



Hamilton

A-24:167 – 58 Christopher Drive, Hamilton

Recommendation:

Approve

Proposed Conditions:

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

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 of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.

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

So as to permit an accessory building (detached garage) within the rear yard of an existing single detached dwelling.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling.

Kennedy East Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 7603 of the Kennedy East Neighbourhood Plan.

Archaeology

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

1. Within 250 metres of known archaeological sites; and,
2. Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody.

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.

Cultural Heritage

No comments.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System) of the Urban Hamilton Official Plan, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas)



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have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.

Through aerial photograph interpretation trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1). The proposed garage may impact the trees on site. To ensure that trees are considered, it is recommended that a Tree Protection Plan be prepared in accordance with the City's council adopted Tree Protection Guidelines (revised October 2010). To ensure that existing tree cover is maintained, 1 for 1 compensation would be required for any tree (10 cm DBH or greater) that is proposed to be removed. Generally, compensation is to be provided on site. This is typically shown on a Landscape Plan. This can be addressed through the following conditions.

- Condition 1: That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) to the satisfaction of the Manager of Heritage and Urban Design.
- Condition 2: That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "AA" (Agricultural) District in Former City of Hamilton Zoning By-law No. 6953. The existing single detached dwelling, accessory structures and proposed accessory structure are permitted uses.

Variance 1

1. A maximum building height of 5.02 metres shall be permitted for an accessory building instead of the maximum permitted height of 4.0 metres.

The intent of this provision is to ensure accessory structures remain subordinate in size, scale and role to the principal structure or dwelling, and to maintain a consistent built form and character in the neighbourhood.

Staff note that the proposed garage would be shorter than the existing dwelling by approximately 2 metres as the dwelling is approximately 7 metres in height. Additionally, the height of existing dwellings and accessory buildings on Christopher Drive vary between 1 and 2 storeys.



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Staff are of the opinion the proposed detached garage will remain subordinate in size, scale and role to the existing dwelling and is consistent with the character of the neighbourhood. Staff support the variance.

Variance 2

2. A minimum rear yard depth of 1.83 metres shall be permitted for an accessory building instead of the minimum required setback of 3.0 metres from the nearest lot line for an accessory building exceeding 4.0 metres in height.

The intent of this provision is to ensure sufficient space is provided between an accessory building and the lot lines for access, maintenance and drainage purposes. Staff defer to Development Engineering staff regarding drainage and stormwater management concerns.

Staff are of the opinion that the proposed 1.83 metre setback provides sufficient space for access and maintenance purposes. Provided Development Engineering staff have no concerns regarding drainage or stormwater management, staff support the variance.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Low Density Residential – Large Lot (R2) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and accessory structures and proposed accessory structure are permitted uses.

Variances 1 and 2

1. A maximum building height of 5.02 metres shall be permitted for an accessory building instead of the maximum permitted accessory building height of 4.5 metres.
2. A maximum aggregate gross floor area of 92.9 square metres for accessory buildings shall be permitted instead of the maximum aggregate gross floor area of 45 square metres for accessory buildings.

The intent of this provision is to ensure accessory structures remain subordinate in size, scale and role to the principal structure or dwelling, to maintain a consistent built form and character in the neighbourhood, and to prevent the overdevelopment of the lands.

Regarding Variance 1, Staff note that the proposed garage would be shorter than the existing dwelling by approximately 2 metres as the dwelling is approximately 7 metres in height. Additionally, the height of existing dwellings and accessory buildings on Christopher Drive vary between 1 and 2 storeys. The proposed detached garage is consistent with this built form while remaining shorter than the existing dwelling on the subject property. Staff are of the opinion the proposed detached garage will remain subordinate in size, scale and role to the existing dwelling. Staff support the variance.



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Regarding Variance 2, staff note that the aggregate ground floor area of all accessory structures on the subject lands would total 92.9 square metres, whereas the subject lands have an area of 1,500 square metres. This provision also regulates the area of accessory buildings by imposing a maximum lot coverage of 7.5% for all accessory structures. The proposed 92.9 square metres would result in a lot coverage of 6.19%. Staff also note that the existing dwelling has a ground floor area of 97.9 square metres and a gross floor area of 195.8 square metres.

As the total proposed gross floor area remains significantly below that of the existing dwelling and the lot coverage remains below 7.5%, staff are of the opinion that the requested variance will not result in the overdevelopment of the subject lands and that the cumulative area of the accessory structures will remain subordinate to the existing dwelling. 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:	No additional comments
Proposed Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objections to the minor variances as requested to permit the use of the rear yard amenity space for an accessory building (garage).
Proposed Notes:	

Building Engineering:

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



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Transportation Planning:

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

NPCA comments regarding Hamilton August 20, 2024 COA Agenda

Meghan Birbeck <mbirbeck@npca.ca>

Fri 8/9/2024 3:48 PM

To: Committee of adjustment <CofA@hamilton.ca>

External Email: Use caution with links and attachments

Good afternoon,

Thank you very much for circulating the NPCA Hamilton's COA agenda.

Of the properties three (3) are within the NPCA's jurisdiction. Please see the NPCA's comments below:

- 110 Aeropark Boulevard
 - There are no NPCA features on the subject property and as such the NPCA has no comments and will not require a review fee.
 - However, any development should still be circulated to the NPCA to review if there are any stormwater outlets proposed within the NPCA regulated areas.
- 58 Christopher Drive
 - There are no NPCA features on the subject property and as such the NPCA has no comments and will not require a review fee.
- 17 Christopher Drive
 - There are no NPCA features on the subject property and as such the NPCA has no comments and will not require a review fee.

Best,
Meghan



Meghan Birbeck (MS)
Watershed Planner

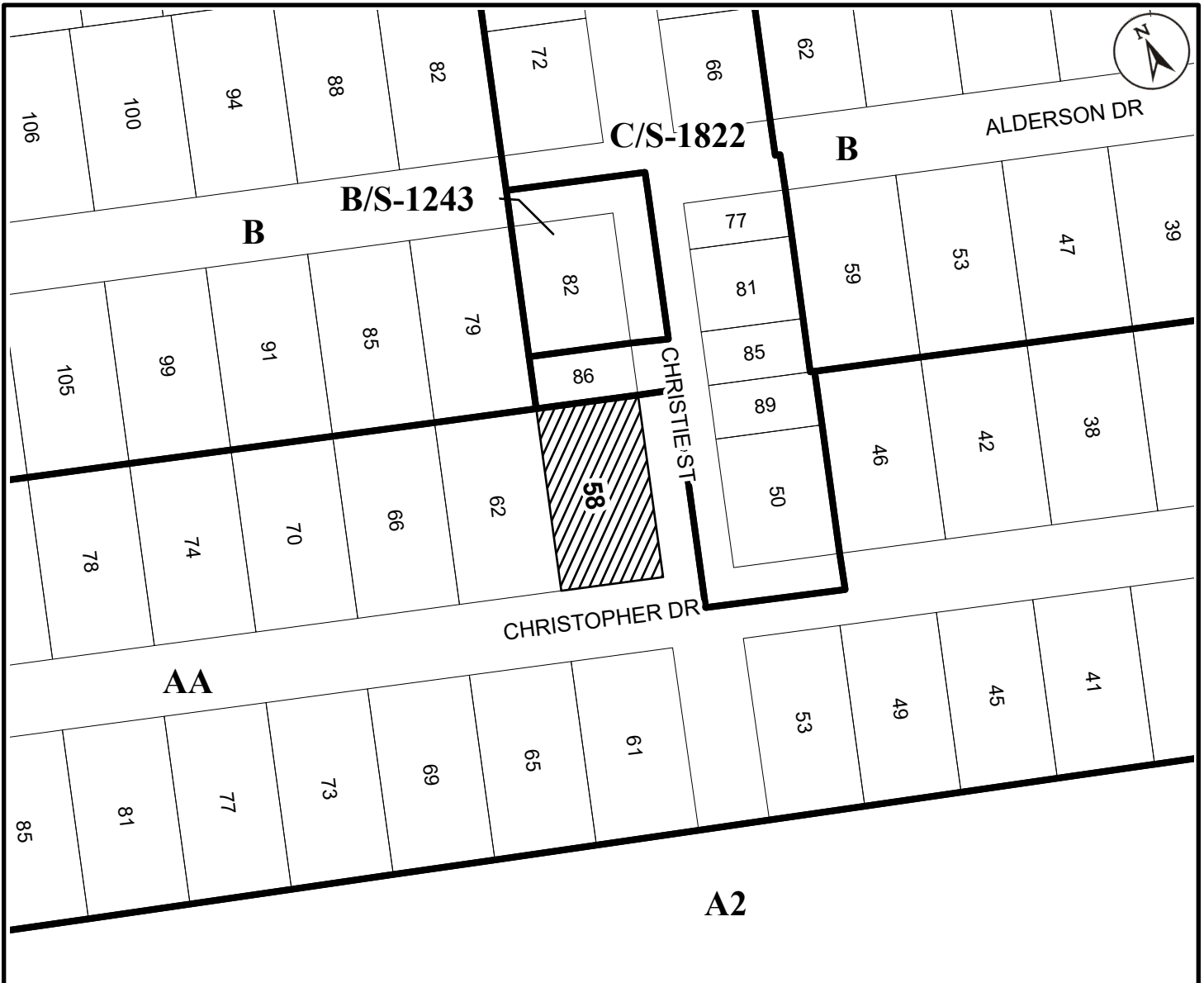
Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext 278
www.npca.ca
mbirbeck@npca.ca

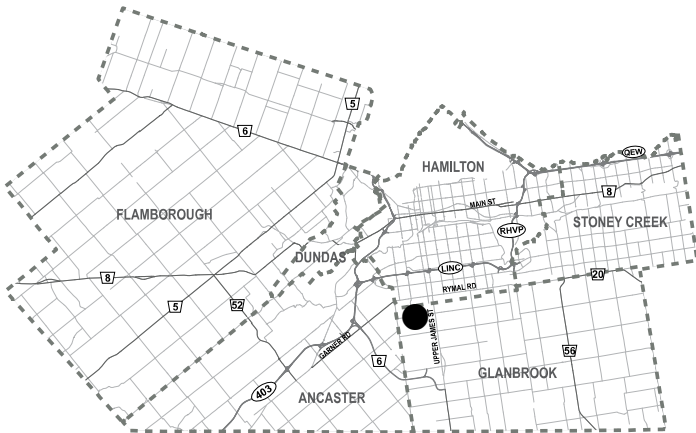
From: Nicholas Bradley <nbradley@npca.ca>
Sent: Friday, August 9, 2024 8:52 AM
To: Meghan Birbeck <mbirbeck@npca.ca>
Subject: RE: Internal NPCA Inquiry - August 20, 2024 COA Agenda Available

Hey Meghan,

There are 3 properties that are within the NPCA watershed. Those properties are 110 Aeropark Boulevard, Glanbrook, 58 Christopher Drive, Hamilton, & 17 Christopher Drive, Hamilton.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



58 Christopher Drive, Hamilton
(Ward 8)

File Name/Number:
A-24:167

Date:
August 8, 2024

Technician:
NB

Map Not To Scale

Appendix "A"



Hamilton