



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 26, 2024**

**HM/A-24:30 – 26 West Avenue South, Hamilton**

**Recommendation**

- Approve

**Proposed Conditions**

1. That Variance 1, a minimum rear yard of 2.8 metres shall be permitted instead of the minimum 7.5 metres rear yard required, shall only be applied to the rear addition, as per drawing A1.10 dated 2023-09-29.

**Proposed Notes**

**N/A**



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**Development Planning:**

**Background**

To facilitate the construction of a new one storey addition in the rear yard and three storey front yard addition to the existing building. The multiple dwelling is subject to application SPA-22-131.

**Analysis**

**Urban Hamilton Official Plan**

The subject lands are designated as “Downtown Mixed-Use Area” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan. Policy E.4.4.4, amongst others, is applicable and permits the use.

**Downtown Hamilton Secondary Plan**

The subject site is further designated “Downtown Residential” on Map B.6.1-1 within the Downtown Hamilton Secondary Plan. Policy B.6.1.5.1.a) among others, are applicable and permit the use.

**Cultural Heritage**

Staff comments addressed as part of Site Plan Control Application SPA-22-131.

**Zoning By-law City of Hamilton No. 05-200**

The subject site is zoned Downtown Residential (D5) Zone, which permits the use.

**Variance 1**

1. A minimum rear yard of 2.8 metres shall be permitted instead of the minimum 7.5 metre rear yard required.

The intent of this provision is to provide amenity space, access, drainage, and a proper built form. Staff defer any drainage concerns to Development Engineering.

Staff are of the opinion that the proposed variance is improving the current condition on the site and increasing the setback from the existing garage. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient 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 note that the existing alleyway to the rear provides additional separation between the adjacent lands, which assists in reducing



potential impacts. Staff recommend that if the variance is approved, that the minimum rear yard of 2.8 metres only be applied to the proposed addition, as per submitted plan A1.10 dated 2023-09-29.

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. To permit a minimum 0.0 metre wide manoeuvring aisle whereas the Zoning By-law requires a minimum 6.0 metre one-way and two way aisle width for 90.0 degree parking spaces.

The intent of this provision is to ensure sufficient space is provided for vehicles to access a parking space. Staff note that the variance is to recognize an existing condition. Further, staff note that the existing alleyway to the rear can aide in the access and manoeuvring of the space. 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  |
| Proposed Conditions: |  |
| Comments:            | <ul style="list-style-type: none"> <li>• The applicant requested a variance to permit no setback between the rear exterior stairway and the rear lot line. However, upon approval of the requested rear yard variance, the location of the exterior staircase will be in compliance; as such, the requested variance is not required.</li> <li>• These variances are necessary to facilitate Site Plan Application SPA-22-131.</li> <li>• Please note that these lands may be: <ul style="list-style-type: none"> <li>- Regulated by a Conservation Authority;</li> <li>- Located within or adjacent to an Environmentally Sensitive Area (ESA);</li> <li>- Designated under the Ontario Heritage Act;</li> <li>- Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or,</li> <li>- Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest.</li> </ul> </li> </ul> <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p> |
| Proposed Notes:      |  |



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**Development Engineering:**

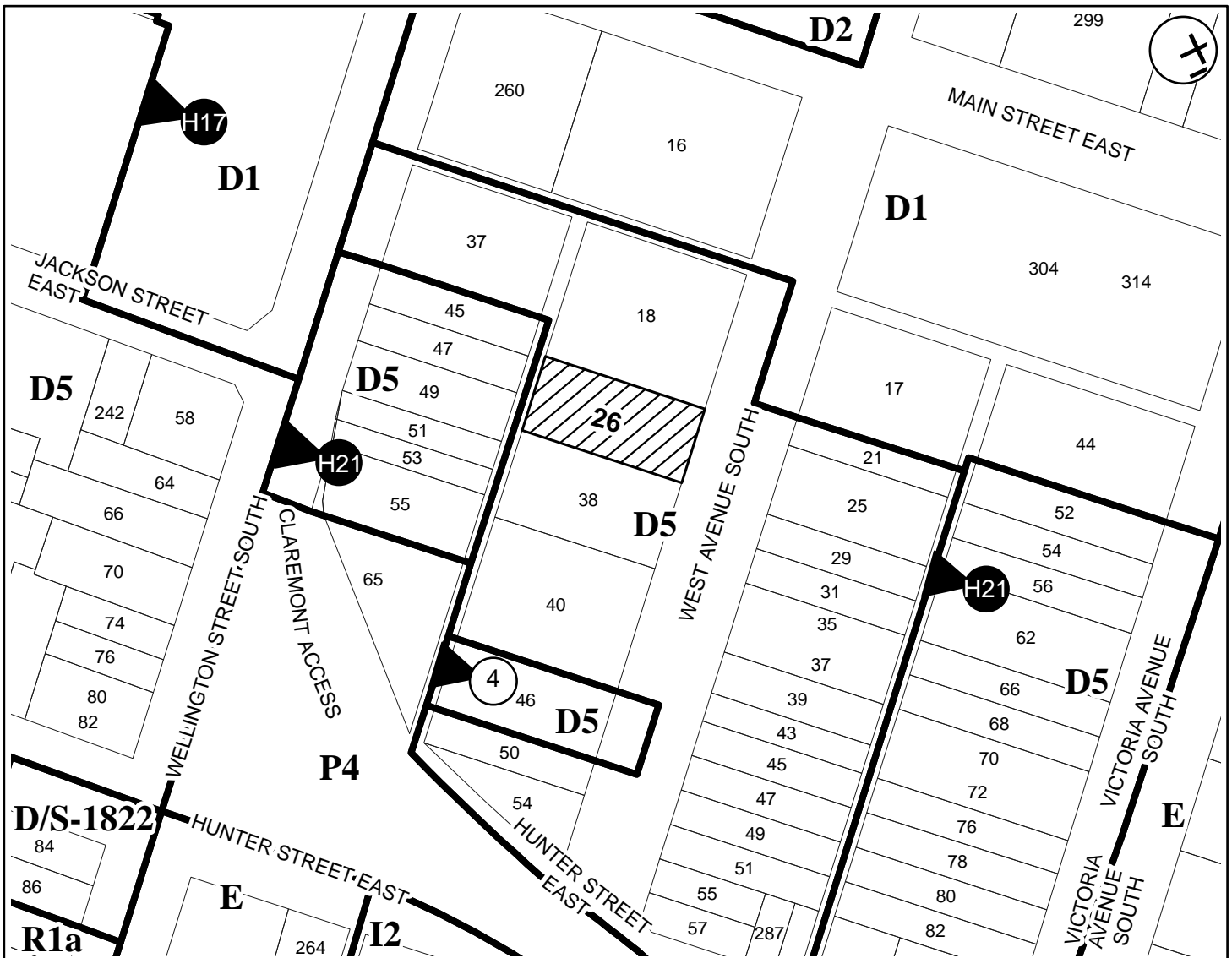
|                      |  |
|----------------------|--|
| Recommendation:      | No Comments  |
| Proposed Conditions: |  |
| Comments:            | Provided the existing drainage pattern is maintained, Development Engineering has no comments. |
| Proposed Notes:      |  |

**Building Engineering:**

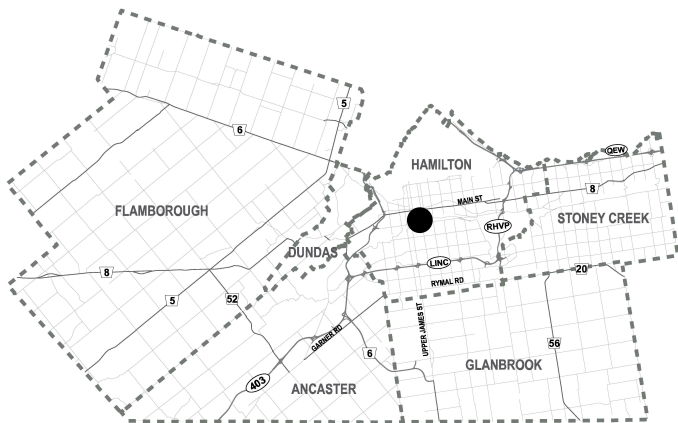
|                      |  |
|----------------------|--|
| Recommendation:      | Comments Only  |
| Proposed Conditions: |  |
| Comments:            |  |
| Proposed Notes:      | <p>A building permit is required for the construction of the new one storey addition in the rear yard and the three-storey front yard addition.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>Building Permit # 20-146499, issued on January 30, 2020, for alteration to the existing building to demolish non-load bearing interior partitions as per attached plans, remains not finalized.</p> |

**Transportation Planning:**

|                      |              |
|----------------------|--------------|
| Recommendation:      | No Comments. |
| Proposed Conditions: |              |
| Comments:            |              |
| Proposed Notes:      |              |



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



26 West Avenue South, Hamilton  
(Ward 3)

File Name/Number:

HM/A-24:30

Date:

February 29, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department