

A-25:125 — 474 Provident Way, Glanbrook

Recommendation:

Approve with the proposed condition. — Development Planning

Proposed Conditions:

1. That the requested variances generally apply to the provided site sketch package found in the Notice of Public Hearing for file A-25:125 (474 Provident Way, Glanbrook) being heard on August 14, 2025, to the satisfaction of the Director of Development Planning.

Proposed Notes:

Building permits are required for the construction of the proposed decks in the rear yard of the townhouse units. (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 decks in the rear yards of a block townhouse development associated with approved Site Plan Control application DA-22-032.

The following variances are requested:

1. A deck shall be permitted to project a maximum of 2.5 metres into the minimum required rear yard instead of the maximum permitted projection of 1.5 metres.

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, street townhouse dwellings are permitted. Based on the policies found in volume 1 of the official plan the existing Block Townhouses is permitted.

Mount Hope Secondary Plan

The subject property is further designated “Institutional” and identified as “Site Specific Policy – Area H” on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan. The subject lands are vacant and do not contain institutional uses. Policy B.5.4.11.8 details that, where institutional uses cease on lands designated “Institutional”, in addition to low density residential uses, parks and open space uses, and community facilities/services uses being permitted provided the uses are compatible with the surrounding area and are in keeping with the policies of the Urban Hamilton Official Plan, the following shall apply:

- “a) Multiple dwellings may also be permitted; and,
- b) maximum building heights shall be four storeys.”

Based on the forgoing the proposal complies with the Mount Hope Secondary Plan.

Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:



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STAFF COMMENTS

HEARING DATE: August 14, 2025

- 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; and
- 3) In areas of pioneer Euro-Canadian settlement.

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 4 archaeological report (P013-382-2007) was submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. The Province signed off on the reports for compliance with licensing requirements in a letter dated April 20, 2008. Staff is of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Cultural Heritage

No Comments

Former Township of Glanbrook Zoning By-law No. 464

The subject property is zoned as Residential Multiple “RM3-284(B)” Zone, Modified, in the Former Township of Glanbrook Zoning By-law No. 464. The zone permits the existing Block Townhouses.

Analysis

Variance 1

1. A deck shall be permitted to project a maximum of 2.5 metres into the minimum required rear yard instead of the maximum permitted projection of 1.5 metres.

The intent of the provision is to ensure that decks and other building projections project an appropriate amount as to not generate conflicts including reduced amenity area, access to repair, and site drainage, and to not create privacy and overlook issues on adjacent properties. Staff in reviewing the proposed variance to increase the permitted rear yard projection from 1.5 metres to 2.5 metres is an increase of 1 metre, which in staff's opinion is a modest increase from what is permitted. Staff note that the proposed encroachment is for the entire block of townhouses which is for a number of different units that will have a rear deck that projects into the rear yard. The permission to 2.5 metres is at the maximum and based on the provided site sketch the maximum of 2.5 metres will not be required for every unit, and the additional projections are for stairs to grade. Based on this staff seek to include a condition to tie the proposed variances to the provided site sketch. Based on the provided information from the applicant the proposal will not result in reduced amenity area and inability to complete repair to both the dwelling and the proposed deck. Staff defer concerns relating to site 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*.



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Based on the forgoing, staff recommend the **approval of requested 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:	<ol style="list-style-type: none">1. Approved Draft Plan of Subdivision 25T-200723.2. Approved Site Plan DA-22-032.3. Previously approved minor variance GL/A-23:2 <p>Please be advised that a portion of this property is regulated by the Niagara Peninsula Conservation Authority. Please contact the Niagara Peninsula Conservation Authority at 905-788-3135 for further information.</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>Building permits are required for the construction of the proposed decks in the rear yard of the townhouse units.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:



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STAFF COMMENTS

HEARING DATE: August 14, 2025

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 -

[REDACTED]

[REDACTED]

[REDACTED]

474 Provident Way -

The Applicants require a Minor Variance to permit a deck with a maximum projection of 2.5m into the minimum rear yard instead of the maximum permitted projection of 1.5m.

There are no NPCA-regulated features located at this address at this time. 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.

38 Freedom Crescent -

[REDACTED]

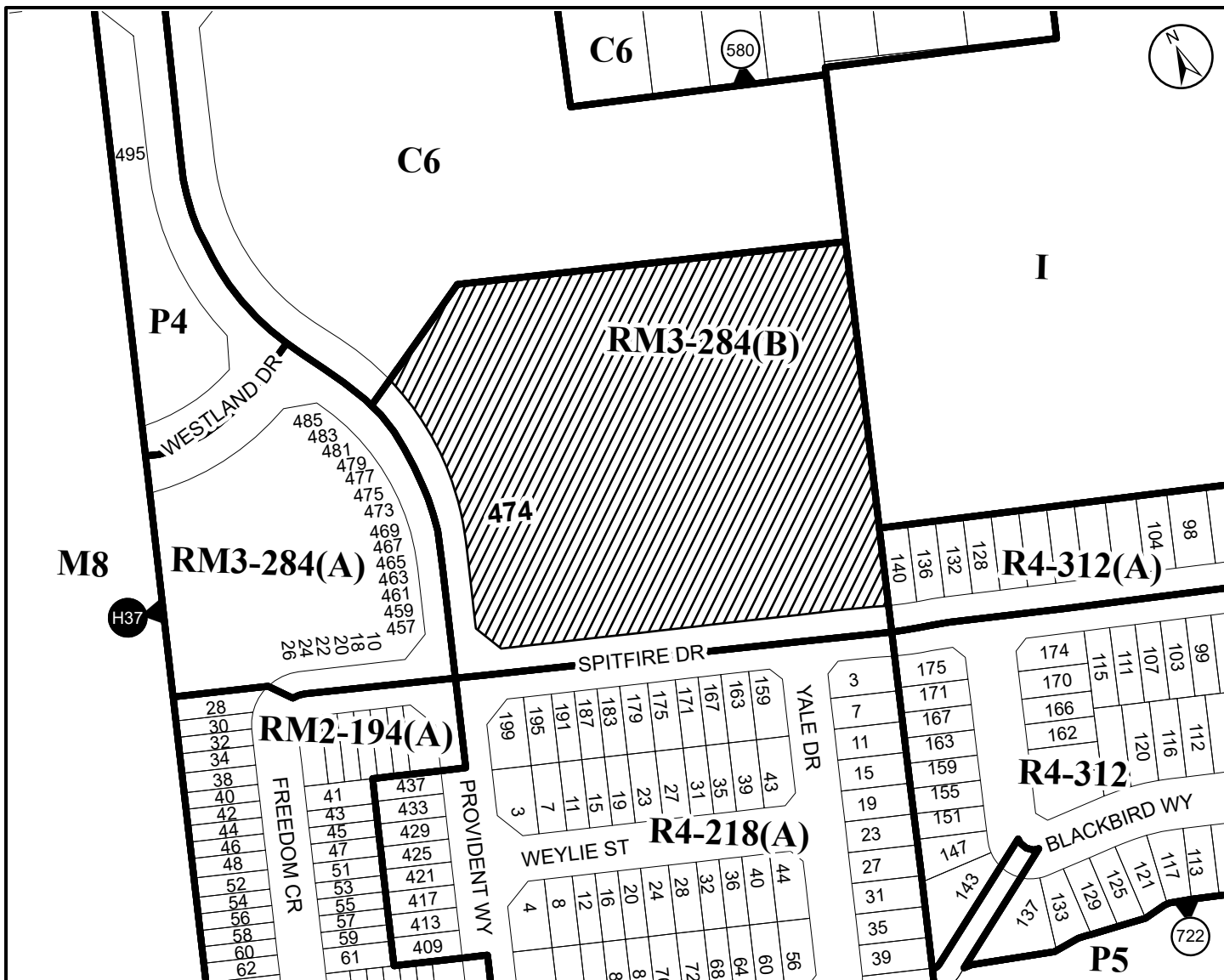
[REDACTED]

[REDACTED]

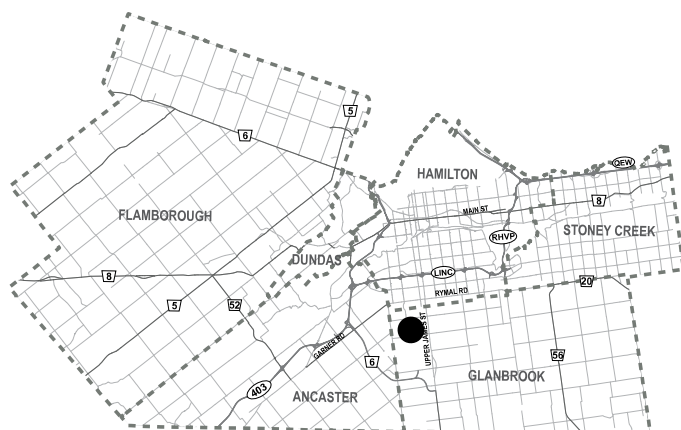
We thank you kindly for circulating this Application to our Offices for comments.

Should you have any questions please contact the undersigned.

Best regards,



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



474 Provident Way, Glanbrook
(Ward 11)

File Name/Number:

A-25:125

Date:

July 28, 2025

Technician:

RS

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department