



Hamilton

STAFF COMMENTS

HEARING DATE: May 21, 2024

A-24:89 – 12 Terrace Drive, Stoney Creek

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 attached garage to an existing single detached dwelling.

The following variance is requested:

1. To permit a minimum front yard depth of 1.09 metres whereas the Stoney Creek zoning by-law requires a minimum front yard depth of 6.0 metres.
2. To permit a minimum front yard setback of 1.09 metres whereas the Hamilton zoning by-law requires a minimum front yard setback of 4.0 metres.
3. To permit a minimum side yard setback of 1.25 metres whereas the Hamilton zoning by-law requires a minimum side yard setback of 2.0 metres.

Archeology

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:

“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” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban



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Hamilton Official Plan. A single detached dwelling is a permitted use within the “Neighbourhoods” designation.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential and Low Density Residential – Large Lot “R2”, which permits a single detached dwelling.

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

The subject lands are proposed to be rezoned through the Council approved Low Density Residential Zones in the City of Hamilton Zoning By-law No. 05-200 and zoned Low Density Residential “R1” Zone, which permits a single detached dwelling. The new Low-Density Residential Zones are subject to an appeal and are therefore not in force and effect.

Analysis

Variance 1 and 2

The applicant is proposing to permit a minimum front yard depth of 1.09 metres, whereas the Stoney Creek Zoning By-law No. 3692-92 requires a minimum front yard depth of 6.0 metres and the City of Hamilton Zoning By-law No. 05-200 requires a minimum front yard setback of 4.0 metres. The applicant is proposing to extend their attached garage into the front yard and be setback 1.09 metres from the property line. Based on the zoning definition contained within both by-laws, the front yard for the subject lands is fronting on Berkley Place; however, this yard acts as a flankage yard rather than a front yard and reads along the streetscape as such. The existing carport on the lands provides a similar interface to Berkley Place to what is proposed with the garage addition. The dwelling also faces Terrace Drive, which is the functional front of the lot, which will be maintained by the proposed application. It should be noted that the setback to Terrace Drive (4.8m) will conform with the front yard requirements of the new “R1” Zone proposed on the lands. Furthermore, the front yard property line along Berkley Place is setback 9.51 metres from the paved portion of the street, which provides ample space in the boulevard for landscaping and ensures the proposed addition will not be imposing along the streetscape. Accordingly, the proposed addition maintains the intent of the function of a flankage yard where it will not interfere with vehicular traffic and provides ample separation to the public realm. Further, the proposed addition will enhance the streetscape. Staff support Variances 1 and 2.

Variance 3

The applicant is proposing to permit a minimum side yard setback of 1.25 metres for the proposed garage addition, whereas the Hamilton Zoning By-law requires a minimum side yard setback of 2.0 metres. The proposed addition is 1 storey in height and does not contain any windows that would overlook adjacent properties. Staff are satisfied with the proposed minimum side yard reduction as it



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still provides sufficient space for rear yard access and maintenance for the side yard, nor does it impact adjacent properties from a shadow/overlook perspective. Staff support Variance 3.

Based on the foregoing, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the respective Zoning By-laws. The variances are considered to be minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	<p>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:

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

Building Engineering:

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



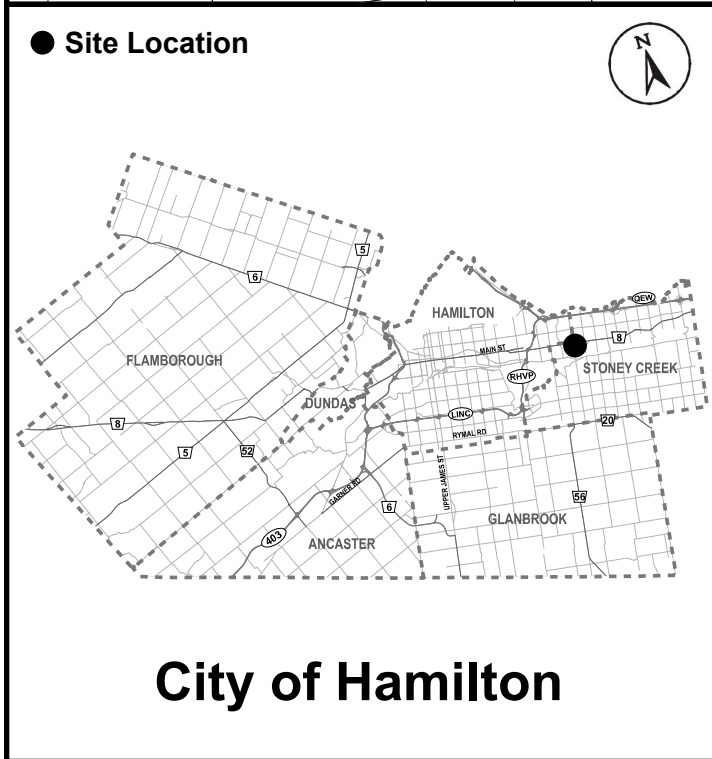
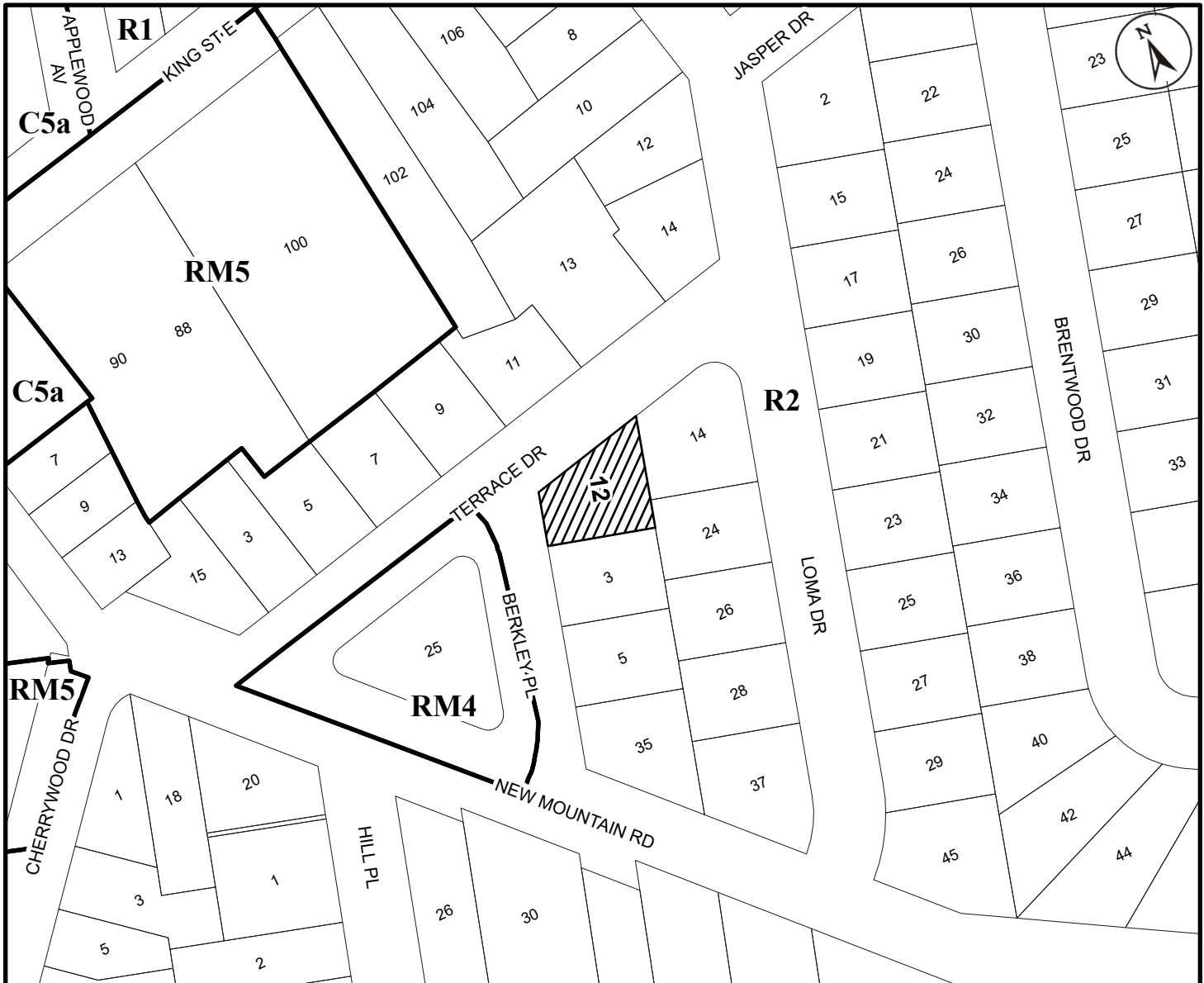
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STAFF COMMENTS

HEARING DATE: May 21, 2024


Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	




Committee of Adjustment

Subject Property

 12 Terrace Drive, Stoney Creek (Ward 5)

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: SC/A-24-89
Date: May 8, 2024
Technician: NB
Map Not To Scale
Appendix "A"
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