



Hamilton

STAFF COMMENTS

HEARING DATE: March 26, 2024

HM/A-24:38 – 22 Inchbury Street, Hamilton

Recommendation

Development Planning: Approve

Development Engineering: Deny

Proposed Conditions

N/A

Proposed Notes

N/A



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Development Planning:

Background

So as to permit a Secondary Dwelling Unit – Detached within the rear yard and a future addition in the rear yard of an existing Single-Family Dwelling.

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. Policies B.3.2.4.4 and E.3.4.3, among others, are applicable and permit the use.

Strathcona Secondary Plan

The subject site is further designated “Low Density Residential 3” on Map B.6.6-1 within the Strathcona Secondary Plan. Policy B.6.6.5.3, among others, are applicable and permit the use.

Archaeology:

The subject property meets four (4) 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) In the vicinity of distinctive or unusual landforms;
- 3) In areas of pioneer Euro-Canadian settlement; and,
- 4) 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:

“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).”

Cultural Heritage:

The subject property located 22 Inchbury Street, Hamilton is comprised of a circa 1862 historic one-storey workers cottage, which is included in the City’s Inventory of Heritage Properties and is located within the Arnold’s Survey Cultural Heritage Landscape, as identified in the Strathcona Secondary Plan in the Urban Hamilton Official Plan. The subject property is also located in the Strathcona Established Historical Neighbourhood and in an area with a concentration of properties included in the City’s Inventory of Heritage Properties.

Accordingly, following sections B.3.4.1.4, B.3.4.2.1(h), B.3.4.3.6 and B.3.4.3.7 of the Urban Hamilton Official Plan, Volume 1, apply. Further, the following sections of the Strathcona Secondary Plan apply

6.6.3 The following objectives shall apply to development within the Strathcona Secondary Plan area:

- b) Promote and protect the heritage character of the neighbourhood;
- d) Encourage development to reflect the historic character and cultural heritage of the Strathcona Neighbourhood through high quality urban design.

6.6.4 Development shall respect and reflect the existing heritage character of the Strathcona Neighbourhood, and shall be in accordance with the policies of Section 6.6.11, Cultural Heritage Resources of this Plan.

6.6.11

a) The Strathcona Neighbourhood is an established historical neighbourhood and as such, the following policies shall apply:



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b) (i) The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, this secondary plan 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.

The subject application is for variances to permit a Secondary Dwelling Unit – Detached within the rear yard and a future addition in the rear yard of an existing historic dwelling. As noted in the application, the applicant is planning on renovating the existing dwelling in a future phase of work on the property, which proposes unifying the design of the front façade to be consistent with the design of the new detached structure in the rear.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, 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.

Though not part of this subject application, staff strongly recommend that the historic design of the front façade of the existing historic dwelling be maintained, including the three-bay orientation, central entrance with flanking windows and hip roof. The stone veneer cladding, windows and enclosed front porch are later modifications, so replacement cladding would be appropriate and compatible traditional materials should be considered (e.g. wood siding, replacement brick, etc.). Heritage staff are available to answer any questions the applicant may have regarding compatible and sympathetic design and can be contacted at CulturalHeritagePlanning@hamilton.ca.

Zoning By-law former City of Hamilton 6593

The subject site is zoned “D” (Urban Protected Residential – One- and Two-Family Dwellings and Etc.) District, which permits the use.

Variance 1 - Proposed Secondary Dwelling

1. A Maximum Height of 6.99 metres shall be permitted instead of the Maximum Height of 6.0 metres.

The intent of this provision is to ensure the secondary dwelling unit remains subordinate to the primary dwelling and to limit an over build of the site. Staff note that the as of right building height for a dwelling within the zone is 14.0 metres. Staff are of the opinion that the proposed height for the secondary dwelling unit will remain subordinate to the subject site and meets the intent of the Zoning By-law. 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.**



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Variance 2 - Proposed Secondary Dwelling

2. A Minimum distance of 4.65 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached shall be permitted instead of the required Minimum distance of 7.5 metres between the rear wall of the principal dwelling and the Secondary Dwelling Unit – Detached.

The intent of this provision is to ensure sufficient amenity space is provided and to provide sufficient distance separation. Staff are of the opinion that sufficient amenity space can still be provided for the secondary dwelling unit and single detached dwelling. Staff are of the opinion that the variance will provide sufficient vehicle parking 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 3 - Proposed Addition

1. A Minimum Side Yard Setback of 0.0 metres shall be permitted instead of the minimum required 1.2 metres.

The intent of this provision is to provide access, drainage, and to provide a proper building envelope. Staff defers any drainage concerns to Development Engineering. Staff note that the proposed addition encroaches onto the adjacent property. Staff are of the opinion that the proposed variance does not maintain the general intent of the By-law as no access or a proper building envelope will be provided. Staff are of the opinion the variance is neither minor in nature nor desirable for the development as negative impacts are anticipated to the subject site and adjacent lands. Staff are of the opinion that the variance does not meet the four tests of a minor variance. Based on the foregoing, staff do not support the variance.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Please note, the applicant has requested the following variances be added to permit the Secondary Dwelling Unit – Detached:</p> <p>a. A Minimum Side Yard of 0.6 metres shall be permitted for a Secondary Dwelling Unit – Detached instead of the Minimum Side Yard of 1.2 metres for a Secondary Dwelling Unit – Detached;</p> <p>b. Two (2) parking spaces for the existing Single Family Dwelling and Zero (0) parking spaces for a Secondary Dwelling Unit – Detached shall be</p>



permitted instead of the minimum required one (1) parking space for a Secondary Dwelling Unit – Detached;

c. A Maximum Gross Floor Area of 75.42 m² shall be permitted for a Secondary Dwelling Unit – Detached instead of the Maximum required Gross Floor Area of 75.0 m² for a Secondary Dwelling Unit – Detached;

d. A Home Business (Office) associated with the principal Single Family Dwelling shall be permitted within a Secondary Dwelling Unit – Detached instead of the requirement that a Home Business shall be carried on for remuneration entirely within a dwelling unit by members of a family residing in the dwelling unit as their principal place of residence.

2. The following clarification is provided as it relates to “b.” above. The applicant would like to propose two parking spaces associated within the Single Family Dwelling so that tandem parking may be permitted, as opposed to one space for the existing Dwelling and one space for the Secondary Dwelling Unit – Detached. Furthermore, due to the demolition of the existing garage, it is uncertain if existing parking conditions can be maintained and as such, the applicant is seeking to permit parking on the lot based on parking space dimension and manoeuvring available within the driveway.

3. Be advised, a 6.0 metre manoeuvring space is required for 90 degree parking spaces, with one space being permitted to be tandem and one space being permitted to manoeuvre off site.

4. Be advised, an Encroachment Agreement is required to be registered on title for any portion of the proposed addition, including eaves, located over the lot line.

5. Please note, insufficient information has been provided to determine the height of the proposed addition to the Single Family Dwelling. Please note, should the height exceed the 14.0 metres permitted, additional variances may be required.

6. 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.



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	Please visit https://www.hamilton.ca/build-invest-grow/planning-development/zoning/residential-zones-project or email rezoning@hamilton.ca for further information.
Proposed Notes:	

Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	Development Engineering Approvals requires minimum 0.9m side yard setbacks to accommodate side yard swales, as per the Lot Grading Policy. As such, we recommend variance 1 for Proposed addition to Single Family Dwelling to be denied.
Proposed Notes:	.

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction the secondary dwelling unit within the rear yard.</p> <p>A building permit is required for the construction of the future addition in the rear yard.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

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

SURVEYOR'S REAL PROPERTY REPORT
 PART 1
 PLAN OF SURVEY OF
 ALL OF **LOT 108**
REGISTERED PLAN 41 (WALTER H. DICKSON SURVEY)
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:100

THE INTENDED PLOT SIZE OF THIS PLAN IS 707mm IN WIDTH BY 500mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:100

© COPYRIGHT 2024, AK&M SURVEYING LTD.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2: SURVEY REPORT

- DESCRIPTION OF LAND:
 LOT 108, REGISTERED PLAN 41, W. DICKSON SURVEY
- REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
 NONE REGISTERED
- BOUNDARY FEATURES
 FENCES AND BUILDINGS AND THEIR RELATIONSHIP TO THE PROPERTY LIMITS ARE SHOWN ON THE FACE OF THE PLAN
- OVERHEAD WIRES ARE LOCATED ALONG EASTERLY LIMITS OF THE SUBJECT PROPERTY AND OVERHEAD WIRES SERVING THE NEIGHBOR TO THE NORTH IS CROSSING THE SUBJECT PROPERTY
- COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:
 PLAN DOES NOT CERTIFY ZONING COMPLIANCE

BEARING NOTE

BEARINGS ARE ASTRONOMIC, AND ARE REFERRED TO THE EASTERLY LIMIT OF INCHBURY STREET HAVING A BEARING OF N 17°51'00" E AS SHOWN ON PLAN 62R-2285.

BENCHMARK NOTE

ELEVATIONS SHOWN ON THIS PLAN ARE RELATED TO GEODETIC DATUM (CGVD 28) AND ARE DERIVED FROM CITY OF HAMILTON HORIZONTAL CONTROL MONUMENT No. 07720100049 HAVING A PUBLISHED ELEVATION OF 85.227 METRES.

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
CALC	DENOTES	CALCULATED
OU	DENOTES	ORIGINAL UNKNOWN
M, MEAS	DENOTES	MEASURED
P1	DENOTES	PLAN 62R-7480
P2	DENOTES	PLAN 62R-2285
P3	DENOTES	SURVEYOR'S REAL PROPERTY REPORT PREPARED BY CONSOLI & JACOBS SURVEYING LTD DATED MARCH 7, 1995 (REF. FILE No. 95-041)
P4	DENOTES	BUILDING LOCATION SURVEY PREPARED BY GUIDO CONSOLI SURVEYING LTD. DATED JUNE 12, 1989 (REF FILE No. 89-298)
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
CB	DENOTES	CATCH BASIN
GM	DENOTES	GAS METER
UP	DENOTES	UTILITY POLE
OH	DENOTES	OVERHEAD WIRE
	DENOTES	DECIDUOUS TREE
	DENOTES	CONIFEROUS TREE
	DENOTES	SHRUB
	DENOTES	OVERHEAD WIRE
	DENOTES	FENCE
	DENOTES	VEGETATION/PLANTER
	DENOTES	GATE

- TIES ARE TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - 2) THE SURVEY WAS COMPLETED ON 12TH DAY OF FEBRUARY, 2024

FEBRUARY 21, 2024
 DATE

K. Athithan
 ATHITHITHAN KANAGANAYAGAM
 ONTARIO LAND SURVEYOR

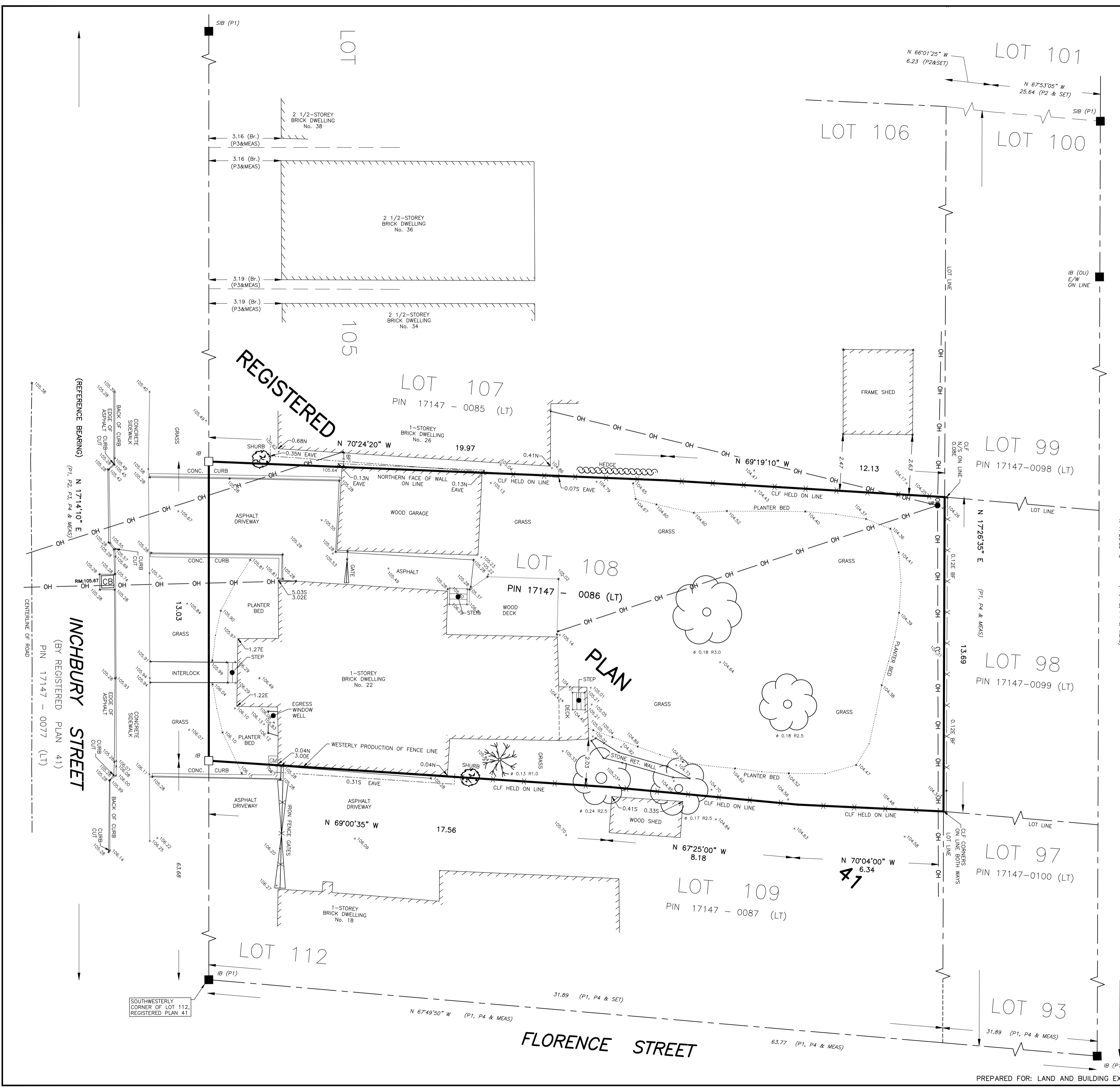
ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
V-73864

THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR
 In accordance with Regulation 1026, Section 29(3)

15 Great Plains Street
 Brampton, Ontario
 L6R-1Z5
 Phone: (647) 914-3361
 www.akmsurvey.com
 Email: info@akmsurvey.com

AKM
 AK&M SURVEYING LTD.

DATE: February 21, 2024 CHECKED BY: AK DRAWN BY: LCH PROJECT No.: 2024-15
 FILE LOCATION: C:\Users\LCH\Desktop\Survey Work\AKM\2024-15\Drawing\2024-15-LH-FINAL.dwg

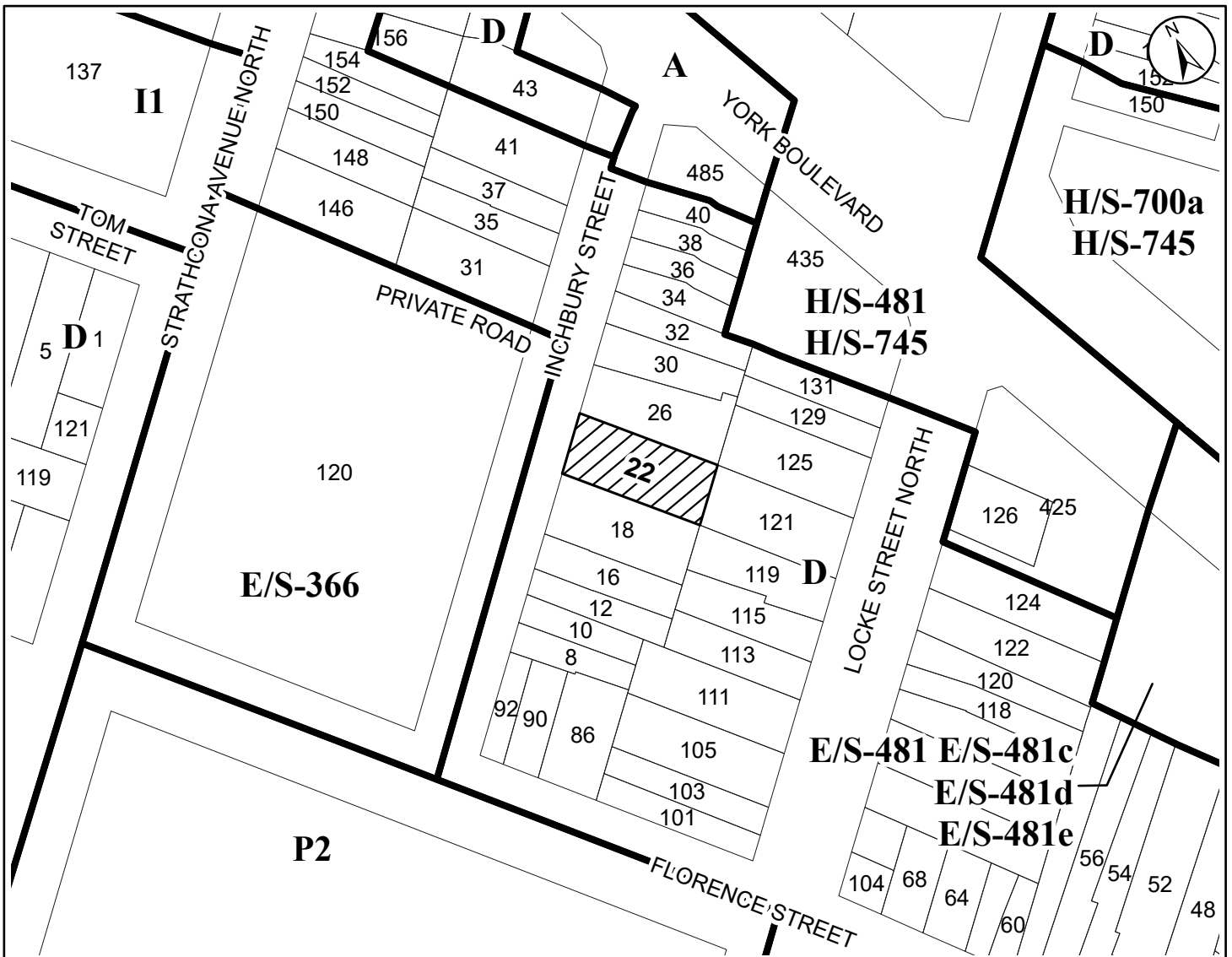


LOCKET STREET NORTH

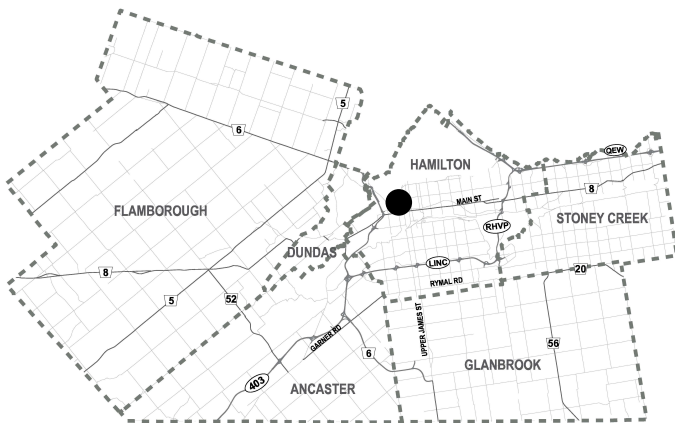
FLORENCE STREET

INCHBURY STREET
 (BY REGISTERED PLAN 41)
 PIN 17147 - 0077 (LT)

PREPARED FOR: LAND AND BUILDING EXPERTS INC.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



22 Inghury Street, Hamilton
(Ward 1)

File Name/Number:

HM/A-24:38

Date:

February 29, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department