



Hamilton

**STAFF COMMENTS**

**HEARING DATE: April 23, 2024**

**A-24:54 – 19 East 21<sup>st</sup> Street, Hamilton**

Recommendation:

- Deny Variance 1
- Approve Variance 2

Deny – Development Engineering

Proposed Conditions:

Proposed Notes:



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Development Planning:

**Background**

The purpose of this application is to facilitate the construction of an accessory building (detached garage) in the rear yard.

The following variances are requested:

1. To permit a minimum setback from the side lot line of 0.6 metres instead of the minimum required side yard setback of 1.2 metres.
2. To permit a minimum setback from the rear lot line of 0.6 metres instead of the minimum required rear yard setback of 1.2 metres.

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 accessory structures.

**Analysis**

Variance 1

The applicant is proposing a minimum side yard setback of 0.6 metres on the northerly and southerly side yards, whereas the Zoning By-law requires a minimum side yard setback of 1.2 metres on both sides. Planning staff defer any drainage or grading concerns to Development Engineering. Staff are of the opinion that a 0.6 metre side yard setback on both sides is not sufficient space for access or future maintenance within the side yard. Staff recommend proposing a minimum side yard setback of 0.9 metres to ensure sufficient space on both sides. It is also worth noting that the proposed garage is oversized (6.2 metres) to accommodate two parking spaces, which would be 5.6 metres (2.8 metres per space). If the proponent was to reduce the width of the garage to 5.6 metres, they may be able to provide the requested 0.9m side yard on both sides. In Staff’s opinion, the variance is not minor in nature and does not meet the intent of the Zoning By-law. Staff do not support this variance.



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## Variance 2

The applicant is proposing a minimum rear yard setback of 0.6 metres, whereas the Zoning By-law requires a minimum rear yard setback of 1.2 metres. Planning staff defer any drainage or grading concerns to Development Engineering. Staff are supportive of the rear yard setback as the accessory structure will function as detached garage and the garage door will be on the westerly rear yard with access to the abutting laneway. Staff support this variance as it is minor in nature, desirable for the appropriate development of the lands, and in keeping with the general intent and purpose of both the Official Plan and Zoning By-law.

### Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No comment.
Proposed Notes:	

### Development Engineering:

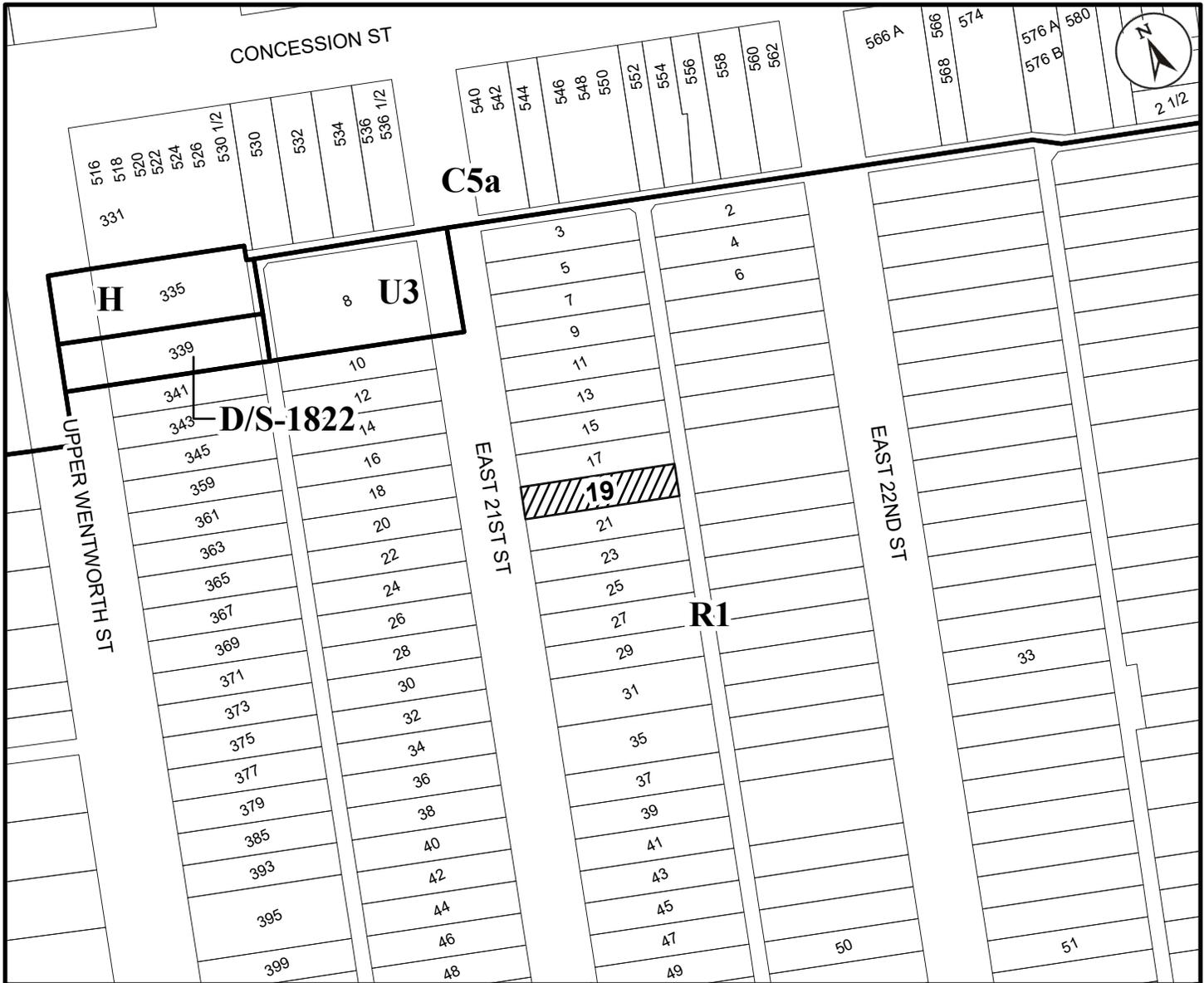
Recommendation:	Deny
Proposed Conditions:	
Comments:	The proposed side yard setbacks of 0.60m do not meet the minimum requirement of 0.9m side yard setback as identified in the City's Lot Grading Policy. This is required for drainage purposes as well as maintenance and access on the garage side.
Proposed Notes:	

### Building Engineering:

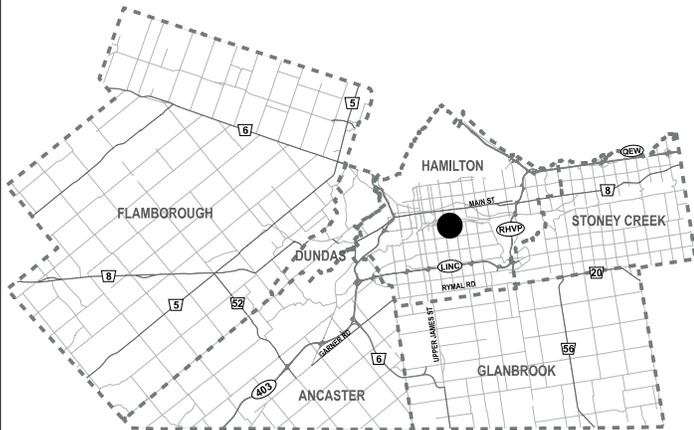
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed detached garage in the rear yard.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

### Transportation Planning:

Recommendation:	No comments
Proposed Conditions:	



● Site Location



**City of Hamilton**

# Committee of Adjustment

**Subject Property**



19 East 21st Street, Hamilton  
(Ward 7)

**File Name/Number:**

HM/A-24:54

**Date:**

April 11, 2024

**Technician:**

NB

Map Not To Scale

**Appendix "A"**



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