



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

HM/A-24:02 – 72 Holmes Avenue, Hamilton

Recommendation:

Development Planning – Approve Variances 1, 2, & 4 and Deny Variance 3

Proposed Conditions:

N/A

Proposed Notes:

N/A



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HEARING DATE: February 13, 2024

Development Planning:

Background

As to permit the construction of a new single detached dwelling with three secondary dwelling units.

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)

The Urban Hamilton Official Plan permits one interior secondary dwelling unit and one detached secondary dwelling unit on lots that contain a single detached dwelling. The current proposal does not comply with the Official Plan.

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

No comment.

Cultural Heritage

The subject property is located in the Ainslie Wood Westdale Secondary Plan area.

Accordingly, the following sections of the Ainslie Wood Westdale Secondary Plan, applies:



- “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 two storey single detached dwelling with three secondary dwelling units.

Staff have reviewed the submitted designs and believe it is sympathetic to the character neighbourhood, and uses compatible rooflines, materials, and setbacks.

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-1335, C/S-1335a & C/S-720” (Urban Protected Residential, Etc.) District, Modified.

Variance 1

1. A maximum encroachment of 2.6 metres into the required rear yard for the fire escape or open stairway shall be provided whereas the by-law permits a maximum encroachment of 1.0 metre into the required rear yard.

The intent of this provision is to limit encroachments into required yards and to allow for sufficient space for the fire escape or stairway to be used. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space in the rear will be provided for amenity space and for stairs to be used. 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 of one parking space shall be provided whereas the By-law requires a minimum of five parking spaces.

The intent of this provision is to ensure sufficient parking space will be provided on site.

Staff note that the calculation for parking within the Former City of Hamilton Zoning By-law No. 6593 results in two parking spaces being allocated for the single detached dwelling for the first eight habitable rooms plus 0.5 parking spaces per each additional habitable room and one additional parking space for each secondary dwelling unit. Staff further note that a single detached dwelling with



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no secondary dwelling units could potentially result in more than two parking spaces depending on the number of habitable rooms. Additionally, staff note that only one parking space can fit sufficiently on the subject site, regardless of additional dwelling units or for a single detached dwelling with no additional dwelling units. Staff are of the opinion that sufficient parking is being provided for a single detached dwelling. Staff further note that there are sufficient alternative modes of transportation, including the neighbourhood’s walkability and access to public transit options. 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 3

3. A maximum of three secondary dwelling units shall be provided whereas the By-law permits a maximum of one secondary dwelling unit.

The intent of this provision is to allow for one additional dwelling unit within a single detached dwelling.

Staff note that the applicant is requesting a variance to add additional uses to the zone. Staff are of the opinion that the variance does not meet the general intent of the By-law as more than one secondary dwelling is not permitted within a single detached dwelling. Staff are of the opinion the variance is neither desirable for the development nor minor in nature as increasing the number of dwellings within the single detached dwelling may create negative impacts to the surrounding area. Based on the foregoing, staff **do not support the variance**.

Variance 4

4. A minimum of 36% of front yard landscaping shall be provided whereas the By-law requires a minimum of 50% of front yard landscaping.

The intent is to provide consistent landscaping along a streetscape and to provide greenspace. Staff are of the opinion that the proposed variance maintains the general intent of the By-law as a consistent landscaped area is being provided. 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**.

Zoning:

Recommendation:	No comments.
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HEARING DATE: February 13, 2024

Development Engineering:

Recommendation	Approve
Proposed Conditions:	N/A
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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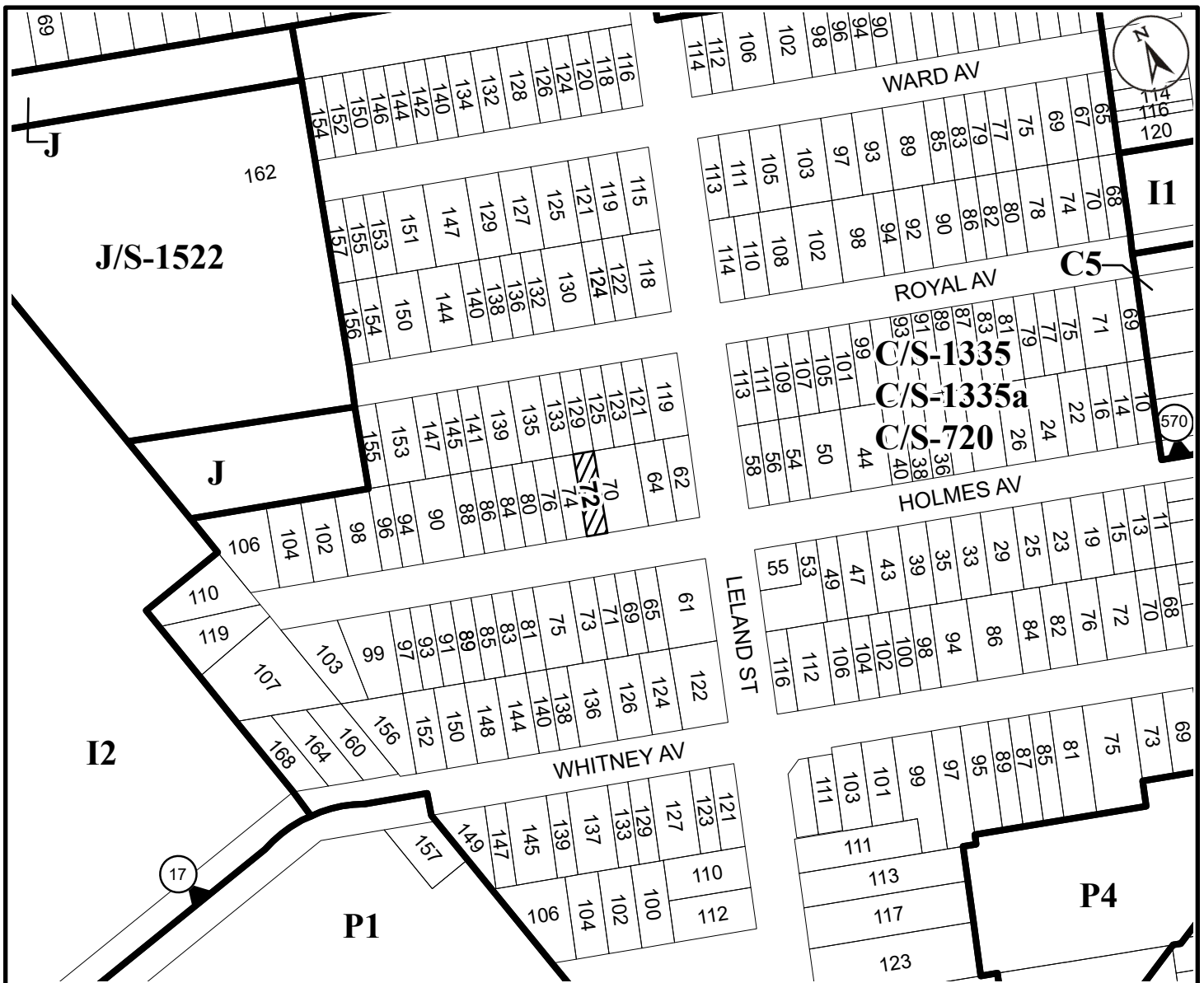
Building Engineering:

Recommendation:	Comments Only
Notes:	A building permit is required for the construction of the proposed. The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units. Be advised that Ontario Building Code regulations may require specific setback and construction types.

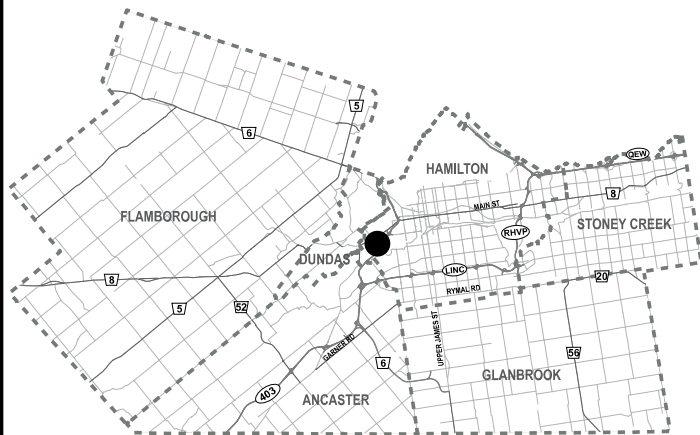
Legislative Approvals:

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



72 Holmes Avenue, Hamilton
(Ward 1)

File Name/Number:

HM/A-24:02

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT