



Hamilton

A-24:166 – 38 Legacy Lane, Ancaster

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To permit the location of an existing accessory building. Staff note that Minor Variance application AN/A-24:62 was previously approved on May 7, 2024, to recognize the 2.77 metre setback from a flankage lot line for the existing accessory structure.

Analysis

Greenbelt Plan

The subject lands are identified as “Niagara Escarpment Plan Area” under the Greenbelt Plan. Per Section 2.2 of the Greenbelt Plan, the requirements of the Niagara Escarpment Plan apply, and Protected Countryside policies do not apply, with the exception of Section 3.3.

Niagara Escarpment Plan

The subject lands are located within the Niagara Escarpment Plan and are identified as “Urban Area” under the Plan.

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.

Former Town of Ancaster Zoning By-law No. 87-57

The subject lands are zoned Residential “R3-628” Zone, Modified under Former Town of Ancaster Zoning By-law No. 87-57. The existing single detached dwelling is a permitted use.

Variance 1

1. An accessory building shall be permitted to be located 2.12 metres from the rear lot line.

The intent of this provision is to ensure sufficient space is provided between the accessory structure and rear lot line for access, maintenance and drainage purposes. Staff defer to Development Engineering staff regarding drainage concerns.

Staff note that the accessory structure with an attached pergola is the subject of this variance application. Staff also note that the subject property is a corner lot and functionally fronts onto Green



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Ravine Drive, making the westerly lot line the rear lot line. Staff further note that the existing setback of 2.12 metres from the rear lot line provides sufficient space for access and maintenance purposes. Staff do not anticipate any negative impacts on the surrounding neighbourhood or Legacy Lane. Provided Development Engineering staff have no concerns regarding drainage or stormwater management, staff support the variance.

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

Zoning:

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|----------------------|---|
| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | 1. Requested variance is required to permit the location of an accessory building |
| Proposed Notes: | |

Development Engineering:

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|----------------------|---|
| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | Provided the existing drainage pattern is maintained, Development Engineering has no objections to the minor variance as requested. |
| Proposed Notes: | |

Building Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Proposed Notes: | Order to Comply 23-106062, dated February 16, 2023, remains outstanding. Be advised that Ontario Building Code regulations may require specific setback and construction types. |

Transportation Planning:

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



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Economic Development:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | Easement (WE1012223) over the subject property is in favour of the City for the purpose of municipal public utility. Please seek comment/advice from the relevant groups (eg. Hamilton Water) to assess the impact (if any) of this request in relation to the easement, including item 1.(b) of the easement. |
| Proposed Notes: | |

NEC Comments - August 20, 2024 COA Agenda

Adair, Kendra (MNR) <Kendra.Adair@ontario.ca>

Mon 8/12/2024 2:27 PM

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

Cc:Henderson, Brandon (MNR) <Brandon.Henderson@ontario.ca>;Madanighahfarokhi, Shayan (MNR) <Shayan.Madanighahfarokhi@ontario.ca>

Good afternoon Jamila,

NEC staff have reviewed the August 20, 2024 CoA agenda and offer the following comments for your consideration.

The subject properties listed below are located outside of the Niagara Escarpment Development Control Area. As such, a Development Permit is not required from the NEC for development on these lands. However, the properties are located within the Niagara Escarpment Plan Area, and therefore, the policies of the Niagara Escarpment Plan (2017) are applicable.

- A-24:166 38 Legacy Lane, Ancaster
 - The subject property is designated as Urban Area by the 2017 Niagara Escarpment Plan. The policies in Parts 1.7 and 2 of the Niagara Escarpment Plan apply.
 - NEC staff have no concerns with the proposed accessory building provided it does not contain a secondary dwelling unit.
 - If a secondary dwelling unit is contained within the accessory building, it would conflict with Part 2.2.11c) of the NEP (quoted below), and NEC staff would be in objection.
- A-24:170 18 Howard Blvd, Flamborough
 - The subject property is designated as Urban Area by the 2017 Niagara Escarpment Plan. The policies in Parts 1.7 and 2 of the Niagara Escarpment Plan apply.
 - Part 2.2.11 of the Niagara Escarpment Plan contains specific criteria for secondary dwelling units within the Niagara Escarpment Plan Area:

2.2.11 The following provisions apply to secondary dwelling units:

a) a single secondary dwelling unit may be permitted on an existing lot of record;

b) notwithstanding the above, a secondary dwelling unit shall not be permitted on an existing lot of record where there is more than one single dwelling, including any dwelling approved under Part 2.2.7 of this Plan;

c) the secondary dwelling unit shall be contained entirely within a single dwelling or in an addition to a single dwelling and shall not be permitted in a detached accessory facility;

d) the floor area of a secondary dwelling unit shall be subordinate in size to the single dwelling;

e) secondary dwelling units shall not be permitted in a group home or a single dwelling containing a bed and breakfast; and

f) a home occupation or home industry shall not be permitted within a secondary dwelling unit.

- Based on the information provided in the application package, the proposal appears to conform with Part 2.2.11 above, and therefore NEC staff have no concerns.

Please let me know if you have any questions.

Kind regards,

Kendra Adair (She/Her)

Planner | Niagara Escarpment Commission

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905-703-0827 | www.escarpment.org

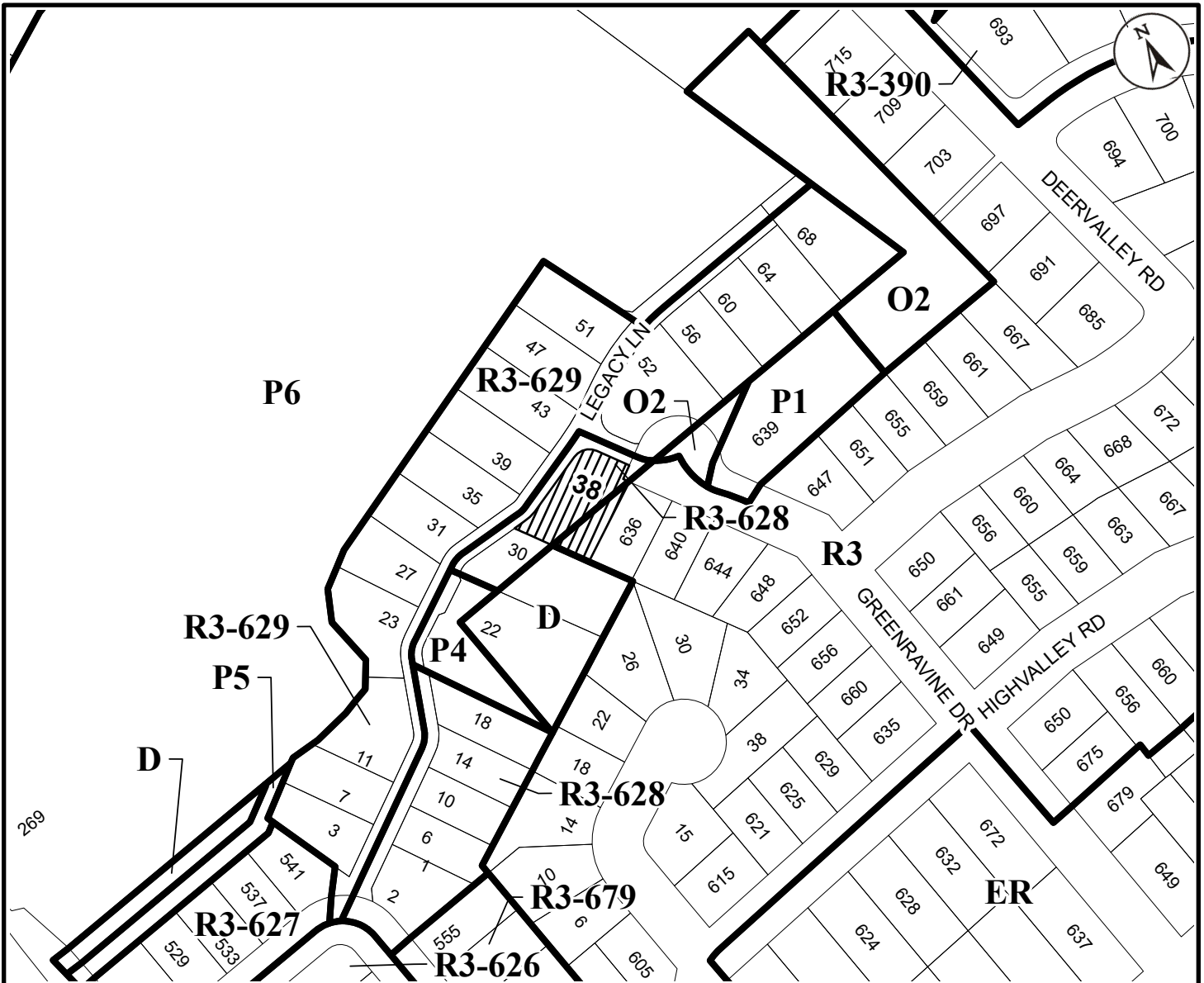


Niagara Escarpment Commission

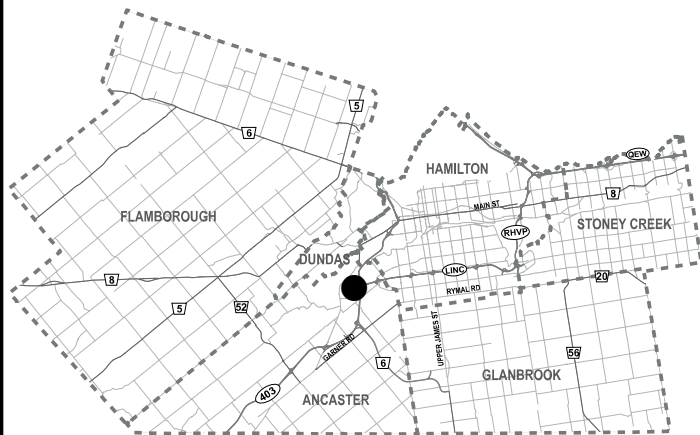
An agency of the Government of Ontario

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Availability: NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at escarpment.org/appointments.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



38 Legacy Lane, Ancaster
(Ward 12)

File Name/Number:

A-24:166

Date:

August 9, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT