



Hamilton

**STAFF COMMENTS**

**HEARING DATE: June 11, 2024**

**A-24:108 – 31 Greenaway Avenue, Hamilton**

**Recommendation:**

Approve with Conditions

**Proposed Conditions:**

1. That the variances being requested only apply to the existing dwelling and staircase and the proposed staircase as shown on the submitted plan titled "Proposed Site Plan" dated 2023-08-15.
2. That the applicant/owner apply for and receive an encroachment agreement for the front yard staircase, to the satisfaction of the Manager of Geomatics and Corridor Management.

**Proposed Notes:**



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### **Development Planning:**

#### **Background**

To facilitate the expansion of the top half-storey with the addition of dormers for the existing single detached dwelling to be converted to a two-family dwelling.

#### **Analysis**

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

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit a single detached dwelling and secondary dwelling units.

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

The subject site is zoned “H” (Community Shopping and Commercial, Etc.) District, which permits the use.

##### **Variances 1-7 and 12 (Recognize existing conditions)**

1. To permit a side yard setback (north) of 0.26m.
2. To permit a front yard setback of 0.40m.
3. To permit a side yard setback (south) of 3.03m.
4. To permit a rear yard setback (north) of 1.54m.
5. To permit a setback from the property line to the staircase #3 of 0.55m.
6. To permit a setback from the property line to the eave of the staircase #3 of 0.23m.
7. To permit a front yard setback for staircase #1 of 0.57m.
12. To permit the eaves to encroach 0.1 metres into the side yards.

Staff note that the variances being requested are to recognize existing conditions to the existing dwelling and staircase. Staff defers any drainage concerns to Development Engineering. Staff note that the existing staircase projects into the city boulevard. Staff recommend that if the application be approved that the applicant apply for and receive an encroachment agreement to permit the staircase



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to the satisfaction of Corridor Management. Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

**Variations 7-11 (Variations for proposed staircase)**

8. To permit setback of 1.96m for staircase #2 to the property line.

9. To permit setback of 0.43m for staircase #3 to the property line.

10. To permit setback of 0.36m for the concrete pad of staircase #3 to the property line.

11. To permit setback of 0.38m for the under-grade caisson footing of staircase #3 to the property line.

The intent of these provisions are to ensure sufficient distance separation is provided for the staircase and to allow for access on the subject site. Staff defer any drainage concerns to Development Engineering. Staff note that the proposed staircase is an extension of the existing rear staircase and is keeping the same angle to the rear lot line. Staff are of the opinion that the variances maintain the general intent of the By-law as sufficient separation distance is provided for a staircase and access will be provided on site. Staff are of the opinion the variances are minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area. Staff are of the opinion that the variances meet the four tests of a minor variance. Based on the foregoing, **staff support the variances.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No comment.
Proposed Notes:	

Cultural Heritage:

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

Natural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	



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Comments:	The subject property is located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands, and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within or adjacent to the subject property. In addition, the subject property is not located within the regulated area of a Conservation Authority.
Proposed Notes:	

Development Engineering:

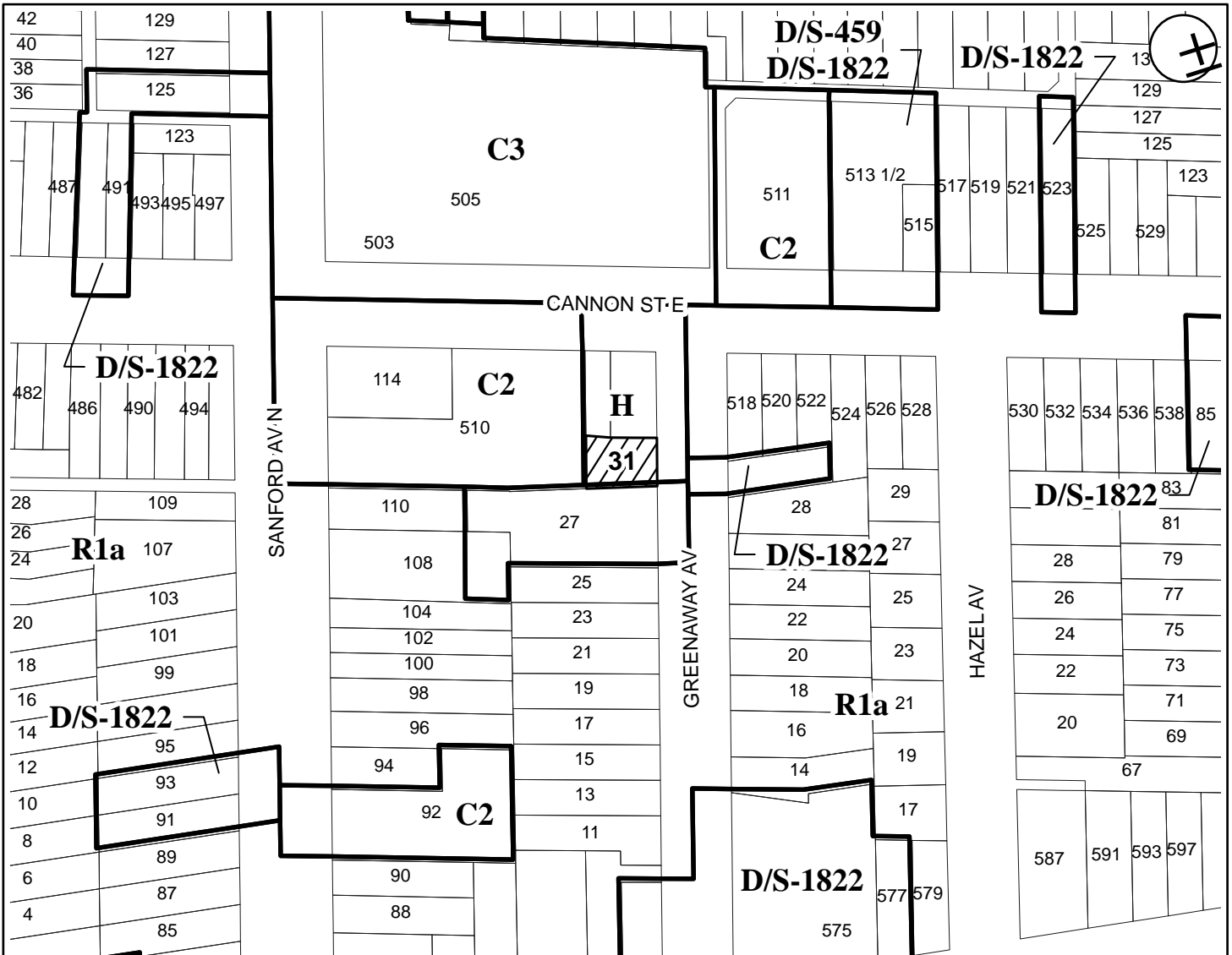
Recommendation:	Approve
Proposed Conditions:	
Comments:	The proposed setback variances are in acknowledgement of the existing building footprint which is to remain. Therefore, Development Engineering has no objections to the minor variances as proposed.
Proposed Notes:	

Building Engineering:

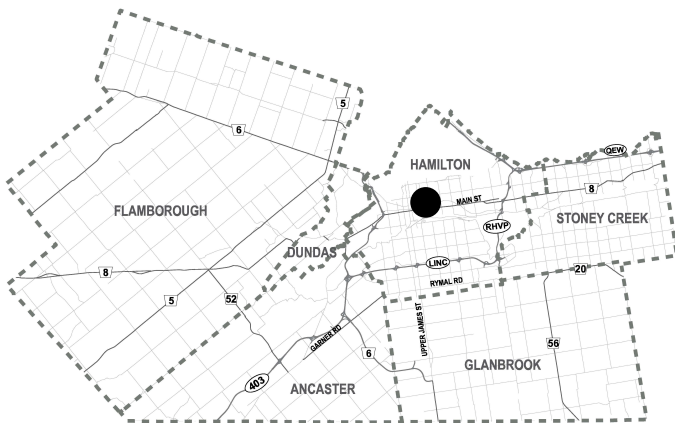
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Order to Comply 23 133949, dated August 8, 2023, remains outstanding.  A building permit is required for the proposed addition for the existing single detached dwelling.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**



31 Greenway Avenue, Hamilton  
(Ward 3)

**File Name/Number:**

A-24:108

**Date:**

May 28, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**