



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

A-24:184 – 2187 Regional Road 56, Glanbrook

Recommendation:

Approve with amendments — Development Planning

Proposed Conditions:

Proposed Notes:



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

Development Planning:

Background

The purpose of Minor Variance Application A-24:184 is to facilitate the construction of six buildings for the use of Motor Vehicle Storage.

Staff note that the subject lands consist of two main buildings that contain an existing motor vehicle storage, sales and repair operation. Staff further note that Site Plan application SPA-19-080 was conditionally approved on September 29, 2019 with an Addendum issued on February 23, 2023. The proposed development in SPA-19-080 consists of adding a Motor Vehicle Service Station (gas bar), associated drive through Restaurant and Motor Vehicle Washing Establishment (car wash) (identified as Buildings “A” and “B” on the submitted site plan, respectively).

An existing Motor Vehicle Service Station building (repair garage) would be removed to facilitate the proposed development of the storage buildings.

Staff note that Variance 1 as requested is written as follows:

“Indoor and outdoor storage of major recreational equipment, commercial motor vehicles and equipment and material accessory to motor vehicles, major recreational equipment, commercial motor vehicles and indoor storage of household goods shall be permitted in addition to the permitted use of motor vehicle storage.”

Staff have engaged in several discussions with the applicant regarding the scope of the proposed variance. The subject application was previously tabled at the September 10, 2024 Committee of Adjustment hearing and the application has been revised. However, staff remain of the opinion that the revised variance, as requested, does not maintain the intent of the Rural Hamilton Official Plan and Zoning By-law and is not desirable for the appropriate development or use of the land as the addition of “household goods” is not in keeping with the intent of the existing permissions and policies, as further discussed in the analysis below.

As a result of discussions with the applicant, staff would be supportive of a further revised variance that does not include the storage of household goods. The revised variance as staff had proposed to the applicant reads as follows:

“Storage for major recreational equipment and commercial motor vehicles and equipment and material accessory to motor vehicles, major recreational equipment, and commercial motor vehicles shall be permitted in addition to the permitted use of motor vehicle storage.”

Staff have reviewed the application with the revised variance in mind.



Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Regarding non-agricultural uses in prime agricultural areas, Section 3.1.3.3 states:

“3.1.3.3 Non-agricultural uses may be permitted subject to the policies of Sections 4.2 to 4.6. Non-agricultural uses are discouraged in prime agricultural areas and may only be permitted after the completion of an agricultural impact assessment.”

Staff note that Sections 4.2 to 4.6 of the Greenbelt Plan cover infrastructure uses, natural resources, Cultural Heritage resources, existing uses and lot creation. Section 4.5.4 permits the expansion of existing buildings and uses, provided new municipal services are not required and the use does not expand into key natural heritage features (unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure).

Staff note that the proposed development does not encroach into natural heritage features and the subject property is connected to existing municipal water and wastewater services. Development Planning staff defer servicing matters to Development Engineering staff. The portion of the subject lands zoned Existing Rural Commercial (E1, 151) Zone recognize and permit legally existing non-agricultural uses.

Rural Hamilton Official Plan

The subject lands are identified as “Greenbelt Protected Countryside” in Schedule A – Provincial Plans and designated “Agriculture” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Natural Heritage features (Core Areas) have been identified on and adjacent to the subject lands in Schedule B – Natural Heritage Features of the Rural Hamilton Official Plan. These Core Areas are a Significant Woodland and waterbodies. Policies F.1.12.2, F.1.12.3 and F.1.12.4, amongst others, are applicable and permit the existing uses.

Policy F.1.12.3 reads as follows:

“F.1.12.3 Where appropriate, the City may amend the Zoning By-law to recognize the non-complying use as an existing use provided that all the following criteria shall be 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*



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

- c) *The use does not pollute the air or water and is in compliance with appropriate provincial and municipal regulations;*”

Staff note that the existing commercial uses were recognized through an amendment to Zoning By-law No. 05-200. Additionally, Policy F.1.12.4 permits the expansion, enlargement or change in non-complying uses provided they maintain the intent and purpose of the Urban Hamilton Official Plan. Staff further note that the subject property is serviced by municipal water and wastewater, however Development Planning staff defer to Development Engineering staff regarding servicing matters.

Staff are of the opinion that the proposed expansion, enlargement or change of the existing use of motor vehicle storage to include recreational and commercial motor vehicles maintains the general intent of Policy F.1.12.4 of the Rural Hamilton Official Plan. Staff maintain the opinion that the storage of household goods does not meet the intent of the Rural Hamilton Official Plan as the proposed additional use is considered a Warehouse use which is not permitted within the “Agriculture” designation and the request to add the additional use does not meet the intent of Policy F.1.12.4 nor Policy D.2.1.

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

The subject lands are zoned Existing Rural Commercial (E1, 151) Zone, Agricultural (A1) Zone, and Conservation/Hazard Lands Rural (P6) Zone in City of Hamilton Zoning By-law No. 05-200. The existing motor vehicle storage, sales and repair operation is a permitted use in the Existing Rural Commercial (E1, 151) Zone. The proposed additional storage uses of major recreational equipment, commercial motor vehicles and equipment and material accessory thereto, and household goods, are not permitted.

Staff note that the proposed development is located fully within the portion of the subject property zoned Existing Rural Commercial (E1, 151) Zone in City of Hamilton Zoning By-law No. 05-200. Special Exception 151 permits specific uses, including a motor vehicle storage, sales and repair operation, a motor vehicle service station, and an office for a travel agency in addition to Section 12.6.1 of the Zoning By-law.

While “motor vehicle storage” is not defined, the by-law defines “Motor Vehicle” as *an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power*. Major Recreational Equipment and Commercial Motor Vehicles are defined separately, but staff are of the opinion that the storage of these items is similar in nature and maintains the intent of the Zoning By-law.

However, the storage of household items is not a similar use nor is it accessory to that of a “motor vehicle storage” use. The storage of household items is in line with a “Warehouse” use which is not permitted, and staff are of the opinion that this use does not maintain the intent of the Zoning By-law.



Hamilton

Revised Variance 1 (as amended by Staff)

1. Storage for major recreational equipment and commercial motor vehicles and equipment and material accessory to motor vehicles, major recreational equipment, and commercial motor vehicles shall be permitted in addition to the permitted use of motor vehicle storage.

Staff note that the proposed additional storage uses are located within the portion of the subject property zoned Existing Rural Commercial (E1, 151) Zone. Staff further note that the intent of Special Exception 151 was to recognize existing commercial uses on the property when amending By-law Nos. 15-173 and 15-286 were passed in 2015 to amend Zoning By-law No. 05-200.

Staff are of the opinion that the revised variance, excluding the storage of household goods, maintains the intent of the Rural Hamilton Official Plan and Zoning By-law as the additional uses are in keeping with the existing permitted uses. Additionally, staff are of the opinion that the revised variance is minor in nature as the additional uses are not a significant departure from the existing permitted uses and adverse impacts on neighbouring lands or agricultural operations are not anticipated.

Staff are of the opinion that the revised variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval with amendments.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please be advised variance No. 1 has been written as requested by the applicant. 2. A portion of the property falls under conservation management. Please contact the Niagara Peninsula Conservation Authority prior to any development. 3. Please be advised insufficient information was provided to determine zoning compliance with the proposed eave and gutter encroachments. Additional variances may be required if conformity with Section 4.6 of the Hamilton Zoning By-law 05-200 cannot be achieved.
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	



<p>Comments:</p>	<p>Archeology:</p> <p>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:</p> <ol style="list-style-type: none">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 areas of pioneer Euro-Canadian settlement; and,3) Along historic transportation routes. <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 4.6.2 of the Provincial Planning Statement apply to the subject application.</p> <p>Cultural Heritage:</p> <p>The subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Inventory of Heritage Properties, including:</p> <ul style="list-style-type: none">• 2173 Regional Road 56;• 2264 Regional Road 56; and,• 2250 Regional Road 56. <p>The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Rural Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).</p> <p>Although not formally recognized under the Ontario Heritage Act through registration or designation, the adjacent properties are of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the properties and are contextually appropriate.</p> <p>Accordingly, section B.3.4.1.3 of the Rural Hamilton Official Plan, Volume 1, applies.</p> <p>The proponent proposes the construction of six (6) buildings for the use of Motor Vehicle Storage.</p>
------------------	--



Hamilton

	<p>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.</p> <p>Staff have no further comments on the application as circulated.</p>
Notes:	<p>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:</p> <p>“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 Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM. Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). 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).”</p>

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	



Hamilton

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed of six (6) buildings for the use of Motor Vehicle Storage.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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



Hamilton

Mark Tadeson

Councillor, Ward 11

January 9, 2025

Dear Members of the Committee of Adjustment and City Planning Staff,

I am writing to express my strong support for Variance Application 2187 on Regional Rd 56 in Glanbrook coming before CoA on January 21st, 2025. Essential community infrastructure— specifically a gas station, car wash, and indoor and outdoor storage facilities— is long overdue and necessary to serve the residents of Binbrook and surrounding rural areas.

The gas station and car wash will play a critical role in supporting the daily needs of local residents and retail businesses. At present, the vast majority of Binbrook drivers are forced to travel out of town for gasoline. When people leave Binbrook to fill up their tanks, they are more likely to shop for other essentials elsewhere in the city.

The lack of local access to storage facilities creates inconvenience and inefficiency. The city's recent recognition of shifting needs for self-storage and updated zoning policies in urban centers is a commendable step forward. However, it is essential that these considerations be extended to rural areas like Binbrook, where similar demands exist. With thoughtful design and planning, as evidenced in this application, rural storage facilities can seamlessly integrate into the local landscape while preserving the agricultural integrity, character and charm of our rural communities.

I urge planning staff and our Committee of Adjustment to prioritize the complete approval of this application. By addressing these long-standing gaps in local services, we can better meet the needs of our growing population and ensure that Binbrook has the necessary infrastructure to thrive.

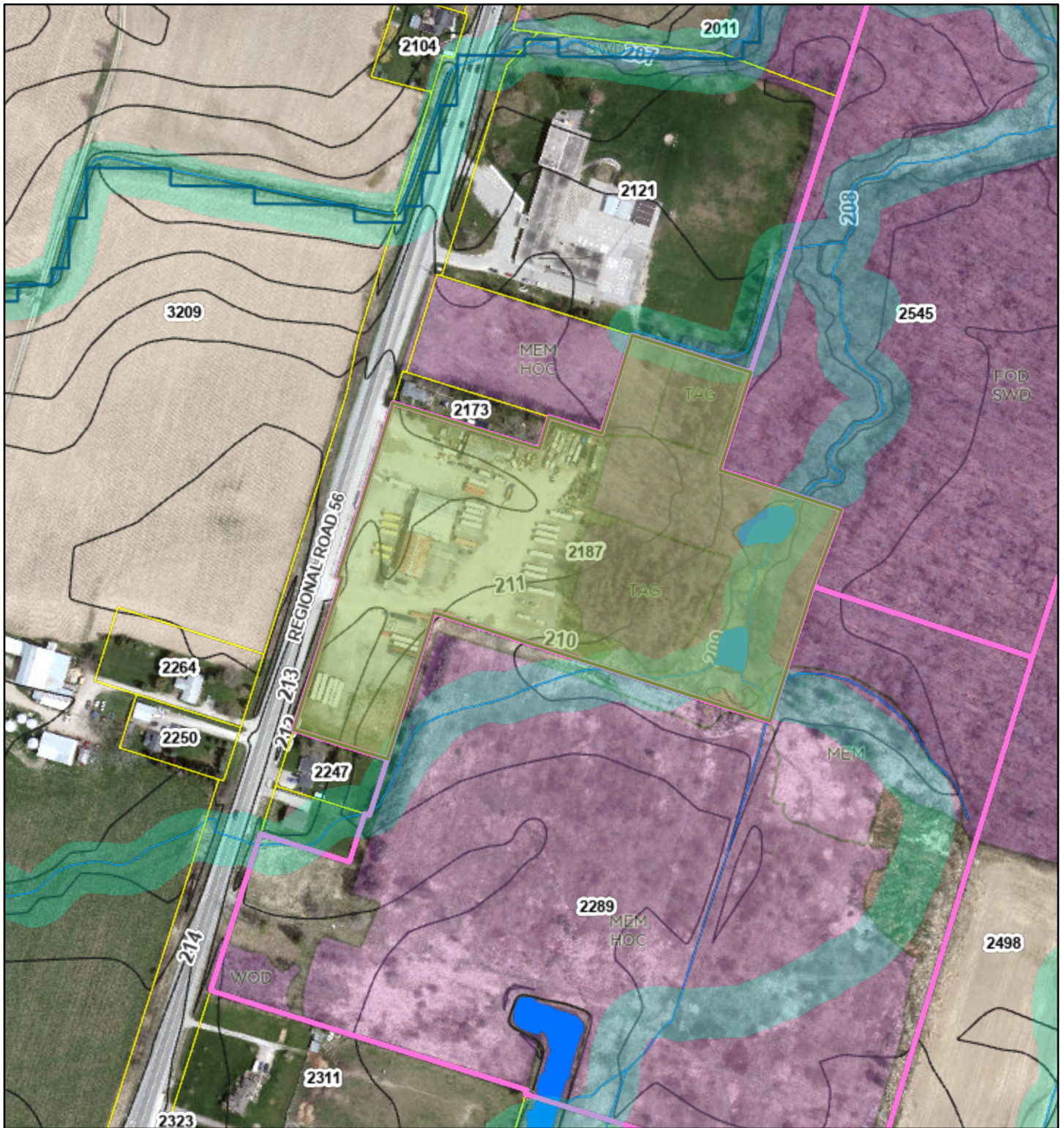
Thank you for your attention to this important matter. I look forward to continuing to work collaboratively to support the growth and well-being of all communities in Ward 11 and throughout the city.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mark Tadeson".

Mark Tadeson
Ward 11 Councillor

ArcGIS Web Map

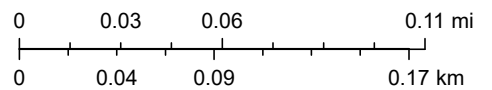


8/22/2024, 2:56:09 PM

1:4,514

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Assessment Parcels _Query result
- Roads



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

From: [Kyle Riley](#)
To: [Committee of adjustment](#)
Subject: Attn: Jamila Sheffield NPCA: Planning Comments January 21, 2025 COA Agenda
Date: Monday, January 13, 2025 1:10:47 PM
Attachments: [Outlook-ot3vf1sx.png](#)
[44 Bellstone Lane Basemap.pdf](#)
[476 Book Road East Basemap.pdf](#)
[2187 Regional Road 56 Basemap.pdf](#)

External Email: Use caution with links and attachments

Hello Jamila,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter from Hamilton's January 21st, 2025 CofA Agenda, and offers the following comments.

The following Applications are within the regulation area of the NPCA.

A-24:257 44 Bellstone Lane -

The Applicants seek to construct a deck 2.6m from the easterly lot lines where a 6m setback is required.

There are currently no NPCA-regulated features which traverse the subject address. As such, we offer No Objections to the proposed development at this address.

Our Offices require no Planning fees for our comments on this file.

A-24:184 2187 Regional Road 56 -

The Applicants seek a Minor Variance to allow for the indoor and outdoor storage of recreation equipment, commercial motor vehicles, equipment and equipment accessories to motor vehicles, major recreational equipment, commercial motor vehicles, and indoor household goods.

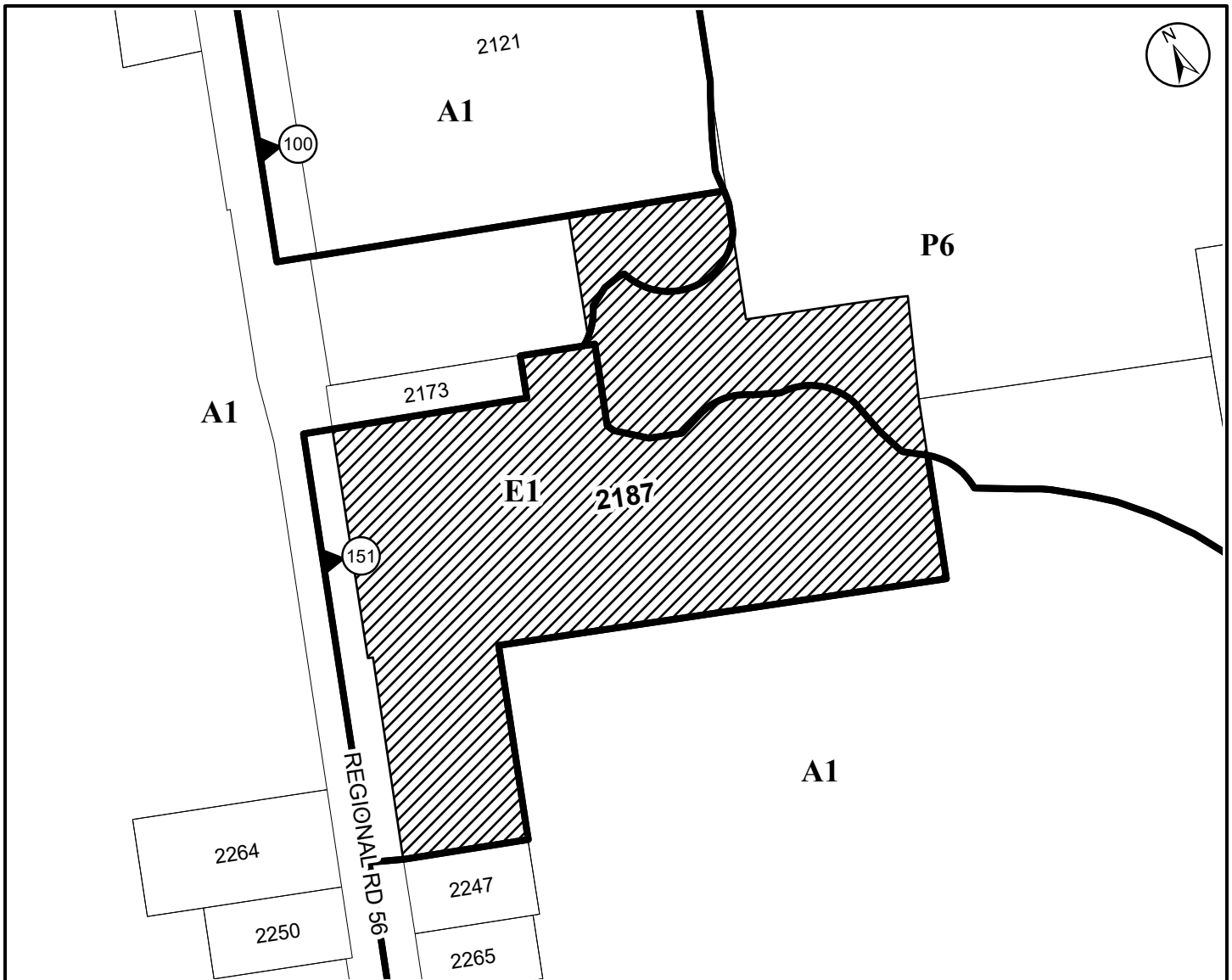
As this Application does not involve site alteration or development and the proposed usage is not considered sensitive, the NPCA offers No Objections to this Proposal.

No Planning is required for our comments on this file.

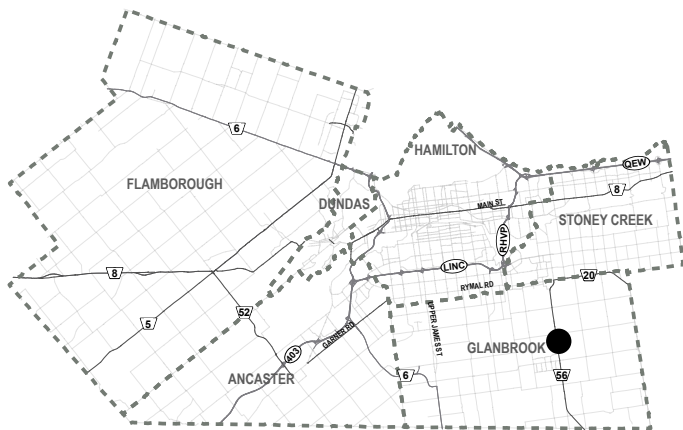
The NPCA advises the Applicant that the proposed development within the regulated area of NPCA features on-site will require a Permit before undertaking works.

A-24:258 476 Book Road East -

The Applicants are seeking to construct and expand the existing non-conforming



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



2187 Regional Road 56, Glanbrook
(Ward 11)

File Name/Number:

A-24:184

Date:

January 6, 2025

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department