



Hamilton

**STAFF COMMENTS**

**HEARING DATE: June 11, 2024**

**A-24:95 – 209 Foxridge Drive, Ancaster**

**Recommendation:**

Approve

**Proposed Conditions:**

**Proposed Notes:**



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**Development Planning:**

**Background**

The application is to facilitate the construction of canopy that covers the existing patio that is attached to the existing single detached dwelling. Please note that the Variance listed on the Notice of Public Hearing is incorrect.

The following variance was listed on the Notice of Public Hearing:

1. A minimum rear yard of 8.5m shall be permitted to the deck structure and a minimum rear yard of 2.4m shall be permitted to the associated stair structure instead of the minimum 7.5m rear yard required.

The following variance is requested:

A minimum rear yard of 8.4m shall be permitted to the deck structure instead of the minimum 10.0m rear yard required.

**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 Hamilton Official Plan, which permits single detached dwellings and accessory structures.

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

The subject lands are zoned Residential “R2-430” District, which permits single detached dwellings.

**Analysis**

Variance 1

The applicant is proposing a minimum rear yard of 8.4m to the proposed deck structure, whereas the Zoning By-law requires a minimum 10.0m rear yard setback. The applicant is proposing to cover the existing paved patio amenity area within the rear yard with a roof structure to provide shade and further enhance the amenity use. As the proposed structure is fastened to the existing single detached dwelling, the setbacks of the primary dwelling apply. The photographs provided in the submission show a well landscape buffer between the subject rear yard and those from abutting neighbours. Staff do not foresee any adverse impacts from an overlook or privacy perspective. Staff are satisfied that the intent of the rear yard provision is maintained as there is an ample amount of useable amenity space.



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Based on the foregoing, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Former Town of Ancaster Zoning By-law No. 87-57. The variance is considered to be minor in nature and desirable for the appropriate use of the property.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> <li>The variance should be deleted and replaced with the following:  A minimum rear yard of 8.4m shall be permitted to the deck structure instead of the minimum 10.0m rear yard required.</li> <li>Staff have previously interpreted that a roofed-over deck at the rear of a dwelling is considered as part of the principle building and is therefore subject to the principle building regulations but not including lot coverage.</li> </ul>
Proposed Notes:	

**Cultural Heritage:**

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

**Natural Heritage:**

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

**Development Engineering:**

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

**Building Engineering:**

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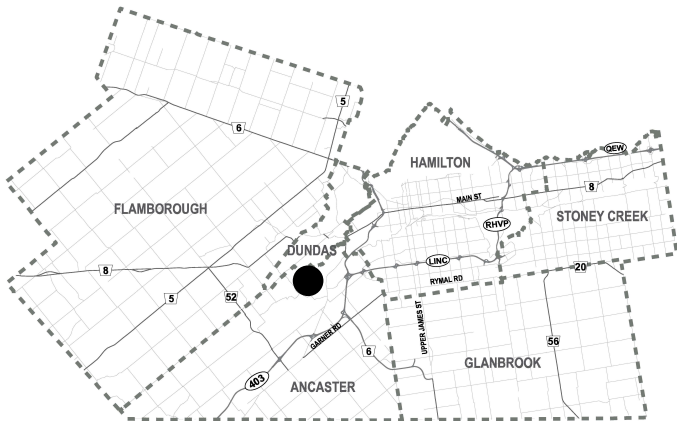
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of a one-storey rear deck addition to the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**



209 Foxridge Drive, Ancaster  
(Ward 12)

**File Name/Number:**

A-24:95

**Date:**

May 31, 2024

**Technician:**

AL

**Scale:**

N.T.S.

Appendix "A"



**Hamilton**