



## COMMITTEE OF ADJUSTMENT

City Hall, 5<sup>th</sup> floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221

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**To:** Jamila Sheffield, Secretary-Treasurer, Committee of Adjustment  
**From:** David Bonaventura, Planning Technician I – Development Planning  
**Email:** [David.Bonaventura@hamilton.ca](mailto:David.Bonaventura@hamilton.ca)  
**File Number:** AN/A-24:62  
**Address:** 38 Legacy Lane, Hamilton  
**Subject:** Committee of Adjustment File Comments – May 7, 2024

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### Recommendation

- Approve

### Proposed Conditions

N/A

### Proposed Notes

N/A

### Background

To permit the location of two existing accessory buildings.

### Analysis

#### Niagara Escarpment Plan

The subject lands are located within the Niagara Escarpment Plan and are identified as “Urban Area” under the Plan.

#### Urban Hamilton Official Plan

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



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### Archaeology

No comment.

### Cultural Heritage

No comment.

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

The subject lands are zoned Residential “R3-628” Zone, Modified under Former Town of Ancaster Zoning By-law No. 87-57. The existing single detached dwelling is a permitted use.

### Variance 1

1. A minimum 2.77 metre setback from a flankage lot line for an accessory building on a corner lot shall be permitted instead of the minimum 7.5 metre setback from a flankage lot line for an accessory building on a corner lot shall be required.

The intent of these provisions is to ensure a consistent built form and streetscape to maintain the character of the neighbourhood.

Staff note that, based upon the site plan and application form submitted with this application, the two accessory structures appear to be a shed for storage purposes and a pavilion with an attached pergola. Staff further note the nearest setback to the flankage lot line is that of the pergola with a setback of 2.77 metres, whereas the shed and pavilion have greater setbacks of 3.58 metres and 4.02 metres respectively. Staff are of the opinion that the accessory structures are compatible with the built form and residential character of Legacy Lane and do not anticipate negative impacts on the surrounding area. Staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the development or use of the land. Staff support the variance.

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