

A-25:121 — 5 Hill Place, Stoney Creek

Recommendation:

Approve with proposed condition. — Development Planning

Proposed Conditions:

1. That the requested variances generally apply to the provided site sketch and elevation package found in the Notice of Public Hearing for file A-25:121 (5 Hill Place, Stoney Creek) being heard on August 14, 2025, to the satisfaction of the Director of Development Planning.

Proposed Notes:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the 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).”

A building permit is required for the construction of the proposed addition to an existing accessory structure. (Building Engineering)

A building permit is required for the conversion of the accessory structure to a proposed additional dwelling unit. (Building Engineering)

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

Development Planning:

Background

The purpose of the application is to permit the construction of an addition to an existing accessory structure and to facilitate the conversion of the accessory structure to an Additional Dwelling Unit – Detached.

The following variances are requested:

1. The maximum gross floor area of an Additional Dwelling Unit – Detached shall not exceed 104.5 square metres or the gross floor area of the principal dwelling instead of the requirement that the maximum gross floor area shall not exceed the lesser of 75.0 square metres or the gross floor area of the principal dwelling.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject property is designated “Urban Area” Niagara Escarpment Plan on Schedule A – Provincial Plans. Policy E.3.2.3 a) permits residential dwellings, including second dwelling units and housing with supports. Policy E.3.4.3 permits single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings. The subject property permits the existing Single Detached Dwelling, proposed Accessory Dwelling Unit and Accessory Structure.

Old Town Secondary Plan

The subject property is further designated “Low Density Residential 2a” on Map B.7.2-1 – Old Town 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 foregoing the existing Single Detached Dwelling, proposed Accessory Dwelling and Accessory Structure complies with the Old Town 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:

- 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;



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- 3) In the vicinity of distinctive or unusual landforms; 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 No. 05-200

The subject property is zoned R2 (Low Density Residential – Large Lot) in Zoning By-law No. 05-200. The R2 Zone permits the existing Single Detached Dwelling, proposed Additional Dwelling Unit – Detached and Accessory Structure subject to regulations.

Analysis

Variance 1

1. The maximum gross floor area of an Additional Dwelling Unit – Detached shall not exceed 104.5 square metres or the gross floor area of the principal dwelling instead of the requirement that the maximum gross floor area shall not exceed the lesser of 75.0 square metres or the gross floor area of the principal dwelling.

The intent of the maximum gross floor area of an Additional Dwelling Unit – Detached is to prevent overdevelopment of a lot and to ensure that the cumulative area of the Additional Dwelling Unit - Detached remains subordinate to the primary use. Furthermore, this provision seeks to ensure that sufficient area remains for other site considerations such as landscaping and amenity area. Staff have analysed the proposed variance to increase the maximum permitted maximum gross floor area of an Additional Dwelling Unit – Detached to 104.5 square metres instead of the required maximum being 75 square metres. The increase in maximum gross floor area is considered minor and is in keeping with the character of the area. The gross floor area of the primary dwelling is 180.23 square metres which is significantly larger than the proposed Additional Dwelling Unit - Detached. The structure will be a single storey providing a large setback preventing impacts of privacy and overlook. Staff do not foresee any adverse impacts being generated through the proposed increase in gross floor area of the Additional Dwelling Unit - Detached due to the size of the lot being 3,800 square metres, which is large for an urban lot area, and due to the fact that the proposed structure will be setback a reasonable distance from other structures and adjacent properties. In staff's opinion, there remains sufficient area for landscaping and amenity area and the increase in the permitted gross floor area for the Additional Dwelling Unit - Detached does not result in the overdevelopment of the lands. Staff do not foresee adverse impacts being generated through the proposed variance. Based on the



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STAFF COMMENTS

HEARING DATE: August 14, 2025

above analysis staff recommend that **proposed variance 1 be approved** as it maintains the four tests of a minor variance under the *Planning Act*.

Based on the forgoing, staff recommend the **approval of proposed variance 1** 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:	N/A
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

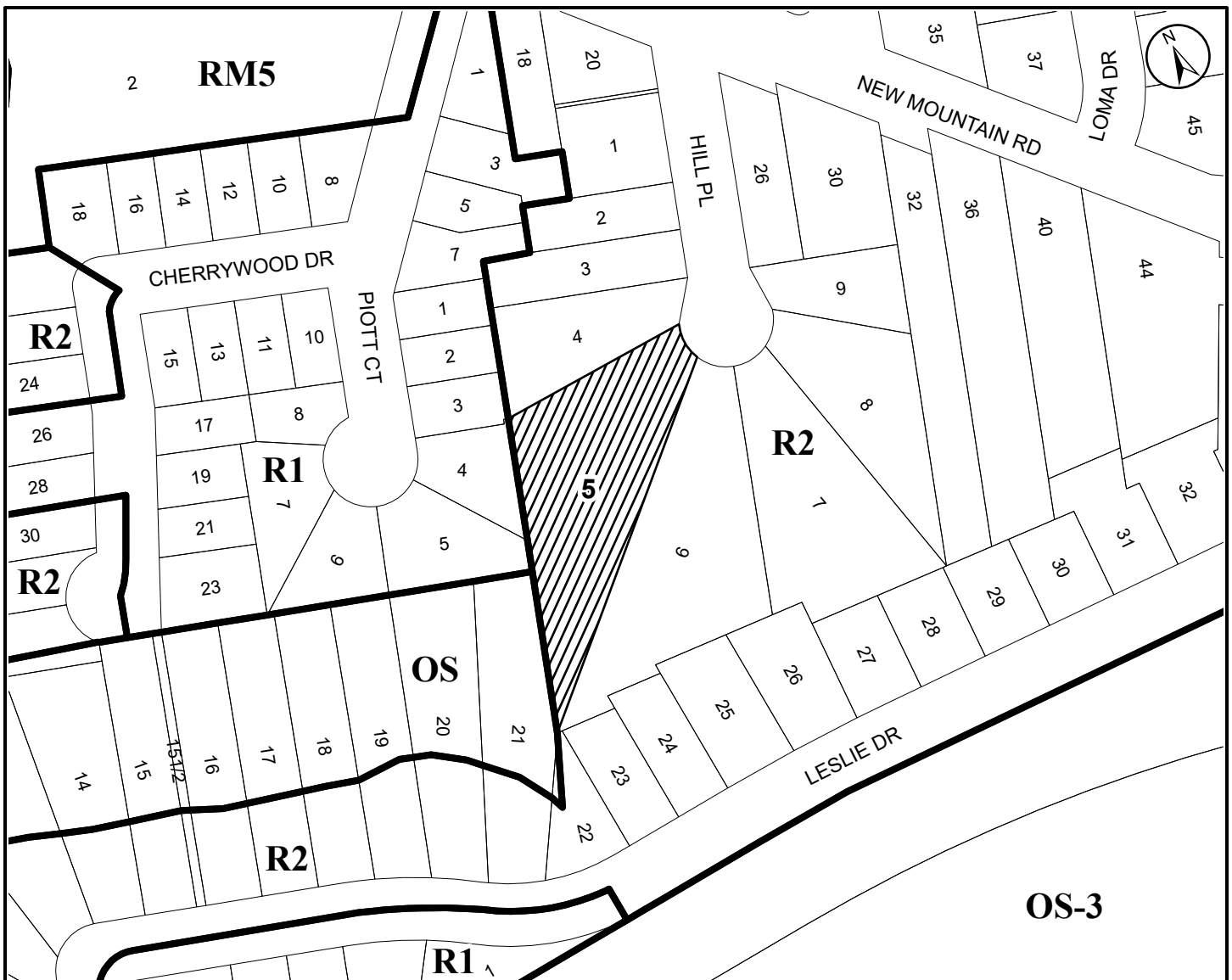
Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed addition to an existing accessory structure.</p> <p>A building permit is required for the conversion of the accessory structure to a proposed additional dwelling unit.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

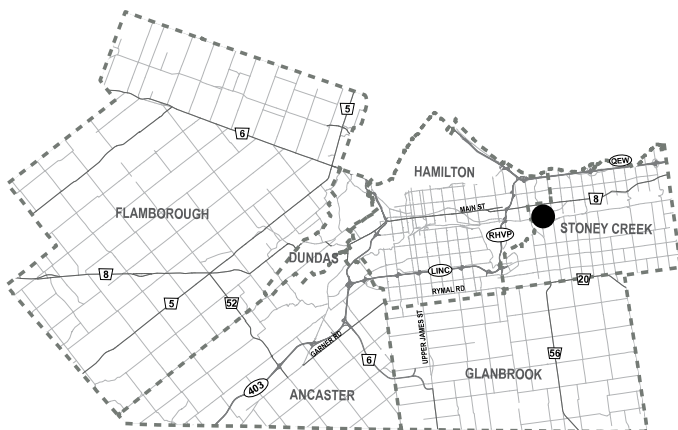
Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



5 Hill Place, Stoney Creek (Ward 5)

File Name/Number:

A-25:121

Date:

July 23, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



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Planning and Economic Development Department