



Hamilton

STAFF COMMENTS

HEARING DATE: February 13, 2024

HM/A-23:340 – 78 Ontario Avenue, Hamilton

Recommendation:

Development Planning - Approve

Proposed Conditions:

N/A

Proposed Notes:

N/A



Development Planning:

Background

To permit the conveyance of a parcel of land for residential purposes (existing structures to remain) and to retain a parcel of land for residential development.

	Frontage	Depth	Area
Severed Lands	7.5 m±	29.7 m±	222.6 m2 ±
Retained Lands	8.4 m±	29.7 m±	251.7 m2 ±

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan. Policies F.1.14.3.1 and E.3.4.3, among others, are applicable.

Policy F.1.14.3.1 requires, among other things, that consents for new lot creation comply with the policies of the Urban Hamilton Official Plan, including secondary plans, and the lots are in conformity with the Zoning By-law, or a minor variance is approved. Staff are of the opinion that the Consent application maintains the general scale and character of Ontario Avenue and the neighbourhood. Staff note that the severed and retained lands have frontage onto a public road and are fully serviced.

Archaeology

No comment.

Cultural Heritage

No comment.

Zoning By-law City of Hamilton 05-200

The subject site is zoned Low Density Residential – Small Lot (R1a) Zone and permits a single detached dwelling.



Hamilton

Lands Retained

Variance 1

1. A minimum lot area of 250 m² shall be provided instead of the minimum lot area of 270 m².

The intent of this provision is to ensure sufficient lot size is provided for the use of land. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient lot area will be provided for the single detached dwelling. 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 lot frontage of 8.4 metres shall be provided instead of the minimum lot frontage of 9.0 metres.

The intent of this provision is to provide a consistent low density residential streetscape and to provide sufficient width for a proper building envelope. Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed lot frontage will be consistent along Ontario Avenue. 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 minimum side yard setback of 1.06 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

The intent of this provision is to provide sufficient access and drainage, as well as to provide an appropriate built form. 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 access and a proper built form will be 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**.

Severed Lands

Variance 4



4. A minimum lot area of 220 m² shall be provided instead of the minimum lot area of 270 m².

The intent of this provision is to ensure sufficient lot size is provided for the use of land. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient lot area will be provided for the single detached dwelling. 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 5

5. A minimum lot frontage of 7.5 metres shall be provided instead of the minimum lot frontage of 9.0 metres.

The intent of this provision is to provide a consistent low density residential streetscape and to provide sufficient width for a proper building envelope. Staff are of the opinion that the variance maintains the general intent of the By-law as the proposed lot frontage will be consistent along Ontario Avenue. 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 6

6. A minimum side yard setback of 0.9 metres shall be provided instead of the minimum side yard setback of 1.2 metres.

The intent of this provision is to provide sufficient access, drainage, and to provide a proper built form. 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 access and a proper built form will be 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:	Comments Only
Comments:	<ol style="list-style-type: none"> 1. This application shall be heard in conjunction with Consent application HM/B-23:94 2. The variances are written as requested by applicant.



Hamilton

	<p>3. Additional variances may be required.</p> <p>4. This property is listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner CulturalHeritagePlanning@hamilton.ca for further information.</p>
--	---

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.
-----------------	--------------

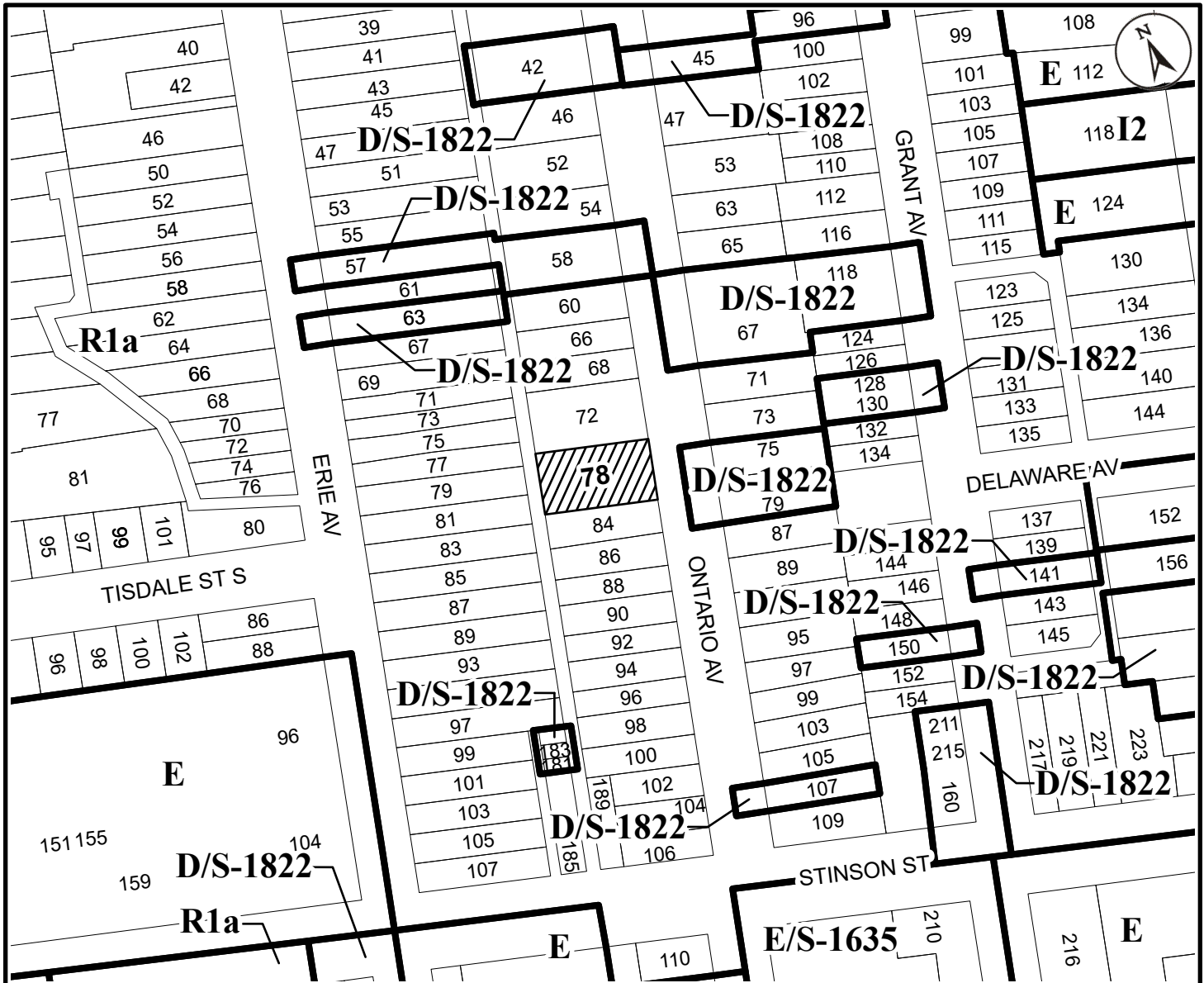
Building Engineering:

Recommendation:	Comments Only
Notes:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types</p> <p>A demolition permit is required for the demolition of the existing detached garage.</p> <p>A demolition permit is required for the demolition of the existing shed.</p>

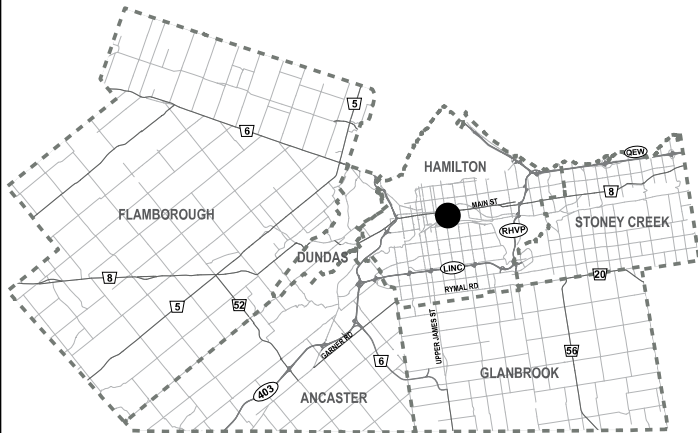
Legislative Approvals:

Recommendation:	No comments.
-----------------	--------------

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



78 Ontario Avenue, Hamilton
(Ward 3)

File Name/Number:

HM/A-23:340

Date:

January 29, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton