



AN/A-24:52 – 143 Bluebell Crescent, Ancaster

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:

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 (416-212-0036). 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

The purpose of this application is to facilitate the construction of a proposed “enclosed deck” in the rear yard of the existing Single Detached Dwelling.

The following variance is requested:

1. A minimum rear yard setback of 6.0m shall be permitted instead of the minimum 7.5m rear yard setback required.

Archaeology:

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. 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:

“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 (416-212-0036). 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).”

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan (UHOP). Single detached dwellings and residential accessory structures are permitted within this designation.

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

The subject lands are zoned Residential 3 “R3-282” Zone, Modified, which permits a single detached dwelling and accessory structures.



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STAFF COMMENTS

HEARING DATE: April 23, 2024

Analysis

The applicant is proposing a minimum rear yard setback of 6.0m be permitted for an “enclosed deck” instead of the minimum 7.5m rear yard setback required.

Staff note that the requested rear yard is largely due to an irregular rear lot line that is not parallel with the front lot line. Only the easterly portion of the proposed “enclosed deck” is setback 6.0 metres, with other portions to the west being setback closer to 7 metres. Staff also note that there appears to be a number of mature trees between the proposed “enclosed deck” and the adjacent rear yard neighbour to the south, which will help further mitigate any privacy and overlook concerns. Staff are satisfied that the proposed enclosed deck will not negatively impact the abutting neighbours and will enhance the rear yard amenity space. Staff support this variance.

Based on the foregoing, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Former Town of Ancaster Zoning By-law No. 87-57. The variance is considered to be minor in nature and desirable for the appropriate development of the property.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. Requested variance is required to facilitate the construction of a proposed enclosed deck2. This property is now also subject to the R1 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 no variances are required to the regulations of Hamilton Zoning By-law 05-200
Proposed Notes:	

Development Engineering:

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

Building Engineering:



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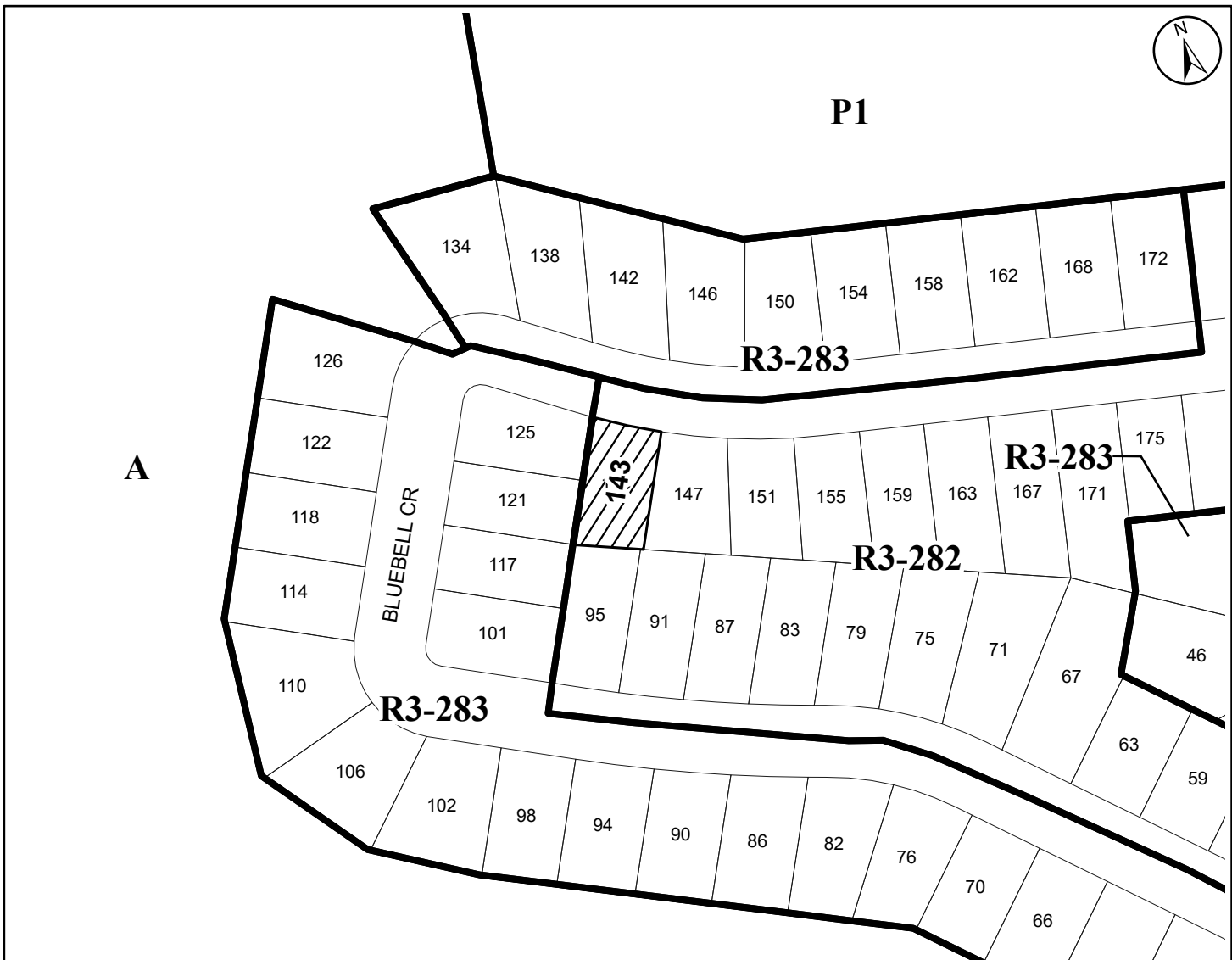
STAFF COMMENTS

HEARING DATE: April 23, 2024

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed enclosed deck.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



143 Bluebell Crescent, Ancaster
(Ward 14)

File Name/Number:

AN/A-24:52

Date:

April 12, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department