



Hamilton

**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

A-24:259 – 114 Oneida Boulevard, Ancaster

**Recommendation:**

Approve — Development Planning

**Proposed Conditions:**

**Proposed Notes:**



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**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

## **Development Planning:**

### **Background**

The purpose of Minor Variance Application A-24:259 is to permit the construction of an accessory building (cabana) within the rear yard of an existing single detached dwelling.

Staff note that By-law No. 24-137 made amendments to Section 4.8.1.1 a) of the Zoning By-law, but is not yet final and binding. Consequently, a variance under both the existing regulations and the new regulations being considered.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policy E.3.4.3, amongst others, is applicable and permits the existing dwelling.

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

#### **Variance 1**

2. The aggregate gross floor area of all accessory buildings shall not exceed 54 square metres instead of the maximum aggregate gross floor area of 45 square metres of 7.5% lot coverage permitted.

#### **Variance 1 (By-law No. 24-137)**

1. The maximum combined lot coverage of all accessory buildings shall not exceed 54 square metres instead of the maximum 45 square metres or 7.5% lot coverage permitted.

The intent of this provision is to ensure accessory structures remain subordinate in scale and function to the primary use and structure.

Staff note that the existing single detached dwelling has a height of two storeys (7 metres), a ground floor area of 238.31 square metres and a gross floor area of 476.62 square metres. The proposed



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accessory structure (cabana) is to have a ground floor area of 53.87 square metres and a height of one storey (3.77 metres).

Staff are of the opinion that the proposed accessory building is significantly smaller than the existing dwelling in both height and area and will remain subordinate in scale and function to the dwelling. Therefore, the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is desirable for the appropriate use or development of the land and is minor in nature. Staff support the 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.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>1. Requested variances required to facilitate the construction of a proposed accessory building.</li> <li>2. It is noted that the variances requested were relating to Ancaster By-law 87-57, which is no longer applicable to the subject lands. The subject lands were rezoned to the R2 zone, pursuant to Hamilton Zoning By-law 05-200 as part of by-law 24-051.</li> <li>3. By-law 24-137 made amendments to section 4.8.1.1 a) and is not yet final and binding; as such, a variance has been written for the current regulation, as well as the proposed new regulation passed in by-law 24-137.</li> </ol>
Notes:	

**Cultural Heritage:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	<p>Archeology:</p> <p>No Comments.</p> <p>Cultural Heritage:</p> <p>No Comments.</p>
Notes:	



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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:	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.

**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.  Please ensure that the following documents are uploaded with the application: <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Grading Plan</li> <li>• Architectural Drawing</li> </ul>



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**STAFF COMMENTS**

**HEARING DATE: January 21, 2025**

	<p>No construction or grading is to commence before the permit has been approved and issued by the Ministry.</p> <p>The proponent may submit an application through the following link: <a href="#">HCMS - Apply for a permit - Application for Building and Land Use permit (gov.on.ca)</a></p>
Notes:	

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

**From:** [Boucetta, Alexandra \(MTO\)](#)  
**To:** [Committee of adjustment](#)  
**Subject:** RE: January 21, 2025 COA Agenda Available - MTO Comments  
**Date:** Monday, January 13, 2025 3:38:35 PM  
**Attachments:** [image001.png](#)  
[114 Oneida Boulevard, Ancaster.docx](#)

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Good day,

**Re: 114 Oneida Boulevard, Ancaster**

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.

Please ensure that the following documents are uploaded with the application:

- Site Plan
- Grading Plan
- Architectural Drawing

No construction or grading is to commence before the permit has been approved and issued by the Ministry.

The proponent may submit an application through the following link: [HCMS - Apply for a permit - Application for Building and Land Use permit \(gov.on.ca\)](#)

**Re: 542 Ofield Road North, Flamborough (Consent/Land Severance)**

The Ministry will be providing comments for this severance application. If you haven't received MTO comments by the due date, please consider postponing this application till next hearing date.

Thank you,

**Alexandra Boucetta**

Corridor Management Officer | Corridor Management, Central Region West | Operations Division  
Ministry of Transportation | Ontario Public Service  
416-816-4719 | [alexandra.boucetta@ontario.ca](mailto:alexandra.boucetta@ontario.ca)

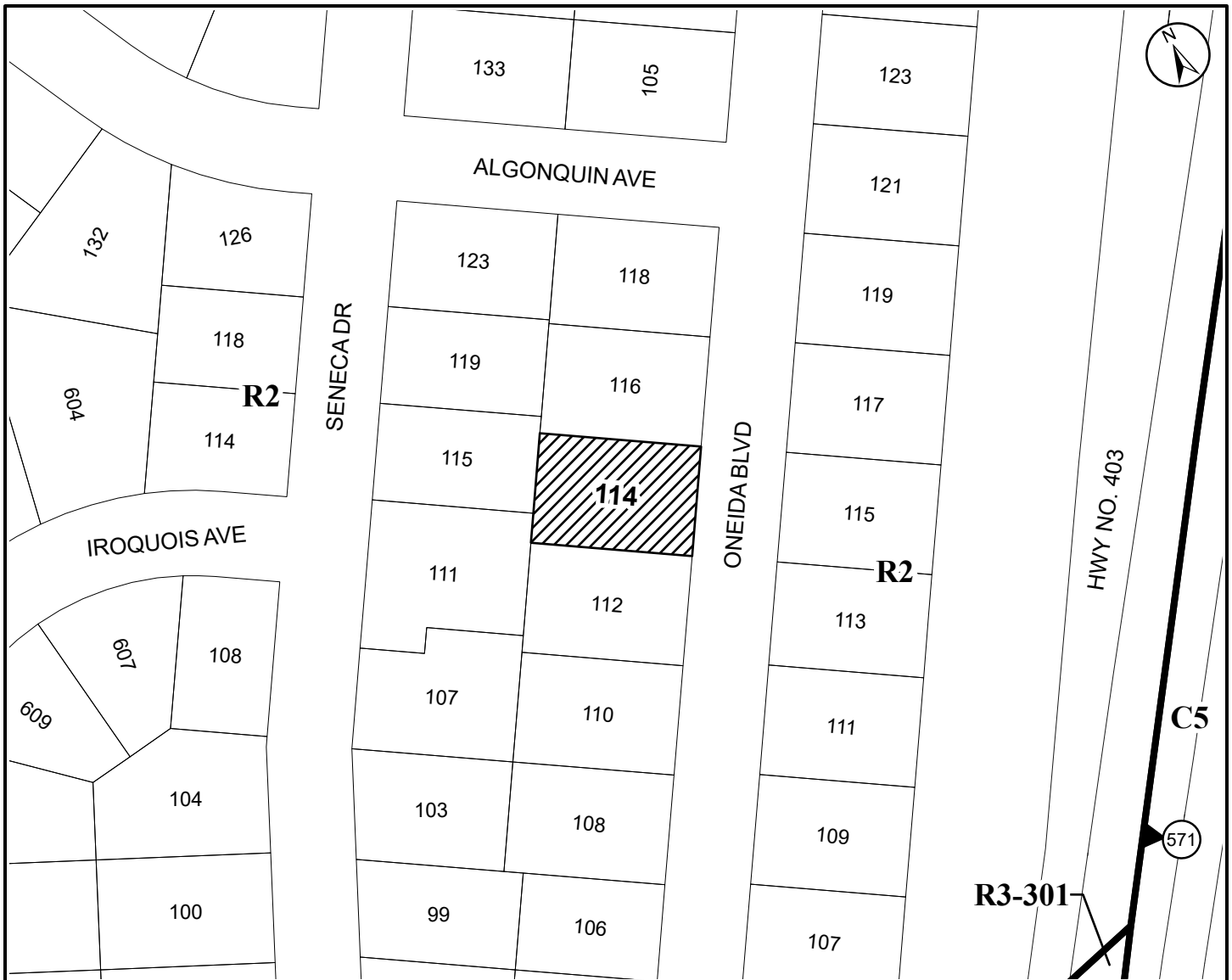


*Taking pride in strengthening Ontario, its places and its people*

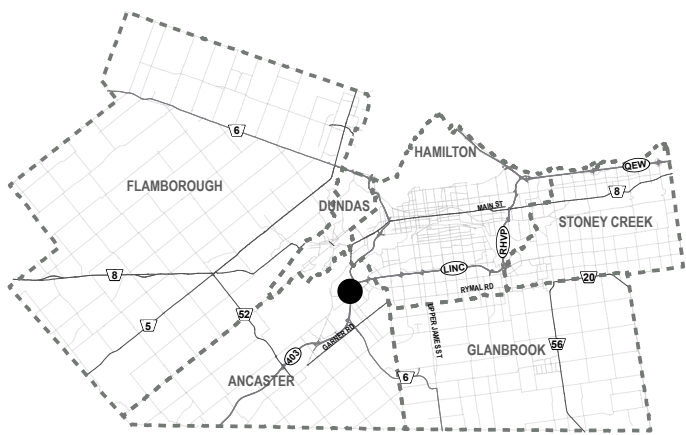
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**From:** Committee of adjustment <cofa@hamilton.ca>  
**Sent:** Thursday, January 2, 2025 1:00 PM  
**To:** Committee of adjustment <cofa@hamilton.ca>  
**Subject:** January 21, 2025 COA Agenda Available

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**



● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**



114 Oneida Boulevard, Ancaster (Ward 12)

File Name/Number:

A-24:259

Date:

January 8, 2025

Technician:

SH

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department