



Hamilton

**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

A-24:255 – 290 Dewitt Road, Stoney Creek

**Recommendation:**

Approve — Development Planning

**Proposed Conditions:**

**Proposed Notes:**

**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:**

**“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 MCM. Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). 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).”



Hamilton

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## **Development Planning:**

### **Background**

The applicant proposes minor variances in support of the creation of two lots for a single-detached dwelling.

The following variances are being requested:

1. To permit a minimum lot width of 10.8 metres whereas a minimum lot width of 12.0 metres is required.
2. To permit a minimum of 41.5% landscaped area in the front yard whereas a minimum of 50.0% of landscaped area in the front yard is required.

### **Urban Hamilton Official Plan**

The subject property is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of 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 permits single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings. Based on the forgoing, the land use designation permits the existing single detached dwelling use.

### **Western Development Area Secondary Plan**

The subject property is further designated “Low Density Residential 2b” on Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan. In accordance with Policy B.1.5 a), Policy E.3.4.3 of Volume 1 shall apply for the purposes of permitted density ranges, built form, and height. Based on the forgoing the proposed variances comply with the Western Development Area Secondary Plan.

### **Archeology:**

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 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; and,
- 2) Along historic transportation routes.



Hamilton

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These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 4.6.2 of the *Provincial Planning Statement* apply to the subject application.

**Cultural Heritage:**

No Comments

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

The subject property is zoned Low Density Residential (R1) Zone in the City of Hamilton Zoning By-law No. 05-200, which permits Single detached Dwellings.

**Analysis**

Variance 1

1. To permit a minimum lot width of 10.8 metres whereas a minimum lot width of 12.0 metres is required.

The intent of the minimum lot width provision in the Zoning By-law is to allow for adequate lot frontage and area for the development of the intended land use. Staff have reviewed the proposal and are of the opinion that the reduction from 12 metres to 10.8 metres is appropriate and in line with the existing neighbourhood and its lot fabric. The reduction as proposed allows for adequate spacing of lots and setbacks for the proposed dwellings to the lot lines. The proposal is generally in line with what was conditionally approved in the previous Consent application B-24:44. Staff note that the lands were zoned Residential "R6" Zone in Stoney Creek Zoning By-law No. 3692-92, with a minimum frontage of 10 metres, until By-law No. 24-051 came into force and effect bringing the subject lands into Zoning By-law No. 05-200 as R1 Zone.

Based on the forgoing staff are supportive of the requested variance as it meets the four tests under the *Planning Act*.

Variance 2

2. To permit a minimum of 41.5% landscaped area in the front yard whereas a minimum of 50.0% of landscaped area in the front yard is required.

The intent of the minimum landscaping area provision is to allow for adequate permeable area and softscaping to be located in the front of the yard to respect the relationship with the existing streetscape and neighbouring lands. Additionally, the minimum landscaping provision allows for adequate space for drainage of stormwater run-off. Planning staff defer drainage matters to



# Hamilton

Development Engineering. Staff are of the opinion that the reduction from 50% to 41.5% is minor and still functionally provides adequate landscaping in the front yard of the proposed lots.

Based on the forgoing staff are supportive of the requested variance as it meets the four tests under the *Planning Act*.

Based on the forging staff are of the opinion of **approval of Variances 1 & 2** as they 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:	This minor variance application will facilitate a future severance application.
Notes:	

**Cultural Heritage:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>Archeology:</p> <p>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:</p> <p>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; and,</p> <p>2) Along historic transportation routes.</p> <p>These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the Planning Act and Section 4.6.2 of the Provincial Planning Statement apply to the subject application.</p> <p>Cultural Heritage: No Comments.</p>
Notes:	<b>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:</b>



Hamilton

	<p><b>“Acknowledgement Note:</b> 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 MCM.</p> <p>Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). 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).”</p>
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**Development Engineering:**

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

**Building Engineering:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed single-family dwelling(s).</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



Hamilton

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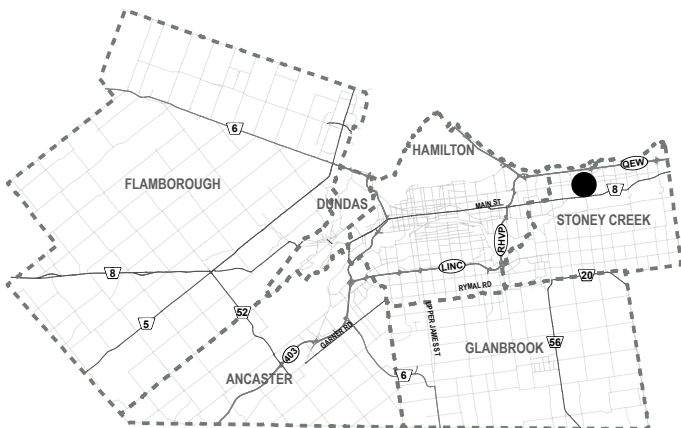
**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

# Committee of Adjustments

## Subject Property



290 Dewitt Road, Stoney Creek (Ward 10)

File Name/Number:

A-24:255

Date:

January 7, 2025

Technician:

SH

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department