

HM/A-14:255 (25 Barnesdale Avenue South, Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – East:

The application has been reviewed with respect to the Provincial Policy Statement (PPS).

Policy 1.2.6.1 outlines that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities. Staff note that the subject lands are to contain an additional residential dwelling unit and are located within approximately 80 metres from King Street East. As such, should the Committee approve the subject application, staff require the inclusion of note # 1 below.

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are identified as "Single and Double" in the Stiplely Neighbourhood Plan.

The lands are zoned "C" (Urban Protected Residential) District in Hamilton Zoning By-law No. 6593.

Variance 1

The general intent and purpose of the By-law is to ensure that dwelling units provide adequate floor area for living accommodation purposes. The applicant is proposing a minimum floor area of 49.0 square metres for one (1) unit whereas the By-law requires a minimum floor area of 65.0 square metres. The variance meets the general intent and purpose of the Official Plan and Zoning By-law since an adequate floor area is being provided for the units. Staff is of the opinion that the variance is minor since the reduced unit size will not negatively impact the quality of life and the living accommodations. Based on the foregoing, the floor area is deemed to be appropriate for the development and use of the lands. Accordingly, staff support the variance.

Variance 2

The general intent and purpose of the By-law is to provide adequate livable space. The applicant is proposing a minimum clear height of 1.5 metres for the portion the living space on the third floor for the top unit located on the second and third floors whereas the By-law requires a minimum 2.1 metres. The proposed variance meets the general intent and purpose of the Official Plan and Zoning By-law since the ceiling height is only for a small portion of one unit and is a result of the roof pitch. Staff is of the opinion that

the variance is minor since the reduction will allow adequate space and living accommodations. Based on the foregoing, the reduced height for the third floor is deemed to be appropriate for the development and use of the lands. Accordingly, staff support the variance.

Variance 3

The general intent and purpose of the By-law is to ensure that residential lots are consistent with the surrounding neighbourhood and adequate amenity space can be provided. The applicant is proposing to recognize a minimum lot area of 255 square metres whereas the By-law requires a minimum lot area of 270 square metres. The variance meets the general intent and purpose of the Official Plan and Zoning By-law since adequate lot area is being provided and adequate amenity space is provided. Staff is of the opinion that the variance is minor since additional lands cannot be assembled to meet the minimum lot area and it is recognizing an existing situation. Based on the foregoing, recognizing the existing lot area is deemed to be appropriate for the development and use of the lands. Accordingly, staff support the variance.

Variance 4

The general intent and purpose of the By-law is to ensure that parking spaces provide a minimum width and length to ensure adequate space for vehicular parking. The applicant is proposing a parking space size of 2.6 metres by 5.5 metres whereas the By-law requires a minimum size of 2.7 metres by 6.0 metres. The variance meets the general intent and purpose of the Official Plan and Zoning By-law since an adequate parking space length is being provided. Staff is of the opinion that the variance is minor since the reduction of the parking stall size will not affect the ability to park a vehicle. Furthermore, the new City of Hamilton Zoning By-law No. 05-200 requires a minimum parking stall size of 2.6 metres in width by 5.5 metres in length. Based on the foregoing, the reduced parking space size is deemed to be appropriate for the development and use of the lands as it is in keeping with the intent and vision of By-law No. 05-200. Accordingly, staff support the variance.

Variance 5

The general intent and purpose of the By-law is to ensure that there is adequate maneuvering area on site for vehicles to pull in and out of the parking spaces. The applicant is proposing 0.0 metres of maneuvering whereas the By-law requires a minimum of 6.0 metres. The variance meets the general intent and purpose of the Official Plan and Zoning By-law since the reduced maneuvering area is characteristic of the neighbourhood. Staff is of the opinion that the variance is minor since most of the properties along Barnesdale maneuver into the right-of-way or rear alleyway. Based on the foregoing, not providing maneuvering on-site is deemed to be appropriate for the development and use of the lands. Accordingly, staff support the variance.

Based on the foregoing, the variances are considered to be minor in nature, desirable for the appropriate use of the lands, and maintain the general intent and purpose of the Official Plan and Zoning By-law. Accordingly, staff support the application.

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Staff advise that the following noise warning clause should be included in any future purchase and sale and/or lease/rental agreements for the subject lands:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and the Ministry of the Environment's noise criteria."

Building Division:

1. Variance 2 should be altered to delete "***a portion***" and replaced with "***15 square metres***", to read,

"a minimum clear height of 1.5 metres shall be provided for 15 square metres of the living space, located on the third floor, of the dwelling located on the second and third floor levels instead of the minimum clear height of 2.1 metres."

2. The location of the existing dwelling is legally established non-conforming; as such, variances requested regarding the location of the existing dwelling are not required.
3. A building permit is required for the conversion of the existing single family dwelling to a two (2) family dwelling.
4. Zoning By-law Violation 14-205119 dated July 18, 2014 remains outstanding. Please contact the Municipal Law Enforcement Section of the Parking and By-law Services Division at 905-546-2424 extension 2782 for further information.

Development Engineering – East:

No comments.

Hamilton Municipal Parking System (Parking Services):

No concerns.

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

No comment on the variances. For the information of Committee the alley at the rear of the property is Public Unassumed. Therefore, access to the parking spaces cannot be guaranteed.