



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: April 8, 2025

Report No: PED25063

Subject/Title: Applications for an Official Plan Amendment and
Zoning By-law Amendment for Lands Located at
1278 Old Highway 8, Flamborough

Ward(s) Affected: Ward 12

Recommendations

- 1) That **Amended Official Plan Amendment Application RHOPA-24-003**, by **A.J. Clarke & Associates Ltd. (c/o Franz Kloibhofer) on behalf of Matt Barnes Photography Inc., Owner**, to redesignate the subject lands from "Settlement Institutional" to "Settlement Residential" in the Rural Hamilton Official Plan to permit the adaptive reuse of an existing place of worship as a single detached dwelling with a Rural Site Specific Policy Area allowing the continued use of the existing private wastewater disposal holding tank, on the lands located at 1278 Old Highway 8, Flamborough, as shown in Appendix A attached to Report PED25063, **BE APPROVED** on the following basis:
 - (a) That the draft Official Plan Amendment, attached as Appendix B to Report PED25063, be adopted by City Council; and,
 - (b) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024), conforms to the Greenbelt Plan (2017), and complies with the general intent of the Rural Hamilton Official Plan.
- 2) That **Amended Zoning By-law Amendment Application ZAC-24-009**, submitted by **A.J. Clarke & Associates Ltd. c/o Franz Kloibhofer, on behalf of Matt Barnes Photography Inc., Owner**, for a change in zoning from the Settlement Institutional (S3) Zone to the Settlement Residential (S1, 916) Zone, to permit the adaptive reuse of an existing place of worship as a single detached dwelling, on

**Application for an Official Plan Amendment and Zoning By-law Amendment for
Lands Located at 1278 Old Highway 8 (Ward 12)**

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lands located at 1278 Old Highway 8, Flamborough, as shown in Appendix A attached to Report PED25063, **BE APPROVED** on the following basis:

- a) That the draft By-law, attached as Appendix C to Report PED25063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject property by including the Holding symbol 'H' to Settlement Residential (S1, 916, H187) Zone;

The Holding Provision 'H187', is to be removed conditional on the following:

- (i) The necessary Building Permits have been applied for to legalize the conversion of an existing place of worship to a single detached dwelling to the satisfaction of the City's Chief Building Official.
- c) That the proposal is consistent with the Provincial Planning Statement (2024), conforms to the Greenbelt Plan (2017), and complies with the general intent of the Rural Hamilton Official Plan.

Key Facts

- The purpose of the Official Plan Amendment application is to redesignate the subject lands from "Settlement Institutional" to "Settlement Residential" in the Rural Hamilton Official Plan to permit the adaptive reuse of an existing place of worship as a single detached dwelling with a Site Specific Policy Area allowing the continued use of the existing private wastewater disposal holding tank.
- The purpose of the Zoning By-law Amendment application is for a change in zoning from the Settlement Institutional (S3) Zone to the Settlement Residential (S1, 916, H187) Zone, to permit the adaptive reuse of an existing place of worship as a single detached dwelling.
- The subject lands are designated "Rural Settlement Area" on Schedule D – Rural Land Use Designations and "Settlement Institutional" on Map 14 – Sheffield Rural Settlement Area Plan.
- Staff recommends approval of the proposed Official Plan Amendment and Zoning By-law Amendment as included in Appendix B and Appendix C attached to Report PED25063.

Financial Considerations

Not Applicable.

Analysis

The subject property is municipally known as 1278 Old Highway 8 and is situated on the north side of Old Highway 8, west of Sheffield Road in Flamborough. Currently, the subject lands contain an existing place of worship which is a two and a half storey brick building, formerly known as the Sheffield Presbyterian Church, that is included in the City's Inventory of Heritage Properties. The subject lands have a frontage of 26.98 metres along Old Highway No. 8, a depth of 61.83 metres, and a total area of approximately 0.17 hectares.

The owners are currently occupying the building and orders to comply have been issued by the City of Hamilton to address renovations to a non-permitted use.

To preserve the heritage structure, the applicant has proposed no alterations to the exterior of the existing place of worship and the existing access driveway is proposed to remain. Details on surrounding land uses are included in Appendix A1, the Historical Background Fact Sheet in Appendix D, and the Concept Plan in Appendix E, attached to Report PED25063.

A full review of applicable Provincial Planning Statement (2024), Greenbelt Plan (2017) and Rural Hamilton Official Plan policies is provided in Appendix F attached to Report PED25063.

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal for the adaptive reuse of an existing place of worship to a single detached dwelling supports healthy, integrated, and viable rural areas by respecting and building upon the rural character of the area and leveraging local amenities. The proposal involves utilizing the existing wastewater tank and a new well to service the property, with the old well decommissioned, thereby minimizing environmental impact and supporting long-term goals for creating integrated and sustainable rural communities.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Rural Hamilton Official Plan

The subject lands are designated as a "Rural Settlement Area" on Schedule D – Rural Land Use Designations and as "Settlement Institutional" on Map 14 – Sheffield Rural Settlement Area Plan of the Rural Hamilton Official Plan. The existing two and a half storey brick building, formerly known as the Sheffield Presbyterian Church, built in 1891,

is included in the City's Inventory of Heritage Properties for its cultural heritage. The Sheffield Settlement Area is a Cultural Heritage Landscape with several inventoried sites.

The applicant proposes to redesignate the lands to "Settlement Residential" with a Site Specific Policy Area. This will permit the adaptive reuse of the existing place of worship as a single detached dwelling, with no exterior changes or additional buildings planned. Development in Rural Settlement Areas requires City approval and adherence to sustainable private water and wastewater service standards. The proposed Zoning By-law Amendment, attached as Appendix C to Report PED25063 also requires the existing building to be retained.

A revised Hydrogeological Study, prepared in accordance with the City's Guidelines for Hydrological Studies and Technical Standards for Private Services, confirms compliance with the Rural Hamilton Official Plan. Coordination among staff in Planning, the Building Division, and Source Water Protection resulted in the continued use of the wastewater holding tank being approved under the Building Code as an alternative servicing solution, subject to additional requirements. The applicant has provided all clearances to date and satisfied the necessary requirements.

Recognizing the importance of balancing the sustainable private services requirements, tree preservation, maintaining the rural character and preserving a heritage building, and given the site's sensitive hydrogeological conditions, maintaining the wastewater holding tank has been deemed the most suitable wastewater solution for the adaptive reuse of the existing structure. A detailed analysis of the applicable Rural Hamilton Official Plan policies is attached in Appendix F to Report PED25063.

Based on the foregoing, the proposal complies with the Rural Hamilton Official Plan upon adoption of the proposed Official Plan Amendment.

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

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Settlement Institutional (S3) Zone to the Settlement Residential (S1, 916) Zone. The applicant has requested site specific modifications to the Settlement Residential (S1) Zone to recognize the existing building, which are summarized in Appendix I attached to Report PED25063.

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024), and conforms to the Greenbelt Plan (2017);

- (ii) It complies with the general intent of the Rural Hamilton Official Plan;
- (iii) It has been demonstrated that adequate sustainable private wastewater services can be provided by utilizing the existing holding tank, which will not have an environmental impact on the subject lands or adjacent properties. The alternative solution has been approved by the Building Division; and,
- (iv) The proposed adaptive reuse of the existing building achieves a balance between accommodating an additional dwelling unit in an area designated for residential uses, retains the character of an existing Rural Settlement Area, permits the conservation of mature trees, satisfies conditions related to providing sustainable private services, and ensures the protection of the building, which is listed in the City's inventory of heritage properties.

2. Official Plan Amendment

The purpose of the Official Plan Amendment application is to redesignate the subject lands from "Settlement Institutional" to "Settlement Residential" including a Site Specific Policy Area to permit the adaptive reuse of an existing place of worship as a single detached dwelling that is dependent on an existing wastewater holding tank for the provision of private services.

Through a detailed review of the proposed servicing solution for the single detached dwelling, the Building Division and Source Water Protection staff determined that the existing holding tank will not result in an increased risk to the environment, the subject lands, or adjacent properties. The applicant has met all the conditions required to ensure that the holding tank complies with the necessary requirements such as an updated Hydrogeological Report, a pumping test of the new water supply well, the well's location, and the decommissioning of the existing well. The continued use of the tank has been approved by the Building Division.

The proposal achieves many of the goals of the Rural Hamilton Official Plan such as preserving cultural heritage resources, maintaining the character in the Sheffield Rural Area, protecting mature trees and encouraging sustainable private servicing solutions.

Based on the foregoing and the analysis provided in Appendix F of Report PED25048, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is for a change zoning to the Settlement Residential (S1, 916, H187) Zone. Staff are satisfied that the proposal meets the intent of the Rural Hamilton Official Plan as outlined in Appendix F attached to Report PED25063. Modifications are requested to recognize existing conditions of the lot and building that meet the general intent of the Zoning By-law and are

discussed in Appendix I attached to Report PED25063.

A Holding Provision has been included to be removed conditional upon the following:

- (ii) The necessary Building Permits have been applied for to legalize the conversion of an existing place of worship to a single detached dwelling to the satisfaction of the City's Chief Building Official.

Staff are satisfied that the proposed Zoning By-law Amendment, as amended, complies with the policies of the Rural Hamilton Official Plan, in particular with respect to the policies of the "Settlement Residential" designation. Therefore, staff support the proposed Zoning By-law Amendment.

Alternatives

Should the applications be denied, the subject property can be used in accordance with the Settlement Institutional (S3) Zone in City of Hamilton Zoning By-law No. 05-200.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.
- Priority 2: Safe & Thriving Neighbourhoods
 - Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. A comment summary is provided in Appendix G attached to Report PED25063.

The applicants submitted a Public Consultation Strategy with the supporting materials including notifying the Ward Councillor via email in April 2024 and circulating a mailer to 24 residents within 120 metres of the subject lands. The mailout, prepared by A.J. Clarke & Associates Ltd, detailed the proposal in accordance with the City's Public Consultation Strategy Guidelines, and invited feedback regarding the proposal. Nine letters/emails expressing support of the proposal were received (see Appendix H attached to Report PED25063). A.J. Clarke & Associates also circulated mailers to residents within 120 metres of the subject lands in May 2024 to obtain feedback regarding the proposal. No responses were received.

Appendices and Schedules Attached

Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Amendment to Rural Hamilton Official Plan
Appendix C:	Amendment to Zoning By-law No. 05-200
Appendix D:	Historical Background Report Fact Sheet
Appendix E:	Concept Plan
Appendix F:	Policy Review
Appendix G:	Staff and Agency Comments
Appendix H:	Public Comments and Summary of Public Consultation
Appendix I:	Zoning Modification Table

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