

**GL/A-24:09 (2016 Regional Rd. 56, Glanbrook)**

**Recommendation:**

Development Planning – Deny  
Source Protection Planning - Deny

**Proposed Conditions:**

**Proposed Notes:**

## **Development Planning:**

### **Background**

To permit the construction of an additional dwelling unit with the existing single detached dwelling.

### **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 "Agriculture" 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. Development Planning staff defer to Source Protection staff regarding the proposal's conformity to the minimum servicing requirements of Policy C.5.1.

Policy C.3.1.2 d) permits an additional dwelling unit within a single or semi-detached dwelling on a lot with a minimum size of 0.6 hectares and if it complies with all other applicable policies of the Rural Hamilton Official Plan and Zoning By-law regulations. Staff note that the subject property has an area of 0.15 hectares, which is significantly below the minimum 0.6 hectares required in Policy C.3.1.2 d).

#### **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 single detached dwelling and proposed accessory structure are permitted uses.

#### **Variance 1**

1. An additional dwelling unit within the Agricultural (A1) Zone shall be permitted on a lot that is 0.15 hectares in size instead of the minimum required lot area of 0.6 hectares.

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.

Staff note that the subject lands have a total area of 0.15 hectares, whereas the Zoning By-law requires a minimum lot area of 0.6 hectares to permit an internal additional dwelling unit within an existing dwelling. The minimum requirements identified in Policies C.3.1.2 d) and C.5.1 and implemented in the Zoning By-law are meant to ensure a property can sustainably support development as it relates to water quality and public health risks stemming from private water and wastewater systems. Development Planning staff defer to Source Protection staff regarding conformity of the proposal to the requirements of Policy C.5.1.

However, as Policy C.3.1.2 d) establishes 0.6 hectares as a minimum, Development Planning staff are of the opinion that the requested variance does not maintain the intent of the Rural Hamilton Official Plan and Zoning By-law and is not considered desirable for the appropriate development, nor is it minor in nature. Staff do not support the variance.

Staff are of the opinion that the requested variance does not maintain the intent of the Rural Hamilton Official Plan and Zoning By-law and is not considered desirable for the appropriate development, nor is it minor in nature. Based on the foregoing, **staff recommend denial.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<ol style="list-style-type: none"> <li>1. Please be advised the lands are subject to amending by-law 24-051, which are not yet final and binding.</li> <li>2. The waste disposal and water supply shall be in accordance with Section 4.22 iii), as per amending by-law 24-051 not yet final and binding.</li> </ol>

**Development Engineering:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	No Comments
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed two single detached dwellings.</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:	
Notes:	

**Source Protection Planning:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands that the applicant is seeking a minor variance of a minimum lot area of 0.15 ha instead of the minimum lot area of 0.6 ha for the proposal of an attached additional dwelling unit on an existing 0.15 ha lot.</p> <p>The current lot size of 0.15 ha is considered insufficient for an additional dwelling unit as per the Hamilton Rural Official Plan, C.5.1 - Private Water and Wastewater Services. Therefore, Source Protection Planning cannot support the application.</p>
Notes:	

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


## Hamilton COA

Kyle Riley <kriley@npca.ca>

Tue 9/3/2024 10:10 AM

To:Committee of adjustment <cofa@hamilton.ca>

Cc:Sarah Mastroianni <smastroianni@npca.ca>

 5 attachments (3 MB)

2187 Regional Road 56 Basemap.pdf; Extent Basemap 3417 and 3325 Tyneside Road.pdf; Basemap 9724 Twenty Road.pdf; 2016 Regional Road 56 Basemap.pdf; 3300 Homestead Drive.pdf;

**External Email:** Use caution with links and attachments

Hello Jamila,

Please see below the Niagara Peninsula Conservation Authorities (NPCA) comments for Hamiltons COA meeting on September 10th, 2024.

**GL/A-24:09 2016 REGIONAL ROAD 56:** There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

**A-24:187 3300 Homestead Drive:** There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

**A-24:188 3325 Tyneside Road:** Both 3417 and 3325 Tyneside are traversed by numerous NPCA-regulated watercourses which do not have regulated floodplains. As the proposal is a Boundary Adjustment, and there is no associated change in land-usage the NPCA offers No Objections to the proposals. No Planning or Permitting fees are required for this review.

**A-24:184 2187 Regional Road 56:** The Applicants are seeking a Minor Variance to Permit the construction of 5 accessory storage structures without these structures existing behind a main building. The Applicants also seek a Minor Variance to Permit the storage of various categories of vehicles on the site. A total of six accessory buildings will be added to the site as a result of the Minor Variance. A separate Site Plan Application is also being undertaken at this lot, and the comments provided here shall only apply to the issues mentioned above.

Previous site-visits conducted by the NPCA at the subject address have confirmed the presence of wetlands to the east of the proposed lots, which retain a 30m development set-back. The locations of the size accessory buildings, along with the structures of the rights-of-way, and the snow storage are beyond the reach of NPCA-regulated features on-site. As such, the NPCA offers No Objections to the Minor Variances at the lot and will continue reviewing the Site Plan Application at the same location. Again, please only apply our comments to the Minor Variance titled "**A-24-184.**" No fees are requested for this review.

**B-24:46 9724 Twenty Road W:** There is no features under NPCA-jurisdiction at this lot—at this time. As such, this Office offers No Comment and will not require a review fee.

Should you have any questions on the above, please, do not hesitate to contact the underwritten.

Kind regards,

# ArcGIS Web Map



9/3/2024, 10:01:24 AM

1:1,128

**SWOOP 2020 NPCA**

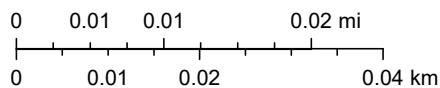
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

**Roads**

**FLOWLINES Enhanced Local Feature Type Flowlines**

- Ditch - Other

- <all other values>
- CityView Application Views
- Assessment Parcels
- 2K Hydrography
- ELC 2020 NPCA
- Niagara Region Ortho 2023
- Red: Red



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

