



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

A-24:80 – 262 Springbrook Avenue, Ancaster

**Recommendation:**

Development Planning – Approve with Conditions  
Development Engineering - Deny

**Proposed Conditions:**

1. That the variance to the minimum rear yard only apply to the rear deck and associated steps and the variance to the minimum northerly side yard only apply to the steps and landing for the rear deck as shown on the submitted plan titled “Wood Deck Addition” dated October 2022.

**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 two-storey rear deck addition to the existing single detached dwelling.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.3.4.3 among others, are applicable and permit the use.

#### **Meadowlands Neighbourhood IV Secondary Plan**

The subject lands are further designated “Low Density Residential 2b” and located in “Area Specific Policy – Area D” on Map B.2.6-1 within Meadowlands Neighbourhood IV Secondary Plan. Policies B.2.6.1.4, among others, are applicable and permit the use.

### **Archaeology:**

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 Planning Act and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

If this variance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

“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).”

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

The subject site is zoned Residential “R4-598” Zone, Modified, which permits the use.



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### **Variance 1**

1. A minimum northerly side yard of 0.0m shall be permitted instead of the minimum 1.2m side yard required.

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

Staff note that the variance is only for a portion of the subject lands where the new stairs are proposed to access the rear deck. Staff are of the opinion that the variance maintains the general intent of the By-law as a proper building envelope will be provided. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject lands or surrounding area. Staff note that if the variance is granted, that a condition be placed on the approval that the variance only be applied to the proposed staircase, as per submitted plan titled "Wood Deck Addition" dated October 2022.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance subject to the conditions added.**

### **Variance 2**

2. A minimum rear yard of 4.2m shall be permitted to the deck structure and a minimum rear yard of 2.4m shall be permitted to the associated stair structure instead of the minimum 7.5m rear yard required.

The intent of this provision is to ensure sufficient amenity space, drainage, and a proper building envelope. 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 a proper building envelope and sufficient amenity space will be provided. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject lands or surrounding area. Staff note that if the variance is granted, that a condition be placed on the approval that the variance only be applied to the proposed deck, as per submitted plan titled "Wood Deck Addition" dated October 2022.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance subject to the conditions added.**



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**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> <li>• Staff have previously interpreted that a roofed-over deck at the rear of a dwelling is considered as part of the principle building and is therefore subject to the principle building regulations but not including lot coverage.</li> <li>• If any part of the building encroaches onto the adjacent property, an Encroachment Agreement and a Maintenance Easement may be required to be entered into and registered on title for both the lot upon which the building is encroaching onto and the subject lot.</li> </ul>
Notes:	

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	It appears that the proposed stair conflicts with the side yard swale thus affecting the existing drainage. Therefore, variance #1 is not supported by the Development Engineering staff.
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 23-107096, issued on August 1, 2023, to construct a 22m<sup>2</sup> covered porch in the rear yard of the single family dwelling remains not finalized.</p> <p>A building permit is required for the construction of the two-storey rear deck addition to the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



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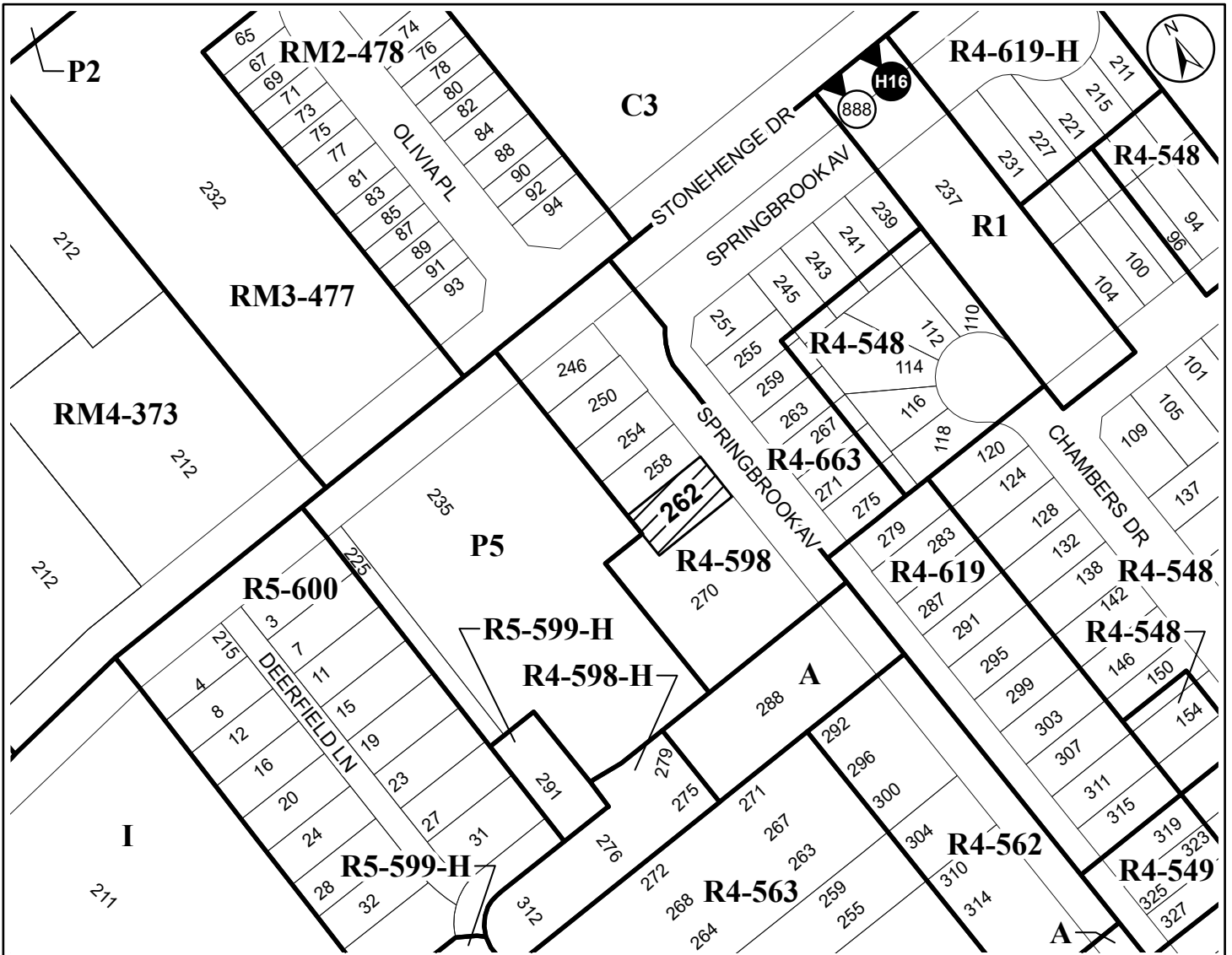
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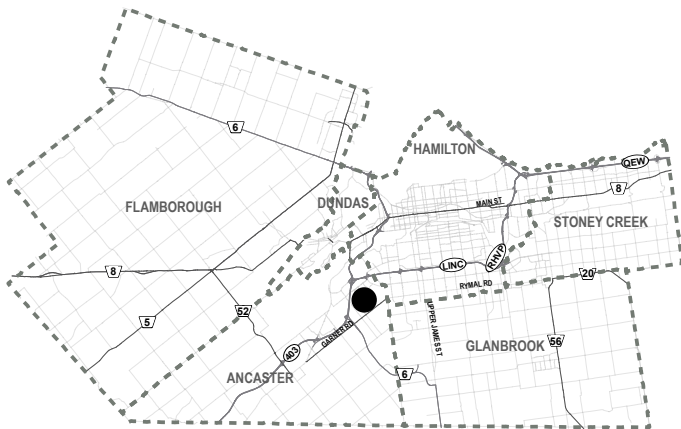
**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



262 Springbrook Avenue, Ancaster  
(Ward 12)

File Name/Number:

A-24:80

Date:

July 5, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department