



Hamilton

STAFF COMMENTS

HEARING DATE: June 25, 2024

A-24:121 – 70 & 72 Tom Street, Hamilton

Recommendation:

Development Planning - Approve
Development Engineering – Deny

Proposed Conditions:

1. If no onsite parking is permitted, the Owner must remove the driveway from their site plan. No driveway would be allowed to be located entirely within the municipal right-of-way. The sidewalk to the front door from the municipal sidewalk must be a minimum of 1.5 metres wide (To the satisfaction of the Manager of Transportation Planning).

Proposed Notes:



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Development Planning:

Background

To facilitate the severance of the subject lands in order to create two lots.

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 E.3.2.3, and E.3.4.3 amongst others, are applicable and permit the use.

Strathcona Secondary Plan

The Strathcona Secondary Plan designates the subject site as “Low Density Residential 3” on Map B.6-1, which permits the use.

Natural Heritage

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

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone, which permits the use.

Variances 1 and 2

1. A minimum lot area of 117.0m² shall be permitted for the retained lands and a minimum lot area of 125.0m² shall be permitted for the severed lands instead of the minimum 225.0m² lot area required.
2. A minimum lot width of 7.7m shall be permitted for the retained lands and a minimum lot width of 6.9m shall be permitted for the severed lands instead of the minimum 7.5m lot width required.

The intent of these provisions are to provide a minimum lot area sufficient for the permitted development of the lands and to provide a consistent streetscape.

Staff note that the variances are to implement Consent application HM/B-22:73 to establish lot lines for an existing semi-detached dwelling. No physical changes to the subject lands are proposed. Staff are of the opinion that the variances maintain the general intent of the By-law as sufficient lot area is provided. Staff are of the opinion that 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**



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support the variances.

Variance 3

3. A minimum 0.0% landscaped shall be permitted to be maintained for each of the lots instead of the minimum 30.0% landscaped area required.

The intent of this provision is to provide a consistent low density residential streetscape by providing landscaped areas on each lot.

Staff note that the front lot line is an existing condition and that no physical alternations are being proposed. Staff are of the opinion that the variance is 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 variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Variance 4

4. No onsite parking shall be permitted to be maintained for each of the lots instead of the minimum one (1) parking space required per unit.

The intent of this provision is to provide sufficient parking for each residential dwelling.

Staff note that no parking provided is an existing condition and that no physical alternations are being proposed. Staff are of the opinion that the variance is 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 variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Zoning:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <ul style="list-style-type: none"> • These variances are necessary to facilitate Consent Application HM/B-22:73). • The applicant requested a variance to permit a 0.0m side yard, however, this variance is not required as the zoning By-law 05-200 permits a 0.0m side yard abutting a common wall. • Parking spaces located on the road allowance or partly on the road allowance are not recognized for zoning purposes. Therefore, as no onsite parking is provided, variance #4 is requested to permit no onsite parking. |



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| Proposed Notes: | |
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Natural Heritage:

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

Cultural Heritage:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <p>Archaeology:</p> <p>No comments</p> <p>Cultural Heritage:</p> <p>The subject properties are listed on the Municipal Heritage Inventory List.</p> <p>The proponent proposes to facilitate the severance of the subject lands in order to create two lots.</p> <p>Notwithstanding that the properties are listed on the Municipal Heritage Inventory List, staff have no concerns about the application as circulated.</p> |
| Proposed Notes: | |

Development Engineering:

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| Recommendation: | Deny |
| Proposed Conditions: | |
| Comments: | The info provided on the sketch included in support of the proposed variances show a 0.21m sideyard setback at the southwest corner. The proposed setback does not provide for installation of a sideyard swale with a minimum width of 0.9m in accordance wit the City criteria. |
| Proposed Notes: | |

Building Engineering:

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| Recommendation: | No comments. |
| Proposed Conditions: | |

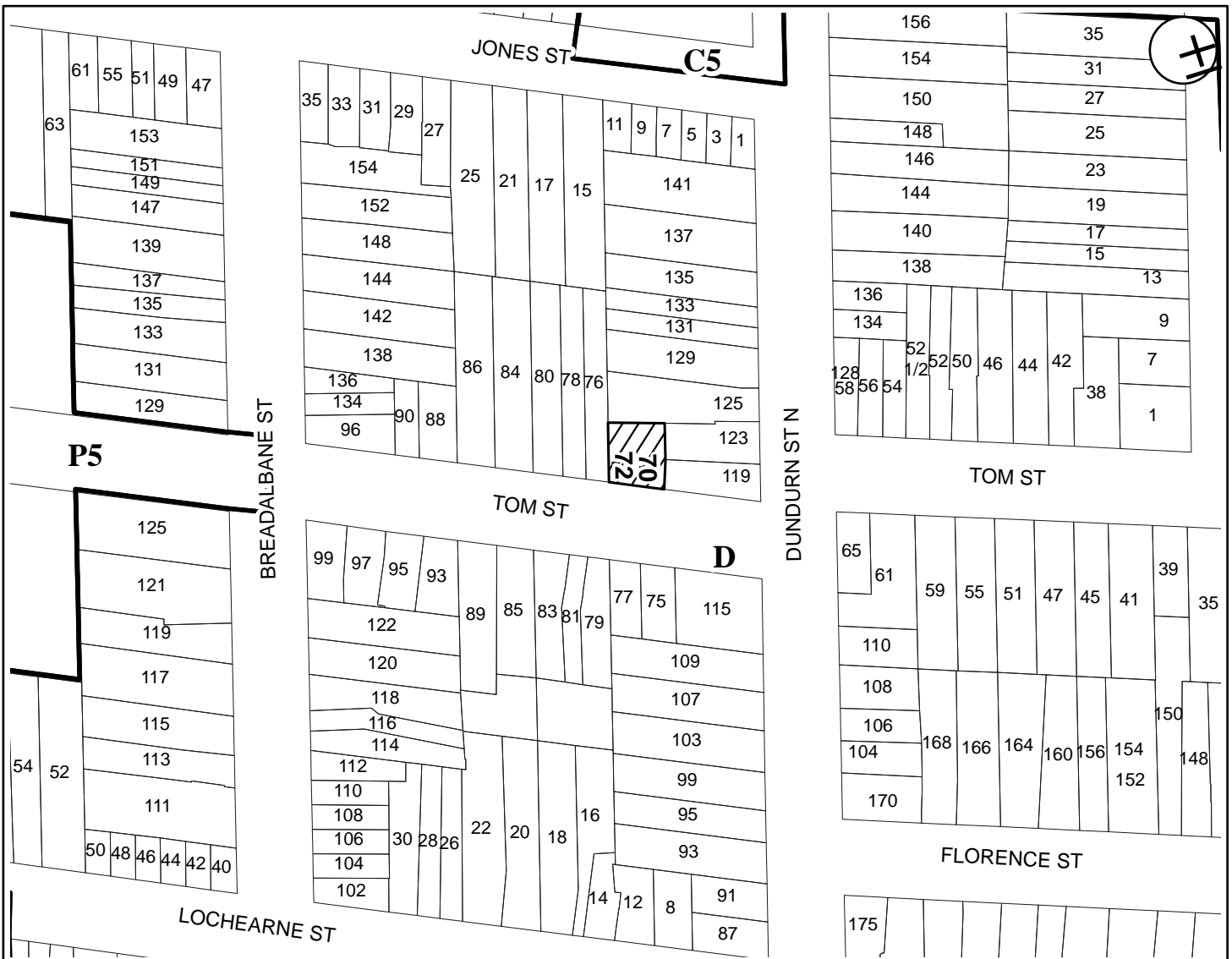


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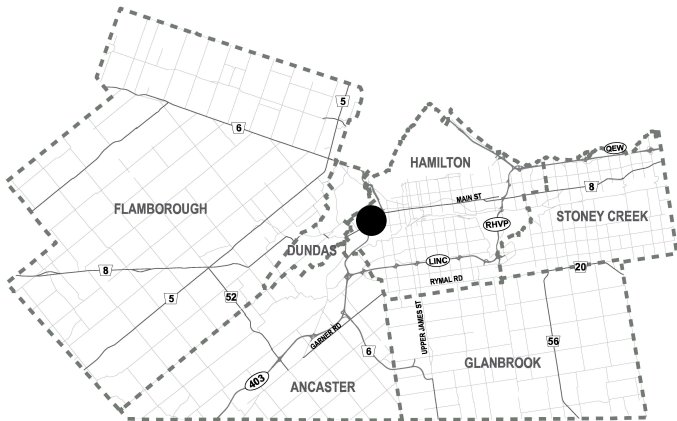
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| Comments: | |
| Proposed Notes: | |

Transportation Planning:

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| Recommendation: | Approve with Conditions |
| Proposed Conditions: | If no onsite parking is permitted. the Owner must remove the driveway from their site plan. No driveway would be allowed to be located entirely within the municipal right-of-way. The sidewalk to the front door from the municipal sidewalk must be a minimum of 1.5 metres wide. |
| Comments: | The Owner is proposing no on-site parking so there should be no driveway toward the property. The sidewalk to the front door accessing the municipal sidewalk must be a minimum of 1.5 metres wide. |
| Proposed Notes: | The proposed driveway would require an encroachment agreement and has the potential to affect the on-street parking in the area. |



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



70 & 72 Tom Street, Hamilton
(Ward 1)

File Name/Number:

A-24:121

Date:

June 12, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton