



Hamilton

A-24:238 (5 Cumminsville Dr., Flamborough)

Recommendation

- Table

Proposed Conditions

N/A

Proposed Notes

N/A

Development Planning:

Background

The purpose of Minor Variance application A-24:238 is to facilitate the construction of an additional dwelling unit – detached.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.3 of the Greenbelt Plan permits second dwelling units within single dwellings or within existing accessory structures on the same lot. Section 4.1.1.2, amongst other requirements, requires that the proposal demonstrate appropriate water and sewer servicing.

Rural Hamilton Official Plan

The subject lands are designated “Rural Settlement Area” and in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policy C.3.1.2, C.3.1.4 and C.5.1, amongst others, are applicable and permit the existing single detached dwelling. The subject lands are within the Millgrove Rural Settlement Area and are subject to the policies of the Millgrove Rural Settlement Area. Development Planning staff defer to Source Water Protection staff regarding the proposal’s conformity to the minimum servicing requirements of Policy C.5.1.

Policy C.3.1.2 e) permits an additional dwelling unit – detached on lots with a minimum area of 1.5 hectares and if the principal dwelling and additional dwelling unit – detached meet the servicing requirements of Section C.5.1. Staff note that the subject lands have a lot area of 0.26 hectares, significantly below the required 1.5 hectares. Staff further note that Policy C.3.1.2 e) iii) permits a



Hamilton

reduction in minimum lot area where it can be demonstrated that the minimum servicing requirements of Section C.5.1 can be achieved. This would be demonstrated by a scoped Hydrogeological Study prepared in accordance with City of Hamilton guidelines.

Millgrove Rural Settlement Area

The subject lands are further designated “Settlement Residential” on Volume 2: Map 11 – Millgrove Rural Settlement Area Plan of the Rural Hamilton Official Plan. Policy 1.3.1 permits single detached dwellings in the “Settlement Residential” designation.

Based upon review of the above noted policies, Development Planning staff recommend tabling this application. This would provide the applicant an opportunity to prepare a Hydrogeological Study in accordance with City of Hamilton guidelines in order to explore if the proposal can meet the requirements of Section C.5.1, per Policy C.3.1.2 e) iii).

Archaeology

No comments

Cultural Heritage

The subject property is adjacent to 375 5th Concession Road West and 895 Millgrove Side Road, two properties listed on the City’s Inventory of Heritage Properties.

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

The proponent proposes to facilitate the construction of a detached secondary dwelling unit.

Notwithstanding that the adjacent properties are 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 resources will be conserved.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Settlement Residential (S1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed additional dwelling unit - detached are permitted uses.



Hamilton

Variance 1

1. An additional dwelling unit – detached shall be permitted on a lot containing a single detached dwelling having a minimum lot area of 0.26 hectares instead of the minimum 1.5 hectare lot area required.

The intent of this provision is to ensure the subject property is large enough to meet the minimum private servicing requirements identified in Policy C.5.1 of the Rural Hamilton Official Plan to sustainably support a single detached dwelling and an additional dwelling unit – detached.

Variance 2

2. A maximum additional dwelling unit – detached building height of 8.14 metres shall be permitted instead of the maximum 6.0 metre building height permitted.

The intent of this provision is to ensure the additional dwelling unit – detached remains subordinate in scale, role and built form to the principal dwelling.

Development Planning staff recommend tabling this application to provide the applicant an opportunity to prepare a scoped Hydrogeological Study in accordance with City of Hamilton guidelines in order to explore if the proposal can meet the requirements of Section C.5.1. Based on the foregoing, **staff recommend tabling.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Variances requested are required to facilitate the construction of an additional dwelling unit- detached 2. Applicant to note that for an additional dwelling unit- detached, balconies and rooftop patios shall be prohibited above the first floor level 3. Variances written as requested by the applicant
Proposed Notes:	



Hamilton

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.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction/renovation/ of the proposed secondary dwelling unit-detached

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	

Source Water:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands that the applicant is seeking a minor variance of a minimum lot area of 0.26 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 0.26 ha lot. Our comments are as follows:</p> <ol style="list-style-type: none"> 1. The current lot size of 0.26 ha is considered insufficient for an additional dwelling unit, as our desktop review indicates pollution from the lot's septic system would not meet policies within Rural Hamilton Official Plan C.5.1 and put neighboring properties at increased of water quality / health risk. 2. The lot size does not meet policies within Section 4.33.4 a) of the City of Hamilton's Comprehensive Zoning By-law No. 0.5-200, as the minimum lot size for an Additional Dwelling Unit – Detached in the S1 Zone is 1.5 ha. <p>Therefore, Source Protection Planning cannot support the application.</p>



Hamilton

Proposed Notes:	
-----------------	--

Conservation Halton:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	N/A
Comments:	<p>CH staff has reviewed the above-noted application 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 received as part of this submission include:</p> <ul style="list-style-type: none"> • <i>Topographic Survey</i>, Prepared by A.T. McLaren Limited, Dated July 21, 2023 • <i>Sketch of Proposed Severance</i>, not signed or dated • <i>Cover Letter</i>, Prepared by Matthew Hatfield, not dated • <i>Agreement of Purchase and Sale</i>, Prepared by Opta Waterdown Inc. and Matthew Hatfield, Dated September 9, 2024 • <i>Appendix A – 407/415 Parkside Drive Lot Purchase</i>, Prepared by Matthew Hatfield, Dated September 17, 2024 <p><u>Proposal</u></p> <p>A consent/land severance is being requested to sever and transfer a section of land from 407 Parkside Drive to 415 Parkside Drive. CH staff understand that this portion of land is currently being used for access to 415 Parkside Drive, and this consent is to formally add those lands to the property at 415 Parkside Drive.</p> <p><u>Conservation Authorities Act and Ontario Regulation 41/24</u></p> <p>Under Part VI of the <i>Conservation Authorities Act</i> (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. Based on CH's Approximate Regulation Limit (ARL) mapping, the property at 407 Parkside Drive is traversed by a tributary of Grindstone Creek and contains the flooding and erosion hazards associated with that watercourse. It also contains a wetland. CH regulates 15 m from the greater of the flood plain or erosion hazards associated with Grindstone Creek and 30 m from the limit of wetlands. The property at 415 Parkside Drive is currently not regulated by CH. Permits are required from CH prior to undertaking development activities within CH's regulated areas and applications for development 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>

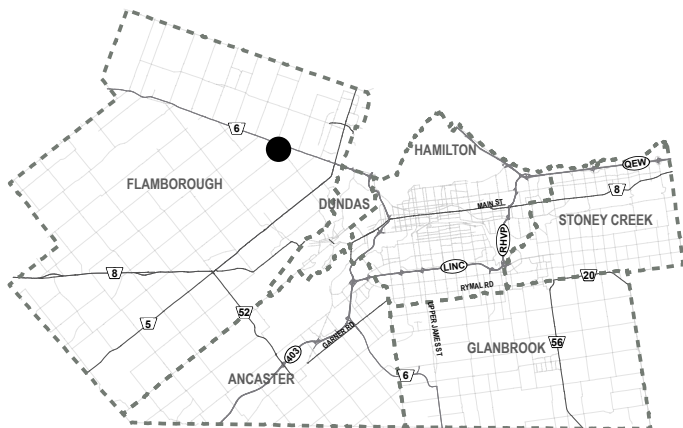


	<p>CH generally recommends that newly created lots be outside of CH regulated areas (including hazards and 15 m regulated allowance). To ensure the boundaries of 415 Parkside Drive remain outside of areas where development would be restricted or not permitted under CH regulatory policies, the proposed lot limits should be at least 6 m from the limit of the flood plain and erosion hazards. Based on CH's ARL mapping, the proposed lands to be severed from 407 Parkside Drive contain areas within the 15 m regulated allowance of the flood plain, but are located at least 6 m from the limit of the flood plain. Note that as 415 Parkside Drive will become regulated by CH through the proposed transfer of lands, future development activities within CH regulated areas on the property may be subject to CH permitting requirements. Development activities on the property outside of CH regulated areas may require a CH Development Clearance Letter.</p> <p><u>Provincial Planning Statement (Sections 5.1.1-5.2.8)</u> The PPS generally directs new development (including lot creation) outside of natural hazards. Based on review of the materials provided and CH's ARL mapping, the proposed lands to be severed are located outside of the flood plain hazard and associated 6m access allowance. As such, the application is consistent with PPS Sections 5.1.1-5.2.8.</p> <p><u>Recommendation</u> CH has no objections to the approval of this consent application as the lands to be severed are located outside of the flood plain hazard and associated 6m access allowance.</p> <p>Should any changes to the proposed development arise through the Consent process, please circulate CH for further review and comment to identify any regulatory and permitting requirements.</p>
Proposed Notes:	<p>As this consent application transfers CH regulated lands to the property at 715 Parkside Drive, future development activities within CH regulated areas are subject to CH permitting requirements. Although not required for this application, future applications may require more accurate delineation of regulated areas. Future contemplated development activities should be circulated to CH for review to confirm regulatory requirements.</p>



A2

● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



5 Cumminsville Drive, Flamborough
(Ward 15)

File Name/Number:
A-24:238

Date:
November 12, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department