



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 2, 2024**

**A-24:135 – 84 St. Margarets Road, Ancaster**

Recommendation:

Approve – Development Planning

Proposed Conditions:

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).



Hamilton

Development Planning:

### **Background**

To facilitate the construction of a two-storey 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 single detached dwellings.

#### **Town of Ancaster Zoning By-law No. 87-57**

The subject lands are zoned Existing Residential “ER-201” Zone, Modified, which permits the use of single detached dwellings and structures accessory thereto, in accordance with the applicable provisions.

#### **Variance 1**

1. A minimum side yard setback of 2.0m shall be permitted instead of the minimum 3.0m side yard required.

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 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 note that within the submitted planning justification letter, the applicant has provided examples of similar side yard setbacks along St. Margarets Road. Staff are of the opinion that the variance will provide a consistent low density residential streetscape that is already existing along the road. 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 and that the use of the land will be of what is permitted. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**



Hamilton

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> <li>• The applicant shall ensure that a minimum of one meter within the side yard and rear yard shall be unobstructed and shall not contain structures, walkways, sidewalks, hard surfaced material and landscaping other than sod; otherwise, further variances shall be required.</li> <li>• The applicant shall ensure that the maximum permitted height of 9.5m is not exceeded. No elevation plans were provided; however, the applicant confirms that a height of 9.37m is proposed.</li> <li>• The applicant shall ensure that no balconies or decks and enclosed porches are proposed above the first storey within any side yard; otherwise, further variances shall be required.</li> <li>• The applicant shall ensure that parking within the private garage shall maintain a minimum size of 3.5m x 6.0m and that any parking space within the private driveway shall maintain a minimum size of 3.0m x 5.8m; otherwise, further variances shall be required.</li> </ul> <p>The applicant shall ensure that eaves and gutters encroachments do not exceed the maximum 60.0cm into a minimum side yard or not more than 1.5m into the minimum front yard; otherwise, further variances shall be required.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	Archaeology:



Hamilton

	<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>No comments.</p>
<p>Proposed Notes:</p>	<p>If this variance is granted, the proponent <b>must be advised in writing</b> by the Committee of Adjustment as follows:</p> <p>“<b>Caution:</b> 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 (<a href="tel:416-212-0036">416-212-0036</a>). 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:

<p>Recommendation:</p>	<p>Comments Only</p>
<p>Proposed Conditions:</p>	
<p>Comments:</p>	<p>Provided the existing drainage pattern is maintained, Development Approvals has no comments.</p>
<p>Proposed Notes:</p>	



Hamilton

**STAFF COMMENTS**

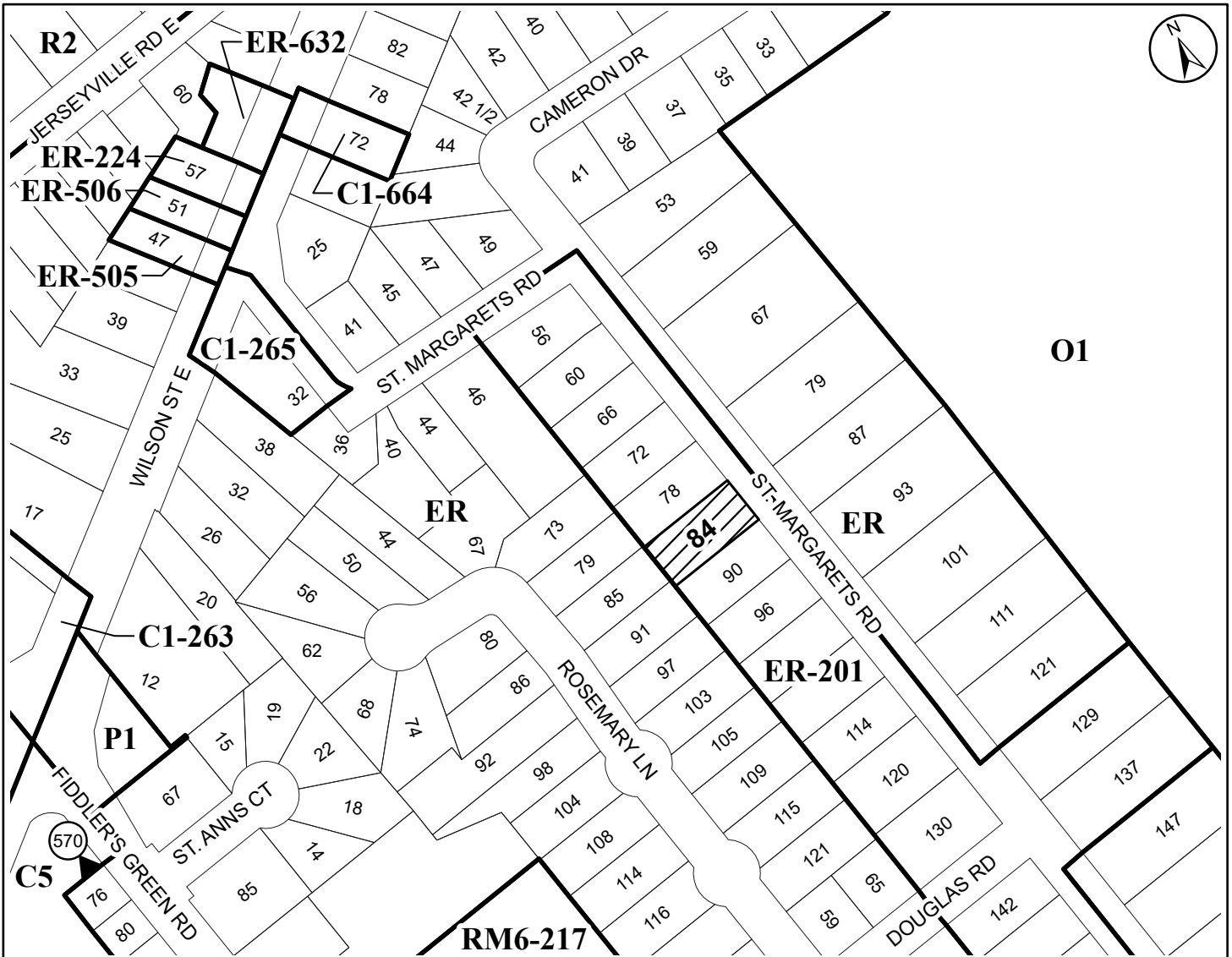
**HEARING DATE: July 2, 2024**

**Building Engineering:**

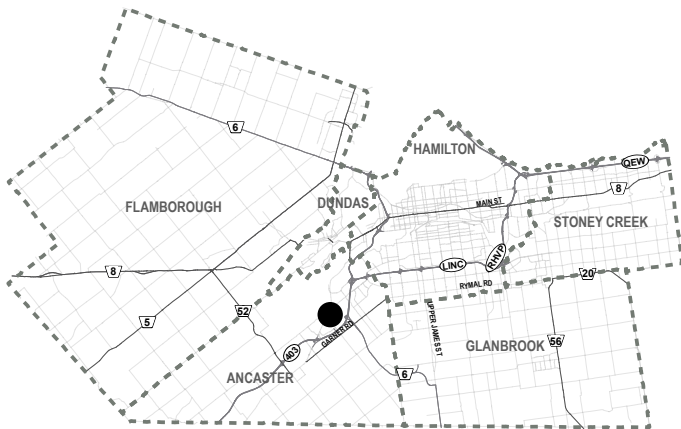
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed two-storey single detached dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

**Transportation Planning:**

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



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



84 St. Margarets Road, Ancaster  
(Ward 12)

File Name/Number:

A-23:135

Date:

June 19, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department