



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:227 – 1160 Edgewood Road, Flamborough

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:

If this variance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of



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Development Planning:

Background

So as to facilitate the construction of a one-storey addition to the existing mushroom operation.

Staff note Minor Variance applications FL/A-19:43 and FL/A-23:302 were applied for and approved on the subject lands. FL/A-19:43 granted the following variances:

1. A setback of 15.2 metres from the northerly lot line shall be provided whereas the By-law requires a minimum 30.0 metre setback from any lot line to be provided for a mushroom operation.
2. A maximum lot coverage of 23.5% shall be permitted instead of the maximum 20% lot coverage permitted.

FL/A-23:302 granted the following variances:

1. To permit a maximum lot coverage of 23.5% instead of the required maximum lot coverage of 20%.
2. To permit a minimum lot line setback for a building associated with a mushroom operation of 14.6 metres to the Northerly lot line (side lot line), 7.0 metres to the Southerly lot line (Side lot line), 51.73 metres to the Easterly lot line (Rear lot line) and 1.73 metres to the Westerly lot line (front lot line) instead of the required lot line setback for a building associated with a mushroom operation of 30.0 metres.

Correspondence from Zoning staff clarifies that a staff error resulted in the variance for lot coverage in FL/A-23:302 being written incorrectly. The intended variance for lot coverage was to permit lot coverage of 25.41% whereas the variance approved in FL/A-23:302 was the same as in FL/A-19:43, for 23.5% lot coverage. Minor Variance application A-24:227 was submitted to correct this.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” and “Natural Heritage System” under the Greenbelt Plan. Section 3.2.2.1 permits the full ranges of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices for lands within the Natural Heritage System of the Protected Countryside, subject to the policies of Section 3.2.2.2. Section 3.2.2.2 states



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new buildings or structures for agriculture, agriculture-related and on-farm diversified uses are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.

Rural Hamilton Official Plan

The subject lands are designated “Rural” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies D.4.1, D.2.1, D.2.1.1.1, among others, are applicable and permit a mushroom farm.

Policy D.2.1.1.1 states that any establishment of a new mushroom operation or an expansion of an existing operation shall be subject to Site Plan approval. Staff note that a Site Plan exemption was issued on November 24, 2023.

Per Schedule B – Natural Heritage System of the Rural Hamilton Official Plan, the subject lands are located within the Greenbelt Natural Heritage System and Core Areas have been identified on the subject lands and on adjacent lands. The subject lands are within the Hayesland Swamp Environmentally Significant Area. The subject lands are adjacent to the Hayesland Christie Wetland Complex. The proposal’s conformity with the natural heritage policies of the Rural Hamilton Official Plan are discussed in detail below.

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

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

No comments.

Natural Heritage



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The property has been identified as part of the Greenbelt Natural Heritage System and it contains several natural heritage features. These features have been identified as the Hayesland Swamp Environmentally Significant Area (ESA), Hayesland Christie Wetland Complex Provincially Significant Wetland (PSW), Significant Woodland, and a watercourse. The PSW and watercourse are also regulated by Conservation Halton.

As per policy C.2.3.3 in the Rural Hamilton Official Plan (RHOP), any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. In addition, policy C.2.4.2 indicates that new development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature in the Greenbelt Protected Countryside requires an Environmental Impact Statement.

An Environmental Impact Statement (EIS) was not previously submitted for the addition, however it appears that the addition has already been built (based on 2020 air photos). The addition is located outside of the "P8" (Conservation/Hazard Lands) in an area that was previously disturbed. It is anticipated that there will be no further negative impacts to the features and their functions.

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

The subject lands are zoned Rural (A2) Zone in City of Hamilton Zoning By-law No. 05-200. The existing mushroom operation is permitted.

Variance 1

1. To permit a maximum lot coverage of 25.41% whereas the Zoning By-law, as varied by Minor Variance application FL/A-19:43, permits a maximum of 23.5%.

The intent of this provision is to preserve farmland and limit the coverage of buildings. Staff defers any drainage or source water concerns to Development Engineering or Source Water Planning staff.

Staff note that the variance is to recognize an existing condition and maintains the intent of previously approved Minor Variance application FL/A-23:302. Staff further note that the addition to the building is for storage and no increase in farming operations has been identified. Staff are of the opinion the variance is minor in nature and desirable for the development of the lands as no negative impacts are anticipated.



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

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	Please be advised that a portion of this property is under Conservation Management. Please contact Conservation Halton at 905-336-1158 for further information.
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:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction the proposed one-storey addition to the existing Mushroom Operation. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



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COMMITTEE OF ADJUSTMENT

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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

To: Jamila Sheffield, Committee of Adjustment

From: Ashley Gallagher, Planning & Regulations Analyst - Conservation Halton

Email: agallagher@hrca.on.ca

File Number: A-24:227

Address: 1160 Edgewood Road, Hamilton

Subject: Committee of Adjustment File Comments – November 12, 2024

Recommendation	Approve
Proposed Conditions:	N/A
Comments:	<p>Conservation Halton (CH) staff has reviewed the above-noted applications as per our regulatory responsibilities under the <i>Conservation Authorities Act</i> (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the <i>Planning Act</i> are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans).</p> <p>Documents reviewed as part of this submission include:</p> <ul style="list-style-type: none"> • <i>Legalizing Existing Building Extension, Cover Sheet (A0.01)</i>, prepared by Acadia, dated September 1, 2023 • <i>Legalizing Existing Building Extension, Site Plan (A1.01)</i>, prepared by Acadia, dated January 8, 2024 • <i>Legalizing Existing Building Extension, Existing Floor Plans (A2.01)</i>, prepared by Acadia, dated September 9, 2023 • <i>Legalizing Existing Building Extension, Proposed Floor Plans (A2.02), Existing Mezzanine Floor (A2.03, A2.04), Elevations (A3.01), Elevations Cont'd (A3.02)</i>, prepared by Acadia, dated September 7, 2023



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

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

Proposal

The purpose of the minor variance application (A-24:227) is to permit a maximum lot coverage of 25.41% instead of the required maximum lot coverage of 20.0%.

The minor variance being requested under application A-24:227 is required to facilitate the recognition of an already built, 1-storey addition.

Background

CH Permit 5362 (CH File RAPP-4186, A/16/H/44) was previously issued to approve the construction of the addition subject to this variance. Additionally, on October 4, 2023, CH issued a letter which recognized the as-built condition which varied slightly from that approved through CH permit. On November 28, 2023 CH provided comments on the previous Minor Variance application (A-23/302, CH file PMVG-2633) for this building (already approved through CH permit) to allow for a maximum lot coverage of 23.5% instead of 20%, and to allow for adjustments to allowable lot line setbacks for the same building addition. As the works have already been completed and approved through CH permit (and letter sent October 4, 2023), and the drawings associated with this minor variance are consistent with those ultimately approved in CH's issued permit and previous minor variance (A-23/302, CH's November 28, 2023 comments), CH has no objections to the approval of the requested variance.

Conservation Authorities Act and Ontario Regulation 41/24

Effective April 1, 2024, CH's previous regulation, Ontario Regulation 162/06 ("Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses") under Section 28 of the *Conservation Authorities Act* (CA Act) was repealed and replaced by Ontario Regulation 41/24 ("Prohibited Activities, Exemptions and Permits"). Complementary provisions under Part VI ("Regulation of Areas Over Which Authorities Have Jurisdiction") and Part VII ("Enforcement and Offences") of the CA Act were proclaimed on the same date.

Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. The subject property is regulated by CH as it is adjacent to a tributary of Grindstone Creek and contains the flooding and erosion hazards associated with that watercourse. Additionally, the property is adjacent to portions of the Hayesland-Christie Provincially Significant Wetland (PSW) Complex. CH regulates 15m from the greater of of the flooding or erosion hazard associated with Grindstone Creek, and 30m from the limit of the PSW (previously 120m under Ontario Regulation 162/06). Permits are required from CH prior to undertaking



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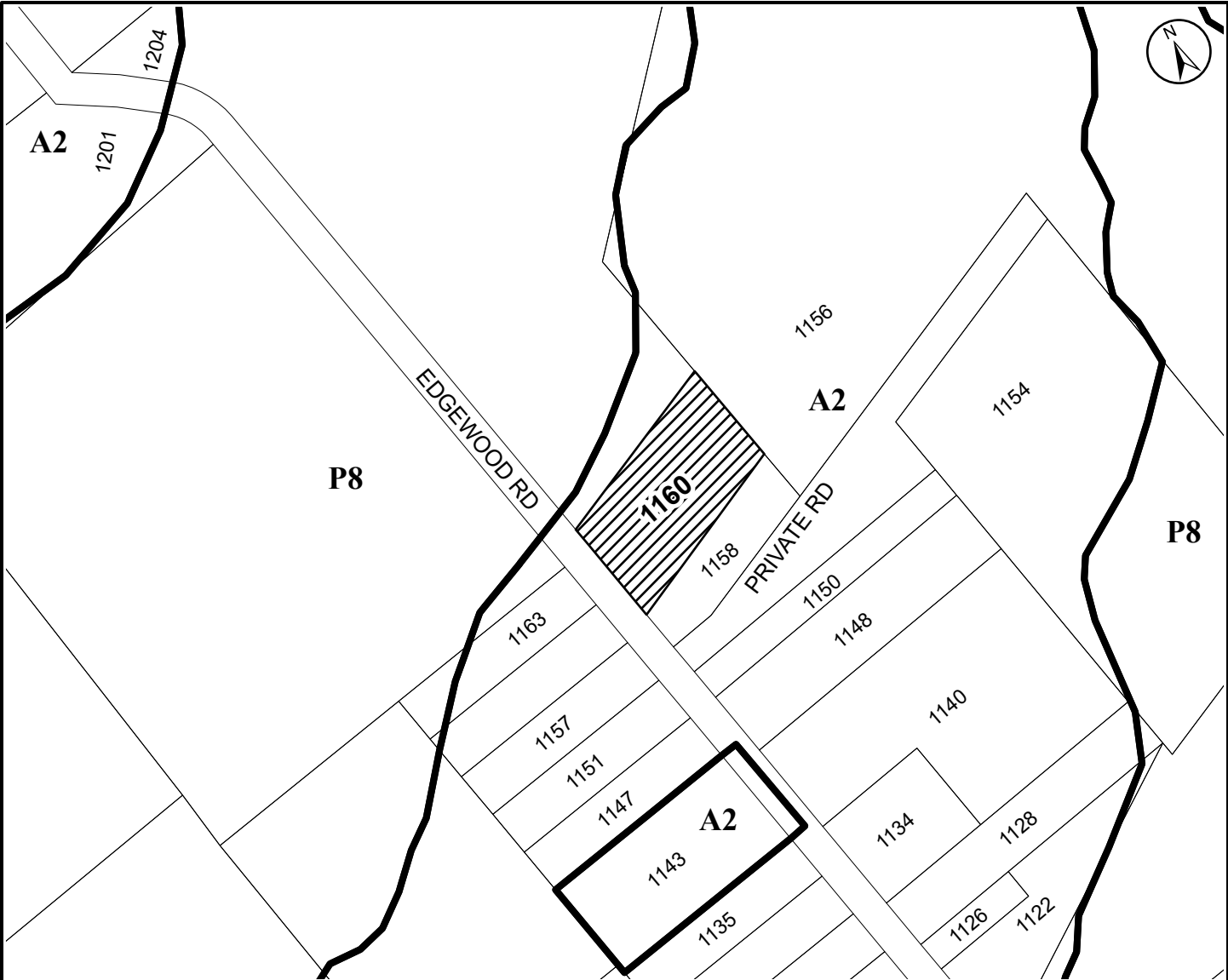
COMMITTEE OF ADJUSTMENT

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

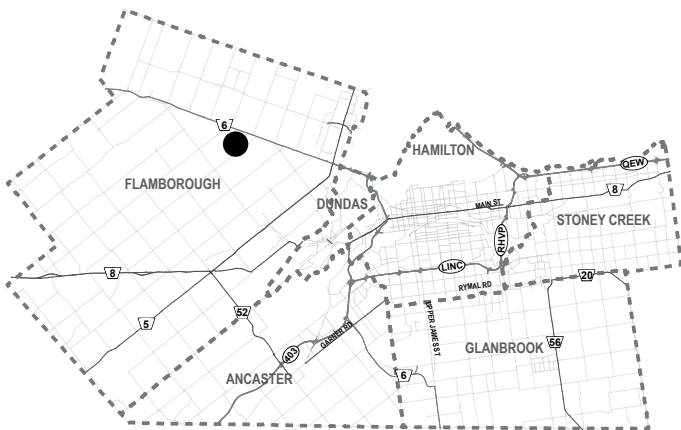
Telephone (905) 546-2424, ext. 4221

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	<p>development activities within CH's regulated area and applications are reviewed under the CA Act, Ontario Regulation 41/24, and CH's Board-approved policies and requirements (https://conservationhalton.ca/policies-and-guidelines).</p> <p>Under the CA Act and Ontario Regulation 41/24, the addition subject to this variance remains within CH's regulated area and CH's October 4, 2023 letter remains applicable.</p> <p><u>Recommendation</u></p> <p>Based on the above, CH has no objection to approval of the proposed minor variance applications.</p> <p>Should any changes to the proposed application and related development arise, please circulate CH for further review and comments.</p>
Notes:	N/A



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1160 Edgewood Road,
Flamborough (Ward 13)

File Name/Number:
A-24:227

Date:
October 30, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton