



Hamilton

STAFF COMMENTS

HEARING DATE: July 2, 2024

A-24:122 – 17 Percy Court, Hamilton

Recommendation:

Development Planning - Deny

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

The application is to permit an addition to an existing detached garage which is to be converted to contain an Additional Dwelling Unit – Detached on a lot containing a single detached dwelling.

The following variances are requested:

1. Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, a minimum distance of 0.90 metres shall be provided between the side wall of the principle dwelling and the Additional Dwelling Unit – Detached, instead of the minimum 4.0 metres required;
2. Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the Additional Dwelling Unit – Detached shall be setback back a minimum of 1.80 metres from the front façade of the principle dwelling, instead of the minimum 5.0 metres required;
3. No electric vehicle parking spaces shall be provided, instead of the requirement that for a Single Detached Dwelling, 100% of all parking spaces shall be provided as electric vehicle parking spaces [as per Section 5.7.4(a) of amending By-law No. 24-052 – not final and binding]

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

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

The subject lands are zoned Low Density Residential “R1” District, which permits a single detached dwellings and an Additional Dwelling Unit – Detached.

Analysis

Variance 1

The applicant is proposing a detached additional dwelling unit within the interior side yard with a minimum distance of 0.90m between the side wall of the principle dwelling and the detached additional dwelling unit (ADU), instead of the minimum 4.0m required between the principal dwelling and the detached additional dwelling unit. The intent of this provision is to allow for sufficient space between the dwelling units to mitigate any noise or privacy concerns, to ensure the primary dwelling is the dominate structure on the subject lands and to ensure sufficient space for safe access around the additional dwelling unit for residents or any emergency personnel. It is staff’s opinion that the



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requested variance to reduce the minimum distance between the principal dwelling and the detached ADU from the required 4.0m to the proposed 0.9m is not minor in nature, nor does it maintain the general intent and purpose of the Zoning By-law.

Variance 2

The applicant is also requesting a variance for the proposed detached additional dwelling unit within the interior side yard to be setback back a minimum of 1.80 metres from the front façade of the principal dwelling, instead of the minimum 5.0 metres required. The intent of this provision is to ensure that the detached ADU appears as a secondary and subordinate structure to the primary dwelling and is setback a sufficient distance from the front façade of the primary dwelling, so it does not appear dominant along the streetscape. The current detached garage is setback a significant distance further and the applicant is proposing to bring the façade of the detached ADU significantly closer to the front façade of the dwelling, while also adding a second storey. The principal dwelling is a one storey dwelling with an approximate height of 5.6m and the proposed second storey addition for the ADU will have a maximum height of 6.0m. The proposed detached ADU will be setback 9.16m from the front property line and be visible from the streetscape, while the existing one storey dwelling is setback 7.33m from the front property line. When considered jointly, the variance to bring the proposed detached ADU closer to the front lot line and the front façade of the dwelling, together with the proposed height of the detached ADU relative to the existing dwelling will give the proposed detached ADU a dominant appearance from the streetscape.

Staff are of the opinion that the proposed variance does not meet the intent of the Zoning By-law, is not desirable for the appropriate development of the lands and is not minor in nature.

Variance 3

The applicant has requested that no electric vehicle parking spaces shall be provided, instead of the requirement that for a Single Detached Dwelling, 100% of all parking spaces shall be provided as electric vehicle parking spaces. The intent of the provision is to provide the necessary components to ensure it is ready for an electric vehicle to charge in the future if needed. It is staff opinion that the subject variance does not meet the intent of Hamilton Zoning By-law No. 05-200, nor is it minor in nature. Staff do not support the variance.

Based on the foregoing, the requested variances do not maintain the general intent and purpose of the City of Hamilton Zoning By-law No. 05-200. The variances are not minor in nature, nor are they desirable for the appropriate use of the property. Staff recommend that the variances, as requested, be **denied**.



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>i. Please note that building height does not appear to be indicated as per the definition of “Building Height” provided in Hamilton Zoning By-law No. 05-200. Note that a maximum height of 6.0 metres shall be permitted, and additional variances may be required if compliance cannot be achieved.</p> <p>ii. Please note that on a lot containing a Single Detached Dwelling, for a dwelling with an attached garage, the finished floor level of the garage shall be a minimum 0.3 metres above grade. Insufficient information has been provided to confirm compliance, and additional variances may be required if compliance cannot be achieved.</p>
Proposed Notes:	

Cultural Heritage:

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

Development Engineering:

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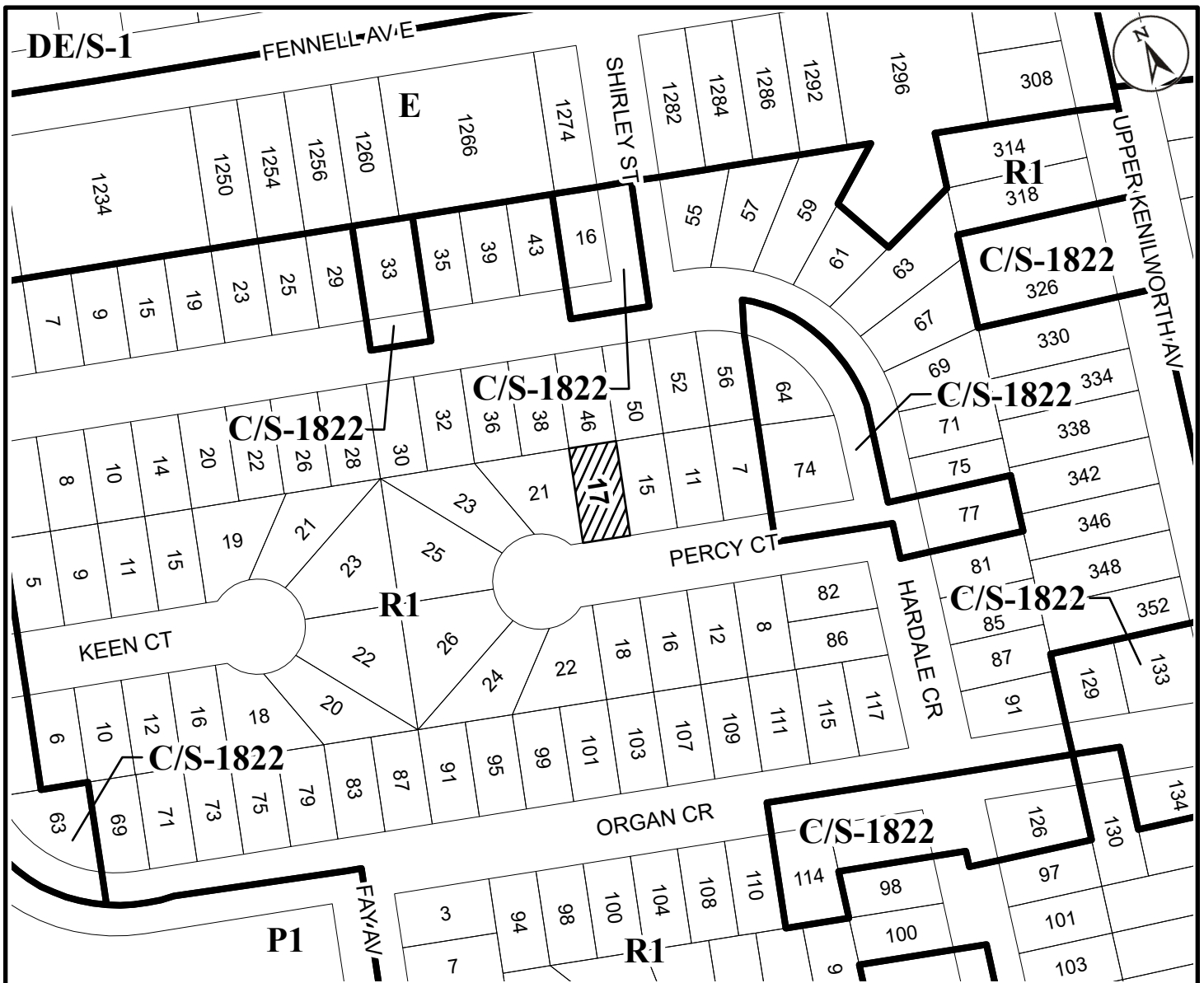
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

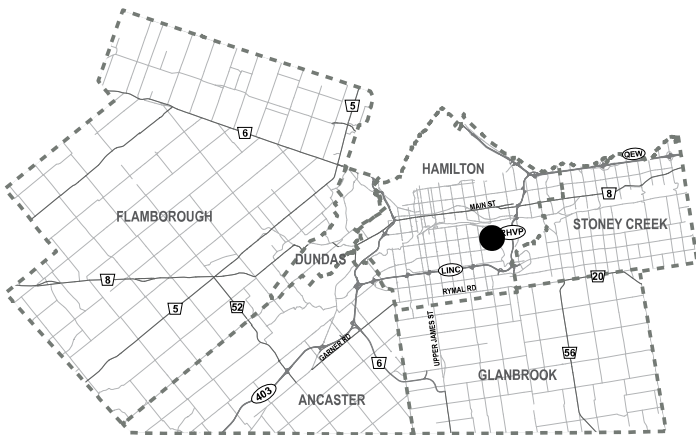
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	<p>A building permit is required for the construction of the proposed addition to an existing detached garage and the conversion of the detached garage to an additional dwelling unit.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

Transportation Planning:

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



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



17 Percy Court, Hamilton (Ward 6)

File Name/Number:

A-24:122

Date:

June 19, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



Hamilton