

**AN/A-24:50 – 84 Hatton Drive, Ancaster**

Recommendation:

Deny

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, 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**

To facilitate the construction of a one storey addition to the existing single detached dwelling. Staff note that the subject property is included as part of the Residential Zones Project that was approved by Council on April 10, 2024. This is part of a citywide project to amend the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 by implementing changes and additions to the Low Density Residential zones within the City that was approved by Council on April 10, 2024. The subject lands are proposed to be rezoned to the Low Density Residential – Large Lot (R2) Zone, which includes a minimum front yard setback of 4 metres.

**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 single detached dwelling.

**Archaeology**

No comment.

**Cultural Heritage**

No comment.

**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 not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.

Through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the overall health of a community and encourages the protection and restoration of trees (policy C.2.11.1). In addition, the Town of Ancaster By-law (By-law 2000-118) regarding the injury and removal of trees may apply. It is unclear



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from the proposal if trees will need to be removed to facilitate the addition. If trees are removed, it is recommended that the following conditions be considered.

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, 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

**Former Town of Ancaster Zoning By-law No. 87-57**

The subject lands are zoned Existing Residential “ER” Zone in Former Town of Ancaster Zoning By-law No. 87-57. The existing residential use is permitted.

**Variance 1**

4. A minimum front yard setback of 5.9 metres shall be permitted instead of the 9.23 metre front yard setback required.

The intent of this provision is to maintain a consistent built form, streetscape and character within the established neighbourhood.

Staff note that the average front yard setback along Hatton Drive is approximately 8 to 9 metres, with some properties having setbacks closer to 7 metres. Staff are of the opinion that the requested reduced front yard setback is not compatible with the built form, general character of the neighbourhood nor the streetscape along Hatton Drive. Staff do not 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 denial.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"><li>• The Notice shall be amended by replacing the variance with the following: “A minimum front yard setback of 5.9m shall be permitted instead of the minimum 7.684m front yard setback required.</li></ul>



- The applicant shall ensure that a minimum one metre within the side yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced materials and landscaping other than sod; otherwise, further variances shall be required.
- The Ancaster Zoning By-law 87-57 permits a maximum height of 9.5m, the applicant indicates that a one storey addition is proposed; however, no elevation plans were provided from which to confirm the height dimension. Therefore, the applicant shall ensure that the maximum 9.5m permitted height is not exceeded; otherwise, further variances shall be required.
- The applicant shall ensure that no balconies or decks are proposed above the first storey within any side yard.
- The applicant shall ensure that the eaves or gutters do not project more than 60.0m into a side yard and not more than 1.5m into a front yard.
- Please note that these lands may be:

- Regulated by a Conservation Authority;
- Located within or adjacent to an Environmentally Sensitive Area (ESA);
- Designated under the Ontario Heritage Act;
- 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.

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.

- This property is now also subject to the R2 (Low Density Residential – Large Lot) zone under Hamilton Zoning By-law 05-200, which is not yet final and binding. Please be advised that the application has been reviewed under Hamilton Zoning By-law 05-200 and it has been determined that while no variances are required to the regulations of Hamilton Zoning By-law 05-200, the applicant shall ensure compliance with the following:
  - The Hamilton Zoning By-law 05-200 permits a maximum height of 10.5m, the applicant indicates that a one storey addition is proposed; however, no elevation plans were provided from which to confirm the height dimension. Therefore, the applicant shall ensure that the maximum 10.5m permitted height is not exceeded; otherwise, further variances shall be required.
  - The Hamilton Zoning By-law 05-200, requires a minimum of 40% of the lot to be provided as a landscaped area. In addition, please note that a



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**STAFF COMMENTS**

**HEARING DATE: April 23, 2024**

	minimum of 50.0% of the front yard shall be maintained as landscaped area which may form part of the overall required 40.0%.
Proposed Notes:	

**Development Engineering:**

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

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed one storey addition for the existing single detached dwelling.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

**Transportation Planning:**

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



## ● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property

 84 Hatton Drive, Ancaster (Ward 12)

**File Name/Number:**

AN/A-24:50

**Date:**

April 12, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



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Planning and Economic Development Department