

A-24:70 – 91 Beach Boulevard, Hamilton

Recommendation:

- Remove Variance 1
- Add Variance 3
- Approved Variances 2 and 3

Proposed Conditions:

Proposed Notes:

“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).”



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Development Planning:

Background

The application is to facilitate the construction of a proposed Single Family Dwelling. Please note that through further review, variance 1 was deemed to no longer be required and variance 3 was added.

The following variances are requested:

1. A minimum side yard setback of 1.2 metres shall be permitted instead of the minimum required side yard setback of 5.0 metres on one side of an interior lot upon which there is no garage or carport.
2. A Balcony shall be permitted to encroach 1.5 metres into a rear yard instead of an encroachment into a required rear yard not more than 1.0 metre.
3. A maximum height of 3 storeys and 11.0 metres shall be permitted instead of the maximum required 2.5 storeys and 11.0 metres in height.

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 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.

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Hamilton

STAFF COMMENTS

HEARING DATE: May 7, 2024

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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.

Cultural heritage:

The subject property is adjacent to 83 Beach Boulevard, Hamilton, which is included in the City's Inventory of Heritage Properties. The subject property is also part of the Hamilton Beach Strip Cultural Heritage Landscape.

- B.3.4.1.4 "Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources."
- B.3.4.2.1(g) "Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals."
- B.3.4.2.1(h) "Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City."

The proponent proposes the construction of a Single-Family Dwelling.

Where new construction and/or alterations or additions to existing structures are proposed in a Cultural Heritage Landscape, key considerations are the visual and physical impacts on landscape features, typically public views of the building fabric, building set-back, the streetscape and significant vistas.

Staff have reviewed the application and strongly encourage the use of materials, colors and massing that are sympathetic to neighboring homes in this Cultural Heritage Landscape. Staff have no further comments on the application as circulated.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential, Etc. "C/S-1435 & S-1822" District, Modified, which permits the use of single family dwellings.

Analysis

Variance 1

The applicant is proposing a minimum side yard setback of 1.2 metres be permitted instead of the minimum required side yard setback of 5.0 metres on one side of an interior lot upon which there is no garage or carport. Staff would like to remove the variance as it is not required as the dwelling includes an attached garage.

Variance 2

The applicant is proposing a balcony be permitted to encroach 1.5 metres into a rear yard instead of an encroachment into a required rear yard of not more than 1.0 metre being permitted. It is worth noting that the additional 0.5m of requested encroachment is only to accommodate the last ±3-4 stairs for the staircase leading up to the second storey deck (balcony). Staff are of the opinion that the additional encroachment of the balcony will not impose any privacy impacts on abutting properties and will further enhance the usability of the amenity area within the rear yard. It's also worth noting that there are no adjacent rear yard neighbours impacted by the encroachment as the lands directly to the east is a public waterfront trail. Staff support this variance.

Variance 3

The applicant is proposing a maximum building height of three storeys and not more than 11.0 metres for a single family dwelling instead of the maximum 2.5 storeys and not more than 11.0 metres required. Staff do not foresee any negative impacts of increasing the number of storeys from 2.5 to three if the height of 11.0 metres is maintained. The proposed single detached dwelling is appropriate and desirable for the neighbourhood and the variance is minor in nature. Staff support this variance and have no concerns.

Based on the foregoing, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the Former City of Hamilton Zoning By-law No. 6593. The variances are minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Variance #1 should be deleted in its entirety and replaced with the following variance:</p> <p>“A maximum height of 3 storeys and 11.0 metres shall be permitted instead of the maximum required 2.5 storeys and 11.0 metres in height;”</p>



Hamilton

STAFF COMMENTS

HEARING DATE: May 7, 2024

	<p>The above variance was originally requested as per the submitted Minor Variance application form, however staff error may have resulted in its omission during the Notice write-up. As such, the above variance is required to permit the proposed Single Family Dwelling.</p> <p>2. A Variance should be added to permit the unenclosed front porch as proposed. The variance should read as follows:</p> <p>“A minimum distance between piers or columns shall be a minimum of 0.5 metres for an unenclosed porch instead of the minimum required distance between piers or columns shall be 1.0 metre for an unenclosed porch”</p> <p>The above variance is required to address the requirement under Section 18.(3)(vi)(d)(iv).</p> <p>3. Be advised, insufficient information has been provided to determine Front Yard Landscaping requirements under Section 18(4)(ii). Please note, an approximate calculation was conducted through review to determine the Front Yard Landscaping, as indicated below:</p> <p>Applicable Reductions: Porch and Entrance Stairs – 16.63 m² Portion of walkway 0.6 m in width – 2.274m²</p> <p>Calculation: Front yard prior to applicable reductions – 148.22 m² Front yard after reductions – 129.316 m² Front yard minus driveway – 64.976 m² (50.24%)</p> <p>As per the above calculations, the proposed Front Yard Landscaping appears to comply with the requirements under Section 18(4)(ii) however the applicant shall confirm that a minimum of 50% Front Yard Landscaping is provided.</p>
Proposed Notes:	

Development Engineering:

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



Hamilton

STAFF COMMENTS

HEARING DATE: May 7, 2024

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed single-family dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	

RE: 91 Beach Boulevard

Tapp, Liam <Liam.Tapp@hamilton.ca>

Tue 4/23/2024 10:32 AM

To: Shane detailsmatter.ca <shane@detailsmatter.ca>

Cc: Committee of adjustment <cofa@hamilton.ca>

Good morning Shane,

Thank you for the call this morning.

As per our conversation, I would like to confirm the following alterations have been requested for the variance application:

1. The first variance, regarding side yard setbacks, should be deleted in its entirety and replaced with the following Variance

"A maximum height of 3 storeys and 11.0 metres shall be permitted instead of the maximum required 2.5 storeys and 11.0 metres in height;"

2. A third variance should be added which reads as follows:

"A minimum distance between piers or columns shall be 0.5 metres for an unenclosed porch instead of the minimum required distance between piers or columns shall be 1.0 metre for an unenclosed porch"

I will ensure these comments are more formally provided to Committee of Adjustment staff prior to the Hearing on May 7.

Regards,

Liam Tapp

Zoning Examiner

Planning and Economic Development

Planning Division, City of Hamilton

(905) 546-2424 Ext.6884



From: Committee of adjustment <cofa@hamilton.ca>

Sent: Tuesday, April 23, 2024 8:58 AM

To: Tapp, Liam <Liam.Tapp@hamilton.ca>

Subject: Fw: 91 Beach Boulevard

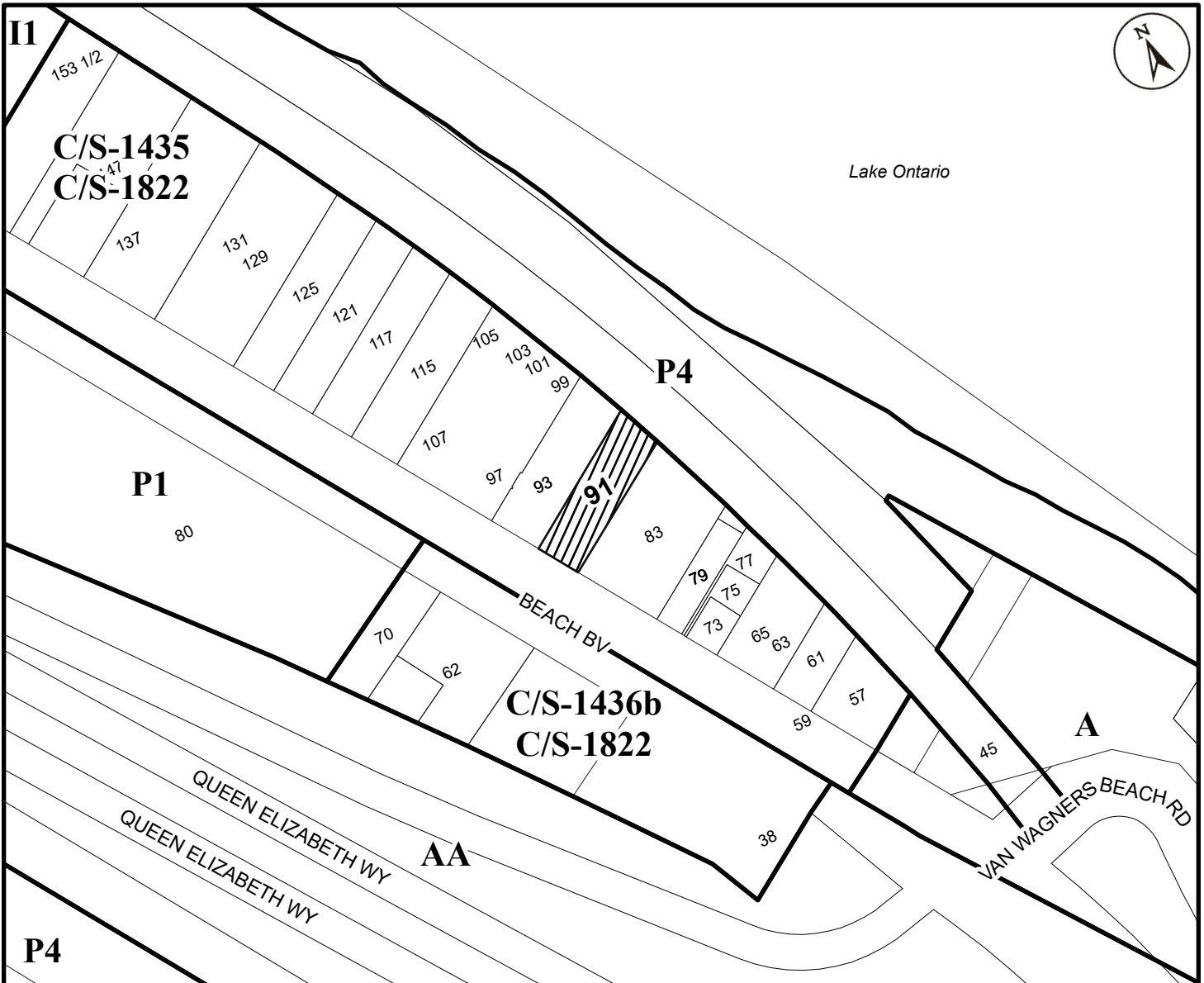
Hi Liam,

I believe you were the zoning examiner assigned to this application. Could you please reach out to the client in regards to their inquiry/ concerns about the variances provided on the notice.

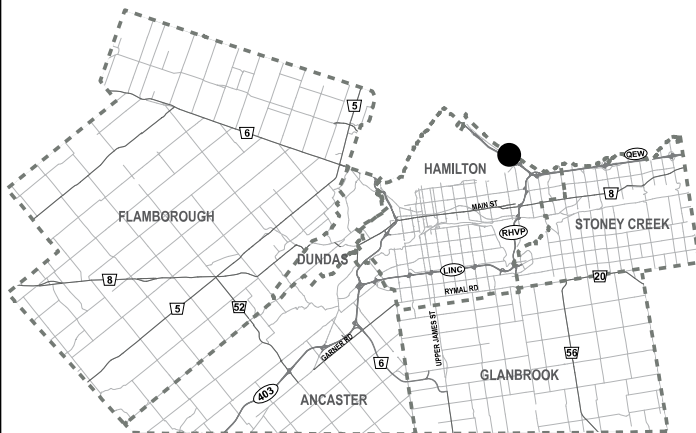
All the best,

Corrine Kabel (she/her)

Development Clerk



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



91 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

HM/A-24:70

Date:

April 25, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT