



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 2, 2024**

**A-24:126 – 575A Wilson Street, Hamilton**

Recommendation:

Approve

Proposed Conditions:

N/A

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**

To permit the construction of a proposed single detached dwelling containing a secondary dwelling unit on a newly severed lot. Staff note this application is related to Minor Variance applications A-24:125 and A-24:127 through 129. Staff further note the subject property is shown as “Part 3” on the site plan submitted with this application.

## **Analysis**

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies E.3.2.3. and E.3.4.3, amongst others, are applicable and permit the proposed single detached dwelling and secondary dwelling unit.

### **Gibson Neighbourhood Plan**

The subject lands are identified as “Single and Double” on Map 6607 (Map 1 of 2) within the Gibson Neighbourhood Plan. The proposed development is consistent with the vision of the Gibson Neighbourhood Plan.

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

The subject lands are “D/S-1822” (Urban Protected Residential – One and Two-Family Dwellings) District, Modified in Former City of Hamilton Zoning By-law No. 6593. The proposed single detached dwelling and secondary dwelling are permitted uses.

## **Variance 1**

1. A minimum side yard of 0.7 metres shall be permitted instead of the required 1.2 metres for a building less than 11.0 metres in height.

The intent of this provision is to ensure sufficient space is provided between the structure and side lot line for drainage, access and maintenance purposes. Staff defer to Development Engineering staff regarding drainage concerns.

Staff note that the easterly side yard setback is proposed to be 0.7 metres, whereas the westerly side yard setback is proposed to be 1.22 metres. Staff are of the opinion that the westerly side yard setback mitigates potential negative impacts on access to the rear yard or maintenance. Staff support the variance.



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### **Variance 2**

2. A rear yard depth of 6.35 metres shall be permitted instead of the required 7.5 metre minimum rear yard depth required.

The intent of this provision is to ensure sufficient space is provided to serve as a private amenity area on the subject property.

Staff are of the opinion that the requested reduction in minimum rear yard maintains sufficient space to serve as private amenity area on the subject property. Therefore, the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is considered minor in nature as well as desirable and appropriate for the proposed development. Staff support the variance.

### **Variance 3**

3. A minimum of 0 parking spaces for a secondary dwelling unit instead of 1 parking space for a secondary dwelling unit is required.

The intent of this provision is to ensure sufficient parking is provided on-site to minimize impacts on the surrounding area in terms of street parking.

Staff note that the subject property is located within Parking Rate Area 1, which as part of Amending By-law No. 24-051 (passed by City Council on April 10, 2024) amended Zoning By-law No. 05-200 to remove minimum parking requirements for residential uses within Parking Rate Area 1. While the subject property is not currently zoned in Zoning By-law No. 05-200, the requested variance would be consistent with the direction of the City of Hamilton in regards to parking.

Staff also note that public transportation is available in close proximity to the subject property to provide alternate transportation options. For example, two stops for HSR bus route 03 Cannon are located within a short walk (approximately 100 metres) on the corners of Sanford Avenue North and Wilson Street and Wilson Street and Stinton Street. More bus stops are available as well, such as a stop for HSR bus route 12 Wentworth at the corner of Wentworth Street North and Wilson Street.

Based on the above, staff are of the opinion that the requested variance maintains the intent of the Urban Hamilton Official Plan and Zoning By-law, is minor in nature and is desirable and appropriate for the use of the land. Staff support the variance.

### **Variance 4**

4. A minimum front yard landscaped area of 42.82% shall be permitted instead of the required 50%.



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The intent of this provision is to ensure a consistent streetscape that is not dominated by parking or driveways within the front yards of residential properties.

Staff note that properties along Wilson Street are generally low density residential, predominantly in the form single detached dwellings with similar built forms to the proposed development. The existing dwellings generally have closer setbacks from the street line and less front yard landscaping. Staff are of the opinion that the proposed front yard landscaping area will be comparable to or exceed the front yard landscaping provided along Wilson Street. Staff support the variance.

Staff are of the opinion that the requested variances meet the four tests of a minor variance. Based on the foregoing, **staff recommend approval.**

**Zoning:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	<b>N/A</b>
Comments:	The subject lands are within Parking Area 1 as it relates to Section 5: Parking.
Proposed Notes:	i) Please note that variance application HM/A-22:256 was granted to permit a lot frontage of 7.2 metres and lot area of 190m <sup>2</sup> .  ii) Please note severance applications HM/B-22:75 and HM/B-22:77 were made to establish 575A Wilson Street.

**Cultural Heritage:**

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	Archaeology:



	<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>The subject property is adjacent to 70 Sanford Avenue North, a property listed on the City of Hamilton’s Inventory of Heritage Properties and within the Gibson Established Historical Neighbourhood.</p> <p>Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply.</p> <p>The proponent proposes to facilitate the construction of a proposed dwelling on a newly severed lot.</p> <p>Notwithstanding that the property is adjacent to an Inventoried property and within the historic Gibson Neighbourhood, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the surrounding neighbourhood will be conserved due to similar height and massing as nearby properties.</p> <p>Staff have no further comments on the application as circulated.</p>
<p>Proposed Notes:</p>	<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 Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”</p>



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Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	N/A
Comments:	Grading approval has been provided by Development Engineering through severance applications HM/B-22:75, HM/B-22:76 and HM/B-22:77. A shared side yard swale is proposed between Parts 3 and 4. We have no objections to the minor variances as proposed.
Proposed Notes:	

Building Engineering:

Recommendation:	<b>Comments Only</b>
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed construction of a single detached dwelling with a Secondary Dwelling Unit. Be advised that Ontario Building Code regulations may require specific setback and construction types.



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Transportation Planning:

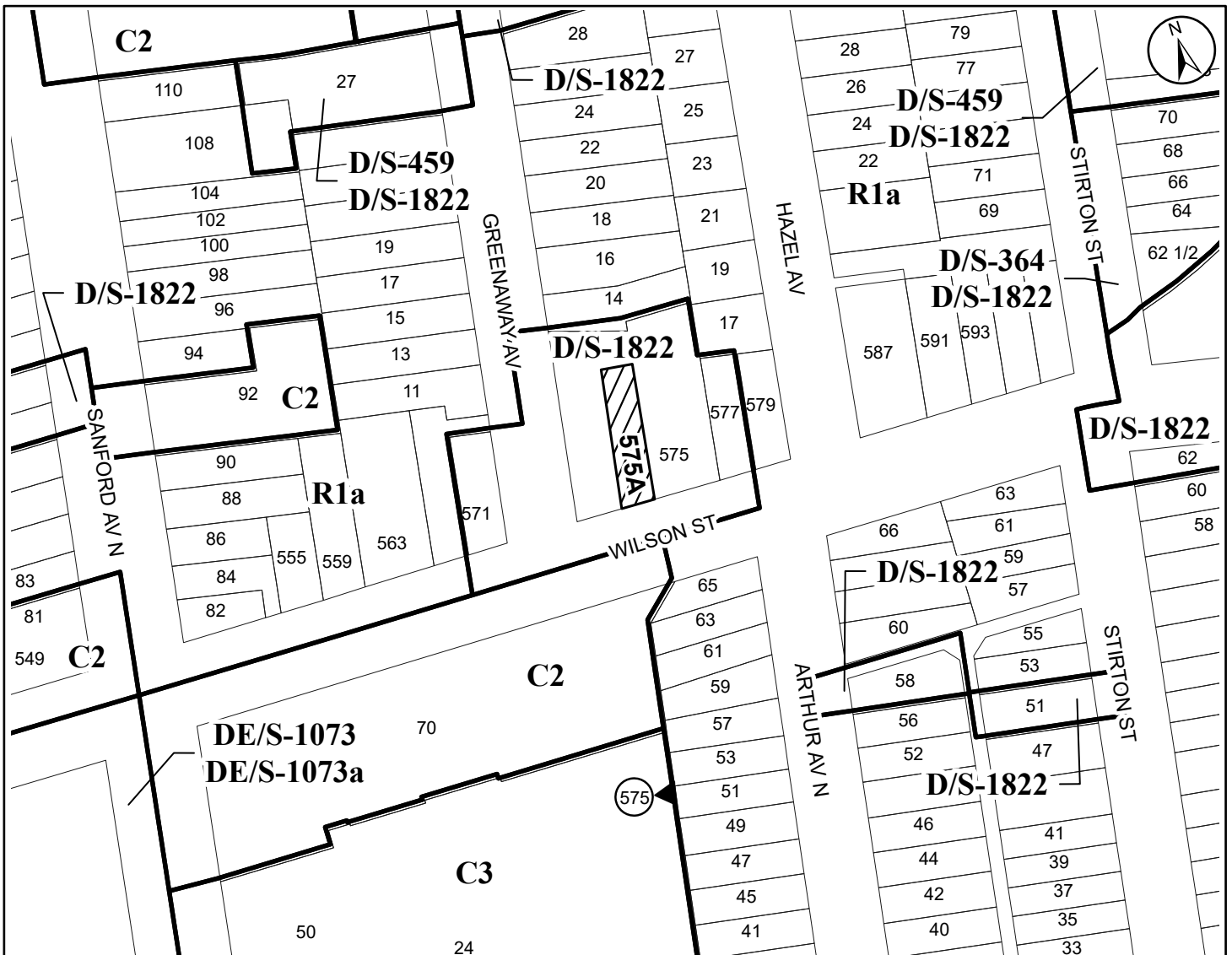
Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	The property severances should be aligned with the driveway accesses to Greenaway Avenue a local road not Wilson Street an arterial road. Arterial Roads should have limited accesses and the proposing of 4 new residential driveway are not supported.
Comments:	<p>As part of the severance a right-of-way and daylighting dedications would be required. The site plan is not illustrating the right-of-way and daylighting triangle dedications:</p> <p>Wilson Street is to be 36.576 metres. The existing right-of-way at the subject property is approximately ±18 metres. Approximately ±9 metres are to be dedicated to the right-of-way on Wilson Street, as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Arterial Roads. <b>Notwithstanding, Transportation Planning will accept a reduced right-of-way dedication of ±4.5 metres to bring Wilson Street to 26.213 metres.</b></p> <p>Wilson Street is an Arterial Road and Greenaway Avenue is a Local Road. The Applicant is to dedicate a 12.19 metres x 12.19 metres Daylighting Triangle to the right-of-way, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7. <b>Notwithstanding, Transportation Planning will accept a reduced daylighting triangle dedication of 4.57 metres x 4.57 metres at the intersection of Wilson Street and Greenaway Avenue.</b></p> <p>A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening.</p> <p>The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements.</p> <p>Subject to the satisfaction and approval of the Manager, Transportation Planning.</p>



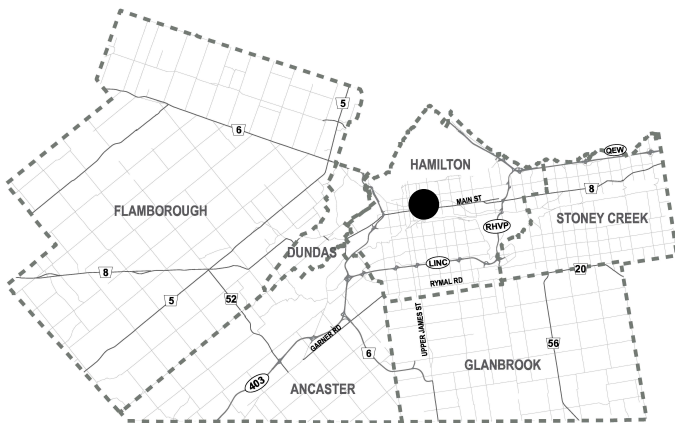
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Proposed Notes:	





● Site Location



**City of Hamilton**

# Committee of Adjustments

**Subject Property**



575A Wilson Street, Hamilton  
(Ward 3)

**File Name/Number:**

A-24-126

**Date:**

June 20, 2024

**Technician:**

AL

**Scale:**

N.T.S.

**Appendix "A"**



**Hamilton**