



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

SC/A-24:08 – 1091 Highway 8, Stoney Creek

Recommendation:

Approve with conditions — Development Planning

Proposed Conditions:

1. That the applied variances are to generally apply to the provided survey in notice of public hearing for file SC/A-24:08 dated January 21, 2025.

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 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).”



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Development Planning:

Background

The applicant is proposing variances in order for the development of two lots for future development and land assembly. The file is related to Consent application SC/B-24:05.

The following variances are required:

1. To permit a minimum lot area of 0.39 hectares, whereas 1.0 hectare is required.
2. To permit a side yard setback of 1.11 metres, whereas 3.0 metres is required.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. Policy E.3.8.2 permits a variety of Local Commercial land uses. Based on the forgoing the existing commercial use (restaurant) is permitted. The existing single detached dwelling use is an existing legal non-complying use in accordance with Policy F.1.12.1 and may continue.

Fruitland – Winona Secondary Plan

The subject property is further designated “Local Commercial”, “Low Density Residential 2”, and “Low Density Residential 3” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan. The portions that are residential designations are the portions proposed to be severed and added as a lot addition to 1121 Highway 8 in accordance with provisionally approved Consent application SC/B-24:05. The subject application is for the retained “Local Commercial” designated lands. Policy B.7.4.5.3 permits Community facilities/services in addition to the permitted uses under Policy E.3.8.2 in Volume 1. Based on the forgoing the existing commercial use is permitted.

Archeology:

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;



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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.

Cultural Heritage:

The property known as address is located within the Mohawk Trail Cultural Heritage Landscape.

Further, 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:

- 1099 Highway 8; and,
- 1080 Highway 8.

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 (Urban Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, sections B.3.4.2.1(h) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.

Additionally, sections 7.4.12.1 (b) and 7.4.13.7 (b) of the Fruitland Winona Secondary Plan, apply.

The proponent proposes to create two separate lots for future development.

Notwithstanding that the subject property is within the Mohawk Trail Cultural Heritage Landscape and 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 of the landscape will be conserved.

Staff have no further comments on the application as circulated.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP) and has been identified within the Fruitland Winona Secondary Plan (FWSP). Based on mapping within the UHOP (Volume 1 Schedule B Natural Heritage System and Volume 2 FWSP Natural Heritage System Map B.7.4-2), Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and



Scientific Interest, Significant Woodlands, and wetlands) and Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property.

Since the FWSP area is characterized by flat topography which requires specific grading and detained servicing to service future development in a coordinated and comprehensive manner, Block Servicing Strategies are required. Based on the FWSP Block Servicing Strategy Area Delineation Map B.7.4-4, the subject properties are located within the Block 3 Servicing Strategy Area. A "Block 3 Servicing Strategy" (B3SS) has been completed by a landowner's group and approved by Council (April 8, 2020). As part of the B3SS, an Environmental Impact Statement (EIS) was prepared by Arcadis (February 2020). Through the EIS, it was recommended that a Tree Protection Plan would be required at future development application stage.

Since the previous severance (SC/B-24:05) does not appear to have been reviewed by Natural Heritage Planning staff, tree protection can occur at the future development application stage.

Former City of Stoney Creek Zoning By-law No. 3692-92

The portion of the subject lands applicable to this application are zoned Rural Commercial "RC-2(T)" Zone, Modified, Temporary Use, which permits commercial uses including a standard restaurant not exceeding a capacity of 150 seats, agricultural-related uses, and an accessory dwelling unit. The temporary use provisions expired on March 1, 2002 and the temporary use is no longer present.

Analysis

Variance 1

1. To permit a minimum lot area of 0.39 hectares, whereas 1.0 hectare is required.

The intent of the rural commercial minimum lot area provision is to ensure sufficient area be provided for the permitted land use and can be sustained by private services. It is noted that the subject lands are provided with full municipal services, and Planning staff defer any servicing and drainage matters to Development Engineering. Staff are of the opinion that the reduction maintains the general intent of the Zoning By-law as the lands are able to accommodate the existing uses of the lands (single detached dwelling, restaurant, and accessory structures), and no new development is proposed. A condition is being added to ensure that any future development be subject to the provisions of the Zoning By-law. Based on the forgoing staff are supportive of the reduced minimum lot area being reduced from 1.0 hectare to 0.39 hectares.

Variance 2

2. To permit a side yard setback of 1.11 metres, whereas 3.0 metres is required.



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The intent of the side yard setback provision is to allow for adequate spacing between buildings and the side lot lines. A 3.0 metre side yard setback is required for any existing building. Based on the forgoing the variance is to recognize the existing conditions of the site and the existing accessory building found on the provided survey on Part 2 of the lot. Staff recognize that the other buildings on the lot exceed the 3.0 metre setback requirement. Staff are of the opinion that the reduction is minor and meets the four tests for a minor variance under the *Planning Act*.

Based on the forgoing analysis staff recommend the **approval of Variances 1 & 2** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	This minor variance application is to facilitate the severance application SC/B-24:05.
Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<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 an area of sandy soil in areas of clay or stone; 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 property known as address is located within the Mohawk Trail Cultural Heritage Landscape.</p>



	<p>Further, 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"> • 1099 Highway 8; and, • 1080 Highway 8. <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 (Urban 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 property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.</p> <p>Accordingly, sections B.3.4.2.1(h) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>Additionally, sections 7.4.12.1 (b) and 7.4.13.7 (b) of the Fruitland Winona Secondary Plan, apply.</p> <p>The proponent proposes to create two separate lots for future development.</p> <p>Notwithstanding that the subject property is within the Mohawk Trail Cultural Heritage Landscape and 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 of the landscape 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,</p>



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	<p>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.</p> <p>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>
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Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

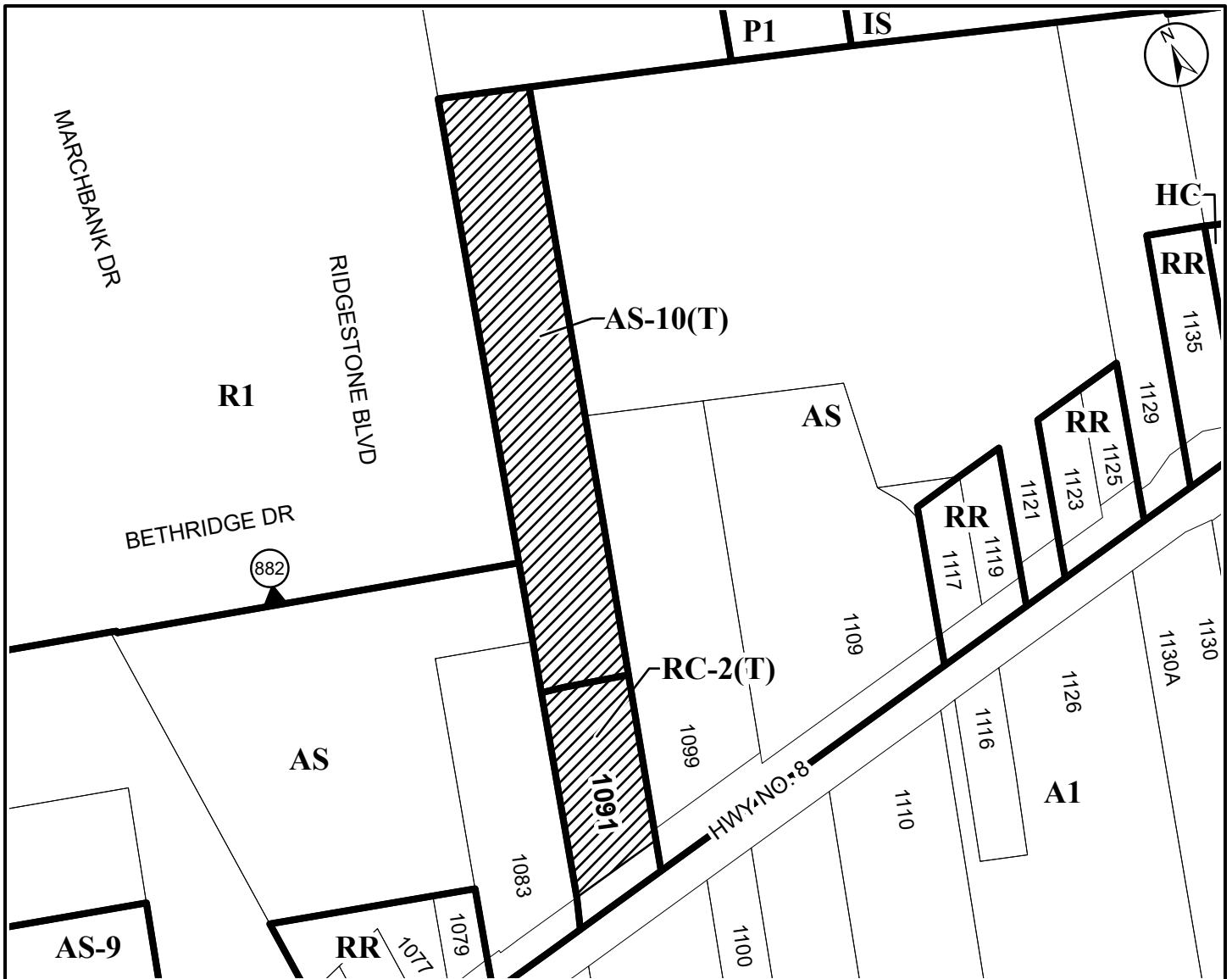
Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

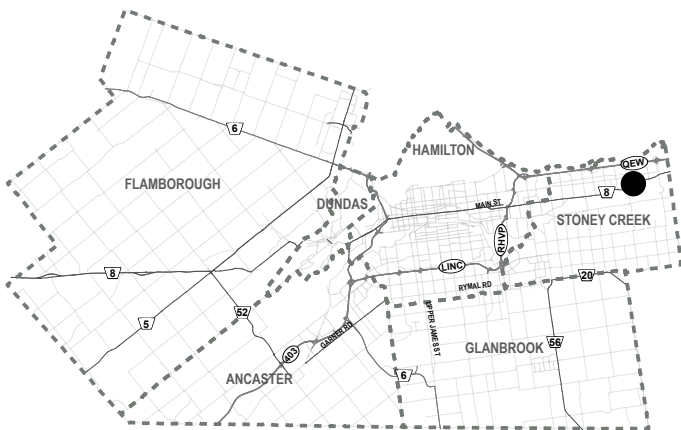
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1091 Highway 8, Stoney Creek
(Ward 10)

File Name/Number:
SC/A-24:08

Date:
January 10, 2025

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department