



Hamilton

STAFF COMMENTS

HEARING DATE: July 2, 2024

FL/A-23:351 – 2 Taylor Crescent, Dundas

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](tel: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 new building (detached garage) accessory to an existing single detached dwelling. Staff note that Provincial Highway No. 5 abuts the northern lot line of the subject property.

Analysis

Greenbelt Plan

The subject lands are identified as “Protected Countryside” under the Greenbelt Plan. Per Section 4.5.4 of the Greenbelt Plan, the existing residential use is permitted.

Rural Hamilton Official Plan

The subject lands are designated “Rural Settlement Area” in Schedule D - Rural Land Use Designations in the Rural Hamilton Official Plan. Policies found in D.5.1.1, amongst others, are applicable.

Greenville Rural Settlement Area

The subject lands are designated “Settlement Residential” in Map 8a of the Greenville Rural Settlement Area Plan and further identified as part of “Major Development Area A” in Map 8b of the Greenville Rural Settlement Area. Per Volume 2, Chapter A – Policy 1.3.1, single detached dwellings are permitted.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Settlement Residential (S1) Zone in Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and the proposed accessory structure are permitted uses.

Variance 1

1. Accessory buildings shall be permitted to be located within the flankage yard instead of the requirement that accessory buildings shall not be permitted within a front or flankage yard.

The intent of this provision is to ensure accessory structures are positioned in the rear or interior side yard of a property, away from the streetscape, in order to preserve neighbourhood character and built form.



Hamilton

Staff note that the Zoning Compliance Review dated April 29, 2024, submitted as supporting documentation with this application, the front lot line is determined to be the easterly lot line along Old Brock Road. Consequently, the westerly lot line is deemed to be the rear lot line and all other lot lines are considered flankage lot lines. While the proposed location of the accessory structure is within a flankage yard, it is functionally within an interior side yard as the existing dwelling and property are situated to front Taylor Crescent. Staff are of the opinion this variance maintains the general intent of the Zoning By-law and is minor in nature. Staff support the variance.

Variance 2

2. All accessory buildings shall be permitted to have maximum height of 5.03 metres instead of the requirement that all accessory buildings shall have a maximum height of 4.5 metres.

The intent of this provision is to ensure that accessory structures remain subordinate in size and scale to the primary structure or dwelling and to ensure a consistent built form within the existing neighbourhood.

Staff note that the building heights along Taylor Crescent vary between approximately 6 to 9 metres. Staff also note that the height of the proposed detached garage is generally shorter than the typical building height in the area and will be similar to, or shorter than, the existing single detached dwelling on the subject property. Therefore, staff are of the opinion that the requested variances maintain the intent of the Zoning By-law. Staff support the variance.

Staff are of the opinion that the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Please be advised the property is also subject to Amending By-law 24-052, which is not yet final and binding. Confirmation was provided by the applicant that the ground floor of the accessory building is dedicated to parking. Insufficient information was provided to determine zoning conformity with the current and amending by-law parking regulations. Additional variances may be required of conformity cannot be achieved.
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> <p>No comments.</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>“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>



Hamilton

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no comments.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>Building Permit # 22 103887, issued on 4/29/2022, (insert what building permit is for) remains not finalized.</p> <p>Building Permit # 22 119285 000 01, issued on 10/4/2022, **BUILDING PERMIT REVISED TO A FILTER BED SYSTEM**To install a new "Norweco - Hydro Kinetic 3020 and shallow buried trench" septic system to serve a single-family dwelling, remains not finalized.</p> <p>A building permit is required for the construction of the proposed 2-storey, 140 m2 addition to the existing single-family dwelling and 5 m2 front porch.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

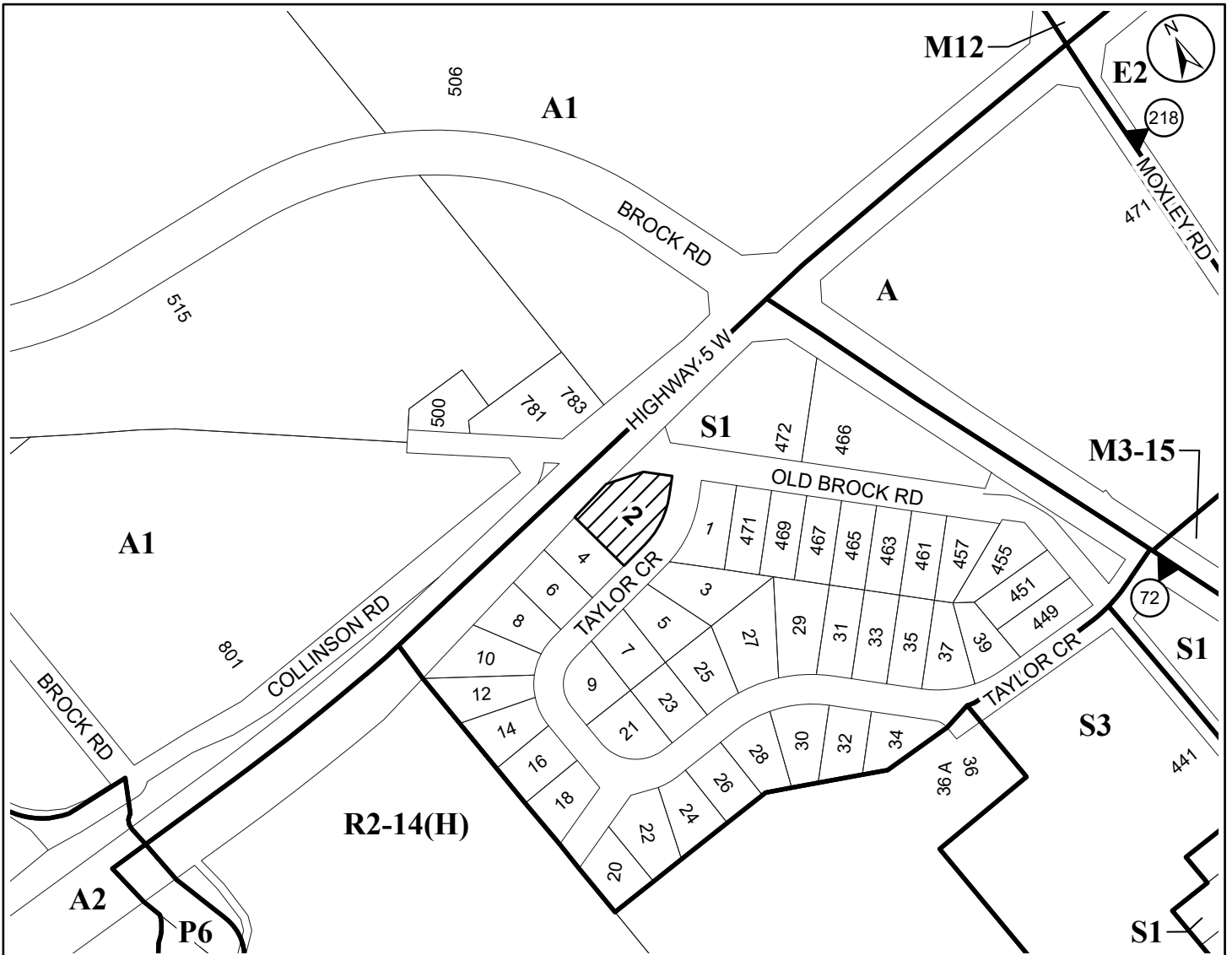


Hamilton

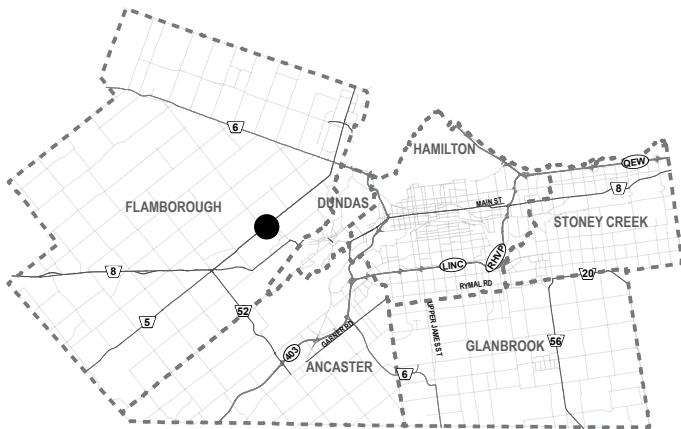
--	--

Transportation Planning:

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



2 Taylor Crescent, Flamborough
(Ward 13)

File Name/Number:

FL/A-23:351

Date:

June 19, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department