



Hamilton

STAFF COMMENTS
HEARING DATE: May 7, 2024

A-24:67 – 103 Chester Avenue, Hamilton

Recommendation:

Table Both Applications.

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

The application is to sever the existing residential lot into eight parcels, the severed lands will be vacant residential building lots to facilitate townhouses and the retained lands will contain the existing dwelling which is intended to be demolished.

	FRONTAGE	DEPTH	AREA
SEVERED LANDS (LOT 1):	9.0 metres	21.3 metres	191 square metres
RETAINED LANDS:	11.5 metres	21.3 metres	237 square metres
SEVERED LANDS (LOT 2)	9.0 metres	21.3 metres	191 square metres
SEVERED LANDS (LOT 3)	11.0 metres	21.3 metres	234 square metres
SEVERED LANDS (LOT 4)	11.0 metres	21.3 metres	234 square metres
SEVERED LANDS (LOT 5)	9.0 metres	21.3 metres	191 square metres
SEVERED LANDS (LOT 6)	9.0 metres	21.3 metres	191 square metres
SEVERED LANDS (LOT 7)	10.8 metres	21.3 metres	239 square metres

The lands are subject to a Minor Variance Application A-24:67, to facilitate the construction of eight Street Townhouse Dwellings.

The following variances are requested:

6. A front yard depth of not less than 3.5 metres shall be permitted instead of the required depth of not less than 6.0 metres.
7. A rear yard depth of not less than 7.0 metres shall be permitted instead of the required depth of not less than 7.5 metres.
8. A parking space other than a parallel parking space shall have dimensions of not less than 2.7 metres wide and 5.8 metres long. Instead of the required dimensions of not less than 2.7 metre wide and 6.0 metre long.
9. A width of at least 2.7 metres shall be permitted for an access driveway instead of the required width of at least 2.8 metres.



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10. Where a parking space for a townhouse dwelling is covered and attached to or enclosed within the dwelling unit, the entrance to the parking space shall be permitted to be located not less than 5.8 metres from the entrance to the individual driveway. Instead of the required location of not less than 6.0 metres from the entrance to the individual driveway.

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 severance is granted, the proponent must be advised in writing by the Committee of Adjustment as follows:

“Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances. If archaeological resources are encountered, the proponent may be required to conduct an archaeological assessment prior to further impact in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Citizenship and Multiculturalism (MCM). All archaeological reports shall be submitted to the City.

Should deeply buried archaeological materials be found on the property during any of the above development activities the 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).”

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). Policies F.1.14.3.1 and E.3.4.3, among others, are applicable and permit townhouse dwellings.

Policy F.1.14.3.1 establishes the criteria that are required to be met for lot creation in the “Neighbourhoods” designation. They include:



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- g) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- h) The lots comply with existing Neighbourhood Plans;
- i) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- j) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- k) The lots are fully serviced by municipal water and wastewater systems; and,
- l) The lots have frontage on a public road.

Accordingly, the subject severance is required to satisfy the above conditions prior to lot creation occurring. Further justification is required in order to determine whether or not the proposed lots and subsequent townhouses satisfy criteria F.1.14.3.1 c) with respect to setbacks. Due to the relatively shallow depth of the proposed lots (≈ 21.3 metres) the proposed dwellings are required to be pushed closer to the street (± 3.5 metre setback). The applicant has not demonstrated that the proposed lots will reflect the general scale and character of the established development pattern with respect to the front yard setback. All other lots in the area that front onto Chester Avenue (85, 155, 159 and 163 Chester Avenue) are reflective of a ≈ 6 metre or larger setback to the street. Staff recommend that both applications be tabled until such time as the applicant and staff can discuss design alternatives that increase the front yard setback to be more consistent with that already established in the neighbourhood to establish a more consistent the streetscape. This is consistent with design direction given within the City's newly adopted Neighbourhood Infill Design Guidelines (Section 2.2.12).

Furthermore, the applicant has not provided any rationale as to how the proposed lots to be created comply with the approved Neighbourhood Plan.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential, Etc. "C" District, which permits street townhouse dwellings, subject to the applicable provisions. Staff have included a Condition of Approval that requires the applicant demonstrate zoning conformity prior to lot creation.

Analysis

Variance 1

The applicant is proposing a front yard depth minimum of 3.5 metres be permitted instead of the required depth minimum of 6.0 metres. The City's newly adopted Neighbourhood Infill Design Guidelines state that "Streetscape appearance, which shall be achieved by designing front and side yard setbacks that are consistent with the established setbacks along the street" (Guidelines 2.2.12). The proposed 3.5m front yard setback is not consistent with the established front yard setback along this portion of Chester Avenue. Buildings fronting onto Chester Avenue have a setback of 6.0 metres or greater, including the property directly adjacent to the east (85 Chester Avenue). Staff recommend



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tabling the application until such time as the applicant can provide an alternative design with an increased front yard setback that is more consistent with the established setback on along this portion of Chester Avenue.

Variance 2

The applicant is proposing a rear yard depth of not less than 7.0 metres for all eight lots instead of the required depth of not less than 7.5 metres. Staff are of the opinion that 0.5 metres is a minor reduction and will have minimum impacts on the rear yard amenity space. Staff require some further information in order to ensure that the proposed rear yard reduction will not create any adverse overlook impacts on the rear amenity area of the neighboring lands to the south. This is in accordance with Guideline 2.2.12 c) of the Neighbourhood Infill Design Guidelines.

Variance 3, 4 and 5

The applicant is proposing the following variances relating to the parking space and driveway access:

4. A parking space other than a parallel parking space shall have dimensions of not less than 2.7 metres wide and 5.8 metres long. Instead of the required dimensions of not less than 2.7 metre wide and 6.0 metre long.
5. A width of at least 2.7 metres shall be permitted for an access driveway instead of the required width of at least 2.8 metres.
6. Where a parking space for a townhouse dwelling is covered and attached to or enclosed within the dwelling unit, the entrance to the parking space shall be permitted to be located not less than 5.8 metres from the entrance to the individual driveway. Instead of the required location of not less than 6.0 metres from the entrance to the individual driveway.

Staff are of the opinion that the proposed design of the reduced parking stall size and access driveway will not be able to accommodate a variety of vehicle sizes. In particular, the proposed 2.7m wide garages will not allow a sufficient width for vehicle door swing within the garage. As reference, the City's most up-to-date Zoning By-law 05-200 requires a garage space of 2.8m with an additional 0.3m required for door swing. This would be a total minimum space requirement of 3.1 metres. Staff recommends that the applicant redesign the parking and driveway access in order to better accommodate a variety of vehicles and accommodate vehicle door swing interior to the garage.

Based on the foregoing, staff recommend tabling the application until amendments can be made to the proposed design to accommodate the above comments. Furthermore, staff require further justification as to how the proposed severance meets the intent of the Gourley Neighbourhood Plan.



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. 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. Insufficient information was provided to determine zoning conformity with the maximum building height and it has been determined that additional variances are required. To read as per below:</p> <p>A minimum setback from the front lot line of 3.5 metres shall be permitted instead of the required minimum setback from the front lot line of 4.0 metres.</p> <p>A minimum setback from the flankage lot line of 2.0 metres shall be permitted instead of the required minimum setback from the flankage lot line of 3.0 metres.</p> <p>A minimum setback from the rear lot line of 7.0 metres shall be permitted instead of the required minimum setback from the rear lot line of 7.5 metres.</p> <p>2. Insufficient information was provided to determine zoning conformity for proposed height, encroachments and finished garage floor level. Additional variances may be required of compliance with the Former Hamilton Zoning By-law 6593 cannot be achieved.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	Approve
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objection to the minor variances as proposed.
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	

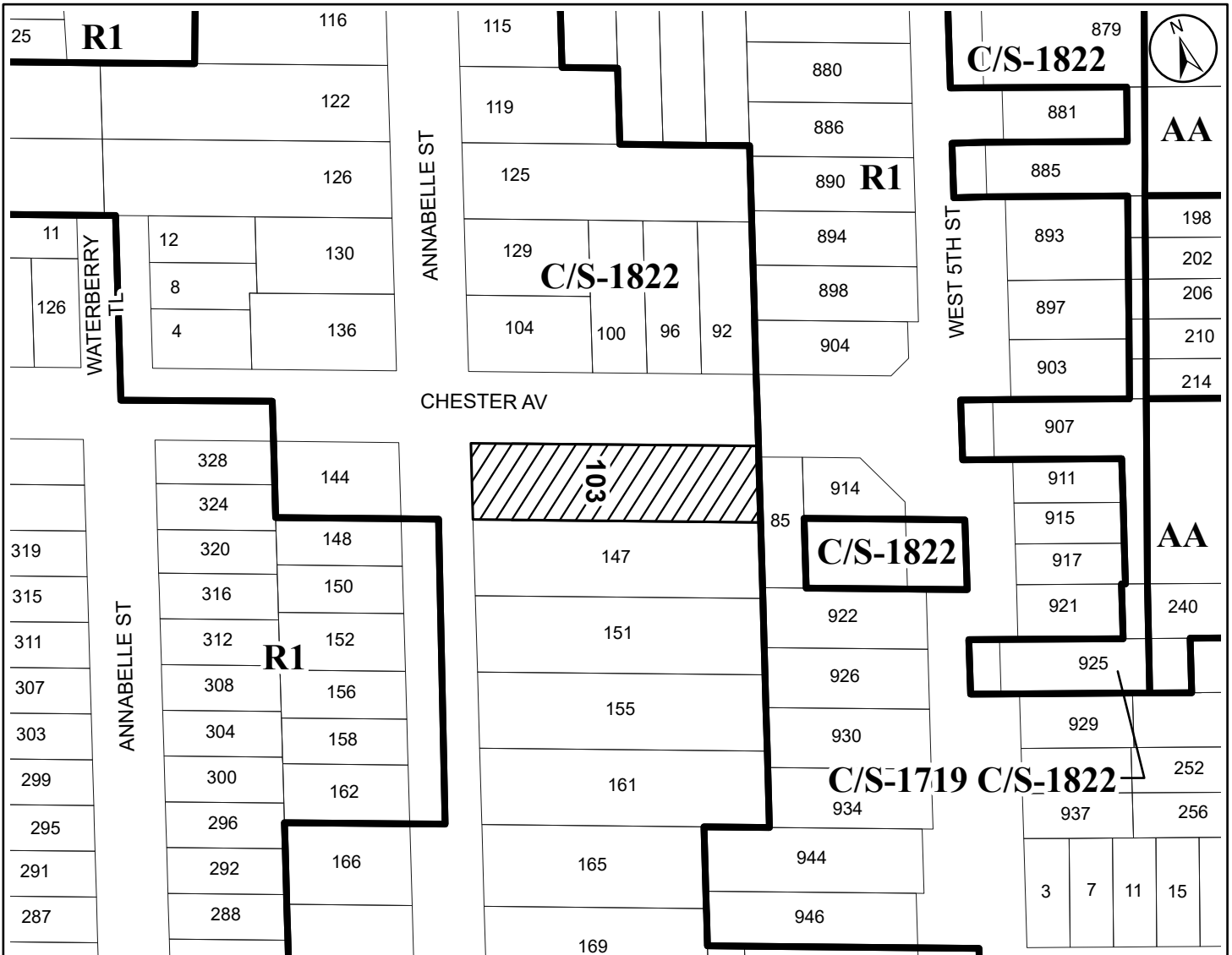


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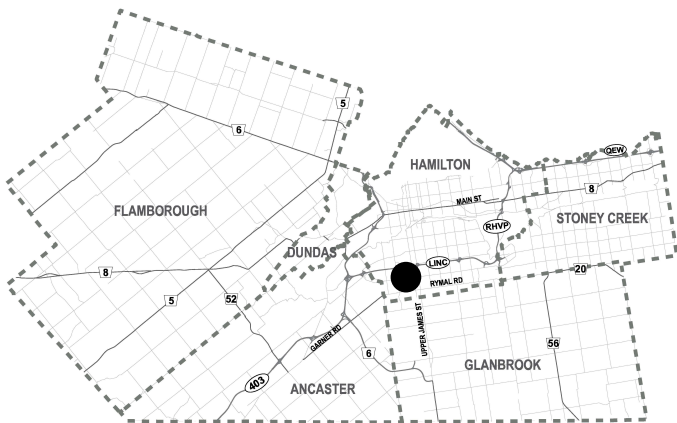
Comments:	<p>A demolition permit is required for the demolition of the existing single-family dwelling.</p> <p>A building permit is required for the construction of the proposed eight (8) Street Townhouse Dwellings</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>
Proposed Notes:	

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



103 Chester Avenue, Hamilton
(Ward 8)

File Name/Number:

A-24:67

Date:

April 26, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton