

A-25:137 — 639 Woodhill Road, Flamborough

Recommendation:

Deny — Development Planning

Proposed Conditions:

1. That the Owner submits a Hydrological Assessment prepared by a qualified professional to demonstrate that the reduced lot size can provide for installation of a private water well and septic system to support the proposed dwelling to the satisfaction of the Manager on Hamilton Water and the Director of Development Engineering.

Proposed Notes:

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

Be advised that Ontario Building Code regulations may require specific setback and construction types. (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-25:137 is to permit the construction of a single detached dwelling on an undersized lot.

Staff note that the Notice for this application notes the subject property's address as 639 Woodhill Road and the zoning of the property as Agriculture (A1) Zone under Zoning By-law No. 05-200. However, based on information provided by the applicant, the parcel in question is a smaller property that abuts 639 Woodhill Road to the south. The property is addressed 0 Woodhill Road, is zoned Conservation/Hazard Rural Lands (P7) Zone and is a woodlot. Staff have reviewed the application accordingly.

Analysis

Greenbelt Plan

The subject lands are designated "Protected Countryside" and "Greenbelt Natural Heritage System" under the Greenbelt Plan. Section 3.2.2.3 permits new development or site alteration within the Natural Heritage System if it is demonstrated that the proposal meets several criteria including, but not limited to, demonstration that there will be no negative impacts on key natural heritage or hydrologic features or their functions; connectivity between key natural heritage and hydrologic features is maintained or enhanced; that the disturbed area does not exceed 25% of the total developable area and impervious surfaces do not exceed 10% of the total developable area.

Staff are of the opinion that the proposal does not meet these criteria.

Rural Hamilton Official Plan

The subject lands are designated "Agriculture" in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policies C.3.1.4, C.5.1, D.2.1 and Section C.2.0, amongst others, are applicable and permit a single detached dwelling.

Schedule B – Natural Heritage System of the Rural Hamilton Official Plan identifies Core Areas within and adjacent to the subject lands. These Core Areas are Significant Woodland and an unevaluated wetland. The subject property is further identified as within the Greenbelt Natural Heritage System.

Policy C.3.1.4 a) permits a maximum of one dwelling per lot in designations where residential uses are permitted. However, Policy C.5.1.1 requires a minimum lot size of 0.4 hectares to meet the sustainable private servicing policies of the Rural Hamilton Official Plan.

Additionally, based on Natural Heritage planning staff's review, the proposed development does not comply with the policies of Section C.2.0, regarding development within Core Areas and preservation



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of natural heritage features. The proposal is to build a single detached dwelling on the subject property, and the entirety of the subject property is within a Core Area.

Based on the above policies and review, staff are of the opinion that Variance 1 does not maintain the intent of the Rural Hamilton Official Plan as the existing lot does not comply with the private servicing policies of Section C.5.1 or the natural heritage policies of Section C.2.0.

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and has been identified within the Greenbelt Natural Heritage System. Based on Schedule B (Natural Heritage System) of the RHOP, a Core Area (Significant Woodland) is located within the subject property. Core Areas adjacent to the subject property include Significant Woodland and an unevaluated wetland. There may be other Core Areas (i.e., significant habitat for threatened and endangered species, significant wildlife habitat) that have not been identified on schedules within the Rural Hamilton Official Plan. In addition, the property has been zoned as "P7" (Conservation/Hazard Lands-Rural). The intent of this zoning is to protect the natural features and their ecological functions. Based on the regulations within the P7 zone, new buildings and structures are not permitted. Further, the wooded area would be subject to the City's Rural Woodland By-law (R00-054).

Based on policies within the Rural Hamilton Official Plan (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. Further, policy C.2.4.2 indicates that new development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including an associated vegetation protection zone. Since development is proposed within the Core Area, Natural Heritage Planning staff cannot support this application.

Archaeology

The subject property meets four (4) 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 an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer Euro-Canadian settlement; and,
- 4) 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.



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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.

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Cultural Heritage

The subject property, located at 639 Woodhill Road, Flamborough, is comprised of a circa 1868-1900 dwelling, and is listed on the City’s Inventory of Heritage Properties. The subject property is also adjacent to 1880 Concession 4 Road West and 1804 Concession 4 Road West, both properties being 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 onsite and adjacent properties 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, B.3.4.1.4 and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.



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STAFF COMMENTS

HEARING DATE: August 14, 2025

The proponent proposes to construct a single detached dwelling.

Notwithstanding that the on-site and adjacent properties 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/adjacent cultural heritage resources 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 Rural Lands (P7) Zone in City of Hamilton Zoning By-law No. 05-200. The proposed dwelling is not a permitted use.

Staff note that the only requested variance is regarding the lot size of the subject property. However, the Conservation/Hazard Rural Lands (P7) Zone does not permit the construction of a new single detached dwelling on a vacant lot.

Variance 1

1. A minimum lot area of 0.28 hectares shall be permitted for a single detached dwelling instead of the minimum required lot area of 0.4 hectares.

The intent of this provision is to ensure lots are large enough to sustainably accommodate the private servicing requirements for single detached dwelling.

Staff note that the existing property has a lot area of 0.28 hectares, whereas the Zoning By-law requires a minimum of 0.4 hectares. Development Planning staff are of the opinion that the existing lot is too small to sustainably service the proposed dwelling, posing a potential public health hazard as a result. Additionally, the zoning does not permit the construction of a new single detached dwelling on a vacant lot.

Therefore, staff are of the opinion that the requested variance does not maintain the intent of the Rural Hamilton Official Plan or Zoning By-law, is not desirable for the appropriate development or use of the land and is not minor in nature. Staff do not support the variance.

Based on the foregoing, staff are of the opinion the requested variance does not meet the four tests of a minor variance. **Staff recommend denial.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate the establishment of a single detached dwelling



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STAFF COMMENTS

HEARING DATE: August 14, 2025

	2. It is noted that the provided drawings illustrating the subject lands do not appear to match the divisions records regarding lot configuration. It is unclear whether or not a Severance application is intended to create the parcel as shown in the drawings provided.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	That the Owner submits a Hydrological Assessment prepared by a qualified professional to demonstrate that the reduced lot size can provide for installation of a private water well and septic system to support the proposed dwelling to the satisfaction of the Manager on Hamilton Water and the Director of Development Engineering.
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 single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Source Protection Planning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	Source Protection Planning understands the applicant is seeking a minor variance to permit a lot area of 0.28 ha for a single detached dwelling instead of the minimum required lot area of 0.4 ha. While the applicant's



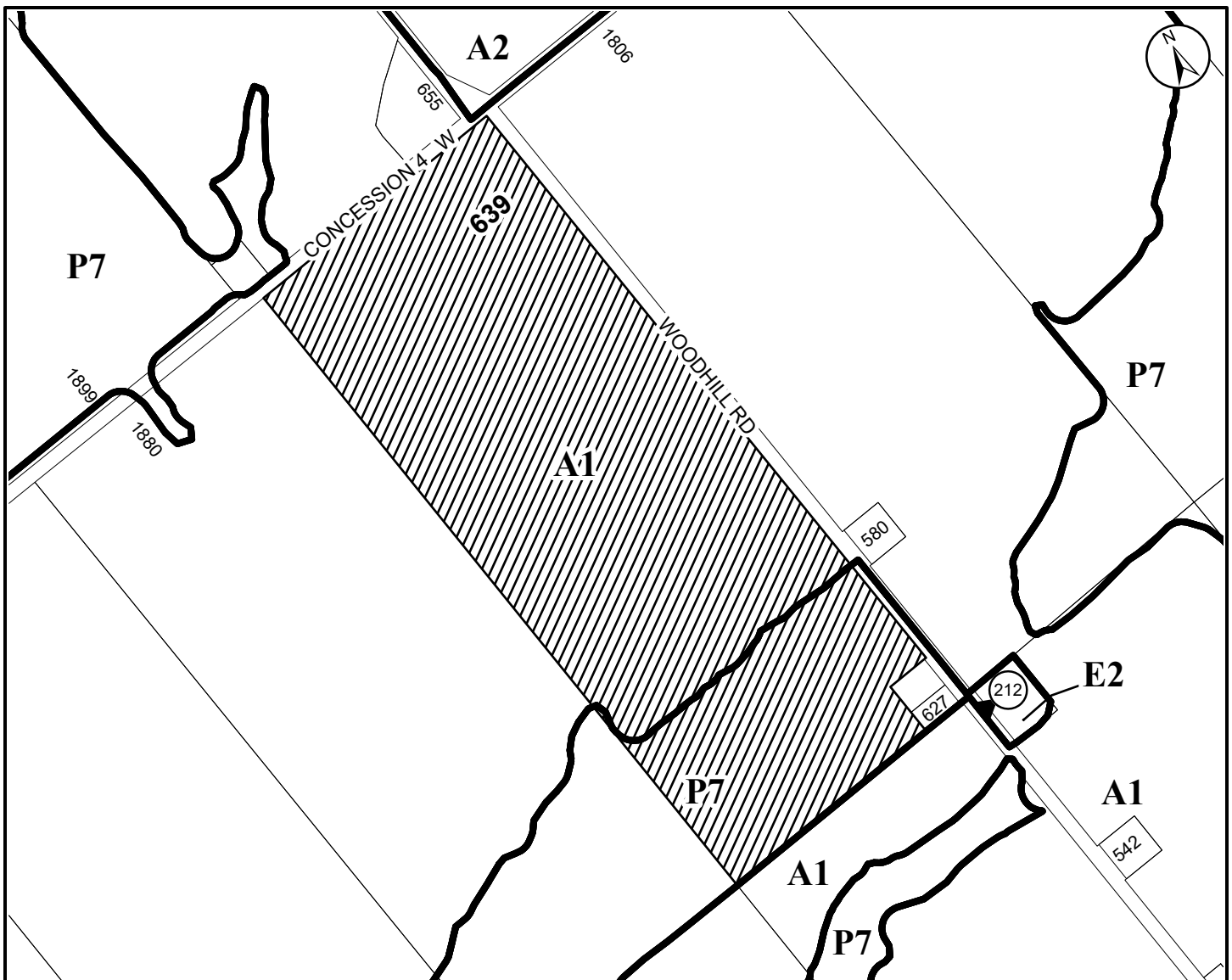
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STAFF COMMENTS

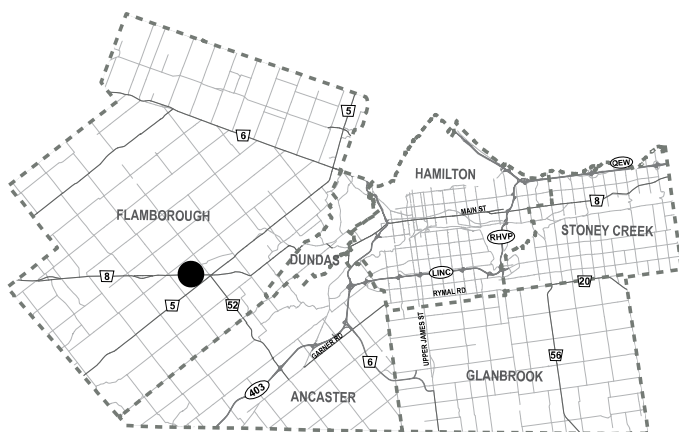
HEARING DATE: August 14, 2025

	<p>submission notes the lot area is 0.28 ha, our internal mapping indicates 41.57 ha. It is unclear what the lot area of the property is, and we note to the committee the following:</p> <ul style="list-style-type: none">• If the lot area is in-fact 0.28 ha, Source Protection Planning is unable to support this application as the lot size would not meet the Sustainable Servicing Policies in Section C.5.1 of the Rural Hamilton Official Plan (RHOP).• If the lot area is 41.57 ha, then Source Protection would be able to conditionally support the application contingent upon a satisfactory completion of a water supply assessment as part of a hydrogeological study to demonstrate the on-site use of the property can be serviced sustainably for water supply and quality. The study would also be required to demonstrate conformance with minimum distance requirements under Section 8 of the Ontario Building Codes (OBC). Our exact comments and requirements would be provided to the applicant once it has been confirmed the lot area is 41.57 ha. <p>As the exact lot size is unclear at this time, we recommend the application be tabled and confirm which of the above scenarios applies to this application.</p>
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



639 Woodhill Road, Flamborough
(Ward 12)

File Name/Number:

A-25:137

Date:

July 30, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department