



A-24:83 – 78 Creighton Road, Dundas

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



Hamilton

Development Planning:

Background

So as to permit the construction of an accessory building to complement the existing single detached dwelling.

Analysis

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.3.4.3 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).”



Hamilton

Cultural Heritage:

The subject property is comprised of 78 Creighton Road in Dundas, and is included on the City's Inventory of Heritage Properties.

Accordingly, following sections B.3.4.1.4, B.3.4.2.1(h), B.3.4.3.6 and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The subject application is for variances to permit the construction of an accessory building to complement the existing single detached dwelling. Staff note that the proposed design of the detached garage is compatible with the historic character of the principal dwelling, including the gable roof and use of brick veneer cladding, and believe the cultural heritage value of the property will be conserved. Staff have no further comments on the application as circulated.

City of Hamilton Zoning By-law No. 05-200

The subject site is zoned Low Density Residential (R1) Zone, which permits the use.

Variance 1

1. To permit a maximum size of 58 square metres for an accessory building whereas the zoning bylaw permits a maximum size of 45 square metres.

The intent of this provision is to limit the size of an accessory building and keep it subordinate to the primary dwelling.

Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed accessory building will remain subordinate to the primary dwelling. 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.**

Variance 2

2. To permit a maximum height of 6.1 metres for an accessory building whereas the zoning by-law permits a maximum height of 4.5 metres.

The intent of this provision is to limit massing and to provide a proper built form for an accessory building.



Hamilton

STAFF COMMENTS

HEARING DATE: May 21, 2024

Staff note that the grading for the subject lands differs where the accessory structure is proposed with a grade difference ranging between approximately 1-3 metres. Staff note that at top of grade, the accessory structure is approximately 4 metres in height. Staff are of the opinion that the variance maintains the general intent of the By-law as the height of the structure will not have massing concerns to adjoining properties and will have a proper built form. 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.**

Zoning:

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|----------------------|---|
| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <p>1) Variance #1 can be amended to read as follows:</p> <p>To permit a maximum size of 54 square metres for an accessory building whereas the zoning by-law permits a maximum size of 41 square metres.</p> <p>2) Please note that these lands may be:</p> <ul style="list-style-type: none">- 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. <p>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.</p> |
| Proposed Notes: | |

Development Engineering:

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| Recommendation: | No comments |
| Proposed Conditions: | |
| Comments: | Provided the existing drainage pattern is maintained, Development Approvals has no comments |



Hamilton

STAFF COMMENTS

HEARING DATE: May 21, 2024

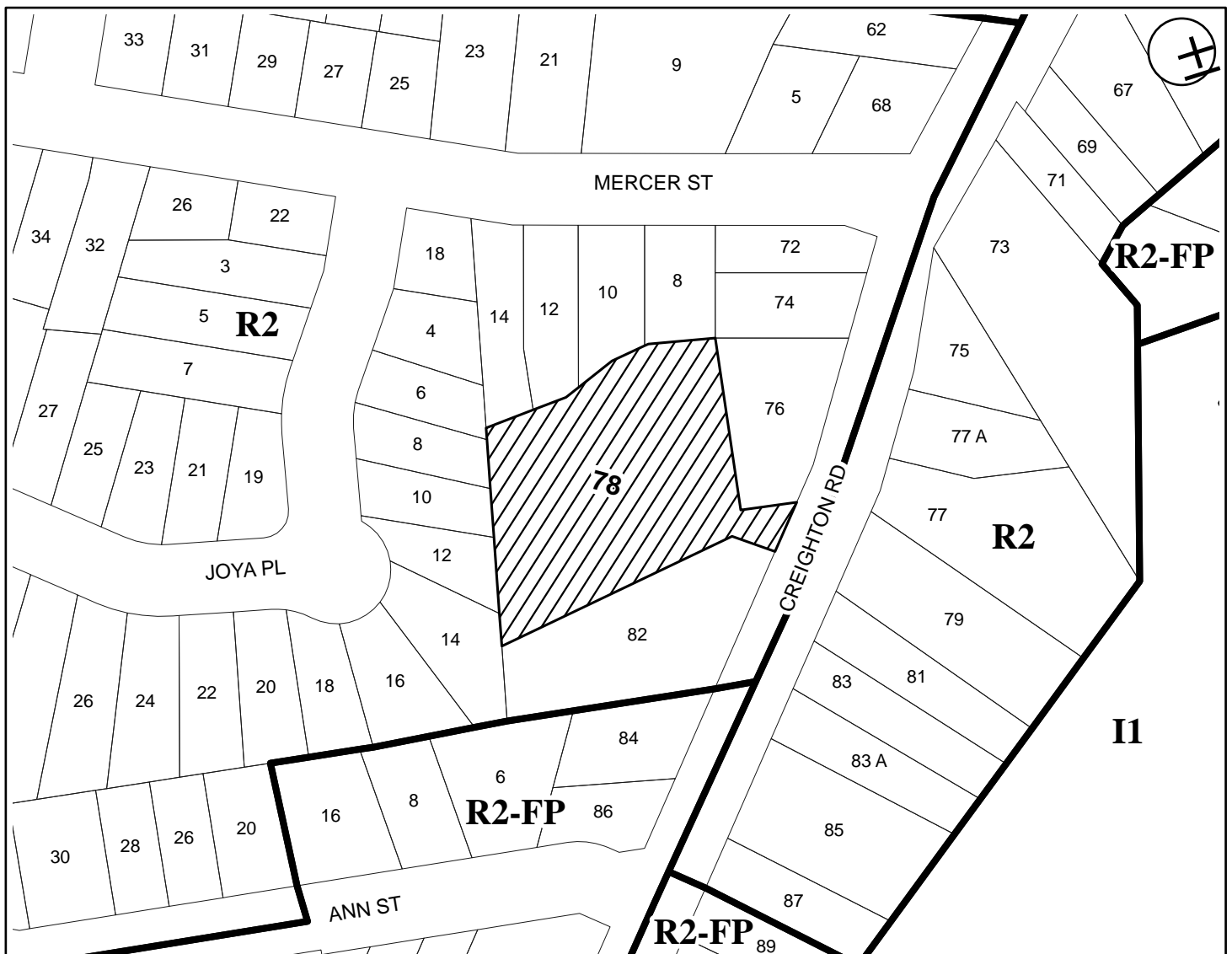
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| Proposed Notes: | |
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Building Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Proposed Notes: | <p>A building permit is required for the construction of the proposed accessory building to complement the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> |

Transportation Planning:

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| Recommendation: | Approve |
| Proposed Conditions: | |
| Comments: | |
| Proposed Notes: | |



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



78 Creighton Road, Dundas
(Ward 13)

File Name/Number:

A-24:83

Date:

May 9, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department