



Hamilton

DN/A-24:05 – 63 Cross Street, Dundas

Recommendation:

Approve

Proposed Conditions:

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design

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:

Recommendation

- Approve

Proposed Conditions

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design

Proposed Notes N/A Background

To facilitate the construction of a detached garage. Staff note there is an existing right-of-way (as in HL162947) along the northerly lot line of the subject property, used for access purposes for the subject property. The right-of-way is partly on the property of 63 Cross Street and partly on the property of 16 Helen Street.

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. The existing single detached dwelling is a permitted use.

Archeology

The subject property meets five (5) 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 an area of sandy soil in areas of clay or stone;
- 4) In areas of pioneer Euro-Canadian settlement; and
- 5) Within a property designated under the Ontario Heritage Act.



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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:

“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.

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Cultural Heritage

The subject property is comprised of a circa 1898 two-and-one-half stucco clad dwelling of potential cultural heritage interest and is located adjacent to multiple properties designated under Part IV of the Ontario Heritage Act and a “protected heritage property” under the Provincial Policy Statement.

Accordingly, Section 2.6.3 of the Provincial Policy Statement applies as follows:

“Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.”

Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply. Notwithstanding that the adjacent property is designated under Part IV of the Ontario Heritage Act, Staff have reviewed the application and are of the opinion that proposed design of the garage is highly



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compatible with the neighbourhood and that the heritage attributes of the protected heritage property will be conserved. Staff have no further comments on the application as circulated.

Natural Heritage

The subject property is located within the Urban Hamilton Official Plan area. There are trees located on the subject lands, tree conservation is important to the City of Hamilton per UHOP

C.2.11.1. Natural Heritage planning staff request a tree protection plan following the City of Hamilton Tree Protection Guidelines (2010), and a Landscape plan to be completed by an OALA in good standing per the City of Hamilton Tree Protection Guidelines (2010). There is a \$715 fee.

Former Town of Dundas Zoning By-law No. 3581-86

The 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

2. To permit a maximum height of 5.5 metres for the proposed detached garage whereas the Zoning By-law permits a maximum height of 4.0 metres.
3. To permit a maximum size of 54.0 square metres for the proposed detached garage whereas the Zoning By-law permits a maximum size of 41.0 square metres.

The intent of these provisions is to ensure that accessory structures remain subordinate in size to the primary structure and to ensure the existing character and built form of the neighbourhood is preserved.

Staff note that the proposed size of the detached garage would not result in a structure larger than the primary structure both in maximum height and area on the subject property. Staff also note that the proposed location of the detached garage is towards the rear of the property and will minimize potential visual impacts by the increased maximum height. As such, staff have no concerns regarding potential visual impacts on neighbouring properties. Staff are of the opinion the requested variances maintain the general intent of the Zoning By-law and are minor in nature.

Variance 3

4. To permit the proposed detached garage to be located closer to the flankage lot line than the principal dwelling.



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The intent of this provision is to ensure that streetscapes are not dominated by accessory structures and the character and built form of the neighbourhood is preserved.

Staff note that while the subject property is considered a corner lot as Cross Street terminates at the intersection of Cross Street and Alma Street, the flankage lot line is functionally an interior side yard. To the north of the subject property is the Dundas Driving Park, a municipal park, not a public right-of-way as would be typical of a flankage lot line. Staff also note the proposed location of the detached garage is due to a right-of-way easement to access the subject property. The existing surface parking on the subject property also utilizes this right-of-way. 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 variances meet the four tests of a minor variance. Based on the foregoing, staff recommend approval.

Zoning:

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

Development Engineering:

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

Building Engineering:

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



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HEARING DATE: April 9, 2024

Transportation Planning:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

February 27, 2024 - CoA - HCA Comments for DN/A-24:05 for 63 Cross Street, Dundas

Jeff Tweedle <jtweedle@conservationhamilton.ca>

To:Committee of adjustment <cofa@hamilton.ca>

Cc:anthony@venneridesignstudio.com <anthony@venneridesignstudio.com>;edsmith@mcmaster.ca <edsmith@mcmaster.ca>

Good morning,

The Hamilton Conservation Authority (HCA) has reviewed the Committee of Adjustment Agenda for February 27, 2024 in accordance with HCA's responsibilities under the *Conservation Authorities Act* relating to provincial interests for natural hazards and offer the following comments for DN/A-24:05 for 63 Cross Street, Dundas. HCA has cc'd the applicant and owner on this email for their information.

DN/A-24:05 – 63 Cross Street, Dundas

The subject property is approximately 0.23 ha (0.57 ac) in size and located within the Sydenham Creek watershed, which drains to Spencer Creek and eventually Hamilton Harbour. Sydenham Creek is located on the adjacent lands to the west and south of the subject property where it crosses under Alma Street through an existing culvert, travels east and parallel to Alma Street through an open channel, crosses under Cross Street through an existing culvert, and then travels south-east through an open channel towards Park Street. Sydenham Creek produces flooding hazards which may impact surrounding properties and the open channel portion of Sydenham Creek immediately downstream of Cross Street is considered a confined watercourse (watercourse within a defined valley) and produces erosion hazards which could impact adjacent properties.

The requested minor variances are intended to facilitate the construction of an accessory structure (detached garage). Based on HCA's floodplain mapping and topographic data, the proposed accessory structure is located outside of the Regulatory floodplain and away from the erosion hazard associated with the Sydenham Creek valley slope. The south-west corner of the subject property is within Dundas Special Policy Area 1, however, the proposed development is located outside of this area and is therefore not subject to the provisions of Dundas Special Policy Area 1. Based on a review of the submitted materials, HCA is satisfied that the application is consistent with the natural hazard policies of the PPS and staff have no objections to the granting of the requested minor variances.

The subject property is regulated by HCA pursuant to *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*. The regulated area is associated with Sydenham Creek which produce the potential for flooding and erosion hazards. Written permission from HCA is required for any construction, site alteration, or grading completed within the regulated portion of the subject site. Based on the provided materials reviewed by HCA staff, the proposed work is located within the area regulated by HCA but outside of the limits of the flooding and erosion hazards. Therefore, written permission will be required from HCA for the proposed development.

Please contact the undersigned if there are any questions regarding the provided comments.

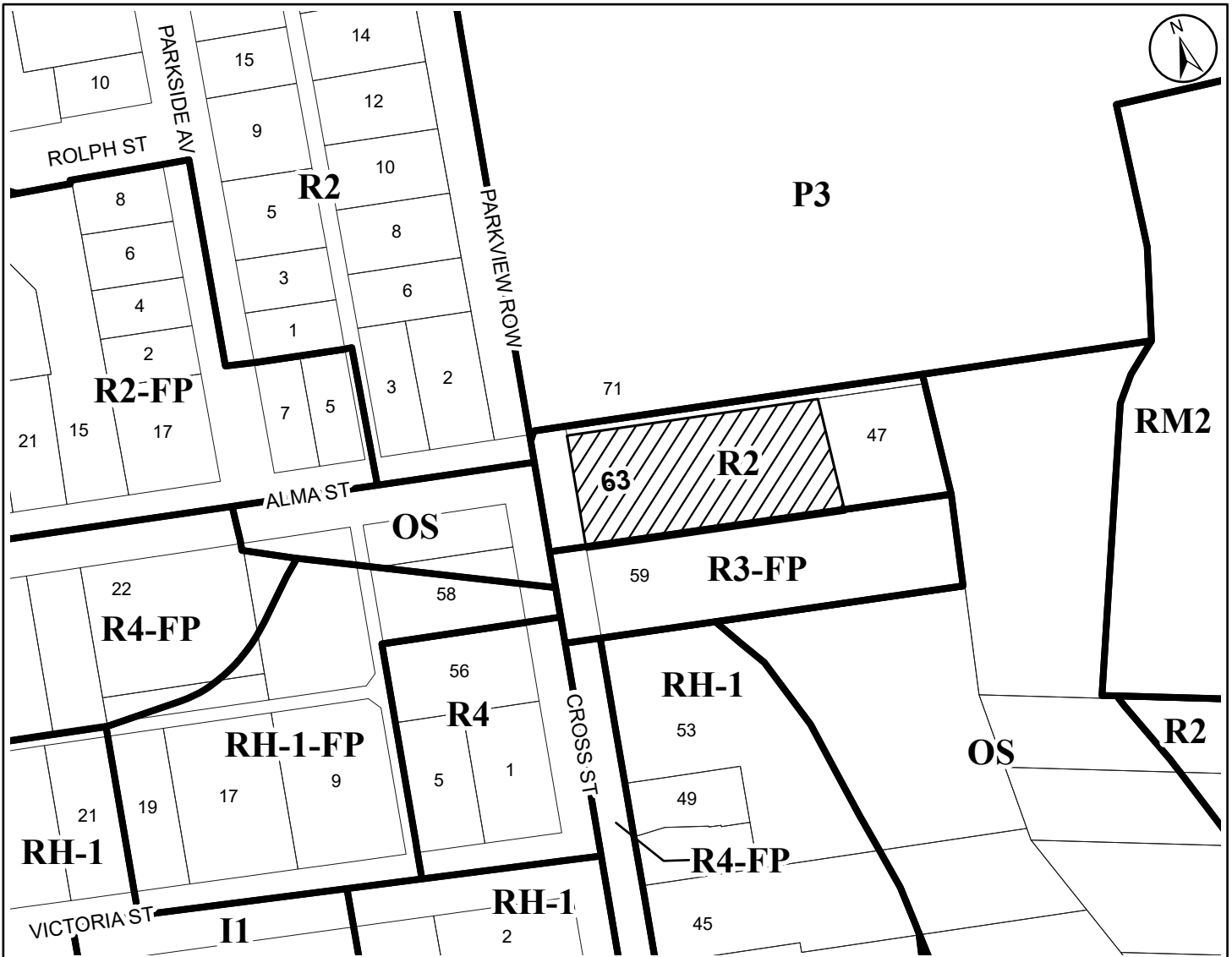
There will be no fee for HCA's review of this minor variance application.

Regards,

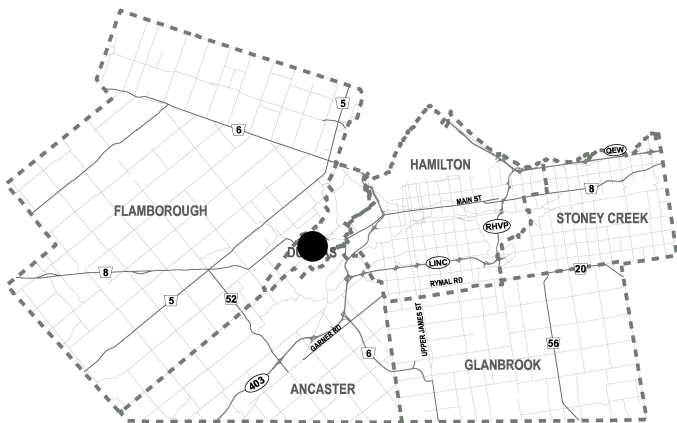
Jeff Tweedle

Conservation Planner

Hamilton Conservation Authority



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 63 Cross Street, Dundas (Ward 13)

File Name/Number:

DN/A-24:05

Date:

March 22, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department