



Hamilton

**FL/A-24:25 – 8 Orchard Drive, Flamborough**

**Recommendation**

- Approve

**Proposed Conditions**

N/A.

**Proposed Notes**

**Acknowledgement Note:** The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific 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

To permit the construction of a two storey front yard addition to an existing single detached dwelling.

### Analysis

#### Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing residential use.

#### Archaeology

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) 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; and
- 3) Along historic transportation routes.

These criteria defines 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:

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Hamilton

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### **Cultural Heritage**

The subject property is adjacent to 7 Orchard Drive, a property listed on the City’s Municipal Heritage Register. Accordingly, sections B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes a maximum lot coverage of 18.61% shall be permitted instead of the permitted maximum lot coverage of 15%, to facilitate the construction of a two-storey front addition to the existing dwelling.

Notwithstanding that the property is adjacent to a listed property, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent property will be conserved. Staff have no further comments on the application as circulated.

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

The subject lands are Urban Residential (Single Detached) (R1-6) Zone, Modified under Former Town of Flamborough Zoning By-law No. 90-145-Z. The existing residential use is permitted.

### **Variance 1**

10. A maximum lot coverage of 18.61% shall be permitted whereas the Zoning By-law permits a maximum lot coverage of 15%.

The intent of this provision is to ensure properties are not overdeveloped to preserve the built-form and existing character of the neighbourhood as well as to ensure excessive lot coverage by impermeable surfaces does not negatively impact drainage on a property. Staff defer to Development Engineering staff regarding drainage and grading concerns.

Staff note that, as shown on the site plan submitted with this application, the proposed additions to the existing dwelling would maintain the existing rear yard and westerly side yard setbacks while



Hamilton

providing an easterly side yard setback of 3.02 metres and a front yard setback to Orchard Drive of 36.05 metres. Staff are of the opinion that the proposed additions to the existing dwelling maintain a compatible built form and character to the existing neighbourhood. Therefore, staff are of the opinion that the requested variance maintains the general intent of the Zoning By-law and is minor in nature. Staff support the variance.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. All fencing shall be in accordance with Section 5.6 in the Flamborough Zoning By-law 90-145-Z.</li> <li>2. A new attached garage is proposed with the front yard addition. Insufficient information was provided to determine zoning compliance for proposed parking. Additional variances may be required if compliance cannot be achieved.</li> <li>3. Insufficient information was provided to determine zoning compliance for yard encroachments. Additional variances may be required if compliance cannot be achieved.</li> <li>4. Insufficient information was provided to determine zoning compliance for the maximum floor space. Additional Variances may be required if zoning conformity cannot be achieved.</li> <li>5. Please be advised it appears the proposed minimum side yard setback does not further aggravate the existing setback condition. However, a dimension was not provided from the proposed front yard addition to the interior side lot line, additional variances may be required if compliance cannot be achieved.</li> <li>6. <i>Please note that these lands may be:</i> <ul style="list-style-type: none"> <li>- Regulated by a Conservation Authority;</li> <li>- Located within or adjacent to an Environmentally Sensitive Area (ESA);</li> <li>- Designated under the Ontario Heritage Act;</li> </ul> </li> </ol>



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	<p>- Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or,  - Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest.</p> <p><i>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property</i></p> <p>7. 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.</p> <p>Please visit <a href="https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project">https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project</a> or email <a href="mailto:reszoning@hamilton.ca">reszoning@hamilton.ca</a> for further information</p>
Proposed Notes:	

**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments.
Proposed Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of a two-storey addition to the front yard of the existing single family dwelling.

**Transportation Planning:**

Recommendation:	No comments
Proposed Conditions:	



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**STAFF COMMENTS**

**HEARING DATE: March 26, 2024**

Comments:	
Proposed Notes:	

March 4, 2024

City of Hamilton  
Planning and Economic Development Department  
71 Main St W  
Hamilton, Ontario  
L8P 4Y5

**Attention: Committee of Adjustment**

File# FL/A-24:25

Re: 8 Orchard Drive

In response to your correspondence dated February 22, 2024, please be advised that our Engineering Design Department has reviewed the information concerning the above noted Consent Application and our comments are as follows:

- For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 905-798-2634 or 905-798-3370 or visit our web site @ [www.alectrautilities.com](http://www.alectrautilities.com). To make a service request, [Make a Service Request | Alectra Utilities](#)
- Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Alectra Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Developers to acquire an easement, if required.
- In order for Alectra Utilities to prepare design and procure the materials required to service this site in a timely manner, a minimum of 6 months notification is required. It would be advantages for the developer if Alectra Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 36-52 weeks to purchase a transformer.
- Proposed garage addition is in conflict with existing underground secondary conductor and will have to be relocated and upgraded. Contact our ICI Group to discuss new service relocation options.

We would also like to stipulate the following:

- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by an Alectra Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Alectra Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance to:
  - Ontario Building Code (1997) Section 3.1 (3.1.18.1)
  - Electrical Safety Code Rule 75-312
  - Occupational Health and Safety Act (OH&SA) – Construction Projects (Electrical Hazards)
  - CSA Standard C22.3 No. 1:20, Overhead System
  - CSA Standard C22.3 No. 7:20, Underground Systems

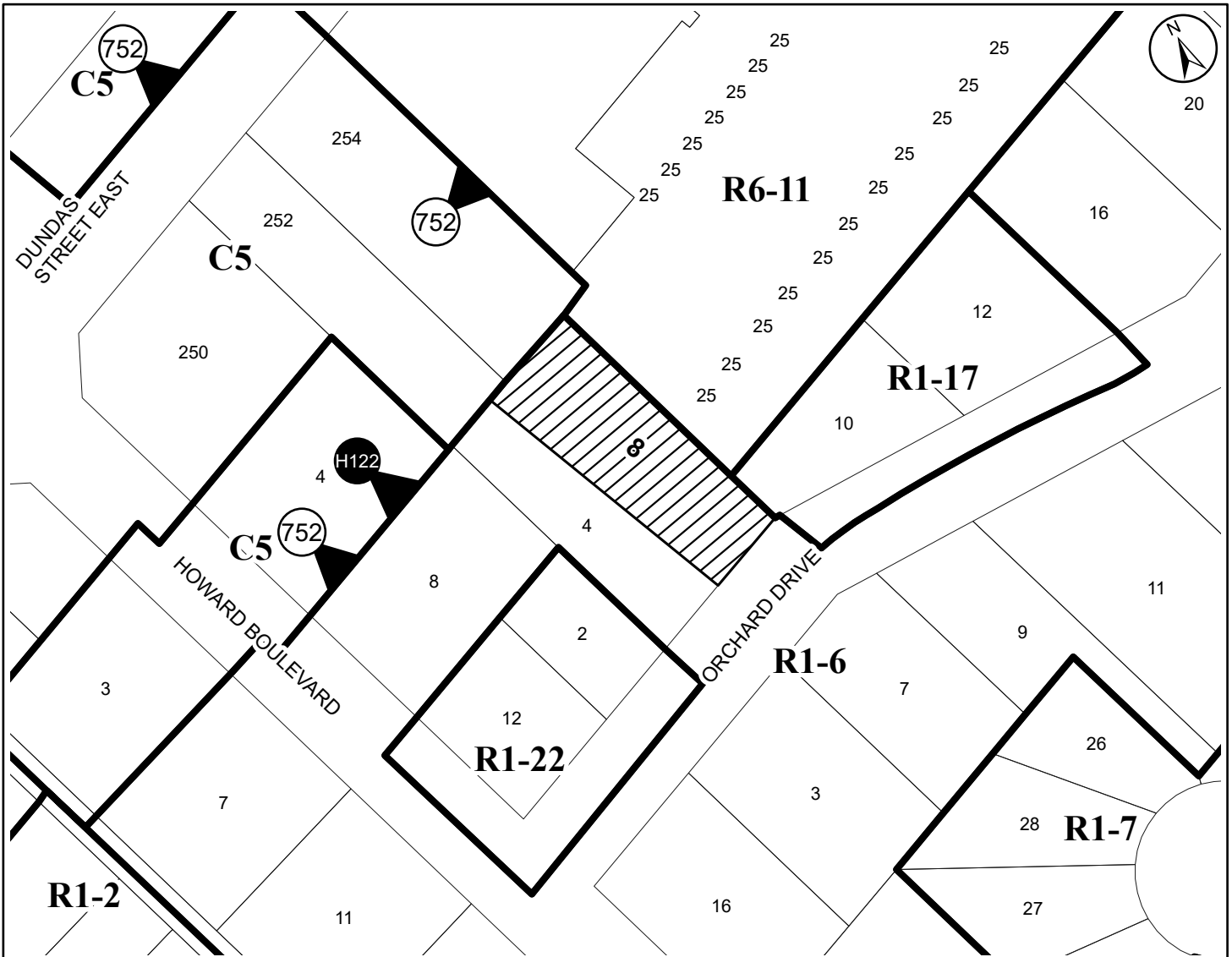
We trust that you will find this information satisfactory and that the information contained within will be provided to the owner of this project. Should you have any questions regarding this response, please contact Charles Howell at 905-798-2517 in our Engineering Design Department.

Sincerely,

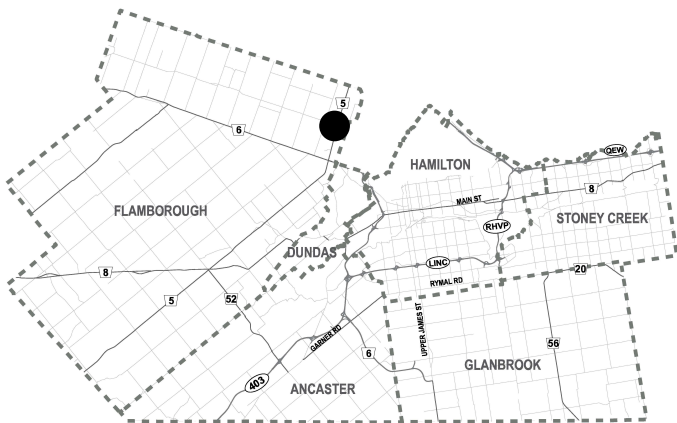
*Mark Jakubowski*

Mark Jakubowski  
Supervisor, Design, Customer Capital





● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



8 Orchard Drive, Flamborough  
(Ward 15)

**File Name/Number:**

FL/A-24:25

**Date:**

March 1, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



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Planning and Economic Development Department