



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

A-24:180 (44 Union St., Ancaster)

Recommendation:

Development Planning - Deny

Proposed Conditions:

Proposed Notes:

Acknowledgement: 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 and the proponent is advised to conduct an archaeological assessment prior to such impacts 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 Citizenship and Multiculturalism. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.



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STAFF COMMENTS

HEARING DATE: September 10, 2024

Development Planning:

Background

To permit an accessory building within the rear yard of an existing single detached dwelling.

Analysis

Greenbelt Plan

The subject lands are designated “Protected Countryside” under the Greenbelt Plan. Section 4.5.1 of the Greenbelt Plan permits all existing uses.

Rural Hamilton Official Plan

The subject lands are designated “Agriculture” and “Rural Settlement Area” in Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan. Policy C.3.1.4, amongst others, is applicable and permits the existing single detached dwelling. The subject property is partially within the Jerseyville Rural Settlement area and is also subject to the policies of the Rural Settlement Area.

Jerseyville Rural Settlement Area

The portion of the subject property within the Jerseyville Rural Settlement Area is designated as “Settlement Residential” on Volume 2: Map 3 – Jerseyville Rural Settlement Area Plan of the Rural Hamilton Official Plan. The existing single detached dwelling and proposed accessory structure are not located within the Rural Settlement Area.

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 areas of pioneer Euro-Canadian settlement; and,
- 3) Along historic transportation routes.



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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 2572 Jerseyville Road West, a property listed on the City of Hamilton's Municipal Heritage Register. Additionally, the subject property is adjacent to 14 Union Street, 22 Union Street, and 23 Union Street, three properties listed on the City of Hamilton's Inventory of Heritage Properties.

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

The proponent proposes to permit an accessory building within the rear yard of an existing single detached dwelling.

Notwithstanding that the subject property is adjacent to a property listed on the City of Hamilton's Municipal Heritage Register and three properties listed on the Inventory of Heritage Properties, 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 distance from the neighbouring properties and the location of the proposed accessory building being at the back of the property.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Agricultural (A1) Zone and Settlement Residential (S1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed accessory structure are permitted uses.

Variances 1 and 2

1. A maximum aggregate gross floor area of 400 square metres, or 5% lot coverage, whichever is the lesser, shall be provided instead of the maximum permitted aggregate gross floor area of all accessory buildings which shall not exceed 200 square metres, or 5% of lot coverage (being 2125.15 square metres), whichever is the lesser.
2. A maximum accessory building height of 9.0 metres shall be provided instead of the maximum permitted height of 6.0 metres for all accessory buildings.



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The intent of these provisions is to ensure accessory structures remain subordinate in scale and function to the principal dwelling. Per Note ii of the Notice of Public Hearing, the aggregate gross floor area for accessory buildings is intended to regulate lot coverage of accessory buildings and only the gross floor area of the first storey is considered towards the maximum for the lot.

Staff note that the existing principal dwelling has a ground floor area of 330 square metres and a gross floor area of 347 square metres. The proposed accessory structure has a ground floor area of 362 square metres. Additionally, the principal dwelling has a height of 10 metres and the proposed structure has a height of 8.6 metres.

The proposed area of the accessory structure exceeds the area of the principal dwelling and the height of the structure greatly exceeds the maximum permitted height. Staff are concerned that the cumulative effect of Variance 1 and 2 would result in an accessory structure that is no longer subordinate in size or scale to the principal dwelling. The proposed accessory structure would be of a comparable height to the principal dwelling and in combination with a greater area than the principal dwelling, the proposed structure would not be accessory in scale to the principal dwelling. Therefore, staff are of the opinion that the requested variances do not maintain the intent of Zoning By-law and are not minor in nature.

Staff are of the opinion that the requested variances do not maintain the intent of the Zoning By-law and are not minor in nature. Based on the foregoing, **staff recommend denial.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> Please note, Elevation Drawings do not indicate Building Height as defined under Section 3 of Hamilton Zoning By-law 05-200. Should the height of the proposed building exceed the maximum requested height of 9.0 metres, additional variances may be required. Be advised, a Divisional interpretation has determined that the requirement under Section 4.8.1.2 b) relating to aggregate Gross Floor Area for Accessory Buildings is intended to regulate Lot Coverage of Accessory Buildings and as such, only the Gross Floor Area of the first storey shall be considered towards the required maximum for the lot.
Notes:	

Development Engineering:

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

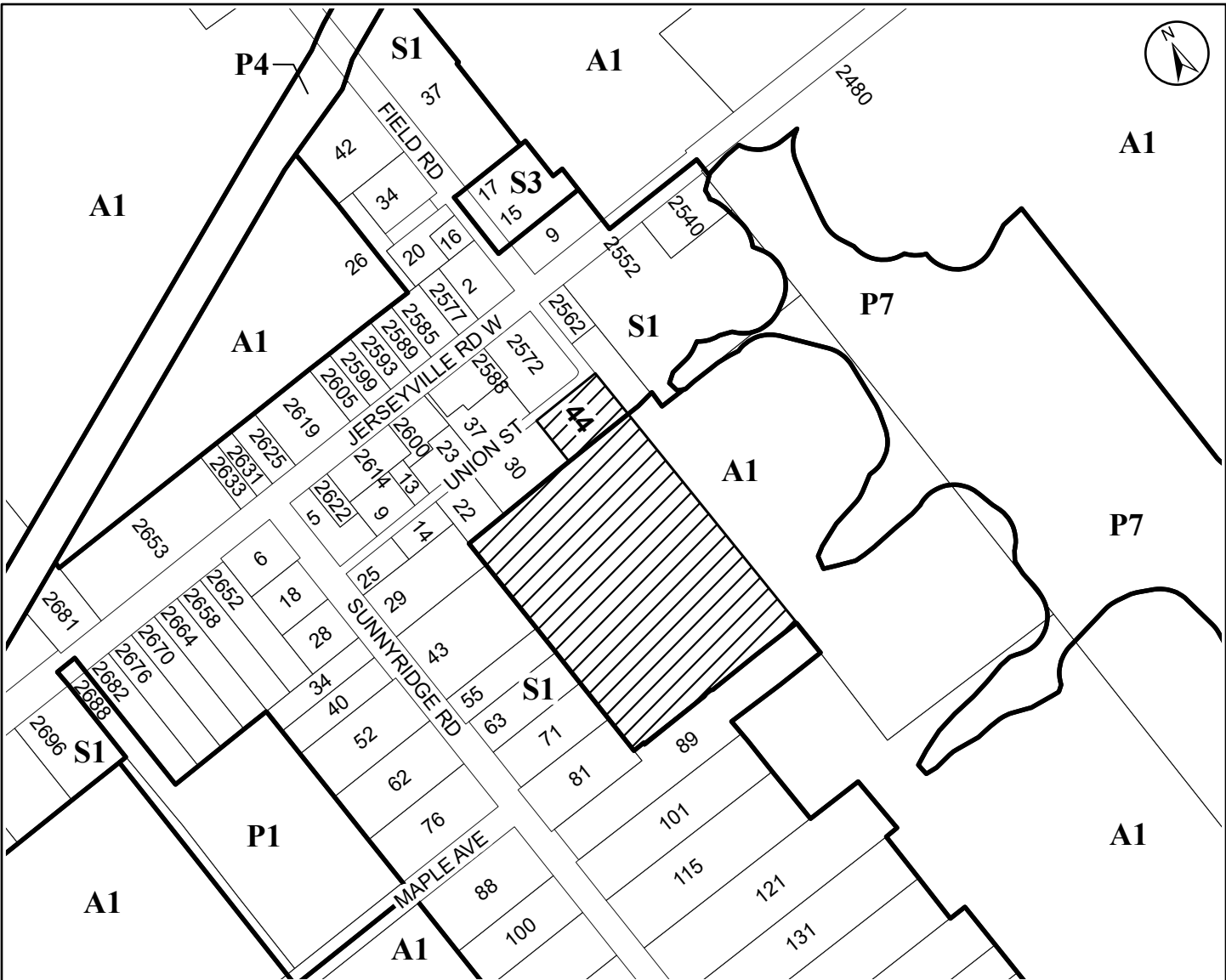
Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction accessory building. Be advised that Ontario Building Code regulations may require specific setback and construction types.

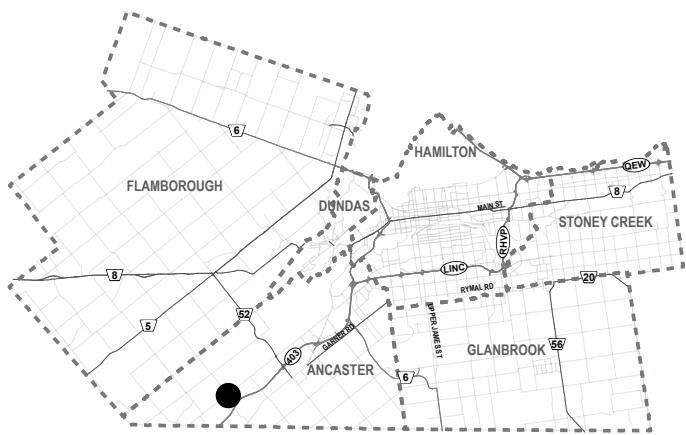
Transportation Planning:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Notes:	

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




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 44 Union Street, Ancaster (Ward 12)

File Name/Number:

A-24:180

Date:

August 27, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department