



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

SC/A-23:186 – 711 North Service Road / 105A Edgewater Drive, Stoney Creek

Recommendation

- Approve with conditions

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:



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Development Planning:

Background

The purpose of this application is to permit a new accessory structure.

The following variances are requested:

1. To permit a minimum side yard of 2.5m for accessory buildings instead of the required minimum side yard of 15.0m.
2. To permit no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area.

Site Background

The applicants have applied for Site Plan Control application MDA-22-119 to facilitate the construction of an accessory building and swimming pool for the use of the Newport Yacht Club. The proposed accessory building is to be used as a washroom/lockers facility as well as mechanical storage.

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.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have been identified within or adjacent to the subject property.

Through aerial photograph interpretation and the site plan provided, trees have been identified within the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1).

To ensure that trees are considered, it is recommended that a Tree Protection Plan (TPP) be prepared in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010). If trees are to be removed, it is recommended that a Landscape Plan (showing the required compensation be provided). This can be addressed through the following conditions.



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Condition 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.

Condition 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.

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

The subject lands are zoned Open Space “OS-2” Zone, Modified, which permits only the use of a private marina. The proposed building and swimming pool would be accessory to this use.

Analysis

Variance 1

The applicant is proposing a minimum side yard setback of 2.5 metres for accessory buildings instead of the required minimum side yard of 15.0m. The subject property has very limited space to accommodate an accessory structure as the property abuts many residential lots and is covered with 83% water. Staff do not foresee any negative impacts from the proposed accessory building as it will be located near the existing picnic area. Staff support this variance.

Variance 2

The applicant is proposing a no minimum landscaping of lot area instead of the required minimum landscaping of 75% of lot area. This is a unique property where 83% is comprised of water and 14.5% is walkways and docks. It is not possible to accommodate a minimum 75% of landscaping area for this property and water is not considered to be a part of landscaping. Staff understand the circumstance to why the variance is required and support the variance.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation Authority at 905-525-2181 prior to any development.
Proposed Notes:	

Development Engineering:



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

Building Engineering:

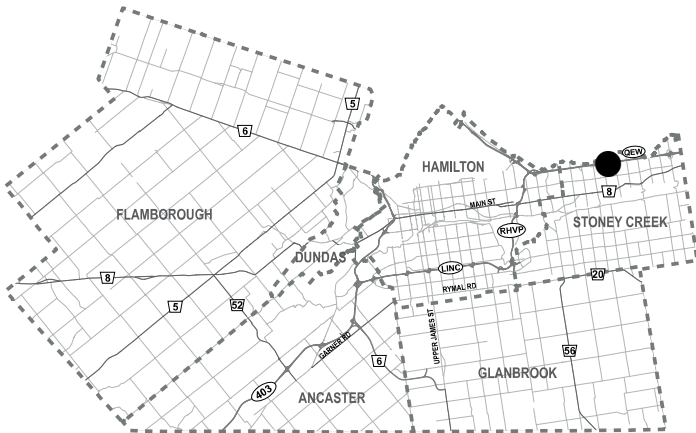
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types. A building permit is required for the construction of an accessory building.

Transportation Planning:

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




● Site Location



City of Hamilton

Committee of Adjustment

Subject Property

 711 North Service Road/
105A Edgewater Drive, Stoney Creek
(Ward 10)

File Name/Number:
SC/A-23:186

Date:
March 15, 2024

Technician:
NB

Map Not To Scale

Appendix "A"



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