

A-24:71 – 14 Elder Crescent, Ancaster

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, 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 an addition (attached garage) to the existing single detached dwelling.

Analysis

Rural Hamilton Official Plan

The subject lands are designated “Rural” in Schedule D – Rural Land Use Designations within the Rural Hamilton Official Plan. Policies B.2.2.1 among others, are applicable and permit the use.

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 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.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-0036) 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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Cultural Heritage:

No comments

Natural Heritage

The subject property is located within the boundaries of the Rural Hamilton Official Plan (RHOP). Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas have been identified within and adjacent to the subject property. These features have been identified as Significant Woodland and Jerseyville Road Woodlot Environmentally Significant Area (ESA). The property is also located within the Greenbelt Natural Heritage System and has been zoned as "P7" (Conservation/Hazard Lands) within the City's 05-200 Zoning By-law.

As per policy C.2.3 within the RHOP, Core Areas shall not negatively impact their environmental features or ecological functions. New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 metres of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a vegetation protection zone, according to the requirements in Sections C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13, and C.2.4.14.

Since the development is proposed in an area that has already been disturbed (existing driveway is located within this area), an EIS is not required.

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.2.10.1). In addition, trees within and adjacent to the property are subject to the City's Woodland By-law (R00-054). Trees may be impacted by the construction of the garage.

To ensure that trees are considered in the design of the development, 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). In addition, if trees are proposed to be removed, 1 for 1 compensation is required. This is to ensure that existing tree cover is maintained. This can be addressed through the following 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.



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STAFF COMMENTS

HEARING DATE: May 7, 2024

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 Hamilton Zoning By-law No. 05-200

The subject site is zoned Conservation / Hazard Lands (P7) Zone, which permits the use.

Variance 1

1. To permit a minimum setback from the side lot line of 1.2 metres instead of the minimum required side yard setback of 3.0 metres.

The intent of this provision is to ensure sufficient access, drainage and a proper building envelope is provided. Staff defers any drainage concerns to Development Engineering and the Grand River Conservation Authority.

Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space will be provided for access and a proper building envelop. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject lands or surrounding area.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance subject to the conditions added.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Property is located within the Grand River Conservation Authority. Please contact prior to any development occurs.
Proposed Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	



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STAFF COMMENTS

HEARING DATE: May 7, 2024

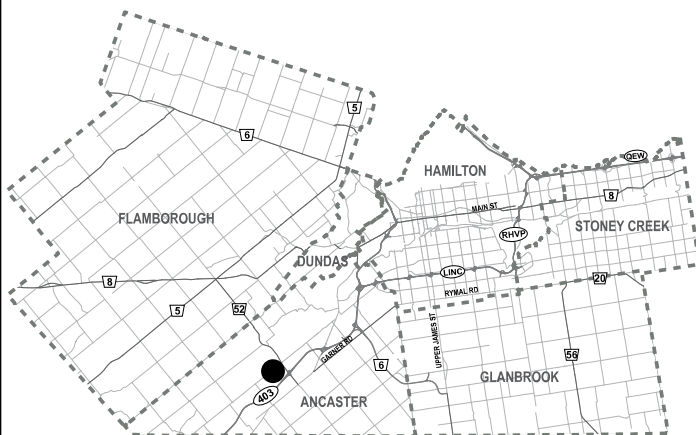
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed addition (attached garage) to the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



14 Elder Crescent, Ancaster
(Ward 12)

File Name/Number:

AN/A-24:71

Date:

April 24, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT