



A-24:57 – 3 Desjardins Court, Hamilton

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



Hamilton

Development Planning:

Background

To permit a two storey addition to the existing single detached dwelling. Staff note that the subject property is included as part of the proposed Residential Zones Project which is part of a citywide project to amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 by implementing changes and additions to the Low Density Residential zones. As part of this project, the subject property is proposed to be added to Zoning By-law No. 05-200 within the Low Density Residential (R1) Zone.

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. Policy E.3.2.3, amongst others, is applicable and permits the existing single detached dwelling. The subject lands are located within the Ainslie Wood Westdale Secondary Plan and are also subject to the policies of the Secondary Plan.

Ainslie Wood Westdale Secondary Plan

The subject lands are designated “Low Density Residential 2” in Land Use Plan - Map B.6.2 – 1 of the Ainslie Wood Westdale Secondary Plan. Policies 6.2.5.3 and 6.2.5.4, amongst others, are applicable and permit the existing single detached dwelling.

Policy 6.2.5.3 c) of the Ainslie Wood Westdale Secondary Plan states the following:

“Changes to the existing housing stock, such as new infill construction and renovations, shall be comparable to existing housing styles on the same block and street. New construction shall be encouraged to reflect similar housing styles, massing, height, setbacks, and other elements of style as the adjacent homes on the same block and street. The City shall discourage the building-out of rooflines to convert dormers into a full storey. The City shall limit overbuilding on properties, to maintain compatibility within the neighbourhood.”

Based upon the architectural package, including a site plan, floor plans, and building elevations, submitted with this application, it is staff’s opinion that the proposed addition to the existing dwelling is compatible in style, character and massing to the surrounding neighbourhood.



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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 comment.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1364” (Urban Protected Residential) District, Modified under Former City of Hamilton Zoning By-law No. 6953. The existing residential use is permitted.

Variances 1 & 2

1. A maximum floor area ratio of 0.7604 (76.04%) shall be permitted instead of the maximum floor area ratio of 0.45 (45%).
2. A maximum height of two storeys and 9.34 metres shall be permitted instead of the maximum height of two storeys and 9.0 metres in height.

The intent of these provisions is to ensure that properties are not overdeveloped in order to preserve the character of the existing neighbourhood.

Staff note that the built form within the neighbourhood, along Desjardins Court and within the same block, is a mix of one and two storey single detached dwellings. Based upon the architectural package submitted with this application, staff are of the opinion that the proposed addition to the



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existing single detached dwelling is comparable to the established character of the neighbourhood in terms of height, massing, style, setbacks and materials. Staff are of the opinion that the requested increase in maximum building height represents a minor increase and no negative impacts to the character of the established neighbourhood are anticipated. Staff support the variances.

Variance 3

3. A minimum of two parking spaces shall be permitted instead of the minimum required three parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking spaces for each additional habitable room.

The intent of this provision is to ensure adequate parking is provided on the subject property to prevent negative impacts on the regular use of and flow of traffic within the public right of way. Staff note that proposed development does not include any additional dwelling units or intensification of the existing residential use. Therefore, staff are of the opinion that the two existing parking spaces provide sufficient on-site parking for the existing residential use and staff anticipate no negative impacts to the regular use of or traffic within the public right of way. Staff support the variance.

Staff are of the opinion that the variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. Please note, this property is now also subject to the R1 zone under Hamilton Zoning By-law 05-200, which is not yet final and binding. Please be advised that the application has been reviewed under Hamilton Zoning By-law 05-200 and Former Hamilton Zoning By-Law 6593The following comments are provided relating to the requirements of each Zoning By-Law.2. Please note, As per Section 5.2 b)i) under Hamilton Zoning By-Law 05-200, minimum parking space dimensions required 2.8m x 5.8m for a standard parking space. Should the parking indicated on the property not be existing, additional variances may be required to permit a parking spaces dimension of 2.72 metres x 6.0 metres.
Proposed Notes:	

Development Engineering:



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STAFF COMMENTS

HEARING DATE: April 23, 2024

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

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed addition to the existing single-family dwelling.</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:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



3 Desjardins Court, Hamilton
(Ward 1)

File Name/Number:

A-24:57

Date:

April 11, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department