



Hamilton

STAFF COMMENTS

HEARING DATE: July 2, 2024

A-24:130 – 49 Robertson Road, Ancaster

Recommendation:

Approve with condition. - Development Planning

Deny – Development Engineering

Proposed Conditions:

1. That the variance only apply to the portion of the proposed staircase as shown on the submitted plans titled “Site Plan” dated May 7, 2024.

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 Facilitate the construction of a Secondary Dwelling Unit within the 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 B.3.2.4.4, F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings and secondary dwelling units.

Meadowlands Neighbourhood IV Secondary Plan

The property is further designated “Low Density Residential 2b” on Map B.2.6-1 within the Meadowlands Neighbourhood IV Secondary Plan. Policy B.2.6.1.4, among others, is applicable and permits the use.

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

The subject lands are zoned Residential “R5-525” Zone which permits the use of single detached dwellings and secondary dwelling units, in accordance with the applicable provisions.

Staff note that the approved zoning of the subject site is Low Density Residential (R1) Zone in Zoning By-law No. 05-200, which is not final and binding.

Variance 1

1. A minimum side yard of 0.15 metres shall be permitted instead of the required minimum side yard of 1.2 metres.

The intent of this provision is to ensure sufficient access, drainage, and a proper building envelope is provided. Staff defers any drainage concerns to Development Engineering.

Staff note that the variance is for a retaining wall for a stairwell to a below grade access. Staff note that access to the rear is still provided on the western side of the subject site. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient access and a proper building envelope is being provided. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site of surrounding area. Staff



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note that if the variance is approved, that a condition be placed on the application that the variance only relate to the proposed stairs as shown on submitted Site Plan dated May 7, 2024. 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>1. Please be advised the property is subject to amending by-law 24-051 and 24-052 within the Hamilton Zoning By-law 05-200, which is not yet final and binding.</p> <p>2. Variances have been written as requested. Insufficient information was provided to determine full zoning conformity with Section 9.14 and 9.14.1 of the Ancaster Zoning By-law 87-57 and Section 4.33 and 4.33.1 of the Hamilton Zoning By-law 05-200. Additional variances may be required if conformity cannot be achieved.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
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 <i>Planning Act</i> and Section 2.6.2 of the <i>Provincial Policy Statement</i> apply to the subject application.</p> <p>Cultural Heritage:</p>



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	No comments.
Proposed Notes:	<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>

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	The proposed stairwell to access the basement is going to encroach into the existing sideyard swale and may alter the existing drainage. Therefore, Development Engineering recommends that minor variances #1 be denied.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
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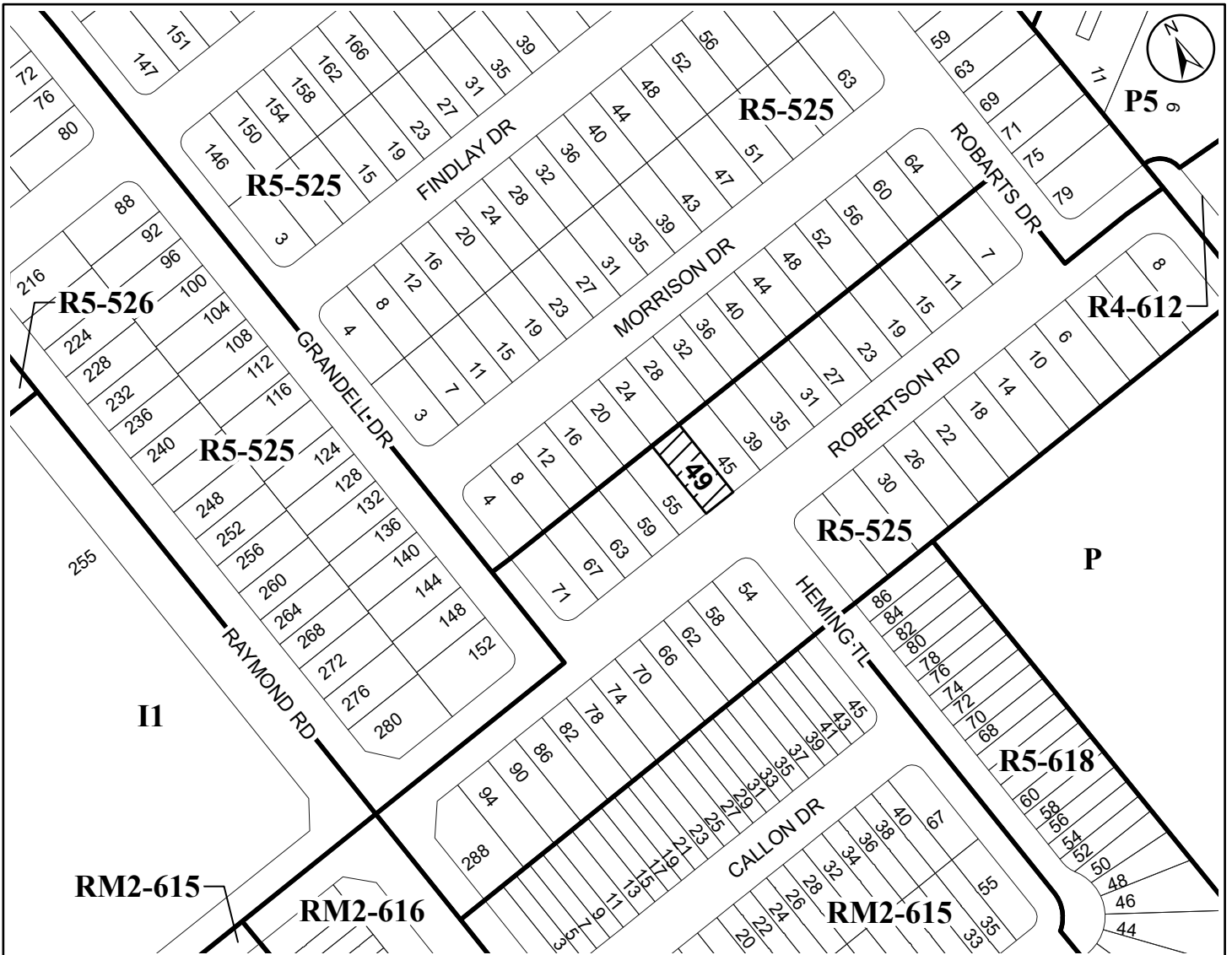


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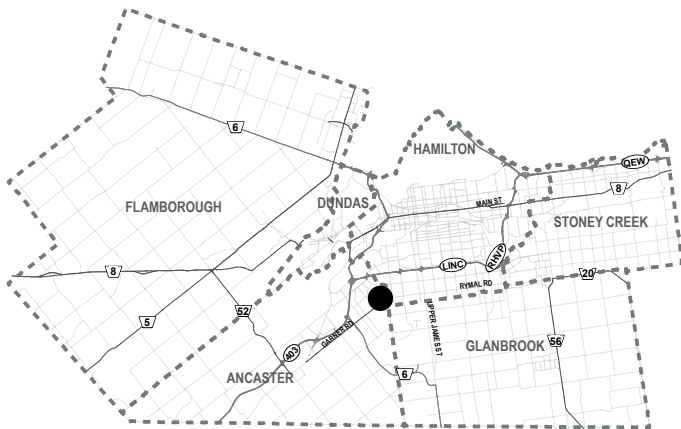
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed Secondary Dwelling Unit within the existing single detached dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



49 Robertson Road, Ancaster
(Ward 12)

File Name/Number:

A-24:130

Date:

June 19, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department