



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

A-24:220 – 27 Brock Street North, Dundas

Recommendation:

Approve

Proposed Conditions:

N/A

Proposed Notes:

“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 (416-2127499).”



Hamilton

STAFF COMMENTS

HEARING DATE: November 12, 2024

Development Planning:

Background

So as to facilitate the construction of an accessory building (detached garage).

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “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 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; 3) In areas of pioneer Euro-Canadian settlement;

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 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 (416-2127499).”

Cultural Heritage

The property known as 27 Brock Street North is located within the proposed Melville Street Heritage Conservation District area, currently under review for designation under Part V of the Ontario



Hamilton

Heritage Act. The property is also located in the Colborne Established Historical Neighborhood and near a concentration of properties of cultural heritage value or interest listed on the City's Municipal Heritage Register, including:

- 23 Brock Street North
- 21 Brock Street North
- 337 Park Street West • 329 Park Street West • 327 Park Street West
- 325 Park Street West
- 281 Melville Street
- 277 Melville Street

Accordingly, section B.3.4.1.3, B.3.4.2.1(g), B.3.4.2.1(g), and B.3.4.3.6 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to facilitate the construction of an accessory building.

Staff note that a draft District Plan for the Melville Street area is anticipated to be prepared in 2025. After considering a draft District Plan, and the advice of Heritage Committee and consultation with property owners, if Council decides to designate the area as a new Heritage Conservation District, then the scope of work proposed as part of this Minor Variance application to construct a new accessory structure on the property would require a **Heritage Permit** to implement. Until such time as the area may be designated as a Heritage District, the property is not subject to any heritage requirements or approvals.

With that in mind, Staff have reviewed the application and staff strongly encourage that the applicant utilize cladding materials compatible with the adjacent heritage buildings and proposed Melville Street Heritage Conservation District area, such as wood or wood-composite siding. Staff note that the one-storey massing and front gable roof of the proposed accessory structure are compatible with the surrounding heritage properties and proposed District area.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed detached garage are permitted.

Variance 1

1. To permit a flankage yard setback of 1.59 metres for an accessory building whereas 6.0 metres is required.

The intent of this provision is to ensure sufficient manoeuvring space is provided for between the on-site parking and to avoid negative impacts to the public right-of-way. Development Planning staff defer to Transportation Planning staff regarding traffic and site access concerns.



Hamilton

Staff note that the subject property is a corner lot, with the flankage yard having frontage on Melville Street. Staff further note that, while setbacks vary by property, setbacks from front and flankage property lines along both Brock Street North and Melville Street are typically small and structures are close to the street line. Staff are of the opinion that the proposed detached garage is consistent with the character and streetscape of the area and staff do not anticipate any negative impacts to the character of the neighbourhood.

Staff are of the opinion that the requested variance maintains the general intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate development and is minor in nature. Provided that Transportation Planning staff have no concerns, staff support the variance.

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

Zoning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments or objections to the minor variances as proposed.
Notes:	N/A

Building Engineering:

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



Hamilton

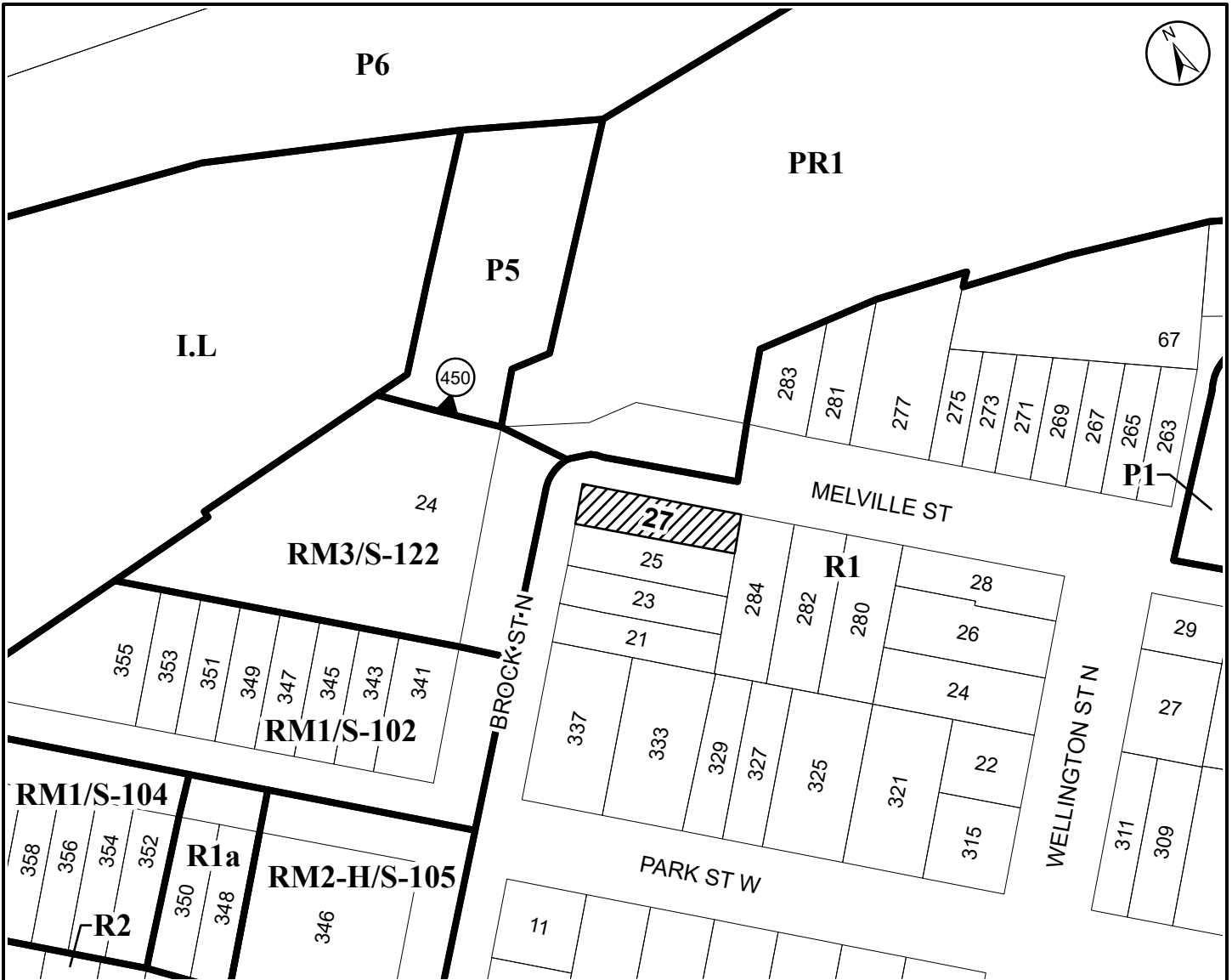
STAFF COMMENTS

HEARING DATE: November 12, 2024

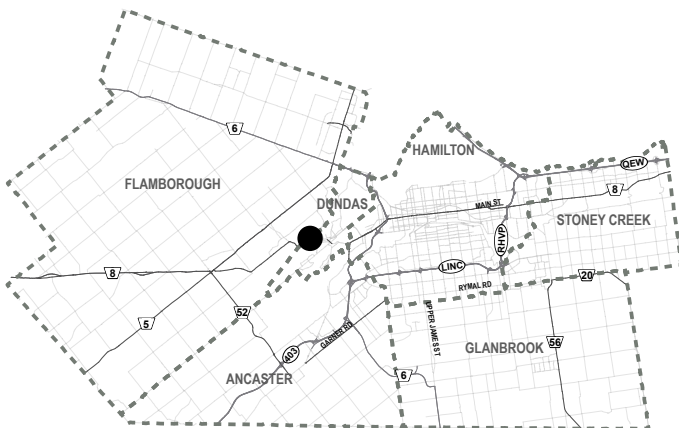
Transportation Planning:

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



27 Brock Street North, Dundas
(Ward 13)

File Name/Number:

A-24:220

Date:

October 30, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department