



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

A-24:138 – 352 East 34<sup>th</sup> Street, Hamilton

**Recommendation:**

Development Planning – Table  
Development Engineering – Deny

**Proposed Conditions:**

**Proposed Notes:**



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## **Development Planning:**

### **Background**

The purpose of this application is to facilitate the construction of an accessory building (detached garage).

The following variances are requested:

1. To permit an aggregate gross floor area for all accessory buildings of 50.18 square metres whereas all accessory buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is the lesser.
2. To permit a minimum setback from the rear lot line of 0.61 metres whereas a minimum of 1.2 metres is required for an accessory building.
3. To permit a minimum setback from the side lot line of 0.61 metres whereas a minimum of 1.2 metres is required for an accessory building.

### 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” Zone, which permits a single detached dwelling and accessory structures.

### **Analysis**

#### Variance 1

The applicant is proposing a detached garage within the rear yards with a gross floor area of 50.18 square metres whereas all accessory buildings shall not exceed 45 square metres or 7.5% total lot coverage, whichever is lesser. The applicant has proposed the larger building size in order to accommodate their large vehicle in the proposed detached garage. Staff do not foresee any adverse impacts with the proposed increase in size as it considered to be minor in nature and desirable for the appropriate development of the property. Staff support this variance.



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Variance 2 and 3

The applicant is proposing a detached garage with a proposing a minimum rear yard setback of 0.61 metres and a minimum side yard setback of 0.61 metres, whereas the Zoning By-law requires a minimum 1.2 metres setback from all abutting property lines. Planning staff defer any drainage or grading concerns to Development Engineering. Staff are of the opinion that a 0.61 metre rear yard setback and a side yard setback are not sufficient space for access or future maintenance within the side yard and rear yard. Staff recommend proposing a minimum setback of 0.9 metres for the rear and side yards to ensure sufficient space on both sides for access. It is also worth noting that there appears to be sufficient space within the rear yard to accommodate a minimum 0.9 metre setback for the proposed detached garage. In Staff's opinion, the variances are not minor in nature and do not meet the intent of the Zoning By-law. Staff recommend that the application be **tabled** in order to provide the applicant and staff an opportunity to discuss alternatives.

**Zoning:**

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Notes:	

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	
Comments:	Development Engineering requires a 0.9-meter side yard setback to accommodate a drainage swale. The proposed rear lot line setback of 0.61 m and side lot line setback of 0.61 m do not accommodate this; therefore, Development Engineering denies the proposed Minor Variances.
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed of the accessory building (detached garage).  Be advised that Ontario Building Code regulations may require specific setback and construction types.



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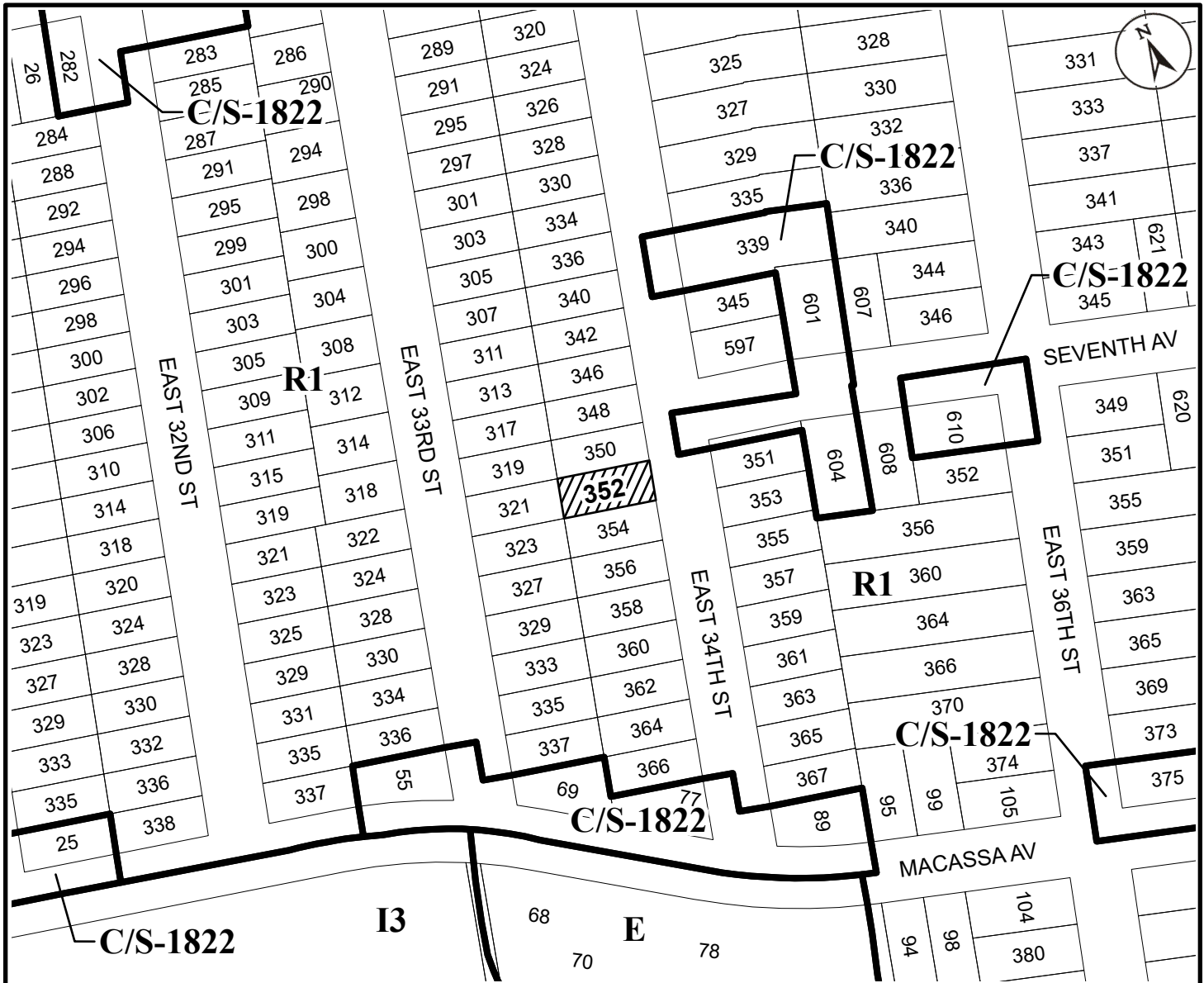
**STAFF COMMENTS**

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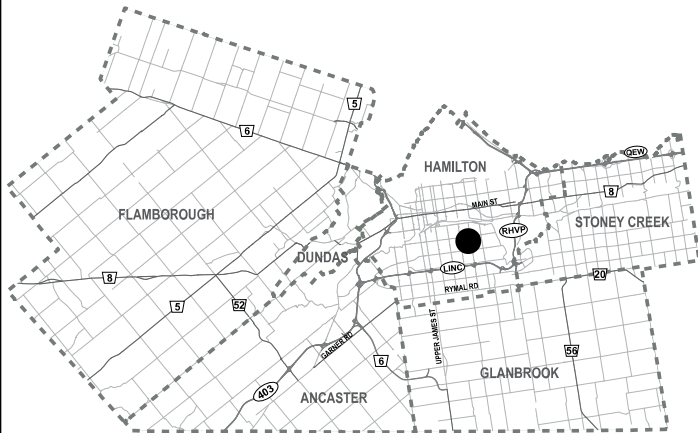
**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



352 East 34 Street, Hamilton  
(Ward 7)

**File Name/Number:**  
A-24:138

**Date:**  
July 8, 2024

**Technician:**  
AL

Map Not To Scale

**Appendix "A"**



**Hamilton**