



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

B-24:60 – 542 Ofield Road North, Flamborough

Recommendation:

Deny — Development Planning

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the city corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (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)." (Development Planning)

5. That, the owner submits a Hydrogeological Report prepared by a qualified professional in support of the proposed severance to the satisfaction of City's Source Protection Section. (Development Engineering)
6. That the owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$5215.00 (2025 fee) to address issues including but



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not limited to: grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, , stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change. (Development Engineering)

7. The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division–Building Engineering Section).
8. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees. (Forestry)

Proposed Notes:

The lands to be retained will remain as 542 Ofield Road North (Hamilton).

The lands to be conveyed will be assigned the address of 526 Ofield Road North (Hamilton).

The municipal address of 538 Ofield Road North will be retired.

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City’s Sign By-law, in a manner that is clearly visible from the road.



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Development Planning:

Background

So as to permit the conveyance of a parcel of land to create a new residential building lot. The existing school building will remain.

Analysis

Provincial Planning Statement

In prime agricultural areas, Section 4.3.3 of the Provincial Planning Statement (2024) permits the creation of a surplus farm dwelling as the result of a farm consolidation. Staff note that the proposed residential lot is not the result of a residence rendered surplus from a farm consolidation and would create a new, vacant residential lot adjacent to actively farmed land. Therefore, it is staff's opinion that the proposed severance is not consistent with the Provincial Planning Statement.

Greenbelt Plan

The subject lands are designated "Protected Countryside" under the Greenbelt Plan. Policy 4.5.1 of the Greenbelt Plan permits all existing uses. However, Section 4.6 does not permit lot creation for lands falling within the "Protected Countryside" for residential uses except in the case of severing a residence surplus to a farming operation as a result of a farm consolidation. The proposal to create a new 0.4 hectare residential building lot does not conform with the policies of the Greenbelt Plan.

Rural Hamilton Official Plan

The subject lands are designated "Agriculture" in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. The subject lands are further designated "Site Specific Area R-18" in Volume 3, Chapter B of the Rural Hamilton Official Plan. Policies C.1.2.1 and F.1.14.2.1, amongst others, are applicable and do not permit the proposed residential use.

Policy F.1.14.2.1 a) i) prohibits the creation of new lots for residential purposes in the "Agriculture" designation except in the cases of a residence surplus to a farm consolidation or where a dwelling may be severed within a Rural Settlement Area.

Per Section R-18, Policy 1.0 of Volume 3, Chapter B of the Rural Hamilton Official Plan, Site Specific Area R-18 only permits an elementary school, its associated play fields and parking as permitted uses. The proposed residential use is not permitted.



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Archaeology

The subject property meets two (2) 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; and,
- 2) In an area of sandy soil in areas of clay or stone.

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.

If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:

“Condition: That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (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).”

Cultural Heritage

No comment.

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

The subject lands are zoned Agriculture (A1, 100) Zone, Modified in City of Hamilton Zoning By-law No. 05-200. The existing educational establishment is a permitted use. The proposed residential use is permitted.



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Based on the foregoing, staff are of the opinion that the proposed severance is not consistent with the Provincial Planning Statement (2024), does not conform with the policies of the Greenbelt Plan (2017) and does not conform with the policies of the Rural Hamilton Official Plan regarding lot creation in the “Agricultural” designation. In addition, the site specific policy area does not permit a single detached dwelling.

The proposed lot is considered a new vacant residential lot and not a relocation as a new lot will be required to be created to facilitate the proposal. As noted above, the policy framework only permits the severance of a surplus farm dwelling as the result of a farm consolidation. The proposed application does not represent a farm consolidation and will result in a vacant residential lot, which is not consistent with provincial direction in the Provincial Planning Statement (2024), Greenbelt Plan (2017) not the Rural Hamilton Official Plan.

Staff recommend denial.

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit. 2. Specific details regarding the development of the portion of the lands to be conveyed has not been provided; however, it is noted that the submitted application indicates the proposed use for the portion of the lands to be conveyed as “Residential”. The current “A1, E100” Zone permits the use of a Single Detached Dwelling. The proposed lot complies with the minimum lot area and lot width regulations for the use of a Single Detached Dwelling in the “A1, E100” Zone. Should the proposed use be other then a Single Detached Dwelling on the portions of the lands to be conveyed, appropriate Planning Act approvals may be required. 3. Please note that the portion of the lands zoned “A1” and known municipally as 538 Ofield Road North does not permit the use of an Educational Establishment. The applicant has advised that the future development of this property is not within the scope of the subject consent/severance application as additional Planning Act approvals may be required to facilitate development of these lands.



Notes:	
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Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<p>If this severance is granted, Staff require that the Committee of Adjustment attach the following condition to the application:</p> <p>“Condition: That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ontario Ministry of Citizenship and Multiculturalism (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>
Comments:	<p>Archeology:</p> <p>The subject property meets two (2) 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; and, 2) In an area of sandy soil in areas of clay or stone. <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>



	No Comment.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	<ol style="list-style-type: none"> 1. That, the owner submits a Hydrogeological Report prepared by a qualified professional in support of the proposed severance to the satisfaction of City’s Source Protection Section. 2. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$5215.00 (2025 fee) to address issues including but not limited to: grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, , stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
Comments:	The severed and retained portion of the property are going to be serviced by a private water well and septic system. Therefore, the proponent should submit a Hydrogeological Report prepared by a qualified professional in support of the proposed severance.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	The owner shall comply with Ontario Building Code requirements regarding spatial separation distances of any structures. Compliance to be confirmed by the Planning and Economic Development Department (Building Division– Building Engineering Section).
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Transportation Planning:

Recommendation:	Approve
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Proposed Conditions:	
Comments:	
Notes:	

Source Protection Planning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the application is seeking to sever a 0.4 ha lot at 542 Ofield Road North in the southwestern corner. The retained lot would be approx. 6.33 ha in size. We understand that a new well would be drilled at the location of the proposed new lot to service the residential dwelling.</p> <p>Based on the above, our comments are as follows:</p> <p>To the satisfaction of the Director of Hamilton Water, Source Protection Planning will require a Hydrogeological Assessment by a Qualified Person (P.Eng., P.Geo.) to support the proposed private servicing for the relocation of the residential dwelling. This report should discuss the proposed sewage disposal system onsite and the potential impacts to groundwater. The report shall consider all the uses proposed on site and will need to be completed in accordance with the City of Hamilton Guideline for Hydrogeological Studies and Technical Standards for Private Servicing (link: https://www.hamilton.ca/sites/default/files/2022-09/pedpolicies-guidelines-hydrogeological-studies.pdf).</p> <p>The report shall include details on both water supply, wastewater disposal and its potential impacts. A summarized scope of work (Section A and B) is provided below (not be limited to).</p> <p>Please Note: If the proposed residential dwelling to be relocated can be demonstrated by the applicant as a “like for like” replacement of the existing residential dwelling with respect to sewage septic effluent, then the wastewater assessment component (Section B) of our comments can be waived.</p> <p>(A) Water Supply Assessment</p> <p>1. As part of the Hydrogeological Assessment Report, a water supply assessment should be conducted by a qualified professional. This should include expected water use / flows and provide evidence that onsite water supply well will meet the capacity of the proposed use. A minimum of 6-</p>



hour pumping test is advised to demonstrate that adequate supply is available without unreasonably interfering with the well supplies of existing users in the area. The investigation should follow the Ministry of the Environment, Conservation and Parks (MECP's) D-5-5 Technical Guideline for Private Wells: Water Supply Assessments.

2. If a new well is to be drilled, in order to assess the raw groundwater quality of the proposed new well, the proponent shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MECP 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. If there are exceedances in the sampling results, the proponent should provide recommendations for water treatment. Source Protection Planning and Public Health will review the recommendations.

3. If an existing well is to be used to service the proposed development, then the following details will be required:

The applicant shall forward the MECP Water Well Record for the existing well to Source Protection Planning for our review. If the Water Well Record cannot be located OR if the well is more than 10 years old, it shall be inspected by a licensed water well contractor for its condition and its sustainable pumping rate verified to demonstrate that the existing well can support the proposed new dwelling. Any improvements to the condition of the well suggested by the water well contractor shall be implemented, and associated documentation shall be forwarded to Source Protection Planning for review. Find licensed water well contractors here: <https://www.ontario.ca/page/find-licenced-well-contractors>.

The water well contractor or other qualified professional (P.Eng, P.Geo) shall obtain water quality samples from the onsite well. Parameters to be analyzed shall be at minimum, general chemistry, major ions, nutrients, metals, E. coli, and total coliforms. Find licensed laboratories here: <https://www.ontario.ca/page/list-licensed-laboratories>.

4. As a condition of approval, the applicant shall complete a water well survey to characterize groundwater use in the area and identify nearby wells that may be impacted by the proposed development.

5. As per Ontario Regulation 903, the applicant shall decommission the existing well at the current residential dwelling as it would no longer be in



Notes:	<p>use. The decommissioning shall be completed by a licensed water well contractor.</p> <p>(B) Wastewater</p> <p>6. This section of the Hydrogeological Assessment shall provide details on the provided sewage disposal system, including the suitability of soils for on-site wastewater treatment, in reference to the flows and expected quality. Generally, if the sewage flows from the proposed use will be greater than 4,500 L/day, the nitrate concentrations will be assessed using MOE Guideline B-7 (Reasonable Use Criteria). If the daily design sewage flows exceed 10,000 L/day, an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP) will be required. The applicant shall circulate Hamilton Water on the technical report for our review and record.</p> <p>Please Note: If based on the nitrate boundary calculations, the lot size of 0.41 ha is considered insufficient to attenuate septic effluent to acceptable levels at the lot boundary, then the proponent would require additional land based on local site conditions, otherwise the application would be subject to a denial.</p> <p>7. The applicant shall provide a scaled site plan that shows water supply and sewage disposal system components, including the following:</p> <p>A demonstration that the private well and septic system location conforms to Ontario Building Code Part 8 clearances. A reserve area bed shall also be delineated on a site plan to meet Rural Hamilton Official Plan requirements. Locations of water supply, sewage disposal systems, and reserve beds should be clearly delineated. All clearances for all relevant features (e.g. property line, dwelling, septic tank and distribution system, water supply well) should marked on the site plan.</p> <p>Distance between the existing well on-site and the new on-site septic system, and as well distances to neighboring wells.</p>
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Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	The lands to be retained will remain as 542 Ofield Road North (Hamilton) .



	The lands to be conveyed will be assigned the address of 526 Ofield Road North (Hamilton) .
	The municipal address of 538 Ofield Road North will be retired.
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	<p>Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.</p> <p>An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening.</p> <p>Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required.</p> <p>Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.</p> <p>No Landscape plan is required if the public trees are to be retained, condition of a landscape plan is contingent on the approval of the tree management plan.</p> <p>TREE MANAGEMENT</p> <p>Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.</p>



The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- ❖ Species by Botanical and common name
- ❖ Diameter at breast height in centimeters or millimeters
- ❖ Ownership {> 50% @ ground level = ownership}
- ❖ Biological health
- ❖ Structural condition
- ❖ Proposed grade changes within individual driplines {compulsory}
- ❖ Proposed utility construction within individual driplines {compulsory}
- ❖ Proposed removals or relocations
- ❖ Proposed trees to be protected.

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the **Public Tree Preservation and Sustainability Policy**.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The ownership of each individual tree inventoried must be clearly stated as municipal or private.

All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the **Public Tree Preservation and Sustainability Policy** in conjunction with **By-Law 15-125**.

A permit will be issued upon approval of the Tree Management Plan and applicable fees.



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

Notes:	There are mature public tree assets on site that will be required to be properly protected. Design solutions will be required.
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Please Note: Public comment will be posted separately, if applicable.

From: [Boucetta, Alexandra \(MTO\)](#)
To: [Committee of adjustment](#)
Subject: RE: January 21, 2025 COA Agenda Available - MTO Comments
Date: Monday, January 13, 2025 3:38:35 PM
Attachments: [image001.png](#)
[114 Oneida Boulevard, Ancaster.docx](#)

Good day,

Re: 114 Oneida Boulevard, Ancaster

The Ministry has no issues with the proposed minor variances. However, the proponent must be aware that the property is located within the Ministry's permit control area and therefore requires a Ministry Building and Land Use permit.

Please ensure that the following documents are uploaded with the application:

- Site Plan
- Grading Plan
- Architectural Drawing

No construction or grading is to commence before the permit has been approved and issued by the Ministry.

The proponent may submit an application through the following link: [HCMS - Apply for a permit - Application for Building and Land Use permit \(gov.on.ca\)](#)

Re: 542 Ofield Road North, Flamborough (Consent/Land Severance)

The Ministry will be providing comments for this severance application. If you haven't received MTO comments by the due date, please consider postponing this application till next hearing date.

Thank you,

Alexandra Boucetta

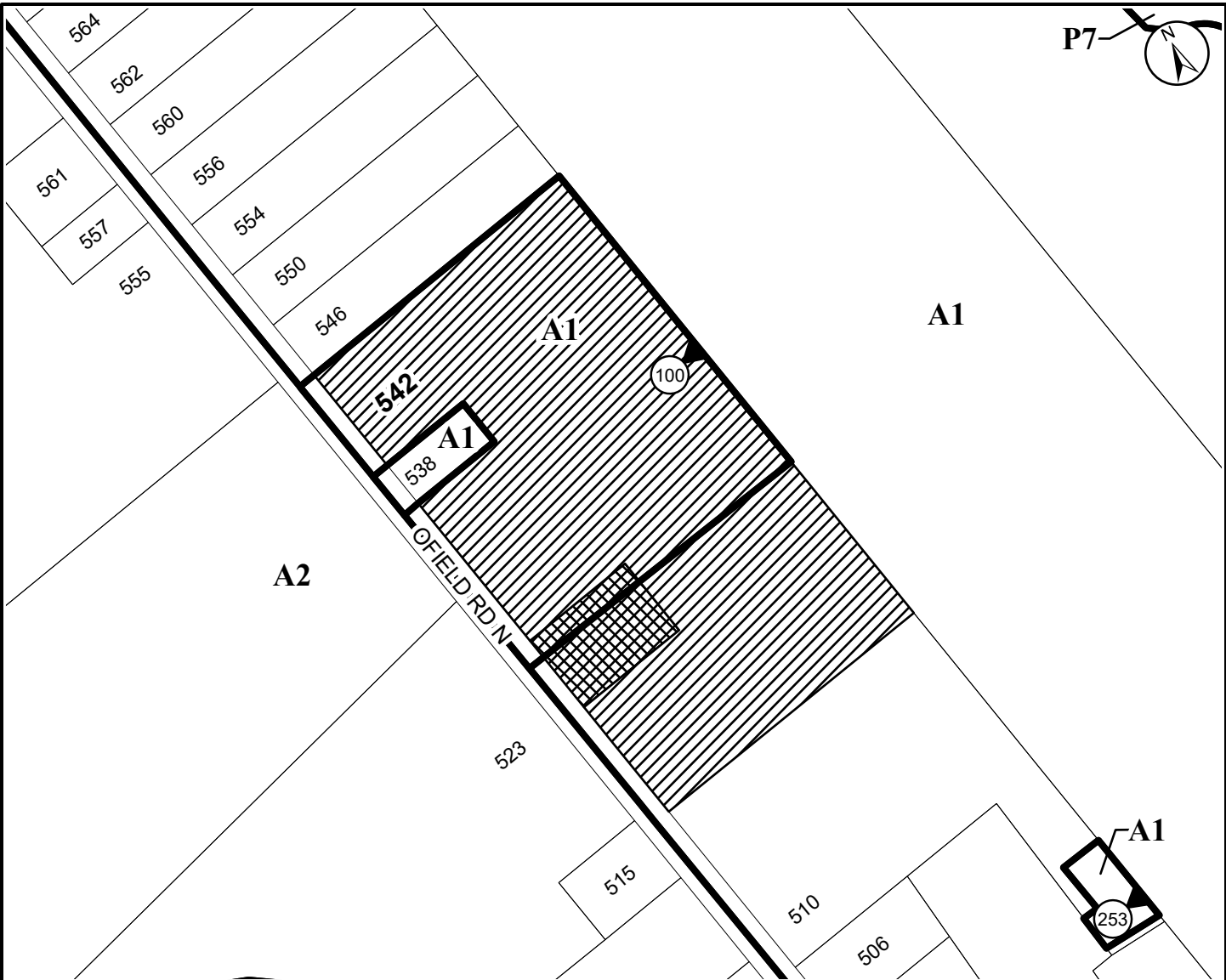
Corridor Management Officer | Corridor Management, Central Region West | Operations Division
Ministry of Transportation | Ontario Public Service
416-816-4719 | alexandra.boucetta@ontario.ca



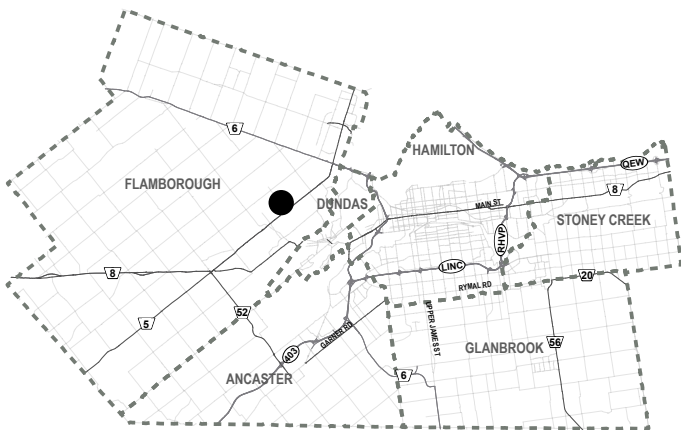
Taking pride in strengthening Ontario, its places and its people

From: Committee of adjustment <cofa@hamilton.ca>
Sent: Thursday, January 2, 2025 1:00 PM
To: Committee of adjustment <cofa@hamilton.ca>
Subject: January 21, 2025 COA Agenda Available

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● Site Location





City of Hamilton

Committee of Adjustments

Subject Property

542 Ofield Road North, Flamborough
(Ward 13)

-  Lands to be retained
-  Lands to be severed

File Name/Number:
B-24:60

Date:
January 10, 2025

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton