, the consent applications are consistent with Policy 4.6 of the PPS by implementing the policy direction of the City of Hamilton's Urban Official Plan and Fruitland-Winona Secondary Plan that permit low density development and the exclusive development of single detached dwellings.

**Does the severance conform to the Growth Plan for the Greater Golden Horseshoe?**

Yes, the proposed severance conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020).

The applications will facilitate residential growth within the Hamilton Settlement Area Boundary and Provincially delineated Built-up Area. Such efforts are in conformity with the policies of Sections 2.2.1 (Managing Growth) and 2.2.2 (Delineated Built-up Area) the Growth Plan which seek to establish complete communities with a range and mix of housing options and that utilize existing municipal infrastructure efficiently.

Specifically, the applications will facilitate three new dwellings within the Built-up Area that will be counted towards the annual residential intensification target for the City of Hamilton. The new lots are serviceable from existing infrastructure within Maple Gate Drive and will efficiently use available urban land to provide additional housing in the community.

## How does the severance conform with the City of Hamilton's Official Plan?

The applications are subject to the Urban Hamilton Official Plan (UHOP) and the subsequent Fruitland-Winona Official Plan (FWSP).

### Urban Hamilton Official Plan

The subject lands are designated "Neighbourhoods" on Schedule A of the UHOP. This designation permits a range of residential land uses, as well as accessory uses and non-residential uses that are common and compatible within neighbourhood settings.

The Neighbourhoods designation permits single detached dwellings, among other residential dwelling forms.

Policy B.2.4.2 of UHOP lists criteria for residential intensification in the Neighbourhoods designation. The applicable criteria and evaluations of conformity are provided below.

Policy B.2.4.2.2 "When considering an application for a residential intensification development within the neighbourhoods designation, the following matters shall be evaluated:

a) the matters listed in Policy B.2.4.1.4;

Residential intensification developments within the built-up area shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through l), as follows;
- b) the relationship of the proposed development to existing neighbourhood character so that it builds upon desirable established patterns and built form;
- c) the contribution of the proposed development to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the proposed development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the contribution of the proposed development to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) existing and planned water, wastewater and stormwater capacity;
- g) the incorporation and utilization of green infrastructure and sustainable design elements in the proposed development;

- h) the contribution of the proposed development to supporting and facilitating active transportation modes;
- i) the contribution of the development to be transit-supportive and supporting the use of existing and planned local and regional transit services;
- j) the availability and location of existing and proposed public community facilities/services;
- k) the ability of the development to retain and/or enhance the natural attributes of the site and surrounding community including, but not limited to native vegetation and trees; and,
- l) compliance of the proposed development with all other applicable policies. (OPA 167)

*The proposed lots will integrated additional low density residential development within the existing neighbourhood. The proposed detached dwelling forms and scale of development are appropriate and similar to that found in the surrounding area and will not have any significant impacts on surrounding land uses. It is noted that the existing dwelling on Part 2 has existing setbacks that would exceed the requirements of the Zoning By-law once the severance is undertaken. The new dwellings will be set back further from the existing, adjacent dwelling at 1331 Highway 8.*

*The proposed lotting pattern mimics that which is found to the west along Millikin Drive. This segment of roadway has driveways and dwellings oriented along the east and west side of the roadway as it enters the neighbourhood from Highway 8. The straighter road configuration of Maple Gate Drive will allow for a consistent building setback condition to be provided and opportunities to work around existing boulevard trees which positively impact the streetscape.*

*Transportation related objectives such as increasing opportunities for the use of active transportation will be enhanced through the provision of additional development in proximity to the school to the north and Winona Park. Public transit service is not currently provided within the Winona Community.*

*The subject lands contain some privately owned landscape trees; however, the boulevard contains several trees which appear to have been planted as part of the adjacent subdivision development. Efforts should and can be made to ensure the retention of these trees through the construction process. Where not possible, efforts to relocate or replace trees lost due to construction activities should be explored. The subject lands do not contain any mapped natural heritage features or regulated natural hazard features.*

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

*The proposed lots will contain one and/or one-and-a-half storey detached dwellings. These forms of dwellings are permitted, similar and compatible with adjacent detached development along Highway 8 and internal to the neighbourhood. The existing dwelling on the subject lands is a one-storey bungalow.*

*The limited massing and scale of the development will limit overlook and shadowing impacts on adjacent lands. It is noted that the proposed dwellings will be situated further from the adjacent dwelling to the west (#1331 Highway 8) than the current dwelling. The provision of a wood board boundary fence along the western property line is contemplated by the Owner to ensure additional privacy to the adjacent dwelling at 1331 Highway 8.*

- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

*The proposed lots are intended to contain single detached dwellings with a maximum lot coverage of 40%. This provides flexibility for a roughly 2,000 square foot building, inclusive of covered deck and porches, to be constructed on each lot. The permitted dwelling footprints will be similar to those found on adjacent lands and provide suitable design flexibility for the future homes and utilization of the subject lands within the permitted development envelope.*

*The Owner has indicated that the proposed height of the dwellings is intended to be tempered to one or one-and-a-half storeys, similar to the majority of other dwellings currently found along Highway 8. The shorter building heights will assist with the built form transition from Highway 8 to the two-storey dwellings located to the north along Park Manor Drive.*

*If two storey dwellings were to be pursued, the required minimum setbacks in the R2 Zone are adequate to mitigate impacts on adjacent lands such as shadows and overlook.*

- d) the consideration of transitions in height and density to adjacent residential buildings;

*Adjacent buildings to the west and east are one to one-and-a-half storeys in height (i.e. raised bungalows). Dwellings to the north are generally two storeys in height.*

*The proposed dwelling heights (1 -1.5 storeys) provides an appropriate transition from Highway 8 and Maple Gate Drive to adjacent dwellings.*

*The proposed density of the cumulative development falls within the permitted range set out in the Fruitland-Winona Secondary Plan (< 20 uph) and is low density.*

- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

*The lotting patterns and configuration of this development is like the other primary road access into the neighbourhood, Millikin Drive. Like Millikin Drive, the proposed lots and dwellings will take access from the north/south street rather than Highway 8.*

*Photographs of the lotting on Millikin Drive are included in **Appendix I** as **Figures 10 to 12**.*

- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

*The proposed lots will contain suitable private amenity areas within prescribed yard setbacks for low density development. No reductions in yard depths are proposed or required to meet the 40% landscaped open space requirements of the R2 Zoning, despite the request for reduced lot areas.*

*Winona Park is located to the northwest within a short walk of the subject lands and provides additional public amenity and recreational opportunities.*

- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;

*The proposed lotting configuration will establish additional built form on the west side of Maple Gate Drive that will contribute to the streetscape. This portion of Maple Gate Drive contains limited development massing currently and will be enhanced by the proposal.*

- h) the ability to complement the existing functions of the neighbourhood;

*The neighbourhood functions primarily as a residential area. There are some limited commercial uses located further to the west of the property that are centred around Highway 8 at Winona Road.*

*The subject lands are a permitted and suitable location for additional residential development.*

- i) the conservation of cultural heritage resources; and,

*The subject lands do not contain and are not adjacent to any properties with identified cultural heritage resources or features.*

*The Owner retained Detritus Consulting Ltd. to conduct Stage 1 and 2 Archaeological assessments of the property. Field works were completed on June 11, 2024 with no finds.*

*The related report will be submitted to the City of Hamilton and Ministry of Citizenship and Multiculturalism for review and approval, once available.*

- j) infrastructure and transportation capacity and impacts.

*The subject lands will have access to a municipally owned and maintain roadway (Maple Gate Drive). The development of two (2) additional dwellings (net) is not foreseen to have any impacts on the functionality of Maple Gate Drive or adjacent roadways.*

*There is existing municipal infrastructure within Maple Gate Drive that can support the development of the proposed lots. The form of connection and/or minor extensions to these existing networks will be explored through the clearance of conditions process associated with the consent.*

Policy 1.14.3.1 of Chapter F: Implementation of the UHOP also applies to the Consent Applications and requires that they shall be evaluated. The Consent Applications are cumulatively vetted against these individual criteria below.

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;

*The severance applications conform with the UHOP policies related to residential intensification, infill, and providing greater housing options within the Settlement Area Boundary.*

*The subject lands are located within the Winona Fruitland Secondary Plan Area which contains more specific planning policy direction for the subject lands. A fulsome analysis of conformity and compliance with the Secondary Plan is provided further on in this report.*

- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;

*The proposed lots require relief for reduced lot area. As demonstrated on the provided provisional site plan, each lot can be developed with an adequately sized dwelling without the need for any additional relief from applicable setbacks.*

*An elective variance to increase lot coverage has also been requested to facilitate the more efficient use of the available building envelopes, as proposed.*

- c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

*The surrounding neighbourhood contains a mix of lot sizes and differently scaled detached dwellings. The proposed lots are similar in scale to those found within the neighbourhood, and more specifically at the east end of Park Manor Drive (NE) and Millikin Drive (W).*

*The proposed dwellings will be developed within the applicable provisions of the R2 Zone and will also have frontages that exceed the minimum of 18 metres. Within the neighbourhood there are several examples of lots with frontages of 20 metres or more.*

*The limited height proposed by the Owner, paired with the tempered permitted height of 10 metres set out in the R2 Zone will ensure that shadowing and overlook impacts on adjacent lands are limited.*

- d) The lots are fully serviced by municipal water and wastewater systems; and,

*It is noted that Maple Gate Drive contains existing municipal watermains and sanitary and storm sewers. These services are planned to be utilized to support the development.*

- e) The lots have frontage on a public road.

*Each proposed lot will have frontage on Maple Gate Drive, which is a public roadway. Part 3 will also have flankage on Highway 8, although driveway access is proposed to be restricted through the implementation of a 0.3 metre reserve (Part 4 on Severance Sketch).*

### **Fruitland-Winona Secondary Plan**

The Fruitland-Winona Secondary Plan (FWSP) was implemented through Official Plan Amendment 17 and applies to the Fruitland and Winona Settlement Areas. The Secondary Plan schedules and policies are shared amongst the two areas given their similar character and development condition.

The Winona community is subject to a more detailed planning framework than the UHOP which is implemented through the FWSP. Within the FWSP, the subject lands are designated as “Low Density Residential 1” on Map B.7.4-1. This land use designation and related policy framework are more refined in terms of permitted uses and development intensity than the overarching UHOP.

The applicable policy sections of the FWSP include 7.4.2.6 (Residential), 7.4.2.9 (Urban Design), 7.4.4.3 (Low Density Residential 1 Policies). An evaluation of conformity with each relevant Secondary Plan policy section is provided herein.

#### **7.4.2.6 Residential**

- a) Create a community that provides for safe, functional, attractive and distinguishable residential neighbourhoods;
- b) Encourage a mix of uses and housing types that meet the housing needs of residents throughout their life cycles and allow them to remain within the community; and,
- c) Provide a compact urban form, with higher densities located closer to arterial roads that may serve as future transit corridors, while maintaining views to the Escarpment and other natural features.

*The proposed development plan is compact and compatible with the low density character of the surrounding neighbourhood. The proposed dwellings will frame Maple Gate Drive in a similar manner to existing development found within the neighbourhood, while efficiently using appropriate developable land for additional housing.*

*The proposed detached dwellings can serve as housing for persons at any stage in the life cycle and will be designed to be 1 to 1.5 storeys. Ground based dwellings with limited stairs provides are typically more accessible housing choices that other dwelling forms such as townhomes.*

*The subject lands are located adjacent to Highway 8. This road is a primary throughfare in the City of Hamilton and will likely see transportation improvements over time, such as regular transit service, which may benefit from additional residential development.*

*Views of the Escarpment will not be affected by the development of the subject lands.*

#### 7.4.2.9 Urban Design

- a) Ensure the development of an attractive, safe, and pedestrian oriented community environment;
- b) Promote a high quality of design for public parks, open spaces, and buildings;
- c) Ensure compatibility between areas of different land use or development intensity;
- d) Establish gateway features at appropriate locations to function as entranceways to the City, and the communities of Fruitland and Winona;
- e) Provide integrated community design that coordinates land use, open space, street network, and built form elements to achieve the community vision;
- f) Protect views of the Niagara Escarpment and other natural features;
- g) Create street and building design that promotes neighbourhood vitality and pedestrian comfort at the grade level of buildings;
- h) Promote public transit, active transportation such as walking, and recreational connections through a well-connected system of streets, walkways, and trails; and,
- i) Promote design variety within streetscapes.

*The proposed development will add new ground based, detached residential dwellings within the neighbourhood. This form of development is compatible with existing detached dwellings in the immediate area and will serve as a gentle form of infill and intensification on underutilized urban lands within Winona. The resultant density falls within the permitted low density range and will not be uncharacteristic for the area.*

*The provision of additional built form along Maple Gate Drive will enhance the streetscape and creating additional points of visual interest.*

*The dwellings will not affect any existing views of the Niagara Escarpment or other natural features and will have building heights tempered to a maximum of 10 metres, per the R2 Zone.*

#### **7.4.4.3 Low Density Residential 1 Designation**

In addition to Section E.3.4 – Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 1 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.4.3 of Volume 1, the permitted use shall be limited to single-detached dwellings; and,

- b) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density shall not exceed 20 units per hectare.

*The proposed lots will each contain a single detached dwelling, which is the only dwelling form permitted by the Secondary Plan. It is noted that a recent amendment to the R2 Zone in 2024 now permits additional dwelling forms, including multiple unit development. However, such forms are not proposed or sought by the owner.*

*Based on a developable area of 1,669.6 square metres or 0.166 hectares (excluding Part 4 and 5) the resultant development density for three (3) new dwellings will be 17.9 units per hectare, which conforms with the density range and direction within the Secondary Plan or no more than 20 units per hectare. If one or both land dedications are not required, the resultant density will be less than 17.9 units per hectare and will remain in conformity with the policies of Section 7.4.4.3 of the FWSP.*

### **Minor Variance Assessment**

To permit the proposed and retained lots to have reduced minimum lot areas and increased lot coverage, applications for Minor Variance have been prepared and submitted to the City of Hamilton. As set out in Section 45 (1) of the Planning Act, Minor Variance's are evaluated based on four (4) tests, which include:

1. Does the requested variance maintain the general intent and purpose of the Official Plan?
2. Does the requested variance maintain the general intent and purpose of the Zoning By-law?
3. Is the requested variance desirable for the appropriate development or use of the land, building or structure?
4. Is the variance minor in nature?

An assessment of the submitted application against these required tests is provided in the following section of this report.

### **Does the requested variance maintain the general intent and purpose of the City of Hamilton's Urban Hamilton Official Plan (UHOP)?**

Yes, the requested variances maintain the general intent and purpose of the City of Hamilton's UHOP.

### **Minimum Lot Area**

Minimum Lot Area is not a matter typically found in the policies of an Official Plan. This is the case with the UHOP and FWSP. Despite this, there is policy direction focused on larger lot developments and more "traditional" housing forms that are commonly found in older portions of the community, outside of the urban core.

The general intent and purpose of the Minimum Lot Area requirement is to ensure that a suitable development envelope can be provided for permitted uses and within the permitted density range. In this case, the subject lands are in the “lowest” low density designation and have a density limit of 20 units per hectare set out in the applicable policies of the FWSP. This lower density requirement is intended to maintain the current low density characteristics of the Winona community.

As proposed, each of the lots can be developed with an adequately sized detached dwelling that conforms with the residential, urban design, and severance policies found within the UHOP and FWSP. The development plan also results in a density of 17.9 units per hectare, which is below the 20 unit per hectare threshold set out in the Secondary Plan. Accordingly, the proposed variances for reductions in Minimum lot Area meet the general intent of the Official Plan.

### Lot Coverage

Like Minimum Lot Area requirements, matters concerning Lot Coverage are not overtly addressed in the UHOP or FWSP. Policy direction associated with massing and built form are more broadly prescribed, but the Plans are clear in their direction to maintain the low density character of development within Winona.

The requested variance to increase the maximum permitted lot coverage value from 35% to 40% for each lot will support the development of the proposed lots with single detached dwellings. The increase in coverage will not affect development density but will ensure a better utilization of the available development envelope on the property for a larger dwelling or accessory structures. The efficient utilization of land, balanced with the upholding of neighbourhood character are supported by the variance, and therefore it is considered to meet the general intent and purpose of the official plan.

### **Does the requested variance maintain the general intent and purpose of the City of Hamilton's Zoning By-law?**

Yes, the requested variance maintains the general intent and purpose of the City of Hamilton Zoning By-law.

### Minimum Lot Area

The Minimum Lot Area provision is provided to ensure that permitted dwelling forms have adequate space for a dwelling, off-street parking, access and drainage, landscaping and amenity. The minimum lot size also assists in ensuring that developments meet prescribed density values – in this case, low density growth of a density at, or below 20 units per hectare.

Although the proposed and retained lots will have reduced area, the proposed massing and positioning of the dwellings conforms with all required setbacks and height requirements and will frame the street in a similar fashion to adjacent development along Millikin Drive, to the west.

The proposed development envelopes will also facilitate development that is located physically further from the adjacent property to the west. The current home is located 4.7 metres from the western lot line. Overall, the requested reduction in lot area will not undermine the ability to implement suitable and intended forms and scales of development on the subject lands.

## Lot Coverage

The intent and purpose of the maximum lot coverage provision is to ensure a consistent massing of dwellings within new developments and that sites are not “overbuilt”. Impacts from overbuilding may include drainage issues, limited amenity and landscaping areas and reduced functionality of a property.

Permitted massing on a property is typically expressed through lot coverage. Within the R2 Zone, the permitted coverage value is 35%. The lesser nature of this value is directly related to the requirement for larger lot areas. In the case of the development proposed, a reduction in lot area has been requested to more efficiently utilize the lands for permitted forms of residential development.

The intent and purpose of the Lot Coverage limit is upheld with the proposed increase of 5% lot coverage as all development setbacks can be met without full utilization of the development envelope. There will remain ample room for landscaping, yards and separation from adjacent land uses and off-street parking. As all these elements can be achieved, an increase in lot coverage to 40% for these lands is considered appropriate and in keeping with the general intent and purpose of the Zoning By-law.

### **Is the requested variance desirable for the appropriate development or use of the land, building or structure?**

Yes, the requested variances are desirable to facilitate the development of the lands.

## Minimum Lot Area

The provision of additional housing is a municipal, provincial, and federal priority. The form and function of infilling, intensification and new lot creation opportunities is to be undertaken where appropriate and possible, however, it is best practice to ensure that this is done in a compatible manner that does not cause any significant and/or negative impacts on established development and sensitive land uses.

The proposed detached dwellings are permitted uses and are an appropriate dwelling form for these lands within the Winona Community. The current residential composition of the community contains a mix of large “rural style” residential lots along Highway 8 and newer suburban lots with exclusively single detached dwellings in the interior subdivision areas. The subject lands themselves are large scale and capable of facilitating additional development beyond the current home. The ability to establish new lots along Maple Gate Drive and provide gentle intensification is unique to this property and is an opportunity not available for other properties along Highway 8

The requested reduction in the minimum lot area will allow for the development of three new dwellings instead of two. The ability to provide additional housing opportunities within urban areas is desirable from a housing and community development perspective.

The reduction in the minimum lot area will not impact the ability to construct adequately sized dwellings or meet required building setbacks. Additional lot frontage has been allocated to the interior lots (20 metres, whereas 18 is required) to provide additional spacing between dwellings that will emulate a similar look and function to the other building forms in the community.

The owners are intending to develop each lot with a bungalow (i.e. 1 storey) or bungalow (i.e. 1.5 storey) dwellings, although the existing zoning does facilitate two-storey dwellings.

### Maximum Lot Coverage

The requested increase in lot coverage will allow for a more efficient use of the available building envelope on the property. As shown in the provided lot development diagram included as **Appendix IV** to this report, the applicable setbacks provide a large development envelope on each lot.

The additional lot coverage can be utilized for either the primary building or accessory structures with no significant impact on adjacent land uses.

### **Is the requested variance minor in nature?**

Yes, the requested variances are minor in nature.

### Minimum Lot Area

The requested reductions in maximum lot area will not impair the ability to construct a suitably sized detached dwelling. As demonstrated in the Preliminary Site Development Plan included as **Appendix IV**, a dwelling can be accommodated within the prescribed setbacks and physically further from existing adjacent development. The effect of the variance will result in additional, permitted low density development and new housing opportunities.

### Lot Coverage

The requested increase in lot coverage from 35% to 40% will allow for roughly 200 square feet of additional building area per lot. This additional coverage amount is quantitatively small, and comparatively speaking is the size of two garden sheds or a covered deck. This minor increase in lot coverage will not require any further relief from applicable R2 zoning setbacks and does not result in a substandard amount of required landscaped open space.

### **Additional Planning Considerations**

#### Archaeology

In preparing these applications the need for an Archaeological Assessment was anticipated based on the location and context of the site close to the escarpment area and being along Highway 8, which is a historic transportation route.

The Owner has proactively undertaken Stage 1 and 2 Assessments of the property, with field investigations completed on June 11, 2024. The consulting archaeologist, Detritus Consulting Ltd., has indicated that there were no finds during the Stage 2 assessment and that no further investigation is recommended.

The owner is awaiting the obtainment of the final report from the archaeologist for submission to the City of Hamilton and Ministry of Citizenship and Multiculturalism.

## Road Widening and Reserves

The City of Hamilton has indicated through preliminary review that a road widening will be required along the north side of Highway 8. The required widening has been included on the severance sketch as Part 5. All proposed measurements on the severance sketch have been provided with the understanding these lands will not form part of the property when registered.

A 0.3 metre reserve has also been provided by the Owner as Part 4 of the sketch to require all driveway accesses to be provided from Maple Gate Drive. This part has also been excluded from calculations.

## Planning Opinion

As outlined in this Planning Justification Brief, the subject lands are a suitable location for low density residential infill and intensification within the Winona community. The subject lands are uniquely situated with available frontage and servicing along Maple Gate Drive and have adequate land area available to support three new detached dwellings that are similar in mass and to those found within the surrounding neighbourhood.

The utilization of a large parcel of urban land for additional housing is consistent, and in conformity with Provincial and municipal planning directions and policies. The low-density nature of the proposal balances the need and desire for new housing and the direction of the City of Hamilton to carefully consider how and where intensification and infill development occurs.

It is my opinion that the submitted applications satisfy and have regard for applicable sections of the Planning Act including Sections, 2, 3 (5), 45 (1), 51 (24) and 53. The applications are also consistent with the 2020 Provincial Policy Statement and conform with the relevant policies of the 2020 Growth Plan for the Greater Golden Horseshoe, Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan. The variances requested are minor, reasonable, and desirable for the development of the lands and do not result in the need for any additional departures from the setback, height or landscape open space requirements of the R2 Zone within City of Hamilton Zoning By-law 05-200.

Accordingly, it is my opinion that these applications should be supported by the Committee of Adjustment.

Should you have any questions, or require any additional information, please do not hesitate to contact the undersigned at 289-814-3090 or by email at [crohe@gspgroup.ca](mailto:crohe@gspgroup.ca).

Respectfully submitted,

**GSP Group Inc.**



Craig A. Rohe, MCIP, RPP  
Senior Planner

**Appendix I – Site and Surrounding Area Photographs (July 4, 2024)**



*Figure 1 - 1335 Highway 8 - Existing Detached Dwelling - View from Maple Gate Drive*



*Figure 2 - 1335 Maple Gate Drive - Existing Dwelling - View from Highway 8*



*Figure 3 - 1335 Highway 8 – West Side of Dwelling*



*Figure 4 - 1335 Maple Gate Drive – Interface with 1331 Highway 8 (West Lot Line)*



*Figure 5 - 1341 Highway 8 – Across from the Subject Lands (East)*



*Figure 6 - 1331 Maple Gate Drive - View from Highway 8*



Figure 7 - 1344 Highway 8 - Existing Dwelling - View from Maple Gate Drive



Figure 8 – Maple Gate Drive - Looking South from Park Manor Drive



*Figure 9 – Maple Gate Drive – Looking North from Highway 8*



*Figure 10 – 1317 Highway 8 – Access from Millikin Drive*



Figure 13 – 1317 Highway 8 and 1 Millikin Drive – Looking West



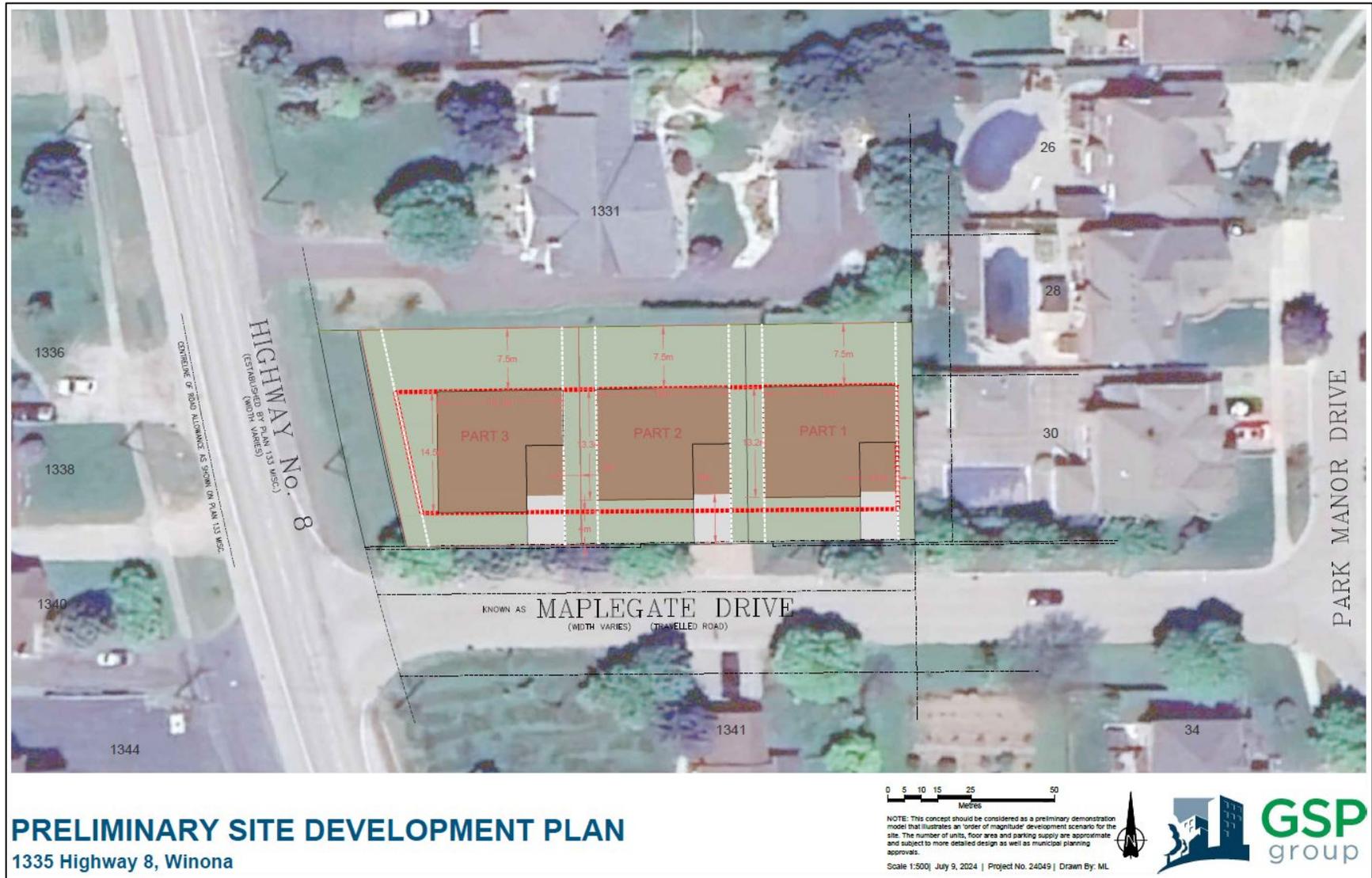
Figure 14 – Millikin Drive at Highway 8 Access – Looking North

Appendix II – Surrounding Area and Provincial Plan Boundaries





**Appendix IV – Preliminary Site Development Plan**



## Stage 1-2 Archaeological Assessment 1335 Highway 8, Hamilton

Part of Lot 3, Concession 2, Geographic Township of  
Saltfleet, Historical County of Wentworth, now the  
City of Hamilton

**Submitted to:**

David DeFaveri  
375 McNeilly Road, Stoney Creek,  
Ontario, L8E 5H4

and

Ontario's Ministry of Citizenship and Multiculturalism

**Submitted by:**



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CP Number: 2024-058

**ORIGINAL REPORT**

July 15, 2024

## Executive Summary

Detritus Consulting Ltd. ('Detritus') was retained by GSP Group on behalf of the proponent (David DeFaveri) to conduct a Stage 1-2 archaeological assessment on part of Lot 3, Concession 2, in the Geographic Township of Saltfleet, within the Historical County of Wentworth, now the Regional Municipality of Hamilton, Ontario (Figure 1). This assessment was undertaken in advance of future development on the property at 1335 Highway 8, Hamilton and the development will span the entire property (the 'Study Area,' Figure 4).

This assessment was triggered by the Provincial Policy Statement ('PPS') that is informed by the *Planning Act* (Government of Ontario, 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (Government of Ontario, 1990b). According to Section 2.6.2 of the PPS, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved." To meet this condition, a Stage 1-2 assessment was conducted as part of the application phase of development under archaeological consulting license P017 issued to Mr. Garth Grimes by the Ministry of Citizenship and Multiculturalism ('MCM') and adheres to the archaeological license report requirements under subsection 65 (1) of the *Ontario Heritage Act* (Government of Ontario, 1990b) and the MCM's *Standards and Guidelines for Consultant Archaeologists* ('Standards and Guidelines'; Government of Ontario, 2011).

The Study Area comprises a rectangular-shaped parcel that fronts onto Highway 8 and measures approximately 0.18 hectares ('ha'). The Study Area is bound by Highway 8 to the north, residential properties to the north and west, and Maple Gate Drive to the east. At the time of assessment, the Study Area included one residential property fronting Highway 8, featuring manicured lawns, one house, two patios, a driveway, and one shed (Figure 3).

The Stage 1 background research indicated that portions of the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. The Stage 1 background research indicated that the Study Area is within an area of archaeological potential. Therefore, a Stage 2 Property Assessment was recommended for the Study Area.

The subsequent Stage 2 field assessment of the Study Area was conducted on June 11<sup>th</sup>, 2024. This investigation began with a property inspection, conducted according to Section 2.1.8, which is informed by Section 1.2 of the *Standards and Guidelines* (Government of Ontario, 2011). The inspection revealed that the house, driveway, two patios, and shed retained no, or low, archaeological potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). The previously disturbed areas, as confirmed during a Stage 2 property inspection, were mapped and photo documented only in accordance with Section 2.1, Standard 6, and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

The remainder of the Study Area comprised the manicured lawns throughout the Study Area, which were assessed by means of a typical test pit survey at 5m intervals. No archaeological resources were observed.

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**

*The Executive Summary highlights key points from the report only; for complete information and findings, the reader should examine the complete report.*

## Table of Contents

1.0	Project Context .....	1
1.1	Development Context .....	1
1.2	Historical Context.....	2
1.2.1	Post-Contact Indigenous Resources.....	2
1.2.2	Euro-Canadian Resources .....	3
1.3	Archaeological Context.....	5
1.3.1	Property Description and Physical Setting .....	5
1.3.2	Pre-Contact Indigenous Land Use .....	5
	<i>Table 1: Cultural Chronology for Saltfleet Township.....</i>	<i>5</i>
1.3.3	Previous Identified Archaeological Work.....	6
	<i>Table 2: Registered Archaeological Sites within 1km of the Study Area .....</i>	<i>6</i>
1.3.4	Archaeological Potential.....	6
2.0	Field Methods .....	8
3.0	Record of Finds.....	9
	<i>Table 3: Inventory of Document Record .....</i>	<i>9</i>
4.0	Analysis and Conclusions.....	10
5.0	Recommendations.....	11
6.0	Advice on Compliance with Legislation .....	12
7.0	Bibliography.....	13
8.0	Maps.....	15
	<i>Figure 1: Study Area Location .....</i>	<i>15</i>
	<i>Figure 2: Historic Map Showing Study Area Location.....</i>	<i>16</i>
	<i>Figure 3: Stage 2 Field Methods Map.....</i>	<i>17</i>
	<i>Figure 4: Development Plan.....</i>	<i>18</i>
9.0	Images .....	19
9.1	Field Photos .....	19

## Project Personnel

Project Manager:	Garth Grimes, PO17
Field Director:	Matthew Gibson, R1160
Field Technician:	Finn Tuohy, Pat Blume, Sasha Zivolak
Report Preparation:	Brittanee Mason, R1362 and Tina Ross
Mapping:	Brittanee Mason, R1362 and Tina Ross
Licensee Review:	Garth Grimes, PO17

## Acknowledgments

Generous contributions by Mr. Craig Rohe of GSP Group Inc. and Mr. David De Faveri made this report possible.

## 1.0 Project Context

### 1.1 Development Context

Detritus Consulting Ltd. ('Detritus') was retained by GSP Group Inc. on behalf of the proponent (David DeFaveri) to conduct a Stage 1-2 archaeological assessment on part of Lot 3, Concession 2, in the Geographic Township of Saltfleet, within the Historical County of Wentworth, now the Regional Municipality of Hamilton, Ontario (Figure 1). This assessment was undertaken in advance of future development on the property at 1335 Highway 8, Hamilton and the development will span the entire property (the 'Study Area,' Figure 4).

This assessment was triggered by the Provincial Policy Statement ('PPS') that is informed by the *Planning Act* (Government of Ontario, 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (Government of Ontario, 1990b). According to Section 2.6.2 of the PPS, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved." To meet this condition, a Stage 1-2 assessment was conducted as part of the application phase of development under archaeological consulting license P017 issued to Mr. Garth Grimes by the Ministry of Citizenship and Multiculturalism ('MCM') and adheres to the archaeological license report requirements under subsection 65 (1) of the *Ontario Heritage Act* (Government of Ontario, 1990b) and the MCM's *Standards and Guidelines for Consultant Archaeologists* ('Standards and Guidelines'; Government of Ontario, 2011).

The purpose of a Stage 1 Background Study is to compile all available information about the known and potential archaeological heritage resources within the Study Area and to provide specific direction for the protection, management and/or recovery of these resources. In compliance with the *Standards and Guidelines* (Government of Ontario, 2011), the objectives of the following Stage 1 assessment are as follows:

- To provide information about the Study Area's geography, history, previous archaeological fieldwork and current land conditions;
- to evaluate in detail, the Study Area's archaeological potential which will support recommendations for Stage 2 survey for all or parts of the property; and
- to recommend appropriate strategies for Stage 2 survey.

To meet these objectives Detritus archaeologists employed the following research strategies:

- A review of relevant archaeological, historic and environmental literature pertaining to the Study Area;
- a review of the land use history, including pertinent historic maps; and
- an examination of the Ontario Archaeological Sites Database ('ASDB') to determine the presence of known archaeological sites in and around the Study Area.

The purpose of a Stage 2 Property Assessment is to provide an overview of any archaeological resources within the Study Area; to determine whether any of the resources might be archaeological sites with cultural heritage value or interest ('CHVI'); and to provide specific direction for the protection, management, and/or recovery of these resources. In compliance with the *Standards and Guidelines* (Government of Ontario, 2011), the objectives of the following Stage 2 assessment are as follows:

- To document all archaeological resources within the Study Area;
- to determine whether the Study Area contains archaeological resources requiring further assessment; and
- to recommend appropriate Stage 3 assessment strategies for archaeological sites identified.

The licensee received permission from the Proponent to enter the land and conduct all required archaeological fieldwork activities, including the recovery of artifacts.

## 1.2 Historical Context

### 1.2.1 Post-Contact Indigenous Resources

Prior to the arrival of European settlers, much of the central and southern Ontario was occupied by Iroquoian speaking linguistic groups that had united to form confederacies, including the Huron-Wendat, the Neutral (or Attawandaran), and the Petun in Ontario, as well as the Five Nations Iroquois Confederacy in Upper New York State (Warrick, 2013; Birch, 2010). Of these groups, the Huron-Wendat established themselves to the east of the Niagara escarpment and the Neutral, to the west (Warrick, 2000).

Throughout the middle of the 17<sup>th</sup> century, the Iroquois Confederacy sought to expand upon their territory and to monopolize the fur trade between the European markets and the tribes of the western Great Lakes region. A series of bloody conflicts followed known as the Beaver Wars or the French and Iroquois Wars, contested between the Iroquois Confederacy and the Algonkian speaking communities of the Great Lakes region. Many communities were destroyed including the Huron, Neutral, Susquehannock and Shawnee leaving the Iroquois as the dominant group in the region. By 1653 after repeated attacks, the Niagara peninsula and most of Southern Ontario had been vacated (Heidenreich, 1990).

At this same time, the Anishinaabeg Nation, an Algonkian-speaking community situated inland from the northern shore of Lake Huron, began to challenge the Haudenosaunee for dominance in the Lake Huron and Georgian Bay region in order to advance their own role in the fur trade (Gibson, 2006). The Algonkian-speaking groups that settled in the area bound by Lake Ontario, Lake Erie, and Lake Huron were referred to by the English as the Chippewas or Ojibwas. By 1680, the Ojibwa began expanding into the evacuated Huron-Wendat territory, and eventually into Southern Ontario. By 1701, the Haudenosaunee had been driven out of Ontario completely and were replaced by the Ojibwa (Gibson, 2006; Schmalz, 1991).

The late 17<sup>th</sup> and early 18<sup>th</sup> centuries also mark the arrival of an Ojibwa band known as the Mississaugas into Southern Ontario and, in particular, the watersheds of the lower Great Lakes. 'The Mississaugas' is the name that the Jesuits had used in 1840 for the Algonquin community living near the Mississagi River on the northwestern shore of Lake Huron (Smith, 2002). The oral traditions of the Mississaugas, as recounted by Chief Robert Paudash and recorded in 1904, suggest that the Mississaugas defeated the Mohawk Nation, who retreated to their homeland south of Lake Ontario. Following this conflict, a peace treaty was negotiated between the two groups (Praxis Research Associates, n.d.).

From the beginning of the 18<sup>th</sup> century until the end of the Seven Year War in 1763, the Ojibwa nation, including the Mississaugas, experienced a golden age in trade holding no alliance with either the French or the British (Schmalz, 1991). At the end of the 17<sup>th</sup> century, the Mississaugas' settled permanently in Southern Ontario (Praxis Research Associates, n.d.). Around this same time, in 1722, the Five Nation Iroquois Confederacy adopted the Tuscarora in New York becoming the Six Nations (Pendergast, 1995).

The Study Area first entered the Euro-Canadian historical record on December 7<sup>th</sup>, 1792, as part of Treaty No. 3, which included land acquired in the 'Between the Lakes Purchase' dating to May 22, 1784. According to the terms of the treaty, the Mississaugas ceded to the Crown approximately 3,000,000 acres of land between Lake Huron, Lake Erie, and Lake Ontario in return for trade goods valued at £1180.

The limits of the Treaty 3 lands are documented as comprising,

*Lincoln County excepting Niagara Township; Saltfleet, Binbrook, Barton, Glanford and Ancaster Townships, in Wentworth County; Brantford, Onondaga, Tusc[a]r[o]ra, Oakland and Burford Townships in Brant County; East and West Oxford, North and South Norwich, and Dereham Townships in Oxford County; North Dorchester Township in Middlesex County; South Dorchester, Malahide and Bayham Township in Elgin County; all Norfolk and Haldimand Counties;*

*Pelham, Wainfleet, Thorold, Cumberland and Humberstone Townships in Welland County.*

Morris, 1943, pp. 17-8

One of the stated objectives of the Between the Lakes Purchase was “to procure for that part of the Six Nation Indians coming into Canada a permanent abode” (Morris, 1943, p. 17). Shortly after the transaction had been finalised in May of 1784, Sir Frederick Haldimand, the Governor of Québec, made preparations to grant a portion of land to those Six Nations who remained loyal to the Crown during the American War of Independence. More specifically, Haldimand arranged for the purchase of approximately 550,000 acres of land adjacent to the Treaty 3 limits from the Mississaugas. This tract of land, referred to as either the Haldimand Tract or the 1795 Crown Grant to the Six Nations, was provided for in the Haldimand Proclamation of October 25th, 1784, and was intended to extend a distance of six miles on each side of the Grand River from mouth to source (Weaver, 1978). By the end of 1784, representatives from each constituent nation of the Six Nations, as well as other allies, relocated to the Haldimand Tract with Joseph Brant (Weaver, 1978; Tanner, 1987).

Throughout southern Ontario, the size and nature of the pre-contact settlements and the subsequent spread and distribution of Indigenous material culture began to shift with the establishment of European settlers. By 1834 it was accepted by the Crown that losses of portions of the Haldimand Tract to Euro-Canadian settlers were too numerous for all lands to be returned. Lands in the Lower Grand River area were surrendered by the Six Nations to the British Government in 1832, at which point most Six Nations people moved into Tuscarora Township in Brant County and a narrow portion of Oneida Township (Page, 1879; Weaver, 1978; Tanner, 1987). Following the population decline and the surrender of most of their lands along the Credit River, the Mississaugas were given 6000 acres of land on the Six Nations Reserve, establishing the Mississaugas of New Credit First Nation, now the Mississaugas of the Credit First Nation, in 1847 (Smith, 2002)

Despite the encroachment of European settlers on previously established Indigenous territories, “written accounts of material life and livelihood, the correlation of historically recorded villages to their archaeological manifestations, and the similarities of those sites to more ancient sites have revealed an antiquity to documented cultural expressions that confirms a deep historical continuity to Iroquoian systems of ideology and thought” (Ferris, 2009, p. 114). As Ferris observes, despite the arrival of a competing culture, First Nations communities throughout Southern Ontario have left behind archaeologically significant resources that demonstrate continuity with their pre-contact predecessors, even if they have not been recorded extensively in historical Euro-Canadian documentation.

### **1.2.2 Euro-Canadian Resources**

The current Study Area is located on part of Lot 3, Concession 2, in the Geographic Township of Saltfleet, within the Historical County of Wentworth, now the Regional Municipality of Hamilton, Ontario.

In 1763, the Treaty of Paris brought an end to the Seven Years’ War, contested between the British, the French, and their respective allies. Under the Royal Proclamation of 1763, the large stretch of land from Labrador in the east, moving southeast through the Saint Lawrence River Valley to the Great Lakes and on to the confluence of the Ohio and Mississippi Rivers became the British Province of Québec (Niagara Historical Society and Museum, 2008).

On July 24, 1788, when Sir Guy Carleton, the Governor-General of British North America, divided the Province of Québec into the administrative districts of Hesse, Nassau, Mecklenburg and Lunenburg (Archives of Ontario, 2012-2015). Further change came in December 1791 when the former Province of Québec was rearranged into Upper Canada and Lower Canada under the *Constitutional Act*. Colonel John Graves Simcoe was appointed as Lieutenant-Governor of Upper Canada. He initiated several initiatives to populate the province including the establishment of shoreline communities with effective transportation links between them (Coyne, 1895).

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In July 1792, Simcoe divided Upper Canada into 19 counties stretching from Essex in the west to Glengarry in the east. Each new county was named after a county in England or Scotland; the constituent townships were then given the names of the corresponding townships from each original British county (Powell & Coffman, 1956).

Later that year, the four districts originally established in 1788 were renamed as the Western, Home, Midland and Eastern Districts. The current Study Area is situated in the historic Home District, which comprised lands obtained in the “Between the Lakes Purchases” of 1784 and 1792 (Archives of Ontario, 2012-2015). As population levels in Upper Canada increased, smaller and more manageable administrative bodies were needed resulting in the establishment of many new counties and townships. In 1816, further administrative changes were made, with the creation of the Gore District, which encompassed Wentworth County, including the Township of Saltfleet.

In 1816, boundaries of the Home and Niagara Districts were shifted once again resulting in the formation of the Gore District and its two counties; Wentworth County and Halton County. Wentworth County was named after Sir. John Wentworth, the Lieutenant-Governor of Nova Scotia from 1792 to 1808. It originally consisted of seven townships formerly belonging to Haldimand, Lincoln and York Counties; Glanford County was originally part of Lincoln Township. In 1849, Gore District was replaced by the United Counties of Wentworth and Halton. This administrative configuration lasted until 1854. In 1973, Wentworth County was replaced by the Regional Municipality of Hamilton-Wentworth. In 2001, the Regional Municipality and its six constituent municipalities were amalgamated as the ‘megacity’ of Hamilton (Archives of Ontario, 2012-2015)

The Township of Saltfleet was established in Lincoln County in 1791 and became part of Wentworth County in 1816. The name Saltfleet was taken from the village of Saltfleet in Lincolnshire England (Hamilton Public Library, 2018). Settlement began to trickle into the region in 1786, with an influx of loyalist immigrants from New York State began immigrating to Upper Canada in the years following the Revolutionary War. The Township of Saltfleet was laid out in eight concessions between Lake Ontario and the Township of Binbrook to the south. After the American Revolutionary War, Crown Patents were granted to United Empire Loyalists who settled at first below the escarpment.

The *Illustrated Historical Atlas of the County of Wentworth* (*Historical Atlas*), demonstrates the extent to which Saltfleet Township had been settled by 1875 (Page & Smith 1875; Figure 2). Landowners are listed for a large majority of the lots within the township, many of which had been subdivided multiple times into smaller parcels to accommodate an increasing population throughout the late 19<sup>th</sup> century. Structures and orchards are prevalent throughout the township, almost all of which front early roads.

According to the Saltfleet Township map in the *Illustrated Historical Atlas of the County of Wentworth, Ont.* (Page & Smith, 1875). Lot 3 Concession 2 was owned by J.R. Pettit, whose family also owned Lots to the west and south. The Study Area is located to the south of a historical Road, now Highway 8, that crosses the southern portion of the lot. The Study Area occupies a small portion of Pettit’s property. A single structure is illustrated on the property. The early community and post office of Winona are located to the northwest of the Study in Concession 1 to the north. Looking further afield, Lake Ontario and the Great Western Railroad is to the north of the Study Area.

Although significant and detailed landowner information is available on the historical maps discussed here, it should be recognized that historical county atlases were funded by subscriptions fees and were produced primarily to identify factories, offices, residences and landholdings of subscribers. Landowners who did not subscribe were not always listed on the maps (Caston, 1997, p. 100). Moreover, associated structures were not necessarily depicted or placed accurately (Gentilcore & Head, 1984).

## 1.3 Archaeological Context

### 1.3.1 Property Description and Physical Setting

The Study Area comprises a rectangular-shaped parcel that fronts onto Highway 8 and measures approximately 0.18 hectares ('ha'). The Study Area is bound by Highway 8 to the north, residential properties to the north and west, and Maple Gate Drive to the east. At the time of assessment, the Study Area included one residential property fronting Highway 8, featuring manicured lawns, one house, two patios, a driveway, and one shed (Figure 3).

The majority of the region surrounding the Study Area has been subject to European-style agricultural practices for over 100 years, having been settled by Euro-Canadian farmers by the mid-19<sup>th</sup> century. Much of the region continues to be used for agricultural purposes.

The Study Area is located within the Iroquois Plain Physiographic Region (Chapman & Putnam, 1984). This area is the ancient seabed of glacial Lake Iroquois, which extends around the western shore of Lake Ontario for some 300 kilometres ('km'). The region is characterized by flat topography composed of shallow lacustrine deposits of primarily sand over a clay subsoil. The predominant subsurface strata are Queenston formation shale with glacio-lacustrine silt and clay. Drainage is moderate and provided by a number of small streams and creeks that often end in marshy areas south of the dunes at the Lake Ontario beachfront. Although imperfectly drained with rapid surface runoff, the soils of this region are suitable for pre-contact and post-contact Indigenous agriculture including corn and soybeans in rotation with cereal grains as well as alfalfa and clover (Chapman & Putnam, 1984).

The closest source of potable water is Fifty Mile Creek, approximately 900 m to the south of the Study Area.

### 1.3.2 Pre-Contact Indigenous Land Use

This portion of southern Ontario was occupied by people as far back as 11,000 years ago as the glaciers retreated. For the majority of this time, people were practicing hunter-gatherer lifestyles with a gradual move towards more extensive farming practices. Table 1 provides a general outline of the cultural chronology of Saltfleet Township (Ellis & Ferris, 1990).

**Table 1: Cultural Chronology for Saltfleet Township**

Time Period	Cultural Period	Comments
9500–7000 BC	Paleo Indian	first human occupation hunters of caribou and other extinct Pleistocene game nomadic, small band society
7500–1000 BC	Archaic	ceremonial burials increasing trade network hunter-gatherers
1000–400 BC	Early Woodland	large and small camps spring congregation/fall dispersal introduction of pottery
400 BC–AD 800	Middle Woodland	kinship based political system incipient horticulture long distance trade network
AD 800–1300	Early Iroquoian (Late Woodland)	limited agriculture developing hamlets and villages

Time Period	Cultural Period	Comments
AD 1300–1400	Middle Iroquoian (Late Woodland)	shift to agriculture complete increasing political complexity large, palisaded villages
AD 1400–1650	Late Iroquoian	regional warfare and political/tribal alliances destruction of Huron and Neutral

### 1.3.3 Previous Identified Archaeological Work

In order to compile an inventory of archaeological resources, the registered archaeological site records kept by the MCM were consulted. In Ontario, information concerning archaeological sites stored in the ASDB (Government of Ontario, n.d.) is maintained by the MCM. This database contains archaeological sites registered according to the Borden system. Under the Borden system, Canada is divided into grid blocks based on latitude and longitude. A Borden Block is approximately 13 kilometres (‘km’) east to west and approximately 18.5km north to south. Each Borden Block is referenced by a four-letter designator and sites within a block are numbered sequentially as they are found. The Study Area lies within block AhGv.

Information concerning specific site locations is protected by provincial policy and is not fully subject to the *Freedom of Information and Protection of Privacy Act* (Government of Ontario, 1990c). The release of such information in the past has led to looting or various forms of illegally conducted site destruction. Confidentiality extends to all media capable of conveying location, including maps, drawings, or textual descriptions of a site location. The MCM will provide information concerning site location to the party or an agent of the party holding title to a property, or to a licensed archaeologist with relevant cultural resource management interests.

According to the ASDB, eight sites have been registered within a 1km radius of the Study Area (Table 2). Three are pre-contact Indigenous sites, four are Euro-Canadian sites, and one has no registered affinity, but is labelled as a campsite.

**Table 2: Registered Archaeological Sites within 1km of the Study Area**

Borden Number	Site Name	Time Period	Affinity	Site Type
AhGv-51	Smith 3	Post-Contact	Euro-Canadian	farmstead
AhGv-50	Smith 2	Post-Contact		scatter
AhGv-49	Smith 1	Post-Contact		scatter
AhGv-4	Hoffman	Other		Other camp/campsite
AhGv-33		Pre-Contact		camp / campsite
AhGv-32		Pre-Contact		camp / campsite
AhGv-31		Pre-Contact		scatter
AhGv-3	Winona Shelter	Woodland, Late	Aboriginal, Iroquoian	burial

To the best of Detritus’ knowledge, no other assessments have been conducted adjacent to the Study Area, and no sites are registered within 50m of the Study Area.

### 1.3.4 Archaeological Potential

Detritus applied archaeological potential criteria commonly used by the MCM to determine areas of archaeological potential within the Study Area. According to Section 1.3.1 of the *Standards and Guidelines* (Government of Ontario, 2011), these variables include proximity to previously identified archaeological sites, distance to various types of water sources, soil texture and drainage, glacial geomorphology, elevated topography, and the general topographic variability of the area.

Distance to modern or ancient water sources is generally accepted as the most important determinant of past human settlement patterns and, when considered alone, may result in a

determination of archaeological potential. However, any combination of two or more other criteria, such as well-drained soils or topographic variability, may also indicate archaeological potential. When evaluating distance to water it is important to distinguish between water and shoreline, as well as natural and artificial water sources, as these features affect site locations and types to varying degrees. As per Section 1.3.1 of the *Standards and Guidelines* (Government of Ontario, 2011), water sources may be categorized in the following manner:

- Primary water sources, lakes, rivers, streams, creeks;
- secondary water sources, intermittent streams and creeks, springs, marshes and swamps;
- past water sources, glacial lake shorelines, relic river or stream channels, cobble beaches, shorelines of drained lakes or marshes; and
- accessible or inaccessible shorelines, high bluffs, swamp or marshy lake edges, sandbars stretching into marsh.

As was discussed above, the closest source of potable water is Fifty Mile Creek, approximately 900 m to the south of the Study Area.

Soil texture is also an important determinant of past settlement, usually in combination with other factors such as topography. The Study Area is situated within the Iroquois Plain Physiographic Region (Chapman & Putnam, 1984). As was discussed earlier, the soils within this region are imperfectly drained, but suitable for pre-contact and post contact Indigenous agricultural. Considering also the length of occupation of Saltfleet Township prior to the arrival of Euro-Canadian settlers, as evidenced by the three pre-contact Indigenous sites registered within 1km, the pre-contact and post-contact Indigenous archaeological potential of the Study Area is judged to be moderate to high.

For Euro-Canadian sites, archaeological potential can be extended to areas of early Euro-Canadian settlement, including places of military or pioneer settlements; early transportation routes; and properties listed on the municipal register or designated under the *Ontario Heritage Act* (Government of Ontario, 1990b) or property that local histories or informants have identified with possible historical events. The *Historical Atlas* from 1875 show the Study Area in close proximity to historical infrastructure, including the Great Western Railway. Considering the location of the Study Area near to Grimsby, as well as the four post-contact Euro-Canadian sites registered within 1km, the potential for post-contact Euro-Canadian archaeological resources is judged to be moderate to high.

Finally, despite the factors mentioned above, extensive land disturbance can eradicate archaeological potential within a Study Area, as outlined in Section 1.3.2 of the *Standards and Guidelines* (Government of Ontario, 2011). Aerial imagery identified a possible disturbance area within the Study Area in the form the house, driveway, two patios, and shed. It is recommended that these potential disturbances be subject to a Stage 2 property inspection to confirm the limits of the disturbance. Detritus determined that the remainder of the Study Area demonstrated the potential for the recovery of pre-contact Indigenous, post-contact Indigenous, and Euro-Canadian archaeological resources, and were recommended for Stage 2 assessment.

## 2.0 Field Methods

The Stage 2 assessment of the Study Area was conducted on June 11<sup>th</sup>, 2024, under archaeological consulting license PO17 issued to Mr. Garth Grimes by the MCM. The limits of the Study Area were established in the field using a georeferenced shapefile produced using QGIS and uploaded to a hand-held GPS device running Qfield. Buried utility locates were obtained prior to initiating fieldwork.

During the Stage 2 assessment conditions were excellent and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material as per Section 2.1, Standard 3 of the *Standards and Guidelines* (Government of Ontario, 2011). The weather during the assessment was overcast and 18°Celsius and the soil was dry and screened easily. Photos 1 to 8 demonstrate the land conditions at the time of the survey throughout the Study Area, including areas that met the requirements for a Stage 2 archaeological assessment, as per Section 7.8.6, Standards 1a of the *Standards and Guidelines* (Government of Ontario, 2011). Figure 3 provides an illustration of the Stage 2 assessment methods in relation to the development plan, as well as photograph locations and directions.

The Stage 2 field assessment began with a property inspection conducted as per Section 2.1.8, of the *Standards and Guidelines* (Government of Ontario, 2011). According to the results of this inspection, approximately 25% of the Study Area comprised the possible disturbance areas identified on the current aerial imagery (see Section 1.3.4 above). The disturbed areas, which include the house, driveway, two patios, and shed, were evaluated as having no potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources, as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). The areas of previous disturbance observed within the Study Area were mapped and photo documented in accordance with Section 2.1, Standard 6 and Section 7.8.1, Standard 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

Approximately 75% of the Study Area comprised the manicured lawn that was deemed inaccessible to ploughing. This area was subject to a typical test pit survey at five-metre intervals in accordance with Section 2.1.2 of the *Standards and Guidelines* (Government of Ontario, 2011; Photos 1 to 8). The test pit survey was conducted to within 1m of the built structures or until test pits show evidence of recent ground disturbance, as per Section 2.1.2, Standard 4 of the *Standards and Guidelines* (Government of Ontario, 2011). Each test pit was at least 30 centimetres ('cm') in diameter and excavated 5cm into sterile subsoil as per Section 2.1.2, Standards 5 and 6 of the *Standards and Guidelines* (Government of Ontario, 2011). The soils were then examined for stratigraphy, cultural features, or evidence of fill.

The test pits ranged in total depth from 18cm to 29cm and featured three distinct soils, including a reddish-brown loam with clay subsoil, a dark brown loam with clay subsoil, and pea gravel over dark brown clay otop a dark grey clay a single dark brown clay loam soil layer (topsoil) above the light brown clay subsoil (Photos 9 to 11). Considering that each test pit was excavated 5cm into sterile subsoil, the observed topsoil layer ranged in depth from 13cm to 24cm. All soil was checked for stratigraphy and screened through six-millimetre mesh hardware cloth to facilitate the recovery of small artifacts, and then the screened material used to backfill the pit as per Section 2.1.2, Standards 7 and 9 of the *Standards and Guidelines* (Government of Ontario, 2011).

No artifacts were encountered during the test pit survey; therefore, no further survey methods were employed.

### 3.0 Record of Finds

The Stage 2 archaeological assessment was conducted employing the methods described in Section 2.0. An inventory of the documentary record generated by fieldwork is provided in Table 3 below.

**Table 3: Inventory of Document Record**

<b>Document Type</b>	<b>Current Location</b>	<b>Additional Comments</b>
1 Page of Field Notes	Detritus office	Stored digitally in project file
1 Map provided by the Proponent	Detritus office	Stored digitally in project file
1 Field Maps	Detritus office	Stored digitally in project file
13 Digital Photographs	Detritus office	Stored digitally in project file

No archaeological resources were identified within the Study Area during the Stage 2 assessment; therefore, no artifacts were collected. As a result, no storage arrangements were required.

## 4.0 Analysis and Conclusions

Detritus was retained by the Proponent to conduct a Stage 1-2 archaeological assessment in advance of future development on the property at 1335 Highway 8, Hamilton.

The Stage 1 background research indicated that portions of the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. The Stage 1 background research indicated that the Study Area is within an area of archaeological potential. Therefore, a Stage 2 Property Assessment was recommended for the Study Area.

The subsequent Stage 2 field assessment of the Study Area was conducted on June 11<sup>th</sup>, 2024. This investigation began with a property inspection, conducted according to Section 2.1.8, which is informed by Section 1.2 of the *Standards and Guidelines* (Government of Ontario, 2011). The inspection revealed that the house, driveway, two patios, and shed retained no, or low, archaeological potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). The previously disturbed areas, as confirmed during a Stage 2 property inspection, were mapped and photo documented only in accordance with Section 2.1, Standard 6, and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

The remainder of the Study Area comprised the manicured lawns throughout the Study Area, which were assessed by means of a typical test pit survey at 5m intervals. No archaeological resources were observed.

## 5.0 Recommendations

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**

## 6.0 Advice on Compliance with Legislation

This report is submitted to the Minister Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

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## 8.0 Maps

Figure 1: Study Area Location

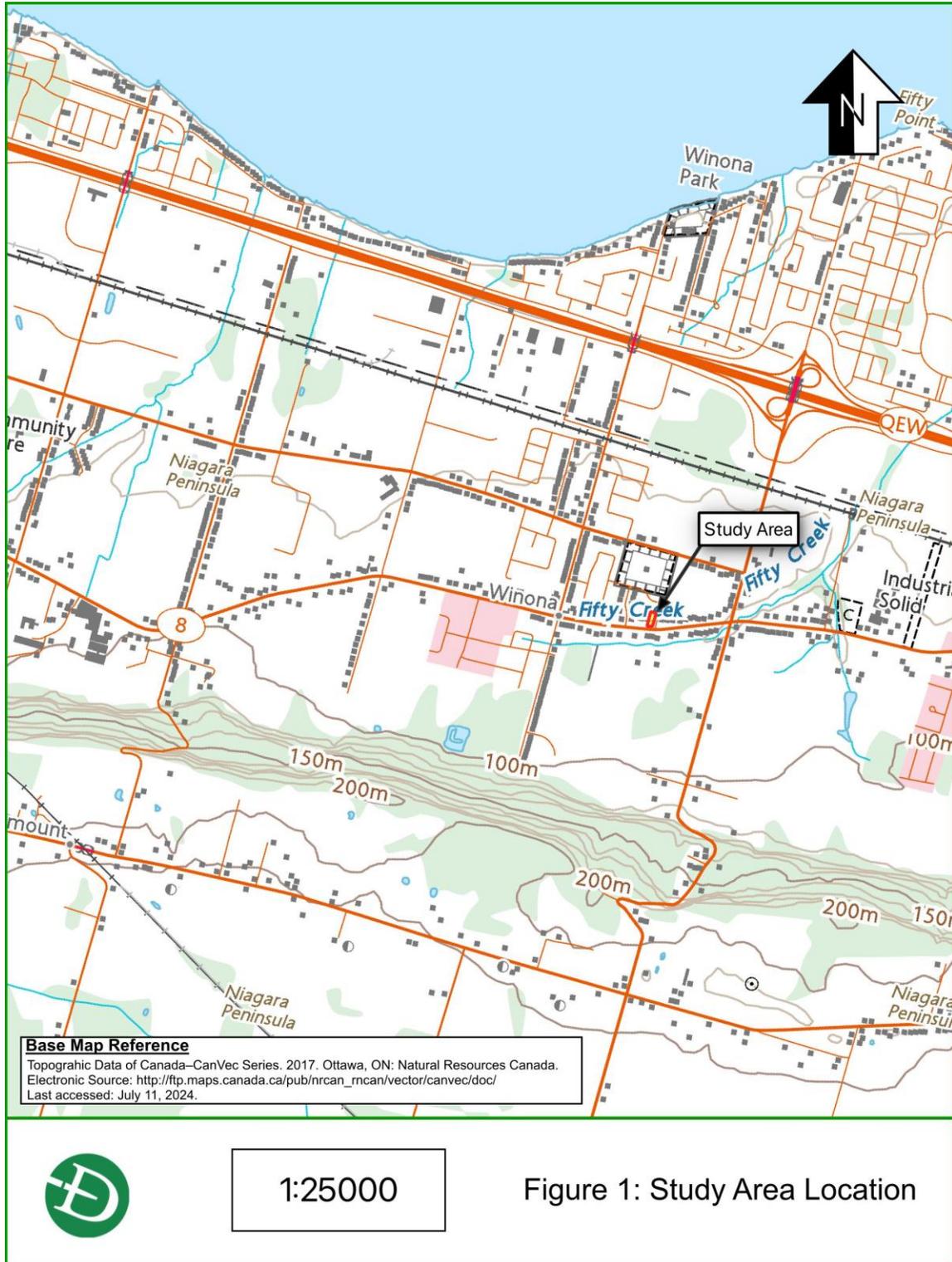


Figure 2: Historic Map Showing Study Area Location



Figure 3: Stage 2 Field Methods Map

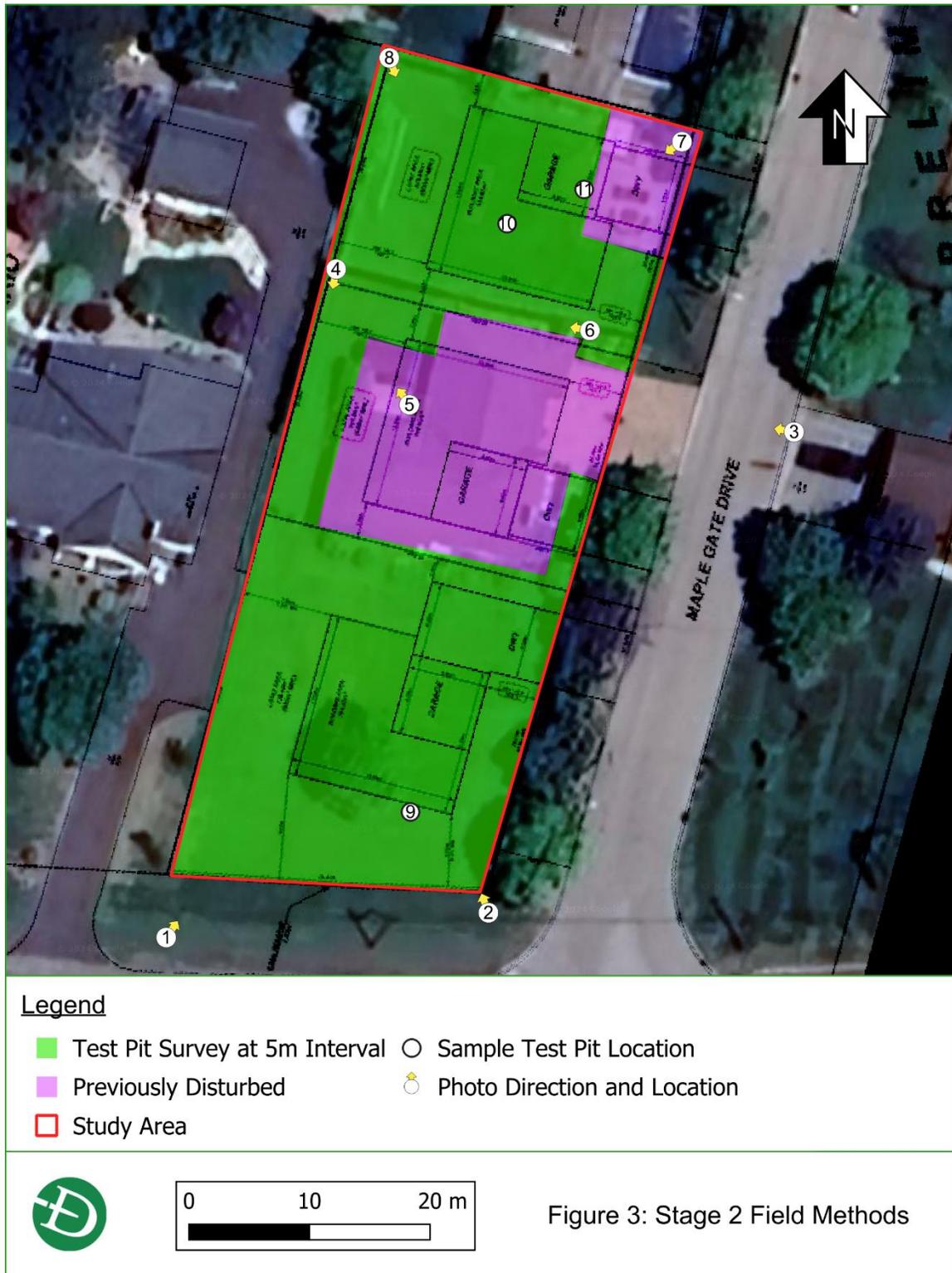
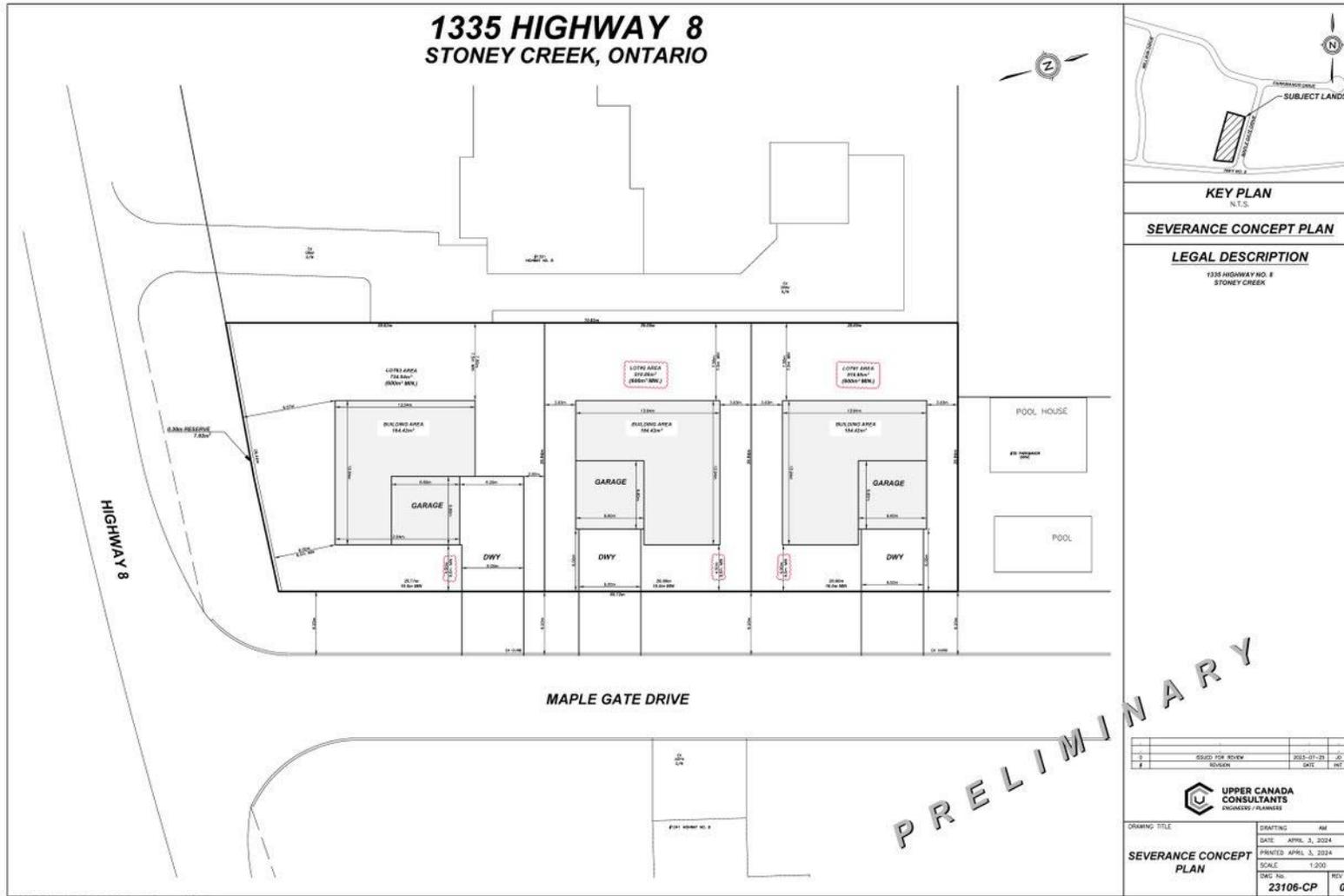


Figure 4: Development Plan



## 9.0 Images

### 9.1 Field Photos

**Photo 1: Manicured Lawn, Test Pit Surveyed at 5m Intervals, Fieldwork, looking northeast**



**Photo 2: Manicured Lawn, Test Pit Surveyed at 5m Intervals, and House, looking north**



**Photo 3: Manicured lawn, Test Pit Surveyed at 5m Intervals, House and Driveway, looking west**



**Photo 4: Manicured lawn, Test Pit Surveyed at 5m Intervals, Fieldwork, and Shed, looking south**



**Photo 5: Manicured lawn, Test Pit Surveyed at 5m Intervals, Fieldwork, Patio and Shed, looking northwest**



**Photo 6: Manicured Lawn, Test Pit Surveyed at 5m Intervals, Fieldwork, House, and Fence looking west**



**Photo 7: Manicured lawn, Test Pit Surveyed at 5m Intervals. Fieldwork, and Patio, looking southwest**



**Photo 8: Manicured Lawn, Test Pit Surveyed at 5m Intervals, Fieldwork, and Patio, looking south**



**Photo 9: Sample Test Pit**



**Photo 10: Sample Test Pit**





Hamilton

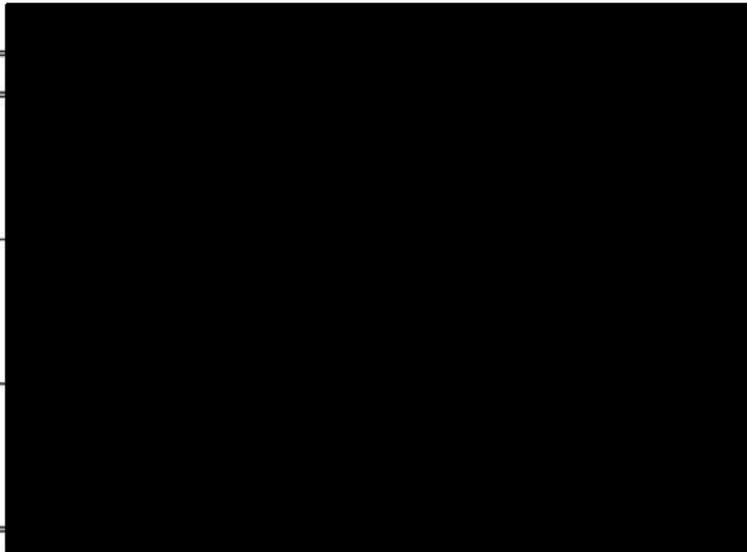
Committee of Adjustment  
City Hall, 5<sup>th</sup> Floor,  
71 Main St. W.,  
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221  
Email: [cofa@hamilton.ca](mailto:cofa@hamilton.ca)

**APPLICATION FOR A MINOR VARIANCE/PERMISSION  
UNDER SECTION 45 OF THE PLANNING ACT**

**1. APPLICANT INFORMATION**

	NAME
Registered Owners(s)	1849315 Ontario Inc.
Applicant(s)	GSP Group
Agent or Solicitor	Craig Rohe GSP Group



1.2 Primary contact

Applicant

Owner

Agent/Solicitor

1.3 Sign should be sent to

Applicant

Owner

Agent/Solicitor

1.4 Request for digital copy of sign

Yes\*

No

If YES, provide email address where sign is to be sent



1.5 All correspondence may be sent by email

Yes\*

No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

1.6 Payment type

In person

Credit over phone\*

Cheque

\*Must provide number above

## 2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	1335 Highway 8		
Assessment Roll Number	251800321032600		
Former Municipality	Saltfleet		
Lot	Part of Lot 3	Concession	2
Registered Plan Number		Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

Yes  No

If YES, describe the easement or covenant and its effect:

## 3. PURPOSE OF THE APPLICATION

**Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled**

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

See attached page.

Second Dwelling Unit  Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

Please see the Planning Justification Brief included with the submission.

3.3 Is this an application 45(2) of the Planning Act.

Yes  No

If yes, please provide an explanation:

## 4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
23.5 (Hwy 8)	73.8 m	1,798.9	20 m

1335 Highway 8, Winona – Minor Variance Application

**Section 3.1 – Requested Variances**

**Part 1**

Reduced Lot Area - 526.2 sq. m. whereas 630 sq. m. is required. (15.3.2.1 (a))

Increased Maximum Lot Coverage - 40% whereas 35% is permitted (15.3.2.1 (h))

**Part 2**

Reduced Lot Area - 524.0 sq. m. whereas 630 sq. m. is required. (15.3.2.1 (a))

Increased Maximum Lot Coverage - 40% whereas 35% is permitted (15.3.2.1 (h))

**Part 3**

Reduced Lot Area – 619.4 sq. m. whereas 630 sq. m. is required. (15.3.2.1 (a))

Increased Maximum Lot Coverage - 40% whereas 35% is permitted (15.3.2.1 (h))

4.2 Location of all buildings and structures on or proposed for the subject lands:  
(Specify distance from side, rear and front lot lines)

Existing: Existing dwelling located on Part 2 of Severance Sketch will be demolished.

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Single Detached Dwellings	4.0 metres (min)	7.5 metres (min)	2.0 metres (min)	01/01/2025

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Detached Dwelling	< 210 sq. m (40% Lot Cov)	TBD	1 - 1.5	<10 m

4.4 Type of water supply: (check appropriate box)  
 publicly owned and operated piped water system  
 privately owned and operated individual well

lake or other water body  
 other means (specify)

4.5 Type of storm drainage: (check appropriate boxes)  
 publicly owned and operated storm sewers  
 swales

ditches  
 other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

publicly owned and operated sanitary sewage

system privately owned and operated individual

septic system other means (specify) \_\_\_\_\_

4.7 Type of access: (check appropriate box)

provincial highway

municipal road, seasonally maintained

municipal road, maintained all year

right of way

other public road

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Residential Single Detached Dwelling

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Residential - Detached Dwellings

## 7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

July 27, 2015

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Residential - Single Detached Dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Residential - Single Detached Dwelling

7.4 Length of time the existing uses of the subject property have continued:

Unknown.

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): N/A

Rural Settlement Area: N/A

Urban Hamilton Official Plan designation (if applicable) Neighbourhoods

Please provide an explanation of how the application conforms with the Official Plan.

Please see the Planning Justification Brief provided with the application

7.6 What is the existing zoning of the subject land? R2 (By-law 05-200)

7.8 Has the owner previously applied for relief in respect of the subject property?  
(Zoning By-law Amendment or Minor Variance)

Yes

No

If yes, please provide the file number: R2 (By-law 05-200)

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7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

Yes       No

If yes, please provide the file number: TBD - Submitted Concurrently

## 8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing: 0

8.2 Number of Dwelling Units Proposed: 1

8.3 Additional Information (please include separate sheet if needed):

Related to two (2) concurrent severance applications at 1335 Highway 8.

The existing dwelling shown on Part 2 of the severance sketch will be demolished. This existing dwelling is not located on Part 1.

The entirety of 1335 Highway 8 is proposed to be severed into three (3) parts for the creation of three (3) new single detached dwellings overall.

Please see the provided Planning Justification Brief prepared by GSP Group for a comprehensive overview of these integrated applications and planning rationale.

## 11 COMPLETE APPLICATION REQUIREMENTS

### 11.1 All Applications

- Application Fee
- Site Sketch
- Complete Application form
- Signatures Sheet

### 11.4 Other Information Deemed Necessary

- Cover Letter/Planning Justification Report
- Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- Minimum Distance Separation Formulae (data sheet available upon request)
- Hydrogeological Assessment
- Septic Assessment
- Archeological Assessment
- Noise Study
- Parking Study

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