



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

A-25:015 — 1213 8th Concession Rd W, Flamborough

Recommendation:

Approve variance 1 and revised variances 2 and 3 with the proposed conditions. — Development Planning

Proposed Conditions:

1. 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)
2. 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:

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

A building permit is required for the construction of the proposed accessory building. (Building Engineering)

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

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



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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)



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Development Planning:

Background

The purpose of the application is to construct a new Single Detached Dwelling and Accessory Building.

Staff note that this file was previously tabled prior to the March 6, 2025, Committee of Adjustment Hearing. Staff have worked with the applicant to resolve concerns in relation to the timing of development and variances being applied for.

The following variances are requested:

1. Accessory Buildings shall be permitted in a Front Yard whereas an Accessory Building is only permitted in a Rear and/or Side Yard.
2. A maximum Building Height of 9.73 metre shall be permitted for an Accessory Building instead of the maximum 6.0 metre Building Height permitted for an Accessory Building.
3. A maximum Gross Floor Area of 763.0 m² shall be permitted for all buildings accessory to a Single Detached Dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum Gross Floor Area of 200.0m².

The following variances staff are recommending be revised:

2. A maximum Building Height of 9.43 metres shall be permitted for an Accessory Building instead of the maximum 6.0 metre Building Height permitted for an Accessory Building.
3. A maximum Gross Floor Area of 502.0 m² shall be permitted for all buildings accessory to a Single Detached Dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum Gross Floor Area of 200.0 m².

Staff are requesting that variance 3 be revised based on information provided by the applicant, which demonstrates that the proposed accessory building is to contain a portion of the Gross Floor Area dedicated towards the exclusive parking of motor vehicles, which is excluded from the calculation of Gross Floor Area under Zoning By-law No. 05-200. Staff request that variance 2 be revised in order to recognize the height that is being requested by the applicant as shown in the application package.

Rural Hamilton Official Plan

The subject property is designated "Agriculture" & "Rural" on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. The portions of the property affected by this



application are designated “Agriculture”. Policy D.2.0 specifies that uses permitted in the agriculture designation are limited to agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses. Policy C.3.1.2 e) and C.3.1.4 a) permit the future proposed additional dwelling unit detached and the existing single detached dwelling subject to conditions and regulations in both the official plan and the zoning by-law. The proposed use including the proposed accessory building are permitted.

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP) and is located within the Greenbelt Protected Countryside. Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas have been identified within and adjacent to the property. These Core Areas have been identified as Significant Woodland and Beverly Swamp Provincially Significant Wetland.

Based on policies within the RHOP, any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions (policy C.2.3.3). New development or site alteration adjacent (within 120 metres) of a key natural heritage feature within the Greenbelt Natural Heritage System, an Environmental Impact Statement (EIS) is required (policy C.2.4.2). Based on the proposed Plan, the development will be located at least 30 metres from these features. As a result, an EIS is not required.

In addition, through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.10.1). In previous correspondence, it was noted that trees will need to be removed to accommodate the new driveway. If trees are to be removed, the City requires 1 for 1 compensation is to be provided. This is to ensure that existing tree cover is maintained. Typically, this compensation is provided on a Landscape Plan.

The trees along the P7 boundary will not be impacted by development. The trees in the middle of the lot – as per the homeowner, many have been removed over a year ago prior to our involvement so the house will not require further tree removal; however, there will be some trees to be removed to accommodate the new driveway.

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;



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- 2) In areas of pioneer Euro-Canadian settlement; and
- 3) Along historic transportation corridors.

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, located at 1213 8th Concession Road West, is comprised of a circa 1861 dwelling and is listed on the City's Inventory of Heritage Properties. The subject property is also adjacent to 1207 8th Concession Road West, 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 subject and 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, B.3.4.1.4, and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.

The proponent proposes the construction of a new Single Detached Dwelling and Accessory Building.

Notwithstanding that the on-site and adjacent property is listed on the Inventory of Heritage Properties, Staff have reviewed the application and are supportive of the proposal to retain the existing heritage building on site. Staff 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 as Amended.

The subject property is zoned "A1" (Agriculture) and "P7" (Conservation/Hazard Land Rural). The portion that is affected by this application is zoned "A1" which permits the proposed land use.



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Staff have analysed the proposal and note that the P7 Zone serves to identify existing significant natural heritage features on the property. Upon consultation with the applicant and additional information being provided, staff confirmed that development is not taking place in the “P7” (Conservation/Hazard Land Rural) Zone and development is located away from the associated natural heritage features. Per Natural Heritage Planning staff’s comments an EIS is not required.

Analysis

Variance 1

1. Accessory Buildings shall be permitted in a Front Yard whereas an Accessory Building is only permitted in a Rear and/or Side Yard.

The intent of the Zoning provision that prohibits accessory structures in the front yard is to limit impacts on the established streetscape; facilitate development that is consistent with the neighborhood character; limit the overdevelopment of front yards; increase visibility for pedestrians and vehicles along the street; and, encourage landscaping and open space along the streetscape. Staff note that this variance is being triggered as there are existing accessory structures that the proponent is seeking to retain, that are located in front of the proposed new single detached dwelling. In this instance, the existing dwelling and accessory buildings are almost entirely screened from view of the street with no anticipated impacts being generated related to the existing streetscape character or overdevelopment of the site. The established streetscape is predominantly rural with trees lined along the street, the proposal does not seek to modify this character and would not be visible from the street. Staff note that the property is large (≈43.5 hectares) and there is a significant woodland between the street and the existing accessory structures. Staff note that these wooded areas are Zoned P7, which does not permit development, so the screening provided by these trees will remain over the long-term. Staff also note that the existing dwelling and accessory structures in the front yard are setback approximately 270 metres from the street. The variance to permit accessory structures in the front yard will also facilitate the retention of cultural heritage assets, as identified by cultural heritage staff. The applicant intends to build a new primary dwelling, which will be setback further from the street than the primary dwelling that currently exists and existing accessory buildings. In the opinion of staff, the proposal maintains the intent of the zoning by-law by facilitating development that is consistent with the neighbourhood character and streetscape. Based on the foregoing, staff are **supportive of variance 1** as it satisfies the four tests of a minor variance under the *Planning Act*.

Variance 2 as proposed.

2. A maximum Building Height of 9.73 metre shall be permitted for an Accessory Building instead of the maximum 6.0 metre Building Height permitted for an Accessory Building.

Variance 2 as revised by staff.



2. A maximum Building Height of 9.43 metres shall be permitted for an Accessory Building instead of the maximum 6.0 metres Building Height permitted for an Accessory Building.

The intent of the maximum building height for buildings accessory to a single detached dwelling is to maintain that accessory buildings are subordinate to the principal dwelling and to prevent impacts to neighbouring land uses including the prevention of overlook and privacy, and visual impacts. Staff have reviewed the application and generally have no concerns given the rural context of the property and how far the proposed buildings would be from neighbouring uses. The proposed increase from 6.0 metres to 9.43 metres is a minor increase in the permitted height, factoring in the intent of the policy and that no adverse impacts would be generated through the proposed increase. Staff note that the proposed accessory building would not be visible from the public realm as it is setback 481.92 metres from the street and screened by a significant woodlot that is zoned as P7, which restrict development. The building height of the proposed single detached dwelling is 9.5 metres, while the building height of the proposed accessory building is 9.43 metres. Staff note that the building height of the proposed accessory building remains subordinate to the proposed primary dwelling. In staff's opinion, the proposed increase in height is minor and adverse impacts are not anticipated given the distance that the accessory building would be from Concession Road 8 and neighbouring uses. Based on the forgoing staff are **supportive of revised variance 2** as it satisfies the four tests of a minor variance under the *Planning Act*.

Variance 3 as proposed.

3. A maximum Gross Floor Area of 763.0 m² shall be permitted for all buildings accessory to a Single Detached Dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum Gross Floor Area of 200.0 m².

Variance 3 as revised by staff.

3. A maximum Gross Floor Area of 502.0 m² shall be permitted for all buildings accessory to a Single Detached Dwelling instead of the requirement that all buildings accessory to a Single Detached Dwelling shall not exceed a maximum Gross Floor Area of 200.0 m².

The intent of the provision regulating maximum Gross Floor Area for accessory buildings is to ensure that adverse impacts are not generated in terms of overdevelopment, impacts to the character of the neighbourhood, and to ensure that there are no adverse impacts related to storm water management and site drainage. Staff have reviewed the proposed variance and have worked with the applicant and Zoning staff to identify areas that would be excluded from a calculation of Gross Floor Area as defined under Zoning by-law No. 05-200. Staff note that there are existing accessory buildings present on the property that the applicant intends to retain, which is contributing to the increase of GFA. The change that the applicant is proposing is to allow a new accessory building with a GFA of approximately 322 square metres, which is to be used for parking of vehicles, storage, a workshop, and batting cage. Staff note that no single accessory structure is larger in GFA than the proposed primary dwelling, so all individual accessory buildings remain subordinate to the primary structure.



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Only when all accessory structures are considered collectively does the GFA exceed that of the proposed primary dwelling. Staff note that the existing and proposed accessory buildings are dispersed throughout the lot, so the impact of the increase in GFA is mitigated. When factoring in the size of the lot being approximately 43.58 hectares, adverse impacts are not anticipated as the lot can accommodate the proposed increase in accessory structures and will not result in impacts to productive farmland. The proposed GFA of all accessory building's accounts for approximately 0.12% of the total lot area, which is significantly below the 5% typically permitted under the Zoning By-law up to a maximum of 200 square metres. Staff defer concerns of site drainage to Development Engineering staff to comment. Based on the forgoing, staff are **supportive of the revised variance 3** as it satisfies the four tests of a minor variance under the *Planning Act*.

Based on the forgoing, **staff recommend the approval of variance 1 and revised variances 2 and 3 with the proposed conditions** as they maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please note the variances have been requested as the applicant is only proceeding with the construction of the accessory structure and new single detached dwelling and will be living in the existing dwelling until the new dwelling is built. Should the applicant wish to convert the existing dwelling to an Additional Dwelling Unit – Detached additional variances will be required. As such, a Demolition Agreement is required to permit the existing Single Detached Dwelling to remain during construction of the proposed Single Detached Dwelling. 2. Insufficient information has been provided to determine Parking requirements as required under Section 5. Should any proposed parking not comply with the applicable requirements under Section 5, additional variances may be required. 3. Please be advised that a portion of this property is within an area regulated by Hamilton Conservation Authority. Please contact (905) 525-2181 or nature@conservationhamilton.ca prior to any development. 4. The lands are located within or adjacent to an Environmentally Sensitive Area (Beverly Swamp) and are subject to Site Plan



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	<p>Control. For further information, please contact Development Planning at (905) 546-2424 extension 1355 or email pd.generalinquiry@hamilton.ca.</p> <p>5. This property is listed in the City of Hamilton’s Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at culturalheritageplanning@hamilton.ca, or visit www.hamilton.ca/heritageplanning for further information.</p>
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed single family dwelling.</p> <p>A building permit is required for the construction of the proposed accessory building.</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:	

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

From: Ashley Gallaugher <agallaugher@hrca.on.ca>
Sent: Wednesday, September 10, 2025 9:09 AM
To: Committee of adjustment
Subject: CH Response to September 25, 2025 Committee of Adjustment Agenda Available
Attachments: CH Comments - March 6 2025 Afternoon Cof A - Per File Brief -1213 Concession Road 8 W - A-25-015 (002).docx

External Email: Use caution with links and attachments

Good Morning,

Thank you for including Conservation Halton (CH) in your circulation.

Based on CH's ARL mapping, none of the subject properties within these applications are within our jurisdiction or are regulated by CH. As such, we will not be providing comments.

I will note that CH provided the attached response to application A-25-015 (1213 Concession Road 8 West) for the March 6, 2025 meeting agenda. As the works remain outside of CH's regulated areas on the property and only a portion of the works may even be within CH's jurisdiction on the property, this letter can be used as our clearance for the minor variance application.

We appreciate you including us.

Thank you,



Ashley Gallaugher

Planning & Regulations Analyst

2596 Britannia Road West, Burlington, ON L7P 0G3

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conservationhalton.ca



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Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

To: Jamila Sheffield, Committee of Adjustment

From: Ashley Gallaugher, Planning & Regulations Analyst

Email: agallaugher@hrca.on.ca

File Number: A-25:015

Address: 1213 Concession Road 8 West, Hamilton

Subject: Committee of Adjustment File Comments – March 6, 2025 – Afternoon

Recommendation	Approve
Proposed Conditions:	N/A
Comments:	<p>Conservation Halton (CH) staff has reviewed the above-noted application and attached materials (received February 14, 2025) per our regulatory responsibilities under the <i>Conservation Authorities Act</i> (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the <i>Planning Act</i> are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans).</p> <p><u>Proposal</u></p> <p>The purpose of this application is to facilitate the conversion of a single detached dwelling to an Additional Dwelling Unit, and to construct a new single detached dwelling unit and accessory building. Staff understand that variances are being requested to permit the conversion of the existing principal dwelling to an ADU, to allow an ADU at the front of a property, and to allow specified increases in building height and gross floor area of the accessory building.</p> <p><u>Conservation Authorities Act and Ontario Regulation 41/24</u></p>



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COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

The north portion of this property is within CH's jurisdiction, while the south portion is within Hamilton Conservation Authority's jurisdiction. CH regulates watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. Based on CH's Approximate Regulation Limit (ARL) mapping, the property at 1213 Concession 8 Road West, Hamilton is regulated by CH as it is traversed by a tributary of Bronte Creek and contains the flooding and erosion hazards associated with that watercourse. The property also contains Provincially Significant Wetlands (PSWs). CH regulates 15m from the greater of the flooding or erosion hazards associated with watercourses, and 30m from the limit of wetlands.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the CA Act, Ontario Regulation 41/24, and CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document* (<https://conservationhalton.ca/policies-and-guidelines>).

Proposed Development

Based on review of the plans submitted with this application, the proposed development may be partially within CH's jurisdiction but is located outside of CH's regulated areas.

As most of the proposed development activities appear to be within the Hamilton Conservation Authority's jurisdiction, they may provide further comments relating to natural hazards and wetlands. CH requests to be circulated on future applications on this property to confirm regulatory requirements should works be contemplated in areas within CH's jurisdiction.

Ontario Regulation 686/21 - Provincial Planning Statement (Sections 5.1.1-5.2.8)

As the proposed development activities are located outside of flooding and erosion hazards within CH's jurisdiction, CH raises no concerns relating to consistency with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement. However, the Hamilton Conservation Authority may provide



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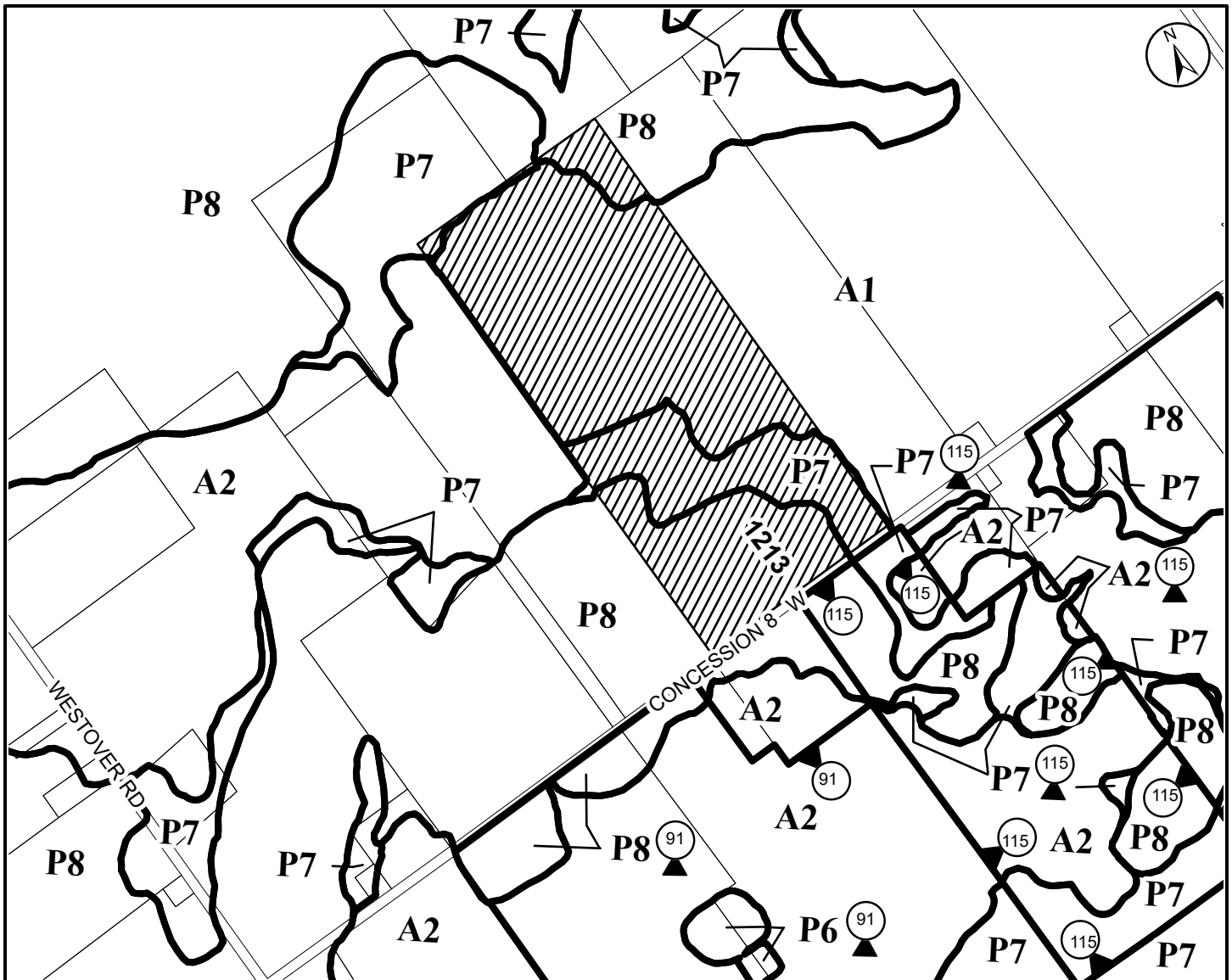
COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

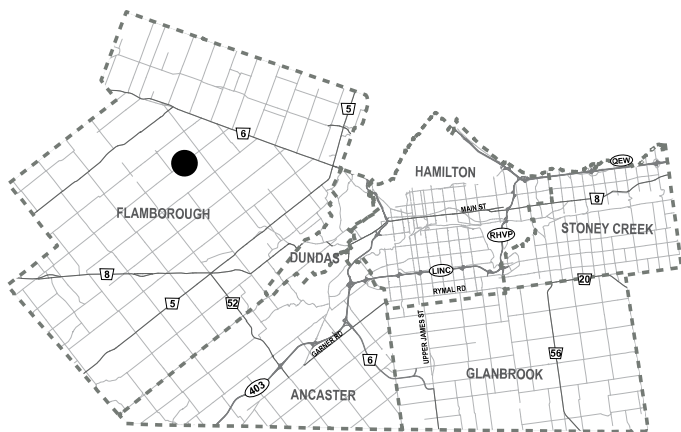
Telephone (905) 546-2424, ext. 4221

E-mail: cofa@hamilton.ca

	<p>additional comments relating to natural hazards within their jurisdiction.</p> <p><u>Recommendation</u></p> <p>Based on the above, CH has no objections to approval of this minor variance application and this letter can be used as CH's clearance for the works that will occur in CH's jurisdiction. CH defers to the Hamilton Conservation Authority to provide comments regarding the proposed development in their jurisdiction.</p> <p>Please circulate CH on any plan revisions or future applications for this property to confirm any regulatory requirements should future development be contemplated in CH's jurisdiction.</p> <p>I trust this information is of assistance, but please contact Ashley Gallagher at agallaugh@hrca.on.ca should you have any questions.</p>
Notes:	N/A




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 1213 8th Concession Rd W,
Flamborough (Ward 13)

File Name/Number:
A-25-015

Date:
September 3, 2025

Technician:
RS

Scale:
N.T.S.

Appendix "A"



Hamilton