



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

A-24:176 (1326 Butter Rd., Ancaster)

Recommendation:

Development Planning – Approve, Variance 2 not required.

Proposed Conditions:

Proposed Notes:

Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry Citizenship and Multiculturalism. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).



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Development Planning:

Background

To permit the construction of a secondary use structure to support the existing landscape contracting establishment. Staff note the subject property contains an existing single detached dwelling as the primary use.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 of the Greenbelt Plan permits all existing uses.

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Core Areas have been identified on and adjacent to the subject lands in Schedule B – Natural Heritage Systems of the Rural Hamilton Official Plan. These Core Areas are a Linkage and a watercourse. Policy C.3.1.4, amongst others, is applicable and permit the existing single detached dwelling. Policy D.2.1.3.1 permits landscape contract business as a secondary use to a nursery or agricultural uses only. This established business on the subject lands predates Official Plan Amendment 9 that applied Policy D.2.1.3.1 and Special Exception 253 of Zoning By-law No. 05-200 permits a landscape contracting establishment as a permitted use.

Archaeology

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

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



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

Cultural Heritage

The subject property is adjacent to 1624 Trinity Road, a property listed on the City of Hamilton's Inventory of Heritage Properties.

Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.

The proponent proposes to permit the construction of a secondary use structure (Landscape Contracting Establishment)

Notwithstanding that the subject property is adjacent to a property listed on the City of Hamilton's Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the surrounding neighbourhood will be conserved due to the distance from the neighbouring property.

In addition, the buildings are already constructed.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Agricultural (A1, 253) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and landscape contracting establishment are permitted uses.

Variance 1

1. A minimum 3.9 metre side yard shall be permitted instead of the minimum 15.0 metres setback required.

The intent of this provision is to prevent land use conflicts and negative impacts, such as noise nuisances, between properties neighbouring landscape contracting establishments.

Staff note that, the storage structure with a 3.9 metre setback to the westerly side yard predates the current zoning on the subject property. Staff also note that the neighbouring lands to the west are used for agricultural purposes. Additionally, the nearest dwelling on the two western abutting



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properties is approximately 300 metres to the southwest on 1469 Sawmill Road. Staff are of the opinion that as the nearest dwelling on the abutting properties is approximately 300 metres away, the requested variance maintains the intent of the Zoning By-law. Staff support the variance.

Variance 2

- 2. A total maximum gross floor area of 885 square metres shall be permitted for all buildings and structures used as part of the landscape contracting establishment (secondary use) instead of the maximum permitted total gross floor area of 250 square metres.

Staff note that this variance is to request relief from Section 12.1.3.2 i) iii) which regulates the maximum gross floor area of a landscape contracting establishment as a use secondary to a nursery. Staff further note that Special Exception 253 of Zoning By-law No. 05-200 permits a landscape contracting establishment as a permitted use, not as a secondary use to a nursery only. Therefore, staff are of the opinion that Variance 2 is not required.

Staff are of the opinion that Variance 1 meets the four tests of a minor variance whereas Variance 2 is not required. Based on the foregoing, **staff recommend approval.**

Zoning:

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

Development Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | Provided the existing drainage pattern is maintained, Development Approvals has no comments. |
| Notes: | |

Building Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Notes: | A building permit is required for the construction of secondary use structure. |



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| | Be advised that Ontario Building Code regulations may require specific setback and construction types. |
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Transportation Planning:

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

Please Note: Public comment will be posted separately, if applicable.

