



Hamilton

**STAFF COMMENTS**

**HEARING DATE: March 26, 2024**

HM/A-24:17 – 12 Starling Drive, Hamilton

**Recommendation:**

- Approve with revisions.
- Variances 1, and 3 be removed as they are not required to facilitate the proposed Additional Dwelling Unit.

**Proposed Conditions:**

**Proposed Notes:**



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**STAFF COMMENTS**

**HEARING DATE: March 26, 2024**

## **Development Planning:**

### **Recommendation**

- Approve with revisions.
- Variances 1, and 3 be removed as they are not required to facilitate the proposed Additional Dwelling Unit.

### **Background**

The purpose of this application is to permit the construction of an Additional Dwelling Unit within the existing semi detached dwelling, notwithstanding that:

1. A minimum parking stall size of 2.44 metres by 5.64 metres shall be permitted for a semi-detached dwelling.
2. A minimum parking stall size with obstructions on both sides of 3.0 metres by 5.69 metres shall be permitted for a semi-detached dwelling.
3. A minimum parking stall size of 2.44 metres by 5.64 metres shall be permitted for an additional dwelling unit.
4. To permit one required parking space for a semi-detached dwelling may be obstructed (tandem) by another motor vehicle.

### Background

Staff would like to note that there is currently a City Initiative going fourth to Planning Committee on February 23, 2024 Report PED22154(a), to modify and update the parking requirements within Hamilton Zoning By-law No. 05-200. If the amendments are approved by Council, parking will not be required for Additional Dwelling Units within the urban area.

### Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP).

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

The subject lands are zoned Neighbourhood Institutional (I1) Zone, which permits the use of semi detached dwellings and additional dwelling units.



**Analysis**

The applicant is proposing a total of three undersized parking spaces for the semi-detached dwelling and the proposed Additional Dwelling Unit. One undersized parking space will be located within the existing garage and two undersized parking spaces will be located within the existing driveway. With respect to variances requesting relief from the required parking space depths, insufficient information has been provided to determine nonconformance with these as built conditions for the semi detached dwelling. The existing front yard setback and garage parking are subject to zoning review at the building permit stage. Planning staff refer to Zoning and Building staff should there be zoning deficiencies or if additional variances are required.

The submitted site plan shows a front yard setback and the length of the existing driveway to be 5.98 metres, therefore, one required 5.8 metres by 3.0 metres parking space can be accommodated. The current Zoning By-law requires one parking space for the semi detached dwelling and one parking space for the Additional Dwelling Unit. Staff are of the opinion that the requested variances to reduce the size of the parking spaces within the existing driveway does not meet the intent of the Zoning By-law, are not minor in nature nor are desirable.

That being said, Staff are supportive of the proposal if **Variances 1 and 3 are removed** as the existing driveway can only accommodate one 5.8 metres by 3.0 metres parking space. The two proposed 5.64 metres by 2.44 metres parking spaces on the existing driveway are too small to accommodate parking.

Staff are supportive of the tandem parking and the reduced parking space within the existing garage to accommodate smaller vehicles. **Variances 2 and 4** maintain the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law, are minor in nature and desirable for the appropriate development of the subject lands.

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	N/A
Comments:	<ol style="list-style-type: none"> <li>1. Additional variances may be required, insufficient information provided.</li> <li>2. The semi-detached building permit 2020 192422 R9 was issued November 19, 2020 therefore the additional dwelling unit does not require parking.</li> <li>3. Currently an active permit 2023 137267 R9 to facilitate the construction of the additional dwelling within the semi-detached dwelling.</li> </ol>



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	4. The variances are written as requested by applicant.
Notes:	N/A

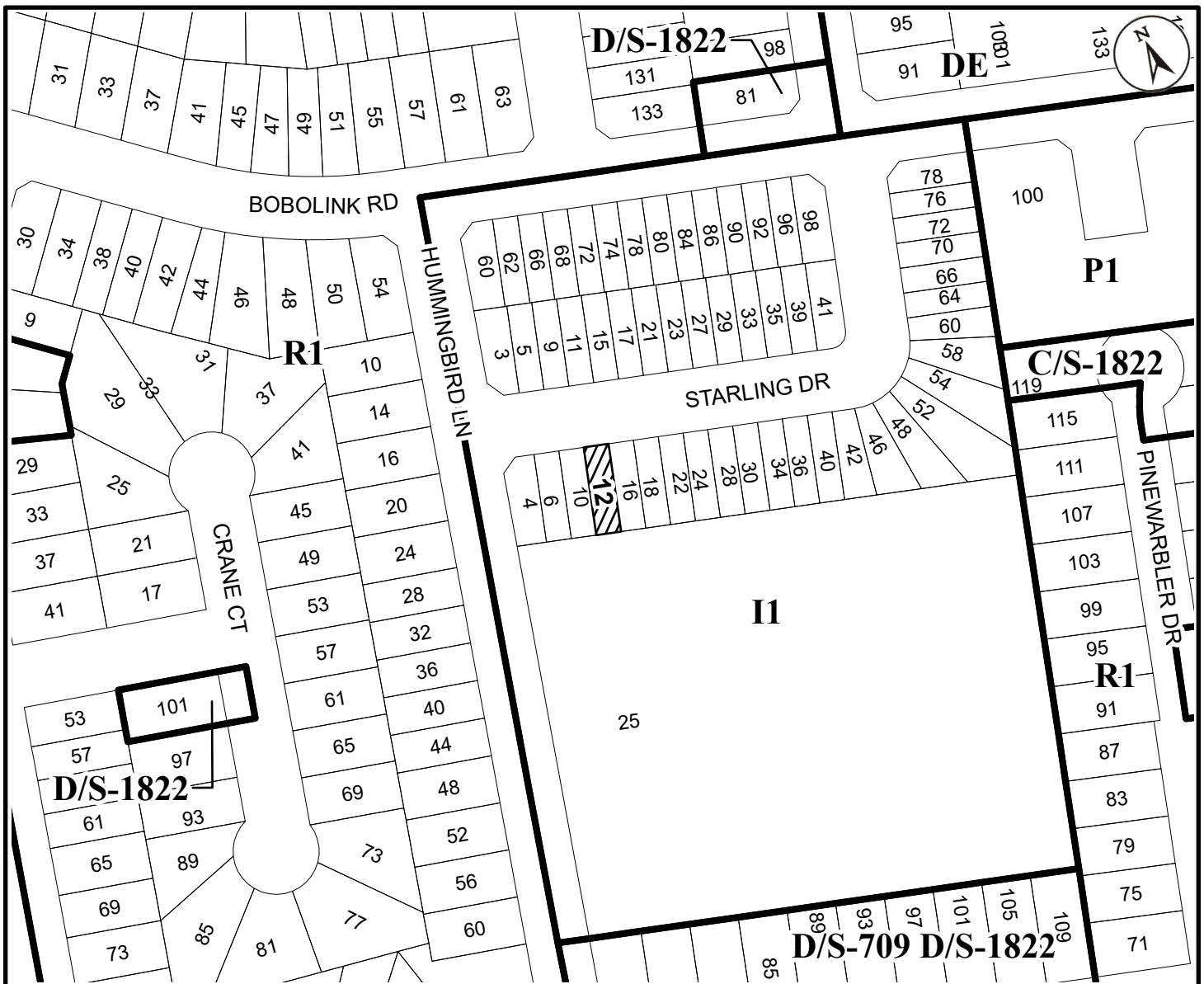
**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

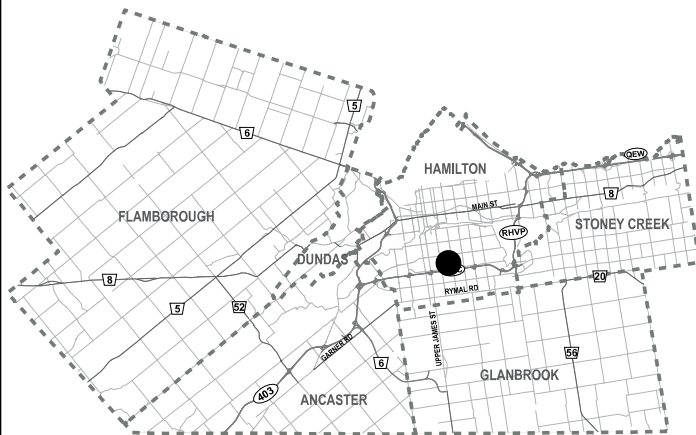
**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the additional dwelling unit within the existing semi detached dwelling.

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



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



12 Starling Drive, Hamilton  
(Ward 7)

**File Name/Number:**

HM/A-24:17

**Date:**

February 15, 2024

**Technician:**

AL

Map Not To Scale

**Appendix "A"**



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