



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

A-25:026 — 505 Glover Road, Stoney Creek

Recommendation:

Deny — Development Planning

Proposed Conditions:

Proposed Notes:

A building permit is required for the construction of the proposed of an 47.6 m² accessory building at the rear of the property. (Building Engineering)

If this variance is approved, the proponent must be advised by the Committee of Adjustment as follows:

“Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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).” (Development Planning)



Hamilton

Development Planning:

Background

The purpose of the application is to facilitate the construction of a 47.6 m² accessory building at the rear of the property.

The following **variances are requested:**

1. A minimum Rear Yard Setback of 0.42 metres shall be provided instead of the minimum required Rear Yard setback of 1.2 metres.
2. A minimum Side Yard Setback of 0.15 metres shall be provided instead of the minimum required Side Yard setback of 1.2 metres.

Development Planning staff note that additional variances appear to be required for the Ground Floor Area of the accessory building which exceeds the permissible square footage being 45 square metres or 7.5% of the total lot area whichever is lesser. The proposal is for 47.6 square metre accessory building. Additionally, requested variance 2 should have reflected a variance to the required Flankage Yard as the lot is a corner lot and the southerly side yard is a flankage yard. Lastly, staff note that the boundary information, in particular the southerly flankage lot line appears to be incorrect on the provide Site Sketch. The assessment below is only based on the information provided and the variances identified.

Urban Hamilton Official Plan and Urban Lakeshore Area Secondary Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 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 a) permits single detached, semi detached, duplex, triplex, fourplex, and street townhouse dwellings. Based on the forgoing policies, single detached dwellings are permitted.

The subject property is further designated “Low Density Residential 2b” on Map B.7.3-1 – Urban Lakeshore 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 proposal complies with the Urban Lakeshore Area Secondary Plan.

Archaeology

The subject property meets four (4) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:



Hamilton

- 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;
- 2) In an area of sandy soil in areas of clay or stone;
- 3) In areas of pioneer Euro-Canadian settlement; and
- 4) Along historic transportation routes.

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 05-200

The subject property is zoned “R2” (Low Density Residential – Large Lot) in the City of Hamilton Zoning By-law No. 05-200. The R2 zone permits the existing Single Detached Dwelling.

Analysis

Variances 1 and 2 as requested

1. A minimum Rear Yard Setback of 0.42 metres shall be provided instead of the minimum required Rear Yard setback of 1.2 metres.
2. A minimum Side Yard Setback of 0.15 metres shall be provided instead of the minimum required Side Yard setback of 1.2 metres.

The intent of the provision for the minimum required side yard and rear yard setback for accessory structures is to ensure adequate spacing for landscaping, access for maintenance, lot drainage, and to minimize potential massing impacts on neighboring properties. In staff’s opinion, the proposed setbacks do not allow for sufficient access for maintenance to the proposed accessory building. Staff also note that the existing rear yard contains limited landscaped area, and a further reduction in the required yards will exacerbate this situation. Furthermore, staff note that the gross floor area of the proposed accessory structure appears to exceed the maximum permitted under the Zoning By-law and may constitute an overdevelopment of the lands. Staff defer to Development Engineering for comments related to grading and drainage. Based on the above, staff recommend denial of variances 1 and 2 as they do not maintain the four tests under the *Planning Act*.

Based on the forgoing analysis, staff recommend that **variances 1 and 2 be denied**, as the variances do not maintain the general intent and purpose of the Zoning By-law, are not minor in nature, nor are they desirable for the appropriate development of the subject lands.



Hamilton

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	N/A
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Development Engineering requires a 0.9m side yard and rear yard set back to accommodate a drainage swale.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed of an 47.6 m2 accessory building at the rear of the property.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Corporate Real Estate:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Easement (CD154878) over a portion the subject property is in favour of the City for the purpose of municipal public utility. Please seek comment/advice from the relevant groups (e.g., Hamilton Water) to assess the impact (if any) of this request in relation to the easement.
Notes:	



Hamilton

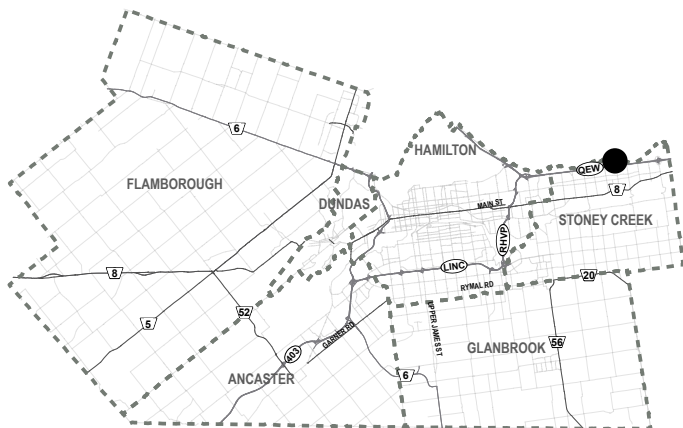
STAFF COMMENTS

HEARING DATE: March 27, 2025

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



505 Glover Road, Stoney Creek
(Ward 10)

File Name/Number:
A-25:026

Date:
March 17, 2025

Technician:
DR

Scale:
N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department