



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

HM/A-22:294 – 735 Beach Boulevard, Hamilton

Recommendation:

- Approve

Proposed Conditions:

Proposed Notes:



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HEARING DATE: July 23, 2024

Development Planning:

Background

The application is to permit the construction of a ½ storey addition on the existing Single-Family Dwelling.

The following variances are requested:

1. A rear yard setback of 3.14 metres to the principal dwelling shall be provided instead of the required rear yard setback of 7.5 metres.
2. A rear yard setback of 0.09 metres to the deck shall be provided instead of the required 4.5 metres.
3. A side yard setback of 1.43 metres shall be provided instead of the required side yard setback of 1.7 metres.

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.

Former City of Hamilton Zoning By-law No. 6593

The subject lands are zoned Urban Protected Residential, Etc. “C/S-1435 & C/S-1822” District, Modified, which permits the use of single-family dwellings.

Analysis

Variance 1 and 3

The applicant is proposing a minimum rear yard setback of 3.14 metres and a minimum side yard setback of 1.43 metres to the principal dwelling be provided instead of the required rear yard setback of 7.5 metres and the required side yard setback of 1.7 metres. Staff notes that the existing dwelling built in 1950 does not comply with the current Zoning By-law and the addition has been added in July of 2020 and is keeping with the existing setbacks. The addition does not further encroach into any of the existing side or rear yards. This is a unique property; the lot depth is 53.55 metres, and the existing house is setback a minimum of 42.30 metres from the front property line. Staff do not foresee any adverse impacts as the existing structural setbacks are being maintained by the addition. Staff support Variance 1 and 3.

Variance 2

The applicant is proposing the existing deck to be setback a minimum of 0.09 metres from the rear yard property line, whereas the by-law requires a minimum rear yard setback of 4.5 metres. The



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intent of the required rear yard setback for decks is to ensure there is appropriate space for access, maintenance and drainage, and to mitigate any adverse privacy/overlook impacts on adjacent rear yard neighbours. It is worth noting that, given the location of the existing dwelling, any rear yard deck proposed would not comply with the required setback. Staff note that the lands adjacent to the rear is the Lake Ontario Waterfront Trail, and that there is an approximate 15.0 metre vegetated area between the waterfront trail and the proposed deck. Accordingly, staff do not foresee any adverse impacts from a privacy and overlook perspective. Furthermore, from an access and maintenance perspective, the lands adjacent to the rear are publicly owned and accessible and therefor could be use for means of access by the owner. Staff defer and drainage or grading concerns to Development Engineering. The existing deck also enhances the limited rear yard space. Staff support this variance.

Based on the foregoing, the requested variances maintain the general intent and purpose of the Urban Hamilton Official Plan and the Former City of Hamilton Zoning By-law No. 6593. The variances are considered to be minor in nature and desirable for the appropriate development of the property.

Zoning:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	
Notes:	<p>Notes:</p> <ul style="list-style-type: none"> i. Order to Comply 23-306670-00-MLE, dated October 6, 2023 remains outstanding. ii. Please be advised that a portion of this property is under Conservation Management. Please contact Hamilton Conservation at 905-525-2181 for further information.

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	



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STAFF COMMENTS

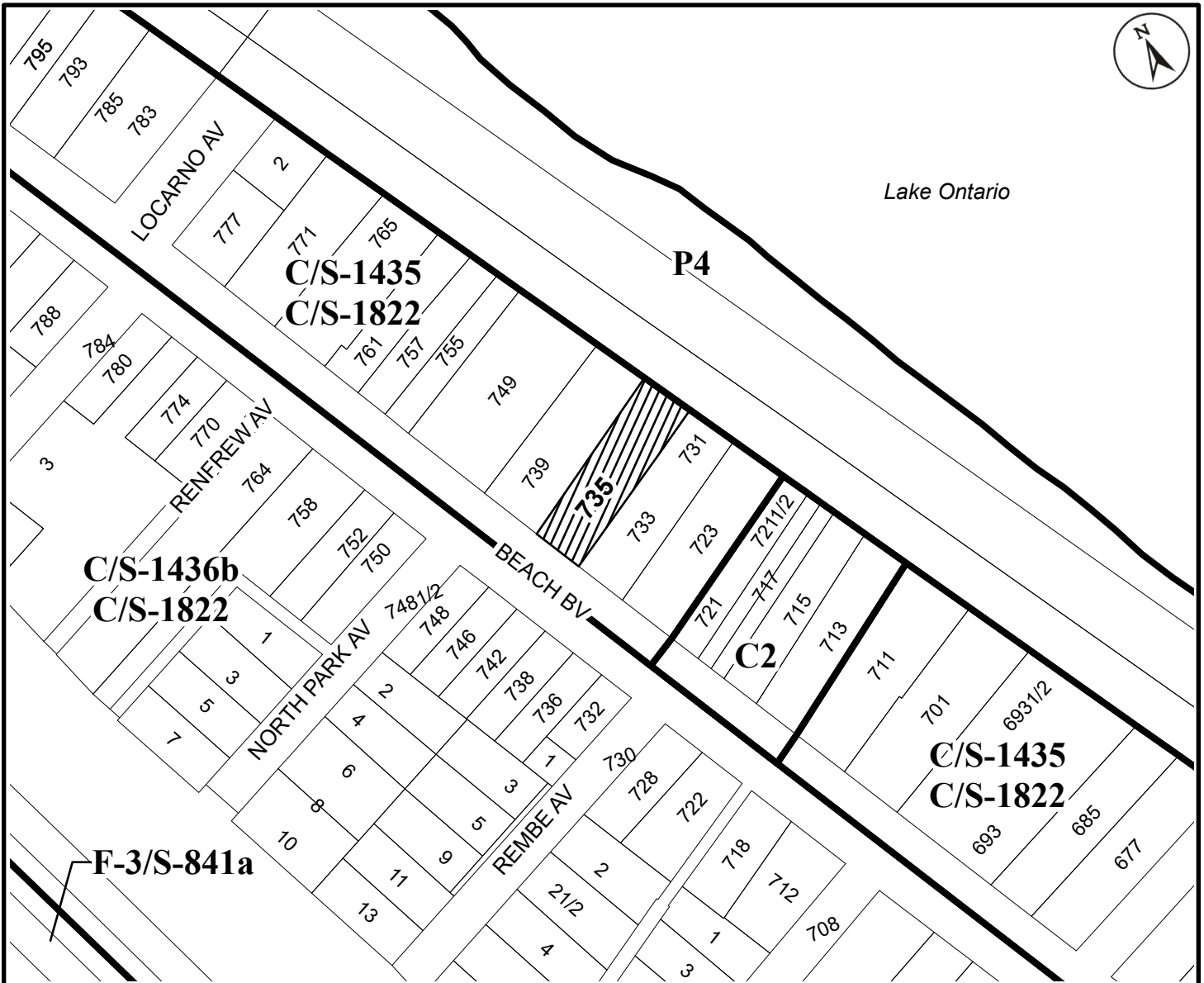
HEARING DATE: July 23, 2024

	<p>A building permit is required for the construction of the proposed, ½ storey addition on the existing Single-Family Dwelling.</p> <p>Order to Comply 20-181023, dated August 28, 2020 remains outstanding.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>
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Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



Lake Ontario

P4

C/S-1435
C/S-1822

C/S-1436b
C/S-1822

C2

C/S-1435
C/S-1822

F-3/S-841a

● Site Location



Committee of Adjustment

Subject Property



735 Beach Boulevard, Hamilton
(Ward 5)

File Name/Number:

HM/A-22:94

Date:

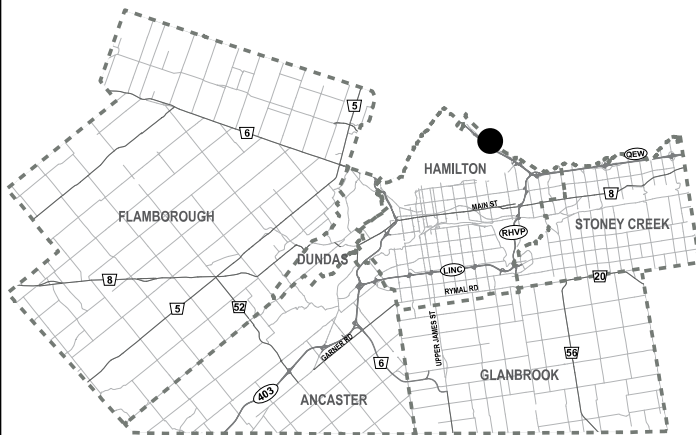
July 8, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



City of Hamilton



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT