



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

A-24:147 – 35 Homewood Avenue, Hamilton

**Recommendation:**

Development Planning -  
Approve Variances 1 to 4,  
deny Variance 5

**Proposed Conditions:**

N/A

**Proposed Notes:**

N/A



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**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

## **Development Planning:**

### **Background**

To permit the construction of an accessory building (detached garage) for the existing single detached dwelling.

### **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. Policy E.3.4.3, amongst others, is applicable and permits the existing single detached dwelling.

#### **Kirkendall North Neighbourhood Plan**

The subject property is identified as “Single and Double” on Map 6803 (Map 2 or 2) of the Kirkendall North Neighbourhood Plan. The existing and proposed uses are consistent with the vision of the Neighbourhood Plan.

#### **Archaeology**

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 *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application.

#### **Cultural Heritage**

The subject property is listed on the City of Hamilton’s Inventory of Heritage Properties. Additionally, there are 12 properties listed on the City of Hamilton’s Inventory of Heritage Properties in the immediate vicinity. Accordingly, section B.3.4.1.4 and B.3.4.2.1(g) of the Urban Hamilton Official Plan, Volume 1, apply. The proponent proposes to facilitate the construction of an accessory building (private garage) for the existing single detached building.

Notwithstanding that the subject property is listed on the City of Hamilton’s Inventory of Heritage Properties and is near a concentration of properties on City of Hamilton’s Inventory of Heritage Properties, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property and surrounding neighbourhood will be conserved due to the cultural



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heritage features of the main dwelling being preserved and the location of the proposed garage being at the rear of the property.

Staff have no further comments on the application as circulated.

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

The subject lands are zoned Low Density Residential – Small Lot (R1a) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed accessory structure are permitted uses.

### **Variations 1 and 2**

1. A maximum building height of 5.3 metres shall be permitted instead of the maximum 4.5 metres permitted for accessory buildings.
2. A maximum lot coverage of 45 square metres shall be permitted for the proposed accessory building instead of the maximum permitted 45 square meters or 7.5% of total lot coverage, whichever is the lesser.

The intent of these provisions is to ensure accessory structures are subordinate in size and scale to principal structures and uses.

Regarding Variance 1, staff note that the existing single detached dwelling has a height of 2.5 storeys or approximately 10.5 metres, whereas the proposed detached garage would have a height of 5.3 metres. Staff further note that the proposed garage is to be situated at the rear of the property and accessed via a rear laneway. The proposed accessory structure will not affect the character or streetscape of the neighbourhood. As shown in the building elevations submitted with this application, the proposed garage would not contain a second floor or mezzanine that could potentially cause privacy or overlook impacts. Based on the foregoing, staff support the variance.

Regarding Variance 2, staff note that the proposed detached garage would have an area of 45 square metres whereas the existing dwelling has an area of 84 square metres. The subject property has a lot area of 334.4 square metres. Therefore, staff are of the opinion that the proposed detached garage will remain subordinate in size and scale to the existing single detached dwelling. Staff support the variance.



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**Variations 3 and 4**

- 3. A minimum setback of 0.9 metres shall be permitted from a side lot line instead of the minimum 1.2 metres setback required from a side lot line.
- 4. A minimum setback of 0.9 metres shall be permitted from a rear lot line instead of the minimum 1.2 metres setback required from a rear lot line.

The intent of these provisions is to ensure sufficient separation is provided between accessory structures and lot lines for drainage, access and maintenance purposes. Staff defer to Development Engineering regarding stormwater drainage concerns.

Staff note that, as shown on the site plan submitted with this application, the proposed rear yard setback for the proposed garage is 0.93 metres and the proposed side yard setback is approximately 0.95 metres for both side yards of the garage. Staff are of the opinion that the proposed 0.9 metre setback to both side lot lines and rear lot line maintain sufficient space for access and maintenance purposes. Staff support the variances.

**Variance 5**

- 5. No electric vehicle parking spaces shall be required to be maintained whereas the Zoning By-law requires a minimum of 100% of the parking spaces provided for a single detached dwelling to be maintained as electric vehicle parking.

The intent of this provision is to prepare residential parking within the City for a gradual transition to electric vehicle usage with new development or redevelopment.

Staff are of the opinion that the requested variance does not maintain the intent of the Zoning By-law. Therefore, staff do not support the variance.

Based on the foregoing, staff are of the opinion that Variations 1 to 4 meet the four tests of a minor variance whereas Variance 5 does not. **Staff recommend approval of Variance 1 to 4 and denial of Variance 5.**

**Zoning:**

Recommendation:	Comments Only
Proposed Conditions:	



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Comments:	<ul style="list-style-type: none"> <li>• The applicant shall ensure that the eave/gutter projection does not exceed the maximum permitted 0.45m into a required yard; otherwise, further variances shall be required.</li> <li>• The applicant shall ensure that a minimum access driveway width of 2.7m is maintained; otherwise, further variance shall be required.</li> <li>• The applicant shall ensure that the driveway width shall not exceed the lot width or 8.0m whichever, is the lesser; otherwise, further variances shall be required.</li> </ul> <p>This property is listed in the City of Hamilton’s Inventory Heritage Buildings as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner at <a href="mailto:culturalheritageplanning@hamilton.ca">culturalheritageplanning@hamilton.ca</a>, or visit <a href="http://www.hamilton.ca/heritageplanning">www.hamilton.ca/heritageplanning</a> for further information.</p>
Notes:	

**Development Engineering:**

Recommendation:	Approve
Proposed Conditions:	N/A
Comments:	The property is located within the area serviced by a combined sewer system that has limited capacity to handle increase flows
Notes:	

**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>Building Permit # 07-287416, issued on October 17, 2008, to erect a three new attic dormers to the existing dwelling as per approved drawings and site plan remains not finalized.</p> <p>A building permit is required for the construction of the proposed accessory building (private garage) for the existing single detached dwelling.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	



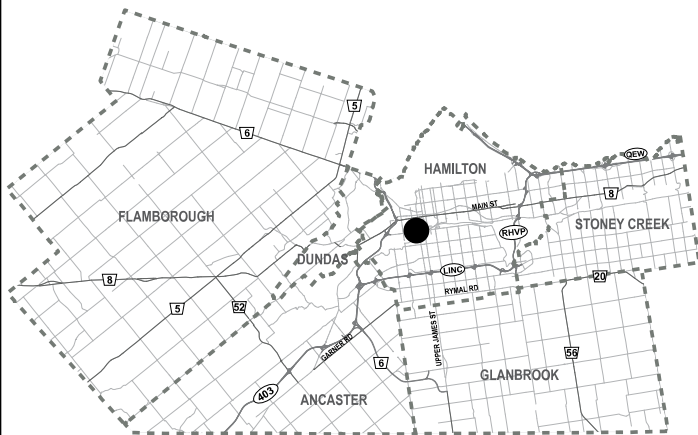
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Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



35 Homewood Avenue, Hamilton  
(Ward 1)

**File Name/Number:**

A-24:147

**Date:**

July 8, 2024

**Technician:**

AL

Map Not To Scale

**Appendix "A"**



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