



Hamilton

A-25:025 — 856 Concession 5 West, Flamborough

**Recommendation:**

Table — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

A building permit is required for the construction of the proposed Accessory Building (Pole Barn) within the rear yard of an existing single detached dwelling.

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)

**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 purpose of Minor Variance application A-25:025 is to permit the construction of an accessory building (pole barn) within the rear yard of an existing single detached dwelling.

**Analysis**

**Greenbelt Plan**

The subject lands are designated “Protected Countryside” and “Greenbelt Natural Heritage System” under the Greenbelt Plan. Section 3.2.2.3 permits new development or site alteration within the Natural Heritage System if it is demonstrated that the proposal meets several criteria including, but not limited to: that there will be no negative impacts on key natural heritage or hydrologic features or their functions; connectivity between key natural heritage and hydrologic features is maintained or enhanced; that the disturbed area does not exceed 25% of the total developable area and impervious surfaces do not exceed 10% of the total developable area.

Staff note that the proposed new accessory building is located within the Greenbelt Natural Heritage System, and it has not been demonstrated that the proposal meets the criteria found in Section 3.2.2.3.

**Rural Hamilton Official Plan**

The subject lands are designated “Rural” and in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.4, D.4.1 and Section C.2.0, amongst others, is applicable and permits the existing single detached dwelling.

Schedule B – Natural Heritage System of the Rural Hamilton Official Plan identifies Core Areas on the subject lands and adjacent lands, and that a portion of the subject lands are located within the Greenbelt Natural Heritage System. These Core Areas been identified as identified as the Hayesland Alvar Environmentally Significant Area, Significant Woodland, the Hayesland Christie Wetland Complex Provincially Significant Wetland and a watercourse.

**Natural Heritage**

The subject property is located within the boundaries of the Rural Hamilton Official Plan and has been identified within the Greenbelt Protected Countryside and Greenbelt Natural Heritage System. Based on Schedule B (Natural Heritage System) of the Rural Hamilton Official Plan, Core Areas have been identified within the subject property. In this case, the Core Areas have been identified as Hayesland



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**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

Alvar Environmentally Significant Area and Significant Woodland. Additional Core Areas have been identified adjacent to the subject property. These features include Hayesland Christie Wetland Complex Provincially Significant Wetland, Significant Woodland, and watercourse.

Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions (Policy C.2.3.3). New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System. In addition, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage system within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement.

Since the Hayesland Alvar Environmentally Significant Area is located on shallow bedrock and provides an ecological function by providing refuge for species requiring larger alvar type habitat, at this time, it is unclear if the features and their functions will be impacted. This application should be tabled until an Environmental Impact Statement can be provided. Alternatively, options to locate the development outside of the Conservation/Hazard Lands-Rural (P7) Zone are to be explored.

### **Archaeology**

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) 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;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

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 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



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**STAFF COMMENTS**

**HEARING DATE: March 27, 2025**

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).”

### **Cultural Heritage**

No comments.

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

The subject lands are zoned Rural (A2) Zone and Conservation/Hazard Land Rural (P7) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is permitted within the Rural (A2) Zone, but the proposed new accessory building is not permitted within the Conservation/Hazard Land Rural (P7) Zone.

### **Variance 1**

1. An accessory building shall be permitted to be constructed whereas no new buildings or structures shall be permitted in a Conservation/Hazard Land Rural (P7) Zone.

The intent of this provision is to prevent new development to ensure the maintenance and conservation of natural heritage features and hazard lands.

Staff note that the subject property zoned Rural (A2) Zone and Conservation/Hazard Land Rural (P7) Zone, with the eastern half of the property zoned Rural (A2) Zone and the western half zoned Conservation/Hazard Land Rural (P7) Zone. The proposed location of the new accessory building is within the Conservation/Hazard Land Rural (P7) Zone. It has not been demonstrated that the new accessory building cannot be located within the portion of the property zoned Rural (A2) Zone, where



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a new accessory building would be permitted. Staff are concerned that the construction of a new accessory building in proximity to natural heritage features could negatively impact the features and their functions.

### VariANCES 2 and 3

- 2. A maximum building height of 7.1 metres shall be permitted for an accessory building instead of the maximum permitted building height of 4.5 metres for all accessory buildings.
- 3. A maximum of 303 square metres combined lot coverage for all accessory buildings shall be permitted instead of the permitted maximum of 45 square metres or 7.5% of the lot area, whichever is the lesser.

The intent of these provisions is to limit the size of accessory buildings to ensure they remain subordinate to the principal use or buildings.

Staff are requesting this application be tabled to allow staff additional time to discuss revisions to the proposal. Based on the foregoing, **staff recommend tabling.**

### Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> <li>I. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation Authority. Please contact (905) 525-2181 or <a href="mailto:nature@conservationhamilton.ca">nature@conservationhamilton.ca</a> prior to any development.</li> <li>II. The lands are located within or adjacent to an Environmentally Sensitive Area (ESA: Hayesland) and are subject to Site Plan Control. For further information, please contact Development Planning at (905) 546-2424 extension 1355 or email <a href="mailto:pd.generalinquiry@hamilton.ca">pd.generalinquiry@hamilton.ca</a>.</li> </ul>
Notes:	

### Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no comments.



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Notes:	
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**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed Accessory Building (Pole Barn) within the rear yard of an existing single detached dwelling.</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:	

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

## Danelski, Alexander

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**From:** Mikiya Hobbs <mhobbs@conservationhamilton.ca>  
**Sent:** Tuesday, March 18, 2025 3:19 PM  
**To:** Committee of adjustment  
**Cc:** Sarah Butler  
**Subject:** March 27th COA - HCA Comments for A-25:025 for 856 Concession 5 W, Flamborough

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

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Minor Variance Application A-25:025 for the lands located at 856 Concession 5 West, Flamborough. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

The subject property is located within the Middle Spencer Creek subwatershed. A small portion of the site is regulated by HCA due to its proximity to a wetland and the associated potential for flooding hazards.

Based on a review of the materials provided, the proposed development is located outside of the regulated area, and there are no natural hazards concerns related to the proposed development. HCA staff have no objections to the approval of the requested minor variances.

There will be no HCA review fee for this file.

If there are any questions, please let me know.

Thank you,

### Mikiya Hobbs

Planner, Watershed Management Services  
Hamilton Conservation Authority  
838 Mineral Springs Road, P.O. Box 81067  
Ancaster, ON L9G 4X1

**Phone:** 905-525-2181 Ext. 148

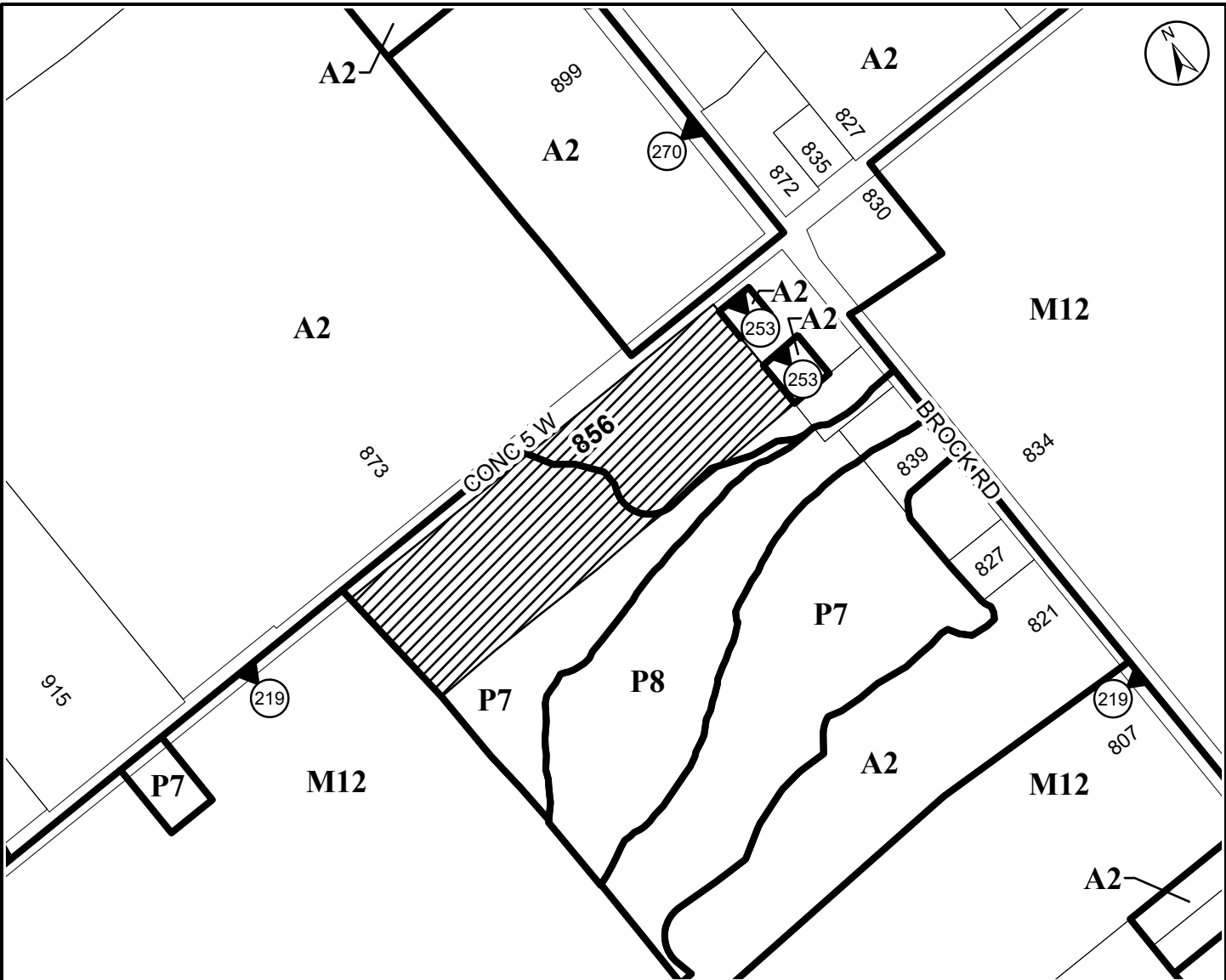
**Email:** [mhobbs@conservationhamilton.ca](mailto:mhobbs@conservationhamilton.ca)

[www.conservationhamilton.ca](http://www.conservationhamilton.ca)

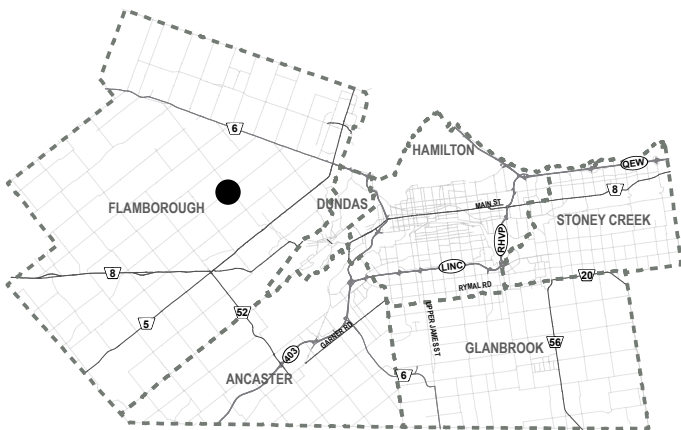


**A Healthy Watershed for Everyone**

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● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



856 Concession 5 West,  
Flamborough (Ward 13)

File Name/Number:  
A-25:025

Date:  
March 13, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**