



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

GL/A-23:343 – 3352 Homestead Drive, Glanbrook

Recommendation:

Development Planning - Table

Proposed Conditions:

N/A

Proposed Notes:

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).”

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).”



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Development Planning:

Background

The purpose of this application is to permit a Secondary Dwelling Unit above a proposed Garage of an existing Single Detached Dwelling notwithstanding that:

1. A minimum 3.0 metre exterior side yard setback shall be provided to a Secondary Dwelling Unit above an attached garage instead of the required 6.0 metre setback to an exterior side yard.
2. Parking shall be provided within the minimum required side yard instead of the requirement that no part of the required minimum exterior side yard of a corner lot abutting a public street is to be used for the temporary parking or storage of any motor vehicle.

Archeology:

The subject property meets four 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;
- 2) 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;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. 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:

“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).”

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Urban Hamilton Official Plan:

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

Former Township of Glanbrook Zoning By-law No. 464:

The subject lands are zoned Existing Residential “ER” District, which permits a single detached dwelling and Secondary Dwelling Unit (SDU).

Analysis

The applicant is proposing a minimum 3.0 metre exterior side yard setback be provided to a Secondary Dwelling Unit above an attached garage instead of the required 6.0 metre setback to an exterior side yard. There is an existing detached garage (to be demolished), which is closer to the exterior side yard. Staff do not foresee any challenges of the proposed Secondary Dwelling Unit above the proposed attached garage being setback 3.0 metres from the exterior side yard.

The applicant is also proposing three parking spaces to be provided within the minimum required side yard instead of the requirement that no part of the required minimum exterior side yard of a corner lot abutting a public street is to be used for the temporary parking or storage of any motor vehicle. The requirement to provide parking within the side yard is not a result of the proposed Secondary Dwelling Unit. Staff do not foresee any negative impacts of parking within side yard of the existing driveway accessing Homestead Drive.

The cause for concern is the existing second driveway with access to Strathearne Place. Staff are of the opinion that there should be no access to the property on Strathearne Place as the driveway will no longer be large enough to accommodate any parking spaces and does not directly have access to the proposed garage doors. Removal of this access will ensure that the exterior side yard will not be used for access or parking vehicles while retaining pedestrian access to the rear yards. Staff recommend this application **to be tabled** until the appropriate changes are made to the site plan.

Zoning:

Recommendation:	Comments Only
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Comments:	<ol style="list-style-type: none"> 1. Additional variances may be required if the third parking space, indicated to be in tandem with parking space one and two, does not maintain unobstructed access to a street line. Furthermore, additional variances may be required for any eaves, gutters or similar architectural overhangs that exceed the projections permitted under Section 7.26 a) of Glanbrook Zoning By-Law 464. 2. Variance #1 should be altered to delete the wording “3.0 metre” and replaced with “6.0 metre” so that the variance reads as follows: “A minimum 3.0 metre exterior side yard setback shall be provided to a Secondary Dwelling Unit above an attached garage instead of the required 6.0 metre setback to an exterior side yard;” 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 with a suitable outlet, Development Engineering has no objections to the proposed minor variances.

Transportation Planning:

Recommendation:	Approve
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Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed secondary dwelling unit.



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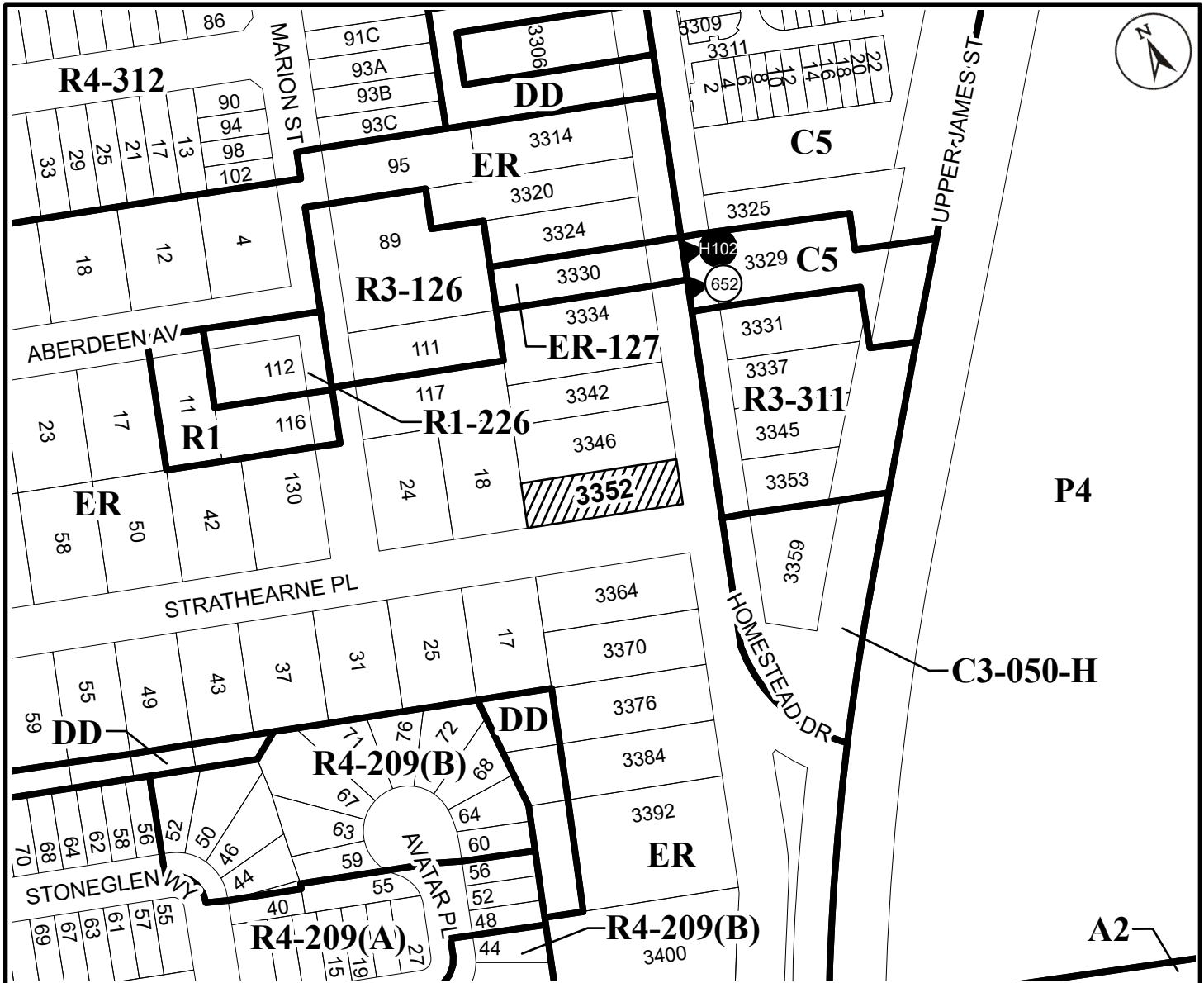
HEARING DATE: February 13, 2024

	Be advised that Ontario Building Code regulations may require specific setback and construction types.
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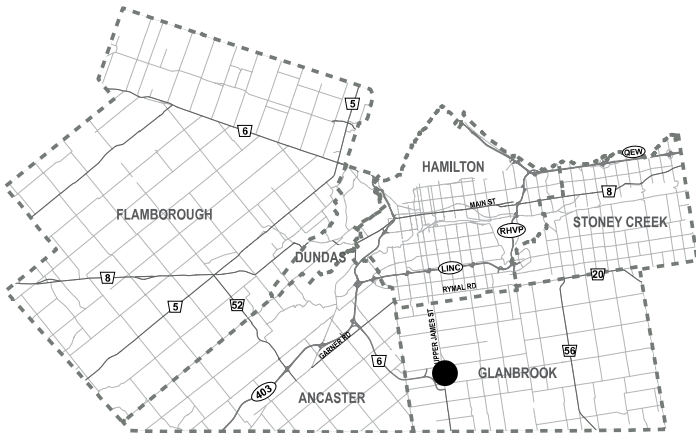
Legislative Approvals:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



3352 Homestead Driv, Glanbrook (Ward 11)

File Name/Number:

GL/A-23:343

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton