



Hamilton

STAFF COMMENTS

HEARING DATE: September 24, 2024

A-24:191 – 70 Seneca Drive, Ancaster

Recommendation:

Development Planning - Approve

Proposed Conditions:

Proposed Notes:

Staff note that the requested variance is to permit a rear yard setback of 4.3 metres for the proposed accessory building, whereas the site plan submitted with this application notes the rear setback to the proposed accessory building as 4.26 metres. The applicant must ensure the proposed accessory building meets the required minimum rear yard setback of 4.3 metres if approved.



Hamilton

STAFF COMMENTS

HEARING DATE: September 24, 2024

Development Planning:

Background

To facilitate the construction of an accessory building (gazebo) in 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.

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) In an area of sandy soil in areas of clay or stone;

Notwithstanding current surface conditions, 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 City does not require an archaeological assessment, but **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 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



Hamilton

and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

Cultural Heritage

No comments.

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 proposed accessory building and existing single detached dwelling are permitted uses.

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

The subject lands are zoned Existing Residential “ER” Zone in Former Town of Ancaster Zoning By-law No. 87-57. The proposed accessory building and existing single detached dwelling are permitted uses.

Variance 1

1. To permit a minimum rear yard setback of 4.3 metres whereas the by-law requires a minimum rear yard setback of 7.5 metres.

The intent of this provision is to ensure sufficient amenity space is provided in the rear yard of the subject property and to ensure accessory buildings do not interfere with drainage or stormwater management. Staff defer to Development Engineering staff regarding stormwater management and drainage concerns.

Staff note that the proposed accessory building (gazebo) would have a rear yard setback of 4.26 metres. Staff further note that an existing shed on the subject property has a similar setback from the rear lot line. Staff are of the opinion that the proposed accessory building would not negatively impact neighbouring properties and would maintain sufficient rear yard amenity space as the building is to function as amenity space in the rear yard. Provided that Development Engineering staff have no concerns from a stormwater management or drainage perspective, Development Planning staff support the requested 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.**



Hamilton

STAFF COMMENTS

HEARING DATE: September 24, 2024

Zoning:

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

Development Engineering:

Recommendation:	Comments Only
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 of the proposed accessory building (gazebo) to complement the existing single detached dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Ministry of Transportation:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	The Ministry has no issues with the proposed minor variances. However, the proponent must be aware that the property is located within the Ministry's permit control area and therefore requires a Ministry Building and Land Use permit.



Hamilton

STAFF COMMENTS

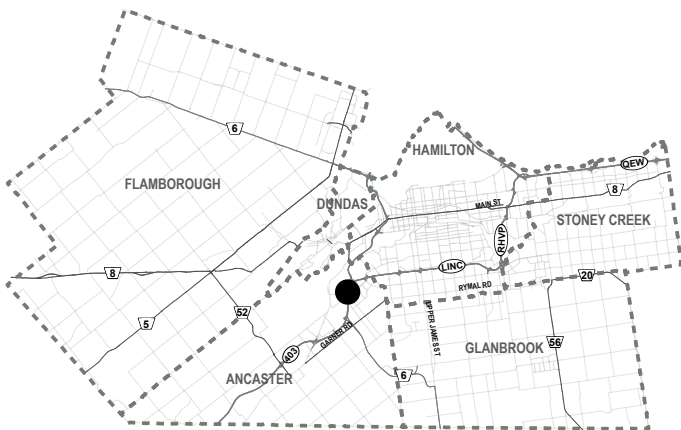
HEARING DATE: September 24, 2024

	<p>Please ensure that the following documents are uploaded with the application:</p> <ul style="list-style-type: none">• Site Plan• Architectural Drawing <p>No construction or grading is to commence before the permit has been approved and issued by the Ministry.</p>
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



70 Seneca Drive, Ancaster
(Ward 12)

File Name/Number:
A-24:191

Date:
September 12, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department