



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 2, 2024**

**A-24:123 – 347 Great Falls Boulevard, Hamilton**

Recommendation:

Deny Variance 1, Approve Variance 2 – Development Planning

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). 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**

So as to permit Tandem Parking and an Entrance Staircase to a proposed Secondary Dwelling Unit within the rear yard of an existing Semi-Detached Dwelling.

### **Analysis**

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

The property is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policies B.3.2.4.4, F.1.14.3.1, E.3.2.3, and E.3.4.3 amongst others, are applicable and permit single detached dwellings and secondary dwelling units.

#### **Waterdown South Secondary Plan**

The property is further designated “Low Density Residential 3” on Map B.4.3-1 within the Waterdown South Secondary Plan. Policy E.4.3.3.6, among others, are applicable and permit single detached dwellings.

#### **Town of Flamborough Zoning By-law No. 90-145-Z**

The subject lands are zoned Urban Residential (Single Detached) “R1-64” Zone, Modified, which permits the use.

### **Variance 1**

1. A Parking Space associated with a Secondary Dwelling Unit shall be permitted to be provided in tandem with a Parking Space associated with the principal use.

The intent of this provision is to ensure no obstructions are provided for the ingress and egress of a parking space.

Staff are of the opinion that as tandem parking will provide an obstruction to the primary dwelling parking space, that the general intent of the By-law is not being maintained. Staff are of the opinion that the variance is neither minor in nature nor desirable for the use of land as negative impacts may arise to the subject site as tandem parking will obstruct a parking space which will not allow for the vehicle to be used. Staff are of the opinion that the four tests of a minor variance are not being met. Based on the foregoing, **staff do not support the variance.**

Staff note that while the subject lands have not been added to Hamilton Zoning By-law No. 05-200 to date, they are located in Parking Rate Area (PRA) 3. (Staff advise that the new parking regulations were approved by Council by By-law No. 24-052 and are under appeal and not final and binding.) In



PRA 3 and all urban areas across the City of Hamilton, no parking spaces would be required for an Additional Dwelling Unit. Staff would support an amended variance to provide no parking spaces for the proposed Additional Dwelling Unit as it would maintain the general intent and purpose of the Urban Hamilton Official Plan and the Zoning By-law and would be minor in nature and desirable for the appropriate development of the subject lands.

Variance 2

2. An Exterior Staircase shall be permitted to encroach a maximum of 3.14 metres into a required rear yard instead of the maximum 1.5 metres into a required rear yard.

The intent of this provision is to ensure sufficient space is provided to use an exterior staircase and to provide distance separation between lots.

Staff note that there is approximately 4.5 metres of setback between the proposed staircase and the rear lot line. Staff are of the opinion that the variance maintains the general intent of the By-law as sufficient space and distance separation will be provided to use the staircase. Staff are of the opinion that the variance is minor in nature and desirable for the development as no negative impacts are anticipated for the subject lands or surrounding area. Staff are of the opinion that the four tests of a minor variance are being met. Based on the foregoing, **staff support the variance.**

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>1. Be advised, insufficient information has been provided to determine overall density for lands Zoned R1-64 under Zoning By-Law Amendment 14-099. Should the addition of a Secondary Dwelling Unit within the Existing Semi-Detached Dwelling increase the overall density in excess of the permitted 40 Units Per Net Residential Hectare for lands zoned as “R1-64”, additional variances may be required.</p> <p>2. Be advised, where installation of a retaining wall, higher than 1.0m and of material other than armourstone, the owner of such lot shall not (i) excavate, drill, install, erect, or build; (ii) plant any tree, construct any pit, well, pavement, building, or structure; and (iii) alter the grading or any over-land drainage patterns approved by the City, without the prior written consent of the Senior Director, Growth Management Division. Should the proposed steps within the rear yard result in alteration of the existing</p>



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	retaining wall, to the effect of a change in the retaining wall as described above, consent may be required from the Senior Direct, Growth Management Division.
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>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 <i>Planning Act</i> and Section 2.6.2 of the <i>Provincial Policy Statement</i> apply to the subject application.</p> <p>Cultural Heritage:</p> <p>No comments.</p>
Proposed Notes:	<p>If this variance is granted, the proponent <b>must be advised in writing</b> by the Committee of Adjustment as follows:</p> <p>“<b>Caution:</b> 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 (<a href="tel:416-212-0036">416-212-0036</a>). 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</p>



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	Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”
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**Development Engineering:**

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no comments.
Proposed Notes:	

**Building Engineering:**

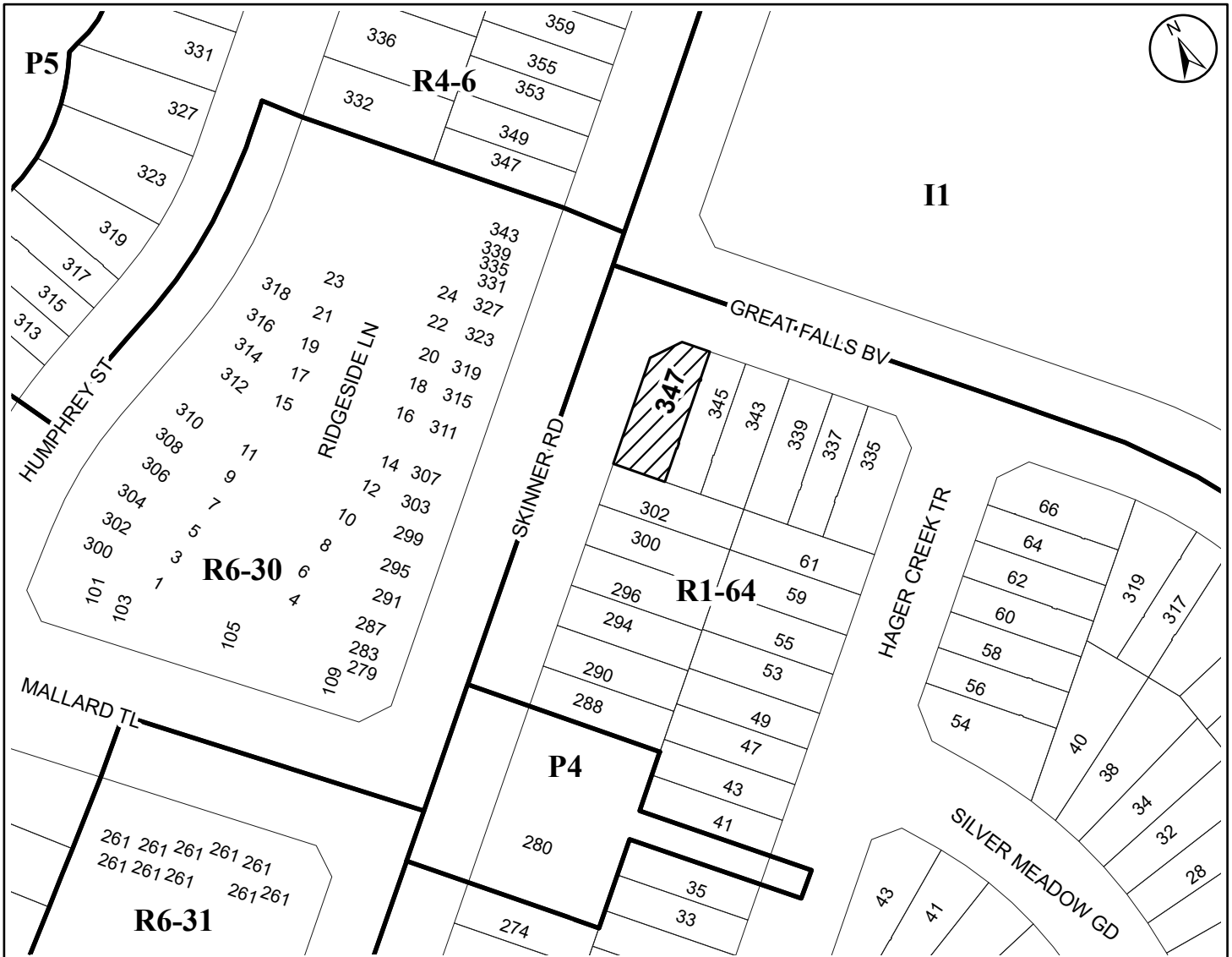
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed Tandem Parking and an Entrance Staircase to a proposed Secondary Dwelling Unit within the rear yard of an existing Semi-Detached Dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



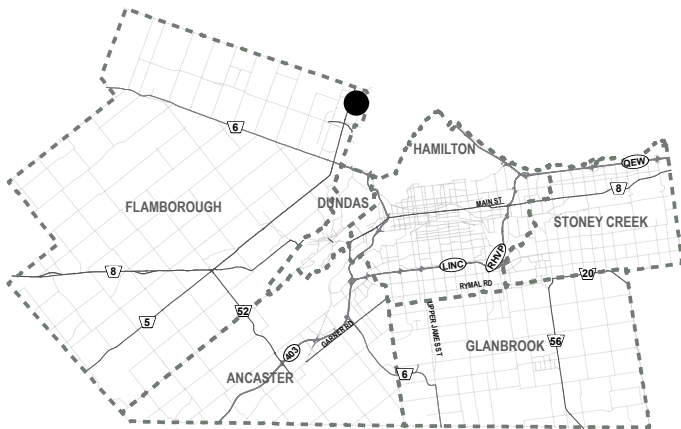
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Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**



347 Great Falls Boulevard,  
Flamborough (Ward 15)

**File Name/Number:**

A-24:123

**Date:**

June 19, 2024

**Technician:**

SH

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**

Planning and Economic Development Department