



Hamilton

A-24:170 – 18 Howard Boulevard, Flamborough

Recommendation:

Approve

Proposed Conditions:

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).”



Hamilton

Development Planning:

Background

So as to permit the development a new two storey single detached dwelling containing an additional dwelling unit.

Staff note that Consent Application FL/B-22:112 was approved at the December 8, 2022 Committee of Adjustment hearing to create a 540 square metre lot with a frontage of 17.77 metres for future residential development. Minor Variance Application FL/A-22:335 was concurrently approved to facilitate the severance and included the following variances:

Lands to be Retained:

1. A minimum lot area of 850 square metres shall be provided instead of the minimum 1,390 square metre lot area required.
2. A minimum lot frontage of 27.95 metres shall be provided instead of the minimum 30 metre required lot frontage.
3. A lot coverage of 22% shall be provided instead of the maximum 15% lot coverage required.
4. A minimum ground floor area of 173 square metres shall be provided instead of the required 186 square metre minimum ground floor area required for a 1.5 storey dwelling.
5. A minimum 1.9 metre interior side yard setback shall be provided instead of the minimum 3.0 metre interior side yard setback required.
6. A minimum 3.9 metre exterior side yard setback shall be provided instead of the minimum 7.5 metre side yard setback required.

Lands to be Severed:

7. A minimum lot area of 540 square metres shall be provided instead of the minimum 1390 square metre lot area required.
8. A minimum lot frontage of 17.77 metre shall be provided instead of the minimum 30.0 metre required lot frontage.

Analysis

Niagara Escarpment Plan

The subject lands are designated as “Urban Area” under the Niagara Escarpment Plan. Section 1.7.4 of the Niagara Escarpment Plan permits development of proposed uses or lot creation subject to conformity with Part 2 – Development Criteria of the Niagara Escarpment Plan and provided applicable Zoning By-laws do not conflict with the Niagara Escarpment Plan.



Hamilton

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. The subject lands are further identified as “Niagara Escarpment Plan Urban Area” on Schedule A- Provincial Plans. Policies C.1.1.10 and E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling and proposed additional dwelling unit – detached.

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

1. 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;
2. In an area of sandy soil in areas of clay or stone; and,
3. In the vicinity of distinctive or unusual landforms.

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

The subject property is adjacent to 7 Orchard Drive, also known as Sealey House, a property listed on the City of Hamilton’s Municipal Heritage Register.

Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to permit the development of a new two (2) storey single detached dwelling containing one (1) secondary dwelling unit.

Notwithstanding that the subject property is adjacent to a property listed on the City of Hamilton’s Municipal Heritage Register, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the surrounding neighbourhood will be conserved due to the sympathetic design and set-back of the proposed 2 storey dwelling.

Staff have no further comments on the application as circulated.



Hamilton

Former Town of Flamborough Zoning By-law No. 90-145-Z

The subject lands are zoned Urban Residential (Single Detached) (R1-6) Zone, Modified in Former Town of Flamborough Zoning By-law No. 90-145-Z. The proposed single detached dwelling and additional dwelling unit are permitted uses.

Variance 1

1. A maximum lot coverage of 33% shall be permitted instead of the permitted maximum lot coverage of 15% [Section 6.3.6(d)].

The intent of this provision is to prevent overdevelopment of lots and to ensure consistent development pattern to preserve neighbourhood character. It is also meant to ensure sufficient area is maintained on the property for drainage and stormwater management purposes. Staff defer to Development Engineering staff regarding drainage and stormwater management concerns.

Staff note that, as part of Minor Variance Application FL/A-22:335, a maximum lot coverage of 22% was approved for 16 Howard Boulevard. Staff further note that there are examples of properties in the neighbourhood along Howard Boulevard, Orchard Place or Silver Court that have comparable lot coverages to the proposed 33% lot coverage. Therefore, staff are of the opinion that the requested variance is in keeping with the character of the neighbourhood and intent of the Zoning By-law. Staff support the variance.

Variances 2 and 3

2. A minimum northerly interior side yard of 2.10 metres shall be permitted instead of the minimum 3.0 metres required. [Section 6.3.6(e)]
3. A minimum southerly interior side yard of 2.0 metres shall be permitted instead of the minimum 3.0 metres required. [Section 6.3.6(e)]

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

Staff note that the side lot lines of the subject property are angled relative to the proposed dwelling and are not parallel to the sides of the structure. Consequently, the northwest and southeast corners of the proposed dwelling are closer to the side lot lines (at 2.13 and 2.05 metres respectively). Staff further note that side entrance and walkway are shown within the southerly side yard on the site plan submitted with this application. Staff are of the opinion that both requested side yard variances will maintain sufficient space for access and maintenance purposes. Staff support the variances.



Hamilton

Variances 4 and 5

4. An unenclosed porch, including eaves/gutters, shall be permitted to encroach 0.61 metres into the northerly required interior side yard, instead of the requirement that an unenclosed porch is not permitted to encroach into an interior side yard. [Section 5.30]
5. An unenclosed porch, including eaves/gutters, shall be permitted to encroach 1.98 metres into the required front yard, instead of the maximum permitted encroachment of 1.5 metres. [Section 5.30]

The intent of this provision is to ensure that accessory structures such as unenclosed porches do not impede access within a required side yard and to ensure a consistent built form and character of the neighbourhood. Staff defer to Development Engineering regarding drainage concerns.

Regarding Variance 4, staff note that the northerly side lot line is not parallel with the side of the proposed dwelling. It angles closer towards the northwest corner of the dwelling and porch while the porch is in-line with the structure itself. Staff also note that proposed porch would have a 1.97 metre setback to the northerly side lot line. Staff are of the opinion that the requested variance maintains sufficient space for access and maintenance purposes. Staff support the variance.

Regarding Variance 5, staff note that the proposed porch would have a setback to the front lot line of 5.98 metres. Staff are of the opinion that the proposed uncovered porch would be compatible with the built form and character of the surrounding neighbourhood and staff anticipate no negative impacts. 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:	
Proposed Conditions:	
Comments:	<p>i. This application is subsequent to Consent/Land Severance Application No. FL/B-22:112 which was granted to establish the subject lot as indicated on the submitted Site Plan.</p> <p>ii. Please note that Minor Variance Application No. FL/A-22:335 was granted to permit a minimum lot area of 540 square metres, instead of the minimum 1390 square metres lot area required, and a minimum lot frontage of 17.77 metres, instead of the minimum 30.0 metres lot frontage, required for the subject lot. The decision of the Committee of Adjustment became final and binding on December 29th, 2022.</p>



Hamilton

	<p>iii. Please note that for the purpose of applying the regulations of Flamborough Zoning By-law No. 3692-92, an “Unenclosed Porch” is a structure located at the front of the dwelling (i.e. the unenclosed covered porch as indicated at the front of the dwelling), and a “Deck” is a structure at the rear of the dwelling (i.e. the unenclosed covered porch as indicated at the rear of the dwelling). A deck is considered an accessory structure as per the definition of Accessory Building or Structure and is subject to the accessory building/structure regulations.</p> <p>iv. Should the variance be granted to Section 6.3.6(e) to permit a minimum northerly interior side yard of 2.10 metres, the unenclosed covered deck at the rear of the dwelling would no longer encroach into the required northern interior side yard, and would be in compliance.</p> <p>v. Should the variance be granted to Section 6.3.6(e) to permit reduced minimum interior northerly and southerly side yards, eaves/gutters of the principle dwelling, which are indicated as projecting 0.46 metres, would be in compliance.</p> <p>vi. Should a variance be granted to permit a minimum northerly interior side yard of 2.10 metres, the unenclosed covered porch at the front of the dwelling, including the eaves/troughs, would encroach 0.61 metres in the required northerly side yard. Therefore, Variance No. 4 has been requested to permit the unenclosed covered porch to encroach 0.61 metres into the northerly interior side yard.</p>
Proposed Notes:	

Development Engineering:

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

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed two (2) storey Single Detached Dwelling containing one (1) Secondary Dwelling Unit.



Hamilton

	Be advised that Ontario Building Code regulations may require specific setback and construction types.
--	--

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
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

232 Guelph Street, Georgetown, Ontario, L7G 4B1

905-703-0827 | www.escarpment.org



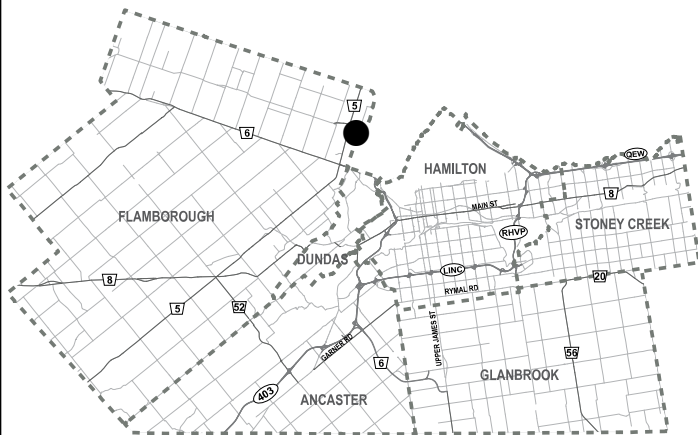
Niagara Escarpment Commission
An agency of the Government of Ontario

Accessibility: As part of the NEC's commitment to providing accessible service, please let me know if you have any accommodation needs or require the contents of this email in an alternative format.

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



18 Howard Boulevard, Flamborough (Ward 15)

File Name/Number:

A-24:170

Date:

August 9, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton