



Hamilton

STAFF COMMENTS

HEARING DATE: May 29, 2025

A-25:018 — 429 Annalee Drive, Ancaster

Recommendation:

Approve variance 1 & 2 with proposed conditions. — Development Planning

Proposed Conditions:

1. That the proposed variances generally apply to the Site Sketch package dated April 16, 2025, found in the Notice for Public Hearing for file A-25:018 (429 Annalee Drive) being heard May 29, 2025, to the satisfaction of the Director of Development Planning.
2. That the storage shed permitted in the front yard per Variance 1 shall be no greater than 9 square metres in gross floor area and 3.048 metres in building height. (Development Planning)

Proposed Notes:

A building permit is required for the construction of the proposed accessory building and an inground swimming pool in the front yard of the existing single-family dwelling.

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

MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project. (Mississaugas of the Credit First Nation)



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Development Planning:

Background

The purpose of the application is to permit the construction of an accessory building (“storage shed”) and an inground swimming pool within the front yard of the existing single-family dwelling.

Staff note that the application was previously tabled at the March 6, 2025 Committee of Adjustment hearing, where staff requested that the application for minor variance be denied, the application was subsequently tabled by the committee. Staff have since worked with the applicant including conducting a site visit and meeting with the applicant to revised the proposal. The revised proposal incorporates a sufficient setback of the pool and accessory building from the street to address staff concerns.

The following variances **were previously requested:**

1. An accessory building (“storage shed”) shall be permitted to be located within the front yard and located as close as 0.75 metres from the front lot line, whereas accessory buildings are not permitted to be located within the front yard.
2. A totally inground swimming pool shall be permitted to be located within the front yard and located as close as 5.2 metres from the front lot line, whereas an inground swimming pool is not permitted to be located within the front yard.

The following **variances are requested:**

1. An accessory building (“storage shed”) shall be permitted to be located within the front yard and located as close as 2.8 metres from the front lot line, whereas accessory buildings are not permitted to be located within the front yard.
2. A totally inground swimming pool shall be permitted to be located within the front yard and located as close as 7.2 metres to the front lot line, whereas an inground swimming pool is not permitted to be located within the front yard.

Urban Hamilton Official 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.

Garner Neighbourhood Secondary Plan



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The subject property is further designated “Low Density Residential 1a” on Map B.2.3-1 – Garner Neighbourhood 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 existing single detached dwelling use is permitted by the Garner Neighbourhood Secondary Plan.

Archaeology:

No Comments.

Built Heritage:

No Comments.

Ancaster Zoning By-law No. 87-57, as Amended 12-084

The subject property is zoned “R4-650” (Residential R4) in the Ancaster Zoning By-law No. 87-57. The R4-650 zone permits the existing land use.

Fence By-law 10-142

3. “(d) exceeding a height of 0.9m and located within:
 - i. a corner visibility triangle or a driveway visibility triangle; or
 - ii. 3.0m of a front lot line.”

Based on the forgoing policies the proposal maintains a setback that generally meets the 3-metre setback minimum for fences greater than 0.9 metres from the front lot line. Staff are of the opinion that the setback proposed being approximately 2.9 metres maintains the general intent of the regulation for fences. Staff note that the subject Minor Variance does impact the requirements of the Fence By-law. The applicant will be required to meet all requirements of the Fence By-law and Ontario Building Code for pool enclosures and the Swimming Pool Enclosure By-law. Staff note that, in this instance, a fence may be permitted to be slightly closer to the street (setback ≈2.9 metres) if it is considered a pool enclosure. Staff note that the slight decrease in the required setback is to accommodate the fence “tying in” to the neighbouring fence at an existing fence post. Staff note that the Swimming Pool Enclosure By-law No. 16-184 prevails over conflicts between the Fence By-law and the Swimming Pool Enclosure By-law.

Analysis

Variance 1



1. An accessory building (“storage shed”) shall be permitted to be located within the front yard and located as close as 2.8 metres from the front lot line, whereas accessory buildings are not permitted to be located within the front yard.

The intent of the provision prohibiting accessory buildings within the front yard is to prevent overcrowding of accessory buildings along the streetscape and to prevent the accessory structure from becoming the dominant structure along the street. Furthermore, this provision seeks to ensure that there is a consistent streetscape with sufficient space in the front yard for other considerations such as parking, amenity area, and landscaping. Staff have reviewed the requested variance and generally have no concerns. Staff have worked with the applicant to revise the proposed concept to increase the setback of the fence and accessory building to approximately 3 metres from the property line, whereas previously the applicant was previously seeking a setback of 0.75 metres. Staff are of the opinion that with the increased setback, concerns of street safety and adequate visibility are reduced. Furthermore, staff would note that the subject lands are a unique circumstance where the neighbouring property to the west is a corner lot and has a fence that extends along Annalee Drive to the subject lands at a 0 metres setback. The proposal would increase that setback to approximately 3 metres and continue the established character. Staff also note that Annalee Drive has a significant boulevard between the property line and the travelled portion of the road. There is approximately ≈8.2 metres between the curb of the road and the proposed fence. This will ensure sufficient space for landscaping, amenity area, and visibility for pedestrians and motorists. Furthermore, the proposed accessory structure will be effectively screened from the street from the required pool enclosure. Staff recommend a condition be included that limits the gross floor area and height of the accessory structure permitted through variance 1. Based on the forgoing **staff are supportive of requested variance 1** with the proposed conditions as it satisfies the four tests under the *Planning Act*.

Variance 2

2. A totally inground swimming pool shall be permitted to be located within the front yard and located as close as 7.2 metres to the front lot line, whereas an inground swimming pool is not permitted to be located within the front yard.

The intent of the provision prohibiting inground swimming pools within the front yard is to prevent situations of reduced landscaping and amenity area in the front yard, and to establish a consistent and desirable streetscape. Staff have reviewed the requested variance and note that only a small portion of the proposed inground pool would be located within the front yard, and the majority of the pool will be in the side yard. Staff generally have no further concerns with the proposed variance. The revised concept sees a setback of approximately 7.2 metres from the front lot line as opposed to the previous proposal contemplating a 5.2 metre setback from the front lot line. Approximately 0.5 metres of the pool will be within the front yard, which triggered the requirement for a variance. Based on the forgoing **staff are supportive of the requested variance 2** with the proposed condition, as it maintains the four tests under the *Planning Act*.



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Based on the forgoing analysis, **staff recommend that variance 1 & 2 be approved with the proposed conditions** as the proposed variances 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:	<p>I. Please note that the proposed wood fence as indicated on the submitted drawing shall comply with By-law 10-142 "Hamilton Fence By-law" and By-Law 16-184 "Being a By-law to Regulate Enclosures for Privately-Owned Outdoor Pools".</p> <p>II. The height of the proposed accessory building has not been indicated. As per Section 7.18 the maximum height of all accessory buildings shall not exceed 4.5 metres.</p>
Notes:	

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 and an inground swimming pool in the front yard of the existing single-family dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	No Comments
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STAFF COMMENTS

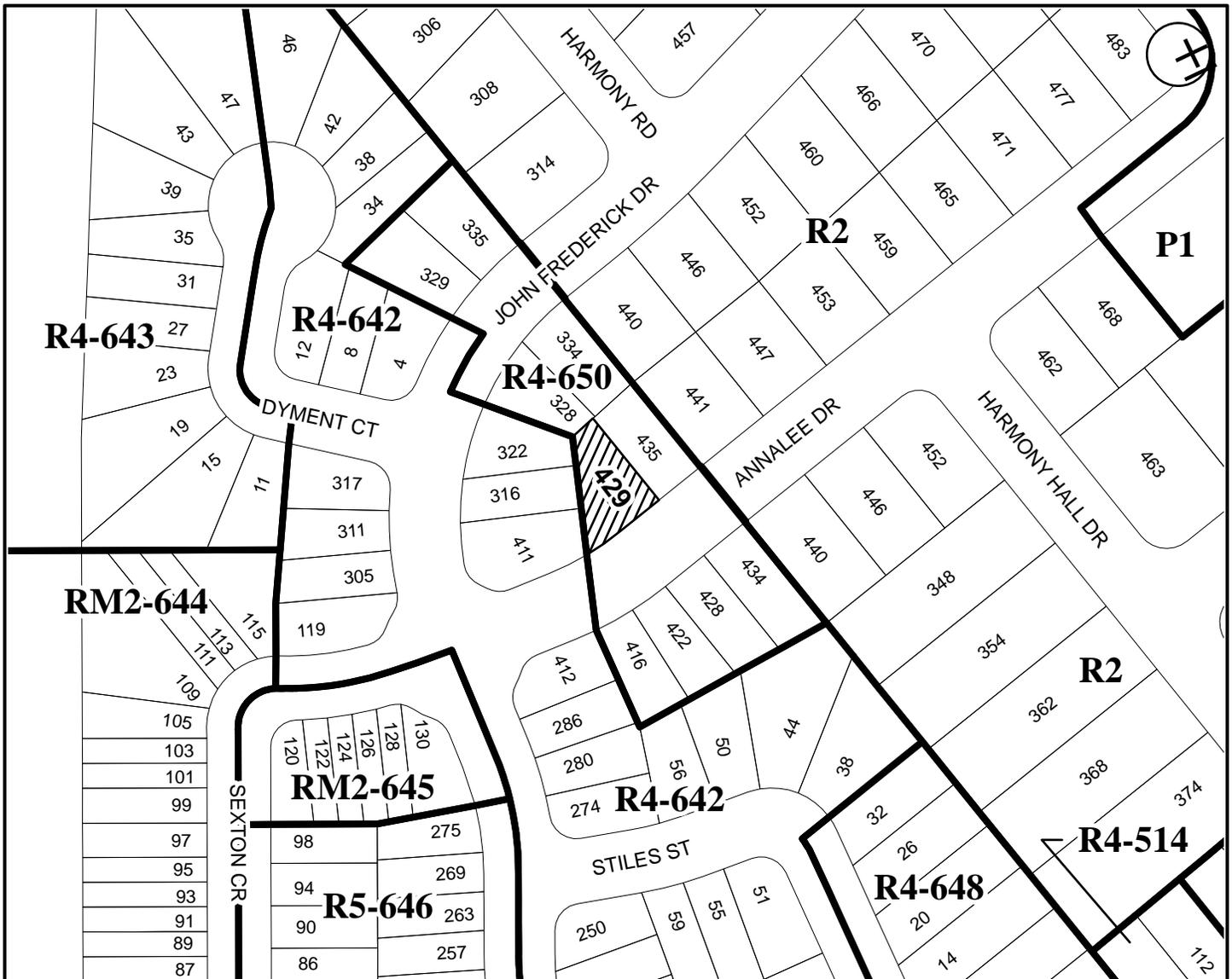
HEARING DATE: May 29, 2025

Proposed Conditions:	
Comments:	
Notes:	

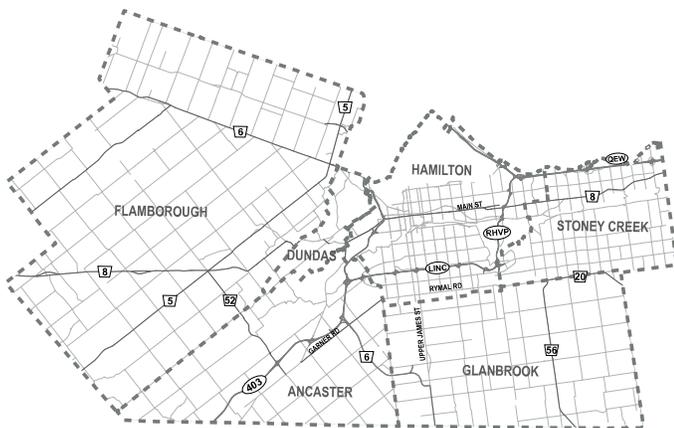
Mississaugas of the Credit First Nation:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	<p>MCFN's Department of Consultation and Accommodation (DOCA) have no questions or comments for you at this time. This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.</p> <p>DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.</p>

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



429 Annalee Drive, Ancaster
(Ward 13)

File Name/Number:

A-25:018

Date:

February 24, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department