



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

APPLICATION NO.:	A-25:025	SUBJECT PROPERTY:	856 Concession 5 West, Flamborough
ZONE:	A2 (Rural) P7 (Conservation/ Hazard Land Rural)	ZONING BY-LAW:	Hamilton Zoning By-law 05-200

APPLICANTS: Owner: Sarah Butler & Steve Lamain
Applicants: Sarah Butler & Steve Lamain

The following variances are requested:

1. An Accessory Building shall be permitted to be constructed whereas no New Buildings or Structures shall be permitted in a P7 Zone.
2. A maximum height 7.1 metres shall be permitted for an Accessory Building instead of the maximum required 4.5 metres for all Accessory Buildings
3. A maximum of 303.0 square metres combined lot coverage of all Accessory Buildings shall be permitted instead of the required 45 square metres or 7.5% of the lot area, whichever is the lesser.

PURPOSE & EFFECT: To Permit an accessory structure (pole barn) within the rear yard of an existing single detached dwelling

Notes:

- i. The specific use of the Pole Barn has not been provided. Please be advised that as per Section 4.5 and 4.8 a) of Hamilton Zoning By-Law 05-200, where a Single Detached Dwelling is permitted, no more than one such dwelling shall be erected on a lot and Accessory Buildings shall not be used as a dwelling unit. As such, the proposed Pole Barn shall not be used for human habitation.

A-25:025

- ii. Please note, Variances #2 and #3 have been provided in reference to an Accessory Building being located within the P7 Zone; as such, the requirements of Section 4.8 and 4.8.1.1 shall apply. This comment is provided for clarification purposes due to a portion of the property being located within the A2 Zone and having separate Accessory Building requirements from that of the P7 Zone.
- iii. Be advised, as per Planning Staff correspondence, the location of the proposed Accessory Building shall be located within the already disturbed area indicated on the Site Sketch submitted with this application.

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

DATE:	Thursday, May 29, 2025
TIME:	1:40 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	City Hall Council Chambers (71 Main St. W., Hamilton)
	To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Visit Committee of Adjustment staff at 5th floor City Hall, 71 Main St. W., Hamilton

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, written comments must be received no later than noon May 27, 2025

Orally: If you would like to speak to this item at the hearing you may do so via video link, calling in, or attending in person. Please see attached page for complete instructions, registration to participate virtually must be received no later than noon May 28, 2025

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding A-25:025, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of

A-25:025

Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



Subject Lands

DATED: May 12, 2025

Justin Leung,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public, and may include posting electronic versions.



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PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon on the date listed on the Notice of Public Hearing.**

Comments are available the Tuesday prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating Virtually through Webex via computer or phone or by attending the Hearing In-person. Participation Virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

Interested members of the public, agents, and owners **must register by noon on the day listed on the Notice of Public Hearing** to participate Virtually.

To register to participate Virtually by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca. The following information is required to register: Committee of Adjustment file number, hearing date, name and mailing address of each person wishing to speak, if participation will be by phone or video, and if applicable the phone number they will be using to call in.

A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting one business day before the Hearing. Only those registered will be called upon to speak.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note, you will be required to provide your name and address for the record. It is advised that you arrive **no less than 10 minutes** before the time of the Public Hearing as noted on the Notice of Public Hearing.

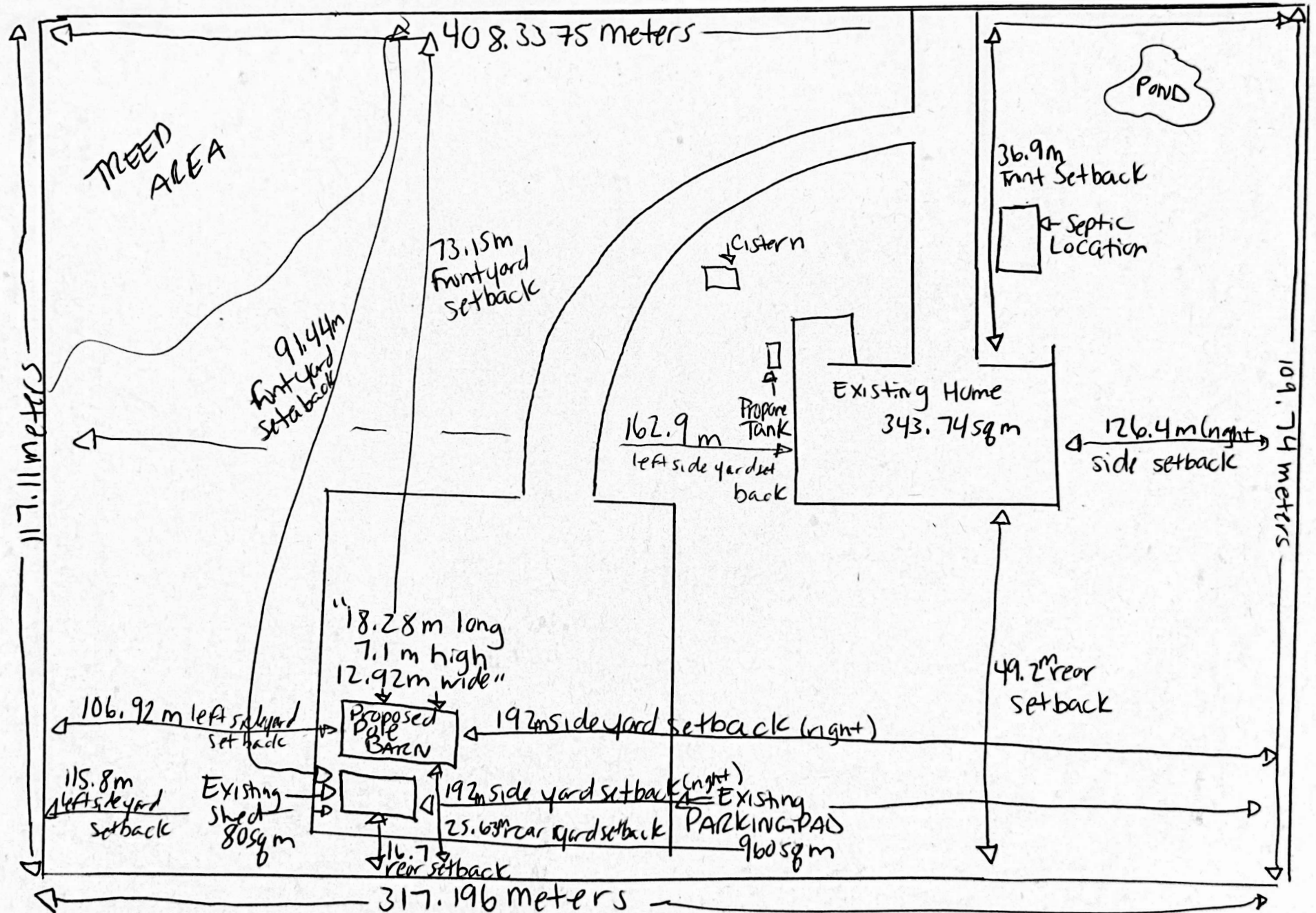
We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.

856 Concession SW- SITE SKETCH

AREA - 11.446 AC - 46321.96 sq meters

Concession S - W -



LOT 6
CONCESSION 5

LOT 7
CONCESSION 5



PART 3
PLAN
SOUTH EAST
ANGLE OF LOT 6

ROAD ALLOWANCE
BETWEEN LOTS 6 & 7
(NOT OPEN)

PART 6
62R--0694

1280.53' N17°18'40"E

IB (1135)

140.43' P1 & SET

(BEND)

N77°30'40"E P1 REFERENCE BEARING

SIB (MM)

ROAD ALLOWANCE BETWEEN CONCESSIONS 4 & 5

MILLGROVE SIDE ROAD

PIN 17543-0053(LT)

D1 = 958.98' ± + 77.88' = 1036.86' ±
1201.63' N77°14'28"E MEAS

657.61' SET

SIB

121.3'

PART 1

PIN 17543-0124(LT)

DWELLING
UNDER
CONSTRUCTION

415.0'

161.7'

CONCRETE
SLAB OF
FORMER
DWELLING

85.4'

DIVISION LINE BETWEEN PIN 17543-0124(LT) AND PIN 17543-0092(LT)

361.68 D1
244.03 D2
358.00 D1
358.00 D2
366.68

0.5' METAL POST IN CONCRETE
0.75' SOUTH OF CORNER

N77°30'40"E P2 251.06' MEAS

IB (MM)

PIN 17543-0092(LT)

358.00' D2 & MEAS
505.00' P2 & MEAS

IRREGULAR ROW OF CEDAR RAILS, STUMPS, WIRE ON TREES AND ON GROUND AND VARIOUS STONE ROWS INTENDED TO DEFINE THE SOUTHERN LIMIT OF SUBJECT LANDS

CONCESSION

1157.64' D1

TOTAL MEASUREMENT = 1312.45

SSIB

292.71'

N77°16'47"E

273.79'

N75°45'21"E

IB WIT
5.0' N

0.5' METAL POST IN CONCRETE
AT CORNER

PIN 17543-0093()

PART 1 PLAN 62R-3337

LOT

PIN 17543-0096(LT)

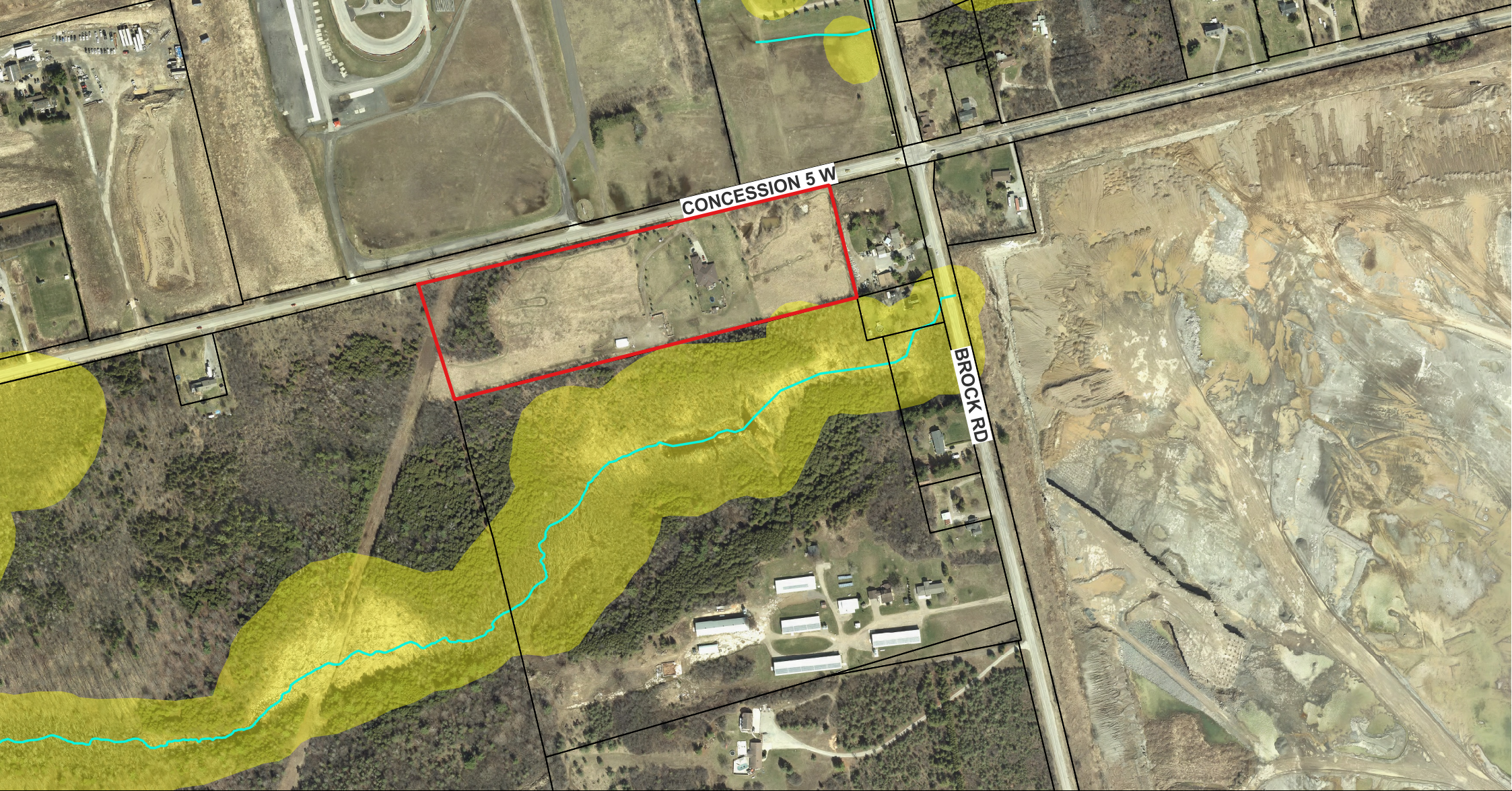
170.00' N77°33'48"E

90.71' N77°55'58"E

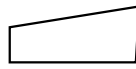
106.05' N78°21'20"E

173.06'

N78°11'17"E



856 Concession 5 W, Hamilton (Flamborough)



Approximate Property
Boundaries



Subject Property



Approximate HCA
Regulated Area



Watercourse

0 50 100 150 200 m



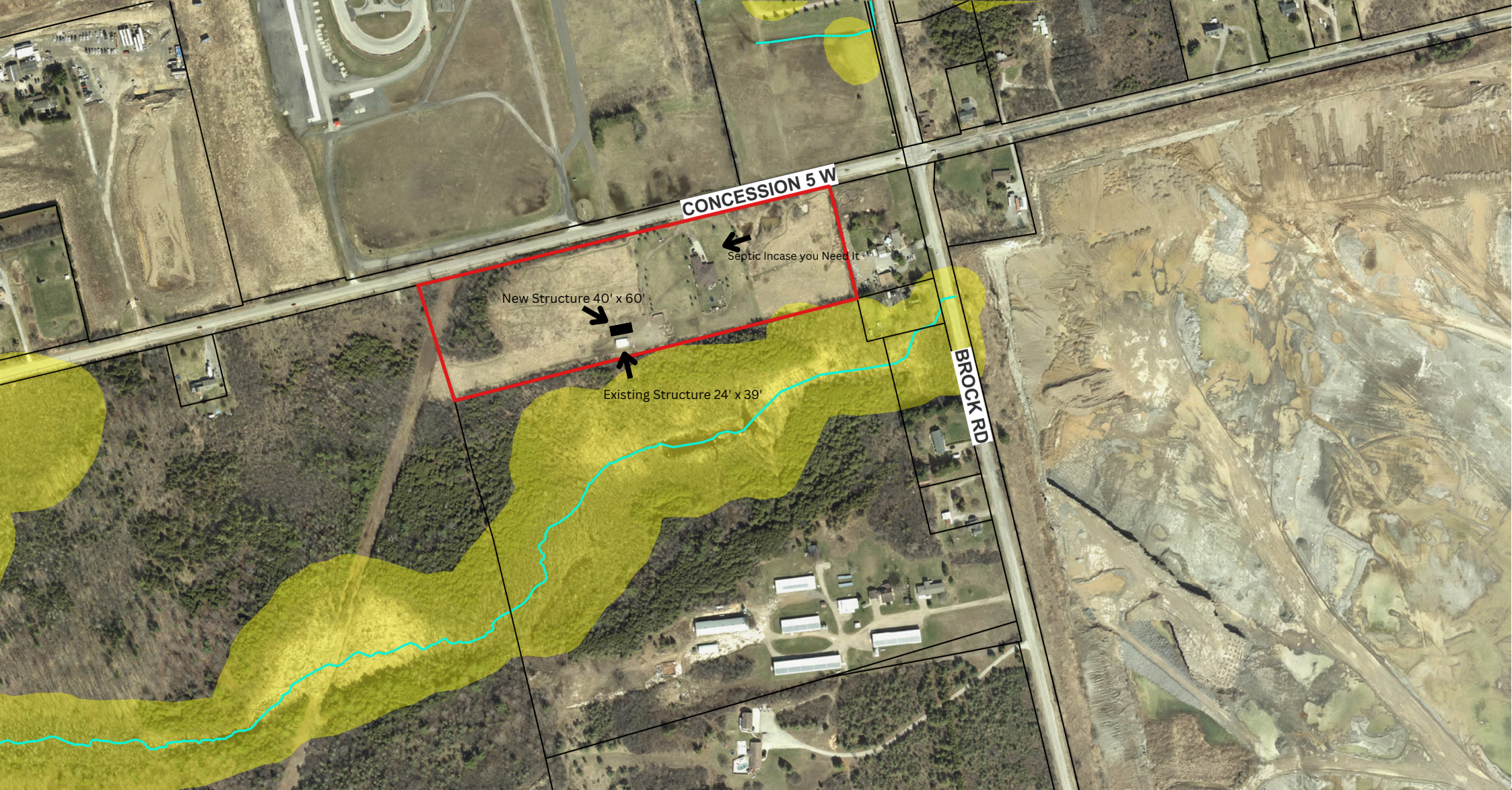
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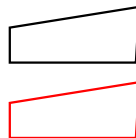
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THIS MAPPING IS A SCREENING TOOL ONLY.
The regulated area must be confirmed through consultation with HCA staff.

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HCA will make changes, updates, and decisions as required and make every effort to ensure the accuracy and quality of the information provided. However, the Hamilton Conservation Authority assumes no responsibility for any errors or omissions and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained herein.



856 Concession 5 W, Hamilton (Flamborough)



Approximate Property
Boundaries

Subject Property



Approximate HCA
Regulated Area



Watercourse

0 50 100 150 200 m



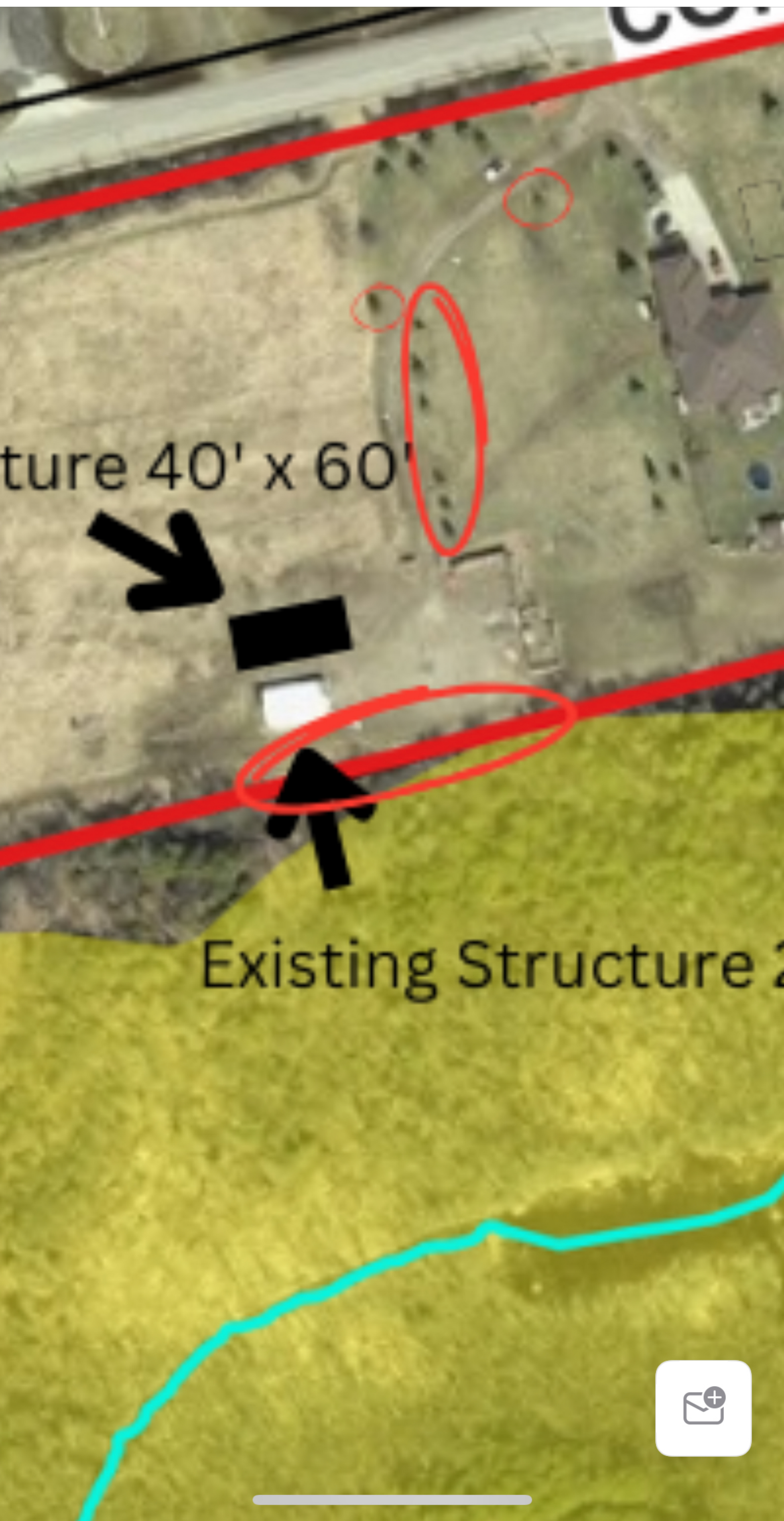
File: GC-FLAM



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ture 40' x 60'

Existing Structure 2



RE: Response to Staff Comments – Minor Variance Application A-25:025
Address: 856 Concession 5 West, Flamborough
Applicant Response – Justification for Accessory Building (Pole Barn)

Environmental Compliance and Site Context

We are committed to complying with all environmental regulations and protecting the natural heritage features present on and around the property. The proposed location for the accessory building (pole barn) has been selected with great care, ensuring minimal environmental impact. The structure will be built on fully developed land and is to be constructed on an existing 80 ft by 100 ft gravel parking lot with entrance via driveway that has been in place for over 25 years. This area is well outside the boundaries of the nearby Hayesland Alvar and Hayesland Christie Wetland Complex and does not involve any new intrusion into previously undisturbed land verified by Mikiya Hobbs with the Conservation of Hamilton. This exact we are hoping to construct on does not have any significant wetland, or watercourse.

Construction Details and Environmental Sensitivity

The planned construction will utilize a floating slab with excavation limited to a maximum depth of 6–12 inches. Consultation with the excavation company confirms this shallow digging depth. The existing 6-inch gravel base ensures that only an additional 6 inches of soil will be impacted at the most, eliminating the need for deep footings.

Because of the established driveway and parking pad, no new truck access routes are required. This ensures no disruption to surrounding soils, vegetation, or sensitive ecological areas. Compared to building on the A2-zoned portion of the property, which includes a 2,000 sq. ft. pond and undisturbed habitat, this location is the most environmentally responsible option.

Purpose and Necessity

This structure is essential for agricultural purposes, specifically the indoor overwintering of 50 Langstroth beehives, each containing 40–60 lbs of honey. It will also provide general storage due to the lack of a basement in the existing residence. The barn's height is designed to safely accommodate both the hives and necessary walking space. Our seasonal work with

the bees requires a facility by July–September, and we are requesting permission to proceed promptly to meet operational timelines.

—

Conservation and Land Stewardship

Since acquiring the property, we have removed a significant amount of environmental debris and pollutants, including:

- 11 dumpsters of general trash
- 4 large oil containers (still full)
- 188 tires
- 3 car frames
- 92 tire tubes
- 6 mattresses
- 600+ cans and over 200 bags of miscellaneous waste

We have partnered with Jeff Tweedle with the Conservation Hamilton to revitalize the land and intend to plant:

- Nitrogen-fixing species such as clover and alfalfa
- Erosion control trees including willow and poplar
- Native grasses like fescue and creeping thyme

Our efforts aim to enhance pollinator habitat, restore degraded land, and protect water quality and hydrology in the area.

—

Archaeological and Regulatory Considerations

We acknowledge the archaeological potential of the site. We will ensure that if any archaeological resources are discovered during construction, proper authorities including the Ministry of Citizenship and Multiculturalism will be contacted immediately. All activity will adhere to the City of Hamilton's protocols regarding archaeological potential.

—

Conclusion

This proposed pole barn is a low-impact, environmentally responsible project located entirely on a previously developed surface. It:

- Avoids disruption of sensitive natural features
- Maintains all development within the limits of an existing parking pad

- Requires no new roads, clearing, or deep excavation
- Aligns with responsible agricultural use and supports pollinator health and local ecology

We respectfully submit that the requirement for an Environmental Impact Study is not necessary in this case due to the low risk and minimal footprint of the development. Our proposed location represents the safest and most sustainable option.

We are fully committed to ongoing stewardship of the land and welcome collaboration with planning and conservation authorities to ensure continued compliance and ecological care.

Section A2 – Alternative Location Assessment



Figure: A2 Area – 747E1FA0-4E3F-44D0-AD66-87E40E9AE885.jpeg



Figure: A2 Area – 1BAF7F1D-91D1-46D5-9579-6006FB91E5C2.jpeg

Section P7 – Proposed Building Location



Figure: P7 Zone – D68704E7-2A05-463C-9C19-FEABD87E85E2.jpeg



Figure: P7 Zone – 12314672-ADB7-423A-A250-87C9ABC031FB.jpeg



Figure: P7 Zone – 4CF1B1CF-FE77-4E72-AB53-58AC35A82EF1.jpeg



Figure: P7 Zone – A2926A0C-408D-4984-8B1E-D210C8F5F3E0.jpeg



Figure: P7 Zone – F82A7BF8-1B27-4F63-8BC1-2D053CB84308.jpeg



Figure: P7 Zone – A80133EC-FC0D-46DB-A614-C7C62C063957.jpeg

Legacy Waste Cleanup Documentation



Figure: Trash Cleanup – 2A93C8B3-A8B2-43D7-899A-E7880FEAEB8F.jpeg



Figure: Trash Cleanup – CBE8E5EF-4440-4814-8913-D086F0B92450.jpeg



Figure: Trash Cleanup – 78FD7A40-F1E9-4C66-809C-D3952F6E6F8B.jpeg



Figure: Trash Cleanup – 18C48A40-F840-4DDA-B453-8CC8681458AD.jpeg



Figure: Trash Cleanup – 42F3E31E-D048-4712-BFDB-A25670989686.jpeg



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APPLICATION FOR A MINOR VARIANCE/PERMISSION
UNDER SECTION 45 OF THE *PLANNING ACT*

1. APPLICANT INFORMATION

	NAME	MAILING ADDRESS	
Registered Owners(s)	Sarah Butler & Steve Lamain		
Applicant(s)	Sarah Butler Stephen Lamain		
Agent or Solicitor	N/A		Phone: E-mail:

1.2 Primary contact

☐ Applicant

☒ Owner

☐ Agent/Solicitor

1.3 Sign should be sent to

☐ Applicant

☒ Owner

☐ Agent/Solicitor

1.4 Request for digital copy of sign

☒ Yes*

☐ No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email

☒ Yes*

☐ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will be sent by email.

1.6 Payment type

☐ In person

☐ Cheque

☒ Credit over phone*

*Must provide number above

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

Municipal Address	856 Concession 5W, Waterdown Ontario L8B0L5		
Assessment Roll Number	251830241002400		
Former Municipality	Flamborough		
Lot	6	Concession	4
Registered Plan Number	62R15294	Lot(s)	
Reference Plan Number (s)		Part(s)	

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

Believe Sun Pipe in very top of north west corner of property.

3. PURPOSE OF THE APPLICATION

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

All dimensions in the application form are to be provided in metric units (millimetres, metres, hectares, etc.)

3.1 Nature and extent of relief applied for:

Relief requested to permit a building height of 7.1 meters, exceeding zoning by law by 1.1 meters for external pole barn/storage building.

☐ Second Dwelling Unit

☐ Reconstruction of Existing Dwelling

3.2 Why it is not possible to comply with the provisions of the By-law?

Additional height required to have a full attic space for extra storage due home having no basement or storage space. Will not obstruct views, reduce light or negatively impact neighboring properties.

3.3 Is this an application 45(2) of the Planning Act.

☐ Yes

☒ No

If yes, please provide an explanation:

4. DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Dimensions of Subject Lands:

Lot Frontage	Lot Depth	Lot Area	Width of Street
408.3375 Metres	117.11 Metres	46321.955562 sqm	20.1168 Metres

4.2 Location of all buildings and structures on or proposed for the subject lands:
(Specify distance from side, rear and front lot lines)

Existing:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Existing Home	36.9 Metres	49.2 Metres	126.4 Metres	05012000
Existing Shed	91.44 Metres	16.7 Metres	192 Metres	06302000
Existing Home	36.9M	49.2M	126.4M (R) 162.9M (L)	05012000
Existing Shed	91.44M	16.7M	192M (R) 115.8M (L)	06302000

Proposed:

Type of Structure	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Date of Construction
Pole Barn	73.15 Metres	25.63	192 Metres	02012025
Pole Barn	73.15M	25.63M	192M (R) 106.92M (L)	03012025

4.3. Particulars of all buildings and structures on or proposed for the subject lands (attach additional sheets if necessary):

Existing:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Existing Home	343.74 sqm	343.74 sqm	1	9.1M
Existing Shed	80sqm	80sqm	1	4.6M

Proposed:

Type of Structure	Ground Floor Area	Gross Floor Area	Number of Storeys	Height
Pole Barn	222.96sqm	222.96sqm	2	7.1

- 4.4 Type of water supply: (check appropriate box)
- ☐ publicly owned and operated piped water system
- ☐ privately owned and operated individual well

- ☐ lake or other water body
- ☒ other means (specify)

Cistern

- 4.5 Type of storm drainage: (check appropriate boxes)
- ☐ publicly owned and operated storm sewers
- ☐ swales

- ☒ ditches
- ☐ other means (specify)

4.6 Type of sewage disposal proposed: (check appropriate box)

- ☐ publicly owned and operated sanitary sewage
☐ system privately owned and operated individual
☒ septic system other means (specify)

4.7 Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year
- ☐ right of way
☐ other public road
-

4.8 Proposed use(s) of the subject property (single detached dwelling duplex, retail, factory etc.):

Residential single detached dwelling with a Pole Barn for Additional Storage, plant butterfly-friendly grasses and flowers to restore the natural areas, and we will be establishing beehives to support local biodiversity.

4.9 Existing uses of abutting properties (single detached dwelling duplex, retail, factory etc.):

Quarry, Single Detached Dwelling, Race Track, Dog Training Facility

7 HISTORY OF THE SUBJECT LAND

7.1 Date of acquisition of subject lands:

Stephen and I purchased the home on December 3rd, 2024

7.2 Previous use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Residential single detached dwelling

7.3 Existing use(s) of the subject property: (single detached dwelling duplex, retail, factory etc)

Residential Single detached dwelling

7.4 Length of time the existing uses of the subject property have continued:

24 Years To the best of my knowledge

7.5 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable):

Rural Settlement Area:

Urban Hamilton Official Plan designation (if applicable)

Please provide an explanation of how the application conforms with the Official Plan.

It will confirm with an aesthetic fit complementing the rural landscape. As well with agriculture support to store items for our beehives. Low environmental impact, pole barn is a very clean simple structure.

7.6 What is the existing zoning of the subject land?

7.8 Has the owner previously applied for relief in respect of the subject property?
(Zoning By-law Amendment or Minor Variance)

☐ Yes ☒ No

If yes, please provide the file number:

7.9 Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?

☐ Yes

☒ No

If yes, please provide the file number:

8 ADDITIONAL INFORMATION

8.1 Number of Dwelling Units Existing:

8.2 Number of Dwelling Units Proposed:

8.3 Additional Information (please include separate sheet if needed):

I have contacted COA, Zoning Division, Planning Division and Conservation of Hamilton to ensure I was adhering to all protocols. We are hoping to construct a pole barn on our property, primarily for personal use. Due to the lack of a basement, we require additional storage space and believe this barn would be a suitable solution. The proposed out building would be 40' x 60' with a peak height of 7.1 meters. We understand the requirement of max height being 6 meters however due to lack of storage and attic size we are hoping for is what brings us here today. We have no homes that would be affected by our height stretching 1.1 meters taller and to complement the construction, we plan to plant butterfly-friendly grasses and flowers to restore the natural areas, and we will be establishing beehives to support local biodiversity. Our hives will aid in the production of honey, contribute to the pollination of nearby crops, and help combat colony collapse disorder. Additionally, we plan to plant multiple trees to further rehabilitate the surrounding environment and community.

We have spoken with Mikya Hobbs who confirmed via email "Thank you for your inquiry. I can confirm that a portion of the subject property is regulated by the Hamilton Conservation Authority (HCA) pursuant to the Conservation Authorities Act, R.S.O. 1990 and Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) due to the proximity of the property to a wetland. Any development activity (including construction, fill placement, and/or grading activities) that falls within HCA's regulated areas will require written permission from HCA. Based on the picture you included in your email (see attached) and mapping available to HCA staff, it appears that the development is proposed to be outside of the area regulated by HCA. Therefore, written permission from HCA is not required for the proposed works. HCA has no objections to the municipality issuing of a building permit for the proposed work. Please accept this email as confirmation of consultation with HCA regarding the proposed pole barn construction at 856 Concession 5 W, Flamborough."

I have attached all emails, drawings and site sketch. Anything else please reach out. We look forward to hearing from you!

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- ☒ Application Fee
- ☒ Site Sketch
- ☒ Complete Application form
- ☒ Signatures Sheet

11.4 Other Information Deemed Necessary

- ☒ Cover Letter/Planning Justification Report
- ☒ Authorization from Council or Director of Planning and Chief Planner to submit application for Minor Variance
- ☐ Minimum Distance Separation Formulae (data sheet available upon request)
- ☐ Hydrogeological Assessment
- ☐ Septic Assessment
- ☐ Archeological Assessment
- ☐ Noise Study
- ☐ Parking Study