



Hamilton

STAFF COMMENTS

HEARING DATE: September 25, 2025

A-25:183 — 631 Highway No. 8, Flamborough

Recommendation:

Deny — Source Protection Planning
Deny — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed additional dwelling unit within an existing single detached dwelling. (Building Engineering)

Order to Comply 25-200639, dated May 14, 2025 remains outstanding. (Building Engineering)

The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units. (Building Engineering)

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

“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 the application is to permit the construction of an Additional Dwelling Unit within an existing Single Detached Dwelling.

The following variance is requested:

1. A minimum Lot Area of 0.25 hectares shall be provided instead of the minimum lot area of 0.6 hectares required for a lot containing an Additional Dwelling Unit.

Provincial Planning Statement (2024)

“4.3.2.5 Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:

- a) comply with the minimum distance separation formulae;
- b) are compatible with, and would not hinder, surrounding agricultural operations;
- c) have appropriate sewage and water services;
- d) address any public health and safety concerns;
- e) are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
- f) minimize land taken out of agricultural production.

Lots with additional residential units may only be severed in accordance with policy 4.3.3.1.c).”

The above policy identifies that additional residential units shall be permitted where a residential dwelling is permitted. Subsection c) and d) of this policy seek to address concerns of private servicing through the introduction of an Additional Dwelling Unit and potential public health concerns and impacts to sewage and water services. Staff are not satisfied that the proposed Additional Dwelling Unit is consistent with subsection c) and d) above, given that the size of the lot does not meet the size requirements as stated in the Rural Hamilton Official Plan and implemented through the Zoning By-



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law. Based on the above Provincial Planning Statement policies, staff are of the opinion that the proposal is not consistent with the Provincial Planning Statement.

Rural Hamilton Official Plan

The subject property is designated “Rural” on Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. Policies D.4.0 among others are applicable. The subject lands are not identified as being located within a Rural Settlement area as found in Volume 2 of the Rural Hamilton Official Plan.

The below policies, among others, are applicable:

“C.3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met:

- d) An additional dwelling unit may be permitted within a single or semidetached dwelling on a lot with a minimum size of 0.6 ha, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 26)(OPA 30)(OPA 41)”

Policy C.3.1.2 d) states that an Additional Dwelling Unit is permitted on a lot with a minimum area of 0.6 hectares provided it complies with all applicable policies and zoning by-law regulations. Staff note that this policy differs from policy C.3.1.2 e), which addresses detached additional dwelling units. When dealing with attached additional dwelling units the policy does not allow for the minimum lot area to be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of the Rural Hamilton Official Plan can be achieved.

The following additional policies are applicable related to private servicing.

“C.5.1.1

No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City’s calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as maybe approved or amended from time to time.



- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.

- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f)."

The subject ≈0.25 hectare lot is not of a sufficient size to accommodate an Additional Dwelling Unit per policy C.3.1.2 d) of the Rural Hamilton Official Plan. staff defer further comments regarding Policy C.5.1.1 to Source Water Protection Staff. Accordingly, the proposal does not comply with the Rural Hamilton Official Plan.

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 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 is adjacent to 637 Highway 8, 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



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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 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.

Notwithstanding that the adjacent property is 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 adjacent cultural heritage resource will be conserved.

Staff would strongly encourage the applicant consider revisions to the proposed design that would allow for the retention of the existing front elevation as it currently exists. If this is not possible, staff would also encourage the salvage of any heritage features, for example, the window in the front gable, and the incorporation of these salvaged features into the proposed design.

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP). Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas (i.e., Environmentally Significant Areas, Area of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) are not located within the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.

Based on aerial photograph interpretation and the site plan provided with the application, trees have been identified within 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, wildlife habitat) and encourages the protection and restoration of trees (policy C.2.10.1). Based on the proposal it appears that new propane tanks will be located within the dripline of an existing tree. To protect the existing trees, it is recommended that these tanks be located outside of the dripline of the trees.

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

The subject property is zoned Rural (A2) Zone in the City of Hamilton Zoning By-law No. 05-200. Additional Dwelling Unit(s) are permitted subject to regulations, including a minimum lot area.



Analysis

Variance 1

1. A minimum lot area of 0.25 hectares shall be provided instead of the minimum lot area of 0.6 hectares required for a lot containing an Additional Dwelling Unit.

In accordance with the above policies, the intent of this provision is to restrict Additional Dwelling Units on lots that are undersized and are unable to sufficiently support private servicing. The proposed decrease in minimum lot area is not minor as Policy C.3.1.2 d) of the Rural Hamilton Official Plan specifically states that an additional dwelling unit is permitted within an existing single or semi-detached dwelling but is required to be on a lot with a minimum size of 0.6 hectares. The proposal also needs to comply with all applicable policies of the official plan and the regulations of the Zoning By-law. In this instance, the proposal does not comply with the provisions of the Zoning by-law. The proponent has also not demonstrated conformity with the Rural Hamilton Official Plan's private servicing policies. In staff's opinion the proposed minor variance is not minor, nor does it maintain the intent of the Zoning By-law and Official Plan. Based on the identified RHOP policies, staff recommend the application be **denied** as the proposed minor variance does not meet the four tests of a minor variance under the *Planning Act*.

Based on the above analysis staff recommend that the application be **denied**.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please be advised insufficient information was provided to determine parking requirements. Additional variances may be required if conformity with Section 5 of the Hamilton Zoning By-law 05-200 cannot be achieved. 2. This property is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner CulturalHeritagePlanning@hamilton.ca for further information.
Notes:	

Development Engineering:



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

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>A building permit is required for the construction of the proposed additional dwelling unit within an existing single detached dwelling.</p> <p>Order to Comply 25-200639, dated May 14, 2025 remains outstanding.</p> <p>The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.</p>
Notes:	

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Source Protection Planning:

Recommendation:	Deny
Proposed Conditions:	
Comments:	<p>Source Protection Planning understands the applicant is seeking a minor variance of a minimum lot area of 0.25 ha instead of the minimum lot area of 0.6 ha for the proposal of an additional dwelling unit on an existing 0.25 ha lot. Our comments are as follows:</p> <p>The current lot size is considered insufficient for an additional dwelling unit, as our desktop review indicates that based on the septic effluent expected from the proposed use of the property, the lot size of 0.25 ha is not considered sustainable and as a result does not meet policies within Rural Hamilton Official Plan C.5.1.</p>



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	<p>Rural Official Plan, Policy 3.1.2.d states that:</p> <p>An additional dwelling unit may be permitted within a single or semi-detached dwelling on a lot with a minimum size of 0.6 ha, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 26)(OPA 30)(OPA 41)</p> <p>Given the fact that the lot size is under 0.6 ha, Source Protection Planning cannot support the application at this time.</p>
Notes:	

Ministry of Transportation:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>The Ministry has no issues with the proposed minor variance. However, the proponent must be aware that the property is located within the Ministry's permit control and therefore requires a Building and Land Use permit from the Ministry for any proposed construction.</p> <p>The permit application must be submitted through the following link: HCMS - Apply for a permit - Application for Building and Land Use permit</p> <p>The following documents must be uploaded with the application:</p> <ul style="list-style-type: none"> • Site Plan (ensure 14m setback line is indicated on the drawing) • Architectural Drawing • Grading Plan <p>Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.</p>
Notes:	

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

From: Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>
Sent: Monday, September 15, 2025 3:22 PM
To: Committee of adjustment
Cc: Ali, Usama (MTO)
Subject: RE: September 25, 2025 Committee of Adjustment Agenda Available
Attachments: 46 Seabreeze Crescent Stoney Creek.docx; 631 Highway No. 8, Hamilton.docx

External Email: Use caution with links and attachments

Hello,

Re: 46 Seabreeze Crescent, Stoney Creek (B-25:021 46 and A-25:043)

The Ministry has no issues with the proposed severance and minor variances. However, the proponent must be aware that the property is located within the Ministry's permit control and therefore requires a Building and Land Use permit from the Ministry for any proposed construction on either property.

The permit application must be submitted through the following link: [HCMS - Apply for a permit - Application for Building and Land Use permit](#)

The following documents must be uploaded with the application:

- Site Plan
- Architectural Drawing

Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.

Re: 631 Highway No. 8, Flamborough (A-25:183)

The Ministry has no issues with the proposed minor variance. However, the proponent must be aware that the property is located within the Ministry's permit control and therefore requires a Building and Land Use permit from the Ministry for any proposed construction.

The permit application must be submitted through the following link: [HCMS - Apply for a permit - Application for Building and Land Use permit](#)

The following documents must be uploaded with the application:

- Site Plan (ensure 14m setback line is indicated on the drawing)
- Architectural Drawing
- Grading Plan

Please note no construction or grading may begin until the permit has been approved and issued by the Ministry.

Thank you,

Alexandra Boucetta

Corridor Management Officer | Corridor Management, Central Region West | Operations Division
Ministry of Transportation | Ontario Public Service
416-816-4719 | alexandra.boucetta@ontario.ca



Taking pride in strengthening Ontario, its places and its people

From: Mikiya Hobbs <mhobbs@conservationhamilton.ca>
Sent: Monday, September 15, 2025 12:11 PM
To: Committee of adjustment
Cc: [REDACTED]
Subject: HCA Comments for A-25:183 for 631 Highway No. 8, Flamborough

External Email: Use caution with links and attachments

Hello,

Thank you for circulating the Hamilton Conservation Authority (HCA) with the Minor Variance application A-25:183 for the lands located at 631 Highway No. 8, 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 property is approximately 0.63 acres in size and is located within the West Spencer Creek subwatershed.

HCA staff understand that Minor Variances are requested to permit the construction of an Additional Dwelling Unit within an existing Single Dwelling.

The subject property is regulated by HCA pursuant to *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)* and the *Conservation Authorities Act, R.S.O.1990* due to its proximity to Spencer Creek and the associated potential for flooding. Based on a review of the materials provided, the proposed development is outside of floodplain associated with Spencer Creek. HCA previously reviewed the proposed development and issued a Letter of Permission on June 10, 2025. HCA is satisfied the application is consistent with the natural hazard policies of the Provincial Planning Statement and staff have no objections to the municipality granting the requested minor variances.

If you have any questions, please let me know.

There will be no fee for HCA's comments on this file.

Best regards,

Mikiya Hobbs

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

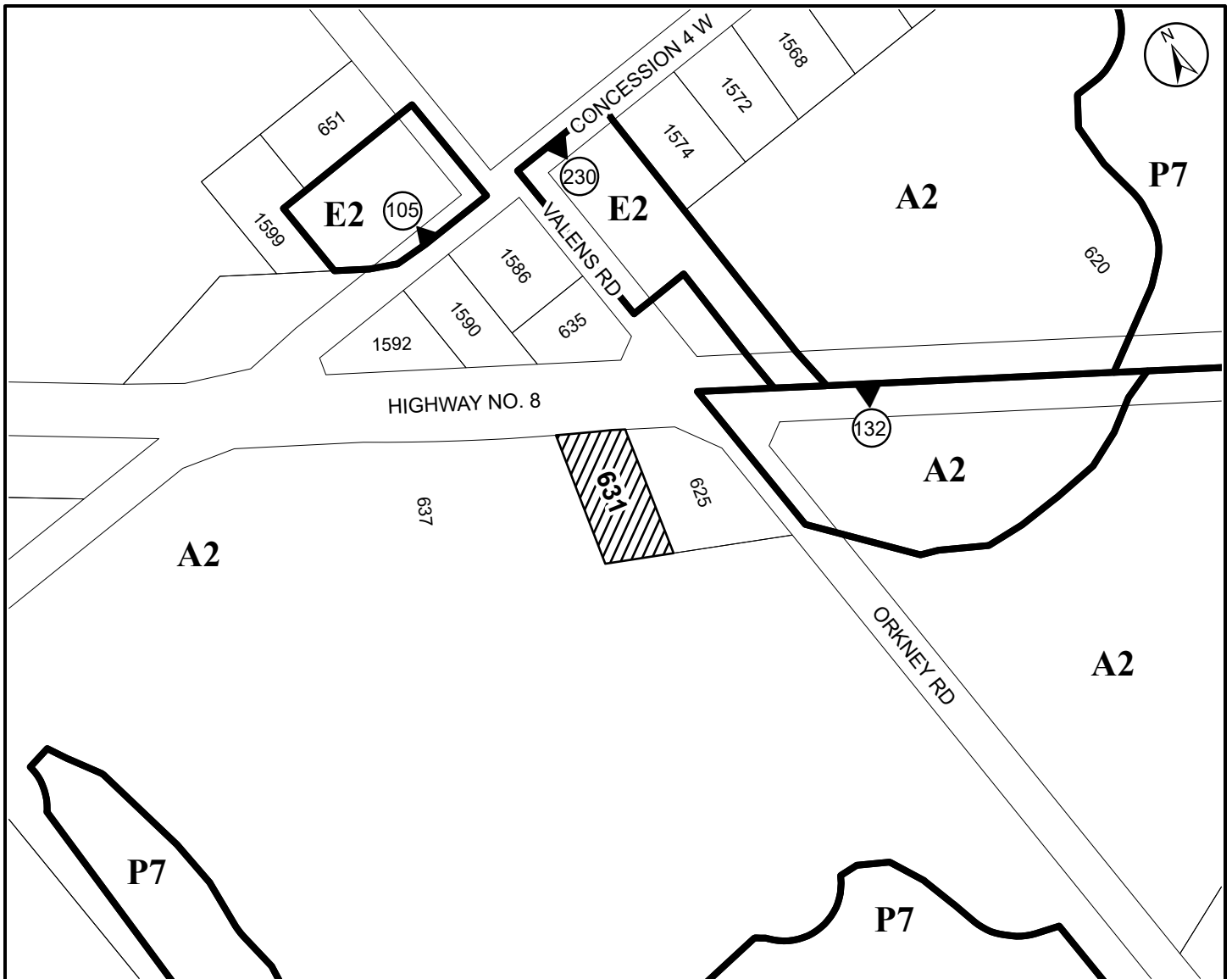
Phone: 905-525-2181 Ext. 148

Email: mhobbs@conservationhamilton.ca

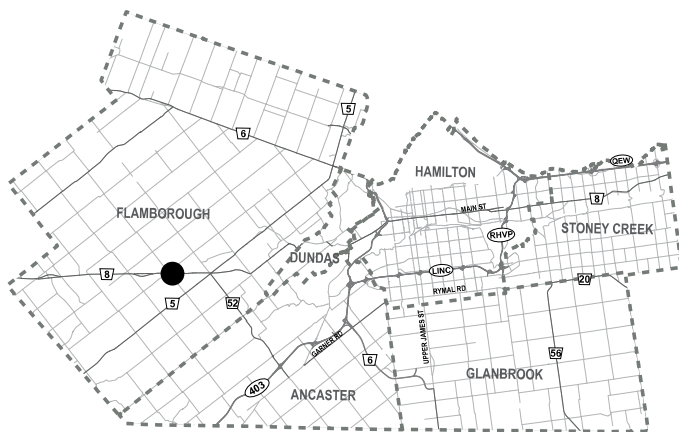
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● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



631 Highway No. 8, Flamborough
(Ward 12)

File Name/Number:
A-25:183

Date:
September 16, 2025

Technician:
AL

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department