



Hamilton

**STAFF COMMENTS**

**HEARING DATE: May 21, 2024**

**A-24:88 – 884 Garth Street, Hamilton**

Recommendation:

Table

Proposed Conditions:

Proposed Notes:

**“Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately ([416-212-0036](tel: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**

To facilitate the implementation of a new paved driveway.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.3.4.3 among others, are applicable and permit the use.

#### **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:

“**Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately ([416-212-0036](tel: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).”

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

The subject site is zoned Low Density Residential (R1) Zone, which permits the use.

#### **Variance 1 and 2**

1. A minimum 32.3% front yard landscaped area in the front yard shall be permitted instead of the minimum 50% landscaped area in the front yard required.



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2. The front porch shall be permitted in the front yard instead of Where the driveway is provided in the front yard, all other portions of the front yard shall be landscaped area.

Staff note that the plan has not been drawn to scale. Staff recommend the applicant provide a scaled drawing for staff to review in order to provide an accurate analysis. Staff further note that the applicant shall accurately show the front property line location. Lastly, staff note that the lands have been added to City of Hamilton Zoning By-law No. 05-200 as the Low Density Residential (R1) Zone through By-law No. 24-051, approved April 10, 2024, and the submitted variance requests are for relief from the former City of Hamilton Zoning By-law No. 6593.

Based on the foregoing, **staff recommend the application be tabled.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	1. Requested variances are required to facilitate the implementation of a new paved driveway.
Proposed Notes:	

Development Engineering:

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

Building Engineering:

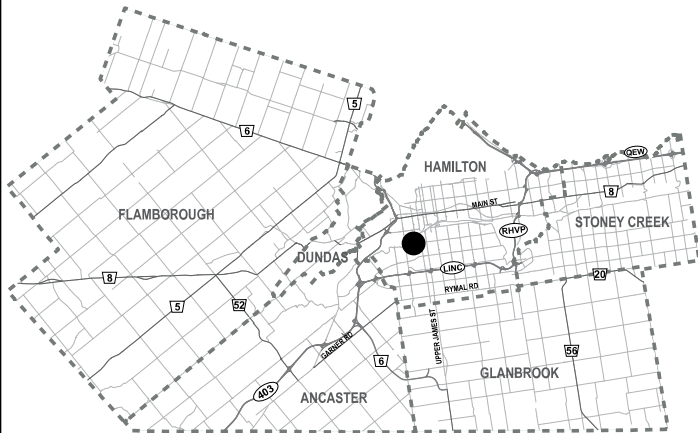
Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



884 Garth Street, Hamilton  
(Ward 14)

**File Name/Number:**

HM/A-24:88

**Date:**

May 8, 2024

**Technician:**

NB

Map Not To Scale

**Appendix "A"**



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