



Hamilton

A-24:92 – 189 Lloyminn Avenue, Ancaster

Recommendation:

Approve

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:



Hamilton

Development Planning:

Background

To facilitate the construction of building (garage) accessory to an existing Single Detached Dwelling.

Analysis

Urban Hamilton Official Plan

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a single detached dwelling.

Ancaster Zoning By-law No. 87-57

The subject site is zoned Existing Residential “ER” Zone, which permits the use.

Variance 1

1. A minimum setback of 6.5 metres from the rear lot line shall be permitted for accessory buildings in excess of 12 square metres ground floor area instead of the minimum required setback of 7.5 metres from the rear lot line.

The intent of this provision is to provide sufficient space for drainage and to provide for a proper building envelope.

Staff defer any drainage concerns to Development Engineering. Staff are of the opinion that the variance maintains the general intent of the By-law as a proper building envelope is being provided. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site 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.**

Ancaster Zoning By-law No. 87-57 and Hamilton Zoning By-law No. 05-200

The approved zoning of the subject site in Zoning By-law No. 05-200, which is not final and binding, is Low Density Residential – Large Lot (R2) Zone.

2. The maximum height of 4.6 metres for an accessory building shall be permitted instead of a maximum permitted height of 4.5 metres.

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



Hamilton

Staff are of the opinion that the variance maintains the general intent of the By-law as the accessory building will remain subordinate to the primary dwelling. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site 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:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p><u>Ancaster Zoning By-law 87-57</u></p> <p>1. Please be advised insufficient and inconsistent information was provided to determine zoning conformity. As such variances have been written as requested.</p> <p><u>Hamilton Zoning By-law 05-200</u></p> <p>2. This property is now also subject to the R2 Low Density Residential – Large Lot Zone under Hamilton Zoning By-law 05-200, which is not yet final and binding. Please be advised that the application has been reviewed under Hamilton Zoning By-law 05-200 and it has been determined that insufficient and inconsistent information was provided to determine zoning conformity. As such variances have been written as requested.</p>
Proposed Notes:	

Cultural Heritage:

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

Natural Heritage:

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, to the satisfaction of the Manager of Heritage and Urban Design. The Tree



Hamilton

	<p>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).</p> <p>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</p>
<p>Comments:</p>	<p>1. The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, 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 or adjacent to 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.</p> <p>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 benefits) and encourages the protection and restoration of trees (policy C.2.11.1). In addition, the trees within the subject property may be regulated under the Town of Ancaster By-law 2000-118.</p> <p>The proposal may impact the trees within the subject property. To ensure that trees are considered in the design of the 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, 1 for 1 compensation is required 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>
<p>Proposed Notes:</p>	

Development Engineering:

<p>Recommendation:</p>	<p>No comments.</p>
<p>Proposed Conditions:</p>	



Hamilton

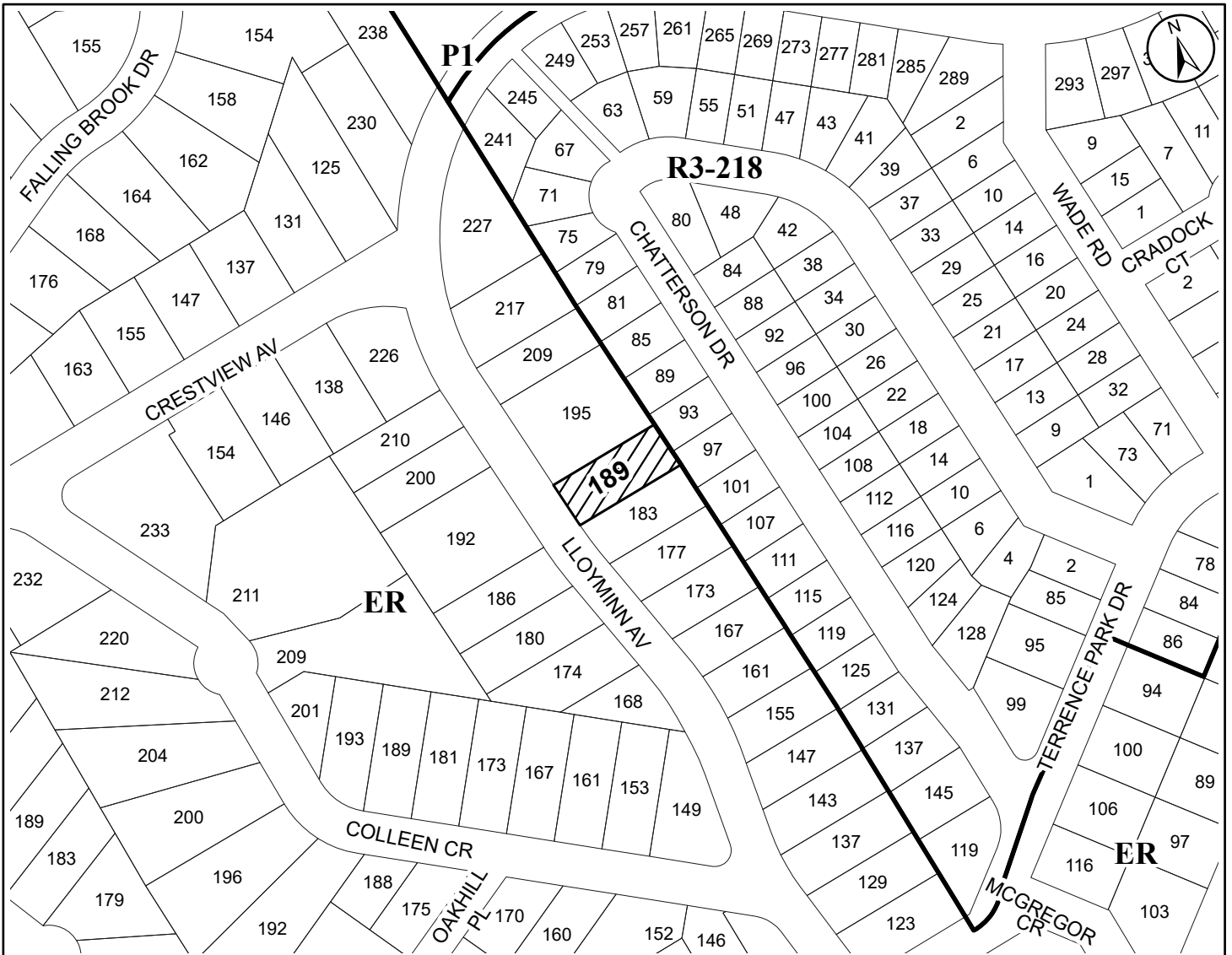
Comments:	
Proposed Notes:	

Building Engineering:

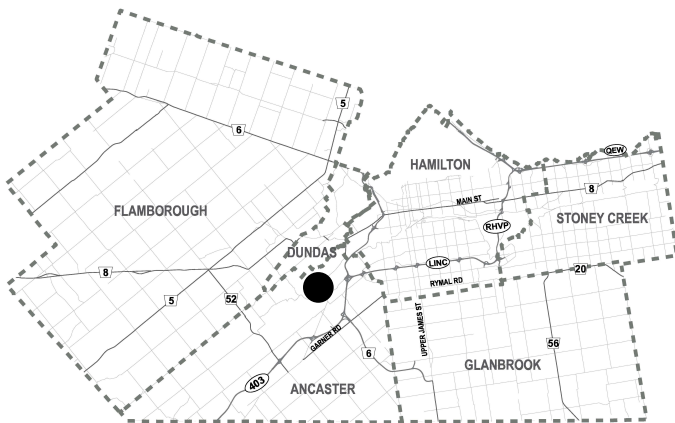
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed garage accessory.</p> <p>Order to Comply 23 305879, dated September 27, 2023 remains outstanding.</p> <p>Be advised that Ontario Building Code regulations 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



189 Lloyminn Avenue, Ancaster
(Ward 12)

File Name/Number:

A-24-92

Date:

May 31, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton