

A-25:145 — 7290 Airport Road East, Glanbrook

Recommendation:

Table. — Development Planning

Proposed Conditions:

1. The Applicants retain appropriate O. Reg 41/24 Section 8 Development Permits from the Niagara Peninsula Conservation Authority for all acts of Development and Site Alteration proposed within the 15m regulation distance of a watercourse. (NPCA)
2. That the Niagara Peninsula Conservation Authority be supplied with a revised site plan showing the 15m regulation distance of the watercourse, ESC-fencing erected at the address, a setback from the watercourse to the accessory structure, and which shows all proposed works to facilitate this Application. (NPCA)
3. That the owner submits and receives approval of an Environmental Impact Statement, to the satisfaction of the Manager of Heritage and Urban Design. The Environmental Impact Statement is to be prepared in accordance to the City's Council adopted Environmental Impact Statement Guidelines (revised March 2015). (Natural Heritage)
4. 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). (Natural Heritage)
5. 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. (Natural Heritage)

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



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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)."

A building permit is required for the construction of the proposed accessory storage building. (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 accessory storage building at the rear of the property.

The following variance is requested:

1. The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 208.0 square metres, or 5% lot coverage, whichever is the lesser instead of the requirement that the aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200.0 square metres, or 5% lot coverage, whichever is the lesser.

Rural Hamilton Official Plan

The subject property is designated “Agriculture” on Schedule D of the Rural Hamilton Official Plan. Policy D.2.1 permits a variety of agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on farm secondary uses. Policy B.3.1.4 a) permits one dwelling unit per lot in the Agricultural designation. The subject property is not identified as being within a Rural Settlement Area found in volume 2 of the Rural Hamilton Official Plan. Based on the policies found in Volume 1 of the official plan the existing single detached dwelling and proposed accessory building are permitted.

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP). Based on Schedule B (Natural Heritage System) within the RHOP, a Core Area has been identified within and adjacent to the subject property. In this case, the Core Area has been identified as a watercourse. The watercourse is also regulated by the Niagara Peninsula Conservation Authority (NPCA). In addition, there may be other Core Areas (i.e., significant habitat for threatened and endangered species, significant wildlife habitat) within the properties that may not have been mapped.

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. New development or site alteration shall not be permitted within fish habitat, except in accordance with provincial and federal requirements (policy C.2.5.4). There is concern that by locating the accessory building closer to the rear of the property, the Core Area will be negatively impacted. Opportunities to relocate the development as far away from the Core Areas as possible are to be explored. If this cannot be accommodated, an Environmental Impact Statement is required.



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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, it is unclear if trees may be impacted by the development.

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

Archaeology

The subject property meets three (3) 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;
- 2) In areas of pioneer Euro-Canadian settlement; and
- 3) 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 is adjacent to 7220 Airport Road East, a property listed on the City's Inventory of Heritage Properties.

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).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the 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, sections B.3.4.1.3 and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.

The proponent proposes the construction of an accessory storage building at the rear of the property.

Notwithstanding that the adjacent property is listed on the Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the



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adjacent cultural heritage resource will be conserved. Staff have no further comments on the application as circulated.

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

The subject property is zoned Agriculture (A1) Zone in Zoning By-law No. 05-200, which permits the existing single detached dwelling and proposed accessory building, subject to performance standards.

Analysis

Variance 1

1. The aggregate Gross Floor Area of all Accessory Buildings shall not exceed 208.0 square metres, or 5% lot coverage, whichever is the lesser instead of the requirement that the aggregate Gross Floor Area of all Accessory Buildings shall not exceed 200.0 square metres, or 5% lot coverage, whichever is the lesser.

The intent of the aggregate Gross Floor Area of Accessory Buildings to not exceed 200.0 square metres or 5% of lot coverage is to prevent adverse impacts to neighbouring lots, prevent overdevelopment, and ensure that the primary use remains the dominate feature of the site. Staff have reviewed the variance and generally do not have concerns with the proposed increase, as the primary dwelling on the lot remains the dominate feature in terms of gross floor area at 474 square metres whereas the proposed accessory structure is 207 square metres. Staff are of the opinion that the proposed accessory structure would not constitute an overdevelopment since the lot area is approximately 4,220 m² or 0.422 hectares which is slightly below or at the 5% of lot coverage. However, based on Natural Heritage staff comments above staff **recommend tabling** to have an opportunity to review NPCA (Niagara Peninsula Conservation Authority) comments and discuss potential changes with the applicant.

Based on the forgoing **staff recommend that the application be tabled.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. Please be advised that a portion of this property is within an area regulated by Niagara Peninsula Conservation Authority. Please contact (905) 788-3135 or nwensing@npca.ca prior to any development.2. Please be advised no elevation drawings were provided. If conformity cannot be achieved, additional variances may be required.



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	3. Please be advised insufficient information was provided to determine zoning compliance with Section 4.8h) of Hamilton Zoning By-law 05-200. Additional variances may be required if zoning compliance cannot be achieved.
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 accessory storage building. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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

From: Kyle Riley <kriley@npca.ca>
Sent: Wednesday, August 6, 2025 1:37 PM
To: Committee of adjustment
Subject: Re: August 14, 2025 Committee of Adjustment Agenda Available

External Email: Use caution with links and attachments

Hello,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter forming Hamilton's August 14, 2025, Committee of Adjustments Agenda, and offers the following comments.

7290 Airport Road East **A:25:145-**

The Applicants seek a Minor Variance to permit an accessory structure with an aggregate Gross Floor Area of 208m² where 200 m² is required.

There is an NPCA-regulated watercourse located along the centre of this address. This feature retains a 15m regulation distance. The NPCA controls development in the regulation distance of watercourses through Development Permit.

The NPCA understands there is an existing culvert to facilitate access to the north of this address.

The NPCA request information on what acts of site alteration (I.E., spreading gravel) are required to facilitate access to the accessory structures.

The NPCA will require the addition of ESC-fencing to prevent the migration of debris into the watercourse.

The NPCA suggests the a conditional approval be offered to this Application with the following conditions:

1. The Applicants retain appropriate O. Reg 41/24 Section 8 Development Permits from the Niagara Peninsula Conservation Authority for all acts of Development and Site Alteration proposed within the 15m regulation distance of a watercourse.
2. That the Niagara Peninsula Conservation Authority be supplied with a revised site plan showing the 15m regulation distance of the watercourse, ESC-fencing erected at the address, a setback from the watercourse to the accessory structure, and which shows all proposed works to facilitate this Application.

A Permit will be charged at a rate of \$1695 for this Application.

9754 Twenty Road West -

[REDACTED]

[REDACTED]

[REDACTED]

3392 Homestead Drive -

[REDACTED]

[REDACTED]

[REDACTED]

474 Provident Way -

[REDACTED]

[REDACTED]

[REDACTED]

38 Freedom Crescent -

[REDACTED]

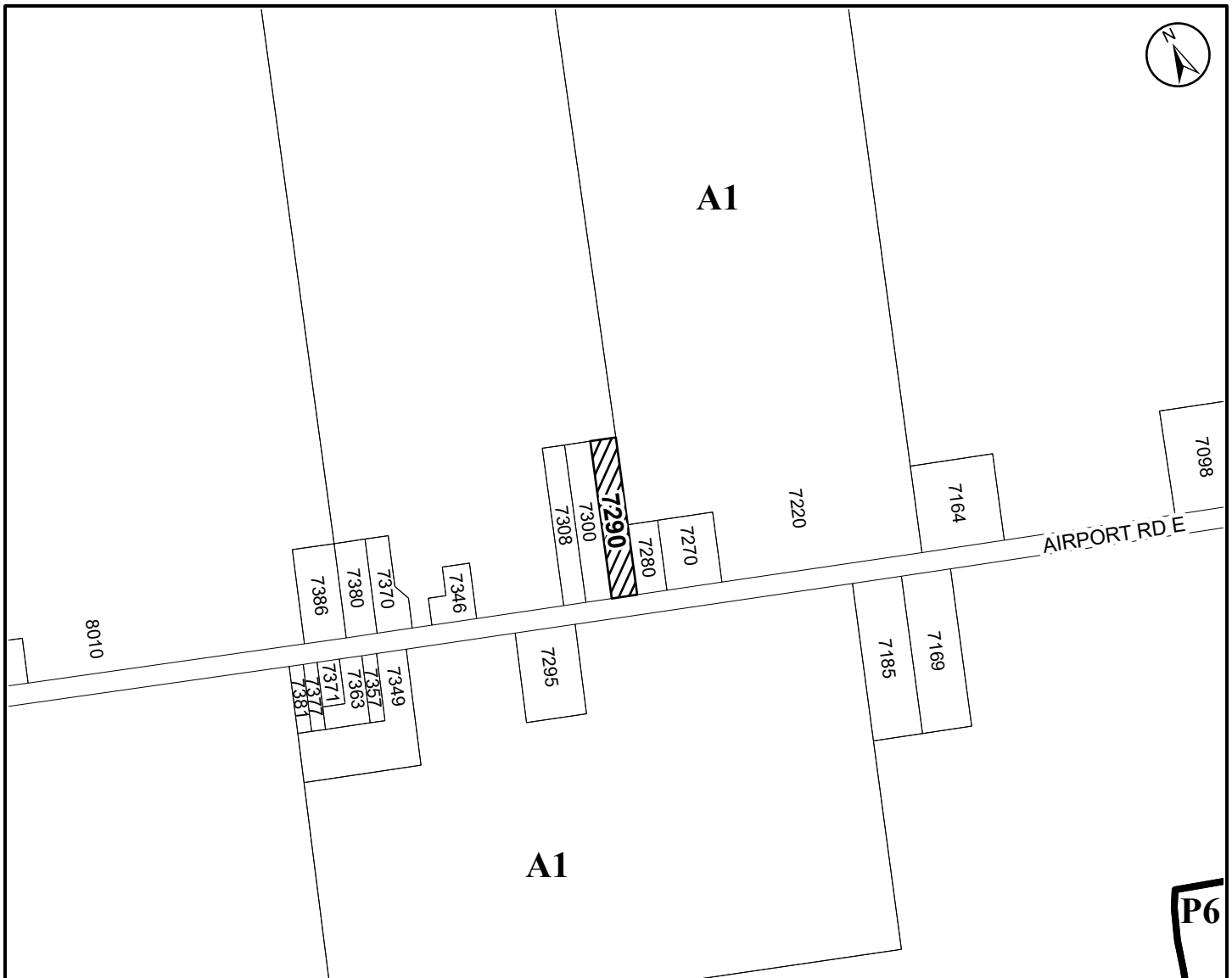
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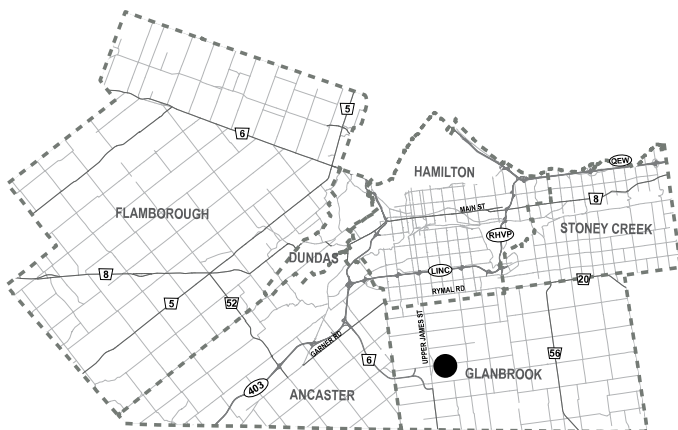
We thank you kindly for circulating this Application to our Offices for comments.

Should you have any questions please contact the undersigned.

Best regards,



Site Location



City of Hamilton

Committee of Adjustments

Subject Property



7290 Airport Road East, Glanbrook
(Ward 11)

File Name/Number:

A-25:145

Date:

July 28, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department