

A-25:126 — 1391 Powerline Road West, Ancaster

Recommendation:

Deny – Source Protection Planning

Approve with condition — Development Planning

Proposed Conditions:

1. That the proposed restaurant use be limited to a gross floor area of 20 square metres, to the satisfaction of the Director of Development Planning.

Proposed Notes:

A building permit is required for the conversion of the existing retail to proposed restaurant. (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-25:126 is to permit a restaurant use associated with an on farm diversified use that supports the primary agricultural use of the property.

Staff note that the existing agricultural processing establishment and associated retail uses were facilitated through Site Plan Control application SPAR-21-120, which received final approval on May 10, 2022. The proposed restaurant use is to occupy a total of 19.35 square metres of the 156.4 square metres of existing retail space within the agricultural processing facility.

Analysis

Provincial Planning Statement (2024)

Section 4.3.2.1 of the Provincial Planning Statement states:

“In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”

The provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas provide the following criteria for on-farm diversified uses:

1. Located on a farm.
2. Secondary to the principal agricultural use of the property.
3. Limited in area.
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural uses.

The guidelines also use a small scale café or restaurant as an example of an on-farm diversified use, provided all of the above criteria are met. Staff are of the opinion that, subject to the recommended condition to limit the gross floor area of the use, the proposed restaurant use will meet these criteria.



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Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 of the Greenbelt Plan permits all existing uses.

Section 1.2.2.1 d) states that one of the goals of the Greenbelt Plan is the provision of the appropriate flexibility for agricultural, agriculture-related and on-farm diversified uses, normal farm practices and an evolving agricultural and rural economy to ensure agricultural viability and protection.

Section 3.1.3.1 states that, for all lands falling within prime agricultural areas of the protected countryside, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on provincial guidelines. on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.

The proposed restaurant use conforms with the Greenbelt Plan, subject to the recommended condition to limit the gross floor area of the use.

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” and in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies D.2.1, D.2.1.2 and D.2.1.3, amongst others, are applicable and permit the existing agricultural operation, agricultural processing establishment and retail uses, as well as the proposed restaurant as an on-farm diversified use.

Policy D.2.1.3 permits limited secondary uses on farms to encourage on-farm diversification as a means of supporting the agricultural economy of the City. Policy D.2.1.3 limits on-farm secondary uses to agri-tourism uses, farm vacation homes, home industries, kennels, small scale retailing of agricultural products, and an agricultural alcohol production facility. On-farm secondary uses are permitted subject to the following:

- a) *The use shall be clearly secondary to the primary agricultural use maintained on the lot;*
- b) *Any buildings or structures associated with an on-farm secondary use shall allow for ease of conversion to a future agricultural use and be located to form an integral part of the primary farm cluster;*
- c) *Appropriate development standards shall be established in the Zoning By-law regarding the maximum floor area for such uses, access, parking, outside storage and any other requirements; and,*
- d) *Site plan approval may be required.*



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Staff note that the existing secondary uses, being the agricultural processing facility and retail use, were established through Site Plan Control application SPAR-21-120 and are secondary to the existing agricultural use (dairy farm) on the subject lands. The existing building is co-located with the primary farm cluster. The proposed restaurant use is to occupy a total of 19.35 square metres of the 156.4 square metres of existing retail space within the agricultural processing facility and is to similarly function as a value-added secondary use on the property in support of the dairy farm.

Based on the above, it is staff's opinion that the proposed restaurant use meets the criteria for an on-farm secondary use. Staff note that further site plan approval may be required.

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.

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



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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:

The subject property, located at 1341 Powerline Road West, Ancaster, is comprised of one-and-a-half-storey dwelling built circa 1854 and is listed on the City's Municipal Heritage Register as a non-designated property.

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

The proponent proposes to establish the use of a restaurant associated with the existing retail and agricultural use on the subject lands.

Notwithstanding that the on-site property is listed on the Municipal Heritage Register, 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.

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

The subject lands are zoned Agriculture (A1, 86) Zone in City of Hamilton Zoning By-law No. 05-200. Agricultural uses, agriculture-related and secondary uses are permitted. However, restaurants are not a permitted as a secondary use.

Variance 1

1. A restaurant shall be permitted as a secondary use to agriculture whereas a restaurant is not permitted.

The intent of this provision is to preserve agricultural uses as the primary and predominant land use in rural areas, particularly within prime agricultural areas.

Staff note that the existing secondary uses, being the agricultural processing facility and retail use, were established through Site Plan Control application SPAR-21-120 and are secondary to the existing agricultural use (dairy farm) on the subject lands.

The proposed restaurant use is to occupy a total of 19.35 square metres of the 156.4 square metres of existing retail space within the agricultural processing facility and is to similarly function as a value-added secondary use on the property in support of the dairy farm.

It is staff's opinion that the proposed restaurant use will not hinder or interfere with the existing agricultural operation as no new buildings are proposed and, subject to the recommended condition,



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STAFF COMMENTS

HEARING DATE: August 14, 2025

the use will be limited in gross floor area and will remain secondary to and supportive of the existing agricultural operation.

Therefore, staff are of the opinion that the variance maintains the intent of the Rural Hamilton Official Plan and Zoning By-law, is desirable and appropriate for the development and use of the land and is minor in nature. Staff support the variance.

Staff are of the opinion that the requested variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval, subject to the proposed condition.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Please be advised that a portion of this property is within an area regulated by Grand River Conservation Authority . Please contact (519) 621-2761 or grca@grandriver.ca 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 conversion of the existing retail to proposed restaurant.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Source Planning Protection:



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HEARING DATE: August 14, 2025

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands that the applicant is seeking to permit a restaurant as a secondary use to the agricultural use whereas a restaurant is currently not permitted. We understand that establishing the restaurant as a secondary use would result in an increase in the generated wastewater, and water supply requirements. For this reason, our comments are as follows:</p> <p>To the satisfaction of the Director of Hamilton Water, Source Protection Planning will require a Hydrogeological Assessment by a Qualified Person (P.Eng., P.Geo.) to support the proposed private servicing for the development. This report should discuss the proposed sewage disposal system onsite and the potential impacts to groundwater. The report shall consider all the uses proposed on site and will need to be completed in accordance with the City of Hamilton Guideline for Hydrogeological Studies and Technical Standards for Private Servicing (link: https://www.hamilton.ca/sites/default/files/2022-09/pedpolicies-guidelines-hydrogeological-studies.pdf).</p> <p>The report shall include details on both water supply, wastewater disposal and its potential impacts. A summarized scope of work would include but would not be limited to:</p> <p>Water Supply Assessment</p> <p>1. 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 Parks (MECP's) D-5-5 Technical Guideline for Private Wells: Water Supply Assessments.</p> <p>2. 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</p>



results, the proponent should provide recommendations for water treatment. Source Protection Planning will review the recommendations.

3. 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>

4. 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.

5. 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 found here. <https://www.halton.ca/For-Residents/Water-and-Environment/Water-Quality-Protection/Well-Water/Residential-Well-Decommissioning-Grant>

Wastewater

6. This section of the Hydrogeological Assessment shall provide details on the provided sewage disposal system, including the suitability of soils for on-site wastewater treatment, in reference to the flows and expected quality. Generally, if the sewage flows from the proposed use will be greater than 4,500 L/day, the nitrate concentrations will be assessed using MOE Guideline B-7 (Reasonable Use Criteria). If the daily design sewage



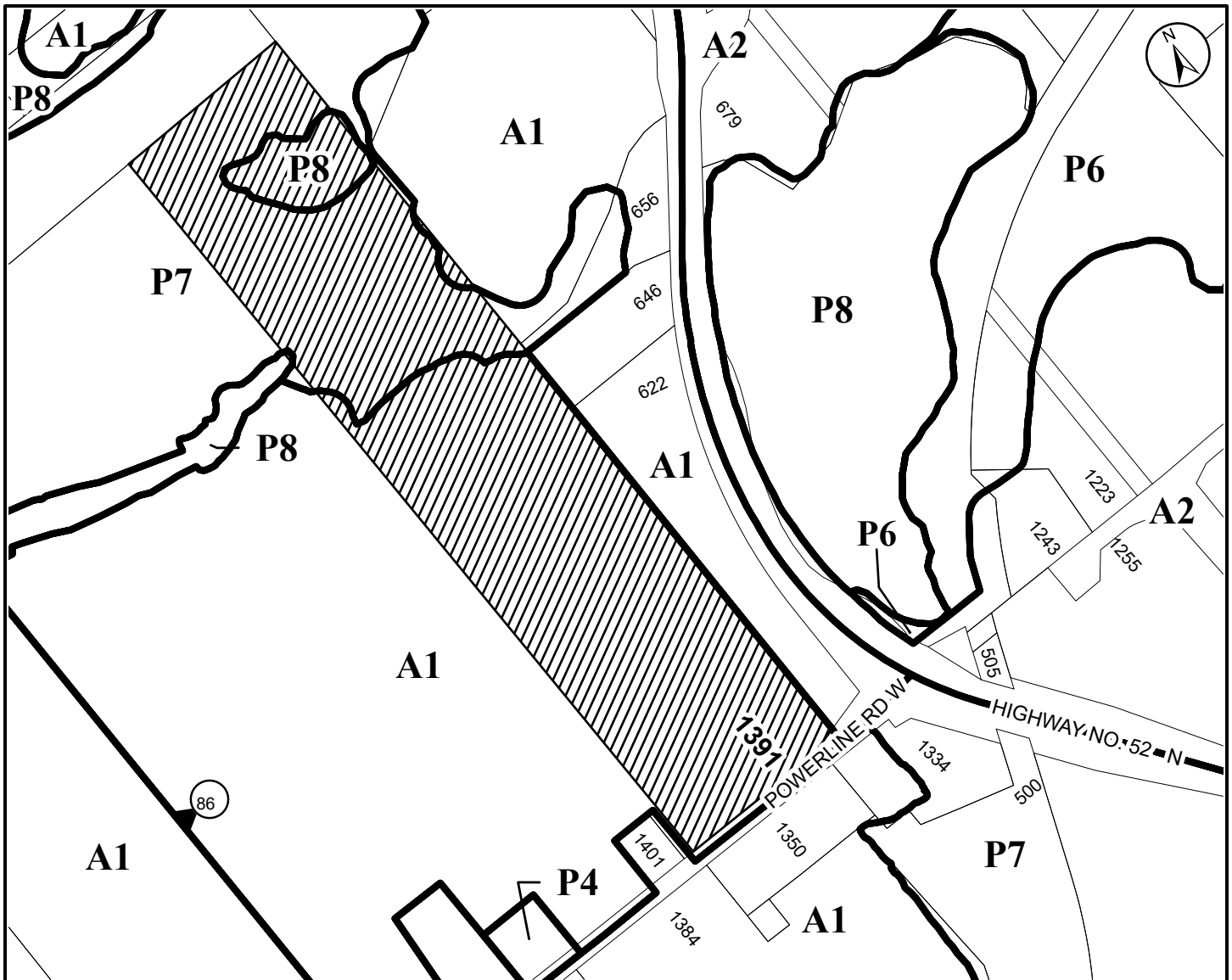
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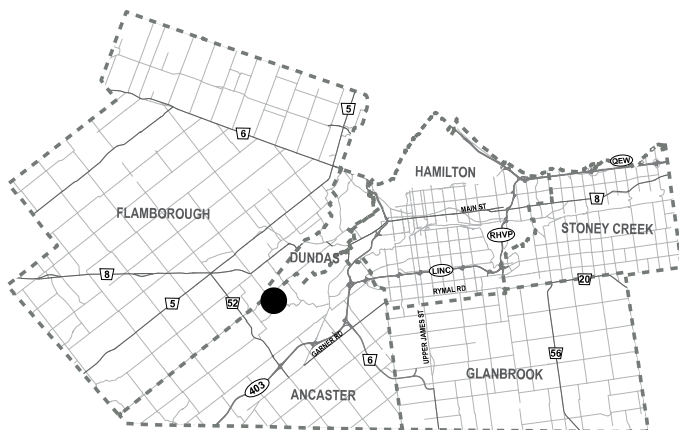
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	<p>flows exceed 10,000 L/day, an Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP) will be required. The applicant shall circulate Hamilton Water on the technical report for our review and record.</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




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 1391 Powerline Road West, Ancaster (Ward 12)

File Name/Number:
A-25:126

Date:
July 28, 2025

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department