



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

A-24:266 – 119 Melville Street, Dundas

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. That the approved variances generally be consistent with the provided site sketch found in the Notice of Public hearing for file A-24:226 tilted Existing Site Plan, and dated October 23, 2024, to the satisfaction of the Director of Development Planning.
2. That the owner submits and receives approval of a Tree Protection Plan including the review fee as part of the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
3. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.

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



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

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).”

Development Planning:

Background

The applicant proposes variances in order to facilitate the construction of an accessory building.

The following variances are requested:

1. A maximum accessory building height of 5.8m shall be permitted instead of the maximum 4.5m building height for accessory buildings permitted.
2. The aggregate gross floor area of all accessory buildings shall not exceed 53.9 square metres instead of the maximum aggregate gross floor area of 45 square metres or 7.5% lot coverage permitted.

Urban Hamilton Official Plan

The subject property is designated as Neighbourhoods in the Urban Hamilton Official Plan. Policy E.3.4.3 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. Policies E.3.4.3, E.3.4.4 and E.3.4.6, among others, are applicable. The subject property is not located within any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan. Based on the forgoing policies, the existing single detached dwelling use is permitted.

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) In an area of sandy soil in areas of clay or stone;
- 2) 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 4.6.2 of the *Provincial Planning Statement* apply to the subject application.

Cultural Heritage:

The subject property, located at 119 Melville Street, is comprised of a 1-storey single detached worker’s style home built in 1865, and is listed on the City’s Municipal Heritage Register as a non-designated property.



Hamilton

STAFF COMMENTS

HEARING DATE: January 21, 2025

Additionally, the subject property is located near a concentration of properties of cultural heritage value or interest listed on the City's Municipal Heritage Register.

Further, the subject property is located within the Sydenham Established Historical Neighborhood and within the Melville Street Heritage Conservation District Study Area.

Accordingly, sections B.3.4.1.4; B3.4.2.1 (h); B.3.4.2.1 (g); B.3.4.2.5; B.3.4.3.6; and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes to construct an accessory building.

As the existing accessory building on the subject lands proposed to be demolished is listed on the Municipal Heritage Register, the owner is required to give 60-days notice to the City of their intention to demolish or remove a building or structure on their property, as per Section 27(9) of the *Ontario Heritage Act*. This is separate from the Building Permit and *Planning Act* application processes.

Staff have received and processed the intention to demolish from the property owners. This notice of intention to demolish is expected to be considered at the January 24, 2025 meeting of the Hamilton Municipal Heritage Committee.

Notwithstanding that the on-site and adjacent properties are listed on the Municipal Heritage Register and that the subject property is located within the Sydenham Established Historical Neighbourhood and within the Melville Street Heritage Conservation District Study Area, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the on-site and adjacent cultural heritage resources will be conserved.

Staff have no further comments on the application as circulated.

Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System), Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed accessory building will not negatively impact any features or functions of the City's Natural Heritage System.

Through aerial photographs interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1). At this time, since a Tree Protection Plan has not been provided, it is unclear if there will be any impacts to these trees as a result of the proposed



development. If any tree (10 cm DBH or greater) is proposed to be removed, the City requires 1 for 1 compensation. This is to ensure that existing tree cover is maintained. Typically, this compensation is provided on a Landscape Plan.

City of Hamilton Zoning By-law No. 05-200, as Amended by By-law 24-051

The subject lands are zoned “R1” (Low Density Residential) in Zoning By-law No. 05-200. The R1 zone permits the existing single detached dwelling use and accessory buildings are permitted in all zones as per Section 4 General Provisions 4.8 and 4.8.1.1.

Analysis

Variance 1

1. A maximum accessory building height of 5.8m shall be permitted instead of the maximum 4.5m building height for accessory buildings permitted.

The intent of the maximum accessory building height provision is to prevent impacts related to massing, privacy and overlook, and to ensure that accessory buildings remain subordinate to the primary use. After reviewing the submitted Site Plan and Elevations the proposed increase in building height does not appear to generate any undue adverse impacts on the subject or neighbouring lands. Staff do not foresee adverse impacts being generated through the increase in height of 1.3 metres. The height is mainly attributed to the design having a sloped roof, and building height being measured to the highest peak of the roof. The applicant has not requested any modifications to the proposed building setback to adjacent properties. Staff defer concerns related grading and drainage to Development Engineering staff. Staff recommend the proposed variance be approved as it meets the four tests under the *Planning Act*.

Variance 2

2. The aggregate gross floor area of all accessory buildings shall not exceed 53.9 square metres instead of the maximum aggregate gross floor area of 45m or 7.5% lot coverage permitted.

The intent of the maximum gross floor area provision for accessory buildings to a single detached dwelling is to prevent accessory buildings from becoming the dominant structure over the primary land use, as well as to prevent the over development of the lands and to ensure sufficient space remains for other considerations such and amenity area and landscaped area. Staff have reviewed the requested increase in gross floor area and generally have no concerns. The accessory building proposed does not contain any residential units and is to be strictly used for storage as indicated by the applicant. It’s also worth noting that, while the proposed 53.9 square metre gross floor area represents an increase over the permitted 45 square metres, the resulting lot coverage would be \approx 4.5 %, which is below the 7.5% aggregate lot coverage permitted. The subject lot is a larger urban residential lot and can accommodate a slightly larger accessory structure. Based on the forgoing, the



increase will not adversely impact neighbouring properties. Staff are of the opinion that the proposed variance meets the four tests under the *Planning Act*.

Based on the forgoing analysis, staff recommend the **approval of Variances 1 and 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:	<ol style="list-style-type: none"> 1. Requested variances required to facilitate the construction of a proposed accessory building 2. 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.
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> <ol style="list-style-type: none"> 1) In an area of sandy soil in areas of clay or stone; 2) In areas of pioneer Euro-Canadian settlement; <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:</p> <p>The subject property, located at 119 Melville Street, is comprised of a 1-storey single detached worker’s style home built in 1865, and is listed on the City’s Municipal Heritage Register as a non-designated property.</p>



	<p>Additionally, the subject property is located near a concentration of properties of cultural heritage value or interest listed on the City’s Municipal Heritage Register.</p> <p>Further, the subject property is located within the Sydenham Established Historical Neighborhood and within the Melville Street Heritage Conservation District Study Area.</p> <p>Accordingly, sections B.3.4.1.4; B3.4.2.1 (h); B.3.4.2.1 (g); B.3.4.2.5; B.3.4.3.6; and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>The proponent proposes to construct an accessory building.</p> <p>As the existing accessory building on the subject lands proposed to be demolished is listed on the Municipal Heritage Register, the owner is required to give 60-days notice to the City of their intention to demolish or remove a building or structure on their property, as per Section 27(9) of the Ontario Heritage Act. This is separate from the Building Permit and Planning Act application processes.</p> <p>Staff have received and processed the intention to demolish from the property owners. This notice of intention to demolish is expected to be considered at the January 24, 2025 meeting of the Hamilton Municipal Heritage Committee.</p> <p>Notwithstanding that the on-site and adjacent properties are listed on the Municipal Heritage Register and that the subject property is located within the Sydenham Established Historical Neighbourhood and within the Melville Street Heritage Conservation District Study Area, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the on-site and adjacent cultural heritage resources will be conserved.</p> <p>Staff have no further comments on the application as circulated.</p>
Notes:	<p>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:</p> <p>“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</p>



Hamilton

	<p>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 accessory building.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



Hamilton

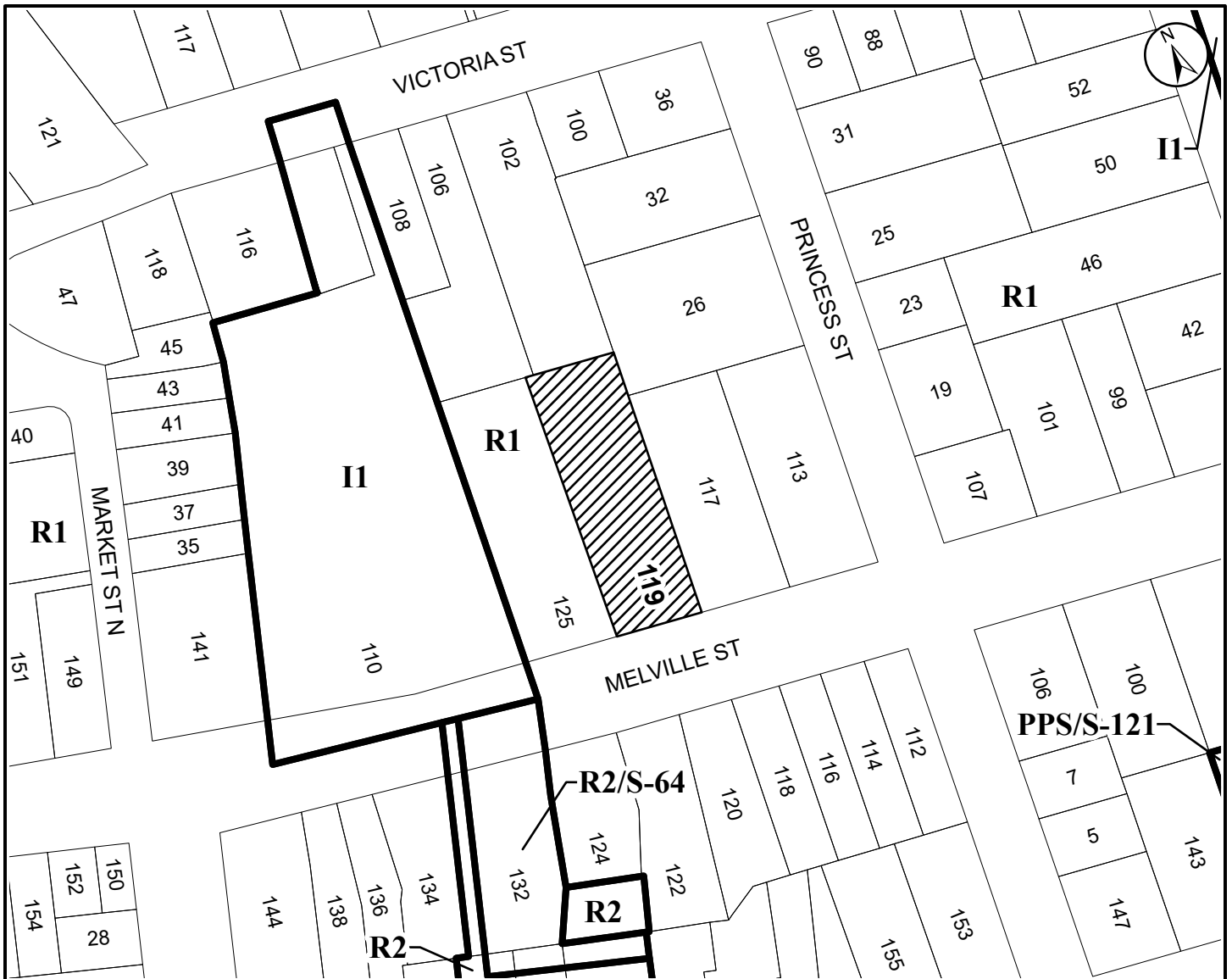
STAFF COMMENTS

HEARING DATE: January 21, 2025

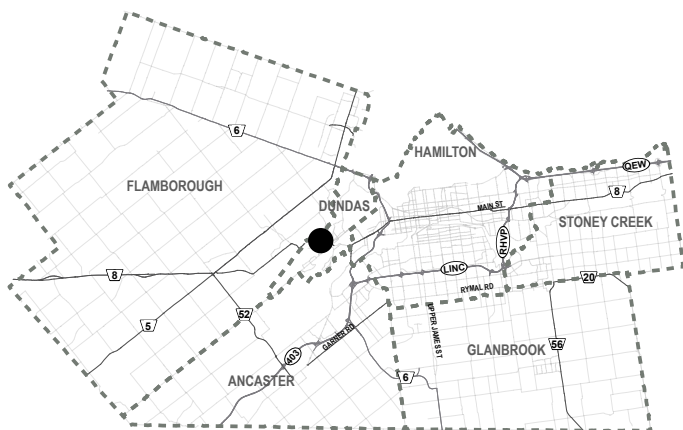
Transportation Planning:

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



119 Melville Street, Dundas
(Ward 13)

File Name/Number:
A-24:266

Date:
January 8, 2025

Technician:
SH

Scale:
N.T.S.

Appendix "A"



Hamilton