

A-25:093 — 319 Highland Road East, Stoney Creek

**Recommendation:**

Deny — Source Protection Planning

Table — Development Planning

**Proposed Conditions:**

1. That the owner submits a Hydrogeological Report prepared by a qualified professional to the satisfaction of the Director, Hamilton Water. The Hydrogeological Report will be completed in support of the proposed Minor Variance, and will include: (i) wastewater assessment; (ii) water supply assessment; and, (iii) a site plan demonstrating that the minimum setback requirements in Section 8 of the Ontario Building Codes is maintained. The Hydrogeological Assessment will be completed in accordance with the City's Hydrogeological Guideline, and shall demonstrate that the proposed Additional Dwelling Unit - Detached can be sustainably serviced privately for water and sewage, and without any off-site adverse impacts. (Development Planning)

**Proposed Notes:**

**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)."



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

A building permit is required for the construction of the proposed detached additional dwelling unit.  
(Building Engineering)

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

## **Development Planning:**

### **Background**

The purpose of the application is to facilitate the construction of an Additional Dwelling Unit – Detached in the rear yard of the existing single detached dwelling.

The following variance is requested:

1. To permit an Additional Dwelling Unit - Detached on a lot containing a single detached dwelling having a minimum lot area of 0.193 ha (1,930.0 m<sup>2</sup>) whereas a minimum lot area of 1.5 hectares is required.

Staff note that the proposed application was tabled at the June 19, 2025, Committee of Adjustment hearing. The application was tabled to address concerns relating to the proposed septic system and the impacts of introducing an Additional Dwelling Unit - Detached on a significantly undersized lot. The applicant provided a Hydrogeological Considerations report, prepared by Soil-Mat Engineers & Consultants Ltd. dated July 2, 2025, which was not satisfactory to Source Protection Planning staff based on comments provided to Planning staff. The applicant was given the option to complete an independent hydrogeological study. Staff's recommendation is that the application be tabled until such time that a satisfactory independent hydrogeological study that satisfies the requirements of the City Hamilton Source Protection Planning staff is submitted. The outcome of the study would impact staff's overall recommendation to the Committee of Adjustment.

### **Provincial Planning Statement (2024)**

- “4.3.2.5 Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:
- a) comply with the minimum distance separation formulae;
  - b) are compatible with, and would not hinder, surrounding agricultural operations;
  - c) have appropriate sewage and water services;
  - d) address any public health and safety concerns;
  - e) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and



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f) minimize land taken out of agricultural production.

Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c)."

The above policy identifies that additional residential units shall be permitted where a residential dwelling is permitted. Subsection c) and d) of this policy seeks to address concerns of private servicing through the introduction of an Additional Dwelling Unit – Detached and potential public health concerns and impacts to sewage and water services. Staff are not satisfied that the proposed Additional Dwelling Unit – Detached is consistent with subsection c) and d) above, given that the size of the lot does not meet the size requirements as stated in the Rural Hamilton Official Plan and implemented through the Zoning By-law and that the submitted Hydrogeological Considerations report is not satisfactory to Source Protection Planning staff. Based on the above Provincial Planning Statement policies, staff are of the opinion that the proposal is not consistent with the Provincial Planning Statement.

### **Rural Hamilton Official Plan**

The subject property is designated "Rural" on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. Policies D.4.0 among others are applicable. The subject lands are not identified as being located within a Rural Settlement area as found in Volume 2 of the Rural Hamilton Official Plan.

The below policies, among others, are applicable:

"C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met:

- e) An additional dwelling unit - detached shall be permitted in Rural Hamilton subject to the following: (OPA 39)
  - i) One additional dwelling unit - detached may be permitted on a lot with a minimum lot area of 1.5 hectares.
  - ii) The primary dwelling and the additional dwelling unit – detached can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.
  - iii) The minimum lot area established in e) i) above may be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of this Plan can be achieved."



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Policy C.3.1.2 e) states that an Additional Dwelling Unit – Detached is permitted provided that the lot has a minimum area of 1.5 hectares. The policy further states that a minimum lot area may be reduced if it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of the Plan can be achieved. The applicant provided a Hydrogeological Considerations report, prepared by Soil-Mat Engineers & Consultants Ltd. dated July 2, 2025, which was not satisfactory to Source Protection Planning staff based on comments provided to Planning staff. The hydrogeological study is required to demonstrate that the Additional Dwelling Unit – Detached is situated on a large enough lot to support the required private servicing and meet the City's private servicing requirements as indicated in Section C.5.1 of the Rural Hamilton Official Plan.

The following additional policies are applicable related to private servicing.

**"C.5.1.1**

No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as maybe approved or amended from time to time.
- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.
- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f)."



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## STAFF COMMENTS

HEARING DATE: August 14, 2025

The subject ±0.19 hectare lot is undersized to accommodate an Additional Dwelling Unit – Detached and the proponent was required to submit a Hydrogeological Study to the satisfaction of the City. The applicant provided a Hydrogeological Considerations report, prepared by Soil-Mat Engineers & Consultants Ltd. dated July 2, 2025, which was not satisfactory to Source Protection Planning staff based on comments provided to Planning staff. Based on subsections a), b) and d) above, the hydrogeological study is required to demonstrate that there is sufficient land to accommodate private servicing including nitrate impacts and sufficient land for a reserve discharge site or leaching bed. Development Planning staff defer further comments regarding policy C.5.1.1 to Source Water Protection Staff. Accordingly, the proposal does not comply with the Rural Hamilton Official Plan.

### 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) In the vicinity of distinctive or unusual landforms; and
- 2) Along historic transportation routes.

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

### Cultural Heritage

No Comments.

### City of Hamilton Zoning By-law 05-200

The subject property is zoned Rural (A2) Zone in the City of Hamilton Zoning By-law No. 05-200. Additional Dwelling Unit(s) – Detached are permitted subject to criteria.

### Analysis

#### Variance 1

1. To permit an Additional Dwelling Unit - Detached on a lot containing a single detached dwelling having a minimum lot area of 0.193 ha (1,930.0 m<sup>2</sup>) whereas a minimum lot area of 1.5 hectares is required.

In accordance with the above policies, the intent of this provision is to restrict Additional Dwelling Units – Detached on lots that are undersized and are unable to sufficiently support private servicing. The applicant provided a Hydrogeological Considerations report, prepared by Soil-Mat Engineers & Consultants Ltd. dated July 2, 2025, which was not satisfactory to Source Protection Planning staff based on comments provided to Planning staff. The proposed decrease in minimum lot area is not



## Hamilton

### STAFF COMMENTS

HEARING DATE: August 14, 2025

minor and the submitted Hydrogeological Considerations report has not satisfactorily addressed the impacts to private servicing and the existing private servicing systems that already exist on the subject lands. Based on the identified RHOP policies, staff recommend the application be **tabled** until such time that a satisfactory independent Hydrogeological Study is provided to the City of Hamilton Source Protection Planning staff.

Based on the above analysis staff recommend that the application be **tabled**.

#### Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Please be advised that a portion of this property is within an area regulated by <b>Hamilton Conservation Authority</b> . Please contact <b>(905) 525-2181</b> or <a href="mailto:nature@conservationhamilton.ca">nature@conservationhamilton.ca</a> prior to any development.
Notes:	

#### Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

#### Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed detached additional dwelling unit.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

#### Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

#### Source Protection Planning:



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking a minor variance of a minimum lot area of 0.19 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 0.19 ha lot. We note that the lot size of 0.19 ha is significantly less than the minimum required in the City's Rural Hamilton Official Plan (minimum lot area of 1.5 ha required for an additional dwelling unit, and as well the minimum area of 0.4 ha noted in Section C.5.0). Based on this, Source Protection Planning is unable to support this application at this time.</p> <p>The applicant has the option of completing an independent hydrogeological study to support adding the proposed ADU on the lot, but we note that the study may not yield favorable results.</p> <p>We have reviewed the submitted Hydrogeological Considerations Report by Soil-Mat, dated July 2, 2025. Our comments are as follows:</p> <p><b>Wastewater Assessment:</b></p> <p>1. To support this minor variance application, the applicant is proposing to use the system isolation approach in accordance with MOE Guideline D-5-4. We advise the applicant that this approach generally requires a high level of detail to demonstrate that the proposed development will not result in any adverse on-site and off-site impacts.</p> <p>Based on our review of the current hydrogeological study, we request the following additional information (not limited to) be provided to properly support the use of the system isolation approach, in accordance with all relevant requirements of MOE Guideline D-5-4 and the City's Hydrogeological Guideline, to the satisfaction of Director, Hamilton Water.</p> <ul style="list-style-type: none"><li>• A tabulated summary of stratigraphic conditions from all available MECP well records within a minimum of 500 m radius of the subject property, to support the evaluation of the local and regional hydrogeological conditions (incl. aquifers and aquitards). Copies of all referenced well records shall be appended to the revised hydrogeological report for our review.</li><li>• Confirmation that the low-permeability aquitard unit is at minimum 10 m in thickness with a hydraulic conductivity of <math>\leq 10^{-5}</math> cm/s, and this unit is expansive across the 500m radius study area. This hydraulic conductivity</li></ul>





threshold for low-permeability environments is based on Section 22.5.14 of the Design Guidelines for Sewage Works.

- Delineation and discussion of the expected shape and direction of the nitrate plume associated with the proposed development.
- A clear demonstration that the low-permeability units proposed to support isolation do not contain preferential flow paths or higher permeability features that could compromise containment.
- Completion of a door-to-door well survey within a 500m radius of the property to confirm the current use of groundwater resources and identify existing wells and septic systems in the area
- Identification and justification of the most probable groundwater receptors for the proposed sewage effluent, supported by site-specific hydrogeological data obtained through test pits, auger holes and/or borehole drilling
- Definition of the most probably lower hydraulic or physical boundary that would receive the sewage effluent, based on site-specific geological and hydrogeological evidence.
- Assessment of site-specific geologic and/or hydraulic boundaries that may influence effluent migration. This may include hydrogeological investigation of lands up to 500m beyond the subject boundary. While the proponent in their current report reviewed MECP well records within this radius, additional lines of evidence listed above must also be provided to support the system isolation approach.
- Evaluation of potential hydraulic connectivity with any sensitive features within the study area, and if applicable, a demonstration that the proposed effluent discharge will remain hydraulically isolated from these receptors.

### **Water Supply Assessment**

2. 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 proposed 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 Park's (MECP's) D-5-5 Technical Guideline for Private Wells: Water Supply Assessments.

3. If a new well is to be drilled, in order to assess the raw groundwater quality of the proposed new well, the proponent shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MECP 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. If there are exceedances in the sampling results, the proponent should provide recommendations for water treatment. Source Protection Planning and Public Health will review the recommendations.

4. If an existing well is to be used to service the proposed development, then 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 proposed new dwelling. 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 licensed laboratories here:

<https://www.ontario.ca/page/list-licensed-laboratories>

5. As a condition of approval, the applicant shall complete a water well survey to characterize groundwater use in the area and identify nearby wells that may be impacted by the proposed development.

6. 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



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**STAFF COMMENTS**

**HEARING DATE: August 14, 2025**

	<p>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> <p>7. The applicant shall provide a scaled site plan that shows water supply and sewage disposal system components, including the following:</p> <p>A demonstration that the private well and septic system location conforms to Ontario Building Code Part 8 clearances. A reserve area bed shall also be delineated on a site plan to meet Rural Hamilton Official Plan requirements. Locations of water supply, sewage disposal systems, and reserve beds should be clearly delineated. All clearances for all relevant features (e.g. property line, dwelling, septic tank and distribution system, water supply well) should marked on the site plan.</p>
Notes:	

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

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**From:** Mikiya Hobbs <mhobbs@conservationhamilton.ca>  
**Sent:** Tuesday, August 5, 2025 9:40 AM  
**To:** Committee of adjustment  
**Subject:** August 14th COA - HCA Comments for A-25:093 for 319 Highland Rd E, Stoney Creek  
**Attachments:** June 19th COA - HCA Comments for A-25:093 for 319 Highland Rd E

**External Email:** Use caution with links and attachments

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the revised submission for Minor Variance Application A-25:093 for the lands located at 319 Highland Road East, Stoney Creek.

Based on a review of the materials provided, the attached comments from June 9, 2025 still apply. The proposed development is located outside of the regulated area, and HCA staff have no natural hazards concerns related to the proposed development.

If there are any questions, please let me know.

Thank you,

**Mikiya Hobbs**

Planner, Watershed Management Services  
Hamilton Conservation Authority  
838 Mineral Springs Road, P.O. Box 81067  
Ancaster, ON L9G 4X1

**Phone:** 905-525-2181 Ext. 148

**Email:** [mhobbs@conservationhamilton.ca](mailto:mhobbs@conservationhamilton.ca)

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**From:** Mikiya Hobbs <mhobbs@conservationhamilton.ca>  
**Sent:** Monday, June 9, 2025 11:58 AM  
**To:** Committee of adjustment  
**Subject:** June 19th COA - HCA Comments for A-25:093 for 319 Highland Rd E

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Minor Variance Application A-25:093 for the lands located at 319 Highland Road East, Stoney Creek. HCA staff have reviewed the information provided in accordance with HCA's plan review and regulatory responsibilities under the *Conservation Authorities Act* and provide the following comments.

The subject property is located within the Stoney Creek subwatershed. A small portion of the site is regulated by HCA due to its proximity to a watercourse, a tributary to Stoney Creek, and the associated potential for erosion hazards. Based on a review of the materials provided, the proposed development is located outside of the regulated area, and there are no natural hazards concerns related to the proposed development. HCA staff have no objections to the approval of the requested minor variance.

There will be no HCA review fee for this file.  
If there are any questions, please let me know.

Thank you,

**Mikiya Hobbs**

Planner, Watershed Management Services  
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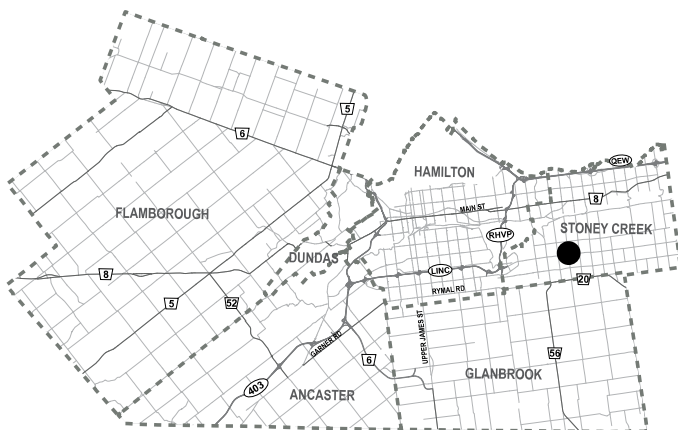
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● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



319 Highland Road East,  
Stoney Creek (Ward 9)

**File Name/Number:**  
A-25:093

**Date:**  
July 28, 2025

**Technician:**  
AL

**Scale:**  
N.T.S.

**Appendix "A"**



**Hamilton**

Planning and Economic Development Department