



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

HM/A-23:316 – 76 Barclay Street, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the MCM.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).



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Development Planning:

Background

To facilitate the construction of a proposed Secondary Dwelling unit - detached.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan.

B.3.2.4.4 A secondary dwelling unit and a secondary dwelling unit - detached shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 142)(OPA 167, MMAH Mod. 17)

E.3.4.3 Uses permitted in low density residential areas:
a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)

Ainslie Wood Westdale Secondary Plan

The subject site is further designated “Low Density Residential 2” on Map B.6.2-1 within the Ainslie Wood Westdale Secondary Plan. Policy B.6.2.5.4, among others, are applicable and permit the use.

Archeology

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

- 1) Within 250 metres of known archaeological sites; and
- 2) In areas of pioneer Euro-Canadian settlement.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. If this consent is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:



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Should deeply buried archaeological materials be found on the property during any of the above development activities the MCM should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

Cultural Heritage

The subject property consists of a 1.5 storey dwelling and is located in the Westdale South Established Historical Neighbourhood and the Ainslie Wood Westdale Secondary Plan area.

Where new construction and/or alterations or additions to existing structures are proposed in an Established Historical Neighbourhood, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- “B.3.4.1.4 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

- B.3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.”

Further, the following section of the Ainslie Wood Westdale Secondary Plan, applies:



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- “B.6.2.4 The objectives of the Ainslie Wood Westdale Secondary Plan are to:
- c) Ensure new infill housing and renovations are compatible with existing development; and,
 - i) Conserve cultural heritage resources, including buildings and areas of historical and architectural significance.”

The applicant proposes to construct a second storey addition onto an existing accessory building in the rear yard and to establish a Secondary Dwelling Unit - detached.

Staff have reviewed the subject application and would strongly encourage the incorporation of sympathetic materials (e.g., red brick, stone) into the design of the new Secondary Dwelling Unit. Additionally, staff would also encourage incorporating a clipped gable or gable roof design, to remain sympathetic to the surrounding context of the Westdale South Established Historical Neighbourhood.

Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1361” (Urban Protected Residential) Zone which permits the use.

Variance 1

1. A maximum floor area ratio of 0.74 shall be permitted instead of the maximum 0.45 floor area ratio permitted.

The intent of this provision is to ensure there is no overdevelopment of the lands. Staff defers any drainage concerns to Development Engineering.

Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed Secondary Dwelling Unit will not aide to an overdevelopment of the site. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Variance 2

2. A minimum parking space size of 2.06 metres x 6.0 metres shall be permitted instead of the minimum 2.7 metres x 6.0 metres parking space size required.

The intent of this provision is to ensure parking spaces are sufficient size for vehicles to park.

Staff note that the parking space is an existing location for the existing single detached dwelling. Staff are of the opinion that the variance maintains the general intent of the By-law as a vehicle will be able to sufficiently park within the space. Staff are of the opinion the variance is minor in nature and



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desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, staff **support the variance**.

Zoning:

Recommendation:	Comments and Conditions / Notes
Notes:	<p>1. Requested variance are required to facilitate the construction of a proposed secondary dwelling unit- detached.</p> <p>2. The City of Hamilton is continuing to develop Hamilton Zoning By-law 05-200 which encompasses the former City of Hamilton and the five (5) outlining municipalities. Please be advised that the next phase is the Residential Zones Project which will include Low Density Residential Zones. The subject property may be impacted by upcoming changes scheduled to be heard at the Planning Committee meeting of February 23, 2024.</p>

Development Engineering:

Recommendation:	Approve
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the proposed minor variances.

Transportation Planning:

Recommendation:	No comments.
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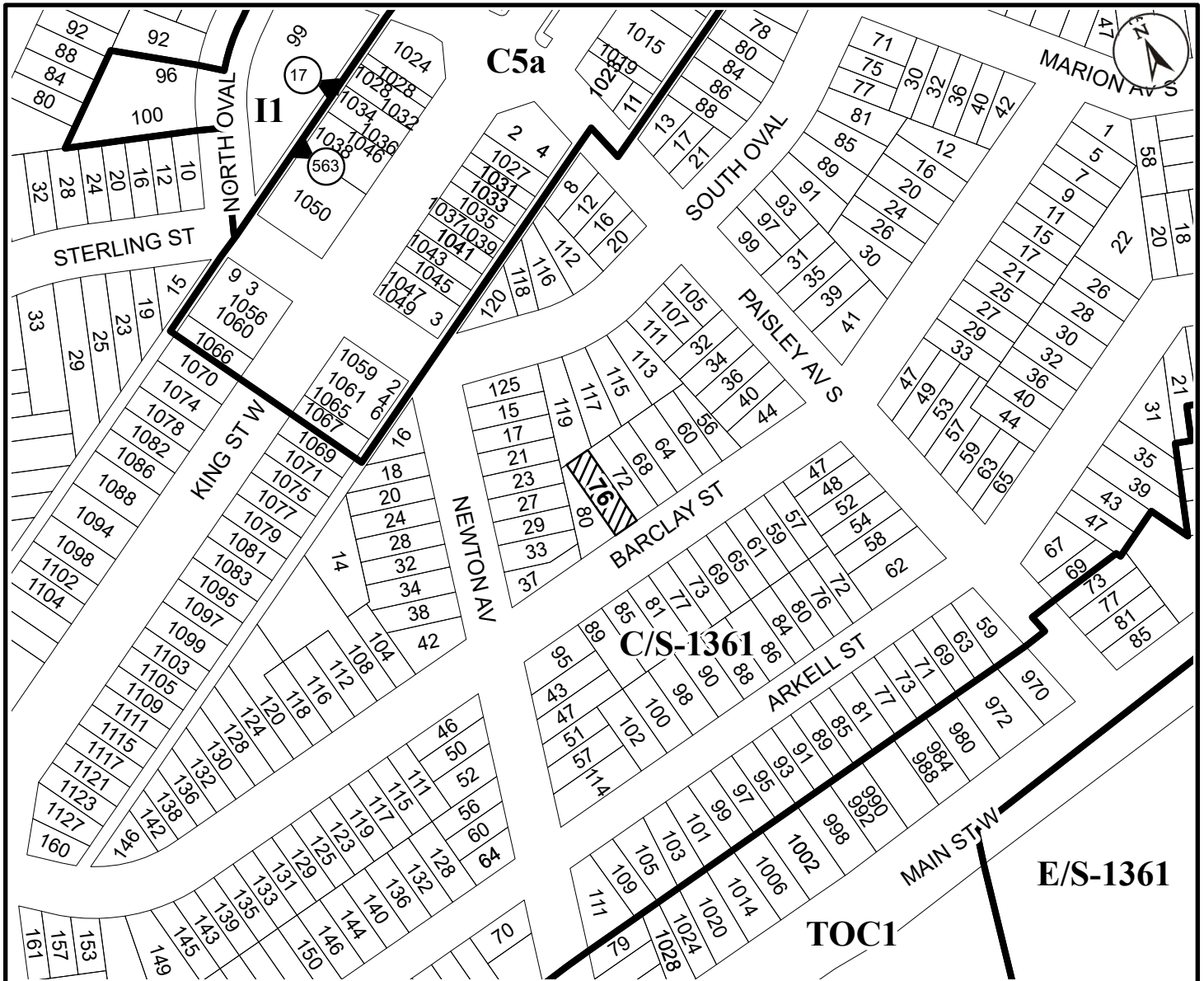
Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed.

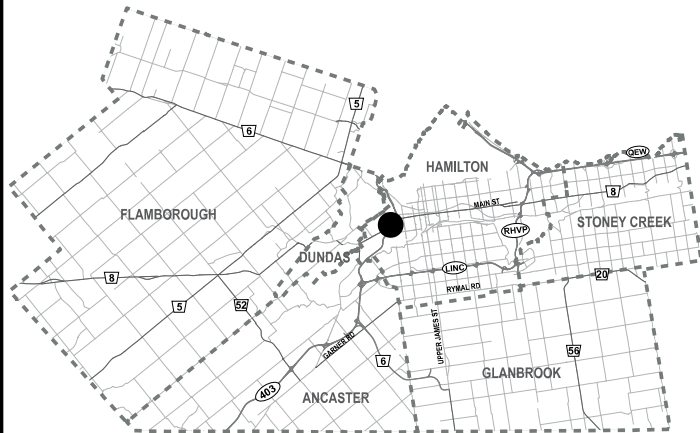
Legislative Approvals:

Recommendation:	No comments.
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Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



76 Barclay Street, Hamilton (Ward 1)

File Name/Number:

HM/A-23:316

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT