

March 24th, 2016

HM/A-16:36 (975 Beach Blvd., Hamilton)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Urban:

The purpose of this application is to permit the construction of a single detached dwelling.

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS), specifically sections 1.1-Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns. Staff are of the opinion that the application is consistent with these PPS policies.


Site Plan

New construction of single detached residential buildings on Beach Boulevard are subject to Site Plan Control. This is required for two reasons; the Beach Strip is a Cultural Heritage Landscape and therefore a greater emphasis on design and compatibility is required. Heritage Staff have indicated the proposal has gone before Heritage Committee and has received an approval conditional on this variance being approved. Should the variance not be approved, the design would need to be altered.

The second reason development on Beach Boulevard is reviewed through Site Plan is to ensure there are no issues with flooding and drainage as reviewed by Development Engineering. The Site Plan process allows for a thorough review as to whether side yards are of adequate setback, and whether or not common swales are required between neighbouring properties. In situations where common swales are needed, permissions are required from neighbouring properties and are recorded on the final approved Site Plan drawings.

Site Plan application DAB-16-044 for the subject property was submitted in February 2016 and is currently being reviewed and commented on by various internal and external agencies. The proposal is properly and comprehensively reviewed through the Site Plan process with all potential impacts understood. All potential variances are also identified through the Site Plan process and their impacts understood. From this, the design may have to be altered.

The current Minor Variance application pre-empts and prejudices the Site Plan process. It is pre-mature until a Conditional Approval has been issued for the related Site Plan application.

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Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, and designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following polices apply:

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and housing with supports;

E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.

B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- c) respecting existing character, development patterns, built form, and landscape;
- d) promoting quality design consistent with the locale and surrounding environment;

Strictly from a design perspective, the proposed setback of 0.8 metres does not appear to be out of character for the area as other dwellings in the immediate area appear to have similar, and in some cases less side yard setback.

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Built Heritage:

The subject property, 971 Beach Boulevard (formerly 975 Beach Boulevard), is located within the Hamilton Beach Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*, and a "protected heritage property" under the Provincial Policy Statement. The heritage attributes of a Heritage Conservation District generally comprise the exterior of all buildings and structures, streetscapes and landscapes.

The proponent proposes to construct a two-storey single-detached dwelling with parking spaces on a vacant lot. At its meeting on January 21, 2016, the Hamilton Municipal Heritage Committee recommended conditional approval of the Heritage Permit Application HP2015-041 for the erection of a new single-detached dwelling on the subject property. On February 10, 2016, Council approved HP2015-041, as per the recommendations in staff Report PED16025, as follows:

- "(a) That the deficient side yard setbacks identified in the Preliminary Site Plan, attached as Appendix "D" to Report PED16025 shall be addressed in accordance with the Site Plan approval process;*
- (b) That the final design specifications, including windows, railings, columns, doors and downspouts, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;*
- (c) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;*
- (d) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;*
- (e) That a plan depicting the removed, retained and any new trees, of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Index, shall be submitted to the satisfaction and approval of the Director of Planning and Chief Planner, prior to planting;*
- (f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,*

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- (g) *That construction and site alterations, in accordance with this approval, shall be completed no later than February 28, 2018. If the construction and site alterations are not completed by February 28, 2018, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton."*

The applicant is advised that the proposed construction must comply with Heritage Permit HP2015-041, as approved by Council, or be in contravention of the *Ontario Heritage Act*.

Condition (a) of HP2015-041 addresses the proposed side yard setbacks of 0.97 m to the south and 0.85 m to the north. Staff note that the proposed setbacks are deficient and do not meet the minimum zoning requirement of 1.7 m. On November 24, 2015, the Heritage Permit Review Subcommittee recommended approval of the proposed new construction in principle, subject to modifications of the design to mitigate any negative impact of the massing of the structure (i.e., the deficient side yard setbacks).

Any changes necessary to conform with the zoning requirements, such as reduction of the width of the proposed building to meet the minimum side yard setback requirements shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit, as per Condition (f) of HP2015-041. (AG/JT 2016 03 16)
City of Hamilton Zoning By-law 6593

The subject property is zoned "C/S-1435" and "C/S-1435a" (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law, to which the use complies.

Variance 1

The property is subject to Site Plan Control. One of the main concerns for Beach Boulevard is the potential for flooding and drainage issues. These issues are properly reviewed, and changes made, through the Site Plan Control process. The application has not yet been fully reviewed against the By-law and therefore further variances may be needed which may impact the design of the proposed dwelling or the requested side yard. Until the proposal can be comprehensively reviewed via Site Plan application DAB-16-044, staff are of the opinion the requested variance is premature and do not support it at this time.

Recommendation:

The proposed development is the subject of an associated Site Plan application. Until

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such time that the Site Plan application is conditionally approved, the requested variance is premature. Staff recommend the application be **Tabled** until conditional approval of Site Plan application DAB-16-044 is granted.

Should the applicant not wish to table the application, Staff are of the opinion that the proposed variance does not meet the intent of the Urban Hamilton Official Plan and Zoning By-law, is not desirable for the appropriate development of the subject lands, and is not minor in nature. Therefore, staff recommends that the proposed variance be **Denied**.

Building Division:

1. The variance has been written exactly as requested by the applicant. This property is subject to Site Plan Control; to date, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Further variances may be required at such time that a formal zoning review is conducted on the proposed development.
2. This property is designated under Part V of the Ontario Heritage Act, by municipal By-law number 00-135 as part of the Hamilton Beach Heritage Conservation District. A Heritage Permit may be required for alterations or changes to the property. Please contact a Cultural Heritage Planner at 905-546-2424 extension 122 or 1214 for further information.
3. Please be advised that a portion of this property is subject to Conservation Management. Please contact the Hamilton Conservation Authority prior to any development.
4. Construction of the proposed single family dwelling is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
5. The Ontario Building Code prohibits an unprotected opening in a building face adjacent to a side yard less than 1.2 metres in width.

Development Engineering – East:

Development engineering requests that this application be tabled until such time that a Grading and Drainage Control Plan has been reviewed and approved by our section.

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The subject Site is in the Hamilton Beach area and is to follow the City of Hamilton's Master Drainage Plan for the Hamilton Beach area. There are strict requirements in this area for grading and drainage. The side yard variance does not allow for a proper drainage swale.

This site was previously approved for severance, HM/B-13:06, with a grading plan showing 1.7m side yard, as required in the master drainage plan.

The master drainage Plan for the Hamilton Beach also requires that the rear 15% of the lot be left undisturbed. Any structures such as decks, as well as, low impact development solutions (i.e. Soakaway pits) or drainage swales are not permitted in this area. The proposed sketch shows a deck encroaching into undisturbed area, which is not permitted.

Hamilton Municipal Parking System (Parking Services):

For the information of the Committee, the property is subject to Site Plan Control, no formal site plan application has been submitted and a full zoning review has not been conducted for the proposed development. Therefore, further variances related to parking may be required.

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

The design of the access must be reviewed by the Municipal Parking Office. Any new or change in access requires the applicant/owner to apply for and receive an Access Permit from Municipal Parking Office. Additional information regarding the Permit can be obtained from Dave Lavalley at 905-546-2424 extension 4578.

A minimum of 1.2 m. must be maintained between the driveway and any existing hydro poles, fire hydrants, traffic sign post, etc.

Urban forestry should be contacted for comments regarding trees within the same proximity as the proposed driveway, and for any potential tree removal on City property.