



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

A-24:183 (2405 Highway 5 W., Flamborough)

Recommendation:

Development Planning - Deny

Proposed Conditions:

Proposed Notes:

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property 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 facilitate consent application FL/B-23:81.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 3.1.4.2 of the Greenbelt Plan permits a normal farm practices and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses.

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policy D.2.1, amongst others, is applicable and permits the existing agricultural use.

The general intent of the policies in the “Agriculture” designation is to protect and promote agricultural activities and farm land. Staff are concerned that the requested variance could negatively impact farming operations on the subject lands by restricting the viability of the existing barn by creating a potential land use conflict between the agricultural property and residential lot. Therefore, staff are of the opinion that the requested variance does not maintain the intent of the Rural Hamilton Official Plan.

Per Schedule B – Natural Heritage System of the Rural Hamilton Official Plan, there are Core Areas within the subject lands.

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;



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- 2) In areas of pioneer Euro-Canadian settlement; and,
- 3) Along historic transportation routes.

Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this variance is approved, the proponent must be advised by the Committee of Adjustment.

Cultural Heritage

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

The purpose of this application is to facilitate the clearing of conditions and create a new lot through Consent application FL/B-23:81.

Notwithstanding that the subject property is 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 historic brick building being retained as part of this severance application.

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

The subject lands are zoned Agricultural (A1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing agricultural use is permitted.

Variance 1

1. To permit a 2.6 metre side yard to the accessory building (barn) on the retained lands whereas the Zoning By-law requires a minimum side yard of 15.0 metres.

The intent of this provision is to prevent land use conflicts and negative or obnoxious impacts between neighbouring properties by providing a minimum distance to act as a buffer.

Staff note that the accessory building that is the subject of this application is an existing barn that is currently used for farm equipment storage. The requested 2.6 metre side yard setback is to an existing silo adjacent to the barn. Staff further note that the existing dwelling to the east is approximately 40 metres away from the barn in question.

Staff are concerned that the requested variance will restrict the viability of the barn on the subject lands and could lead to potential land use conflicts in the future between the agricultural use and residential use. The reduced side yard setback may generate complaints regarding dust and noise.



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Staff are of the opinion that the requested variance does not maintain the intent of the Rural Hamilton Official Plan or Zoning By-law, is not desirable for the appropriate

Staff are of the opinion that the requested variance does not meet the four tests of a minor variance. Based on the foregoing, **staff recommend denial.**

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

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

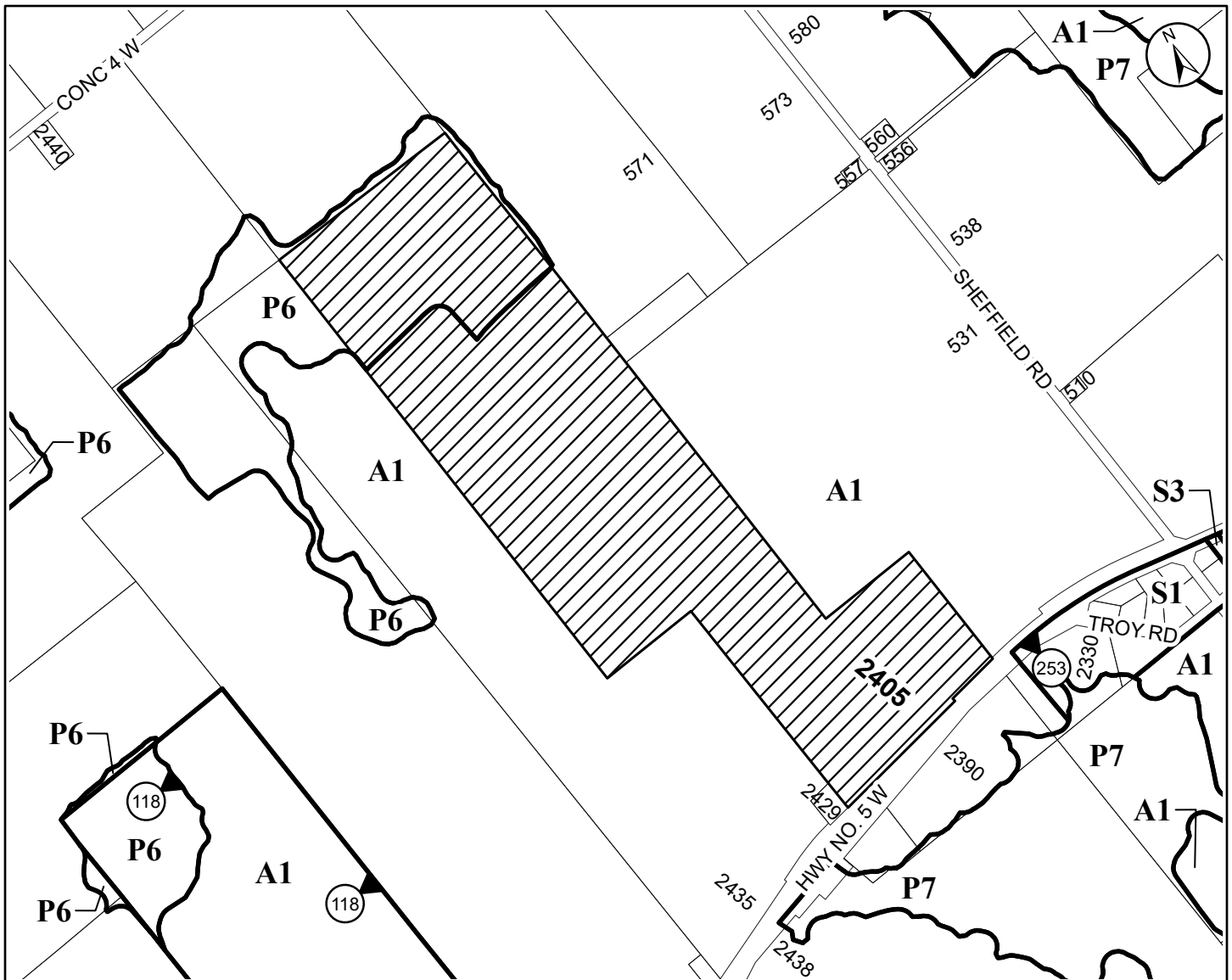
Building Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

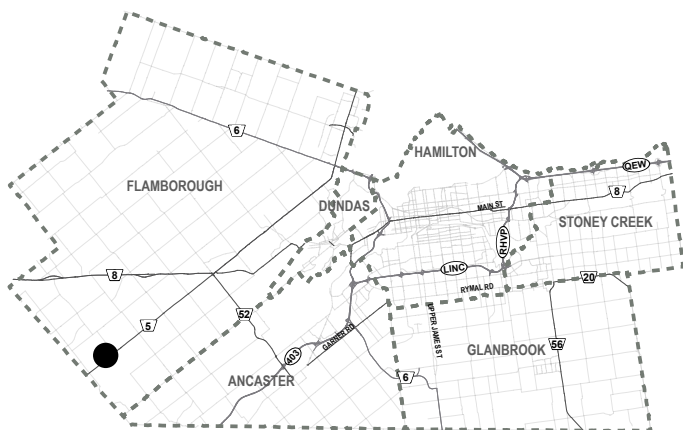
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



2405 Highway 5 West, Flamborough
(Ward 12)

File Name/Number:

A-24:183

Date:

August 27, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department