

A-25:144 — 3392 Homestead Drive, Glanbrook

Recommendation:

Approve variances 1 & 3 deny variance 2. — Development Planning

Proposed Conditions:

Proposed Notes:

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 facilitate a consent/land severance application for the creation of a new lot and the retention of an existing Accessory Building on the portion of the lands to be severed.

Staff note that the proposed minor variance is related to previous severance file B-24:57 heard before the committee on October 8, 2024, and denied. The application was subsequently appealed to the Ontario Land Tribunal.

The following variance is requested:

1. A minimum Lot Width of 14.0 metres shall be permitted for the portion of the lands to be severed instead of the minimum required Lot Width of 18.0 metres.
2. An Accessory Building shall be permitted to be erected on the portion of the lands to be severed prior to the erection of a principal building or structure.
3. The maximum combined Lot Coverage of all Accessory Buildings shall be permitted to be 63.0 square metres instead of the maximum permitted 45.0 square metres or 7.5% of the lot area, whichever is the lesser.

Urban Hamilton Official Plan

The subject property is designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations 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 permits single-detached, semi-detached, duplex, triplex, fourplex and street townhouse dwellings. Based on the above Volume 1 policies the subject property permits the proposed land use.

Mount Hope Secondary Plan

The subject property is further designated “Low Density Residential 2” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan. In accordance with Policy B.1.5 a) of Volume 2, 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 Mount Hope Secondary Plan.

Archaeology



Hamilton

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 250 metres of known archaeological sites;
- 2) 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;
- 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.

A Stage 1-2 archaeological report (P389-0649-2022) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report and are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied. **Staff request a copy of the letter from the Ministry when available.**

Cultural Heritage

The subject property is adjacent to 3400 Homestead Drive, a property listed on the City's Inventory of Heritage Properties.

The City recognizes there may be cultural heritage properties that are not yet identified or included in the Municipal Heritage Register, nor designated under the *Ontario Heritage Act*, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation (Rural Hamilton Official Plan, Volume 1, Section B.3.4.2.6 and B.3.4.2.7).

Although not formally recognized under the *Ontario Heritage Act* through registration or designation, the adjacent property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the property and are contextually appropriate.

Accordingly, sections B.3.4.1.3 and B.3.4.2.1(g) of the Rural Hamilton Official Plan, Volume 1, apply.

The proponent proposes the construction of an accessory storage building at the rear of the property.

Notwithstanding that the adjacent property is listed on the Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the adjacent cultural heritage resource will be conserved. Staff have no further comments on the application as circulated.



Hamilton

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Low Density Residential – Large Lot (R2) Zone in Zoning By-law No. 05-200, which permits single detached dwellings and accessory uses subject to regulations.

Analysis

Variance 1

1. A minimum Lot Width of 14.0 metres shall be permitted for the portion of the lands to be severed instead of the minimum required Lot Width of 18.0 metres.

The intent of the above provision is to ensure that the lot width is of a sufficient size to support the proposed land use, in this instance, a single detached dwelling. Further the minimum lot width ensures new lots are generally in keeping with the character of the area and the established lotting pattern. Staff note that the proposed lot width reduction from 18 metres to 14 metres is considered minor and that this portion of Homestead Drive contains a variety of lot widths. This includes single detached dwelling lots at approximately 15.5 metres in width, semi-detached dwelling lots at approximately 10.5 metres in width, and street townhouse lots at smaller widths. The proposed 14 metre lot width is not out of character with the area. Staff note that the intent of the zoning by-law is being maintained as the R2 Zone permits a range of dwelling types at a variety of lot widths. This includes semi-detached dwellings at 9 metre lot widths and street townhouse dwellings at 6 metre lot widths. Staff are of the opinion that the proposed 14 metre lot width is able to adequately support a dwelling and not generate adverse impacts to neighbouring dwellings while generally maintaining the character of the area and the established lotting pattern on this section of Homestead Drive. Staff defer concerns relating to drainage to Development Engineering staff. Based on the forgoing, staff are **supportive of requested variance 1** as it maintains the four tests of a minor variance under the *Planning Act*.

Variance 2

2. An Accessory Building shall be permitted to be erected on the portion of the lands to be severed prior to the erection of a principal building or structure.

The intent of this provision is to ensure that accessory buildings are constructed on a lot with a primary use established as permitted by the Zoning By-law. Staff have reviewed the proposed variance 2 and have concerns as approving the variance would allow for an accessory use to exist on a lot without a primary use established. Further staff acknowledge that there is no mechanism in which the city is able to compel the property owner to construct a primary dwelling on the lot once the variance to permit the accessory structure to remain is granted. The intent of the Zoning By-law is not being maintained in this instance as the City cannot ensure that a primary use is re-established on the lands should the accessory structure be permitted to remain on the severed lot. Based on the



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STAFF COMMENTS

HEARING DATE: August 14, 2025

forgoing, staff are **not supportive of requested variance 2** as it does not maintain the four tests of a minor variance under the *Planning Act*.

Variance 3

3. The maximum combined Lot Coverage of all Accessory Buildings shall be permitted to be 63.0 square metres instead of the maximum permitted 45.0 square metres or 7.5% of the lot area, whichever is the lesser.

The intent of the provision is to prevent the overdevelopment of accessory buildings on a lot and to ensure that any residential accessory building on a lot is subordinate to the primary dwelling. Staff have reviewed the proposed variance and are of the opinion that the requested variance is appropriate. The increase in maximum gross floor area from 45 square metres to 63.0 square metres is generally minor and maintains the intent of the provision, given the size of the lot. Staff note that the accessory building is existing and is identified as being required as to facilitate the proposed lot severance. Staff do not foresee adverse impacts being generated through the increase in maximum combined lot coverage for the accessory building as it exists on the site. Based on the forgoing analysis, staff are of the opinion that the **requested variance 3 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 requested variances 1 & 3** as they 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. Staff recommend the **denial of requested variance 2** as it does not maintain the general intent and purpose of the Zoning By-law, and is not desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Specific details regarding the proposed Dwelling in the lands to be severed have not been indicated. 2. File B-24:57 is a consent application for this address. The file is currently on hold.
Notes:	

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	



Hamilton

STAFF COMMENTS

HEARING DATE: August 14, 2025

Comments:	The Development Engineering staff is going to assess grading and drainage on the property as part of the review process for the severance application for the property.
Notes:	

Building Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	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.

From: Kyle Riley <kriley@npca.ca>
Sent: Wednesday, August 6, 2025 1:37 PM
To: Committee of adjustment
Subject: Re: August 14, 2025 Committee of Adjustment Agenda Available

External Email: Use caution with links and attachments

Hello,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter forming Hamilton's August 14, 2025, Committee of Adjustments Agenda, and offers the following comments.

7290 Airport Road East **A:25:145-**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9754 Twenty Road West -

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3392 Homestead Drive -

The Applicants seek Minor Variances including allowing a minimum lot width of 14m where 18m is required: permitting an accessory building to be erected on the portion of lands to be severed prior to the erection of the principal building: increasing the maximum combined lot coverage of all accessory building to 63 m2 where 45 m2 is required. This Application is to facilitate a Severance, and the construction of a single-detached residence on the severed lands.

There are no NPCA-regulated features located on this address. As such, the NPCA offers No Objections to proposed development.

There are no NPCA Planning or Permitting fees required to facilitate the development of this Application.

474 Provident Way -

[REDACTED]

[REDACTED]

[REDACTED]

38 Freedom Crescent -

[REDACTED]

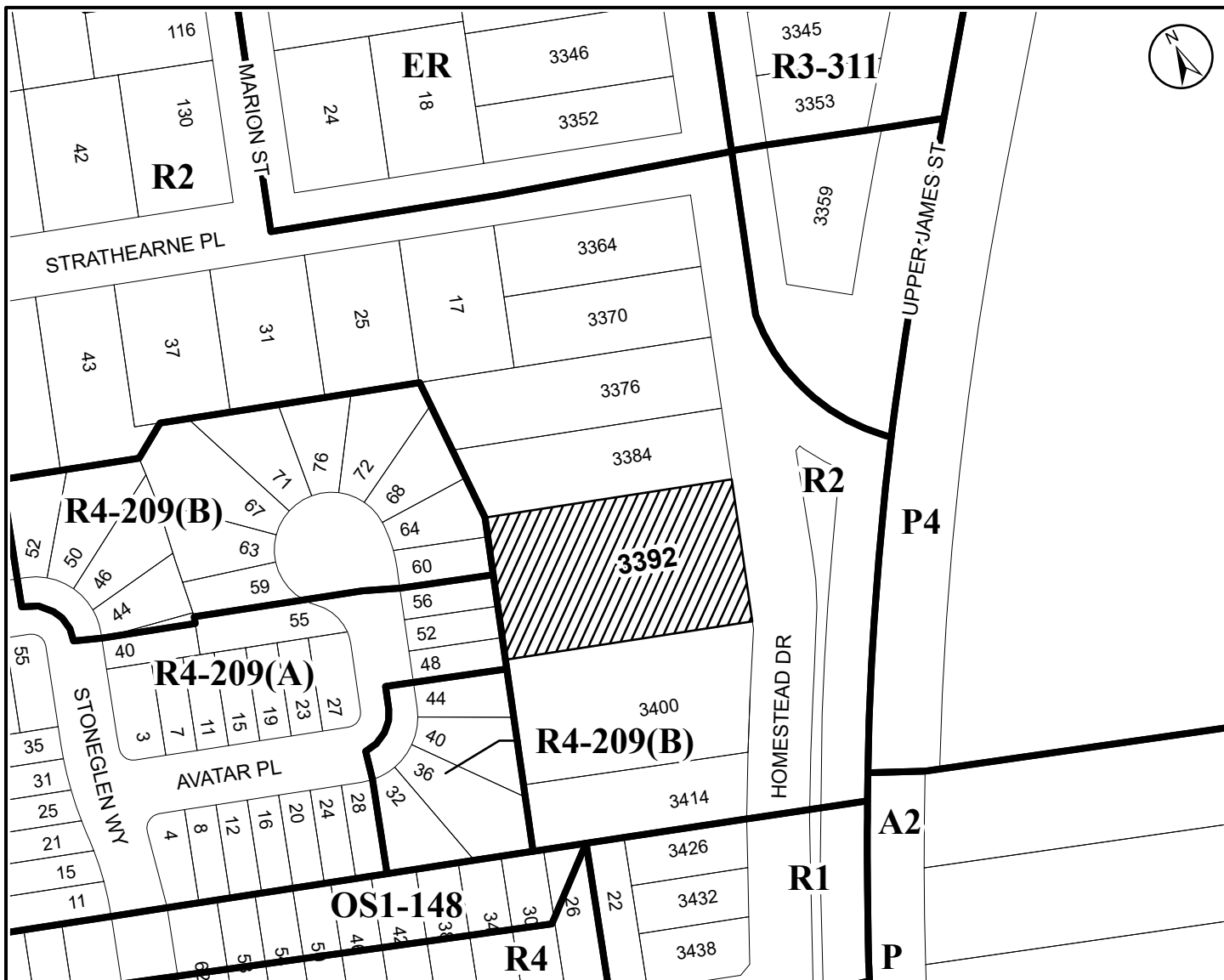
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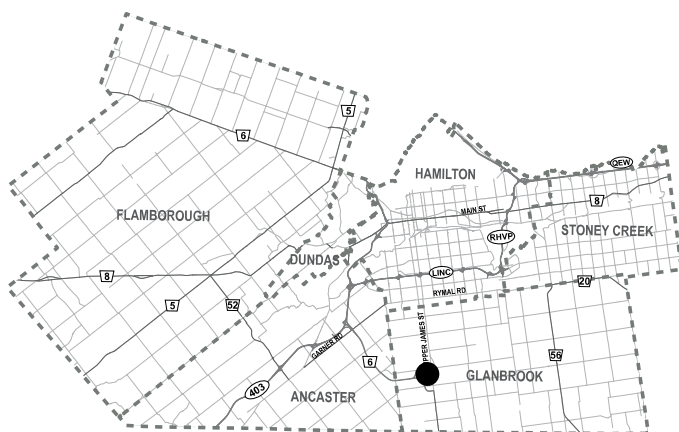
We thank you kindly for circulating this Application to our Offices for comments.

Should you have any questions please contact the undersigned.

Best regards,



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



3392 Homestead Drive, Glanbrook
(Ward 11)

File Name/Number:

A-25:144

Date:

August 5, 2025

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department