



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

FL/A-24:01 – 23 Gardenbrook Trail, Flamborough

Recommendation:

Development Planning - Approve

Proposed Conditions:

1. That the approval of Minor Variance Application FL/A-24:01 shall be in keeping with the submitted proposed site plan titled "Site Plan" dated December 28, 2023. Including the location of the proposed deck and the purpose of the proposed deck as the primary entrance for the proposed Secondary Dwelling Unit, to the satisfaction of the Director of Development Planning.

Proposed Notes:

N/A



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Development Planning:

Background

To permit an Entrance Deck to a proposed Secondary Dwelling Unit within the side yard of an existing Single Detached Dwelling.

Analysis

Greenbelt Plan

The subject lands are identified as “Protected Countryside” under the Greenbelt Plan. Per Section 2.2 of the Greenbelt Plan, lands within the Niagara Escarpment Plan Area are subject to the requirements of the Niagara Escarpment Plan and the Protected Countryside policies do not apply.

Niagara Escarpment Plan

The subject lands are designated “Urban Area” under the Niagara Escarpment Plan. Per Sections 1.7.4 and 2.2.11, a secondary dwelling unit is a permitted use within the “Urban Area” designation.

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 - Urban Land Use Designations under the Urban Hamilton Official Plan and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policies found in E.3.2.3, amongst others, are applicable. The proposed secondary dwelling unit is permitted.

Waterdown South Secondary Plan

The subject lands are designated as “Low Density Residential 1” and are further identified as within “Area Specific Policy C” in Map B.4.3-1 – Land Use Plan of the Waterdown South Secondary Plan. Per Policy 4.3.3.4 of the Waterdown South Secondary Plan, a secondary dwelling unit is a permitted use.

Archeology

No comment.

Cultural Heritage

No comment.



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Former Town of Flamborough Zoning By-law No. 90-145-Z

The subject lands are zoned Urban Residential (Single Detached) (R1-64) Zone, Modified under Former Town of Flamborough Zoning By-law No. 90-145-Z. Secondary dwelling units are a permitted use.

VariANCES 1 and 2

1. A deck shall be provided within a required interior side yard whereas the By-law does not permit a deck in any required front yard or in any required exterior side yard, or in any required interior side yard.
2. An accessory building or structure shall be located within 0.8 metres of an interior side lot line whereas the By-law requires that an accessory building or structure shall be located within 1.0 metre of an interior side lot line.

The intent of these provisions is to ensure sufficient space is provided between the interior side lot line of the property and any accessory structure and to ensure this space remains unobstructed for access and maintenance purposes. Staff defer any grading or drainage concerns to Development Engineering.

Staff note that the proposed deck is to serve as a separate entrance for a secondary dwelling unit. Staff also note that while the proposed entrance deck would have a setback of approximately 0.8 metres from the southerly side lot line, a setback of approximately 1.5 metres would be maintained from the existing dwelling to the northerly side lot line.

The proposed location of the deck does reduce the available space for access and maintenance purposes. Staff recommend that a condition be applied to ensure that the development of the site occurs as illustrated on the site plan submitted with the application. Therefore, the requested variances maintain the intent of the Zoning By-law and are minor in nature.

Staff are of the opinion that variances 1 and 2 meet the four tests of a minor variance. Based on the foregoing, **staff support the variances subject to the implementation of the recommended condition.**

Zoning:

Recommendation:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. Please note, previous comments made as they pertain to required parking for a Secondary Dwelling Unit, have been made in error. Be advised, a building permit to construct the Single Detached Dwelling was issued on March 1, 2022. As such, the date for no parking



	<p>spaces to be required for a Secondary Dwelling Unit, provided the existing parking spaces are maintained, is May 12, 2021. The previous comment relating to no parking being required for the proposed Secondary Dwelling Unit shall be redacted and furthermore the applicant should note that one parking space shall be required for the proposed Secondary Dwelling Unit. A total of two parking spaces are required, one for the Single Detached Dwelling and one for the Secondary Dwelling Unit.</p> <p>Be advised that parking as shown does not comply with manoeuvring requirements for parking spaces as tandem parking is not permitted. As per the above comment, only two spaces are required for the proposed use(s). Should the parking spaces remain as shown on the Site Plan, additional variances may be required.</p> <ol style="list-style-type: none"> 2. Insufficient information has been provided to determine overall density for lands Zoned R1-64 under Zoning By-Law Amendment 20-120. Should the addition of a Secondary Dwelling Unit within the Existing Single Detached Dwelling increase the overall density in excess of the permitted 40 Units Per Net Residential Hectare for lands zoned as "R1-64", additional variances may be required. 3. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.
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Development Engineering:

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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HEARING DATE: February 13, 2024

Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed entrance deck.

Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



UC-14-H

A

R6-30

520

R6-30

GARDENBROOK TR

R1-64

R1-63

R6-30

R1-63

HOLCOMB TR

SKINNER RD

R1-64

HUMPHREY ST

P4

POND VIEW GATE

R1-64

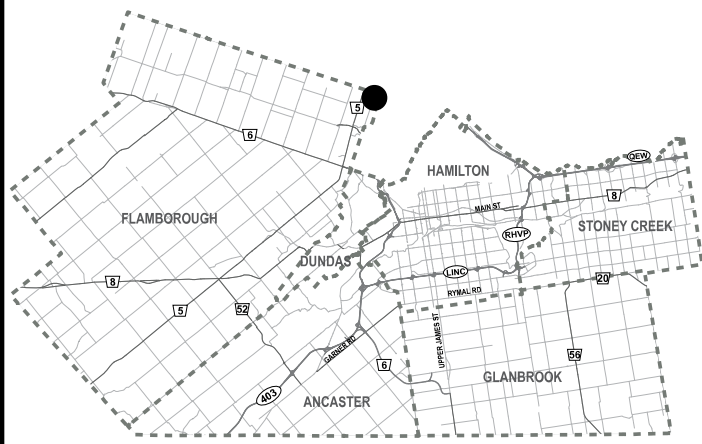
R1-63

R6-30

● Site Location



Committee of Adjustment



City of Hamilton

Subject Property



23 Gardenbrook Trail, Flamborough (Ward 15)

File Name/Number:
FL/A-24:01

Date:
January 29, 2024

Technician:
AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT