

A-25:143 — 1411 Centre Road, Flamborough

Recommendation:

Deny — Source Protection Planning
Deny — Development Planning

Proposed Conditions:

Proposed Notes:

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)

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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-25:143 is to permit the construction of an Additional Dwelling Unit - Detached.

Analysis

Rural Hamilton Official Plan

The subject property is designated “Rural Settlement Areas” on Schedule D of the Rural Hamilton Official Plan. The subject property is designated “Settlement Residential” on Volume 2: Map 4 Carlisle Rural Settlement Area Plan of the Rural Hamilton Official Plan. Policies A.1.2.3 and A.1.3.1 of Volume 2 of the Rural Hamilton Official Plan, amongst others, are applicable and permit the existing single detached dwelling.

Archaeology

The subject property meets five (5) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) 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;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer Euro-Canadian settlement; and,
- 5) 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

The subject property, located at 1411 Centre Road, Flamborough, is comprised of a one-and-a-half-storey brick vernacular dwelling from the early Twentieth Century and is listed on the City’s Inventory of Heritage Properties and located within the Carlisle Cultural Heritage Landscape.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Rural Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).



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Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the subject/adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, section B.3.4.1.3 of the Rural Hamilton Official Plan, Volume 1, applies.

The proponent proposes to construct an Additional Dwelling Unit - Detached.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Notwithstanding that the on-site property is listed on the Inventory of Heritage Properties and is located within the Carlisle Cultural Heritage Landscape, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the on-site cultural heritage resource will be conserved.

Staff have no further comments on the application as circulated.

Source Protection

Source Protection Planning understands the applicant is seeking a minor variance of a minimum lot area of 0.21 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 0.21 ha lot. Our comments are as follows:

1. The current lot size of 0.21 ha is considered insufficient for an additional dwelling unit, as our desktop review indicates that based on the septic effluent expected from the proposed use of the property, the lot size of 0.8 ha is not considered sustainable and as a result does not meet policies within Rural Hamilton Official Plan C.5.1.

2. Rural Official Plan, Policy 3.1.2.e states that:

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.



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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.

As such, Source Protection Planning cannot support the application at this time. As per Section 3.1.2.e iii) the lot size can be reduced if it is demonstrated through a Hydrogeological Report that Policy C.5.1 of the Rural Official Plan can be achieved. The Study must follow the City's Guideline for Hydrogeological Studies and Technical Standards for Private Services. The guidelines are available on the City's website: <https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf>

The applicant should be aware that a Hydrogeological Report does not necessarily promote a favorable outcome.

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

The subject lands are zoned Settlement Residential (S1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is a permitted use. The proposed additional dwelling unit is not a permitted use.

Variance 1

1. An Additional Dwelling Unit - Detached shall be permitted on a lot containing a Single Detached Dwelling having a minimum area of 0.15 hectares instead of the minimum 1.5 hectare lot area required.

The intent of these provisions is to ensure there is sufficient space for sustainable private servicing and stormwater management in order to prevent or mitigate drainage, private water, wastewater and other servicing issues.

Staff note that the subject property has a lot area of 0.15 hectares which is less than 10 times the lot area required to ensure sufficient area for sustainable private servicing in accordance with policies of the Rural Hamilton Official Plan. Development Planning defers to Source Water Protection regarding private servicing concerns. The proposed lot area is significantly smaller than the required lot area, which reduce the opportunities on the site to accommodate private services. Additionally, the additional dwelling unit is not a permitted use under the Zoning By-law.

Variance 2

2. A maximum building height of 8.0 metres shall be permitted for an Additional Dwelling Unit Detached instead of the maximum 6.0 metre building height permitted.

The intent of this provision is to ensure additional dwelling units remain subordinate in size, scale and character to the principle building or primary dwelling.



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Staff note that the existing single detached dwelling has a height of 8.05 metres, whereas the proposed additional dwelling unit is to have a height of 8 metres which is significantly larger than what is permitted. The proposed additional dwelling unit is close in size and scale to the existing single detached dwelling and does not maintain the character of the neighbourhood.

Staff are of the opinion that the requested variances do not maintain the general intent and purpose of the Rural Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate use of the land, and is not minor in nature. Staff do not support the variances.

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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. Requested variances are required to facilitate the establishment of an Additional Dwelling Unit – Detached2. Building elevations have not been provided at this time, as such variance #2 has been written as requested by the applicant
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

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

Transportation Planning:



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Source Protection Planning:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking a minor variance of a minimum lot area of 0.15 ha instead of the minimum lot area of 1.5 ha for the proposal of a detached additional dwelling unit on an existing 0.15 ha lot. Our comments are as follows:</p> <p>1. The current lot size of 0.15 ha is considered insufficient for an additional dwelling unit, as our desktop review indicates that based on the septic effluent expected from the proposed use of the property, the lot size of 0.8 ha is not considered sustainable and as a result does not meet policies within Rural Hamilton Official Plan C.5.1.</p> <p>2. Rural Official Plan, Policy 3.1.2.e states that:</p> <p>An additional dwelling unit - detached shall be permitted in Rural Hamilton subject to the following: (OPA 39)</p> <p>i) One additional dwelling unit - detached may be permitted on a lot with a minimum lot area of 1.5 hectares.</p> <p>ii) The primary dwelling and the additional dwelling unit – detached can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.</p> <p>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.</p> <p>As such, Source Protection Planning cannot support the application. As per Section 3.1.2.e iii) the lot size can be reduced if it is demonstrated through a Hydrogeological Report that Policy C.5.1 of the Rural Official Plan can be achieved. The Study must follow the City's Guideline for Hydrogeological Studies and Technical Standards for Private Services. The guidelines are available on the City's website:</p>



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STAFF COMMENTS

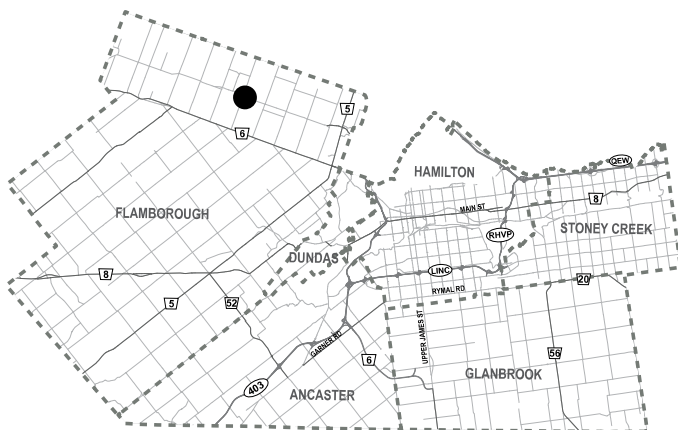
HEARING DATE: August 14, 2025

	<p>https://www.hamilton.ca/sites/default/files/2023-06/pedpolicies-guidelines-hydrogeological-studies-2023.pdf</p> <p>The applicant should be aware that a Hydrogeological Report does not necessarily promote a favorable outcome.</p>
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1411 Centre Road, Flamborough
(Ward 15)

File Name/Number:

A-25:143

Date:

August 5, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department