



Hamilton

STAFF COMMENTS

HEARING DATE: February 27, 2024

DN/A-24:10 – 7 Wilmar Court, Dundas

Recommendation:

Development Planning: Approve

Development Engineering: Deny

Proposed Conditions:

1. That the approval of Minor Variance Application DN/A-24:10 shall only apply to the proposed covered patio as shown in the submitted proposed site plan submitted on January 19, 2024, to the satisfaction of the Director of Development Planning.

Proposed Notes:



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Development Planning:

Recommendation

- Approve

Proposed Conditions

1. That the approval of Minor Variance Application DN/A-24:10 shall only apply to the proposed covered patio as shown in the submitted proposed site plan submitted on January 19, 2024, to the satisfaction of the Director of Development Planning.

Proposed Notes

N/A

Background

To permit an accessory structure (covered patio) in the rear yard of a single detached dwelling.

Analysis

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.3.4.3, amongst others, are applicable.

Archeology

The subject property meets two (2) 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; and
- 2) In an area of sandy soil in areas of clay or stone.

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:



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“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).”

Cultural Heritage

The subject property comprises 7 Wilmar Court, Dundas and is included in the City’s Inventory of Heritage Buildings.

The subject property is adjacent to multiple properties included in the City’s Inventory of Heritage Buildings.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the *Ontario Heritage Act*, but still may be of 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.

Notwithstanding that the subject property is included in the City’s Inventory of Heritage Properties, staff are of the opinion that the cultural heritage value of the heritage property will be conserved. Staff have no further comments on the application as circulated.

Former Town of Dundas Zoning By-law No. 3581-86The subject lands are zoned Single Detached Residential (R2) Zone in Former Town of Dundas Zoning By-law No. 3581-86. The existing single detached dwelling and proposed accessory structure are permitted uses.

Variances 1 & 2

5. A minimum 0.7 metre setback shall be permitted from the rear lot line whereas the Zoning By-law requires a minimum setback of 2.0 metres from the rear lot line.
6. A minimum 0.7 metre setback shall be permitted from the northerly side lot line whereas the Zoning By-law requires a minimum setback of 2.0 metres from the side lot line.

The intent of these provisions is to ensure sufficient space is provided between accessory structures and the property lines for access and maintenance purposes. Staff defer any grading or drainage concerns to Development Engineering.



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Staff note that the proposed accessory structure is not proposed to be enclosed. As such, staff have no concerns regarding access or easement around the proposed accessory structure. Staff are of the opinion the requested variances maintain the general intent of the Zoning By-law and are minor in nature.

Staff are of the opinion that the variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	<p>1. 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) outlying 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 to be heard at the Planning Committee meeting of February 23, 2024.</p> <p>Please visit https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project or email reszoning@hamilton.ca for further information.</p>
Notes:	N/A

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	N/A
Comments:	<p>The proposed minimum rear yard depth of 0.7 m does not meet the minimum setback of 6.0m identified in the City’s Lot Grading Policy. Therefore, we recommend that the minor variance #1 be denied. Development Engineering Approvals requires minimum 0.9m side yard setbacks to accommodate side yard swales, as per the Lot Grading Policy. As such, we recommend variance 2 be denied.</p>
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	



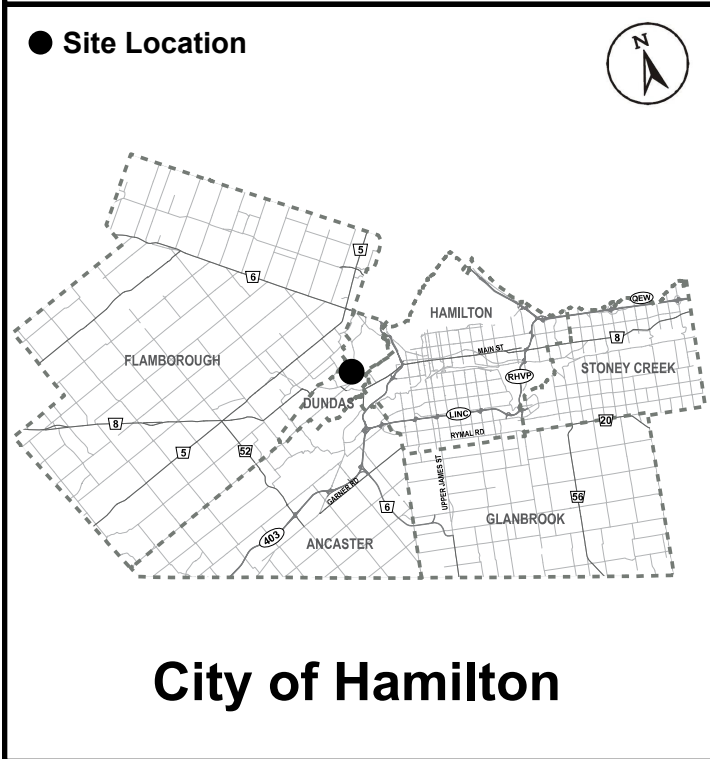
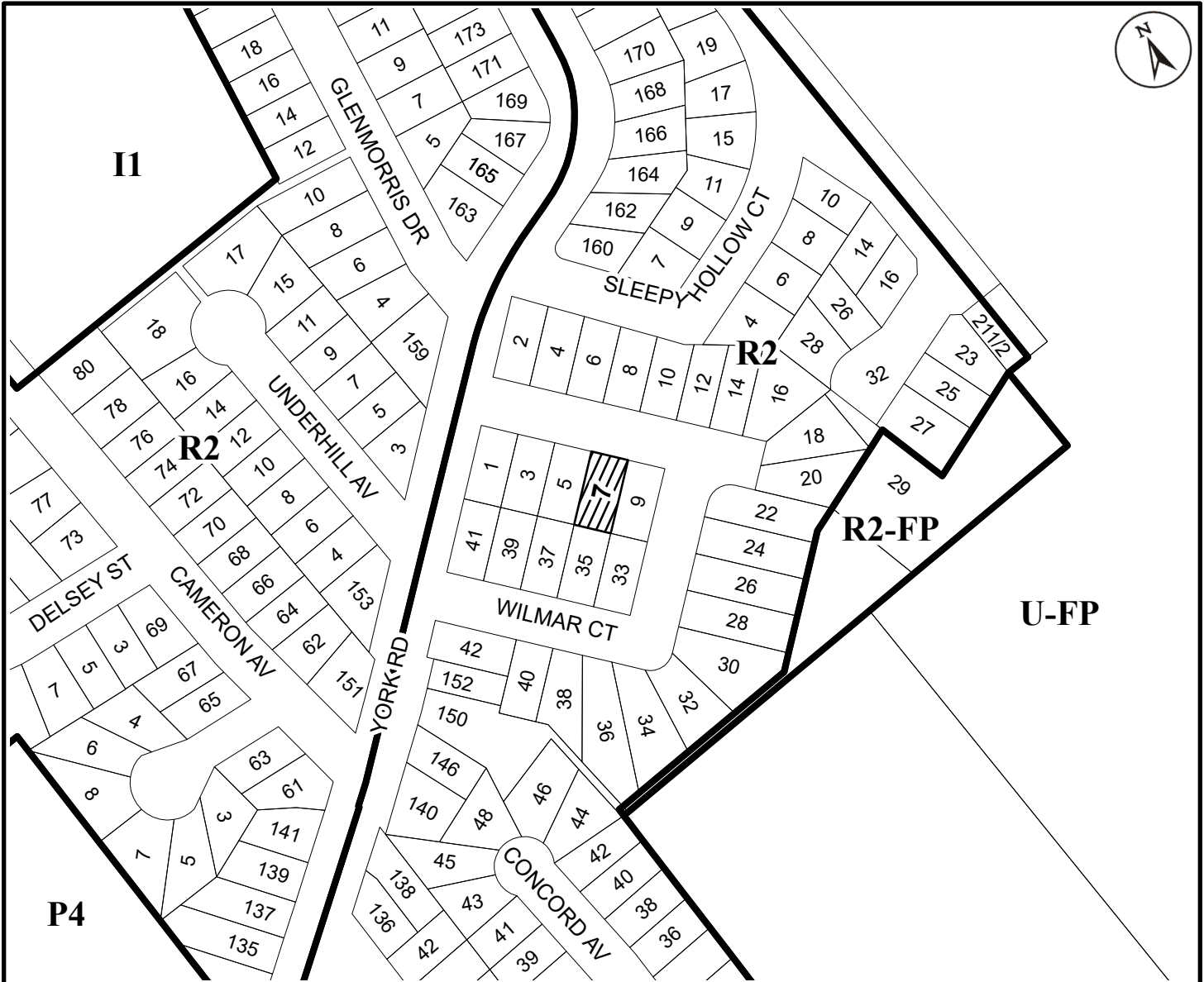
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Comments:	
Notes:	A building permit is required for the construction of the proposed cover porch. Be advised that Ontario Building Code regulations may require specific setback and construction types

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



Committee of Adjustment

Subject Property	File Name/Number: DN/A-24:10
7 Wilmar Court, Dundas (Ward 13)	Date: February 13, 2024
	Technician: AL
	Map Not To Scale
	Appendix "A"
<p>Hamilton</p>	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	