



Hamilton

STAFF COMMENTS

HEARING DATE: May 21, 2024

A-24:78 – 50 Broadway Avenue, Hamilton

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



Hamilton

Development Planning:

Background

To permit an addition (enclosed front porch) to the existing single detached dwelling.

Staff note that per Zoning By-law Amendment By-law No. 24-052, the zoning of the subject property has been amended from the “C/S-1335 & S-1335a” (Urban Protected Residential, etc.) District, Modified under Hamilton Zoning By-law No. 6593 to the Low Density Residential (R1) Zone under Hamilton Zoning By-law No. 05-200. The property remains subject to both the requirements of Zoning By-law No. 6593 and Zoning By-law No. 05-200 until such time that Zoning By-law Amendment 24-052 has been deemed final and binding.

Staff further note that should Zoning By-Law Amendment By-law No. 24-052 be deemed final and binding, the requirement for the Gross Floor Area Ratio under Zoning By-Law Amendment By-law No. 95-02 and By-law No. 95-33 shall no longer be applicable and a minor variance will no longer be required for the proposed enclosure of the front porch.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policy E.3.2.3, amongst others, is applicable and permits the existing single detached dwelling.

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 and is also within the “Burke Survey” Cultural Heritage Landscape as illustrated on Cultural Heritage Landscapes – Map B.6.2-2 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



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

Archaeology

No comment.

Cultural Heritage

No comment.

City of Hamilton Zoning By-law No. 05-200

As noted above, when Zoning By-Law Amendment By-law No. 24-052 is deemed final and binding, the subject lands will be zoned Low Density Residential (R1) Zone under City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling is a permitted use.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned “C/S-1335, C/S-1335a” (Urban Protected Residential) District, Modified under Former City of Hamilton Zoning By-law No. 6953. The existing single detached dwelling is a permitted use.

Variance 1

1. A maximum Floor Area Ratio of 0.49 (49%) shall be permitted instead of the maximum Floor Area Ratio of 0.45 (45%).

The intent of this provision is to maintain a consistent built form, streetscape and neighbourhood character by ensuring that lots are not overdeveloped.

Staff note that the proposed addition (enclosed front porch) increases the enclosed gross floor area of the subject property by 3.34 square metres, resulting in a Floor Area Ratio of 0.4866 or 48.66%. Staff further note that the proposed addition (enclosed front porch) would have a front yard setback of 7.57 metres, maintaining a similar or greater setback than much of the dwellings along Broadway Avenue. Therefore, do not anticipate that the proposed addition and resulting increase in Floor Area Ratio will negatively impact the streetscape, built form or existing character of the neighbourhood. Staff are of



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the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and the Zoning By-law, is minor in nature and is desirable and appropriate for the development or use of the land. Staff support the variance.

Staff are of the opinion that the requested variance meets 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 be advised, as per Zoning By-Law Amendment 24-052, the property has been amended from the previous C/S-1335 and S-1335a Zone under Hamilton Zoning By-Law 6593 and is now within the R1 Zone under Hamilton Zoning By-Law 05-200. Please note however that the property remains subject to both the requirements under Zoning By-Law 6593 and Zoning By-Law 05-200 until such time that Zoning By-Law Amendment 24-052 has been deemed Final and Binding. 2. Please note, in addition to the comment provided above, should Zoning By-Law Amendment 24-052 be deemed Final and Binding the requirement for the Gross Floor Area Ratio under Zoning By-Law Amendment 95-02 and 95-33 shall no longer be applicable and a minor variance will no longer be required for the proposed enclosure of the front porch.
Proposed Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	No comments / objections
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed

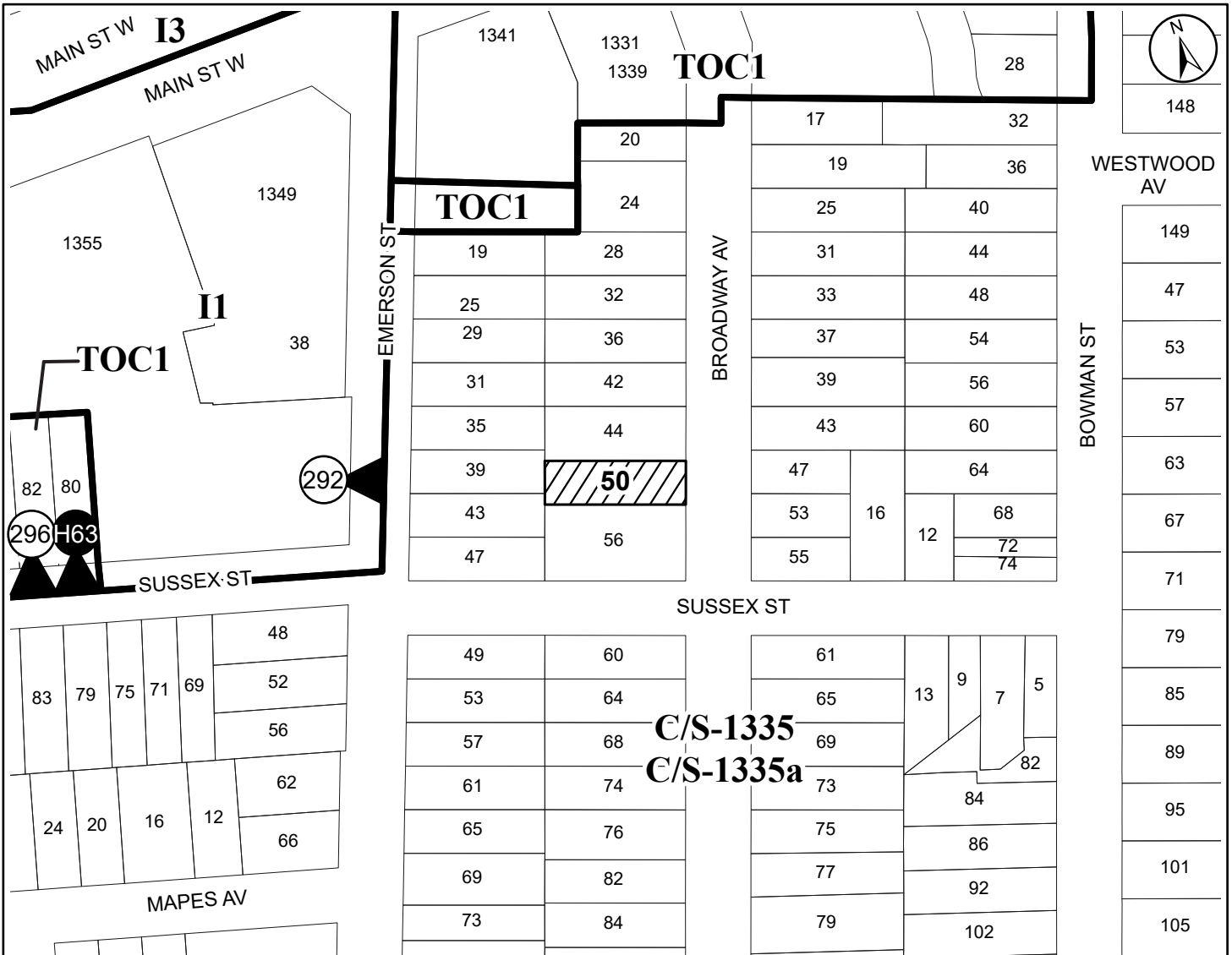


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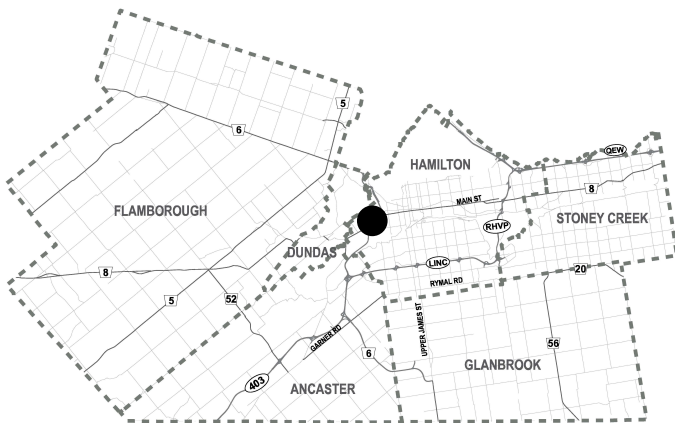
	<p>addition to the existing single family dwelling.</p> <p>Order to Comply 23-116085, dated 4/19/2023 remains outstanding.</p> <p>Be advised that Ontario Building Code regulations may require specific Order to Comply [Folder No], dated [enter date] remains outstanding. Setback and construction types.</p>
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Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



50 Broadway Avenue, Hamilton
(Ward 1)

File Name/Number:

A-24:78

Date:

May 7, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton