

A-25:146 — 110 Concession 11 East, Flamborough

Recommendation:

Table — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed accessory building (garage).
(Building Engineering)

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).

Development Planning:

Background

The purpose of Minor Variance application A-25:146 is to permit the construction of a new Accessory Building (Garage).

Analysis

Rural Hamilton Official Plan

The subject property is designated “Rural” on Schedule D of the Rural Hamilton Official Plan. Policies C.3.1.4 and D.4.1, amongst others, are applicable and permit the existing single detached dwelling and accessory structure.

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Natural Heritage System. Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas have been identified within and adjacent to the subject property. In this case, the Core Areas have been identified as Freelon Esker Area of Natural and Scientific Interest (ANSI), Significant Woodland, Beverly Swamp Provincially Significant Wetland (PSW), and Freelon Esker Wetland Complex Environmentally Significant Area (ESA). In addition, the property has been zoned as “P6” and “P8 (Conservation/Hazard Lands-Rural)”. The intent of these zones is to protect the natural features and their ecological functions.

Based on policies within the RHOP (C.2.3.3), any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. Further, policy 2.4.2 indicates that new development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement (EIS) which identifies a vegetation protection zone. At this time, it is difficult to determine where the features are located and if the proposed development will be located at least 7.5 metres from the P8 zone. Natural Heritage Planning staff recommending tabling this application in order to conduct a site visit.

Archaeology

The subject property meets one (1) 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.



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

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.

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

The subject lands are zoned Conservation/Hazard Land (P6) and Conservation/Hazard Land Rural (P8) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is located within the P6 (Conservation/Hazard Land) zone of the subject land and is a permitted use.

Variances 1 and 2

1. A maximum combined lot coverage of 82.2 square metres for all Accessory Buildings shall be permitted instead of the maximum permitted lot coverage of all Accessory Buildings shall not exceed 45.0 square metres.
2. A maximum Building height of 6.85 metres for an Accessory Building shall be permitted instead of the required maximum Building Height of 4.5 metres for an Accessory Building.

The intent of these provisions is to ensure accessory building remain subordinate in size, scale and character to the principle building or primary dwelling.

Staff are currently unable to determine if the proposed development meets all the Natural Heritage policies of the Rural Hamilton Official Plan. Staff recommend tabling the application to provide time for a site visit by staff to determine compliance. Based on the foregoing, **staff recommend that the application be tabled.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please note, insufficient information has been provided to determine Parking requirements of the proposed Garage and Driveway. Should any Parking Spaces and areas not be in compliance with the requirements of Section 5, additional variances may be required.</p> <p>2. Please note, the submitted Site Plan is not consistent with assessment parcels for this property. As such, a Zoning Review has been conducted based on the Site Plan as proposed and may not be completely representative of actual site conditions. Please note, should the proposed Garage result in conditions of non-compliance due to inaccurate information as stated, additional variances may be required.</p>



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

	<p>3. In addition, insufficient information has been provided to determine the location of the proposed Garage in relation to the P8 Zone. As per Section 4.23 d), a minimum 7.5 metre setback is required from any P5, P7 and P8 Zone boundary. Should the proposed Accessory Building not maintain a minimum 7.5 metre setback, additional variances may be required.</p> <p>4. Further to the above, Variance #1 has been provided as it relates to all Accessory Buildings (Existing and Proposed) on the lot; an existing Shed with a lot coverage of 13.32 square metres and a proposed Garage with a lot coverage of 68.8 square metres has been considered in this calculation.</p> <p>5. Please be advised that a portion of this property is within an area regulated by Conservation Halton. Please contact (905) 336-1158 or envserv@hrca.on.ca prior to any development.</p>
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

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 (garage).</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:	



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

Notes:	
--------	--

Conservation Halton:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	<p>Conservation Halton (CH) staff has reviewed the application materials within the August 14, 2025 Committee of Adjustment meeting Agenda Package as per our regulatory responsibilities under the <i>Conservation Authorities Act</i> (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans).</p> <p>Staff understands that variances to permit an increase in maximum combined lot coverage and an increase in maximum building height are required to facilitate the construction of a new accessory building (garage). <u><i>Conservation Authorities Act</i> and Ontario Regulation 41/24</u></p> <p>CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands (e.g. flooding and erosion hazards, dynamic beaches, unstable soil and bedrock), as well as lands adjacent to these features. Based on CH's Approximate Regulation Limit (ARL) mapping, the subject property at 110 Concession 11 East is regulated by CH as it is adjacent to a tributary of Bronte Creek and contains the flooding and erosion hazards associated with that watercourse. It also contains wetlands. CH regulates 15m from the greater of the flooding and erosion hazards associated with watercourses and 30m from wetlands. Permits are required from CH prior to undertaking development activities within CH's regulated areas and applications for development are reviewed under the CA Act, Ontario Regulation 41/24, and <i>CH's Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document</i> (last revised April 17, 2025) (https://conservationhalton.ca/policies-and-guidelines).</p> <p>Staff notes that the measurements on the drawings appear to be inaccurate. However, based on review of the drawings relative to aerial photos and parcel data, we understand that the proposed garage will be no further back (south) than the existing house. Based on this understanding, staff concluded that the works are located outside of CH regulated areas on the property. On June 16, 2025, CH issued a Development Clearance Letter for the proposed development activities associated with the</p>



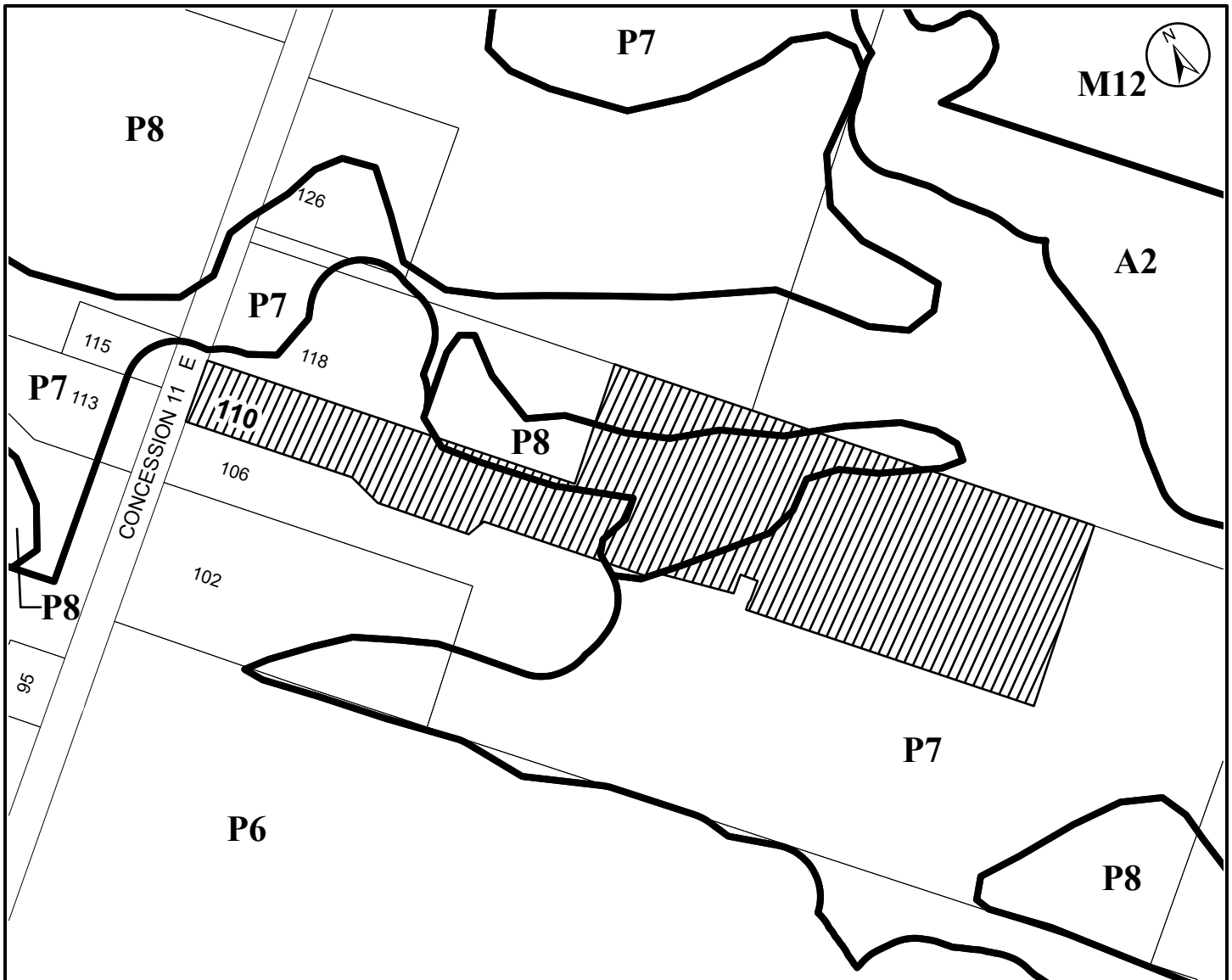
Hamilton

STAFF COMMENTS

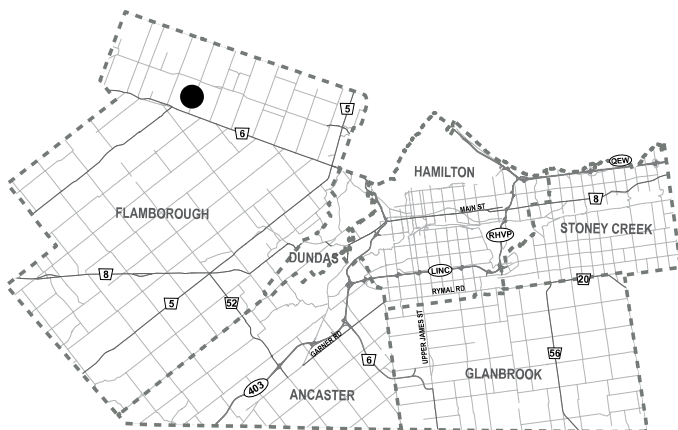
HEARING DATE: August 14, 2025

	<p>requested variances (CH File RNOL-3339) . CH's Development Clearance Letter remains applicable.</p> <p><u>Ontario Regulation 686/21 - Provincial Planning Statement (Sections 5.1.1-5.2.8)</u></p> <p>As the proposed development activities will occur outside of flooding and erosion hazards, the application is consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement.</p> <p><u>Recommendation</u></p> <p>CH has no objections to the requested variances as staff understands the proposed works subject to these variances are consistent with the development activities cleared through the CH Development Clearance Letter and are outside of the flooding and erosion hazards, consistent with the natural hazards policies of the PPS.</p> <p>Should any changes to the proposed development arise through the Minor Variance process, please circulate CH for further review and comment to identify any regulatory and permitting requirements.</p> <p>I trust this information is of assistance, but please contact Ashley Gallagher at agallaugh@hrca.on.ca should you have any questions.</p>
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



110 Concession 11 East,
Flamborough (Ward 15)

File Name/Number:
A-25:146

Date:
August 5, 2025

Technician:
AL

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department