



**A-24:85 – 52 Charlton Avenue West, Hamilton**

Recommendation:

Approve

Proposed Conditions:

1. That the Owner shall maintain the concrete path and steps are kept free and clear of encumbrances to preserve access to the rear of the property via the westerly side yard, to the satisfaction of the Director of Development Planning.

Proposed Notes:



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Development Planning:

**Background**

To facilitate the conversion of the existing dwelling to a multiple dwelling with a total of six dwelling units.

Staff note that the subject property is designated property under the *Ontario Heritage Act* and that the building on the subject property suffered fire damage in February of 2022. Subsequently, Heritage Permit Application HP2023-056 was approved on December 15, 2023 to permit the rehabilitation and restoration of the building, including the reconfiguration of the interior room layout.

**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. Policies B.2.4.1.4, B.2.4.2.2, E.3.4.3, and E.3.4.5 amongst others, are applicable and permits the proposed conversion to a multiple dwelling consisting of six dwelling units as the structure is three storeys in height.

Staff are of the opinion that the proposed conversion to a multiple dwelling with six dwelling units meets the criteria for residential intensification found in Policies B.2.4.1.4 and B.2.4.2.2. Based on the above policies, staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan.

**Durand Neighbourhood Plan**

The subject lands are identified as “Single and Double” and as “Heritage District” on Map 6701 (Map 2 of 2) within the Durand Neighbourhood Plan.

**Archaeology**

No comment.

**Cultural Heritage**

The subject property comprises 52 Charlton Avenue West, formerly known as Charlton Hall, a property designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the Provincial Policy Statement. The designated features include architecture representative of fine Queen Anne dwellings of the late nineteenth century, including a rounded turreted bay, large curving windows and wood eaves decorated with moulded brackets, among other significant architectural features.



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The proponent proposes to convert the existing dwelling into multiple dwellings with a total of six (6) dwelling units.

In December 2023, the applicant received Heritage Permit Approval for the scope of work included in this application as part of HP2023-056. Staff have reviewed the proposed work in detail and are of the opinion that the designated heritage features of the property will be conserved.

Notwithstanding that the subject property is designated under Part IV of the *Ontario Heritage Act*, the scope of work proposed has obtained the necessary Heritage Permit approvals and will help facilitate the adaptive reuse of the fire-damaged heritage building. Staff have no further comments on the application as circulated.

**Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District under Former City of Hamilton Zoning By-law No. 6953. The existing and proposed residential uses are permitted.

**Variance 1**

1. A minimum lot width of 14.48 metres shall be permitted instead of the minimum 15.0 metre lot width required for a multiple dwelling.

The intent of this provision is to ensure lots are of a minimum viable size for the multiple dwelling residential use.

Staff note that the proposed conversion of the existing dwelling to a multiple dwelling consisting of six dwelling units will not expand the footprint of the existing building, with the additional units being a result of changes to the internal room layout. Staff do not anticipate negative impacts on neighbouring properties and are of the opinion that the proposal is compatible with the existing character of the neighbourhood. Staff support the variance.

**Variances 2-7**

2. No onsite loading space shall be permitted instead of the minimum one loading space required.
3. No onsite manoeuvring shall be permitted for all five parking spaces instead of the minimum 6.0 metre wide manoeuvring space required.
4. A minimum parking space length of 5.8 metres shall be permitted for all five parking spaces instead of the minimum 6.0 metre parking space length required.



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5. The parking area shall be permitted to be located as close as 0.5 metres from the adjacent residential districts instead of the minimum 1.5 metres setback required.
6. No planting strip shall be permitted between the parking area and the adjacent residential districts instead of the minimum 1.5 metre wide planting strip required.
7. An access driveway having a width of 3.0 metres shall be permitted instead of the 5.5 metre wide access driveway required.

The intent of these provisions is to maintain adequate access and manoeuvring space for ingress and egress from parking spaces, parking space size and sufficient separation from neighbouring residential uses and parking spaces to ensure the normal function of onsite parking.

Regarding Variance 2, Staff note that at this location, Charlton Avenue West is comprised of two lanes of one-way traffic flowing westward, with street parking on the northern side of the road. Staff are of the opinion that due to the relatively low number of proposed dwelling units and nature of Charlton Avenue West, the lack of a dedicated onsite loading space for the proposed multiple dwelling will not negatively impact the regular use of the public right of way. Staff support the variance.

Regarding Variances 3 to 7, staff note that these variances are intended to recognize existing conditions of the current parking utilized at the rear of the property abutting a 3 metre wide laneway. Staff support the variances.

#### **Variance 8**

8. An uncovered deck with associated stairs shall be permitted to be located as close as 0.0 metres to the westerly side lot line instead of the minimum 0.5 metre setback required.

The intent of this provision is to ensure there is sufficient space between a structure and the lot line for access and maintenance purposes.

Staff note that, while a 0.0 metre setback is being requested, access to the rear of the property will not be impeded as the proposed concrete path and steps are to provide access to main entrance for the multiple dwelling on the western side of the building. Therefore, staff support the variance subject to a recommended condition that ensures the concrete path and steps are kept free and clear of any encumbrances to preserve access to the rear of the property via the westerly side yard.

#### **Variance 9**



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9. A fire escape shall be permitted to be located as close as 0.6 metres from the easterly side lot line instead of the minimum 3.9 metre setback required.

The intent of this provision is to ensure there is sufficient space maintained between the building and lot lines for access and maintenance purposes.

Staff are of the opinion that while the proposed fire escape would reduce the available space for access and maintenance purposes along the easterly lot line, the rear of the property would be accessible via the concrete path and steps along the westerly lot line of the subject property with an approximate 1 metre wide path. Staff support the variance.

Staff are of the opinion that the requested variances maintain the intent of the Urban Hamilton Official Plan and Zoning By-law, are minor in nature and are desirable for the appropriate development and use of the land. Based on the foregoing, **staff recommend approval.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"><li>• The zoning By-law requires a minimum landscaped area of 25.0% of the lot. Insufficient details were provided from which to determine compliance; as such, further variances may be required.</li><li>• The applicant shall ensure that the requested variance #9 for the yard encroachment is correct and that the required width calculation was determined by using the buildings height from grade and buildings length at its longest part. Otherwise, further variances may be required.</li><li>• Please note that these lands may be:<ul style="list-style-type: none"><li>- Regulated by a Conservation Authority;</li><li>- Located within or adjacent to an Environmentally Sensitive Area (ESA);</li><li>- Designated under the Ontario Heritage Act;</li><li>- Listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest; and/or,</li><li>- Included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest.</li></ul></li></ul>



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**STAFF COMMENTS**

**HEARING DATE: May 21, 2024**

	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.
Proposed Notes:	

**Development Engineering:**

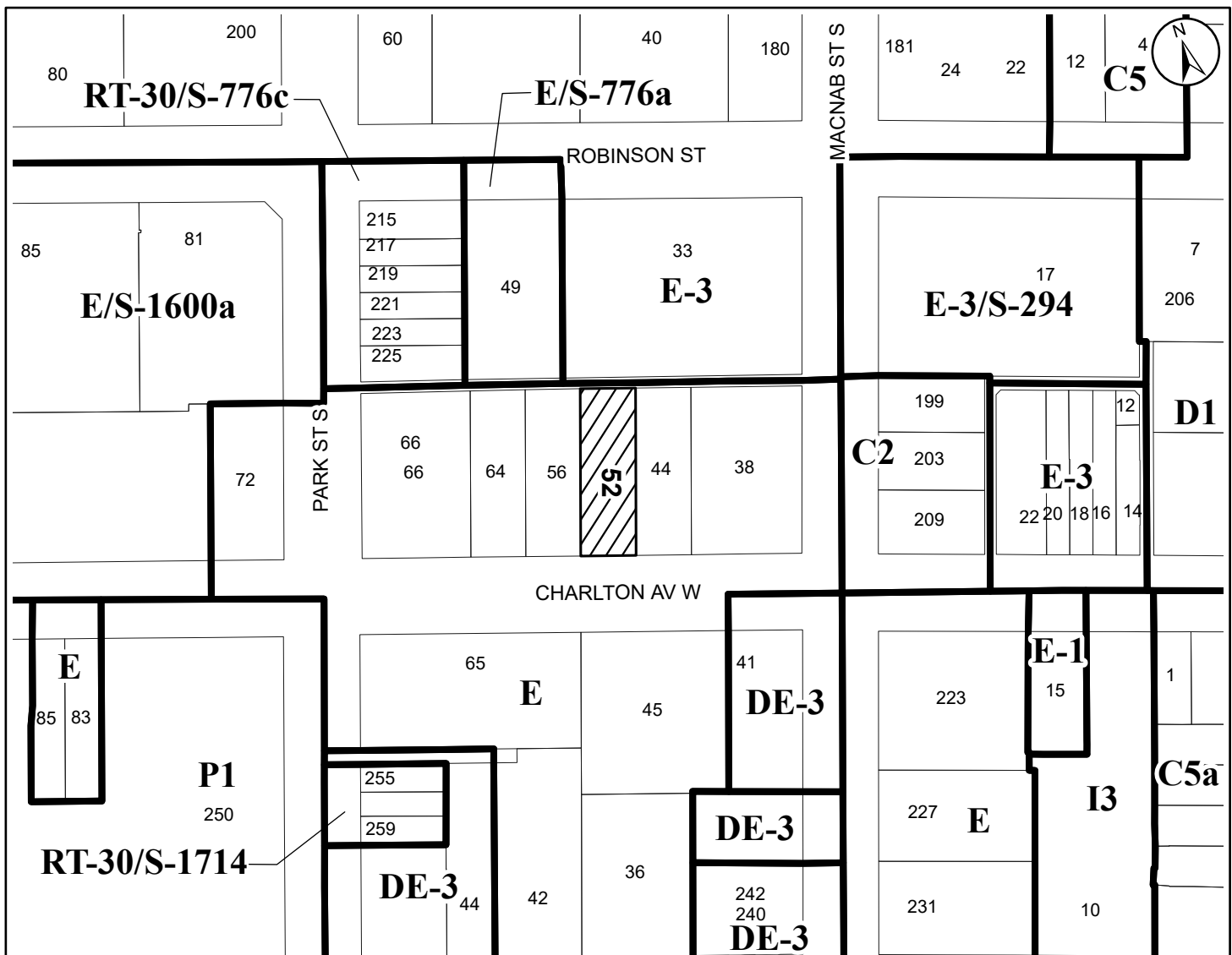
Recommendation:	Approve
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"><li>• Provided the exiting drainage pattern is maintained, Development Engineering has no comments/objections to the minor variances as proposed.</li></ul>
Proposed Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the conversion of the proposed existing dwelling to a multiple dwelling with a total of six (6) dwelling units.  Order to Comply 23-131290, dated 7/18/2023 remains outstanding.

**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



## ● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



52 Charlton Avenue West, Hamilton  
(Ward 2)

### File Name/Number:

A-24:85

### Date:

May 9, 2024

### Technician:

AL

### Scale:

N.T.S.

### Appendix "A"



**Hamilton**

Planning and Economic Development Department