

NOTICE OF PUBLIC HEARING **Minor Variance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
 - Applicant/agent on file, or
 - Person likely to be interested in this application
-

APPLICATION NO.: HM/A-21:51

APPLICANTS: GSP Group c/o B. Khes on behalf of the owners B. Fleming & A. McAllister

SUBJECT PROPERTY: Municipal address **137 Peter St., City of Hamilton**

ZONING BY-LAW: Zoning By-law 6593, as Amended by By-law 19-307

ZONING: "D/S-1787" (Urban Protected Residential - 1 & 2 Family Dwellings, etc.) district

PROPOSAL: To permit the construction of a new three storey semi-detached two-family dwelling on the subject lands and the future separation of the dwelling, notwithstanding that;

1. A minimum front yard depth of 1.0m shall be permitted instead of the minimum 6.0m front yard depth required.
2. A minimum side yard width of 1.2m shall be permitted instead of the minimum 2.7m side yard width required.
3. A minimum rear yard depth of 5.5m shall be permitted instead of the minimum 7.5m rear yard depth required.
4. A minimum manoeuvring aisle width of 2.7m shall be permitted instead of the minimum 6.0m wide manoeuvring aisle width required.
5. The front yard landscaped area shall be a minimum of 26.0% of the gross area of the front yard instead of the minimum 50.0% of the gross area of the front yard required as landscaped area.
6. A minimum lot area of 272.0m² shall be permitted instead of the minimum 540.0m² lot area required for a two-family dwelling.
7. A minimum lot width of 17.4m shall be permitted instead of the minimum 18.0m lot width required for a two-family dwelling.
8. A roofed-over unenclosed porch may be permitted to be located as close as 0.15m from the front lot line instead of the minimum 1.5m setback required.

Notes: The zoning By-law permits a maximum building height of 14.0m/3 storeys; however, the elevation plans provided do not show the height dimension from grade to the uppermost point of the building; therefore, compliance could not be determined and further variances may be required.

The finished level of the garage floor shall be a minimum of 0.3m above grade. Insufficient details were provided from which to confirm compliance; as such, further variances may be required.

Details respecting eaves or gutters where not shown. The applicant shall ensure that the maximum eave and gutter projections are achieved; otherwise, further variances may be required.

The elevation plans versus the floor plans and site plan submitted do not match in relation to the rear balcony/deck shown.

This application will be heard by the Committee as shown below:

DATE:	Thursday, March 4th, 2021
TIME:	1:55 p.m.
PLACE:	Via video link or call in (see attached sheet for details)
	To be streamed at
	www.hamilton.ca/committeeofadjustment
	for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

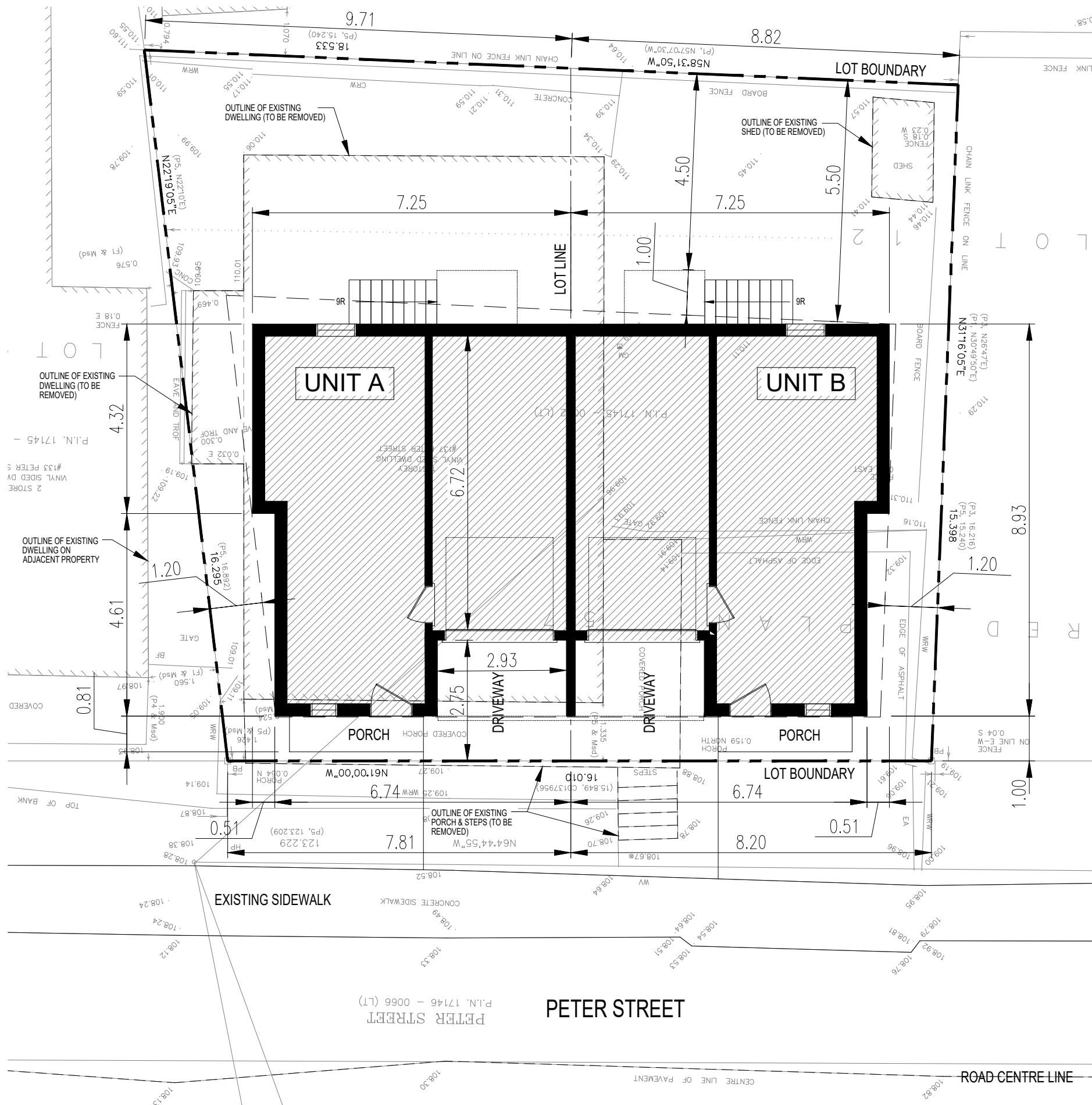
For more information on this matter, including access to drawings illustrating this request:

- Visit www.hamilton.ca/committeeofadjustment
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

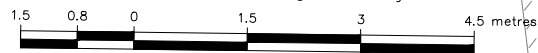
DATED: February 16th, 2021.

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.




TOPOGRAPHIC SURVEY
OF PART OF
LOT 12
REGISTERED PLAN 57
IN THE
CITY OF HAMILTON
Prepared by:
A.T. McLaren Limited
Legal and Engineering Surveys



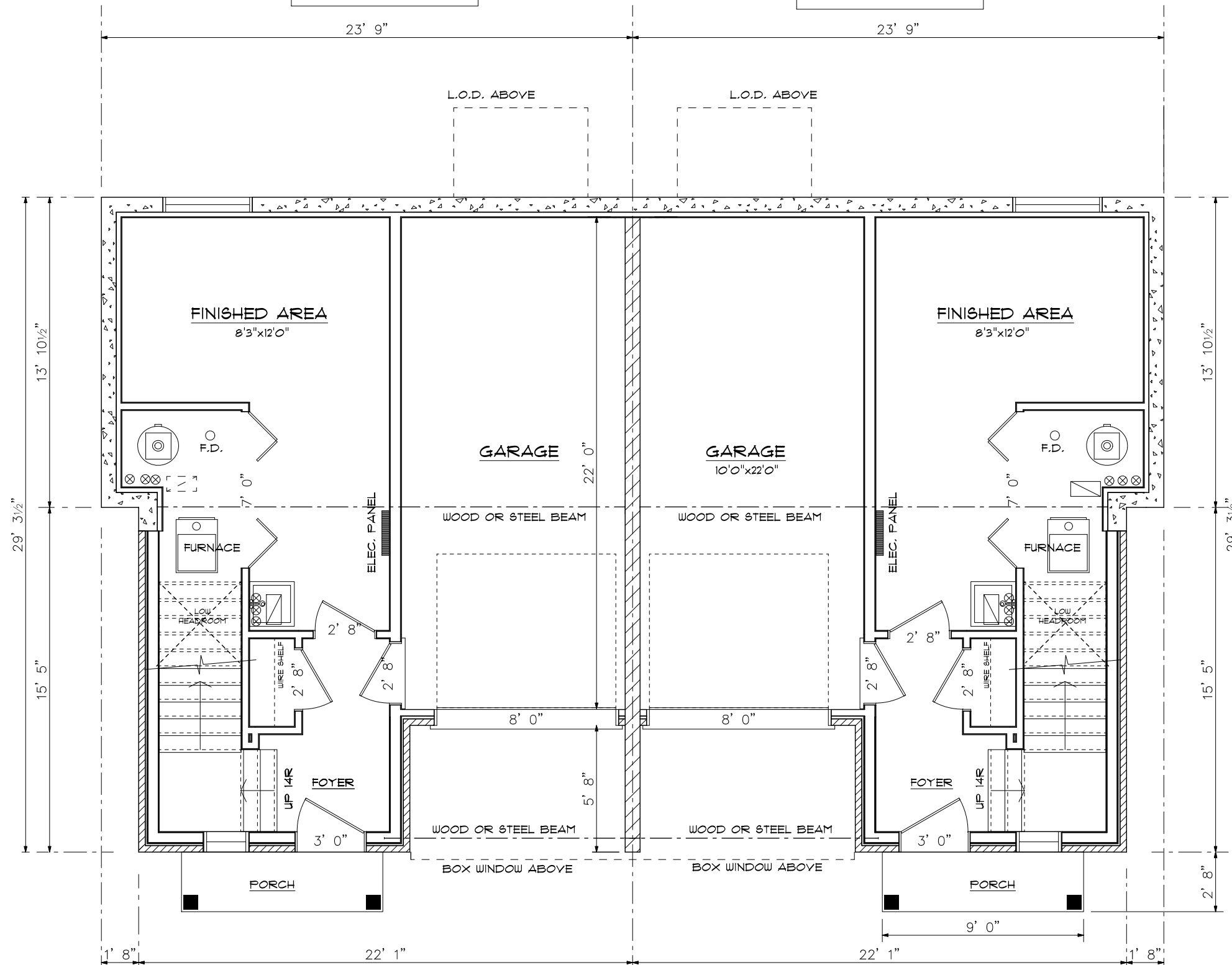
ZONE 'D' (URBAN PROTECTED RESIDENTIAL)			
	REQUIRED	PROPOSED	
LOT AREA	540.00 SQ.M.	272.24 SQ.M.	
LOT AREA (UNIT 'A')		139.66 SQ.M.	
LOT AREA (UNIT 'B')		132.58 SQ.M.	
BUILDING FOOTPRINT		64.81 SQ.M.	INCLUDING PORCH PER UNIT
LOT COVERAGE			
LOT COVERAGE (UNIT 'A')		46.40 %	
LOT COVERAGE (UNIT 'B')		48.88 %	
LOT FRONTAGE	18.00 M.	16.01 M.	REQUIRED FOR TWO FAMILY DWELLING
LOT FRONTAGE (UNIT 'A')		7.81 M.	
LOT FRONTAGE (UNIT 'B')		8.20 M.	
FRONT YARD SETBACK	0.50 M.	1.00 M.	PORCH ENCROACHING TO FRONT YARD
REAR YARD SETBACK	6.00 M.	5.50 M.	DECK ENCROACHING 1.0 M. TO REAR YARD
SIDE YARD SETBACK	1.20 M.	1.20 M.	

PRELIMINARY SITE PLAN
QUALITY HOMES
137 PETER STREET, HAMILTON
W-2157 (January 29, 2021)

 **JOHN G. WILLIAMS LIMITED**
ARCHITECT

UNIT A
GF = 370 sq.ft.

UNIT B
GF = 370 sq.ft.



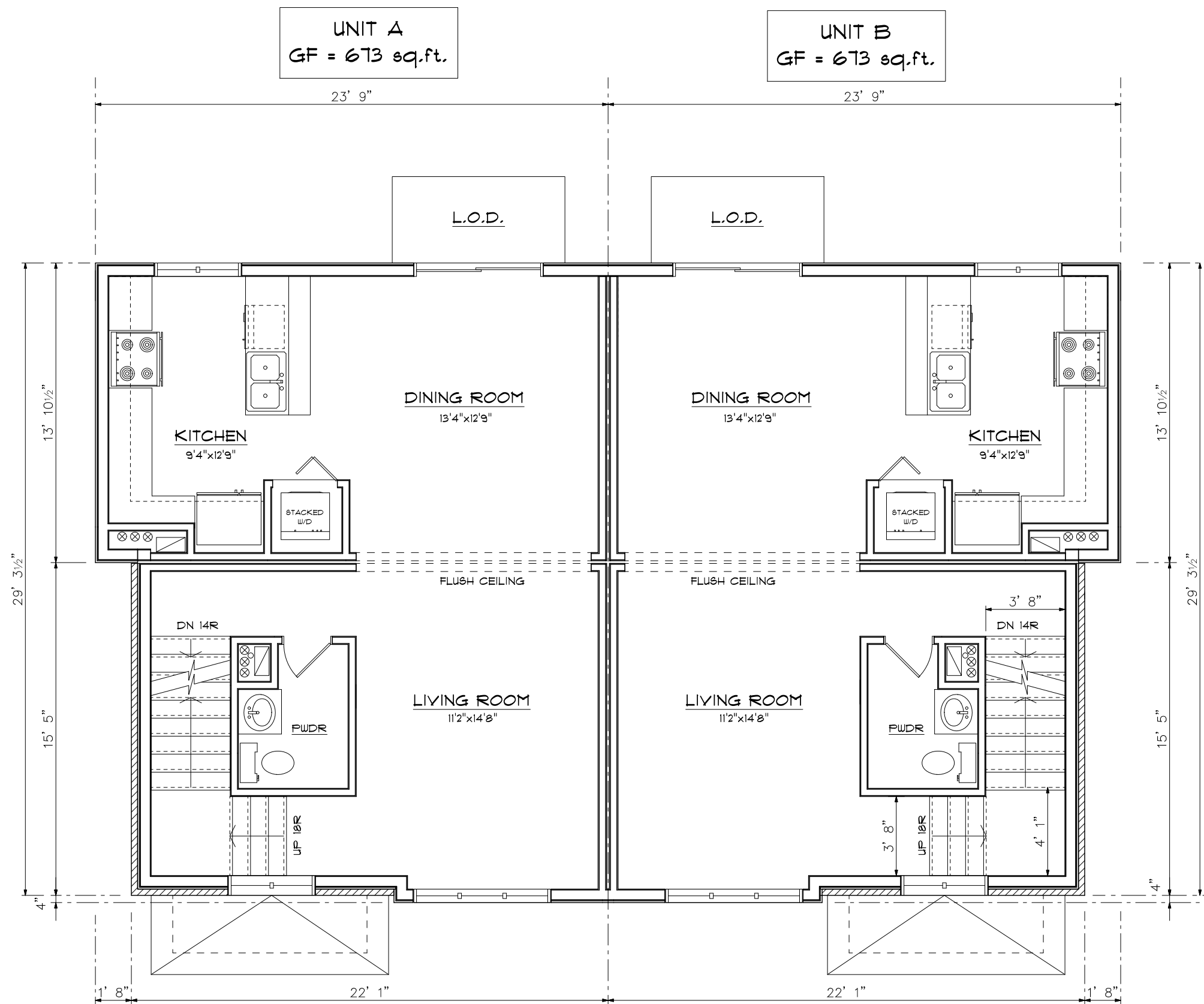
GROUND FLOOR PLAN

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536



MAIN FLOOR PLAN

GROSS FLOOR AREA
PER UNIT = 1,709 sq.ft.

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

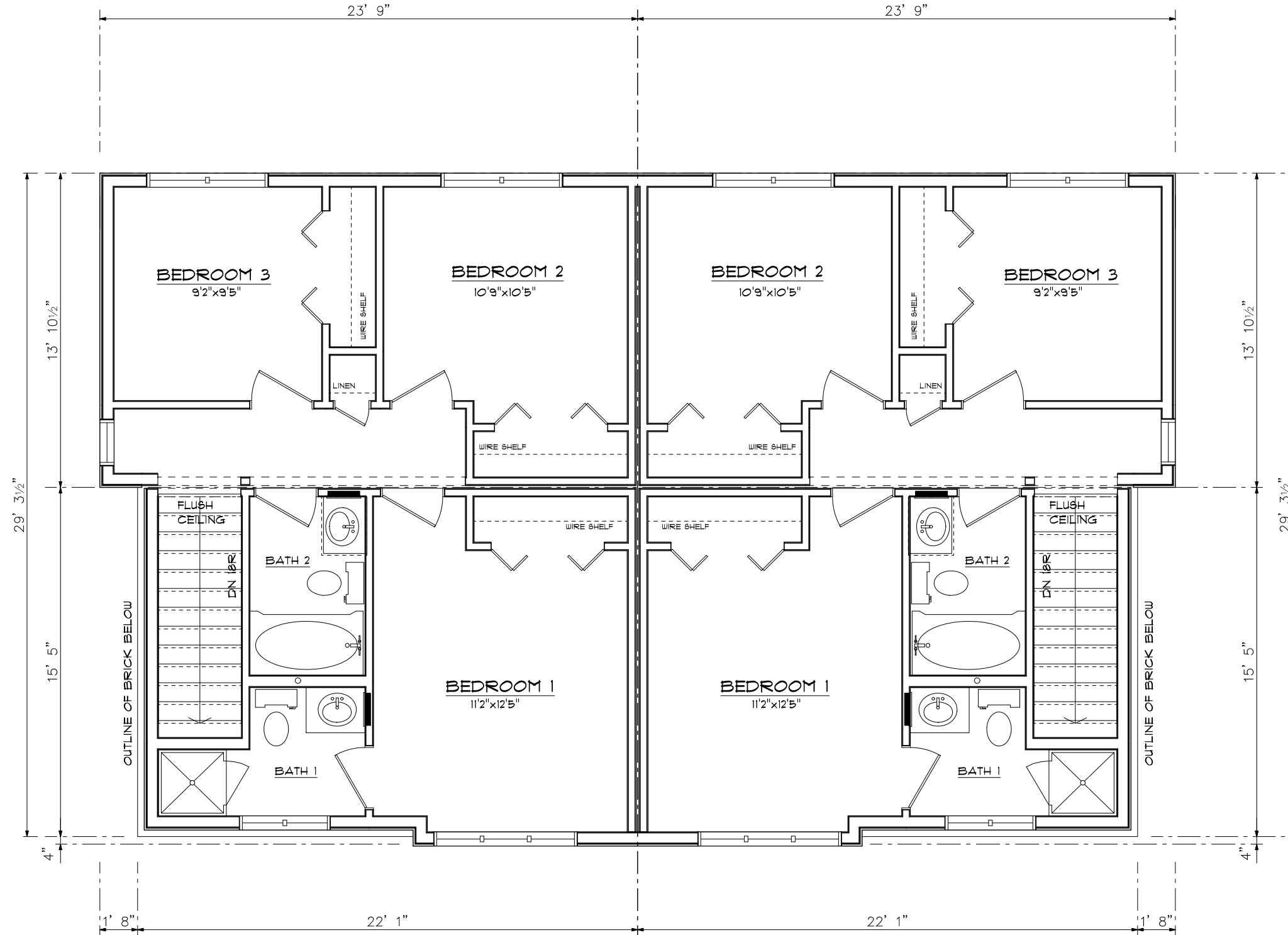
SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905)780-0500 FAX (905)780-9536

UNIT A
2F = 666 sq.ft.

UNIT B
2F = 666 sq.ft.



SECOND FLOOR PLAN

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

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TEL (905) 780-0500 FAX (905) 780-9536



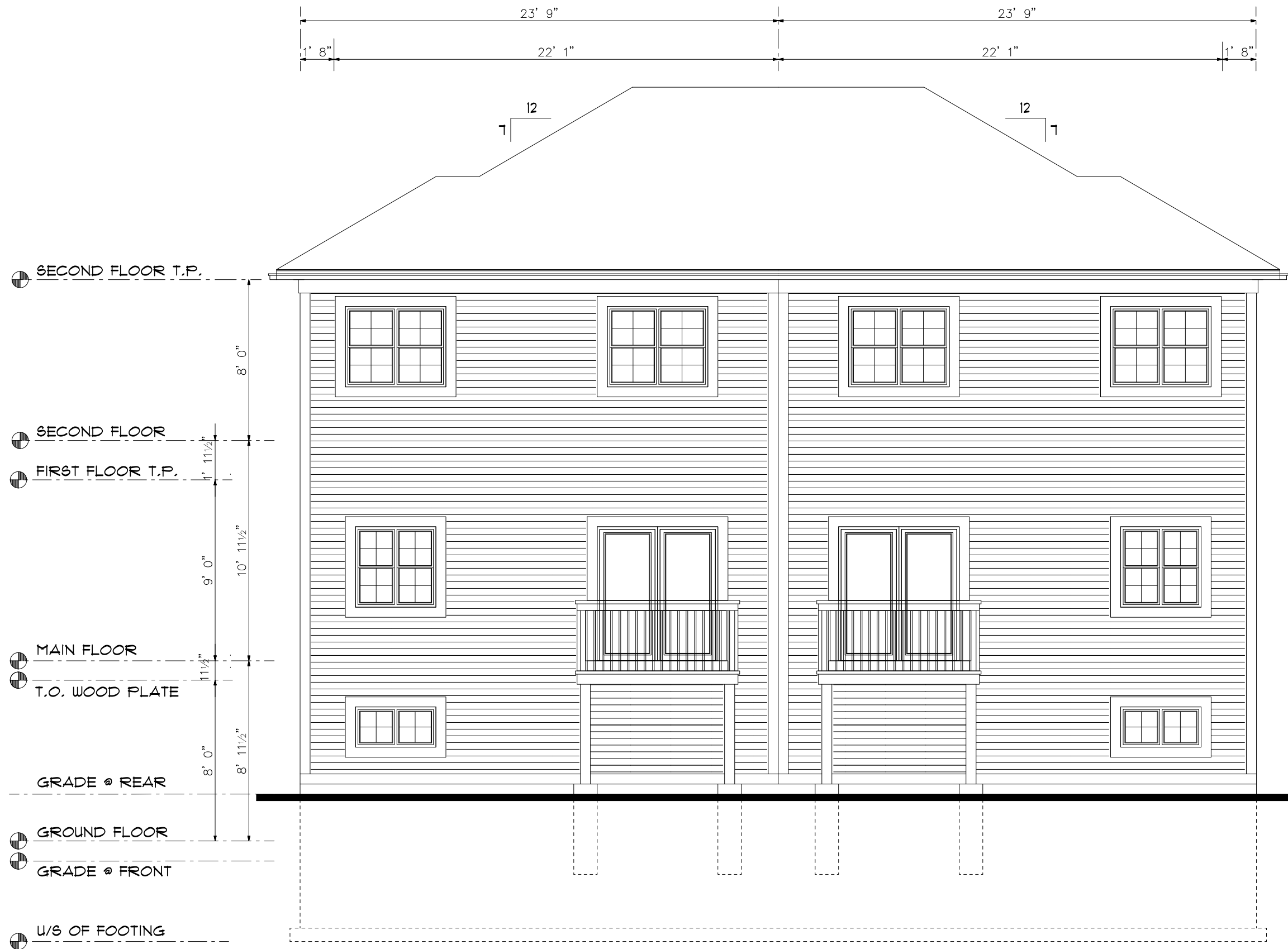
FRONT ELEVATION

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

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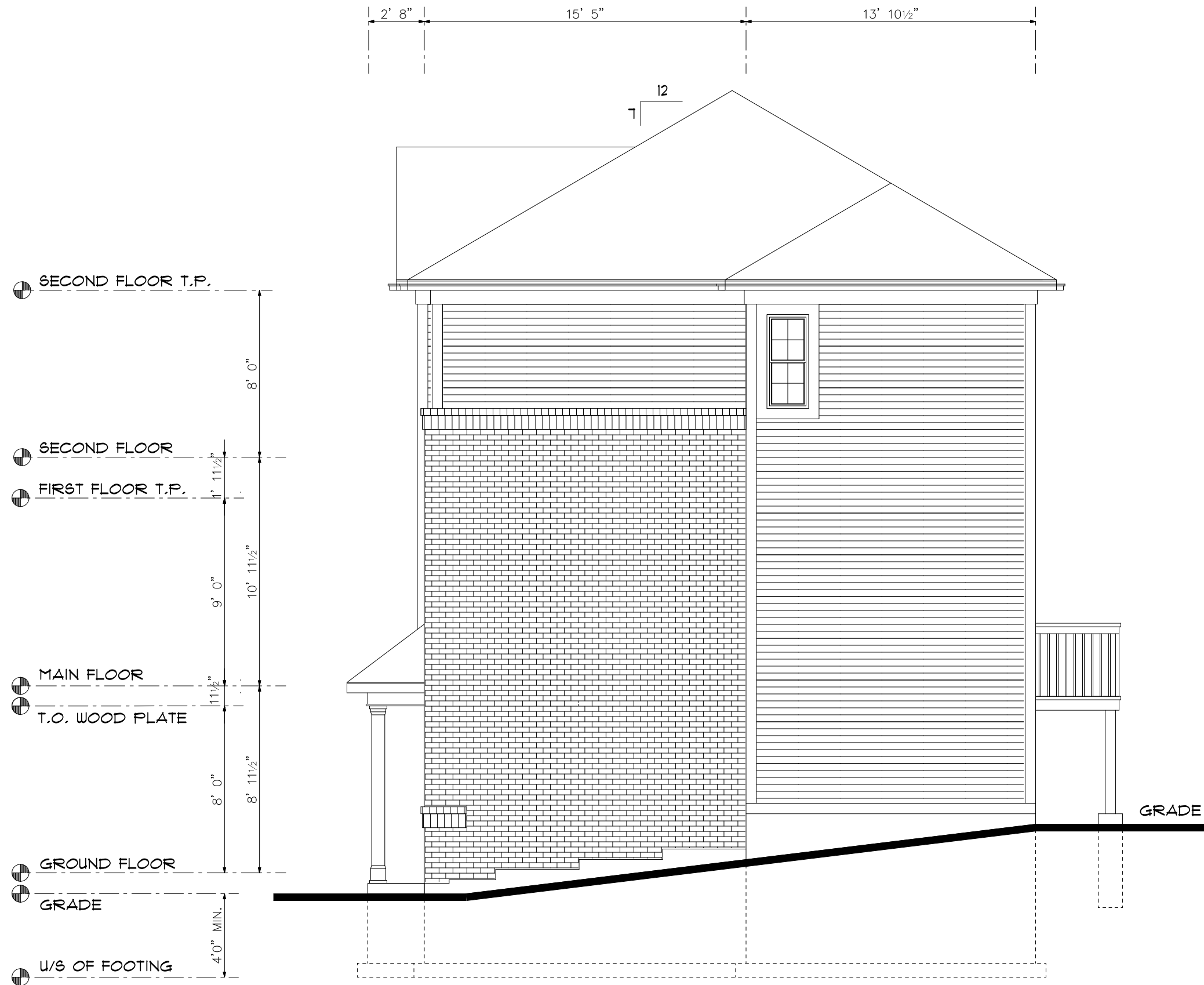
REAR ELEVATION

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

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TEL (905)780-0500 FAX (905)780-9536



SIDE ELEVATION

QUALITY HOMES
137 PETER STREET, HAMILTON
Project no.: W-2157

SCALE 3/16" = 1'-0"

10 JANUARY 2018

JOHN G. WILLIAMS LIMITED, ARCHITECT
46-40 VOGELL ROAD, RICHMOND HILL, ONTARIO, L4B 3N6
TEL (905) 780-0500 FAX (905) 780-9536



Hamilton

Committee of Adjustment

City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221

Email: cofa@hamilton.ca

APPLICATION FOR A MINOR VARIANCE

FOR OFFICE USE ONLY.

APPLICATION NO. _____ DATE APPLICATION RECEIVED _____


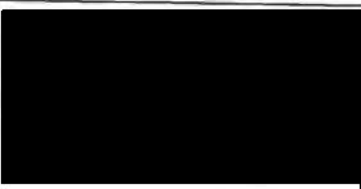
PAID _____ DATE APPLICATION DEEMED COMPLETE _____

SECRETARY'S
SIGNATURE _____

The Planning Act

Application for Minor Variance or for Permission

The undersigned hereby applies to the Committee of Adjustment for the City of Hamilton under Section 45 of the *Planning Act*, R.S.O. 1990, Chapter P.13 for relief, as described in this application, from the Zoning By-law.

1, 2	NAME	ADDRESS	
Registered Owners(s)	Blair Fleming & Andrew McAllister		Phone:
			E-mail:
Applicant(s)*	GSP Group Inc. c/o Brenda Khes		Phone:
			E-mail:
Agent or Solicitor			Phone:
			E-mail:

Note: Unless otherwise requested all communications will be sent to the agent, if any.

3. Names and addresses of any mortgagees, holders of charges or other encumbrances:
- TD Canada Trust
South Milton, 1040 Kennedy Circle, Milton, ON L9T 0J9

Additional sheets can be submitted if there is not sufficient room to answer the following questions. Additional sheets must be clearly labelled

4. Nature and extent of relief applied for:

1. 5m reduction in the required minimum front yard setback from 6.0m to 1.00m;
2. 1.5m reduction in the required minimum side yard setback from 2.7m to 1.20m;
3. 2m reduction in the required minimum rear yard setback from 7.5m to 5.50m;
4. 0.6m reduction in the required minimum lot width from 18.0m to 17.40m; and,
5. 268m² reduction in the required minimum lot area from 540m² to 272.00m².
6. 1.35m reduction in the required minimum front yard setback of a covered porch from the front lot line from 1.5m to 0.15m; and,
7. 24% reduction in the required minimum front yard landscaped area from 50% to 26%.

5. Why it is not possible to comply with the provisions of the By-law?

Please refer to Planning Justification Brief.

6. Legal description and Address of subject lands (registered plan number and lot number or other legal description and where applicable, **street and street number**):

Part of Lot 12, Plan 57

7. PREVIOUS USE OF PROPERTY

Residential ☒ Industrial ☐ Commercial ☐
Agricultural ☐ Vacant ☐

Other _____

8.1 If Industrial or Commercial, specify use _____

8.2 Has the grading of the subject land been changed by adding earth or other material, i.e. has filling occurred?

Yes ☐ No ☒ Unknown ☐

8.3 Has a gas station been located on the subject land or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

8.4 Has there been petroleum or other fuel stored on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

8.5 Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

Yes ☐ No ☒ Unknown ☐

8.6 Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or sewage sludge was applied to the lands?

Yes ☐ No ☒ Unknown ☐

8.7 Have the lands or adjacent lands ever been used as a weapon firing range?

Yes ☐ No ☒ Unknown ☐

8.8 Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump?

Yes ☐ No ☒ Unknown ☐

8.9 If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (eg. asbestos, PCB's)?

Yes ☐ No ☒ Unknown ☐

8.10 Is there any reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes ☐ No ☒ Unknown ☐

8.11 What information did you use to determine the answers to 9.1 to 9.10 above?

Owner's knowledge of property from sale.

8.12 If previous use of property is industrial or commercial or if YES to any of 9.2 to 9.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed.

Is the previous use inventory attached? Yes ☐ No ☒

9. ACKNOWLEDGEMENT CLAUSE

I acknowledge that the City of Hamilton is not responsible for the identification and remediation of contamination on the property which is the subject of this Application – by reason of its approval to this Application

December 23, 2020

Date


Signature Property Owner

Blair Fleming & Andrew McAllister

Print Name of Owner

10. Dimensions of lands affected:

Frontage	<u>±16m</u>
Depth	<u>±16.11m (irregular)</u>
Area	<u>±274m²</u>
Width of street	<u>15m ROW</u>

11. Particulars of all buildings and structures on or proposed for the subject lands:
(Specify ground floor area, gross floor area, number of stories, width, length, height, etc.)

Existing: _

1-storey single detached dwelling, ±130 square metre ground floor area, ±7.9m by ±15m

Proposed

3-Storey semi detached dwelling, ±130 square metre ground floor area, width of 7.25 metres per unit and a height of 12 metres from grade to peak of roof

12. Location of all buildings and structures on or proposed for the subject lands; (Specify distance from side, rear and front lot lines)

Existing:

Front Yard Setback: 1.34 metres (Covered Porch encroaches 0.16m into ROW) Side Yard Setback (West): 7.3 metres
Side Yard Setback (East): 0 metres
Rear Yard Setback: 2.3 metres

Proposed:

Front Yard Setback: 1 metre
Side Yard Setback (West): 1.2 metres
Side Yard Setback (East): 1.2 metres
Rear Yard Setback: 5.5 metres

13. Date of acquisition of subject lands:
October 2015
14. Date of construction of all buildings and structures on subject lands:
Late 1800s
15. Existing uses of the subject property:
Residential
16. Existing uses of abutting properties:
Residential
17. Length of time the existing uses of the subject property have continued:
±100 years
18. Municipal services available: (check the appropriate space or spaces)
Water Yes Connected Yes
Sanitary Sewer Yes Connected Yes
Storm Sewers Yes
19. Present Official Plan/Secondary Plan provisions applying to the land:
Neighbourhoods (UHOP), Low Density Residential 3 (Strathcona Secondary Plan)
20. Present Restricted Area By-law (Zoning By-law) provisions applying to the land:
Zoning By-law 6593 - "D" District - Urban Protected Residential - One and Two Family Dwellings
21. Has the owner previously applied for relief in respect of the subject property?
☐ Yes ☒ No
If the answer is yes, describe briefly.
22. Is the subject property the subject of a current application for consent under Section 53 of the *Planning Act*?
☐ Yes ☒ No
23. Additional Information
24. The applicant shall attach to each copy of this application a plan showing the dimensions of the subject lands and of all abutting lands and showing the location, size and type of all buildings and structures on the subject and abutting lands, and where required by the Committee of Adjustment such plan shall be signed by an Ontario Land Surveyor.



SHAPING GREAT COMMUNITIES

January 29, 2021

File No. 20313

Jamila Sheffield
Secretary-Treasurer
City of Hamilton
Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

Dear Ms. Sheffield:

**RE: 137 PETER STREET
MINOR VARIANCE APPLICATION**

GSP Group is pleased to submit on behalf of the owner, Blair Fleming and Andrew McAllister, an application for minor variance to permit a new semi-detached dwelling on the property. The intent is to apply for consent to sever once the semi-detached dwelling has been constructed. Therefore, Minor Variances have been requested with two future lots in mind. The existing building on the Site will be demolished.

In support of the minor variance applications, the following information is provided:

1. A cheque in the amount of \$3,320.00 representing the City's 2021 application fee for Minor Variance;
2. Two (2) copies of the Minor Variance application form;
3. Two (2) copies of the site plan, floor plans and elevations; and
4. Two (2) copies of a Planning Information Brief in support of the Minor Variance application.

Should you have any question, or require any additional information, please contact me by phone at 905-572-7477x1 or by email at bkhes@gspgroup.ca.

Yours truly,
GSP Group Inc.

A handwritten signature in black ink, appearing to read 'BKhes', is written over a faint circular stamp.

Brenda Khes, MCIP, RPP
Associate – Senior Planner

cc: Mr. Blair Fleming
Mr. Andrew McMillan

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca

Planning Justification Brief

137 PETER STREET

Application for Minor Variance

City of Hamilton

January 2021

Prepared for:

Blair Fleming & Andrew McAllister
871 Maxted Crescent
Milton ON L9T 4E2

Prepared by:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9



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1. Background

1.1 Purpose of Application

This Planning Information Brief has been prepared in support of an application for Minor Variance related to 137 Peter Street (the “Site”) illustrated in **Figure 1**. The owner proposes to construct a semi-detached dwelling on the lot. Due to the lot configuration and the neighbourhood context, variances are required to permit the proposed semi-detached dwelling. The attached Minor Variance Analysis (**Appendix A**) illustrates the configuration of the proposed dwellings in conjunction with the existing and proposed zoning standards discussed in this Brief. An application for severance will follow in the future once the foundations have been poured, and therefore the variances are based on these requirements.

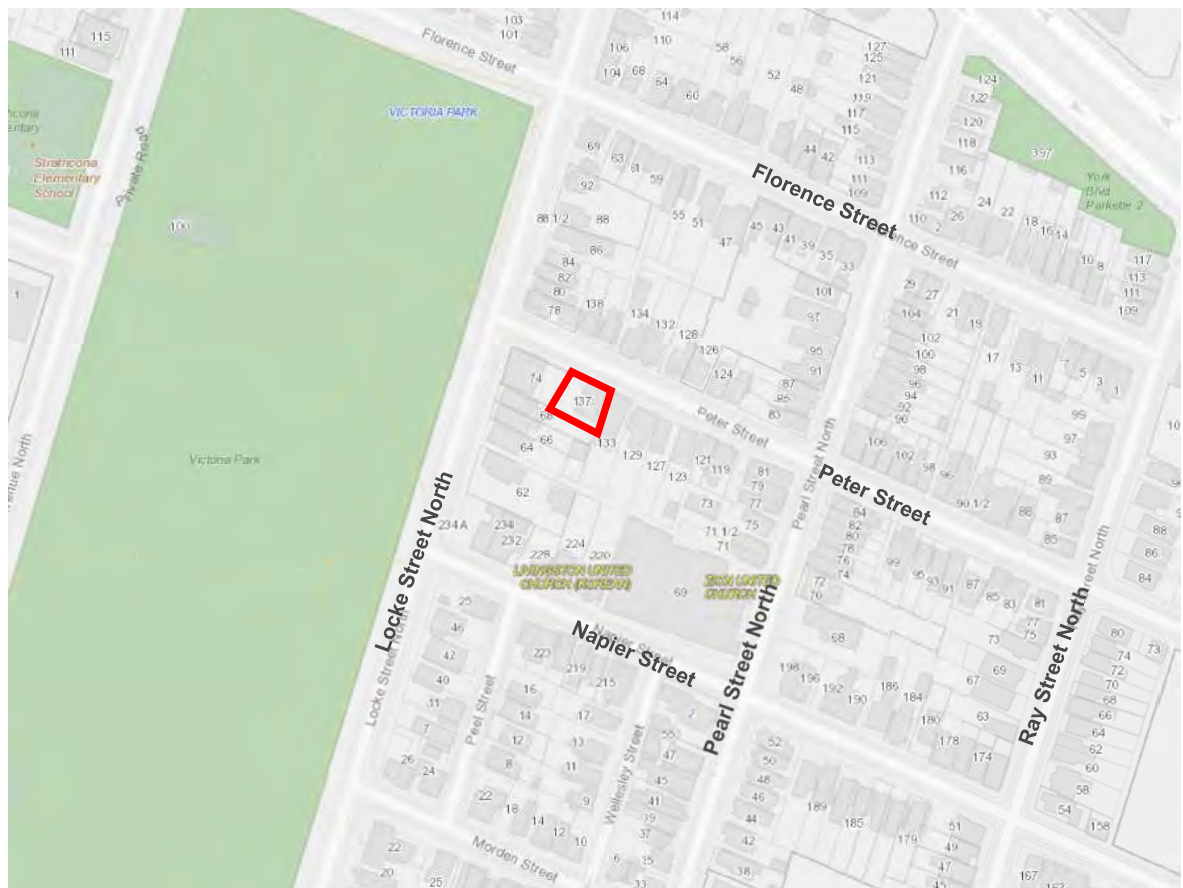


Figure 1: Site Location (Source: City of Hamilton Interactive Mapping)

1.2 Site Overview

137 Peter Street is a $\pm 274\text{m}^2$ lot with a frontage of $\pm 16\text{m}$ along Peter Street. The Site is designated 'Neighbourhoods' within the Urban Hamilton Official Plan, and further designated as 'Low Density Residential 3' within the Strathcona Secondary Plan. The property currently contains a one storey single detached dwelling without garage. The survey in **Figure 2** indicated the existing porch and stairs encroaches over the front lot line. The dwelling will be demolished to facilitate the construction of the semi-detached dwelling. Parking is currently provided along the west side of the building in a paved driveway.

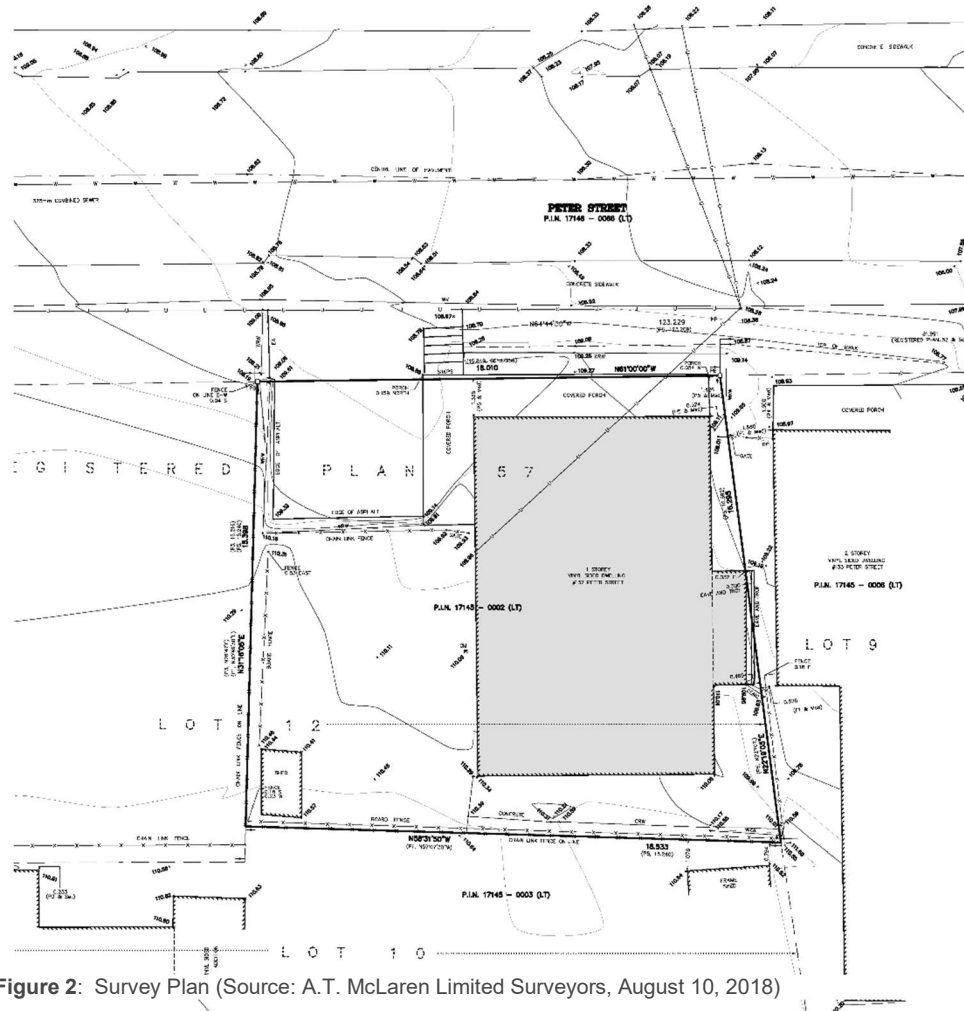


Figure 2: Survey Plan (Source: A.T. McLaren Limited Surveyors, August 10, 2018)

Lands adjacent to the Site include:

- North: Peter Street, Multiple Dwelling, Semi-Detached and Single Detached Dwelling Residential Uses (**Figure 3 – Images 1 & 3**)
- East: Single Detached Dwelling Residential Uses (**Figure 3 – Image 6**)
- South: Single Detached Dwelling Residential Uses (**Figure 3 – Image 4**); and
- West: Multiple Dwelling Residential Uses and Locke Street North (**Figure 3 – Images 2 & 4**).

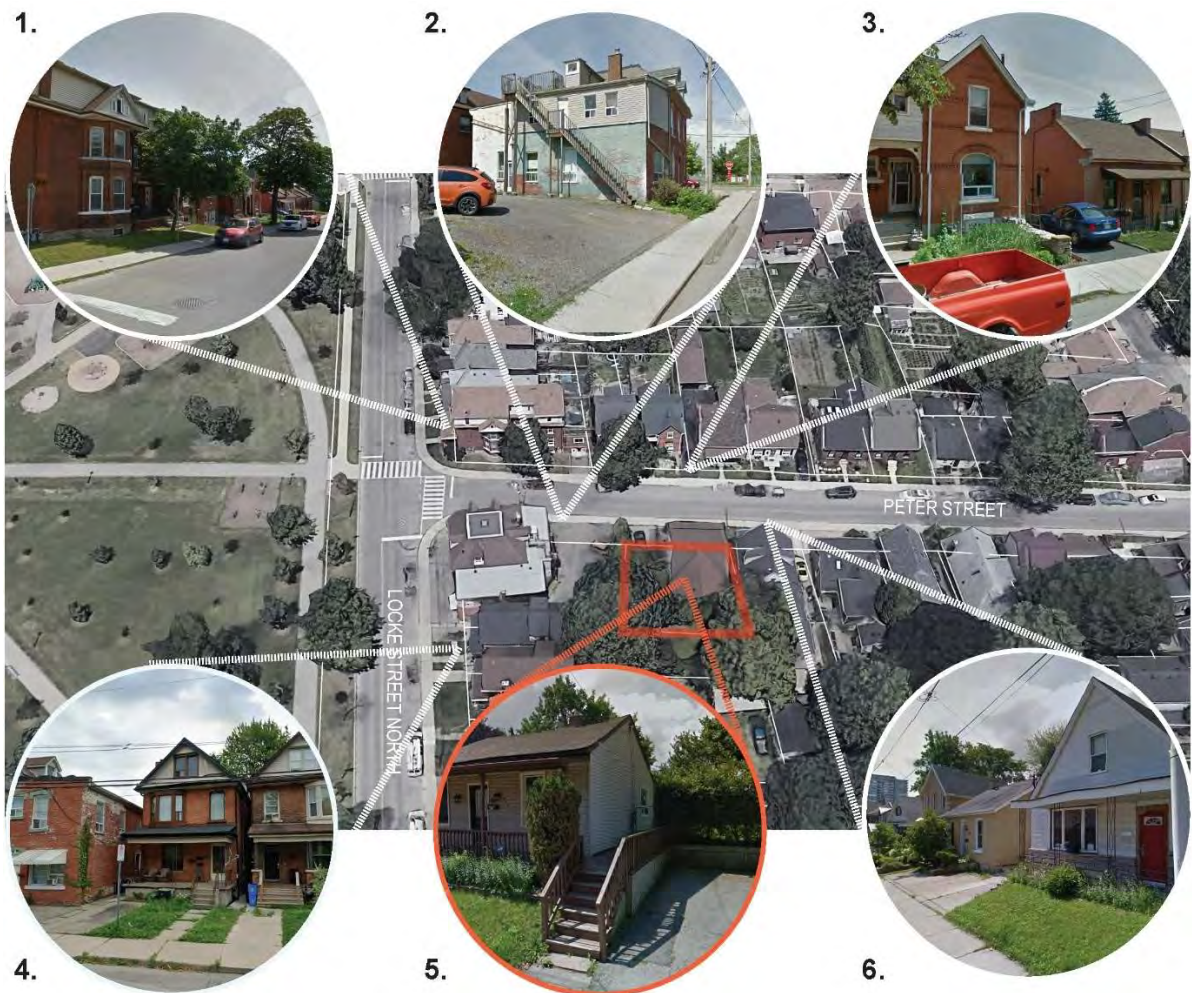


Figure 3: Site Context Map (Source: Google Earth Imagery, 2019 & 2020)

1. View northeast toward existing Multiple Dwelling and Single Detached Dwelling Uses located at 78 Locke Street North and 138 Peter Street, immediately north of the Site on the adjacent side of Peter Street.
2. View southwest toward existing Multiple Dwelling and Accessory Parking Uses located at 74 Locke Street, immediately west of the Site.
3. View north toward existing Single Detached Dwelling and Semi-Detached Dwelling Residential Uses located at 136 and 134 Peter Street, immediately north of the Site on the adjacent side of Peter Street.
4. View east toward existing Single Detached Dwelling and Multiple Dwelling Uses located at 68 and 74 Locke Street North, immediately south and west of the Site.
5. View south toward the existing Single Detached Dwelling on the Site, proposed to be demolished as part of the proposed development to be facilitated through the approval of the herein requested Minor Variances.
6. View south east toward existing Single Detached Dwelling Uses located at 133 and 129 Peter Street, immediately east of the Site.

2. Proposed Development

The Owner proposes to comprehensively redevelop the Site with moderate residential infill for a 3 storey semi-detached dwelling, as illustrated on the attached Site Plan (**Figure 4**). The proposed development also includes a covered porch, enclosed garage with driveway and an outdoor amenity space located in the rear yard for each of two proposed units between the proposed building and the south lot line. All existing buildings on Site are to be demolished.

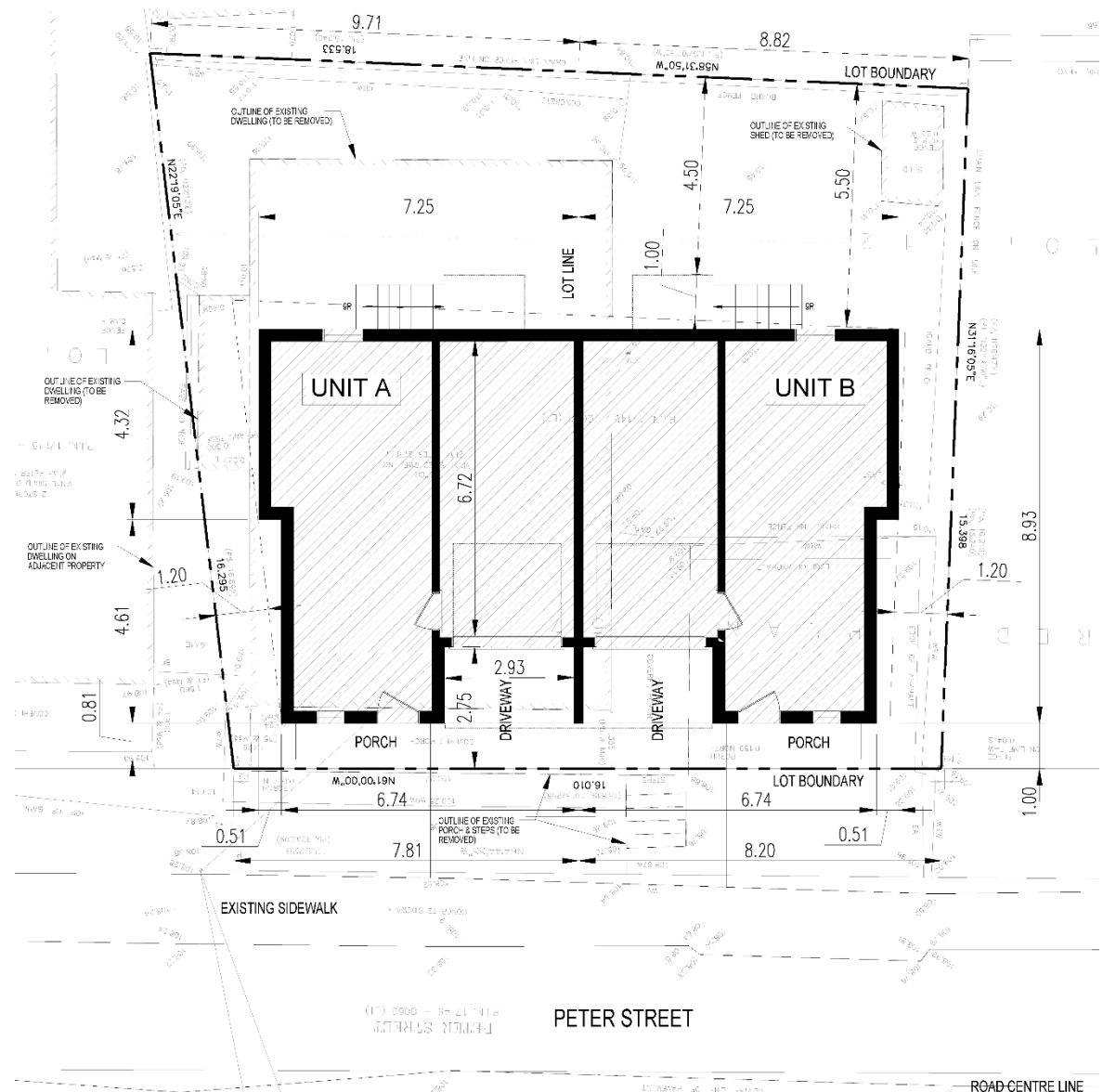


Figure 4: Proposed Site Plan (Source: John G. Williams Limited Architect, January 29, 2021)

3. Requested Minor Variances

The Site is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings) District in Hamilton Zoning By-law 6593, where semi-detached dwellings are permitted. In order to permit the requested semi-detached dwelling, variances are required to the “D” District zoning regulations as well as the General Regulations of Zoning By-law No. 6593. The table below summarizes the required variances:

“D” District Regulations				
Section	Regulation	Required	Provided	Conforms? ✓/✗
10 (2)	Maximum Height	3 storeys 14m	3 storeys 12m	✓
10 (3) (i)	Minimum Front Yard Setback	6m	1.00m	✗
10 (3) (ii)	Minimum Side Yard Setback (buildings greater than 2½ storeys)	2.7m	East: 1.20m West: 1.20m	✗ ✗
10 (3) (iii)	Minimum Rear Yard Setback	7.5m	5.50m	✗
10 (4) (ii)	Minimum Lot Width (measured 9m back from front lot line)	18.0m	17.42m	✗
10 (4) (ii)	Minimum Lot Area	540.0m ²	272.24m ²	✗
General Regulations				
Section	Regulation	Required	Provided	Conforms? ✓/✗
18 (3) (vi) (d)	Minimum Setback from Covered Porch to Front Lot Line	1.5m	0.15m	✗
18 (14) (i)	Minimum Front Yard Landscaped Area (Minimum % of Gross Area of Front Yard)	50%	26%	✗
*Those highlighted in gold require a variance.				

The following variances are requested to the “D” District Regulations:

1. 5m reduction in the required minimum front yard setback from 6.0m to 1.00m;
2. 1.5m reduction in the required minimum side yard setback from 2.7m to 1.20m;
3. 2m reduction in the required minimum rear yard setback from 7.5m to 5.50m;
4. 0.6m reduction in the required minimum lot width from 18.0m to 17.40m; and,
5. 268m² reduction in the required minimum lot area from 540m² to 272.00m².

The following additional variances are required to the general provisions of the Zoning By-law to permit the following:

6. 1.35m reduction in the required minimum front yard setback of a covered porch from the front lot line from 1.5m to 0.15m; and,
7. 24% reduction in the required minimum front yard landscaped area from 50% to 26%.

4. Four Tests of Minor Variance

Section 45(1) of the *Planning Act* states that Committee of Adjustment “may authorize such minor variances from the provisions of the by-law, in respect of the land, building or structure or the use thereof” and provided the following four tests are met:

1. Do the Minor Variances maintain the general intent and purpose of the Official Plan;
2. Do the Minor Variances maintain the general intent and purpose of the Zoning By-law;
3. Are the Minor Variances desirable and appropriate for the lands; and
4. Are the requested variances minor in nature.

The analysis that follows demonstrates how the requested variances satisfy the four tests of a minor variance.

4.1 *Do the requested variances maintain the general intent and purpose of the Official Plan?*

As noted, the Site is designated “Low Density Residential 3” in the Strathcona Secondary Plan as illustrated in **Figure 5**.



Figure 5: Strathcona Secondary Plan Land Use Plan Map B.6.6-1 (Source: UHOP Volume 2, 2017)

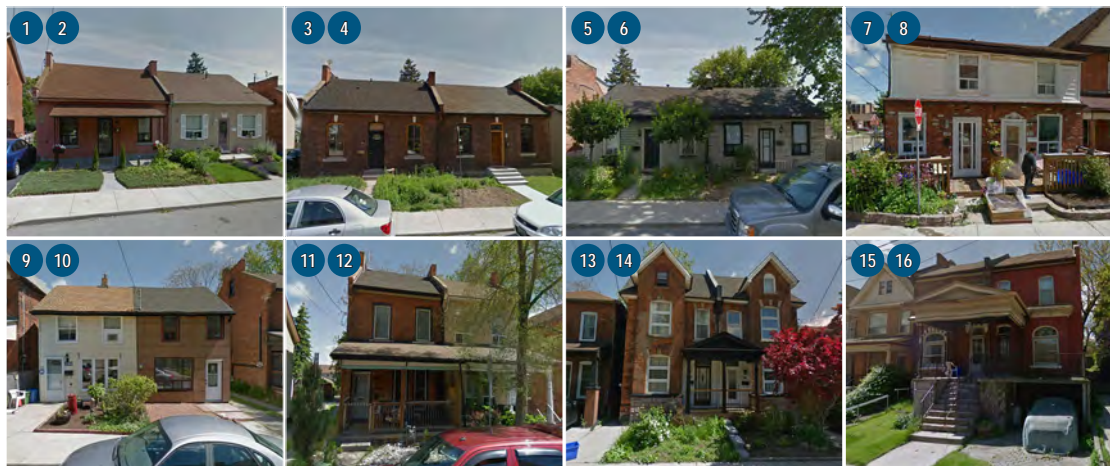
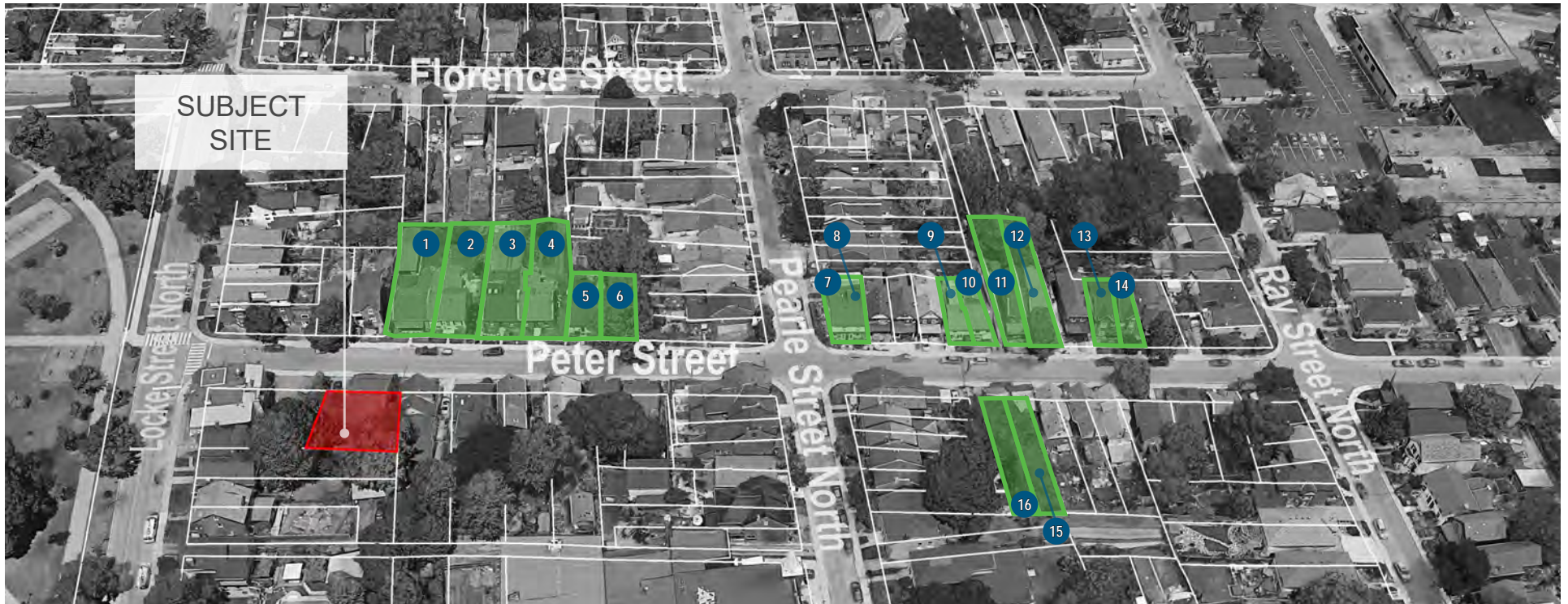
Volume 2 Section B.6.6.5.3 states that in addition to the Low Density Residential policies of the UHOP Volume 1, *“Infill development shall be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, including materials that are compatible with the existing adjacent residential forms”*.

The character of the neighbourhood is one that has evolved over time, and features a variety of housing styles, forms and massing. One style or architectural type is not predominant; rather, a variety of different types create an eclectic neighbourhood. As illustrated on **Figure 7**, from a study area of Locke Street North to Ray Street North, Peter Street has approximately 16 semi-detached units from a total of 35 lots, meaning that 45.7% of the total built form typology is a semi-detached dwelling. Also noted on **Figure 7** is the established lotting pattern within the neighbourhood that has existed for at minimum 100 years, being identified on the 1911 City of Hamilton Fire Insurance Plans as an irregular lotting configuration within the City’s iconic grid street pattern (**Figure 6**).



Figure 6: 1911 City of Hamilton Fire Insurance Plans (Source: McMaster University Library | Historical Portal)

Accordingly, there are many lots in the area that do not comply with zoning standards having been passed by City Council on July 25, 1950, especially with respect to lot frontage, lot area, setbacks and parking. Given that the existing lot at 137 Peter Street has a larger frontage than many of the surrounding lots, it presents an appropriate opportunity for minor infilling and intensification, in a manner that is sympathetic and complementary to the existing character of the neighbourhood.



■ Subject Site - 137 Peter Street

- 1 134 Peter Street
- 2 132 Peter Street
- 3 128 Peter Street
- 4 126 Peter Street
- 5 124 Peter Street
- 6 122 Peter Street
- 7 110 Peter Street
- 8 108 Peter Street
- 9 100 Peter Street
- 10 98 Peter Street
- 11 96 Peter Street
- 12 94 Peter Street

13 90 1/2 Peter Street

14 90 Peter Street

15 97 Peter Street*

16 99 Peter Street*

*Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper

4.1.1 Variance 1: Reduction in 6.0m Front Yard Setback

The proposed front yard setback reduction from 6m to 1m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes in the immediate vicinity, as well as the surrounding area delineated on **Figure 8**. Providing for a reduced setback for the new dwelling results in an infill development is in keeping with UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, which notes:

When considering an application for residential intensification, the following shall be evaluated:

- i) **the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations; and,***
- ii) **the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.***

Further, Policy B.6.6.5.3(d) of the Strathcona Secondary Plan, indicates that:

- d) **Infill development shall be sympathetic and complementary to the existing character and cultural heritage attributes of the neighbourhood, including setbacks, built form, building mass and height, including materials that are compatible with the existing adjacent residential forms.***

The **Figure 8** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the front yard setback variance, the analysis uncovered the following:

- that the smallest front yard setback is 0m (encroaching 1.36m into existing public right-of-way);
- that the largest front yard setback is 5.69m (non-complying with applicable zoning requirement);
- that 0 lots meet the required 6m front yard setback;
- that 23 lots of 35 lots (approximately 65.7%) have an equal to or less than front yard setback of 1m; and,
- that the average front yard setback is 0.68m.

Therefore, the general intent and purpose of the Official Plan (Strathcona Secondary Plan) will continue to be maintained with the requested reduction in the minimum front yard setback from 6m to 1m for the proposed dwellings, since it is in keeping with the existing setback and streetscape pattern that is established in the neighbourhood.



Analysis Summary:

1. Smallest Front Yard Setback:
0m (encroaches 1.36m into ROW)
2. Largest Front Yard Setback:
5.69m
3. Number of Lots that meet the 6.0m Zoning By-law Setback Requirement:
0 Lots (5.69m is closest)
4. Number of Lots that have an equal to or less than a 1m Front Yard Setback:
23 Lots (of 35 Total along Peter Street / 65.7%)
5. Average Front Yard Setback:
0.68m

■ 1.0m 137 Peter Street	13 0.0m 102 Peter Street	26 2.33m 93 Peter Street
1 1.67m 138 Peter Street	14 0.3m 100 Peter Street ¹	27 2.47m 95 Peter Street
2 2.2m 136 Peter Street	15 0.3m 98 Peter Street ¹	28 0.0m 97 Peter Street* ¹
3 0.0m 134 Peter Street ¹	16 0.1m 96 Peter Street ¹	29 0.0m 99 Peter Street* ¹
4 0.3m 132 Peter Street ¹	17 0.3m 94 Peter Street ¹	30 0.0m 119 Peter Street*
5 1.8m 128 Peter Street ¹	18 0.0m 92 Peter Street	31 0.0m 121 Peter Street*
6 1.8m 126 Peter Street ¹	19 0.0m 90 1/2 Peter Street ¹	32 0.0m 123 Peter Street
7 1.12m 124 Peter Street ¹	20 1.15m 90 Peter Street ¹	33 0.93m 127 Peter Street
8 1.12m 122 Peter Street ¹	21 1.15m 88 Peter Street	34 0.88m 129 Peter Street
9 0.0m 110 Peter Street ¹	22 0.54m 83 Peter Street	35 1.9m 133 Peter Street
10 0.0m 108 Peter Street ¹	23 0.0m 85 Peter Street*	
11 0.0m 106 Peter Street	24 5.69m 87 Peter Street	
12 0.0m 104 Peter Street	25 0.4m 91 Peter Street	

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital Imapper

¹Denotes the location of a Semi-Detached Dwelling Unit



Peter Street Streetscape Analysis Front Yard Setback

Source: Google Earth 2020, Hamilton Imapper 2020

Figure
8

4.1.2 Variance 2: Reduction in 2.7m Side Yard Setback

The requested variance is to allow for a side yard setback of 1.2m on both the west and east sides of the semi-detached dwelling. To the west of the subject property is a parking area for the small apartment building located on the site. By allowing a 1.2m setback on the west side of the site, there will be no impacts on the streetscape, as ample visual and physical separation between buildings is provided to the parking lot combined with the proposed 1.2m setback. For these reasons, the west side yard setback is considered appropriate.

To the east of the property is a two storey single detached dwelling. The current setback of the existing dwelling on the subject site is 0.53m at the front of the dwelling and shrinks to approximately 0m at the rear of the dwelling. The proposed decrease in side yard setback will improve on the existing condition. As seen in **Appendix A**, the proposed east side yard dwelling setback is larger than what currently exists. The smallest setback proposed is at the front of the dwelling, at 1.2m. Due to irregularity of the existing lot's boundaries and the proposed tapering of the east building elevation, the setback increases from the 1.2m point, providing for an ultimate east side yard setback of 1.7m for a large portion of the side elevation.

The proposed side yard setback reduction from 2.7m to 1.2m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes in the immediate vicinity, as well as the surrounding area delineated on **Figure 9**.

The **Figure 9** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the side yard setback variance, the analysis uncovered the following:

- that the smallest side yard setback is 0m;
- that the largest side yard setback is 2.36m;
- that 0 lots meet the required 2.7m side yard setback;
- that 30 lots of 35 lots (approximately 85.7%) have an equal to or less than side yard setback of 1.2m; and,
- that the average front yard setback is 0.48m.

Therefore, the general intent and purpose of the Official Plan (Strathcona Secondary Plan) will continue to be maintained with the requested reduction in the minimum side yard setback from 2.7m to 1.2m for the proposed dwellings, since it is in keeping with the existing setback and streetscape pattern that is established in the neighbourhood.



Analysis Summary:

1. Smallest Side Yard Setback:
0m
2. Largest Side Yard Setback:
2.36m
3. Number of Lots that meet the 2.7m Zoning By-law Setback Requirement:
0 Lots (2.36m is closest)
4. Number of Lots that meet the 1.2m Zoning By-law Setback Requirement for buildings under 2.5 Storeys:
5 Lots (of 35 Total along Peter Street / 14.3%)
4. Number of Lots that have an equal to or less than a 1.2m Side Yard Setback:
30 Lots (of 35 Total along Peter Street / 85.7%)
5. Average Side Yard Setback:
0.48m

■ 1.2m 137 Peter Street	13 0.1m 102 Peter Street	26 0.0m 93 Peter Street
1 0.0m 138 Peter Street	14 0.0m 100 Peter Street ¹	27 0.0m 95 Peter Street
2 0.0m 136 Peter Street	15 0.0m 98 Peter Street ¹	28 0.33m 97 Peter Street* ¹
3 2.36m 134 Peter Street ¹	16 0.78m 96 Peter Street ¹	29 0.0m 99 Peter Street* ¹
4 2.1m 132 Peter Street ¹	17 1.27m 94 Peter Street ¹	30 0.79m 119 Peter Street*
5 1.75m 128 Peter Street ¹	18 1.12m 92 Peter Street	31 0.2m 121 Peter Street*
6 2.04m 126 Peter Street ¹	19 0.3m 90 1/2 Peter Street ¹	32 0.0m 123 Peter Street
7 0.7m 124 Peter Street ¹	20 0.3m 90 Peter Street ¹	33 0.0m 127 Peter Street
8 0.0m 122 Peter Street ¹	21 0.0m 88 Peter Street	34 0.45m 129 Peter Street
9 0.45m 110 Peter Street ¹	22 0.2m 83 Peter Street	35 0.58m 133 Peter Street
10 0.45m 108 Peter Street ¹	23 0.0m 85 Peter Street*	
11 0.1m 106 Peter Street	24 0.0m 87 Peter Street	
12 0.1m 104 Peter Street	25 0.45m 91 Peter Street	

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper

¹Denotes the location of a Semi-Detached Dwelling Unit



Peter Street Streetscape Analysis Side Yard Setback

Source: Google Earth 2020, Hamilton Imapper 2020

Figure
9

4.1.3 Variance 3: Reduction in 7.5m Rear Yard Setback

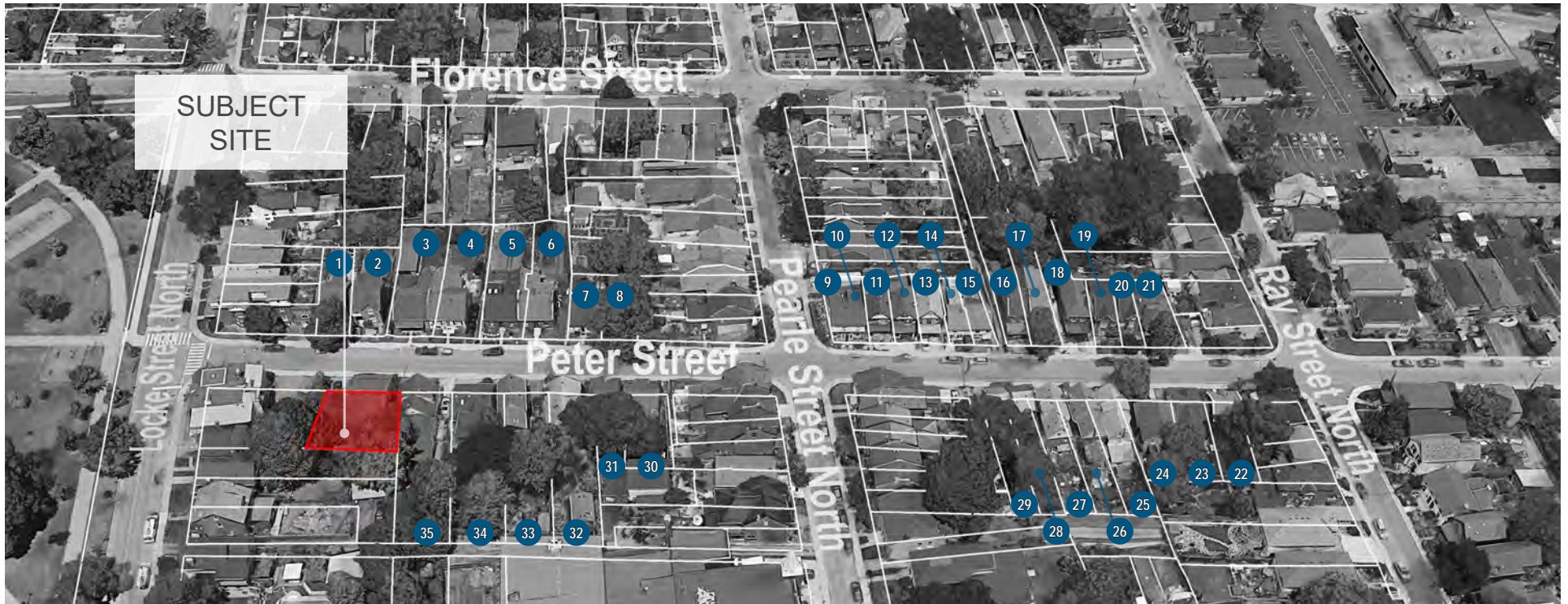
The requested variance is to allow for a rear yard setback of 5.50m on the south side of the semi-detached dwelling. To the south of the subject property and immediately abutting the rear yard is another rear yard for the dwelling at 68 Locke Street North. By allowing a reduced rear yard setback on the Site, the functionality of rear yard amenity in the rear of the proposed dwelling can be facilitated, improving from the existing condition wherein the “rear yard” amenity is presently located in the west side yard adjacent to the existing driveway. Policy B.6.6.5.3(d) of the Strathcona Secondary Plan requires that infill development be complementary and sympathetic to the existing character of the neighbourhood, including built form and setbacks. Presently, the existing condition on the Site of an amenity space not located within the rear yard but the side yard is the only example of this occurrence within the study area delineated in **Figure 10**.

The current rear yard setback of the existing dwelling is 1.98m at the rear of the dwelling. As such, the requested 2m reduction in rear yard setback provides a larger rear yard than what currently exists as illustrated in **Appendix A**. The proposed rear yard setback ranges from 5.5m at the west end of the building to 6.1m at the east end. The proposed rear yard setback reduction from 7.5m to 5.5m for the proposed semi-detached dwelling is consistent with the setbacks of the majority of the surrounding homes on similarly sized lots in the immediate vicinity, as well as the surrounding area delineated on **Figure 10**.

The **Figure 10** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the rear yard setback variance, the analysis uncovered the following:

- that the smallest rear yard setback is 2.34m;
- that the largest rear yard setback is 24.4m;
- that 20 lots of 35 lots (approximately 57.1%) meet the required 7.5m rear yard setback;
- that 9 lots of 35 lots (approximately 25.7%) have an equal to or less than rear yard setback of 5.5m; and,
- that the average rear yard setback is 11.29m.

The proposed setback is in keeping with the intensification policies of UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, noted above in that the proposed rear yard setback is similar to others in the vicinity and have no impact on the streetscape pattern of Peter Street as the rear is not visible from the street. In addition, currently the westerly side yard of the building functions as the existing dwelling’s “rear yard” amenity space, which is not in keeping with the character of the neighbourhood. The proposed redevelopment will reinforce the neighbourhood character of providing usable rear yard amenity space for single and semi-detached dwellings.



Analysis Summary:

1. Smallest Rear Yard Setback:
2.34m
2. Largest Rear Yard Setback:
24.4m
3. Number of Lots that meet the 7.5m Zoning By-law Setback Requirement:
20 Lots (of 35 Total along Peter Street / 57.1%)
4. Number of Lots that have an equal to or less than a 5.5m Rear Yard Setback:
9 Lots (of 35 Total along Peter Street / 25.7%)
5. Average Rear Yard Setback:
11.29m

■ 5.5m 137 Peter Street	13 6.0m 102 Peter Street	26 10.6m 93 Peter Street
1 13.2m 138 Peter Street	14 5.05m 100 Peter Street ¹	27 13.3m 95 Peter Street
2 12.4m 136 Peter Street	15 4.84m 98 Peter Street ¹	28 10.2m 97 Peter Street* ¹
3 20.7m 134 Peter Street ¹	16 19.5m 96 Peter Street ¹	29 12.2m 99 Peter Street* ¹
4 17.4m 132 Peter Street ¹	17 19.5m 94 Peter Street ¹	30 2.34m 119 Peter Street*
5 20.2m 128 Peter Street ¹	18 20.8m 92 Peter Street	31 6.83m 121 Peter Street*
6 20.6m 126 Peter Street ¹	19 3.27m 90 1/2 Peter Street ¹	32 24.1m 123 Peter Street
7 5.79m 124 Peter Street ¹	20 3.27m 90 Peter Street ¹	33 24.4m 127 Peter Street
8 5.67m 122 Peter Street ¹	21 4.03m 88 Peter Street	34 19.4m 129 Peter Street
9 5.85m 110 Peter Street ¹	22 8.83m 83 Peter Street	35 16.8m 133 Peter Street
10 5.85m 108 Peter Street ¹	23 8.84m 85 Peter Street*	
11 4.64m 106 Peter Street	24 2.91m 87 Peter Street	
12 4.74m 104 Peter Street	25 11.1m 91 Peter Street	

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital Imapper

¹Denotes the location of a Semi-Detached Dwelling Unit



Minor Variance Analysis Rear Yard Setback

Source: Google Earth 2020, Hamilton Imapper 2020

Figure
10

4.1.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The variance to allow for a lot width of 17.40m results in a lot width that is in keeping with existing lots in the neighbourhood. The immediate neighbouring houses have lot widths that are also deficient than the prescribed 18m as noted below and through the analysis identified in **Figure 11**. This variance is in keeping with the policies of the Strathcona Secondary Plan noted above, specifically in the manner that minor reduction of width is still able to respect and maintain the established streetscape along Peter Street.

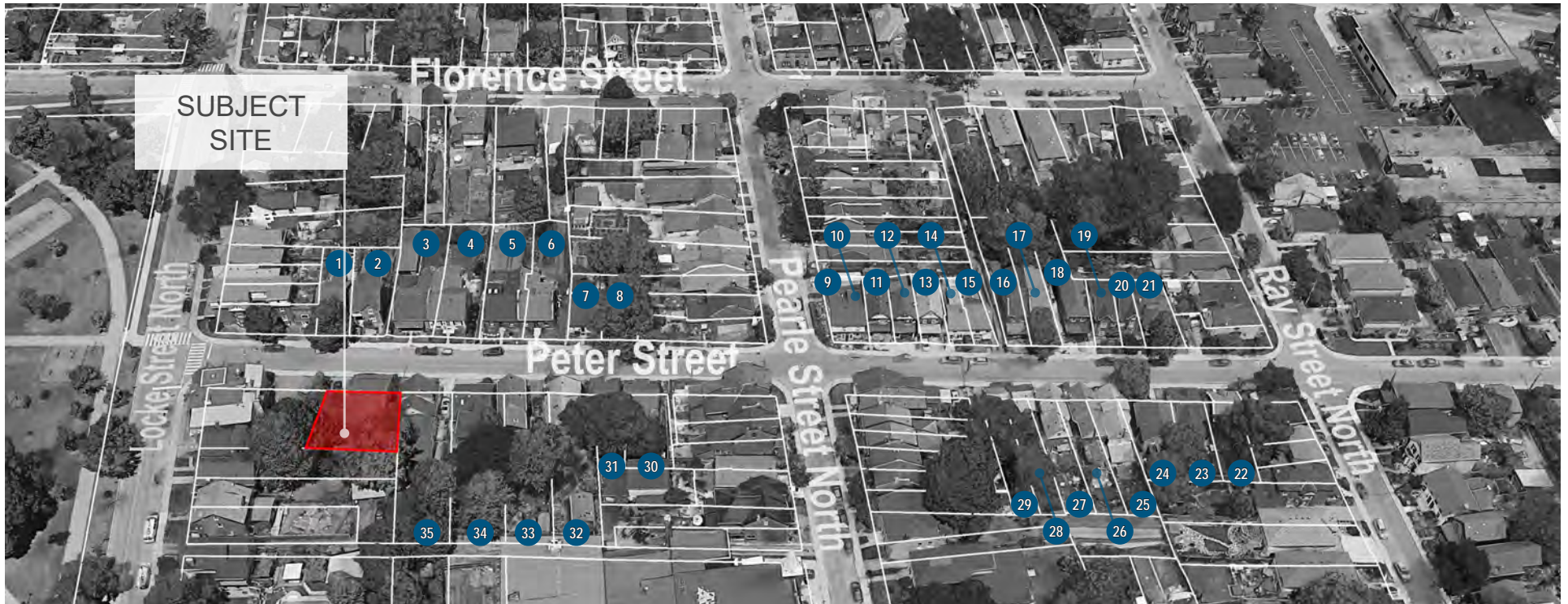
The requested variance is to allow for a 0.6m reduction in the minimum required lot width from 18m to 17.4m. Policy B.6.6.5.3(d) of the Strathcona Secondary Plan requires that infill development be complementary and sympathetic to the existing character of the neighbourhood, including built form and setbacks. Presently, the existing condition of the Site of having a lot width of 17.4m was pre-established with the lot layouts implemented over 100 years ago, as noted previously in **Figure 5**. This condition also pre-dates both the passing of the in-effect Zoning By-law 6593 in 1950 and the first Ontario *Planning Act* in 1946.

Within the portion of Peter Street that extends from Locke Street North to Ray Street North, the lots range in width from 5.26m to 11.8m. As illustrated in **Appendix A**, the existing lot width of 17.42m is proposed to be retained with the proposed semi-detached units each having approximately 8.20m and 7.81m front lot lines along Peter Street. Accordingly, this proposed standard recognizes the existing Site geometry and allows for the construction of a permitted semi-detached dwelling use. The proposed lot width reduction from 18.0m to 17.4m for the proposed semi-detached dwelling is consistent with the lot widths of the majority of the surrounding single detached and semi-detached dwellings on lots in the surrounding area as delineated on **Figure 11**.

The **Figure 11** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the lot width variance, the analysis uncovered the following:

- that the smallest semi-detached lot width is 10.52m;
- that the largest semi-detached lot is 20.6m;
- that 2 of the 8 semi-detached lots (approximately 25%) meet the required 18m zoning by-law lot width requirement;
- that 6 of the 8 semi-detached lots (approximately 75%) have an equal to or less than 17.4m lot width; and,
- that the average semi-detached lot width is 14.92m (2 units) and a unit average lot width for single detached and semi-detached dwellings of 7.56m.

Therefore, the proposed lot width is in keeping with the intensification policies of UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, noted above in that the lot width is similar to others in the vicinity and will have no impact on the streetscape pattern of Peter Street. The proposed redevelopment will reinforce the neighbourhood character of providing a lot width and unit width that is within a range that presently exists along Peter Street, appropriately matching its context.



Analysis Summary:

1. Smallest Lot Width / Smallest Semi-Detached Lot Width (Both Units):
5.26m / 10.52m

2. Largest Lot Width / Largest Semi-Detached Lot Width (Both Units):
11.8m / 20.6m

3. Number of Semi-Detached Lots that meet the 18m Zoning By-law Lot Width Requirement:
2 Lots / 4 Units (of 8 Total Lots / 16 Units equal to 25%)

4. Number of Semi-Detached Lots that have an equal to or less than 17.4m Lot Width:
6 Lots / 12 Units (of 8 Total Lots / 16 Units equal to 75%)

5. Average Lot Width / Average Semi-Detached Lot Width:
7.56m / 14.92m

■ 17.4m 137 Peter Street	13 6.52m 102 Peter Street	26 6.48m 93 Peter Street
1 7.55m 138 Peter Street	14 5.6m 100 Peter Street ¹	27 6.57m 95 Peter Street
2 7.55m 136 Peter Street	15 5.65m 98 Peter Street ¹	28 5.26m 97 Peter Street* ¹
3 10.2m 134 Peter Street ¹	16 5.65m 96 Peter Street ¹	29 5.26m 99 Peter Street* ¹
4 10.4m 132 Peter Street ¹	17 7.26m 94 Peter Street ¹	30 8.91m 119 Peter Street*
5 9.79m 128 Peter Street ¹	18 7.45m 92 Peter Street	31 7.21m 121 Peter Street*
6 10.1m 126 Peter Street ¹	19 5.8m 90 1/2 Peter Street ¹	32 9.79m 123 Peter Street
7 7.65m 124 Peter Street ¹	20 5.8m 90 Peter Street ¹	33 9.74m 127 Peter Street
8 8.18m 122 Peter Street ¹	21 9.45m 88 Peter Street	34 11.3m 129 Peter Street
9 8.38m 110 Peter Street ¹	22 7.5m 83 Peter Street	35 11.3m 133 Peter Street
10 8.38m 108 Peter Street ¹	23 7.45m 85 Peter Street*	
11 5.8m 106 Peter Street	24 11.8m 87 Peter Street	
12 5.99m 104 Peter Street	25 7.21m 91 Peter Street	

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital Imapper

¹Denotes the location of a Semi-Detached Dwelling Unit



Peter Street Streetscape Analysis Lot Widths

Figure
11

4.1.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The requested variance is to allow a 268m² reduction in the minimum lot area from 540m² to 272m² on the lot. The requested minimum lot area recognizes the existing condition of the Site as a 272m² irregular lot that exists as previously noted, pre-dates both the passing of the in-effect Zoning By-law 6593 in 1950 and the first Ontario *Planning Act* in 1946 (**Figure 5**).

In accordance with UHOP Volume 2 Policy B.6.6.5.2(i), the requested variance provides for lot sizes that are similar in the area as delineated in **Figure 12** and is in keeping with the established character and pattern of the neighbourhood. In the block that extends from Locke Street North to Ray Street North, the lot areas range from 99.1m² to 359.4m². As illustrated in the Site Plan, the requested minimum lot area is within this range. In this regard, the proposed lot area reflects the character and established development pattern in the area.

The **Figure 12** analysis conducted as part of this Planning Brief, as noted above, reviewed approximately 35 similarly zoned properties between Locke Street North and Ray Street North along both north and south sides of Peter Street to gain an understanding for the character of the streetscape and predominate built form typologies and standards that exist. With respect to the minimum lot area variance, the analysis uncovered the following:

- that the smallest semi-detached lot area is 198.4m²;
- that the largest semi-detached lot is 741.8m²;
- that 2 of the 8 semi-detached lots (approximately 25%) meet the required 540m² zoning by-law lot area requirement;
- that 2 of the 8 semi-detached lots (approximately 25%) have an equal to or less than 272m² lot area; and,
- that the average semi-detached lot area is 427.6m² (2 units) and a unit average lot area for single detached and semi-detached dwellings of 221m².

As noted above, the proposed lot area is in keeping with the intensification policies of UHOP Volume 2 Policy B.6.6.5.2(i) of the Strathcona Secondary Plan, noted above in that the lot area is similar to others in the vicinity and will have no impact on the streetscape pattern of Peter Street. The proposed redevelopment will reinforce the neighbourhood character of providing a lot area that is within a range that presently exists along Peter Street, appropriately matching its context.

Accordingly, this proposed standard recognizes the existing Site geometry and allows for the construction of a permitted semi-detached dwelling use. The proposed lot area reduction from 540m² to 272m² for the proposed semi-detached dwelling is consistent with the lot areas of the majority of the surrounding single detached and semi-detached dwelling lots in the surrounding area as delineated on **Figure 12**.



Analysis Summary:

1. Smallest Lot Area / Smallest Semi-Detached Lot Area (Both Units):
99.1m² / 198.4m²

2. Largest Lot Area / Largest Semi-Detached Lot Area (Both Units):
432.5m² / 741.8m²

3. Number of Semi-Detached Lots that meet the 540m² Zoning By-law Lot Area Requirement:
2 Lots / 4 Units (of 8 Total Lots / 16 Units equal to 25%)

4. Number of Semi-Detached Lots that have an equal to or less than 272m² Lot Area:
2 Lots / 4 Units (of 8 Total Lots / 16 Units equal to 25%)

5. Average Lot Area / Average Semi-Detached Lot Area:
221m² / 427.6m²



■ 272.0m² 137 Peter Street	13 131.2m² 102 Peter Street	26 196.3m² 93 Peter Street
1 210.7m² 138 Peter Street	14 99.3m² 100 Peter Street ¹	27 197.1m² 95 Peter Street
2 210.0m² 136 Peter Street	15 99.1m² 98 Peter Street ¹	28 162.0m² 97 Peter Street ^{*1}
3 376.1m² 134 Peter Street ¹	16 253.8m² 96 Peter Street ¹	29 161.4m² 99 Peter Street ^{*1}
4 365.7m² 132 Peter Street ¹	17 274.3m² 94 Peter Street ¹	30 186.2m² 119 Peter Street [*]
5 358.8m² 128 Peter Street ¹	18 291.3m² 92 Peter Street	31 123.5m² 121 Peter Street [*]
6 359.4m² 126 Peter Street ¹	19 117.8m² 90 1/2 Peter Street ¹	32 380.3m² 123 Peter Street
7 151.7m² 124 Peter Street ¹	20 117.8m² 90 Peter Street ¹	33 372.9m² 127 Peter Street
8 155.8m² 122 Peter Street ¹	21 169.7m² 88 Peter Street	34 432.5m² 129 Peter Street
9 183.8m² 110 Peter Street ¹	22 167.3m² 83 Peter Street	35 432.0m² 133 Peter Street
10 183.8m² 108 Peter Street ¹	23 166.1m² 85 Peter Street [*]	
11 115.7m² 106 Peter Street	24 211.9m² 87 Peter Street	
12 115.9m² 104 Peter Street	25 213.0m² 91 Peter Street	

^{*}Denotes a property where the existing dwelling appears to encroach within the municipal Right-of-Way in accordance with City of Hamilton Digital IMapper

¹Denotes the location of a Semi-Detached Dwelling Unit

Peter Street Streetscape Analysis Lot Areas

Figure
12

4.1.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The requested variance is to allow a 1.35m reduction in the required minimum setback of a covered porch to the front lot line from 1.5m to 0.15m on the lot. The requested 1.35m reduction is visually deceiving as the required setback is to the *lot line*, which is not visible from the street, versus a visual setback to the sidewalk. In this regard, a greater setback is visually apparent.

The existing covered porch encroaches approximately 0.16m into the public right-of-way with steps extending an additional 1.6m into the municipal right-of-way of the street. The proposed covered porches for each of the semi-detached dwelling units not only provide a pedestrian friendly interface with the streetscape but are setback and also wholly contained on the lot.

As delineated in **Figure 13**, this setback to the front porch is consistent with the existing streetscape pattern. Therefore, the general intent and purpose of the UHOP (Volume 2 Policy B.6.6.5.2(i)) will be maintained with the requested covered front porch setback reduction.



Figure 13: Covered Front Porch Streetscape Analysis (Source: Google Earth Imagery, 2019 & 2020)

4.1.7 Variance 7: Reduction in 50% Front Yard Landscaping

The requested variance is to allow a 24% reduction in the minimum front yard landscaping from 50% to 26% on the lot. Policy B.6.6.5.3(d) of the Strathcona Secondary Plan requires that infill development be complementary and sympathetic to the existing character of the neighbourhood, including built form and setbacks. The requested variance meets this policy of the UHOP based on the ensuing analysis.

The existing condition of the Site includes a front yard landscaping percentage of 3.5%, with the balance of the front yard used with a covered porch and driveway as shown on **Appendix A1**. The proposed variance not only increases this existing percentage significantly, but also provides for parking to be legally facilitated onsite with covered porches adding a design element to the development common on this portion of Peter Street. The character of this part of Peter Street includes single and semi-detached dwellings located in close proximity to the street edge (lesser than the required front yard setback as identified in **Figure 14**), with a number of parking spaces wholly encompassing the front yards, and/or covered porches encroaching within the public right-of-way.

As noted in **Figure 14**, the requested front yard landscaping variance is characteristic of the area and will continue to maintain the intent and purpose of the Official Plan which speaks to maintaining and enhancing streetscape patterns and neighbourhood character (UHOP Volume 2 Policy B.6.6.5.2(i)).

Figure 14: Front Yard Landscaping Analysis
(Source: Google Earth Imagery, 2019 & 2020)



4.2 *Do the requested variances maintain the general intent and purpose of the Zoning By-law?*

4.2.1 Variance 1: Reduction in 6.0m Front Yard Setback

The purpose of a front yard setback is to provide sufficient distance from the street, and to allow for the provision of landscaping, porches, walkways, and driveways. Reducing this requirement from 6m to 1m still affords sufficient space for driveways, covered porches and landscaped open space to be fully contained on the Site within the front yard and is consistent with neighbouring properties. This reduction allows the front yard setback to match the rhythm and streetscape that has been established along Peter Street as previously identified in **Figure 8**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum front yard setback from 6.0m to 1m.

4.2.2 Variance 2: Reduction in 2.7m Side Yard Setback

The purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling and rear yard amenity areas. Different setback regulations exist to address additional height. In this case, 2.7m side yard setbacks are required for a 3 storey building.



Figure 15: Side Yard Existing Conditions (Source: Google Earth Imagery, 2019 & 2020)

To the west of the property is a parking area associated with a 2.5 storey apartment building on the corner of Locke Street North and Peter Street. The requested reduction in the westerly side yard setback will not negatively impact the use or enjoyment of the residents of the apartment, as these lands are used for parking purposes and will not impede access to their building (Refer to **Image 2** in **Figure 15**).

With respect to the easterly side yard setback, the proposed setback will provide greater separation than what currently exists thereby improving the physical relationship between the two buildings (Refer to **Image 1** in **Figure 15**). The setback between the two dwellings is less than 1m; however, the streetscape is still maintained, and there are no issues in terms of massing. This is due to the streetscape being characterized by a variety of setbacks and building masses as delineated earlier in **Figure 9**. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback. Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum side yard setback from 2.7m to 1.2m for both the west and east side yard setbacks. For these reasons, the east and west side yard setbacks are considered appropriate.

4.2.3 Variance 3: Reduction in 7.5m Rear Yard Setback

The purpose of a minimum rear yard setback is to ensure there is adequate separation between buildings and rear lot lines for a rear yard amenity area. The proposed rear yard of 5.50m provides sufficient space to accommodate amenity space for both proposed semi-detached dwelling units. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 1.98m setback. The proposed 5.50m rear yard setback provides an increase of 3.52m of space from the existing condition, allowing the rear yard to be functionally able to accommodate the intended amenity space. The proposed rear yard setback reduction from 7.5m to 5.5m for the proposed semi-detached dwelling is consistent with the setbacks of similar surrounding homes on comparably sized lots in the immediate vicinity, as well as the surrounding area as delineated on **Figure 10**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum rear yard setback from 7.5m to 5.50m.

4.2.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The purpose of a minimum lot width is to ensure that there is sufficient space to accommodate a dwelling, driveway and access space between houses. The proposed lot width of 17.40m provides sufficient space to accommodate both the proposed dwelling units as well as adequate side yard setbacks between adjacent properties. As previously noted, the proposed lot width reduction from 18.0m to 17.4m for the proposed semi-detached dwelling is consistent with the lot widths of the majority of the surrounding single detached and semi-detached dwellings on lots in the surrounding area as delineated on **Figure 11**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum lot width from 18.0m to 17.40m.

4.2.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The purpose of a minimum lot area is to ensure that there is sufficient space to accommodate a dwelling, driveway, and amenity space. The proposed lot area of 272m² for the semi-detached dwelling still affords the parcel with sufficient space to accommodate the two dwelling units, the shared driveway, parking and rear yard amenity space. In addition, the lot size is similar to other lots with semi-detached uses in the immediate vicinity as well as the broader neighbourhood context delineated previously on **Figure 12**.

Therefore, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum lot area from 540m² to 272m² to permit the proposed semi-detached dwelling.

4.2.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The purpose of a setback from a covered porch to the front lot line is to ensure that a front yard is not encroached upon in such a way that renders it unusable. In this instance, the proposed setback from the covered porch to the front lot still provides sufficient space for a small amount of landscaping.

As indicated earlier, the existing covered porch encroaches approximately 0.16m into the public right-of-way, this is a condition prevalent along this portion of Peter Street where 5 of the 35 total properties appear to have either a structure or covered porch encroaching within the public right-of-way. These properties are all identified with an Asterix (“*”) in the map legend of **Figures 7, 8, 9, 10, 11 and 12**. The proposed standard will not only improve the existing condition but will also wholly contain the proposed covered porches on the Site and no longer encroach. As previously noted, visually there is a much larger “front yard” between the porch and the sidewalk. In this regard, the general intent and purpose of the Zoning By-law will continue to be maintained with the requested reduction in the minimum setback for a covered porch to a front lot line of 0.15m.

4.2.7 Variance 7: Reduction in 50% Front Yard Landscaping

The variance to allow for a reduction in the required percentage of landscaped area in the front yard from 50% to 26% is largely a result of providing on site parking as a driveway is required to provide access to the attached garages. This reduced landscaped area in front yards is evident throughout the neighbourhood and is commonly attributed to the need to provide a parking space on the property. Many dwellings in the area, as delineated on **Figure 14**, have front yards that are completely used by porches or paved over for vehicular parking spaces that are inconsistent with the intent of the by-law. As opposed to those examples in the noted area, the requested front yard landscaping variance will continue to ensure that a reasonable amount of landscaped area is provided in the front yard and that the entire front yard will not be paved. The proposed 26% front yard landscaping is also a 22.5% improvement over the existing percentage of landscaping that is within the front yard, which is 3.5% front yard landscaping as shown on **Appendix A1**.

In this regard, the general intent and purpose of the Zoning By-law will continue to be maintained by allowing for a reduction in the required percentage of landscaped area in the front yard.

4.3 *Are the Minor Variances desirable and appropriate for the lands?*

What is key in the review of this criterion is whether the minor variance is desirable from a planning and public interest perspective. The test of desirability includes consideration of many factors that can affect the broad public interest as it relates to the subject lands, accepted planning principles and existing pattern of development.

4.3.1 Variance 1: Reduction in 6.0m Front Yard Setback

The variance to allow for reduced front yard setback is in keeping with similar front yard setbacks throughout the neighbourhood and provides for continuity and reinforces the existing streetscape. The reduced front yard setback will improve upon the existing condition, which presently has the existing covered porch encroaching within the public-right-way. The front yard proposed will not only be larger than the one presently existing on the Site, but will also provide for driveways, covered porches and landscaped open space to be fully contained on the Site within the front yard. Therefore, the requested front yard setback reduction from 6m to 1m is considered desirable and appropriate.

4.3.2 Variance 2: Reduction in 2.7m Side Yard Setback

As noted, the purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling, amenity areas, and driveways.

The proposed setbacks are consistent with the setbacks that exist in the surrounding context of the Site as delineated on **Figure 9**. The reduced setback is considered appropriate as it

is improving an existing situation on the east side, which currently has a 0m setback, and the west side setback abuts an existing parking area for the small apartment building on the corner of Locke Street and Peter Street. Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between the buildings to the east than what currently exists. Also noted, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east.

Therefore, the requested reduction in the minimum side yard setbacks from 2.7m to 1.2m are considered desirable and appropriate for the lands.

4.3.3 Variance 3: Reduction in 7.5m Rear Yard Setback

The variance to allow for a reduced minimum rear yard setback, which in its current situation is larger than many of the surrounding lots, is to allow for the more efficient use of the property for a semi-detached dwelling. The rear yard setback proposed is similar to many existing smaller lots throughout the neighbourhood. Therefore, the requested 2m rear yard setback reduction from 7.5m to 5.50m is considered desirable and appropriate.

4.3.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The variance to allow for a reduced minimum lot width, which in its current situation is larger than many of the surrounding lots, is to allow for the more efficient use of the property for a semi-detached dwelling. The lot width that is proposed is similar to many existing smaller lots throughout the neighbourhood. Therefore, the requested lot width reduction from 18.0m to 17.40m is considered desirable and appropriate.

4.3.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The Site in its current situation is larger than many of the surrounding lots and those in the neighbourhood. It can be used more efficiently with a new semi-detached dwelling being constructed as a minor form of infilling and intensification that is appropriate for the area. The Site can accommodate a semi-detached dwelling, which maintains the character and form of the neighbourhood. Therefore, the requested lot area reductions from 540m² to 272.20m² is considered desirable and appropriate.

4.3.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The variance is to permit a reduced setback from a covered porch to a front lot line. Allowing for porches to project further into a required yard provides for variation of the streetscape and animation. The setback is similar to many other homes in the surrounding neighbourhood. Therefore, the requested setback reduction from a covered porch to a front lot line of 0.15m is considered desirable and appropriate.

4.3.7 Variance 7: Reduction in 50% Front Yard Landscaping

The variance to allow for a reduction in the required percentage of landscaped area in the front yard from 50% to 26% is largely a result of providing onsite parking as shown on **Appendix A1**. This reduced landscaped area in front yards is evident throughout the neighbourhood and is commonly attributed to the need to provide a parking space on the property. The requested variance will continue to ensure that a reasonable amount of landscaped area is provided in the front yard and that the entire front yard will not be paved.

Therefore, allowing for 26% of the front yard to be landscaped is considered desirable and appropriate.

4.4 Are the requested variances minor in nature?

In the determination of whether a variance is minor, consideration of more than solely the numerical difference between the requested standard and the zoning by-law requirement is necessary. Consideration of how the variance impacts the overall area, as well as the Site must be evaluated.

4.4.1 Variance 1: Reduction in 6.0m Front Yard Setback

The reduced front yard setback still provides for a 1m setback. This setback is consistent with the neighbouring homes and many others in the area. All dwellings, specifically within this block on the south side of Peter Street, have minimal front yard setbacks, and in some cases straddle the front lot line. Therefore, the requested reduction in the minimum front yard setback from 6m to 1m is considered minor in nature.

4.4.2 Variance 2: Reduction in 2.7m Side Yard Setback

As noted, the purpose of a minimum side yard setback is to ensure there is adequate separation between buildings and lot lines to access the dwelling, amenity areas, and driveways.

The proposed setbacks are consistent with the setbacks that exist in the area, not only along Peter Street, but in the greater surrounding area, where the average side yard setback is 0.48m and over 85% of the lots have equal to or less than 1.2m side yard setbacks as noted on **Figure 9**. The reduced setback is further considered appropriate as it is improving an existing situation on the east side, which currently has a 0m setback, and the west side setback abuts an existing parking area for the small apartment building on the corner of Locke Street North and Peter Street.

Therefore, there are no visual or physical separation issues, and the proposed building will be providing more space between buildings than what currently exists. As noted previously, the proposed building does not contemplate the locating of any windows along the east elevation that directly align with those existing on the neighbouring property to the east.

Therefore, the requested 1.6m reduction in the minimum side yard setback from 2.7m to 1.2m for both the west and east side yard setbacks is considered minor in nature.

4.4.3 Variance 3: Reduction in 7.5m Rear Yard Setback

The reduced minimum rear yard setback is sufficient to accommodate an adequate rear yard amenity area for each of the new proposed semi-detached dwelling units. Similar rear yard setbacks also exist in the neighbourhood on other comparatively size parcels. Therefore, the requested 2m reduction in the minimum rear yard setback from 7.5m to 5.50m is considered minor in nature.

4.4.4 Variance 4: Reduction in 18.0m Minimum Lot Width

The reduced minimum lot width for the Site is sufficient to accommodate a semi-detached dwelling, shared driveway access, rear yard accesses and amenity areas. Lots of similar widths also exist in the neighbourhood. Therefore, the requested 0.6m reduction in the minimum lot width from 18.0m to 17.40m is considered minor in nature.

4.4.5 Variance 5: Reduction in 540.0m² Minimum Lot Area

The proposed lot area is sufficient to accommodate a semi-detached dwelling, shared driveway access, rear yard accesses and amenity areas. Similarly sized lots are prevalent throughout the neighbourhood as mentioned previously and as follows. The proposed lot area is consistent with similarly sized lots that exist in the area, not only along Peter Street, but in the greater surrounding area, where the smallest semi-detached dwelling lot unit is 198.4m² and only 25% of the semi-detached lots comply with the lot area requirement of the by-law as delineated on **Figure 12**.

As indicated previously, presently, the existing condition of the Site of having a lot area of 272m² was pre-established with the lot layouts implemented over 100 years ago, as noted previously in **Figure 5**. This condition also pre-dates both the passing of the in-effect Zoning By-law 6593 in 1950 and the first Ontario *Planning Act* in 1946. The reduced lot area is further considered appropriate as it is recognizing an existing condition to permit a semi-detached dwelling, similar to other 25% of the semi-detached lots on the street which also have an equal to or less than area of 272m².

Therefore, the requested 268m² reduction in the minimum lot area from 540m² to 272m² of both the existing and proposed dwellings is considered minor in nature.

4.4.6 Variance 6: Reduction in 1.5m Setback from a Covered Porch to the Front Lot Line

The variance to reduce the setback from a covered porch to the front lot line from the required 1.5m to 0.15m is considered minor, due to the setback being consistent with the streetscape, which is defined by small front yards. The existing dwelling and covered porch traverse the front property line correspondingly shown previously in **Figure 13**.

By allowing the porches to be located up to 0.15m from the front lot line, the streetscape can be maintained, while ensuring the dwelling is entirely within the property boundaries.

Therefore, the requested 0.15m setback from the proposed covered porches to the front lot line is considered minor in nature.

4.4.7 Variance 7: Reduction in 50% Front Yard Landscaping

The variance to allow for a reduction in the required percentage of landscaped area in the front yard from 50% to 26% is largely a result of providing onsite parking as shown on **Appendix A1**. This reduced landscaped area in front yards is evident throughout the neighbourhood and is commonly attributed to the need to provide a parking space on the property identified previously in **Figure 14**. Further, the use of the front yard will still be maintained by the inclusion of the front porch. The requested variance will continue to ensure that a reasonable amount of landscaped area is provided in the front yard and that the entire front yard will not be paved.

Therefore, allowing for a reduction of 24% to permit 26% of the front yard to be landscaped, is considered minor in nature.

5. Summary and Recommendations

The requested variances represent good land use planning as they satisfy the four tests of Section 45(1) of the *Planning Act*. Approval of the requested variances will continue to maintain the general intent and purpose of the Urban Hamilton Official Plan and Zoning By-law 6593; are desirable and appropriate; and are considered minor in nature.

Respectfully submitted,

GSP Group Inc.



Brenda Khes, MCIP, RPP
Associate - Senior Planner

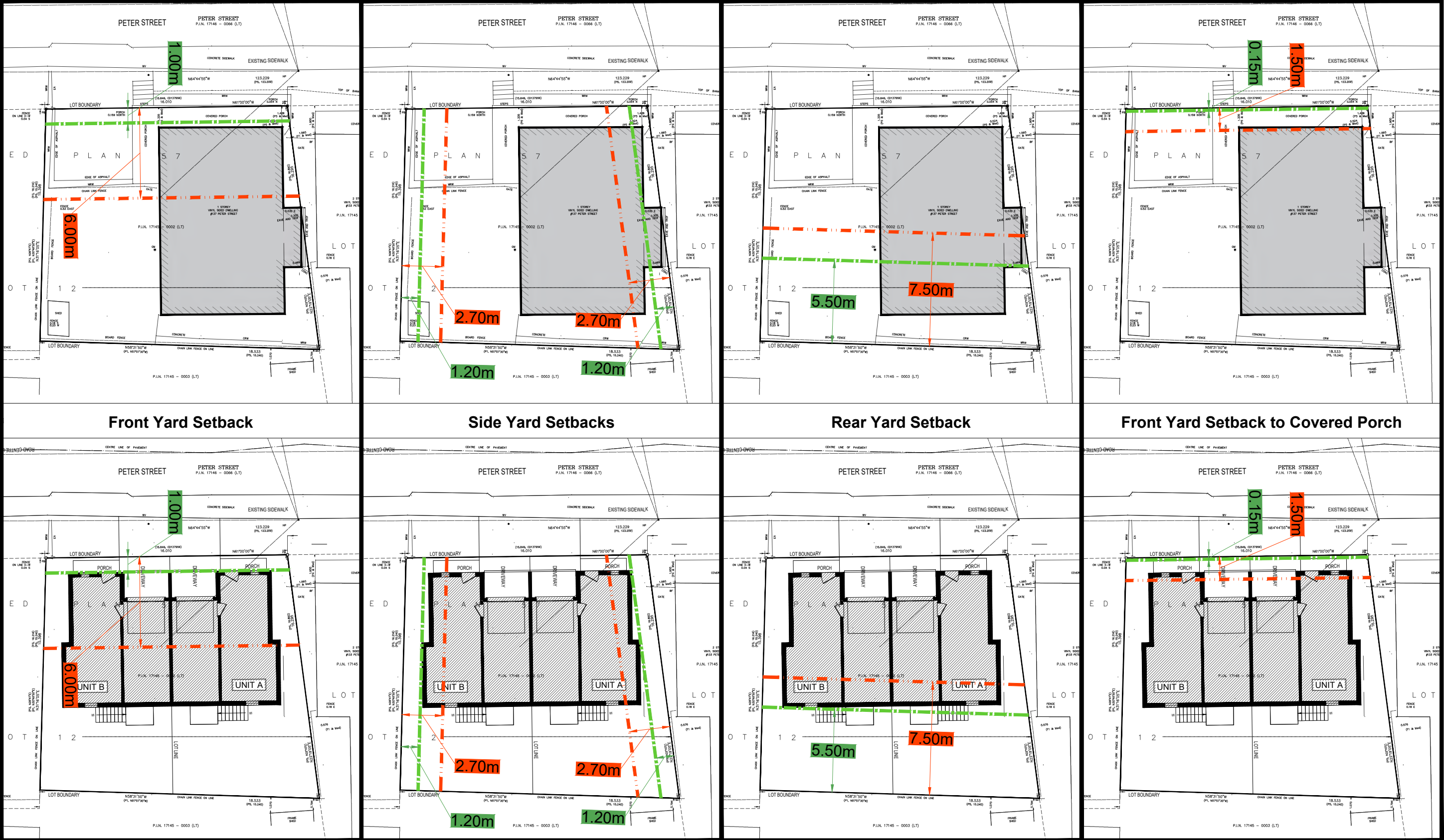


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Planner

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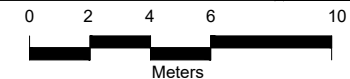
Existing

Proposed



APPENDIX A
MINOR VARIANCE ANALYSIS
137 Peter Street, Hamilton, Ontario

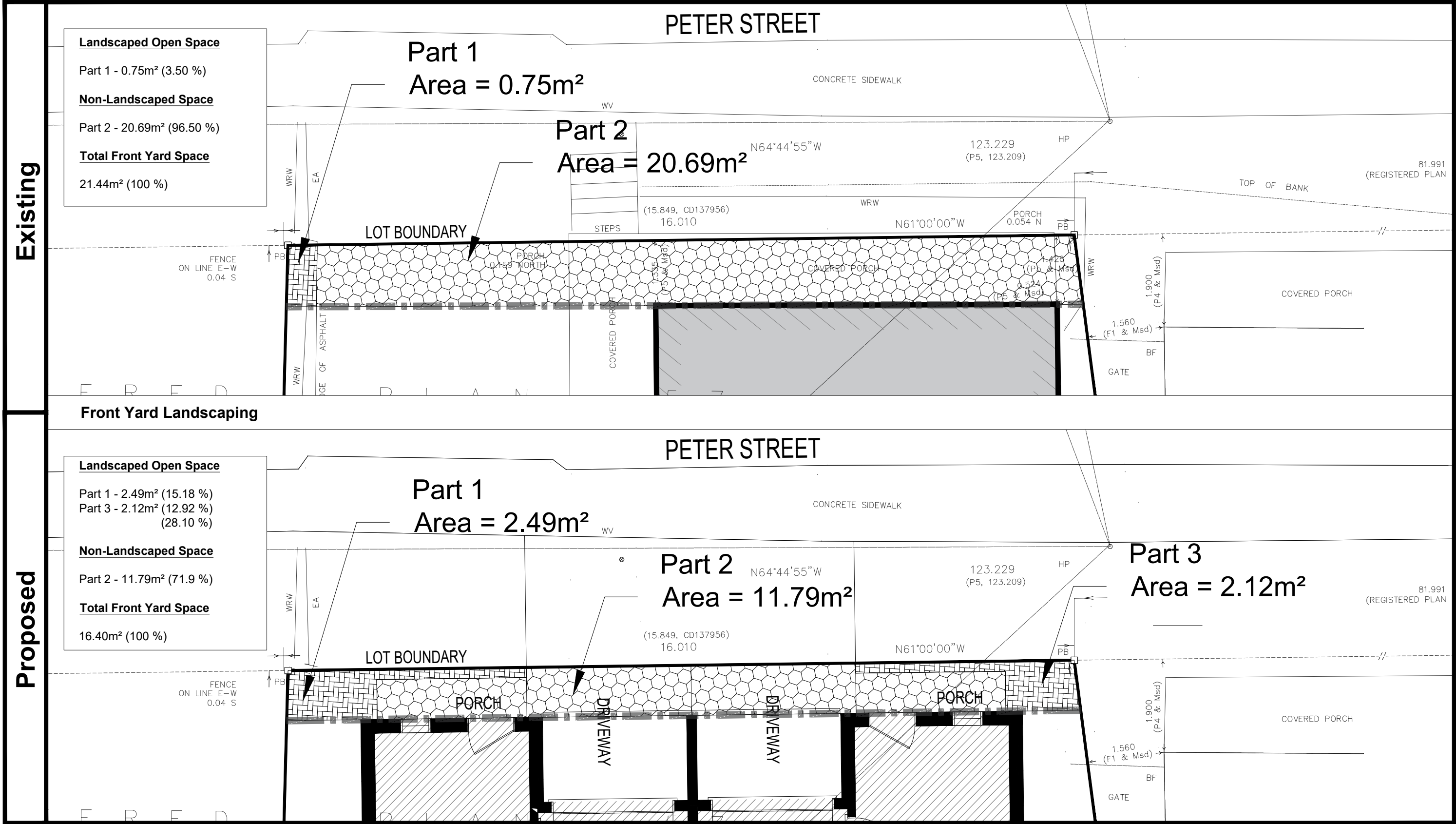
- Required Regulation (As per City of Hamilton Zoning By-law 6593)
- Proposed Regulation
- Existing Building Footprint (As per Survey Plan)
- Proposed Building Footprint



NOTE: This analysis has been prepared based on a Survey Plan undertaken by A.T. McLaren Limited dated August 10, 2018 and a Site Plan prepared by John G. Williams Limited, Architect dated January 29, 2021. All measurements in METRIC, unless otherwise noted.

Scale 1:250 | January 29, 2021 | Project No.: 20313 | Drawn By: JML





APPENDIX A1

MINOR VARIANCE ANALYSIS

137 Peter Street, Hamilton, Ontario