



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 27, 2024**

SC/A-24:14 – 23 First Street South, Stoney Creek

**Recommendation:**

Approve

**Proposed Conditions:**

**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).”



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**Development Planning:**

**Recommendation**

- Approve

**Proposed Note**

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**Background**

The purpose of this application is to permit an Accessory Structure to the existing Single Detached Dwelling, notwithstanding that:

1. A maximum lot coverage of 13.2% (55.8 square metres) shall be permitted for all Accessory Buildings instead of the minimum required lot coverage of 10% (42.27 square metres) total lot coverage for all Accessory Buildings.

**Archeology**

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) In an area of sandy soil in areas of clay or stone;
- 2) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer Euro-Canadian settlement;

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 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



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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).

### **Old Town Secondary Plan**

The subject lands are also designated Low Density Residential 2a within the Old Town Secondary Plan.

### **Cultural Heritage**

The property known as 23 First Street South, Stoney Creek is *adjacent* to the Old Town Stoney Creek Cultural Heritage Landscape. Accordingly, the following section of the *Provincial Policy Statement* applies:

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Additionally, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.3.4.6.2 *"Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act."*

Where new construction and/or alterations or additions to existing structures are proposed *adjacent* to a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, applies

B.3.4.1.4 *"Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources." and,*

B.3.4.2.1(h) *"Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City."*



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Notwithstanding that the subject property is within the Old Town Stoney Creek Cultural Heritage Landscape, staff have reviewed the application and are of the opinion that the cultural heritage value of the landscape will be conserved. Staff have no further comments on the application as circulated.

**Former City of Stoney Creek Zoning By-law No. 3692-92**

The subject lands are zoned Single Residential “R1” Zone, which permit the use of single family dwellings and accessory structures.

**Analysis**

The applicant is proposing a maximum lot coverage of 13.2% for all Accessory Buildings instead of the minimum required lot coverage of 10% total lot coverage for all Accessory Buildings.

Staff notes that there will only be one accessory structure on the property, which will be used for storage purposes and will have a maximum gross floor area of 55.8 square metres, which is above the allowable size of 42.27 square metres. Staff are of the opinion that the proposed accessory building will remain subordinate to the principal dwelling. The proposed accessory building is located 0.5 metres from the easterly side yard, which is in conformance with the minimum side yard requirements for accessory buildings in residential zones. The abutting property 20 First Street South has an accessory structure in the rear yard, which is located in close proximity to its westerly side yard. Staff do not foresee any negative impacts or overlooking onto abutting neighbours. Staff support this variance.

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff are of the opinion that the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law, is minor in nature and desirable for the appropriate development of the subject lands.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Additional variances may be required should the demolition of the existing garage result in a reduction of required parking spaces below the required 2 parking spaces for the Single Detached Dwelling.
Notes:	



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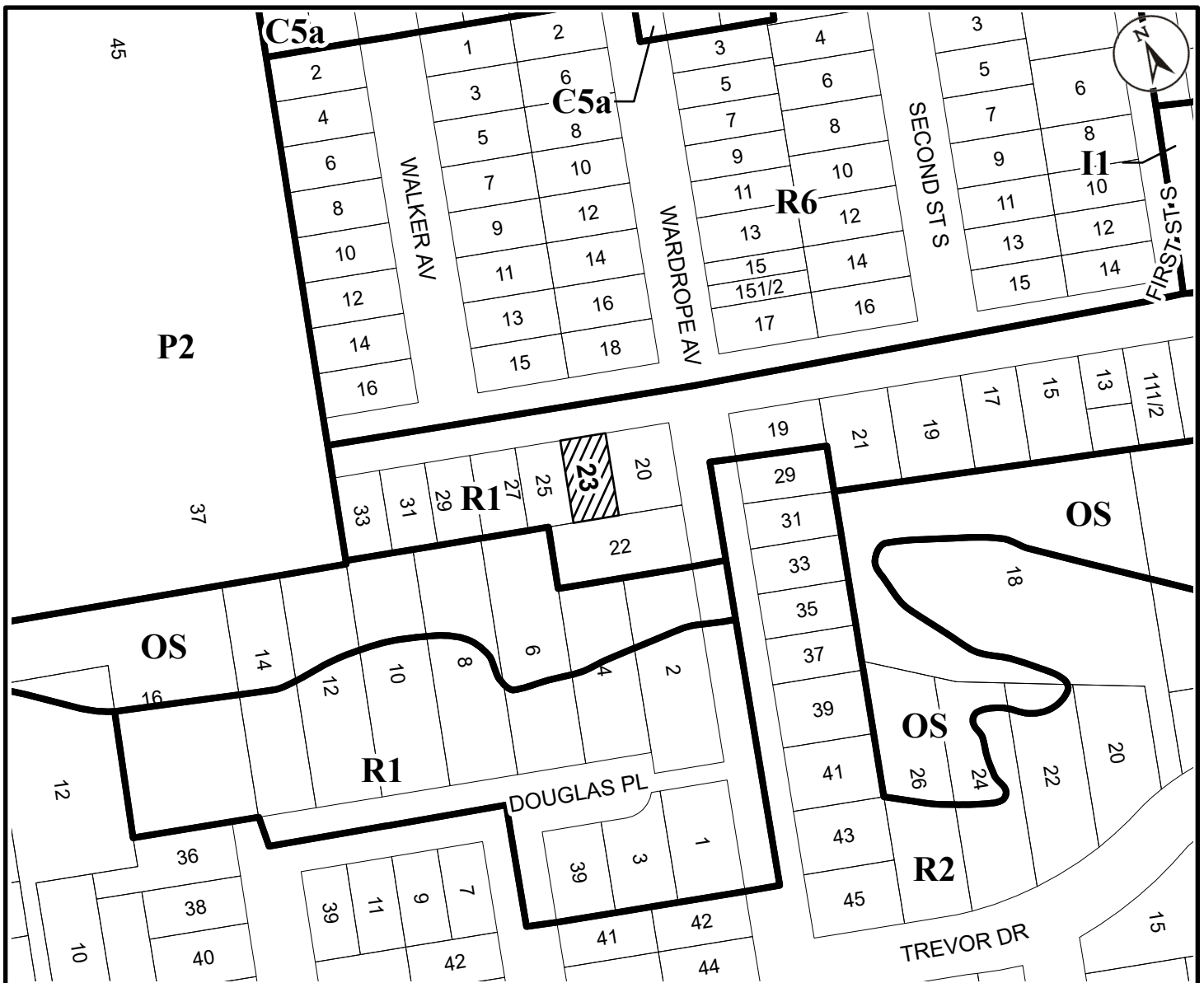
**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

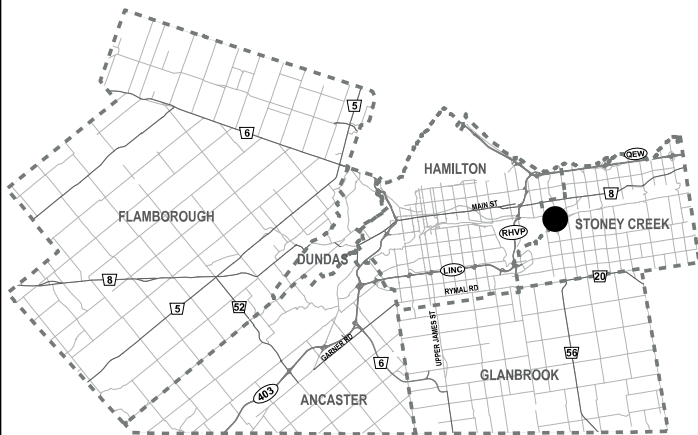
**Building Engineering:**

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

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



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



23 First Street South, Stoney Creek (Ward 5)

File Name/Number:  
SC/A-24:14

Date:  
February 15, 2024

Technician:  
AL

Map Not To Scale

Appendix "A"



Hamilton