



Hamilton

STAFF COMMENTS

HEARING DATE: April 9, 2024

HM/A-24:49 – 61 Norman Street, Hamilton

Recommendation:

- Approval of Variances 1, 3 and 4.
- Deny Variance 2.

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To permit a two storey addition containing three dwelling units to an existing one and a half storey 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. Polices found in Sections E.3.4.3, B.2.4.1.4 and B.2.4.2.2, amongst others, are applicable and permit the proposed residential use.

Crown Point East Neighbourhood Plan

The subject lands are identified as “Single and Double” on Map 6510 of the Crown Point East Neighbourhood Plan.

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](tel: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

No comments.



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Natural Heritage

The subject property is located within the boundaries of the Urban Hamilton Official Plan. Based on Schedule B (Natural Heritage System) of the Urban Hamilton Official Plan, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. As a result, it is anticipated that the proposed development will not further negatively impact the features and functions of the City's Natural Heritage System.

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

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone in the City of Hamilton Zoning By-law No. 05-200. The proposed residential use is permitted.

Variance 1

1. A minimum rear yard setback of 6.55 metres shall be permitted instead of the minimum required rear yard setback of 7.5 metres.

The intent of this provision is to ensure sufficient amenity space is provided in the rear yard of the property. Staff are of the opinion that the requested reduction from 7.5 metres to 6.55 metres maintains sufficient amenity space on the subject property. Staff support the variance.

Variance 2

2. Eaves and Gutters shall be permitted to project the entirety of the Side Yard instead of the required maximum projection of 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.

The intent of this provision is to ensure that sufficient space is maintained between the property lines and the eaves or gutters of a structure to prevent stormwater drainage issues and potential impacts on neighbouring properties. Staff defer to Development Engineering staff regarding stormwater drainage concerns. Staff note that as shown on the submitted site plan, it appears that the proposed eaves and gutters may project beyond the northerly side lot line and onto the neighbouring property of 63 Norman Street. Therefore, staff are of the opinion that Variance 2 is not in keeping with the intent of the Zoning By-law, is not minor in nature and is not desirable or appropriate for the development of the land. **Staff do not support Variance 2 and recommend that it be denied.**



Variance 3

- 3. A maximum encroachment of 1.88 metres into the required rear yard shall be permitted for a fire escape or exterior staircase instead of the required maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.

The intent of this provision is to ensure that the encroachment of stairs or fire escapes do not interfere with the normal use of the rear yard of the subject property. Staff note that, as shown on the site plan and architectural package submitted with this application, the proposed rear stairs are to function as the separate entrances for the proposed second floor and basement dwelling units. Staff are of the opinion that the requested increase in the permitted encroachment to 1.88 metres from 1.5 metres allows the stairs to fulfill a necessary function for the proposed development while maintaining rear yard amenity area and not interfering with the normal use of said amenity area. Staff support the variance.

Variance 4

- 4. A maximum encroachment of 1.27 metres into the required front yard shall be permitted for a balcony, including supporting columns, instead of the required maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is the lesser.

The intent of this provision is to ensure a consistent built form and streetscape to preserve the character of the surrounding area. Staff note that the proposed balcony has a front yard setback of approximately 1.95 metres, as shown on the submitted site plan. Staff further note that neighbouring dwellings have front yard setbacks similar to the proposed balcony. Therefore, staff are of the opinion that the proposed balcony will be compatible to and in keeping with the built form and streetscape along Norman Street and will maintain the character of the surrounding neighbourhood. Staff support the variance.

Staff are of the opinion that Variances 1, 3 and 4 meet the four tests of a minor variance whereas Variance 2 does not. Based on the foregoing, **staff recommend approval of variances 1, 3 and 4 and denial of variance 2.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Please note, specific variances have not been indicated within the application submitted. As such, variances have been provided based



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	<p>on the review of materials submitted with the application. Should any variances not be desired, the applicant shall provide further documentation or materials to indicate as such.</p> <p>2. Be advised, the proposed Eaves/ Gutters appear to project beyond the side lot line and may encroach into the adjacent property at 63 Norman Street. An Encroachment Agreement is required to be registered on title for any portion of a building that projects beyond the property line.</p> <p>3. Please note, Insufficient Information has been provided to determine Landscape requirements for the proposed Converted Dwelling. As per Section 4.35, a minimum of 50% Landscaped Area within the Front Yard is required. Based on measurements provided, it appears that 52.87% is provided however it is recommended the applicant confirm the proposed Landscaped Area within the Front Yard conforms as per Section 4.35.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	Approve
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:	<p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> <p>A building permit is required for the construction of Two Storey Addition containing Three Dwelling units to an existing One and a Half Storey Single Detached Dwelling</p>

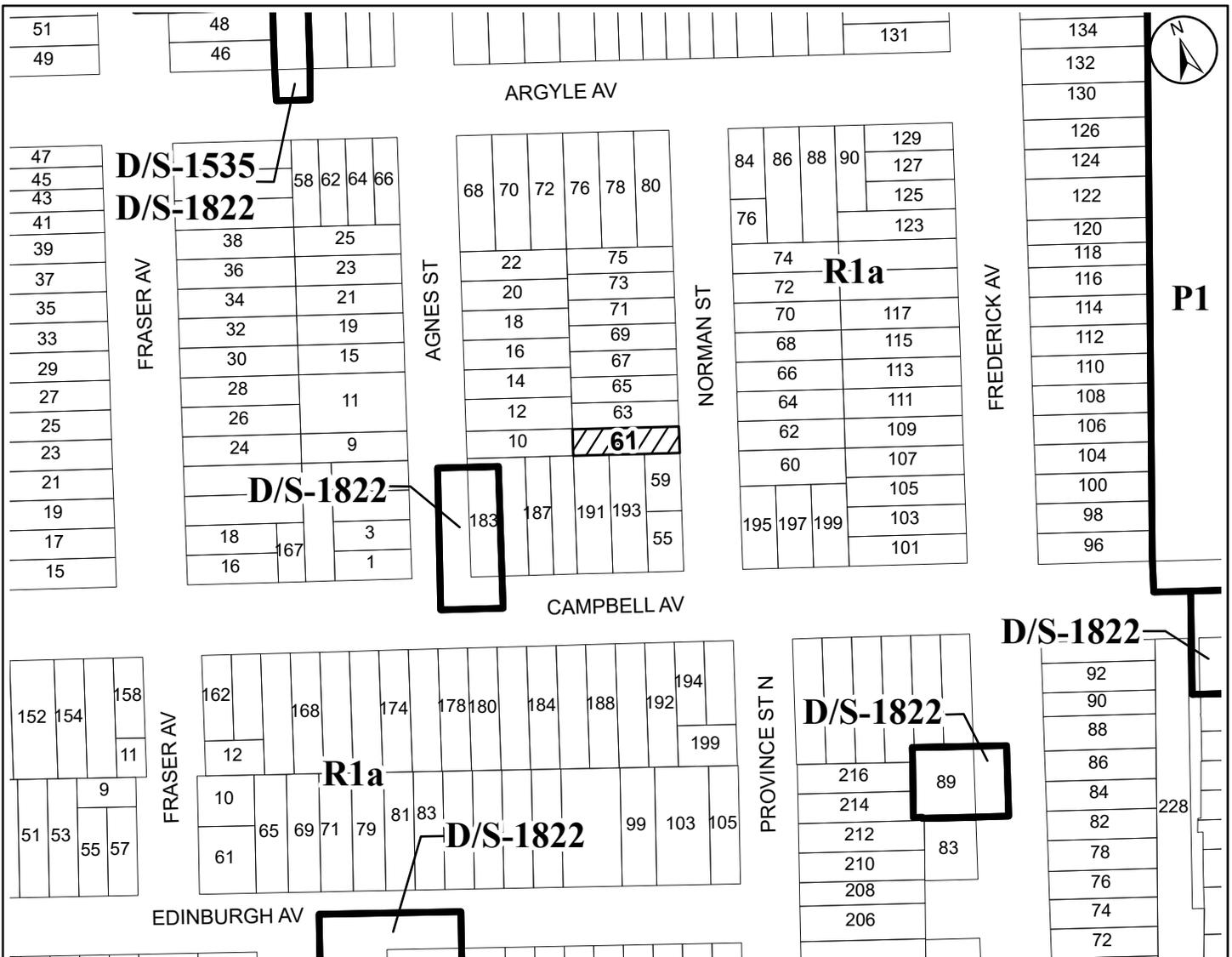
Transportation Planning:

Recommendation:	No comments.
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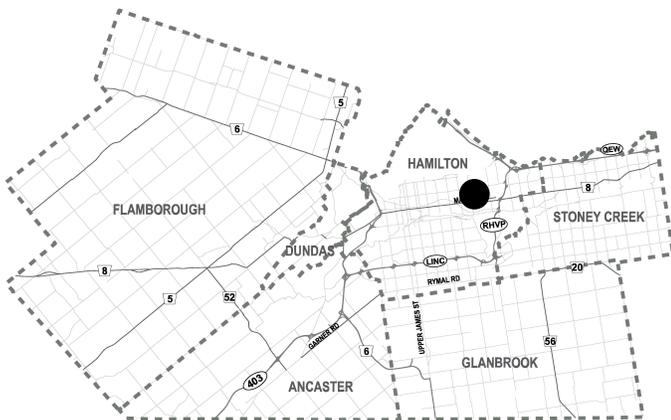


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Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

 61 Norman Street, Hamilton (Ward 4)

File Name/Number:

HM/A-24:49

Date:

March 15, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton