



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2025

A-25:002 — 1195 Mud Street East, Stoney Creek

Recommendation:

Approve — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed accessory structure.

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 proposes a variance to facilitate the construction of a building accessory to an existing single detached dwelling.

The following variances are requested:

1. A maximum gross floor area of 256.0 square metres and a maximum building height of 6.7 metres shall be permitted for all buildings accessory to the single detached dwelling instead of the requirement that all buildings accessory to a single detached dwelling shall not exceed a maximum gross floor area of 200 square metres and shall have a maximum building height of 6.0 metres.

Rural Hamilton Official Plan

The subject property is designated as Specialty Crop under Schedule D - Rural Land Use Designations in the Rural Hamilton Official Plan. Policy D.3.0 among others are applicable. Policy C.3.1.4 a) permits one dwelling unit per lot in the Specialty Crop designation. Accordingly, the existing single detached dwelling is permitted. The application seeks to allow for the construction of a building accessory to the existing Single Detached Dwelling.

Archaeological:

No comments.

Cultural Heritage:

No comments.

City of Hamilton Zoning By-law 05-200 as amended by By-law 15-173

The subject property is zoned as A1 Agriculture in Zoning by-law No. 05-200. The A1 Agriculture zone allows the existing Single Detached Dwelling and Accessory Building.

Analysis

Variance 1

1. A maximum gross floor area of 256.0 square metres and a maximum building height of 6.7 metres shall be permitted for all buildings accessory to the single detached dwelling instead of



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the requirement that all buildings accessory to a single detached dwelling shall not exceed a maximum gross floor area of 200 square metres and shall have a maximum building height of 6.0 metres.

The intent of the maximum gross floor area and the maximum accessory building height provisions is to prevent the overdevelopment of properties, and to limit the height and massing of accessory structures to ensure they remain the subordinate primary structure on the site and to limit visual impacts along with privacy and overlook impacts. Based on the forgoing the applicant has demonstrated that the proposal increase is minor and does not generate any adverse impacts related to overdevelopment, visual impact, or privacy and overlook. The accessory building as shown in the application is to be used for storage that is accessory to the primary residence, there does not appear to be windows that can generate any overlook onto neighbouring properties through the proposed addition of the accessory building, nor has the applicant required reductions in any required setbacks from adjacent property lines. Staff generally have no concerns with the proposal as the lot does not appear to be used for agricultural uses and does not hinder agricultural operations on the neighbour lot. The increase in gross floor area is minor and does not appear to create overdevelopment and is generally keeping with the character of the area. In staff's opinion the proposed variance meets all the four tests under the *Planning Act*.

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

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Additional Information has been provided to confirm conformity with the eave and gutter encroachment. Therefore Note No. 1 provided in the Notice is no longer required.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	



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STAFF COMMENTS

HEARING DATE: February 13, 2025

Comments:	
Notes:	A building permit is required for the construction of the proposed accessory structure. 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

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 m² 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 m² 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

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(Cell) 905.933.2541
[\[www.npca.ca%20\]www.npca.ca](http://www.npca.ca)
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.

ArcGIS Web Map



1/28/2025, 8:51:30 AM

1:1,128

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

WRIP Quaternary Watersheds (10K)

 Assessment Parcels

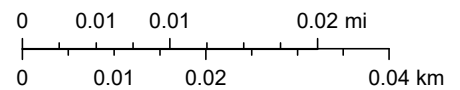
 2K Hydrography

Niagara Region Ortho 2023

■ Red: Red

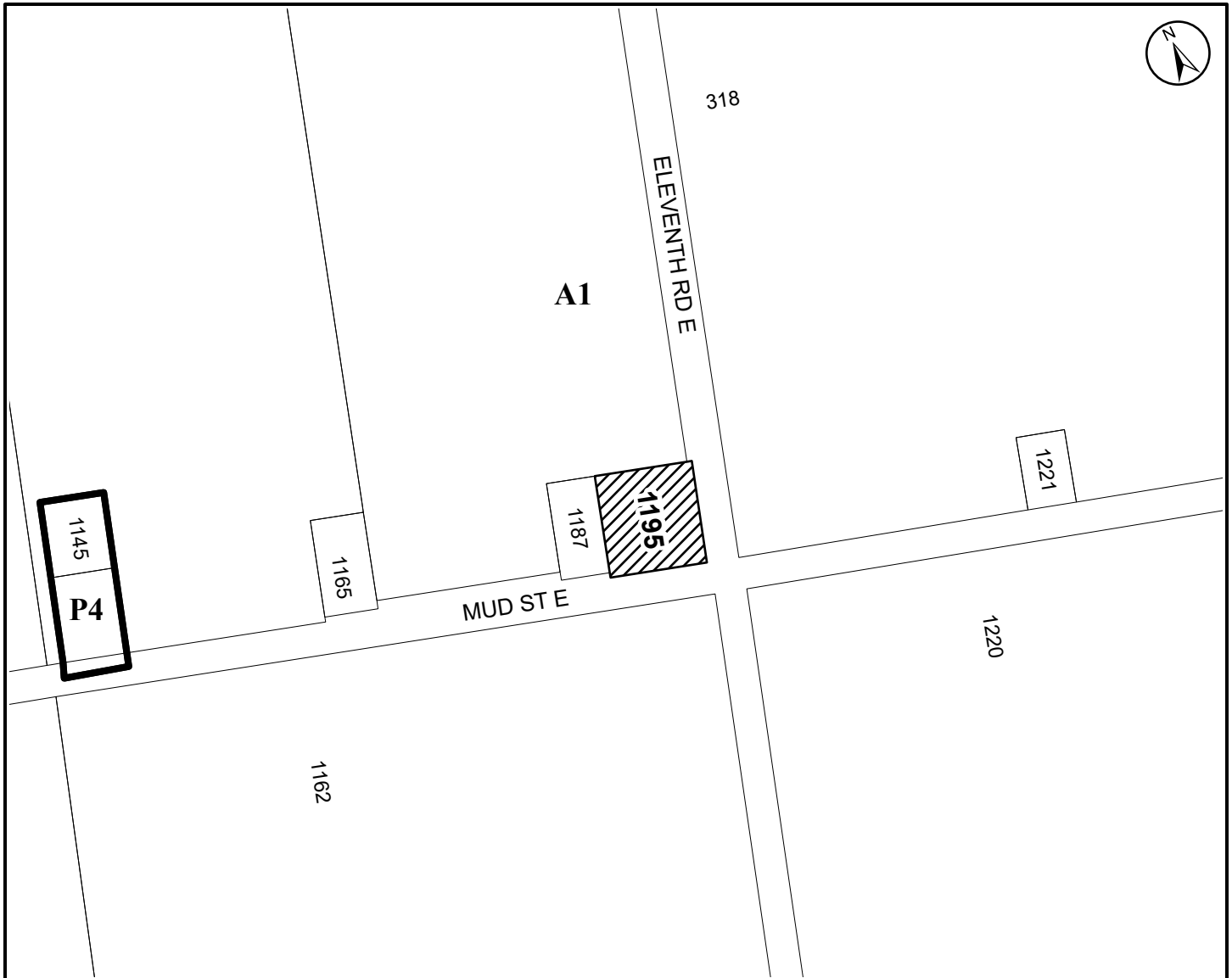
■ Green: Green

■ Blue: Blue

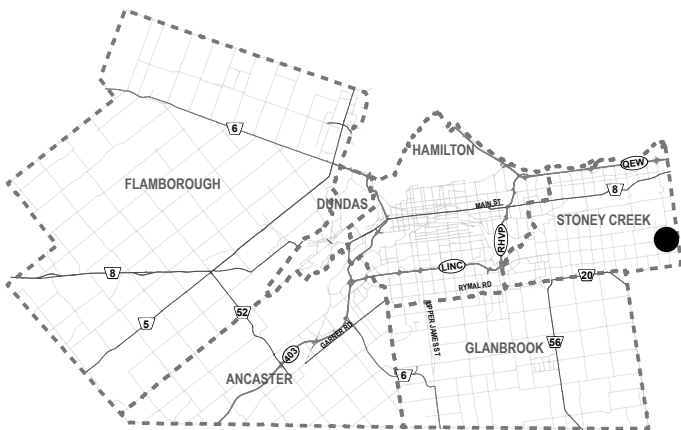


NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



1195 Mud Street East,
Stoney Creek (Ward 9)

File Name/Number:
A-25:002

Date:
February 6, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



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