



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:210 – 682 Ofield Road North, Flamborough

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

So as to facilitate the establishment of a landscape contracting establishment building.

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. Section 4.5.2 of the Greenbelt Plan permits single detached dwellings on existing lots of record, provided they were zoned to permit the dwelling as of the date the Greenbelt Plan came into force and effect.

Rural Hamilton Official Plan

The subject lands are identified as “Protected Countryside” on Schedule A – Provincial Plans and designated “Agriculture” on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.4, F.1.12.2, and F.1.12.3, amongst others, are applicable and permit the existing single detached dwelling and landscape contracting establishment. Policy F.1.12.2 permits the continuation of existing, legal non-complying uses identified as “Protected Countryside” on Schedule A provided that:

- a) The non-complying use did not conflict with the Official Plan and Zoning Bylaw in effect at the time the use was established;
- b) The non-complying use has not been interrupted subsequent to the approval of this Plan; and,
- c) The non-complying use was lawfully existing on or before December 15, 2004.

Additionally, Policy F.1.12.3 allows for the recognition of non-complying uses as existing uses provided that the following criteria are met:

- a) The Zoning By-law shall permit only the existing use and the associated performance standards;
- b) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and
- c) The use does not pollute the air or water and is in compliance with appropriate provincial and municipal regulations.

Staff note that Special Exception 253 of Zoning By-law No. 05-200 recognizes the existing non-complying landscape contracting establishment and permits the use. The proposed building is located fully within the portion of the subject lands zoned Agriculture (A1, 253) Zone and no change in use is proposed. Staff are of the opinion that the requested variances maintain the general intent of the Rural Hamilton Official Plan.

Archaeology



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No comments.

Cultural Heritage

The subject property, located at 682 Ofield Road North, is comprised of a circa 1868-1900 one storey dwelling and is listed on the City's Inventory of Heritage Properties.

Accordingly, section B.3.4.1.3 and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.

The proponent proposes to facilitate the establishment of a landscape contracting establishment building.

Notwithstanding that the adjacent property is listed on the Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent cultural heritage resource will be conserved, due to its setback from other properties and the existing contemporary detached structures already existing on site.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Agriculture (A1) Zone and Agriculture (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.

Variances 1 and 2

1. A minimum 13.1 metre setback shall be provided from the front lot line instead of the 15.0 metre setback required.
2. A minimum 11.3 metre setback shall be provided from the rear lot line instead of the 15.0 metre setback required.

The intent of this provision is to maintain the rural character of the area.

The proposed two storey building is to be used for storage purposes for a landscape contracting establishment. Staff further note that a landscape contracting establishment is permitted as an existing use within the Agriculture (A1, 253) Zone.

Staff note that the neighbouring properties and land uses are a mix of rural residential uses and agricultural uses. Staff also note that the shape of the subject property is unusual for the area, being long but relatively shallow in depth at approximately 35 metres deep. Staff are of the opinion that the reduced setbacks will not impact the rural character of the area and the unique shape of the lot compromises the ability to meet the required 15 metre setback. Therefore, it is staff's opinion that the requested variances maintain the intent of the Rural Hamilton Official Plan and Zoning By-law, are desirable for the appropriate use and development of the land and are minor in nature.



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Staff are of the opinion that the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Requested variances are required to facilitate the establishment of a landscape contracting establishment</p> <p>Applicant to note that the proposed landscape contracting establishment is only permitted within the boundaries identified as "Exception 253". Should the proposed building be provided outside of these boundaries, further zoning review will be required</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	N/A

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed landscaping storage building.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	



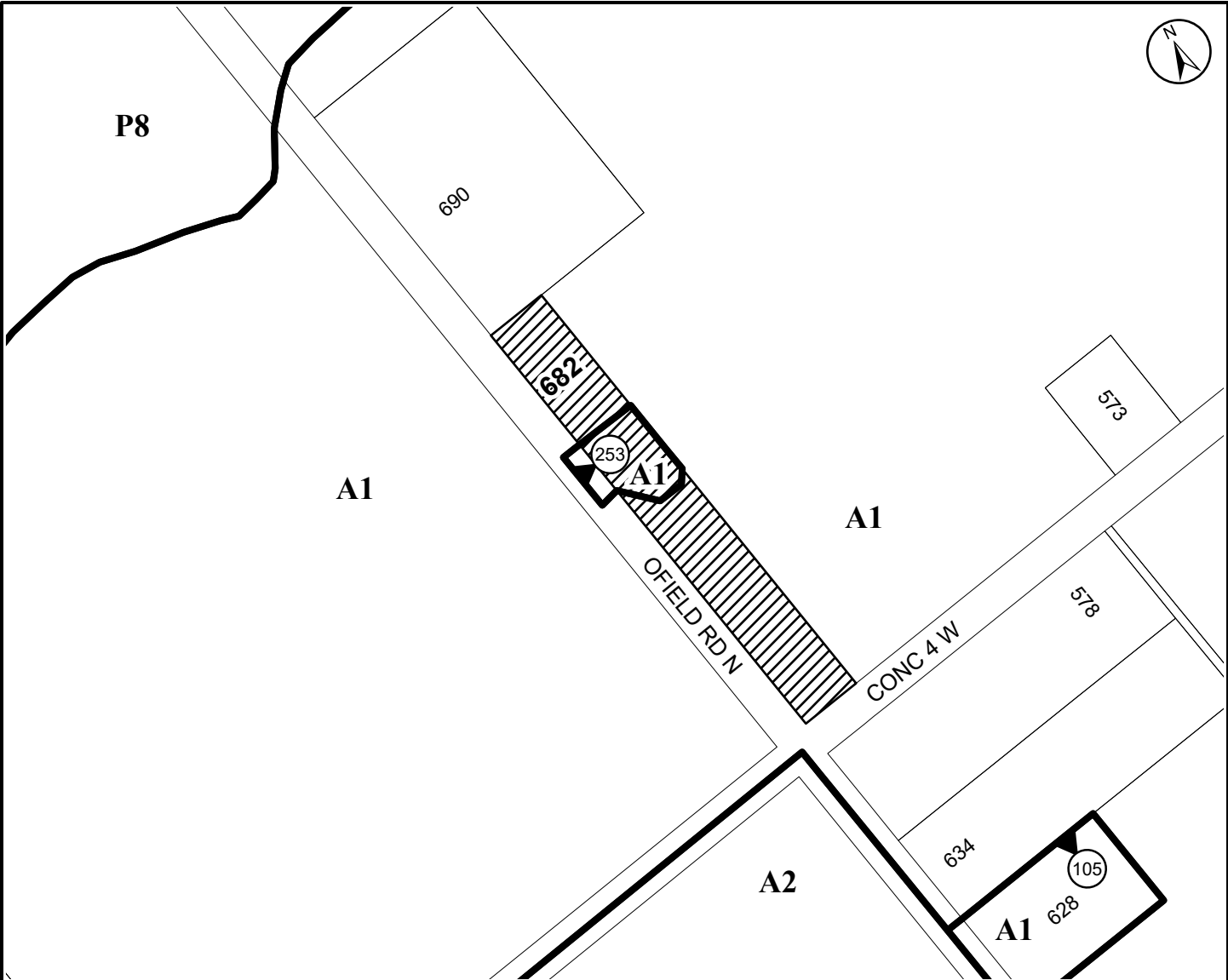
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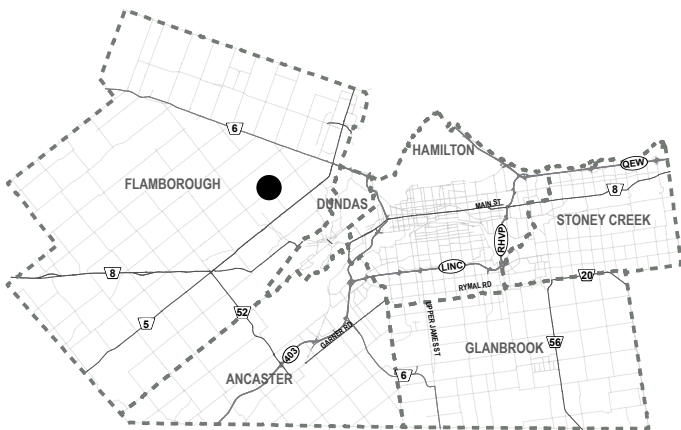
HEARING DATE: November 12, 2024

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



682 Ofield Road North, Flamborough
(Ward 13)

File Name/Number:
A-24:210

Date:
October 30, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



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