

## Danelski, Alexander

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**From:** Adair, Kendra (MNR) <Kendra.Adair@ontario.ca>  
**Sent:** Tuesday, March 25, 2025 11:36 AM  
**To:** Committee of adjustment  
**Cc:** Henderson, Brandon (MNR)  
**Subject:** NEC Comments - March 27, 2025 COA Agenda

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

Good morning Committee of Adjustment,

NEC staff have reviewed the March 27, 2025 CoA agenda and offer the following comments for your consideration.

The subject properties listed below are located outside of the Niagara Escarpment Development Control Area. As such, a Development Permit is not required from the NEC for development on these lands. However, the properties are located within the Niagara Escarpment Plan Area, and therefore, the policies of the Niagara Escarpment Plan (2017) are applicable.

- A-25:028 – 60 Beulah Avenue, Hamilton
  - The subject property is designated as Urban Area by the 2017 Niagara Escarpment Plan. The policies in Parts 1.7 and 2 of the Niagara Escarpment Plan apply.
  - NEC staff do not note any policy conflicts with the proposed second driveway access and detached accessory structure, provided the accessory structure is not used for human habitation and shall be naturally and normally incidental, subordinate and exclusively devoted to the principal use being the single dwelling.
- A-25:030 – 4 Turner Avenue, Hamilton
  - The subject property is designated as Urban Area by the 2017 Niagara Escarpment Plan. The policies in Parts 1.7 and 2 of the Niagara Escarpment Plan apply.
  - NEC staff do not note any policy conflicts with the proposed single dwelling.
- A-25:027 – 39 Trailbank Gardens, Hamilton
  - The subject property is designated as Urban Area by the 2017 Niagara Escarpment Plan. The policies in Parts 1.7 and 2 of the Niagara Escarpment Plan apply.
  - NEC staff understand the proposal is to establish a secondary dwelling unit, and for an additional parking space.
  - Part 2.2.11 of the Niagara Escarpment Plan contains specific criteria for secondary dwelling units within the Niagara Escarpment Plan Area:

*2.2.11 The following provisions apply to secondary dwelling units:*

*a) a single secondary dwelling unit may be permitted on an existing lot of record;*

*b) notwithstanding the above, a secondary dwelling unit shall not be permitted on an existing lot of record where there is more than one single dwelling, including any dwelling approved under Part 2.2.7 of this Plan;*

*c) the secondary dwelling unit shall be contained entirely within a single dwelling or in an addition to a single dwelling and shall not be permitted in a detached accessory facility;*

- d) the floor area of a secondary dwelling unit shall be subordinate in size to the single dwelling;*
- e) secondary dwelling units shall not be permitted in a group home or a single dwelling containing a bed and breakfast; and*
- f) a home occupation or home industry shall not be permitted within a secondary dwelling unit.*

- Provided the proposed dwelling unit is located entirely within the single dwelling or an addition to the single dwelling, and is subordinate in size to the remainder of the dwelling (i.e. secondary), NEC staff are satisfied that it would not conflict with the policies of Part 2.2.11 of the NEP as they relate to secondary dwelling units within the Niagara Escarpment Plan Area.

- A-25:029 – 105 Kenesky Drive, Hamilton

- The subject property is designated as Urban Area by the 2017 Niagara Escarpment Plan. The policies in Parts 1.7 and 2 of the Niagara Escarpment Plan apply.
- NEC staff understand the proposal is to establish a secondary dwelling unit, and for an additional parking space.
- Part 2.2.11 of the Niagara Escarpment Plan contains specific criteria for secondary dwelling units within the Niagara Escarpment Plan Area:

*2.2.11 The following provisions apply to secondary dwelling units:*

- a) a single secondary dwelling unit may be permitted on an existing lot of record;*
- b) notwithstanding the above, a secondary dwelling unit shall not be permitted on an existing lot of record where there is more than one single dwelling, including any dwelling approved under Part 2.2.7 of this Plan;*
- c) the secondary dwelling unit shall be contained entirely within a single dwelling or in an addition to a single dwelling and shall not be permitted in a detached accessory facility;*
- d) the floor area of a secondary dwelling unit shall be subordinate in size to the single dwelling;*
- e) secondary dwelling units shall not be permitted in a group home or a single dwelling containing a bed and breakfast; and*
- f) a home occupation or home industry shall not be permitted within a secondary dwelling unit.*

- Provided the proposed dwelling unit is located entirely within the single dwelling or an addition to the single dwelling, and is subordinate in size to the remainder of the dwelling (i.e. secondary), NEC staff are satisfied that it would not conflict with the policies of Part 2.2.11 of the NEP as they relate to secondary dwelling units within the Niagara Escarpment Plan Area.

Please let myself and the Senior Planner, Brandon Henderson (copied) know if there are any questions.

Kind regards,

**Kendra Adair (She/Her)**

Planner I | Niagara Escarpment Commission  
232 Guelph Street, Georgetown, Ontario, L7G 4B1  
905-703-0827 | [www.escarpment.org](http://www.escarpment.org)



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**Availability:** NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at [escarpment.org/appointments](https://escarpment.org/appointments).

**Did you know:** You can now submit Development Permit Applications to the Niagara Escarpment Commission online? Visit our [website](#) to learn more.

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**From:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>  
**Sent:** Monday, March 10, 2025 2:59:02 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** Committee of adjustment <[cofa@hamilton.ca](mailto:cofa@hamilton.ca)>  
**Subject:** March 27, 2025 COA Agenda Available

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

Good Afternoon,

Attached is a copy of the Agenda for the **March 27, 2025** Hybrid Hearing date, please follow the link below for a copy of the submitted materials.

[www.hamilton.ca/committeeofadjustment](http://www.hamilton.ca/committeeofadjustment)

(Please allow enough time to download, as the files are sometimes very large.)

Staff Written Comment Deadline: **March 19, 2025 at noon**

Public Agency Written Comment Deadline: **March 25, 2025 at noon**

Staff comments **must** be provided in one of the 3 attached templates. Public Agencies wishing to have their comments included with the staff comment package must submit comments by the Staff deadline. Any written comments from City Departments or agencies are solicited and should be prepared in a timely fashion and received in the office of the Committee of Adjustment, Attn: Jamila Sheffield via [cofa@hamilton.ca](mailto:cofa@hamilton.ca). Comments received after the date and time noted above will not be provided to the Committee of Adjustment in the comment package. If you are unable to meet this time frame you should be prepared to attend the hearing to provide your comments or concerns verbally, in person or virtually.