

A-25:061 — 422 Mountsberg Road, Flamborough

Recommendation:

Approve with Conditions — Development Planning

Proposed Conditions:

1. That the proposed accessory building location is consistent with the site plan titled “Site Plan, Site Stats, Keyplan and Notes” dated June 25, 2025, prepared by AJM Designs Inc., submitted with this application, to the satisfaction of the Director of Development Planning.
2. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).
3. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Proposed Notes:

A building permit is required for the construction of the proposed second storey addition to the existing single family dwelling. (Building Engineering)

A building permit is required for the construction of the proposed accessory building (detached 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



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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-25:061 is to permit the construction of a second storey addition to the existing dwelling and a new accessory building (detached garage).

Staff note that this application was originally tabled at the May 8, 2025, Committee of Adjustment hearing. Development Planning and Natural Heritage Planning staff conducted a site visit on June 5, 2025. Based on this site visit and discussions between staff and the applicant, the proposal was revised to address staff concerns previously noted.

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, demonstration 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 accessory building is located within the Greenbelt Natural Heritage System. Based upon the June 5, 2025, site visit and the revised proposal, staff are satisfied that the proposal meets the criteria found in Section 3.2.2.3.

Rural Hamilton Official Plan

The subject lands are designated “Rural” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.4, D.2.1 and Section C.2.0, amongst others, are applicable and permits the existing single detached dwelling.

Schedule B – Natural Heritage System of the Rural Hamilton Official Plan identifies Core Areas within and adjacent to the subject lands. These Core Areas have been identified as the Mountsberg Wetlands and Wildlife Centre Environmentally Significant Area, Significant Woodland, a watercourse, and the Lower Mountsberg Creek Provincially Significant Wetland.

Natural Heritage

The subject property is located within 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 Rural Hamilton Official Plan, Core Areas have been identified within and adjacent to the subject property. In this case, the Core Areas have been identified as Mountsberg Wetlands and Wildlife Centre Environmentally Significant Area (ESA), Significant Woodland, watercourse, and



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Lower Mountsberg Creek Provincially Significant Wetland. In addition, the property has been zoned as “P7” and “P8” (Conservation/Hazard Lands-Rural). The intent of this zoning is to protect the features and their ecological functions.

Based on policies within the Rural Hamilton Official Plan (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. In addition, 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 (policy C.2.4.2). Based on a site visit June 5, 2025, it was discussed that the garage would be removed from the Significant Woodland and it would be located within an area that has already been disturbed (existing driveway, existing shed). The edge of the garage was to be located within the area of the existing propane tank (which was identified to be removed). While it appears that this has been taken into consideration, the location of the existing propane tank has not been clearly identified on the drawing.

The City also recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.10.1). Based on the proposal, trees may be impacted by the development. If trees are to be removed, the City requires 1 for 1 compensation to be provided in order to ensure that existing tree cover is maintained. The City’s Rural Woodland Conservation By-law (R00-054) may also apply.

If the Committee of Adjustment approved the application, the following conditions should be considered in order to mitigate the impacts of the proposed development.

- That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).
- That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Archaeology

The subject property meets two (2) 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; and,
- 2) Along historic transportation routes.



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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 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 Conservation/Hazard Land Rural (P7) Zone and Conservation/Hazard Land Rural (P8) Zone in City of Hamilton Zoning By-law No. 05-200. The existing dwelling is a permitted use.

Variance 1

1. The construction of a new accessory building (detached garage) shall be permitted, whereas new buildings or structures are not permitted within the Conservation/Hazard Land Rural (P7) Zone.

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

Staff note that the subject property is zoned Conservation/Hazard Land Rural (P7) Zone and Conservation/Hazard Land Rural (P8) Zone.



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Staff note that the proposed detached garage has been reduced in size, following the June 5, 2025, site visit and discussions between staff and the applicant. The previous design proposed a four bay garage, at 150.15 square metres in area. The revised design is a three bay garage with a total area of 112.41 square metres.

Based upon the site visit, the revised proposal and the recommended conditions, staff are satisfied that the proposed detached garage will not expand into or adversely impact the Core Areas and natural heritage features on the subject property.

Therefore, staff are of the opinion that the Variance 1 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 support the variance.

Variance 2

2. The gross floor area of the existing dwelling shall be permitted to be increased by 62.5% instead of the maximum permitted increase of 10% of the gross floor area of the existing dwelling.

The intent of this provision is to limit the expansion of existing single detached dwellings within the Conservation/Hazard Land Rural (P7) Zone to ensure the conservation and enhancement of natural heritage features and hazard lands.

Staff note that the existing single detached dwelling is currently 275.92 square metres in area, and a 10% increase would be approximately 22.59 square metres. The proposed expansion is 172.36 square metres, or 62.47% of the current area of the existing single detached dwelling.

Based upon the June 5, 2025, site visit and recommended conditions, staff are satisfied that the proposed second storey addition to the existing dwelling will not expand into or adversely impact the Core Areas and natural heritage features on the subject property.

Therefore, staff are of the opinion that the Variance 2 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 support the variance.

Variances 3 and 4

3. A maximum accessory building height of 7.6 metres shall be permitted instead of the maximum 4.5 metre accessory building height permitted.
4. A maximum combined lot coverage of all accessory buildings of 113.0 square metres shall be permitted instead of the maximum 45.0 square metres or 7.5% of lot coverage permitted.



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The intent of these provisions is to ensure that accessory buildings remain subordinate in size, scale and role to the principal dwelling or building and to limit potential impacts on Core Areas and natural heritage features.

Staff note that the existing dwelling has a gross floor area of 275.92 square metres and a height of 6.1 metres. The dwelling would have a gross floor area of 382.75 square metres and a height of 8.27 metres with the proposed addition. The proposed detached garage would have an area of 112.41 square metres and a height of 7.6 metres.

Staff note that the proposed height of the garage is comparable to the existing single detached dwelling and the gross floor area would be significantly less than that of the existing single detached dwelling. Additionally, the dwelling and garage are located within the interior of the property, several hundred metres down a gravel driveway and obscured by forest. Staff are of the opinion that the proposed garage will remain subordinate in size and character to the primary dwelling.

Based upon the site visit, the revised proposal and the recommended conditions, staff are satisfied that the proposed detached garage will not expand into or adversely impact the Core Areas and natural heritage features on the subject property.

Therefore, staff are of the opinion that Variances 3 and 4 maintain the intent of the Rural Hamilton Official Plan and Zoning By-law, are desirable for the appropriate use or development of the land and are minor in nature. Staff support the variances.

Variance 5

5. A maximum driveway width of 10.9 metres shall be permitted for a dwelling unit without an attached garage instead of the maximum permitted driveway width of 8.0 metres.

The intent of this provision is to limit the width of accesses or driveways to maintain a consistent streetscape, neighbourhood character and to limit potential impacts on landscaped or natural areas on a property.

Staff note that the proposed widening of the driveway is located in the interior of the property, within a disturbed area and is not visible from the streetscape. Additionally, the proposed driveway width has been reduced from 16.1 metres to 10.9 metres as the proposed garage has been reduced in size. Based upon the site visit, the revised proposal and the recommended conditions, staff are satisfied that the proposed driveway widening will not expand into or adversely impact the Core Areas and natural heritage features on the subject property.

Therefore, staff are of the opinion that Variance 5 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 support the variance.



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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Requested variances are required to facilitate the construction of second storey addition and new accessory building (detached garage)
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 second storey addition to the existing single family dwelling.</p> <p>A building permit is required for the construction of the proposed accessory building (detached 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:	
Notes:	

Conservation Halton:



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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 <i>Planning Act</i> 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>Proposal</p> <p>Staff understands that minor variances are required to facilitate the construction of an addition to the existing dwelling, construction of an accessory structure and detached garage. Variances are required to allow the construction of a new accessory building within the P7 zone, to allow for an increase in the maximum permitted gross floor area, height and combined lot coverage for accessory structures and to permit a width increase for driveways.</p> <p>Background</p> <p>CH provided comments on an earlier circulation for the same Minor Variance application included in the May 8, 2025 Committee of Adjustment Agenda. The site plans in this revised circulation match those provided in the previous circulation, so CH's May 30, 2025 comments remain applicable.</p> <p><u>Conservation Authorities Act 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 422 Mountsberg Road is regulated by CH as it is traversed by a tributary of Bronte Creek and a portion of the property contains the flooding and erosion hazards associated with that watercourse. The property also contains a wetland. CH regulates 15 metres 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 CH's <i>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>CH issued a Permit on August 13, 2024 for the proposed development activities that are associated with the requested variances, as well as for other proposed works on site (RAPP-9362).</p> <p><u>Ontario Regulation 686/21 - Provincial Planning Statement (Sections 5.1.1-5.2.8)</u></p>



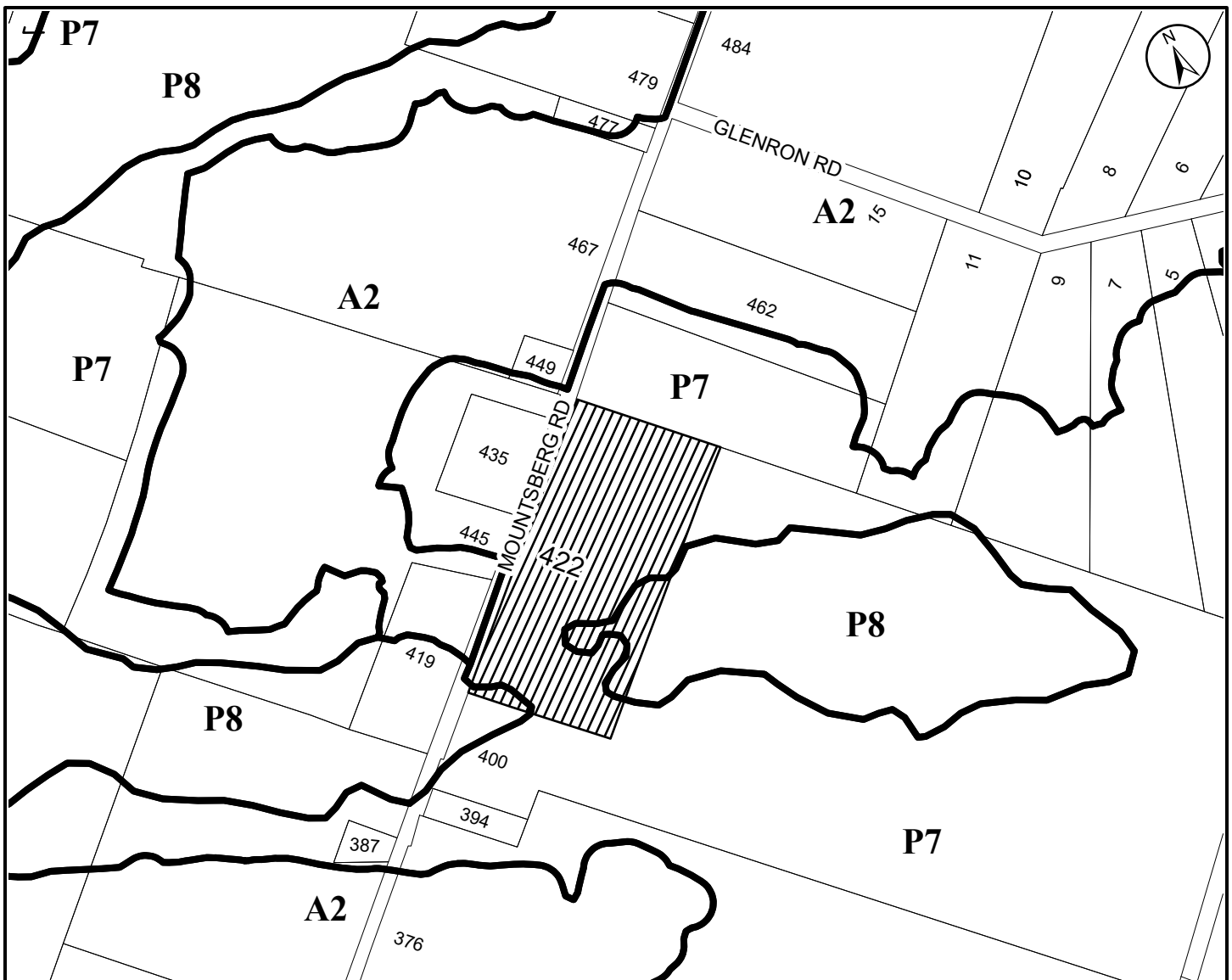
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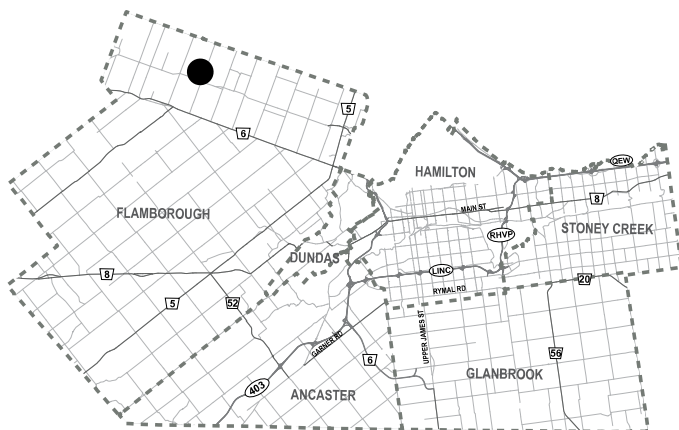
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	<p>As the proposed development activities will occur outside of flooding and erosion hazards, the application is consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement.</p> <p><u>Recommendation</u> CH has no objections to the requested variances as staff understands the proposed works subject to these variances are the same as the development activities approved through the CH permit 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 agallagher@hrca.on.ca should you have any questions.</p>
Notes:	N/A

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



422 Mountsberg Road, Flamborough
(Ward 15)

File Name/Number:
A-25:061

Date:
July 23, 2025

Technician:
RS

Scale:
N.T.S.

Appendix "A"



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Planning and Economic Development Department