

B-25:045 — 1165 & 1145 Concession Road 6 West, Flamborough

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the city corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained conform with the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
4. If a condition for a road widening and/or daylight triangle is required, the owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including lot width and lot area, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).
5. That the proposed severed lands (Part 1), be merged in title with the benefitting lands, 1145 Concession Road 6 West, to the satisfaction of the Director of Development Planning.
6. As a condition of severance, the Applicant/Owner must provide the following right-of-way dedication: as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (Concession Road 6) are to be 26.213 metres.
 - A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.
 - The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. <https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication>. (Transportation Planning)



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STAFF COMMENTS

HEARING DATE: August 14, 2025

Proposed Notes:

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Municipal Addressing By-law and Sign By-law, in a manner that is clearly visible from the road. (Legislative Approvals)

Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application. (Forestry)

This Division has no concerns with the proposed application. (Building Engineering)



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Development Planning:

Background

| | Frontage | Depth | Area |
|-------------------------------------|-----------------|--------------|------------------------|
| SEVERED LANDS (Part 1): | 15.24 m± | 89.5 m± | 2,233 m ² ± |
| RETAINED LANDS (Part 3): | 324 m± | 1024 m± | 42.6 ha± |

The purpose of Consent Application B-25:045 is to permit the conveyance of a parcel of land to be added to the property known municipally as 1145 Concession Road 6 West, from 1165 Concession Road 6 West.

Staff note that Consent application B-25:040 (delegated authority) was submitted concurrently with this application to create an access easement in favour of the retained lands over the severed lands.

Analysis

Rural Hamilton Official Plan

The subject lands are identified as “Agriculture” on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.4, D.2.1, F.1.14.2.1 and F.1.14.2.5, amongst others, are applicable and permits the existing agriculture use and single detached dwelling.

Policy F.1.14.2.1 d) states:

“d) All proposed lot additions shall:

- i. Comply with the policies of this Plan including rural settlement area plans where one exists;
- ii. Be compatible with and not hinder surrounding agricultural operations;
- iii. Conform to the Zoning By-law;
- iv. Only be permitted when both lots will retain frontage on a public road;
- v. Meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for a submission of a hydrogeological study regarding existing or proposed private water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7 d).”

Policy F.1.14.2.5 states:



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“Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) “No new lots shall be created;
- b) All resulting lots shall be:
 - i. a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and
 - ii. be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- g) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain agricultural uses, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of agricultural use.
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

Staff note the retained land would have a lot size of 42.6 hectares, exceeding the minimum required 40.4 hectares. Additionally, the benefitting lands (1145 Concession 6 Road West) will an approximate area of 0.41 ha when merged with the severed lands, meeting the minimum required lot size.

Staff further note that no new lots will be created, both properties have frontage along a public road and appear to conform to the requirements of the Zoning By-law.

Based on the above, it is staff’s opinion that the proposed lot addition meets the criteria outlined in Policies F.1.14.2.1 and F.1.14.2.5.

Archaeology

No comments.

Cultural Heritage

The subject property, located at 1165 Concession Road 6 West, is comprised of a circa 1866 two-storey dwelling, and is listed on the City’s Inventory of Heritage Properties. The subject property is also adjacent to 1109 Concession Road 6 West, a property listed on the City’s Inventory of Heritage Properties.



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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 subject and adjacent property are 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 conveyance of a parcel of land to be added to property known municipally as 1145 Concession Road 6 West.

Notwithstanding that the on-site and adjacent property are 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 on-site and 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 lands are zoned Conservation/Hazard Land Rural (P6) Zone in City of Hamilton Zoning By-law No. 05-200. The existing agricultural use and single detached dwelling are permitted uses.

Staff note that the Zoning By-law requires a minimum lot area of 40.4 hectares for agricultural uses, a minimum area of 0.4 hectares and a minimum lot width of 30 metres for single detached dwellings. The retained land will exceed the 40.4 hectare requirement for agricultural uses and the benefitting lands, 1145 Concession Road 6 West, will meet or exceed the requirement for a single detached dwelling.

The proposed lot addition maintains the general intent of the Rural Hamilton Official Plan and Zoning By-law. Therefore, **staff recommend approval.**

Zoning:

| Recommendation: | Comments and Conditions/Notes |
|----------------------|---|
| Proposed Conditions: | 1. The owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained conform with the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the |



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| | <p>requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p> <p>2. If a condition for a road widening and/or daylight triangle is required, the owner / applicant shall submit survey evidence that the lands to be conveyed and the lands to be retained, including lot width and lot area, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of the appropriate Planning Act applications in order to seek relief from the requirements of the Zoning By-law (Planning Division – Zoning Review Section).</p> |
| Comments: | <p>1. In order to clear conditions, the owner / applicant will be required to make application for a Zoning Compliance Review and pay the relevant fees.</p> <p>2. The lands to be conveyed shall be merged on title with the lands to which they are added.</p> <p>3. Subject to the Minimum Distance Separation requirements for livestock facilities within agricultural areas as set out in the Zoning By-law.</p> <p>4. Legally established rights of ways shall be properly registered on title to provide access between properties (lands to be conveyed and lands to be retained).</p> |
| Notes: | |

Development Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | Development Engineering staff has no issue with proposed land assembly. |
| Notes: | |

Building Engineering:

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|----------------------|--|
| Recommendation: | Comments and Conditions/Notes |
| Proposed Conditions: | |
| Comments: | |
| Notes: | This Division has no concerns with the proposed application. |

Forestry:

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| Recommendation: | Approve |
| Proposed Conditions: | |



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| Comments: | There are municipal tree assets on site although it is determined that no impacts are anticipated through this application. No public tree permit is required. No Landscape plan required. |
| Notes: | Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email urbanforest@hamilton.ca for questions or public tree permit application. |

Transportation Planning:

| | |
|----------------------|--|
| Recommendation: | Approve with Conditions |
| Proposed Conditions: | As a condition of severance, the Applicant/Owner must provide the following right-of-way dedication: as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Collector Roads (Concession Road 6) are to be 26.213 metres. <ul style="list-style-type: none">• A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.• The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication. |
| Comments: | |
| Notes: | |

Legislative Approvals:

| | |
|----------------------|--|
| Recommendation: | Comments and Conditions/Notes |
| Proposed Conditions: | |
| Comments: | The lands to be retained (Part 3) will remain as 1165 Concession Road 6 West (Flamborough) . The lands to be conveyed (Parts 1 & 2) will remain as 1145 Concession Road 6 West (Flamborough) . |
| Notes: | We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Municipal Addressing By-law and Sign By-law, in a manner that is clearly visible from the road. |



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Source Protection Planning:

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|----------------------|---|
| Recommendation: | Approve |
| Proposed Conditions: | |
| Comments: | <p>Source Protection Planning understands the applicant is seeking to sever the lands at 1165 Concession 6 West, and conveying the parcel to 1145 Concession 6 West. The retained lot would be 41.10 ha in size, and the lot size of 1145 Concession 6 West would increase by 0.2233 ha. We also understand that the application does not include the construction of any additional new dwellings or increase the size of the existing dwelling on the parcel at this time.</p> <p>Rural Hamilton Official Plan policies allow for minor lot additions/consent applications for existing and developed lots provided the property conveying land (1165 Concession 6 West) remains sustainable and represents an improvement to the existing situation. We note that the lot sizes for both parcels conform with Rural Hamilton Official Plan Policy F.14.2.7, and as a result, Source Water Protection is able to support the consent.</p> |
| Notes: | |

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

From: Mikiya Hobbs <mhobbs@conservationhamilton.ca>
Sent: Tuesday, August 5, 2025 4:35 PM
To: Committee of adjustment
Subject: August 14th COA - HCA Comments for B-25:045 for 1165-1145 Concession Road 6 West, Flamborough

External Email: Use caution with links and attachments

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Consent Application B-25:045 for the lands located at 1165-1145 Concession Road 6 West, Flamborough. 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 properties are located in the Upper Spencer Creek subwatershed. The property at 1165 Concession Road 6 West is partially regulated by HCA pursuant to *the Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)* due to the presence of Upper Spencer Creek and the associated potential for flooding and erosion hazards.

HCA understands that consent is requested to permit the conveyance of a parcel of land from 1165 Concession Road 6 West to 1145 Concession Road 6 West. Based on a review of the submitted materials, the lands to be conveyed are located outside of HCA's regulated area. Therefore, HCA staff have no concerns related to the proposed severance.

Please contact me if there are any questions regarding these comments.

Best regards,

Mikiya Hobbs

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

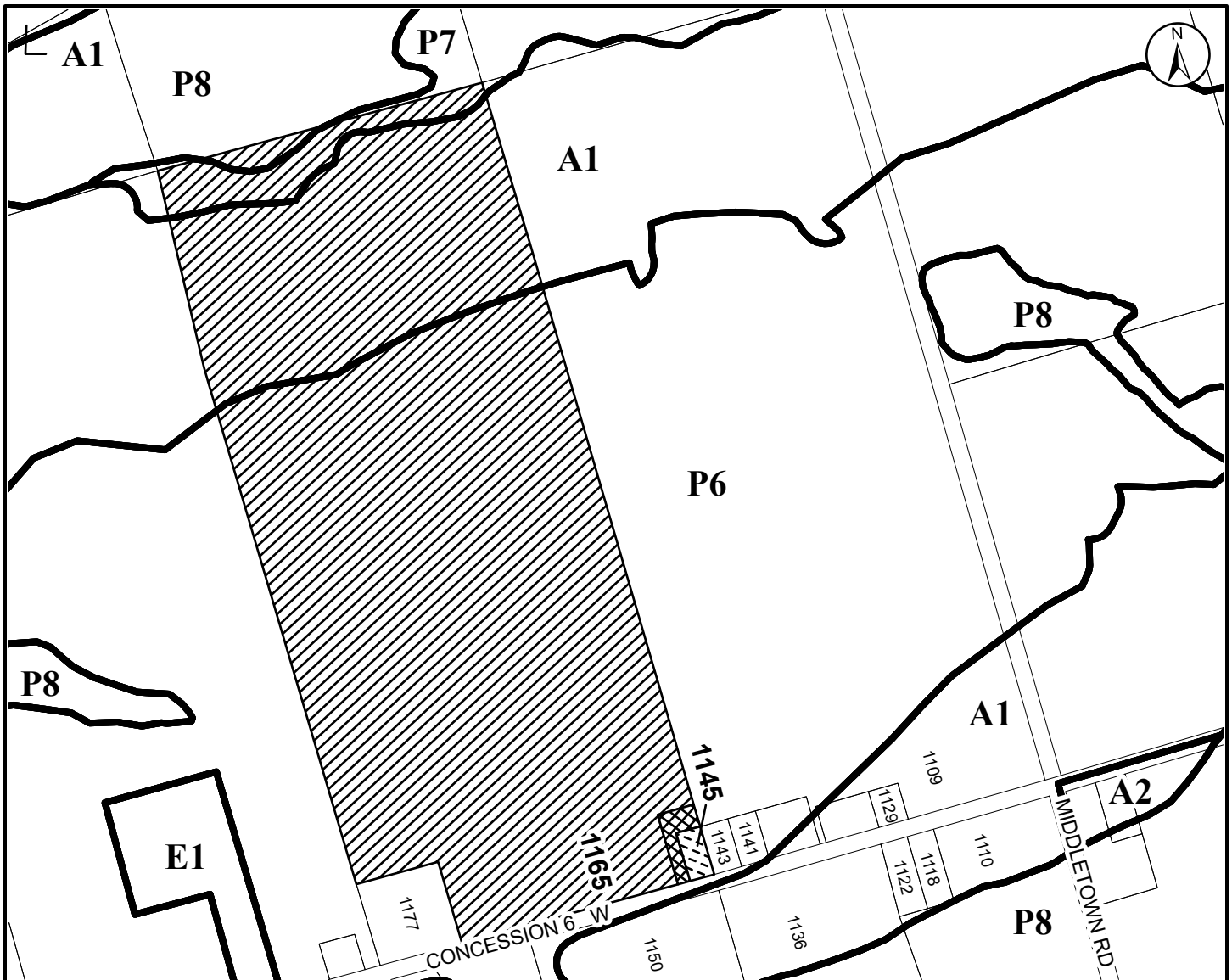
Phone: 905-525-2181 Ext. 148

Email: mhobbs@conservationhamilton.ca

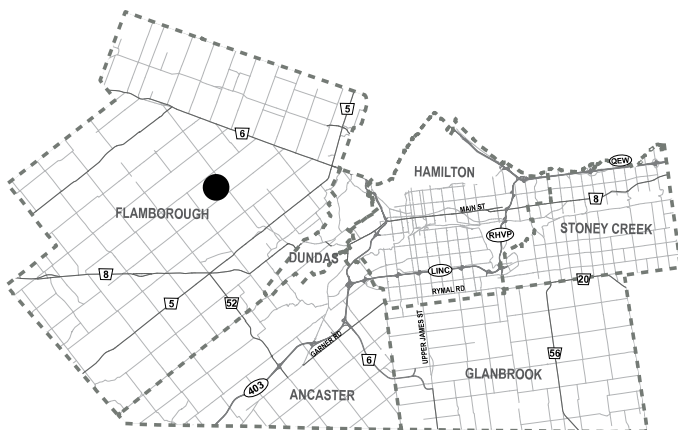
www.conservationhamilton.ca



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● Site Location






City of Hamilton

Committee of Adjustments

Subject Property

1145-1165 Concession 6 West, Flamborough
(Ward 13)

-  Lands to be Retained
-  Lands to be Severed
-  Lands to be Merged

File Name/Number:

B-25:045

Date:

July 28, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department