



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

A-25:175 — 120 Festival Way, Glanbrook

Recommendation:

Approve — Development Planning

Proposed Conditions:

Proposed Notes:

Building Permit # 25-102930, issued on August 27, 2025, to construct a pool enclosure for the proposed in-ground pool, remains not finalized. (Building Engineering)

A building permit is required for the construction of the proposed a accessory building in the rear yard of the existing single detached dwelling. (Building Engineering)

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)

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)



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Development Planning:

Background

The purpose of Minor Variance application A-25:175 is to facilitate the construction of an accessory building in the rear yard of the existing single detached dwelling.

The following variances are **requested**:

1. A minimum side yard setback of 0.6 metres for an accessory building shall be provided whereas the minimum side yard setback required for an accessory building is 1.0 metres.

Analysis

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling.

Binbrook Village Secondary Plan

The subject lands are designated “Low Density Residential 2e” on Land Use Map B.5.1-1 of the Binbrook Village Secondary Plan – Land Use Plan. In accordance with Policy B.1.5 a), Policy E.3.4.3 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. Based on the forgoing the proposal complies with the Binbrook Village Secondary Plan.

Archaeology

The subject property meets two (2) 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; and
- 2) In the vicinity of distinctive or unusual landforms;

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.

Glanbrook Zoning By-law No. 464

The subject property is zoned Residential “R4-276” Zone in the Glanbrook Zoning By-law No. 464, which permits the existing and proposed land use.

Variance 1

1. A minimum side yard setback of 0.6 metres for an accessory building shall be provided whereas the minimum side yard setback required for an accessory building is 1.0 metres.



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The intent of this provision is to provide for sufficient access to buildings and accessory buildings for repairs and maintenance as well as to allow for sufficient space for drainage and stormwater runoff. This setback provision also seeks to limit the impact of proposed accessory structures on neighbouring properties from a massing perspective.

Staff note that although the side yard setback is narrow in width, staff are satisfied that the provided setback is sufficient for access. Staff also note that from a massing perspective, the proposed structure is an open air structure and the subject land is backing onto a large green space, so no impacts are anticipated. Staff also note that there is existing fencing between the neighbouring amenity area and the proposed accessory structure, so no impacts are anticipated on the neighbouring lands. The proposed accessory building is a single storey and ±2.9 metres in height, so the visual impact will be limited. Staff defer to Development Engineering staff on concerns related to grading and drainage.

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use of the land, and is minor in nature. Staff support the variance.

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

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	Building Permit # 25-102930, issued on August 27, 2025, to construct a pool enclosure for the proposed in-ground pool, remains not finalized.



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	<p>A building permit is required for the construction of the proposed a accessory building in the rear yard of the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>
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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: Friday, September 12, 2025 4:08 PM
To: Committee of adjustment
Subject: Re: September 25, 2025 Committee of Adjustment Agenda Available
Attachments: 680 Windwood Drive Basemap.pdf; 680 Windwood Drive Basemap.pdf; 120 Festival Way.pdf; 3325 3417 Tyneside Road Basemap.pdf

External Email: Use caution with links and attachments

Hello,

The Niagara Peninsula Conservation Authority has reviewed the subject matter forming Hamilton's September 25th, 2025, Committee of Adjustments Agenda, and offers the following comments,

The following files are within our commenting area:

3325 & 3417 Tyneside Road **B-25:060 A-25:171** -

The Applicants seek to Sever a 36-acre section for 3417 Tyneside Road, which will be added back to 3325 Tyneside Road.

The NPCA understands from the supporting documentation that the lands added to 3325 Tyneside Road will continue to be used agriculturally. As such, Minor Variance A-25:171 is required to permit a minimum lot area of 18.6 hectares instead of 40.4 hectares for agricultural uses.

There are two NPCA-regulated watercourses located at 3325 and 3417 Tyneside Road. Most of these two watercourses will have their overall fragmentation reduced by the extent of this Boundary Adjustment.

The NPCA notes that the proposed lot lines will fragment a portion of the southern watercourse located on 3417 Tyneside Road. It is the NPCA's preference that fragmentation be limited in all cases, and we thus suggest that potential configurations which do not intersect the features be explored.

As this is a Boundary Adjustment, there are no NPCA Planning or Permitting fees required to facilitate this Application. The NPCA also will not fee seek this Minor Variance as it continues the agricultural usages at this address — to which we are supportive.

120 Festival Way **A-25:175** -

The Applicants seek to permit a .6m minimum side yard setback for an accessory structure where a minimum setback of 1m is required.

There are no NPCA-regulated features located at this address at this time. As such, the NPCA offers No Objection to proposed development.

There are no NPCA Permitting or Planning fees required for this Application.

680 Windwood Drive **A-25:172** -

The Applicants propose to reduce the minimum required exterior side yard of 4.5m abutting the hypotenuse of a Daylight Triangle to 2.8m, to reduce the minimum separation distance to 3.1m between two exterior dwelling where 7.5m is required between two exterior walls when one wall contains a window to a habitable room and 12m between two exterior walls when both walls contain windows to a habitable room, that no amenity area will be provided for a dwelling unit where a 5m amenity area is required, and that a parking spot be permitted 0m from a Street Line instead of the requirement that a 6m setback for a parking spot to a Street Line.

Following the acceptance of Site Plan Approval and the issuance of Permits there are no NPCA-regulated features in the area of this Application. The NPCA thus offers No Objections to any of the proposed Minor Variances.

There are no NPCA-related Planning or Permitting fees required for this Application.

We thank you for circulating this Agenda to our Office for our comments.

Please contact the undersigned should you have any questions.

Best regards,



Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

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For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area Strategies](#), paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

ArcGIS Web Map



9/12/2025, 11:01:13 AM

1:1,128

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

- WRIP Quaternary Watersheds (10K)

- CityView Application Views

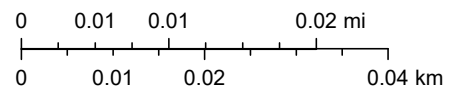
Assessment Parcels

Niagara Region Ortho 2023

- Red: Red
- Green: Green
- Blue: Blue

Niagara Region 2018 Imagery

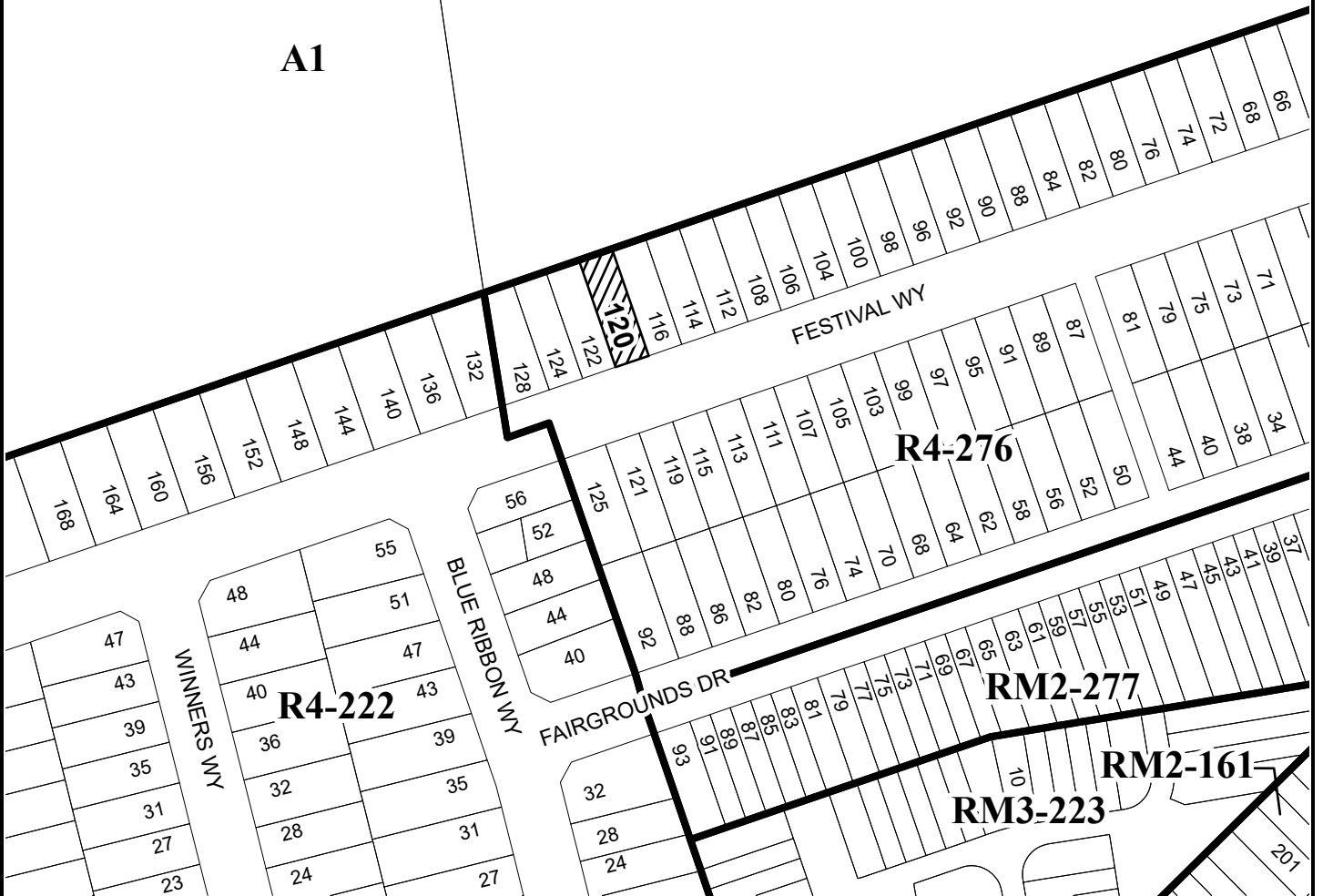
- Red: Band_1



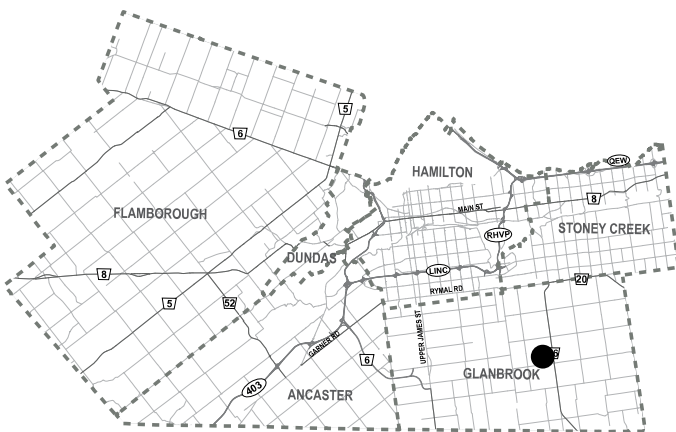
NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



A1



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



120 Festival Way, Glanbrook
(Ward 11)

File Name/Number:

A-25:175

Date:

September 11, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department