



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2025**

A-25:001 — 253 Regional Road 20, Stoney Creek

**Recommendation:**

Approve — Development Planning

**Proposed Conditions:**

1. That the proposed variances only apply to the existing buildings as found in Notice of Public Hearing for file A-25:001, dated for hearing on February 13, 2025. (Development Planning)

**Proposed Notes:**

Order to Comply 23-314630, dated November 11, 2023 remains outstanding.

Order to Comply 23-314627, dated November 11, 2023 remains outstanding.

Be advised that Ontario Building Code regulations may require specific setback and construction types. (Building Engineering)



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## **Development Planning:**

### **Background**

The application seeks variances to establish the location of two (2) existing accessory structures.

The following variances are requested:

1. Accessory buildings shall be permitted within a front or flankage yard instead of the requirement that they shall not be permitted within a front or flankage yard.

### **Rural Hamilton Official Plan**

The subject property is designated as Agriculture under Schedule D – Rural Land Use Designations in the Rural Hamilton Official Plan. Policy C.3.1.4 a) permits one dwelling unit per lot in the Agricultural designation. The subject property is not identified as being located in any Rural Settlement Area found in Volume 2 of the plan. Accordingly, the existing single detached dwelling is permitted.

### **Archaeological:**

No Comments

### **Cultural Heritage:**

No comments.

### **City of Hamilton Zoning By-law No. 05-200 as amended 15-173.**

The portion of the subject property containing the existing accessory structures is zoned as “A1” Agriculture in the City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and accessory buildings are permitted uses in the A1 zone. Portions of the subject lands are also zoned as “P7” and “P8” Conservation / Hazard Land; however, no development is proposed in this area through this application.

### **Analysis**

#### Variance 1

1. Accessory Buildings shall be permitted within a front or flankage yard instead of the requirement that they shall not be permitted within a front or flankage yard.



# Hamilton

The intent of the provision being varied is to prevent accessory buildings from being located in the front yard and generating concerns of overdevelopment and becoming the dominant structure along the streetscape. Staff have reviewed the application and generally have no concerns as the accessory buildings are existing on the subject property and the variances are required due to a new primary dwelling being constructed further back from the street and the old dwelling being demolished thus generating the situation of accessory buildings being in the front yard. As demonstrated in the submitted site sketch the previous primary dwelling was located closer to the front lot line, which allowed the previous accessory buildings to be in compliance with the Zoning By-law. The relocation of the dwelling further back from the street triggers the need for a Minor Variance to recognize the existing location of the existing accessory structures, which are now located in the front yard. Based on the forgoing staff are **supportive of the requested variance**.

Based on the forgoing analysis staff recommend the **approval of variances 1 with the proposed condition**, as it maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature and is desirable for the appropriate development of the subject lands.

### Zoning:

|                      |   |
|----------------------|---|
| Recommendation:      | Comments Only   |
| Proposed Conditions: |   |
| Comments:            | Please be advised the existing shop and garage are an existing condition. Variance is required due to the construction of the location of a new Single Detached Dwelling. |
| Notes:               |   |

### Development Engineering:

|                      |             |
|----------------------|-------------|
| Recommendation:      | No Comments |
| Proposed Conditions: |             |
| Comments:            |             |
| Notes:               |             |

### Building Engineering:

|                      |  |
|----------------------|--|
| Recommendation:      | Comments and Conditions/Notes  |
| Proposed Conditions: |  |
| Comments:            |  |
| Notes:               | Order to Comply 23-314630, dated November 11, 2023 remains outstanding.<br><br>Order to Comply 23-314627, dated November 11, 2023 remains outstanding. |



Hamilton

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|  |  |
|--|--|
|  | Be advised that Ontario Building Code regulations may require specific setback and construction types. |
|--|--|

**Transportation Planning:**

|                      |             |
|----------------------|-------------|
| Recommendation:      | No Comments |
| Proposed Conditions: |             |
| Comments:            |             |
| Notes:               |             |

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

**Re: February 13th, 2025 COA Agenda Available**

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**From** Kyle Riley <kriley@npca.ca>

**Date** Wed 1/29/2025 10:09 AM

**To** Committee of adjustment <cofa@hamilton.ca>

 2 attachments (1 MB)

253 Regional Road 20.pdf; 1195 Mud Street East Basemap.pdf;

**External Email:** Use caution with links and attachments

Hello Jamilia,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter from Hamiltons February 13th, 2025 COA Agenda, and offers the following comments.

The following Applications are within lands regulated by the NPCA

**253 Regional Road 20 -**

The Applicants are seeking to formalize two existing accessory buildings within the front yard of the address where none are Permitted. The accessory structures exist, and the Application has been triggered through a reconstruction of the home.

The northern extent of the address is formed by Provincially Significant Wetlands (PSW), which retain a 30m setback from development, and a complex of Unevaluated Wetlands, which may have the potential to extend the former PSW's extent.

The NPCA offers No Objection to the proposal as no new construction is proposed.

No Planning fees are required for our comments on this file.

**1195 Mud Street East -**

The Applicants are seeking to construct an accessory structure, which will be 256 m<sup>2</sup> and have a maximum height of 6.7m. Attachment structures associated with single detached dwellings are not permitted to exceed a maximum gross floor area of 200 m<sup>2</sup> and shall not exceed a maximum building height of 6m. This structure is intended for private vehicle storage.

No features regulated by the NPCA currently traverse this address. As such, the NPCA offers No Objections to the proposed development at this address.

No fees are required for our comments on this Application.

Thank you for circulating this agenda to our Offices for comment.

Best regards,



Kyle Riley  
Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252  
(Cell) 905.933.2541  
[\[www.npca.ca%20\]www.npca.ca](http://www.npca.ca)  
[kriley@npca.ca](mailto:kriley@npca.ca)

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

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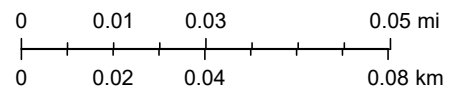
# ArcGIS Web Map



1/28/2025, 8:35:57 AM

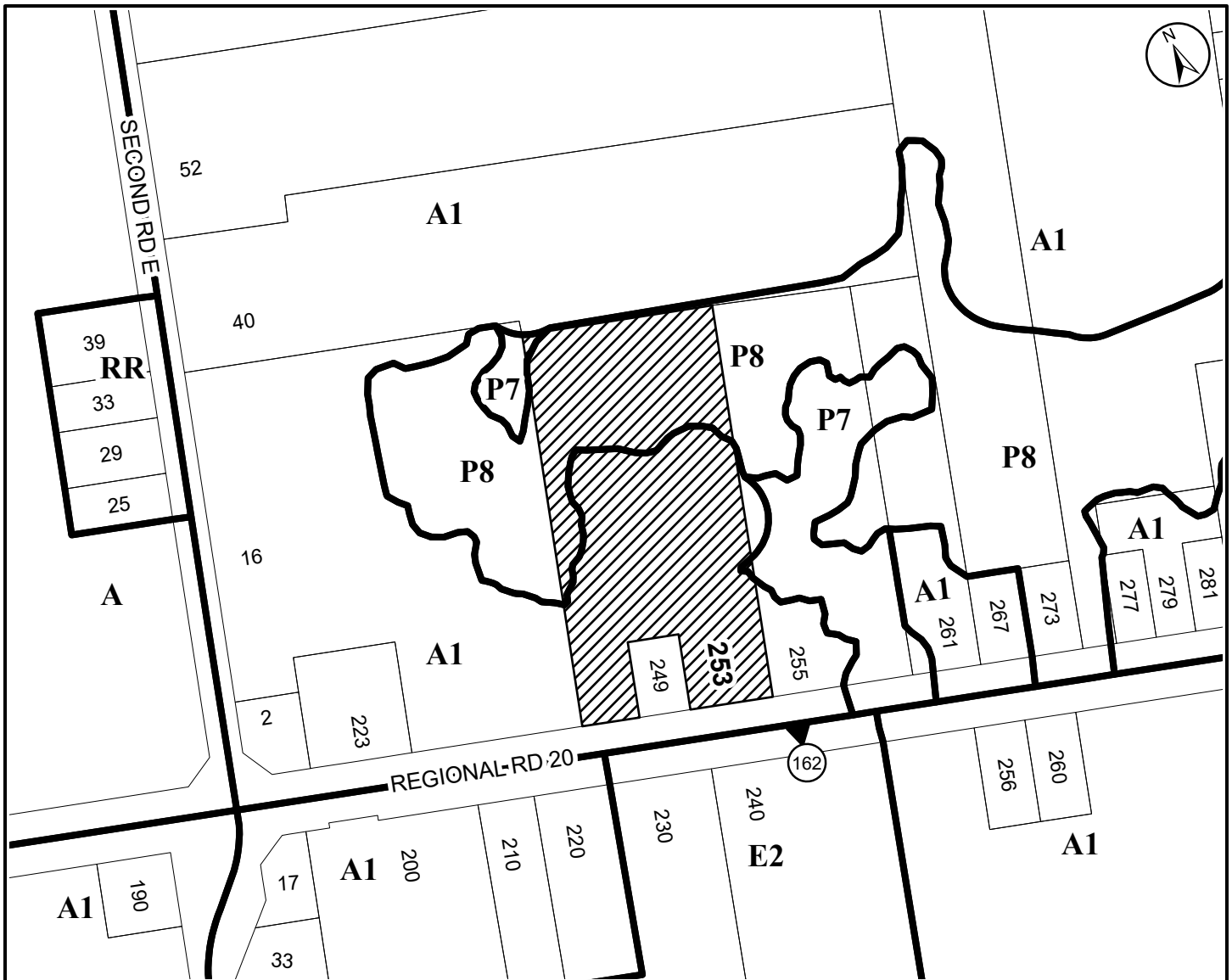
1:2,257

- |                      |                                   |
|----------------------|-----------------------------------|
| SWOOP 2020 NPCA      | WRIP Quaternary Watersheds (10K)  |
| Red: Band_1          | NPCA APPROXIMATE REGULATION LANDS |
| Green: Band_2        | CityView Application Views        |
| Blue: Band_3         | Assessment Parcels                |
| LIO - Wetland DRAFT  | 2K Hydrography                    |
| Evaluated-Provincial | 2K HydroPoly                      |
| Roads                | ELC 2020 NPCA                     |

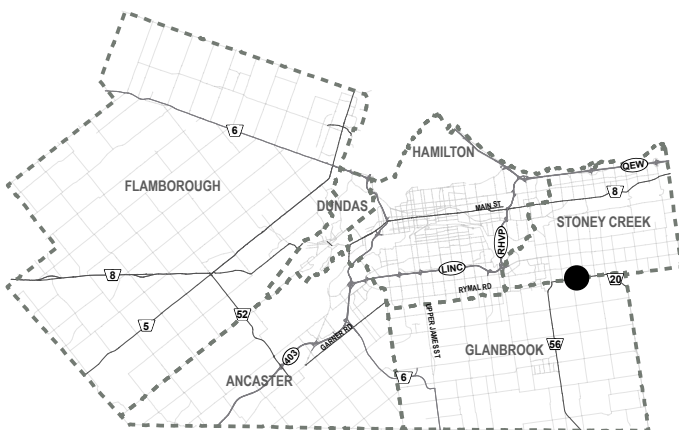


NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



253 Regional Road 20,  
Stoney Creek (Ward 9)

File Name/Number:  
A-25:001

Date:  
February 6, 2025

Technician:  
DR

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department