



Hamilton

**A-24:99 – 1663 Book Road West, Ancaster**

**Recommendation:**

Approve Variances 1 and 2, Deny Variance 3

**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, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
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:**

“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**

To permit an addition to an attached garage in the front yard of an existing single detached dwelling.

**Analysis**

**Rural Hamilton Official Plan**

The subject lands are designated “Agriculture” in Schedule D – Rural Land Use Designations. Policy C.3.1.4, amongst others, is applicable and permits the existing residential use.

**Archaeology**

No comment.

**Cultural Heritage**

No comment.

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

The subject lands are zoned Agriculture (A1) Zone under City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is a permitted use.

**Variances 1 and 2**

1. A minimum westerly side yard of 2.70 metres shall be permitted instead of the minimum 3.0 metres required [Section 12.1.3.3 (e)].
2. Eaves/troughs shall be permitted to project 0.75 metres into the westerly interior side yard instead of the maximum 0.6 metres permitted [Section 4.6 (a)].

The intent of these provisions is to ensure sufficient space is maintained between a building and the lot line for drainage and grading, access and maintenance purposes. Staff defer to Development Engineering staff regarding drainage and grading concerns.

Staff are of the opinion that the proposed setback of 2.7 metres maintains sufficient space between the proposed garage addition and the westerly side lot line for access and maintenance purposes. Similarly, staff are of the opinion that the requested increase in eaves/troughs projection into the required yard represents a minor increase. Staff do not anticipate negative impacts on the subject property or neighbouring properties as a result of Variances 1 and 2. Staff support the variances.



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**Variance 3**

- 3. No electric vehicle parking spaces shall be provided, instead of the requirement that for a single detached dwelling, 100% of all parking spaces are to be provided as electric vehicle parking spaces [as per Section 5.74(a) – By-law No. 24-052 not final and binding].

The intent of this provision is to ensure new parking spaces are prepared for the transition from internal combustion engine vehicles to electric vehicles by providing the necessary charging infrastructure.

Staff are of the opinion that Variance 3 does not maintain the intent of the Zoning By-law. Staff do not support the variance.

Based on the foregoing, staff are of the opinion that Variances 1 and 2 meet the four tests of a minor variance whereas Variance 3 does not. **Staff recommend approval of Variances 1 and 2 and denial of Variance 3.**

Zoning:

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| Recommendation:      | Comments Only   |
| Proposed Conditions: |   |
| Comments:            | <p>i. Please note that as per Section 4.6(a), the usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser. Should the variance to the minimum westerly side yard be approved to allow for a minimum side yard setback of 2.70 metres, eaves/trough would be permitted to project 0.6 metres into the newly established westerly side yard. Therefore, Variance No. 2 has been included, as the eaves/troughs of the proposed building addition are indicated as projecting 0.74 metres.</p> <p>ii. Be advised that By-law No. 24-052 was recently approved which repealed and replaced Section 5: Parking, of Hamilton Zoning By-law No. 05-200. As By-law No. 24-052 is not yet final, at present, all proposed development is reviewed under both the existing and proposed Zoning By-laws regulations with the more restrictive zoning regulations being applied. Therefore, Variance No. 3, which was not indicated in the applicants</p> |



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|                 | <p>submission materials, was added to Section 5.7.4(a) as per amending By-law No. 24-052.</p> <p>iii. Please note that the height of the proposed building addition does not appear to be indicated as per the definition of “Building Height” provided in Hamilton Zoning By-law No. 05-200. Note that if compliance with Section 12.1.3.3(c) cannot be achieved, additional variance(s) may be required.</p> |
| Proposed Notes: |  |

Cultural Heritage:

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| Recommendation:      | Comments Only   |
| Proposed Conditions: |   |
| Comments:            | <p>Archaeology:</p> <p>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.</p> <p>If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:</p> <p>“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).”</p> <p>Cultural Heritage:</p> <p>The subject property is adjacent to 1677 Book Road West, a property listed on the Municipal Heritage Inventory List</p> <p>Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.</p> |



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|                 | <p>The proponent proposes to construct an addition to an attached garage in the front yard of the existing single detached dwelling.</p> <p>Notwithstanding that the property is adjacent to a property listed on the Municipal Heritage Inventory List, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved, due to the set-back from the road and distance from the neighbouring property.</p> <p>Staff have no further comments on the application as circulated.</p> |
| Proposed Notes: |  |

Natural Heritage:

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| Recommendation:      | Approve with Conditions  |
| Proposed Conditions: | <ol style="list-style-type: none"> <li>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, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).</li> <li>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.</li> </ol>   |
| Comments:            | <ol style="list-style-type: none"> <li>1. The subject property is located within the boundaries of the Rural Hamilton Official Plan (UHOP) and has been identified within the Greenbelt Protection Countryside. Based on Schedule B (Natural Heritage System) of the RHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City’s Natural Heritage System.</li> <li>2. Through aerial photograph interpretation and the site plan provided, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health</li> </ol> |



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|                 | <p>benefits) and encourages the protection and restoration of trees (policy C.2.10.1).</p> <p>To ensure trees are not impacted during the construction of proposed development, it is recommended that a Tree Protection Plan (TPP) be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>To ensure that existing tree cover is maintained, the City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed. If trees are to be removed, it is recommended that a Landscape Plan (showing the required compensation) be provided.</p> |
| Proposed Notes: |  |

Development Engineering:

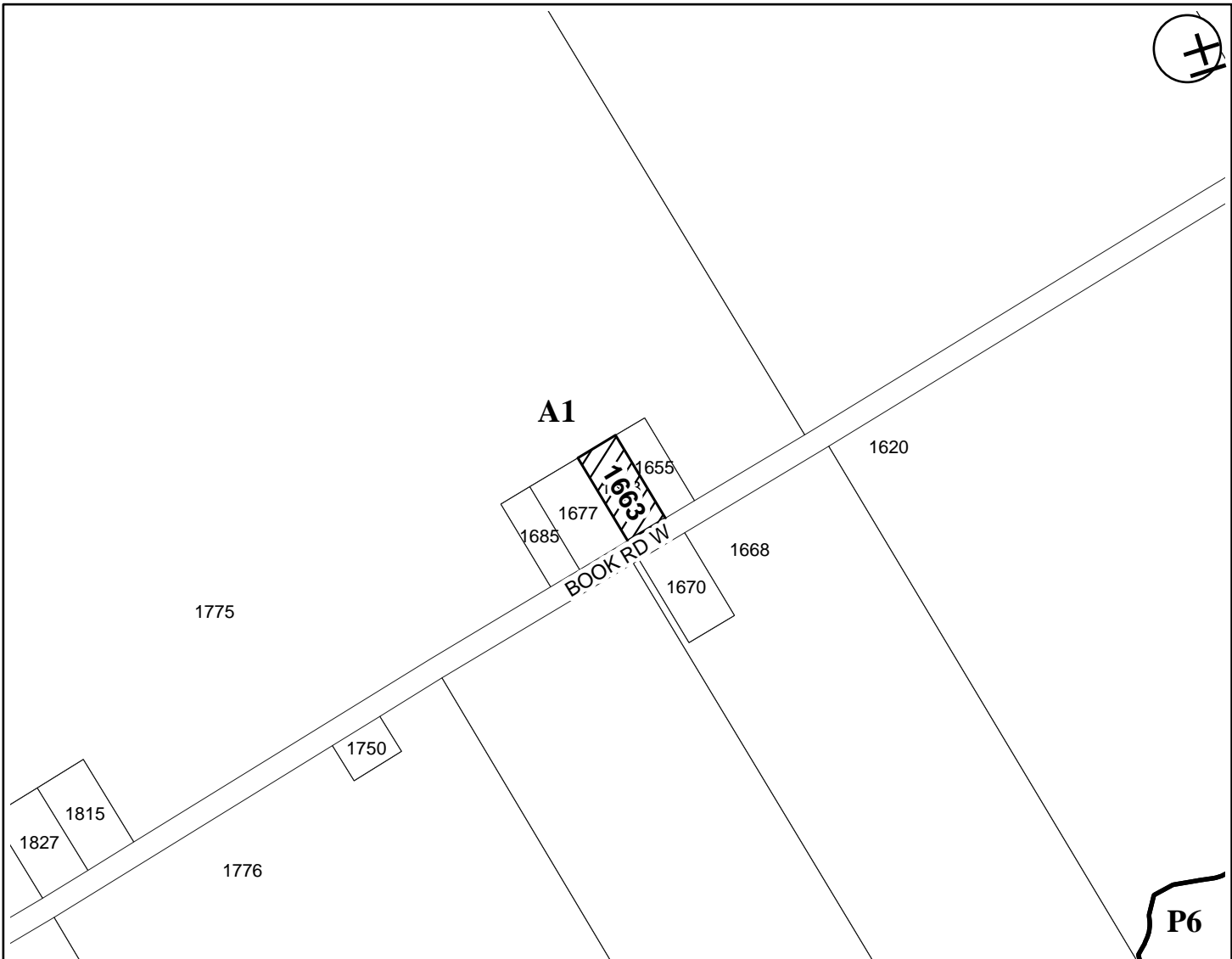
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| Recommendation:      | No comments. |
| Proposed Conditions: |              |
| Comments:            |              |
| Proposed Notes:      |              |

Building Engineering:

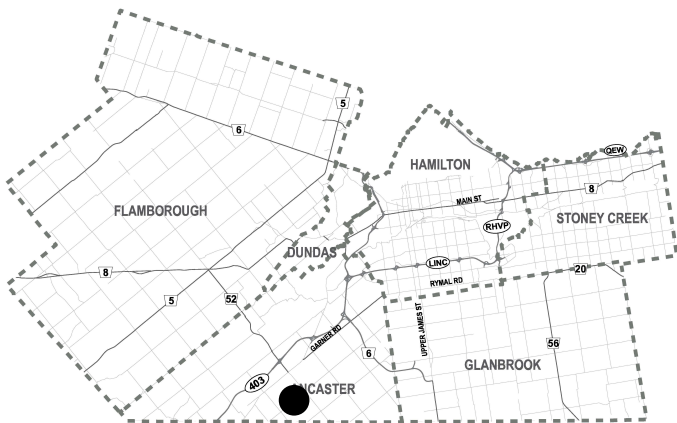
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| Recommendation:      | Comments Only  |
| Proposed Conditions: |  |
| Comments:            |  |
| Proposed Notes:      | <p>A building permit is required for the purposed addition to an attached garage in the front yard of the existing single detached 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**



1663 Book Road West, Ancaster  
(Ward 12)

**File Name/Number:**

A-24:99

**Date:**

May 30, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**