



Hamilton

**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

A-24:276 — 1192 Concession 4 West, Flamborough

**Recommendation:**

Approve with conditions — Development Planning

**Proposed Conditions:**

1. That the maximum size of the additional dwelling unit – detached shall be limited to three bedrooms and a maximum gross floor area of 140 square metres, to the satisfaction of the Director of Development Planning.
2. The MCFN require, at minimum, a Stage 1 Archaeological Assessment be carried out and reports to be forwarded to [payton.mitchell@mncfn.ca](mailto:payton.mitchell@mncfn.ca). A verified Stage 2-4 Archaeological Assessment requires the participation of Field Liaison Representatives (FLR) from MCFN-DOCA. (Mississaugas of the Credit First Nation)

**Proposed Notes:**

A building permit is required for the construction of the proposed additional dwelling unit-detached.

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



Hamilton

**STAFF COMMENTS**

**HEARING DATE: May 29, 2025**

## **Development Planning:**

### **Background**

The purpose of Minor Variance application A-24:276 is to recognize an existing garden suite as an additional dwelling unit – detached.

Staff note that the existing garden suite was permitted through Zoning By-law Amendment application ZAR-07-066 to temporarily permit the garden suite. The existing garden suite was approved for a period of 10 years, expiring in September of 2018.

### **Analysis**

#### **Greenbelt Plan**

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 of the Greenbelt Plan permits all existing uses and Section 4.5.3 permits secondary dwelling units within existing single dwellings or within existing accessory structures.

#### **Rural Hamilton Official Plan**

The subject lands are designated “Agriculture” and in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.2 and C.3.1.4, amongst others, are applicable and permit single detached dwellings and additional dwelling units – detached.

Staff note that Policy C.3.1.2 e) permits an additional dwelling unit – detached on lots with a minimum lot size of 1.5 hectares. Policy C.3.1.2. e) iii) allows for this requirement to be reduced provided it can be demonstrated that the minimum servicing requirements of Section C.5.1 are achieved.

Based upon discussions with Source Protection Planning staff, the proposal will be able to meet the general intent of the Rural Hamilton Official Plan provided that restrictions are placed upon the future expansion of the additional dwelling unit – detached, to limit increased demands on the existing private services on the property. Staff are recommending a condition to restrict the number of bedrooms within the additional dwelling unit – detached and to limit gross floor area expansion. The number of bedrooms within the additional dwelling unit – detached shall be restricted to three bedrooms, which is the current number within the existing structure and also allow for a minor increase in gross floor area to 140 square metres, from the current 127 square metres.

Development Planning staff understand that Source Protection Planning is recommending a condition requiring a scoped hydrogeological study to demonstrate that the existing private water supply meets the requirements of Section C.5.1. Provided these conditions applied, it is staff’s opinion that the requested variance maintains the intent of the Rural Hamilton Official Plan.

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



# Hamilton

The subject lands are zoned Agriculture (A1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed additional dwelling unit are permitted uses.

**Variance 1**

1. An additional dwelling unit – detached shall be permitted on a lot containing a single detached dwelling having a minimum lot area of 1.2 hectares instead of the minimum lot area of 1.5 hectares required.

The intent of this provision is to ensure properties are large enough to sustainably support the private services required for a single detached dwelling and an additional dwelling unit – detached on the same property.

Staff note that the subject property does not meet the minimum required lot size of 1.5 hectare. However, staff are recommending conditions to limit the size of the additional dwelling unit – detached in terms of gross floor area and number of bedrooms, limiting potential impacts regarding private services on the property. Additionally, a condition is being recommended by Source Protection Planning to require a scoped hydrogeological study to demonstrate that the existing private water supply on the property meets the requirements of Section C.5.1 in the Rural Hamilton Official Plan.

Therefore, provided these conditions are applied as recommended, staff are of the opinion that the requested variance maintains the intent of the Rural Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature.

Staff are of the opinion the requested variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval with conditions.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Requested variance is required to facilitate the of a proposed Additional Dwelling Unit- Detached
Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

**Building Engineering:**



Hamilton

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed additional dwelling unit-detached.</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:	

**Source Protection Planning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking a minor variance of a minimum lot area of 1.2 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 1.2 ha lot.</p> <p>Based on our internal mapping, the property is located within an area of shallow bedrock, and therefore considered to be “hydrogeologically sensitive”. As such, Source Protection Planning generally does not support new development serviced by private on-site wastewater systems in these areas due to the elevated risk to local groundwater resources.</p> <p>However, given that the garden suite has been in place since 2008, we would be able to provide conditional support for the proposed ADU, provided the following criteria are met:</p> <ul style="list-style-type: none"> <li>• The ADU contains no more than 3 bedrooms; and</li> <li>• The gross floor area (GFA) does not exceed 140 m2.</li> </ul> <p>The above criteria are intended to ensure that nitrate impacts from the existing use, including the presence of the garden suite, do not increase as a result of a more intensive use of the property. If these conditions are satisfied, our support would remain contingent on the applicant addressing</p>



the following outstanding comments related to a satisfactory water supply assessment:

To the satisfaction of the Director of Hamilton Water, Source Protection Planning will require a Scoped Hydrogeological Assessment by a Qualified Person (P.Eng., P.Geo.) focused on the applicant's water supply to support the private servicing at the property. The report shall consider all the uses 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 (<https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf>).

A summarized scope of work would include but would not be limited to:

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 intended use. A minimum of 6-hour pumping test is required 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. We understand that the existing well is to be used to service the lot (including the garden suite) and a new well is not being proposed. Based on this, 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 on-site dwellings. 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



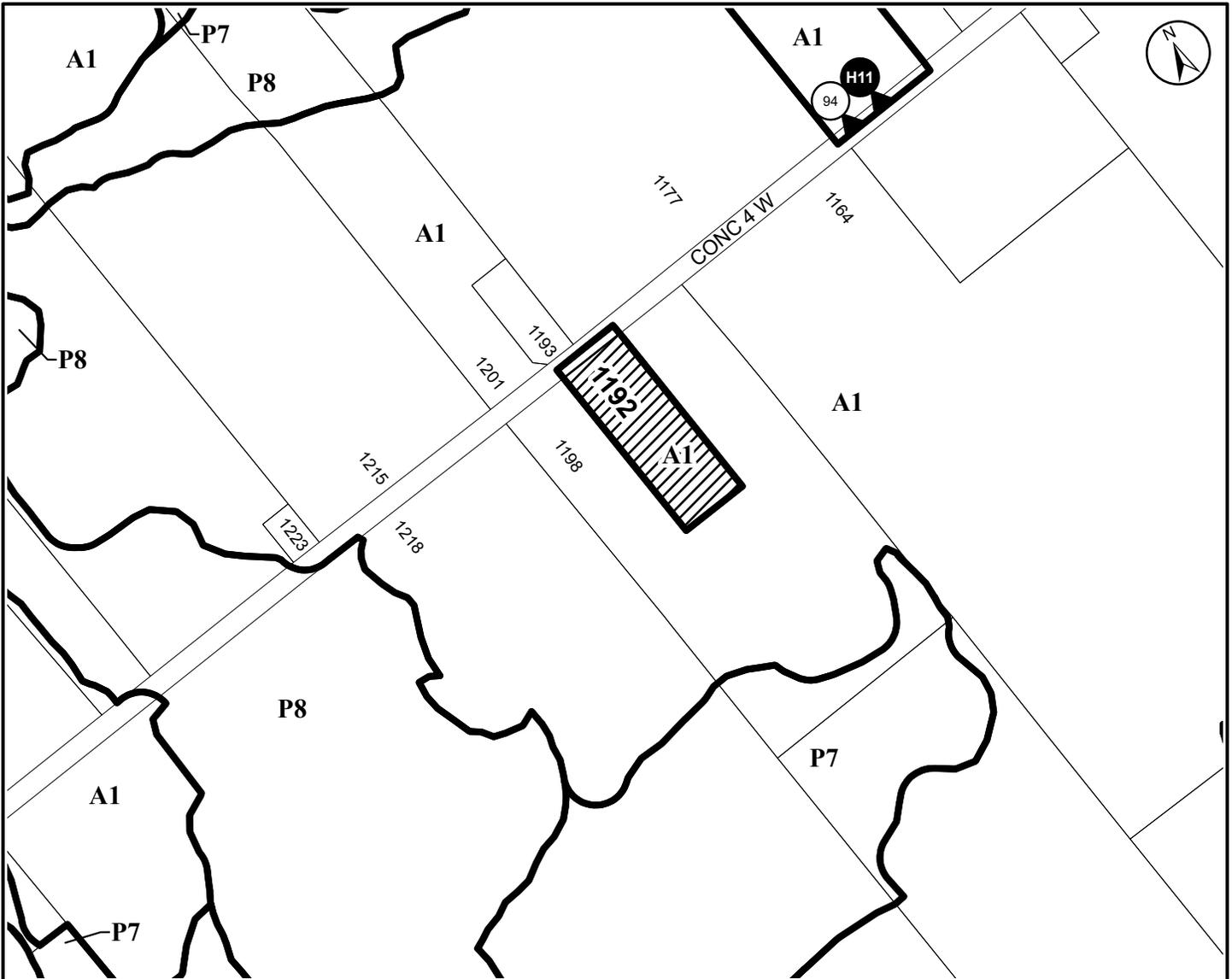
Hamilton

	<p>licensed laboratories here: <a href="https://www.ontario.ca/page/list-licensed-laboratories">https://www.ontario.ca/page/list-licensed-laboratories</a></p> <p>3. As per Ontario Regulation 903, if any wells onsite are to be abandoned, they should be decommissioned by a licensed water well contractor. City of Hamilton provides Well Decommissioning Grants through the Halton Conservation Authority program. More information on the program can be found here. <a href="https://www.hamilton.ca/home-neighbourhood/home-property/private-wells-cisterns/residential-well-decommissioning-grant">https://www.hamilton.ca/home-neighbourhood/home-property/private-wells-cisterns/residential-well-decommissioning-grant</a>.</p>
Notes:	

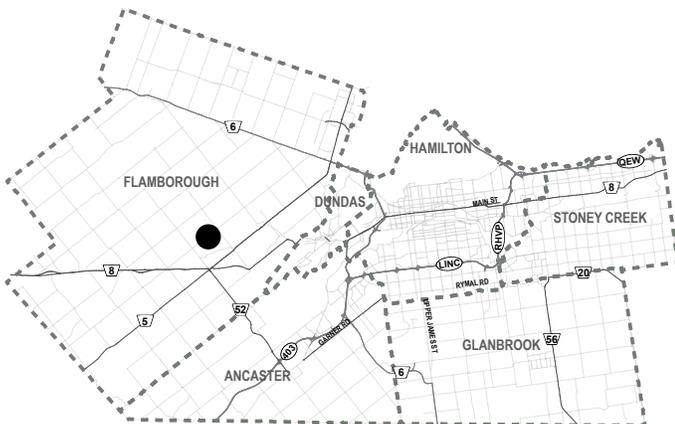
**Mississaugas of the Credit First Nation:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>The MCFN require, at minimum, a Stage 1 Archaeological Assessment be carried out and reports to be forwarded to <a href="mailto:payton.mitchell@mncfn.ca">payton.mitchell@mncfn.ca</a>.</p> <p>A verified Stage 2-4 Archaeological Assessment requires the participation of Field Liaison Representatives (FLR) from MCFN- DOCA.</p>
Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



1192 Concession 4 West,  
Flamborough (Ward 13)

File Name/Number:  
A-24:276

Date:  
May 9, 2025

Technician:  
RS

Scale:  
N.T.S.

Appendix "A"



**Hamilton**