



Hamilton

STAFF COMMENTS

HEARING DATE: March 26, 2024

HM/A-24:16 – 358 Beach Boulevard, Hamilton

Recommendation:

- Approve

Proposed Conditions:

Proposed Notes:

Caution: Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (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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STAFF COMMENTS

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Development Planning:

Recommendation

- Approve

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Background

The purpose of this application is to permit the construction of a proposed single detached dwelling, notwithstanding that:

1. A maximum building height of 3 storeys and not more than 11.0 metres shall be permitted instead of the maximum 2.5 storeys and not more than 11.0 metres required.

Archeology:

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) 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;
- 3) In areas of pioneer Euro-Canadian settlement;
- 4) Along historic transportation routes; and

These criteria define 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 approved, the proponent must be advised by the Committee of Adjustment as follows:



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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).

Cultural Heritage:

The property known as 358 Beach Boulevard; Hamilton is *adjacent* to the Hamilton Beach Strip Cultural Heritage Landscape. Accordingly, the following section of the *Provincial Policy Statement* applies:

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

Additionally, the following section of the Urban Hamilton Official Plan, Volume 1, applies:

B.3.4.6.2 *“Cultural heritage landscapes...shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the *Planning Act*.”*

Where new construction and/or alterations or additions to existing structures are proposed *adjacent* to 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.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, applies

B.3.4.1.4 *“Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.” and,*

B.3.4.2.1(g) *“Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.”*



B.3.4.2.1(h) “Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.”

Staff have reviewed the subject application and would strongly encourage the use of more compatible materials and the incorporation of a gable or clipped gable roof. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1436b” (Urban Protected Residential) District, Modified, which permits the use of single detached dwellings.

Analysis

The applicant is proposing a maximum building height of three storeys and not more than 11.0 metres for a single family dwelling instead of the maximum 2.5 storeys and not more than 11.0 metres required. Staff do not foresee any negative impacts of increasing the number of storeys from 2.5 to three if the height of 11.0 metres is maintained. The proposed single detached dwelling is appropriate and desirable for the neighbourhood and the variance is minor. Staff support this variance and have no concerns.

Having regard for the matters under subsection 45(1) of the *Planning Act*, staff are of the opinion that the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law, is minor in nature and desirable for the appropriate development of the subject lands.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Requested variance is required to facilitate the construction of a proposed 3 storey dwelling 2. 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.



Hamilton

Notes:	
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Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed Two Storey Single Family Dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

External Agencies

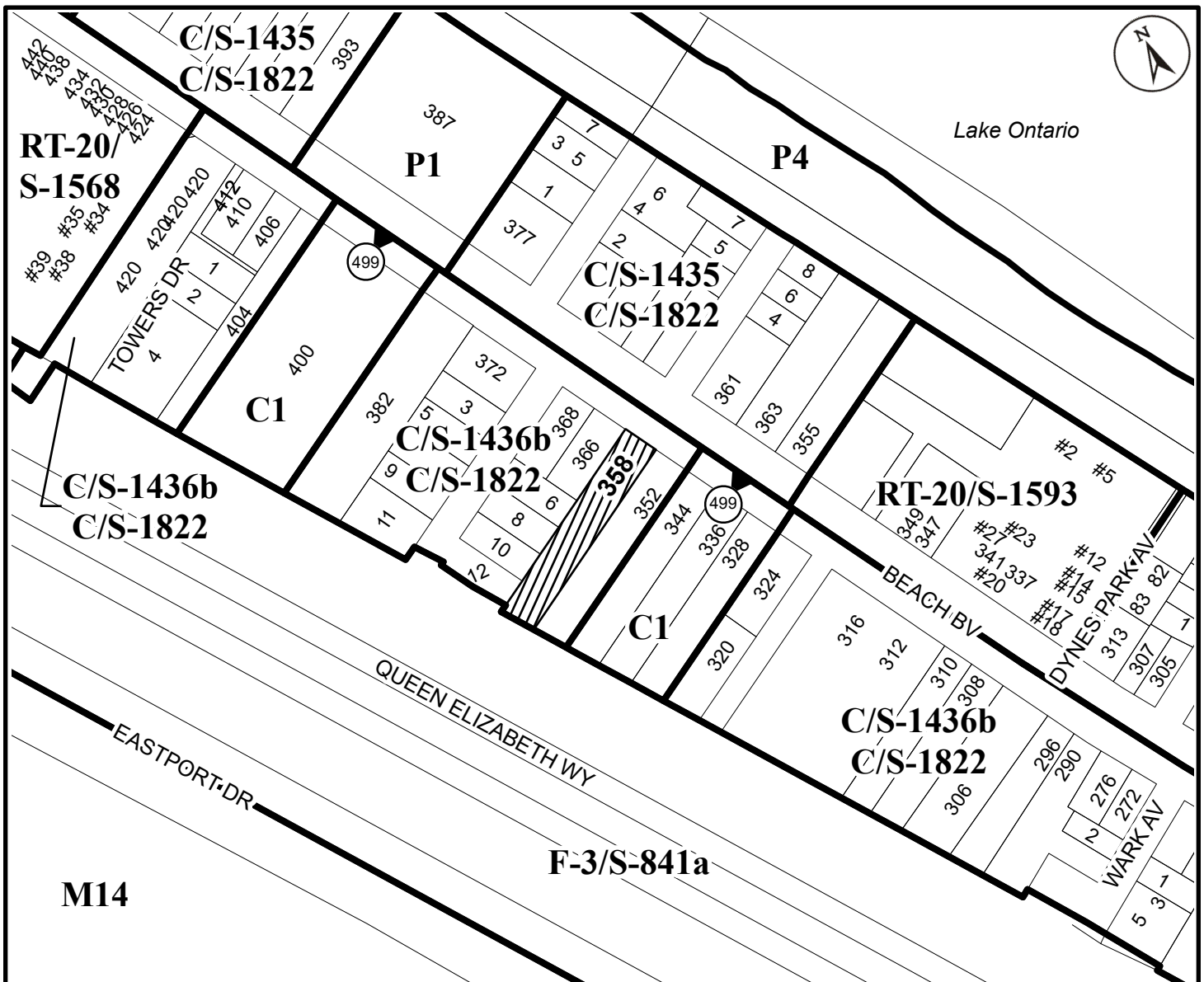
Ministry of Transportation:

Ministry has no concerns with the proposed minor variances.

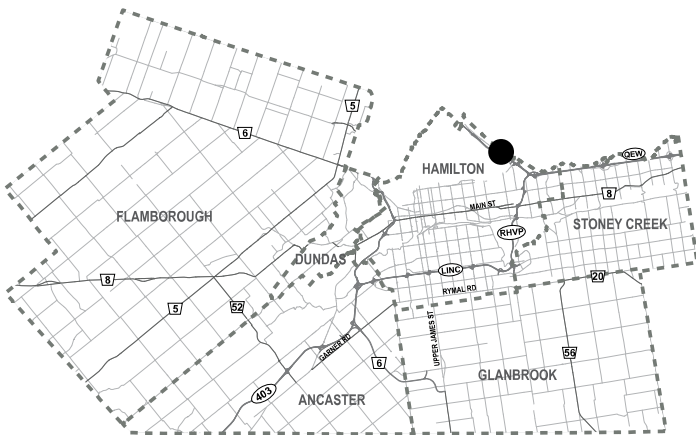
The City will inform the proponent that the backyards of houses in this area are prone to flooding due to high lake levels. To the best of the Ministry's knowledge, the City is working on a plan to install a pumping station to mitigate the flooding issue.

The proponent must revise the Site Plan and show ministry's property line and 14m setback. Additionally, ministry's permit application is required and can be submitted through the provided link: [HCMS - Apply for a permit - Application for Building and Land Use permit \(gov.on.ca\)](https://www.gov.on.ca/hcmcs/apply-for-a-permit-application-for-building-and-land-use-permit). To facilitate the Ministry's review process, proponent is required to upload the following materials along with their application: Site Plan, Grading Plan, and Architectural Drawings.

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



358 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

HM/A-24:16

Date:

February 15, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton