



Hamilton

HM/A-24:21 – 65 Lister Avenue, Hamilton

Recommendation

- 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 archaeological 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 an addition to an existing detached garage for the existing single detached dwelling.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations and are identified as “Neighbourhoods” in Schedule E – Urban Structure of the Urban Hamilton Official Plan. Policy E.3.4.3, amongst others, is applicable and permits the existing residential use.

Archaeology

The subject property meets three (3) 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;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 3) Along historic transportation routes.

These criteria defines 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 variance 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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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)."

Cultural Heritage

No comment.

Allison Neighbourhood Plan

The subject lands are identified as "Single and Double" on Map 7501 of the Allison Neighbourhood Plan, which permits the existing single detached dwelling.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned "B" (Suburban Agriculture and Residential) District, under Former City of Hamilton Zoning By-law No. 6593. Single detached dwellings and accessory structures are permitted.

Variance 1

1. A maximum height of 5.1 metres shall be permitted whereas the Zoning By-law permits a maximum height of 4.0 metres for accessory buildings.

The intent of this provision is to ensure accessory structures remain subordinate in size to the principal structure and to ensure the built-form is consistent with the existing neighbourhood character.

Staff note that the proposed addition to the existing garage would have a maximum height of 5.1 metres and, as shown on the application form submitted with this application, the existing dwelling has a height of 5.5 metres. Staff further note that the height of existing structures on Lister Avenue vary between one and two storeys. The proposed height of the garage addition remains subordinate in size to the existing single detached dwelling and is consistent with the existing character and built form of the surrounding neighbourhood. Therefore, staff are of the opinion that the requested variance maintains the general intent of the Zoning By-law, is desirable and appropriate development for the subject property and is minor in nature. Staff support the variance.



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Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> • The applicant shall ensure that any proposed eaves/gutter into a required side yard shall not be more than one-half of its width, or 1.0 metre, whichever is the lesser; otherwise, further variances shall be required. • The applicant shall ensure that the height dimension is determined from average grade as defined in the Zoning By-law. • Please note that these lands may be: <ul style="list-style-type: none"> - Regulated by a Conservation Authority; - Located within or adjacent to an Environmentally Sensitive Area (ESA); - Designated under the Ontario Heritage Act; - Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or, - Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest. <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> <ul style="list-style-type: none"> • 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) outlying 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 to be heard at the Planning Committee meeting of February 23, 2024. Please visit https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project or email reszoning@hamilton.ca for further information.
Proposed Notes:	



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Development Engineering:

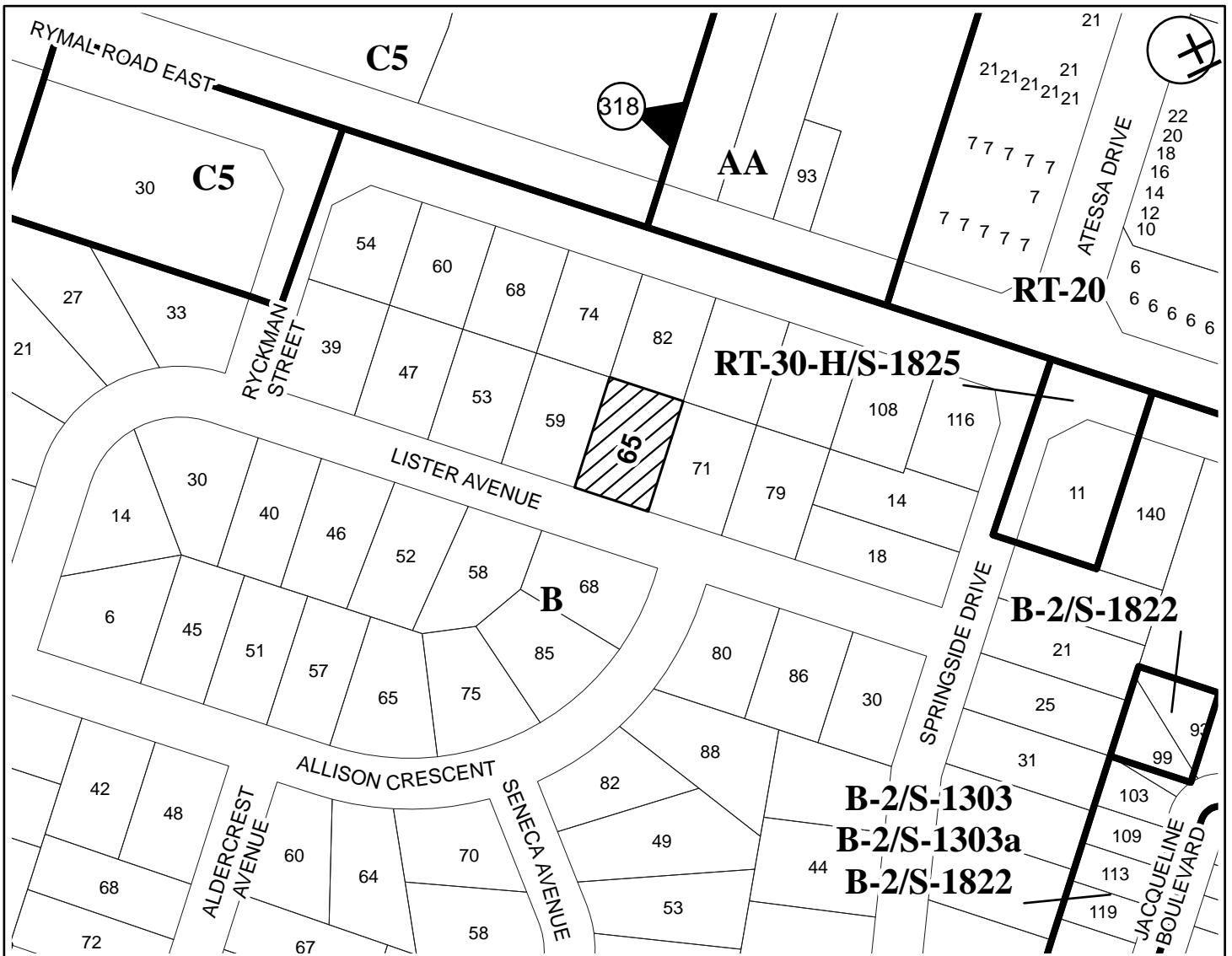
Recommendation:	No Comments
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no comments.
Proposed Notes:	

Building Engineering:

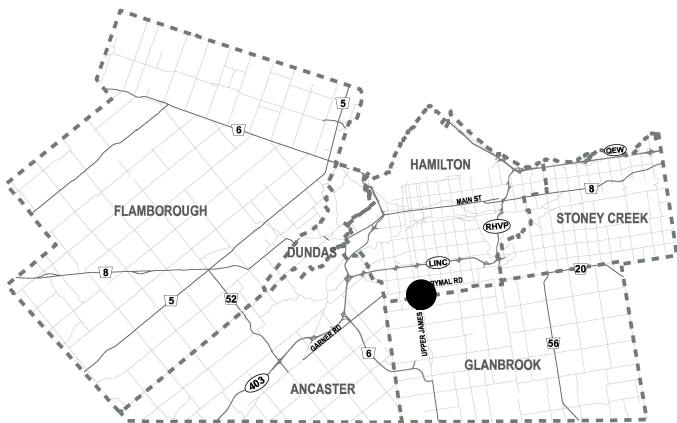
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the addition to the existing accessory building. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	




● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 65 Lister Avenue, Hamilton (Ward 8)

File Name/Number:

HM/A-24:21

Date:

March 1, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton