



Hamilton

STAFF COMMENTS

HEARING DATE: July 2, 2024

A-24:124 – 992 Settlers Road, Ancaster

Recommendation:

Deny – Development Planning

Proposed Conditions:

Proposed Notes:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City.

Should deeply buried archaeological materials be found on the property during any of the above development activities the 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 single detached dwelling on a lot that does not have frontage on a public street.

Analysis

Rural Hamilton Official Plan

The property is designated as “Agricultural” in Schedule D – Rural Land Use Designations. Policies C.4.5.8.4 and F.1.12.6, amongst others, are applicable and do not permit a single detached dwelling on a lot with no frontage onto an open public street. Based on the foregoing, staff are of the opinion that the variance does not maintain the general intent of the Official Plan.

C.4.5.8.4 New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.

F.1.12.6 A single detached dwelling may be permitted on an existing vacant legal lot of record subject to the following conditions:

b) The existing vacant legal lot of record must have frontage on an open public street;

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone. No building is permitted in any zone on a lot with no frontage on a public street.

Variance 1

1. To permit a single detached dwelling on a lot with no frontage on a public street whereas no lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres.

The intent of this provision is to ensure each dwelling has frontage onto to a public street for unobstructed access.

Staff are of the opinion that as the proposed single detached dwelling requires access from a private road, the general intent of the By-law is not being maintained as unobstructed access from a public street is not being provided. Staff are of the opinion that due to the subject site not having public frontage along a private street, the variance is neither minor nor desirable for the development of the lands as negative impacts are anticipated as no access to the single detached dwelling from a public street is



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being provided. Staff are of the opinion that the four tests of a minor variance are not being met. Based on the foregoing, **staff do not support the variance.**

Variance 2

2. To permit the parking of a single detached dwelling with no direct ingress and egress from a street whereas parking must have adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except that the accessibility to a maximum of one of the required parking spaces for a single detached dwelling may be obstructed by another motor vehicle.

The intent of this provision is to ensure that a vehicle has legal access to a lot containing a single detached dwelling.

Staff are of the opinion that the variance does not maintain the general intent of the By-law as the parking for a single detached dwelling will not have direct ingress and egress from a street or laneway. Staff are of the opinion that the variance is neither minor in nature nor desirable for the development as the parking space will not be able to be legally accessed, resulting in negative impacts to the subject site or surrounding area. Staff are of the opinion that the four tests of a minor variance are not being met. Based on the foregoing, **staff do not support the variance.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	i. Please be advised that a portion of this property is under Conservation Management. Please contact Grand River Conservation for further information.
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
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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> <p>The subject property is adjacent to 986 Settler’s Road and 996 Settler’s Road, two properties listed on the City of Hamilton’s Inventory of Heritage Properties.</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> <p>The proponent proposes to facilitate the construction of a single detached dwelling on a lot that does not have frontage on a public street.</p> <p>Notwithstanding that the property is adjacent to two properties listed on the Inventory of Heritage Properties, 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:	<p>If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:</p> <p>“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment</p>



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	<p>prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City. Should deeply buried archaeological materials be found on the property during any of the above development activities the 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>
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Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	It appears that the access to the subject lands is via a private laneway known as Deckers Lane based on the info in the City’s GIS. The access to the property may be a legal issue between the private landowners and is outside of the Development Engineering staff area of expertise.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	

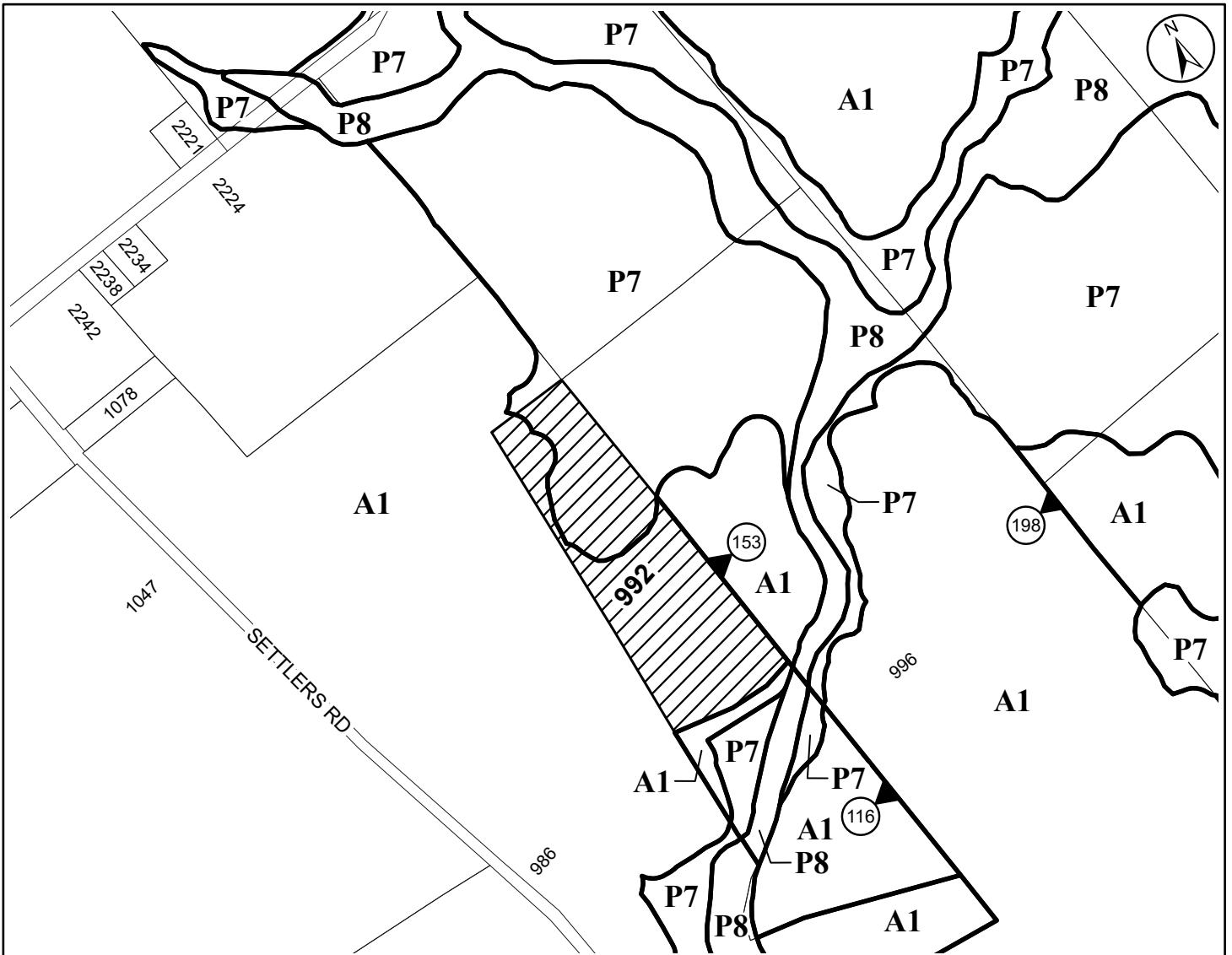


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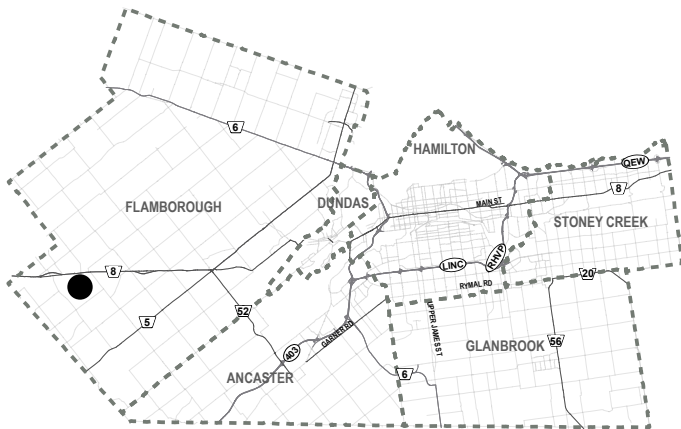
Proposed Notes:	<p>Building Permit # 22 151274, issued on 12/15/2022, to install a raised leaching bed and 3,600L septic tank to serve existing barn, remains not finalized.</p> <p>Building Permit # 23 310262, issued on 11/15/2023, To construct new septic system to serve single family dwelling, remains not finalized.</p> <p>A building permit is required for the construction of the proposed single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>
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Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The Owner will need a mutual access agreement.
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



992 Settlers Road, Ancaster
(Ward 12)

File Name/Number:

A-24:124

Date:

June 14, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department