



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:213 – 11 Sylvia Crescent, Hamilton

Recommendation:

Approve with conditions.

Proposed Conditions:

1. That variances 1 & 2 generally apply to the existing accessory building, as indicated on the provided site sketch dated April 23, 2024 and attached to the Notice of Public Hearing for Minor Variance File No. A-13:213.

Proposed Notes:



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Development Planning:

Background

The application is in support of permitting an accessory building (shed) on the subject lands. Staff note that the building is existing, the applicant is seeking the variances after the fact without a building permit through confirmation with the building department. The applicant has requested the following variances:

1. An accessory building shall be permitted to be located a minimum of 0.60 metres to the westerly side lot line, instead of the minimum required setback of 1.2 metres; and,
2. An accessory building shall be permitted to be located a minimum of 0.43 metres to the rear lot line, instead of the minimum required setback of 1.2 metres.

Urban Hamilton Official Plan

The subject property is designated as “Neighbourhoods” in the Urban Hamilton Official Plan. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 a) permits single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings. The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies a single detached dwelling is permitted as well as structures accessory thereto, and conforms to the Urban Hamilton Official Plan.

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.

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.



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If this variance is approved, 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 of Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-8886). 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).”

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

The subject lands are zoned “R1” (Low Density Residential) in Zoning By-law No. 05-200. The “R1” zone permits Single Detached Dwellings and buildings accessory thereto.

Analysis

Variances 1 & 2

1. An accessory building shall be permitted to be located a minimum of 0.60 metres to the westerly side lot line, instead of the minimum required setback of 1.2 metres; and,
2. An accessory building shall be permitted to be located a minimum of 0.43 metres to the rear lot line, instead of the minimum required setback of 1.2 metres.

Staff generally do not have concerns with the proposed variances. The intent of the setback provisions being varied in the zoning by-law are to provide for sufficient access to buildings and accessory buildings for repairs and maintenance as well as to allow for sufficient space for drainage and stormwater runoff. These setback provisions also seek to limit the impact of proposed accessory structures on neighbouring properties from a massing perspective. Staff have noted that the accessory building is existing and is located as such where concerns of accessibility to the building for repairs and maintenance are alleviated as the accessory building can be accessed through the rear as it backs onto Lawrence Road an existing public right-of-way, which increases accessibility to the building. Although the side yard setback is narrow in width, staff are satisfied that the provided setback is sufficient for access. Staff also note that from a massing perspective, the lands to the north (rear) are a public right-of-way, so no impacts are anticipated. Staff also note that there is an existing fence on the westerly lot line between the neighbouring amenity area and the proposed accessory structure, so no impacts are anticipated on the neighbouring lands to the west. The existing accessory building is a single storey and ± 3.65 metres in height, so the visual impact will be limited. Staff defer to Development Engineering staff on concerns related to grading and drainage.



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Development planning staff are supportive of the requested variances, subject to the condition that the variances only generally apply to the existing accessory structure.

Based on the forgoing analysis staff **recommend the approval** of the variances as the variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>i. Please note that Section 15.1.2.1(h)(i) and the regulations applicable to a Single Detached Dwelling in an “R1” Zone, requires a minimum landscaped area of 30%. Insufficient information has been provided to establish compliance, and additional variances shall be required if compliance with Section 15.1.2.1(h)(i) is not possible. It is noted that the ground floor area of the proposed accessory building is 7.46% of the total lot coverage.</p> <p>ii. Please note that building height indicated on the elevation drawings provided, does appear to be provided from “grade” as defined in Hamilton Zoning By-law No. 05-200. Additional variances shall be required if compliance with Section 4.8(g) cannot be achieved.</p> <p>iii. Please note that should the variance(s) as requested be approved, the proposed eaves/gutters would be in compliance with Section 4.8(h), as they are indicated as projecting 0.41 metres from the building. Section 4.8(h) permits an eave or gutter of any accessory building to encroach a maximum of 0.45 metres into any required yard.</p>
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	N/A
Notes:	N/A

Building Engineering:

Recommendation:	Comments Only
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Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed accessory building in the rear yard of the existing single detached dwelling.</p> <p>Order to Comply 21-159585, dated February 29, 2024 remains outstanding.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

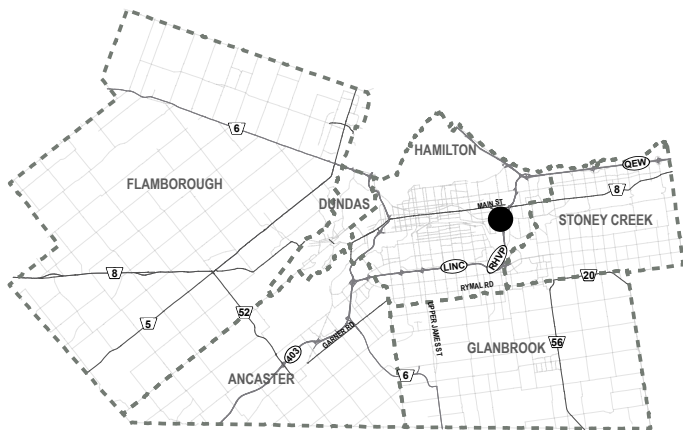
Transportation Planning:

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



11 Sylvia Crescent, Hamilton
(Ward 4)

File Name/Number:
A-24:213

Date:
October 28, 2024

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton