



Hamilton

STAFF COMMENTS

HEARING DATE: July 2, 2024

A-24:129 – 12 Greenaway Avenue, 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 through 128. Staff further note the subject property is shown as “Part 1” 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 width of 1.10 metres shall be permitted instead of the minimum 1.2 metre side yard width required.

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 are of the opinion that the proposed side yard width of 1.1 metres maintains sufficient space for access and maintenance purposes. Staff support the variance.



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Variations 2 and 3

2. One parking space shall be provided for the single detached dwelling instead of the minimum two parking spaces required.

3. Zero parking spaces shall be required for the secondary dwelling unit instead of the minimum required one parking space.

The intent of these provisions 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 regarding parking rates.

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 variances.

Variance 4

4. A minimum 48.75% of the gross area of the front yard shall be used for a landscaped area instead of the minimum required 50% of the gross area of the front yard shall be used for landscaped area.

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 Greenaway Avenue generally have closer setbacks from the street line. Staff are of the opinion that the proposed front yard landscaping will be comparable to or exceed the front yard landscaping provided along Greenaway 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.**



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Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> 1. Be advised, the Minor Variances are required to permit the Single-Family Dwelling in association with previously approved Consent application HM/B-24:75. In addition to the above, the requested variances are applicable to 12 Greenway Avenue and separate Minor Variance applications have been applied for associated Consent application addresses 575, 575A, 575B and 575C Wilson Street. 2. Be advised, a previous Minor Variance application HM/A-22:256 was granted on August 25, 2022, to permit a reduction in required Lot Area and Lot Width. The previously granted variances remain applicable to the property and as such, no additional variances are required to permit the reduced Lot Area and Lot Width of the proposed Single-Family Dwelling. 3. Please note, insufficient information has been provided to determine total area of landscaping within the Front Yard. Area and dimensions pertaining to the proposed driveway, green space and front porch within the front yard have not been detailed. As such, this division cannot confirm total landscaped area and has provided the variance as requested. Please note, should landscaping within the front yard be less than 48.75%, additional variances may be required. 4. Please note, insufficient information has been provided to determine the projection of the Balcony located within the front yard. It is noted within the floor plans that the balcony appears to be located directly above the front entrance porch, however dimensions have not been provided to determine the projection of the balcony. Should the balcony encroach into the required front yard further than 1.0 metres as required under Section 18(3)(vi)(cc) of Hamilton Zoning By-law 6593, additional variances may be required.



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Proposed Notes:	
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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 must be advised in writing by the Committee of Adjustment as follows:</p> <p>“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).”</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:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed Single-Family Dwelling containing a Secondary Dwelling Unit. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	

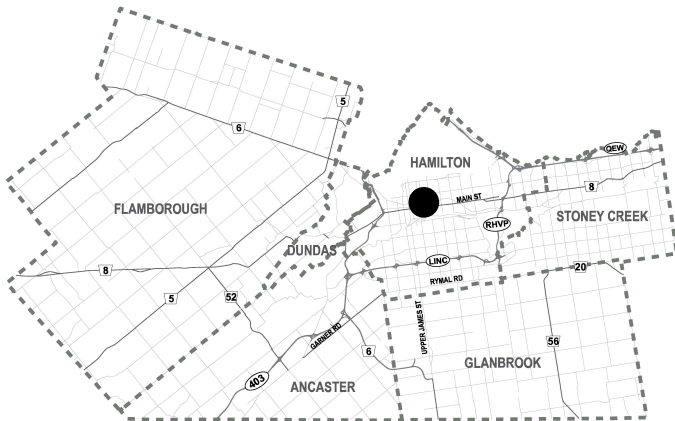


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Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



12 Greenaway Avenue, Hamilton
(Ward 3)

File Name/Number:

A-24-129

Date:

June 21, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton