



Hamilton

STAFF COMMENTS
HEARING DATE: May 7, 2024

A-24:76 – 28 Dale Avenue, Stoney Creek

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



Hamilton

Development Planning:

Background

The application is to facilitate the conversion of the existing Single Detached Dwelling to a Residential Care facility.

The following variance is requested:

1. A minimum westerly side yard of 1.8m shall be permitted instead of the minimum 3.0m side yard required.

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.

Former City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Single Residential “R1” District, which permits a residential care facility.

Analysis

Variance 1

The applicant is proposing a minimum westerly side yard of 1.8m be permitted instead of the minimum 3.0m required side yard. The intent of the required 3.0m side yard setback where there is no attached garage is to allow a sufficient distance between the dwelling and the side lot line for a drive aisle to access a potential detached garage or parking area at the rear of the property. Zoning staff have noted in their review that the proposal meets the minimum requirement for parking. Accordingly, the existing parking being provided within the attached garage is not required to meet the zoning requirement, nor is access to the rear yard for parking necessary. The applicant is proposing to convert the existing garage space into a new living space, which has triggered the variance. The current garage is setback 1.8m from the westerly property line, the side yard setback will be maintained once the property is converted into a residential care facility. Staff do not foresee any negative impacts to the abutting properties or the streetscape as a result of the variance. Staff recommend approval of this variance.

Based on the foregoing, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the Former City of Stoney Creek Zoning By-law No. 3692-92. The variance is considered to be minor in nature and desirable for the appropriate use of the property.



Hamilton

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> • The applicant shall ensure that the maximum permitted six (6) residents shall not be exceeded; otherwise, further variances shall be required. • The applicant shall ensure that the proposed Residential Care facility shall maintain a minimum 800.0m of any other lot upon which is situated any other Group Home, Residential Care Facility or Domiciliary Hostel; otherwise, further variances shall be required.. • 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"> • This property is now also subject to the R1 zone under Hamilton Zoning By-law 05-200, which is not yet final and binding. • The following additional variance shall be added under the Hamilton Zoning By-law 05-200: <p>No Electric Parking shall be required instead of the minimum 50.0% of all parking spaces required to be maintained as electric parking.</p> <ul style="list-style-type: none"> • Per Hamilton Zoning By-law 05-200, the applicant shall ensure that a minimum of 30.0% of the lot shall be maintained as a landscaped area. In addition, the applicant shall ensure that a minimum of 50.0% of the front yard is maintained as landscaped area. • Per Hamilton Zoning By-law 05-200, the applicant shall ensure that a minimum of one (1) parking spaces shall be maintained as accessible parking; otherwise, further variances shall be required.



Hamilton

Proposed Notes:	
-----------------	--

Development Engineering:

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

Building Engineering:

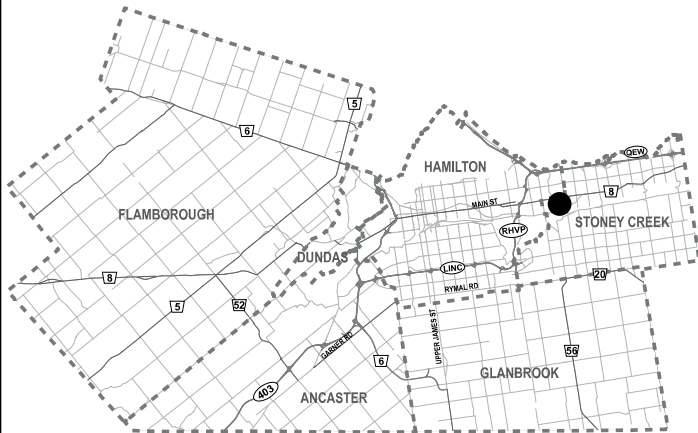
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the conversion of the existing Single Detached Dwelling to a Residential Care facility. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



28 Dale Avenue, Stoney Creek
(Ward 5)

File Name/Number:

SC/A-24:76

Date:

April 25, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton