



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

A-25:174 — 87 Appaloosa Trail, Flamborough

Recommendation:

Approve variances 1 and 2 — Development Planning

Proposed Conditions:

Proposed Notes:

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 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 facilitate the construction of a building accessory to the existing single detached dwelling.

The following variances are requested:

1. A maximum building height of 6.0 metres shall be provided for an accessory building instead of the maximum permitted height of 4.5 metres.
2. A maximum combined lot coverage of all accessory buildings shall not exceed 113.0 square metres instead of the maximum permitted 45.0 square metres or 7.5% of the lot area.

Rural Hamilton Official Plan

The subject property is designated “Rural Settlement Areas” (Carlisle) on Schedule D of the Rural Hamilton Official Plan. The subject property is designated “Settlement Residential” on Volume 2 Map 4 Carlisle Rural Settlement Area Plan of the Rural Hamilton Official Plan. Policy Sections A.1.3 and A.3.1 of Volume 2 Rural Settlement Area Plans are applicable. Based on the above policy sections of the Rural Hamilton Official Plan the existing single detached dwelling and proposed accessory building are permitted.

Archaeology

The subject property meets one (1) 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.

This criterion defines 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

No Comments.

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



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The subject property is zoned (S1) Settlement Residential Zone in Zoning By-law No. 05-200. The zone permits the existing single detached dwelling and proposed accessory building/garage subject to regulations.

Analysis

Variance 1

1. A maximum building height of 6.0 metres shall be provided for an accessory building instead of the maximum permitted height of 4.5 metres.

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/introduction of overlook and privacy concerns and visual impacts. Staff have reviewed the application and generally have no concerns given the context of the area being large rural lots and the proposed accessory building being setback approximately 6 metres from the nearest lot line. In staff's opinion, the proposed accessory structure is sufficiently setback from adjacent lot lines to mitigate any impact associated with the minor increase in height. The increase in building height from 4.5 to 6.0 metres is considered minor. No variances were identified for the setbacks to the proposed accessory building. In staff's opinion the proposed increase in height is minor and undue adverse impacts are not anticipated. Staff are **supportive of variance 1** as it satisfies the four tests of a minor variance under the *Planning Act*.

Variance 2

2. A maximum combined lot coverage for all accessory buildings shall not exceed 113.0 square metres instead of the maximum permitted 45.0 square metres or 7.5% of the lot area.

The intent of the maximum lot coverage provision is to prevent the overdevelopment of properties, to ensure that an appropriate amount of lot area remains for other uses such as landscaping and amenity area, and to avoid stormwater management impacts through increases in impervious areas. Based on staff's analysis, the applicant has demonstrated that the proposed increase in maximum total lot coverage will not result in a significantly reduced area for amenity space and landscaping. Based on the provided plans there is sufficient area for landscaping and for outdoor amenity space and staff do not foresee any undue adverse impacts being generated through the proposed variance. Overdevelopment of the site is not anticipated based on the total proposed lot coverage of accessory buildings being at approximately 2.5%, which is well below the 7.5% identified in the Zoning By-law. Staff note that the maximum 45 square metre lot coverage prescribed in the Zoning by-law does not distinguish between small urban lots or large rural lots in the City's Rural Settlement Areas. Conflicts with neighbouring lots and nearby agricultural operations are not anticipated. Staff note that the primary dwelling remains larger in GFA and the dominant structure on the site. Staff defer concerns



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relating to drainage to Development Engineering staff. Based on the forgoing, staff are **supportive of variance 2** as it satisfies the four tests of a minor variance under the *Planning Act*.

Based on the forgoing, staff recommend the **approval of variances 1 and 2** 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:	Requested variances are required to facilitate the construction of a proposed Accessory building
Notes:	

Development Engineering:

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

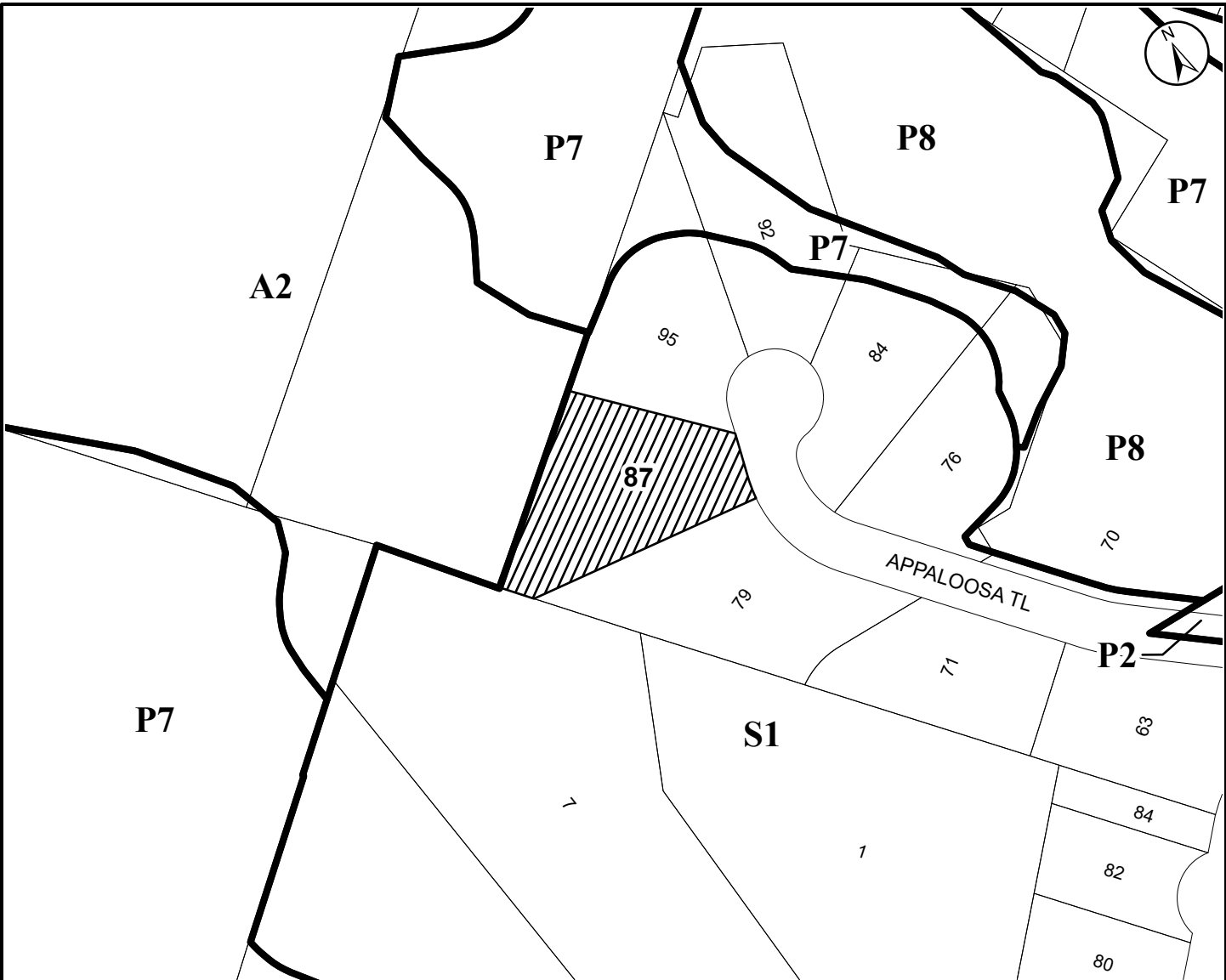
Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed accessory building. Be advised that Ontario Building Code regulations may require specific setback and construction types.

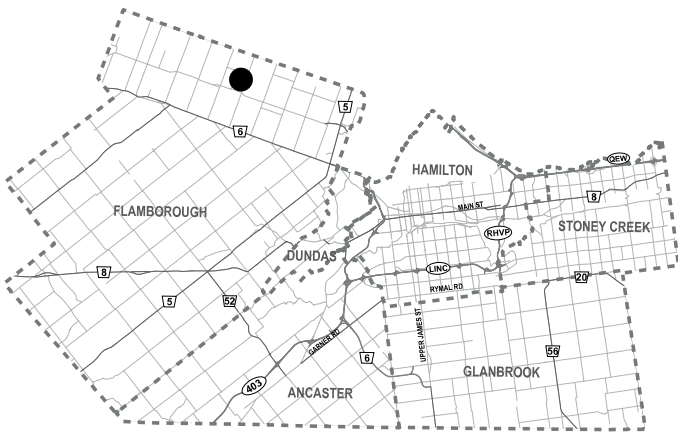
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



87 Appaloosa Trail, Flamborough
(Ward 15)

File Name/Number:
A-25:174

Date:
September 8, 2025

Technician:
AL

Scale:
N.T.S.

Appendix "A"



Hamilton