



Hamilton

HM/A-24:39 – 10 Robins Avenue, Hamilton

Recommendation

- Approve Variance 2 and 3
- Deny Variance 1 and 4

Acknowledgement Note:

“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 (416-212-0036). 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).”



Hamilton

Development Planning:

Background

The purpose of this application is to facilitate the construction of a single detached dwelling together with an additional dwelling unit.

The following variances are requested:

1. A minimum southerly side yard of 0.6m shall be permitted instead of the minimum 1.2m side yard required.
2. A maximum building height of 10.9m shall be permitted instead of the maximum 10.5m building height permitted.
3. A minimum of one (1) parking spaces shall be permitted instead of the minimum two (2) parking spaces required.
4. An eave or gutter shall be permitted to be as close as 0.0m to the southerly side lot line instead of the minimum 0.3m setback required; and an eave or gutter shall be permitted to be as close as 0.5m to the northerly side lot line instead of the minimum 0.6m setback required.

Archaeology:

The subject property meets the criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. 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 granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment as follows:

“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 (416-212-0036). 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:



Hamilton

No comments.

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.

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

The subject lands are zoned Low Density Residential “R1” District, which permits a single detached dwelling and an additional dwelling unit.

Analysis

Variance 1

The applicant is proposing a minimum side yard setback of 1.2 metres on the northerly side yard and 0.6 metres on the southerly side yard, whereas the Zoning By-law requires a minimum side yard setback of 1.2 metres on both side yards. Planning staff defer any drainage or grading concerns to Development Engineering Approvals for the 0.6 metre setback on the southerly side yard. It appears that the new dwelling will be closer to the side lot line than the existing dwelling being demolished. Staff are of the opinion that a 0.6 metre side yard setback is not sufficient space for access the rear yards or for future maintenance within the side yard. Staff recommend proposing a minimum side yard setback of 1.0 metres on the northerly side yard and 0.8 metres on the southerly side yard to ensure sufficient space on both sides. In Staff’s opinion, the variance is not minor and does not meet the intent of the Zoning By-law. Staff do not support this variance.

Variance 2

The applicant is proposing a maximum building height of 10.9m instead of the maximum 10.5m building height permitted. Staff are of the opinion that a 40 centimetre increase in height will not impose any negative impacts on surrounding neighbours or the streetscape. Staff support this variance as its is minor and does meet the intent of the Zoning By-law.

Variance 3

The applicant is proposing one parking space instead of the minimum 1 per dwelling unit required. Staff would like to note that there is a City Initiative approved by 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. Furthermore, the subject property is on close proximity to the Kenilworth and Cannon HSR bus routes. Staff recommend approval of this variance as it meets the intent of the Zoning By-law and Official Plan and is minor in nature.



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

Variance 3

The applicant is proposing eave or gutter to be as close as 0.0m to the southerly side lot line instead of the minimum 0.3m setback required; and an eave or gutter be as close as 0.5m to the northerly side lot line instead of the minimum 0.6m setback required. Planning staff defer any drainage or grading concerns to Development Engineering Approvals. Staff have concerns that a 0.0m setback from the southerly side lot line for the eave or gutter can protrude onto the abutting neighbour's property. As staff previously mentioned, amending the maximum southerly side yard setback to 0.8m will provide more space for eaves or gutters. Staff do not support this variance.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none">• The applicant shall ensure that all other parts of the front yard not including the driveway, shall be maintained as landscaped area. In addition, the applicant shall ensure that a minimum of 50.0% of the front yard is maintained as landscaped area.• 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:	



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

Development Engineering:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	The City's lot grading policy requires a minimum 0.90 m side yard setback to allow for a drainage swale. The proposed minimum southerly side yard of 0.60 m is not sufficient. Therefore, it is recommended that Minor Variance #1 be denied.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types. A building permit is required for the construction of single detached dwelling together with an additional dwelling unit.

Transportation Planning:

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

