



Hamilton

**STAFF COMMENTS**

**HEARING DATE: July 23, 2024**

A-24:139 – 178 Hatt Street, Dundas

**Recommendation:**

Development Planning - Approve

Development Engineering – Deny

**Proposed Conditions:**

N/A

**Proposed Notes:**

N/A



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## **Development Planning:**

### **Background**

To permit the construction of a 32.87 square metre detached garage, accessory to an existing single detached dwelling.

### **Analysis**

#### **Urban Hamilton Official Plan**

The subject lands are identified as “Community Node” in Schedule E – Urban Structure and are designated “Mixed Use – Medium Density” in Schedule E – 1 Urban Land Use Designations of the Urban Hamilton Official Plan. Policies F.1.12.7, amongst others, is applicable.

#### **Archaeology**

No comment.

#### **Cultural Heritage**

The subject property is designated under Part IV of the *Ontario Heritage Act* and is a “protected heritage property” under the Provincial Policy Statement. 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 permit the construction of a garage (32.87m<sup>2</sup>) accessory to an existing single detached dwelling.

Notwithstanding that the subject property is designated under Part IV of the *Ontario Heritage Act*, Staff have reviewed the application and are of the opinion that the cultural heritage value or interest of the property will be conserved as the designated heritage attributes will not be disturbed (By-Law No. 4268-96). Further, the proposed detached garage is sympathetic in design to the primary dwelling and is not visible from Hatt Street. Staff have no further comments on the application as circulated.

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

The subject lands are zoned Mixed Use Medium Density (C5) Zone in City of Hamilton Zoning By-law No. 05-200.

#### **Variance 1**

1. To permit an aggregate gross floor area of all accessory buildings of 32.87 square metres (9.7% lot coverage) instead of the 7.5% lot coverage permitted.



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

Staff note that the subject lands have a lot area of 339.01 square metres. Staff further note that the proposed detached garage would have an area of 32.87 square metres and the existing single detached dwelling has an area of 86.88 square metres. While the proposed garage would exceed the permitted maximum 7.5% of lot coverage, the proposed garage does not exceed 45 square metres in area. Staff are of the opinion that the requested variance will maintain the intent of the Zoning By-law as the proposed garage will be subordinate in size and scale to the existing single detached dwelling. Staff support the variance.

### **Variations 2 and 3**

2. To permit a building setback from a rear lot line for an accessory structure greater than 18 square metres to be 0.61 metres instead of 1.2 metres.
3. To permit a building setback from a side lot line for an accessory structure greater than 18 square me to be 0.61 metres instead of 1.2 metres.

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 the proposed detached garage is to have a setback of 0.61 metres to both the rear lot line and westerly side lot line. Staff additionally note that there would be a 3.65 metre setback from the proposed garage and easterly side lot line.

Staff have concerns that a 0.61 metre side yard setback will not provide sufficient room for access and maintenance purposes. As such, staff have contacted the registered agent for this application and requested that the proposed garage be setback 0.9 metres from the side lot line. Staff received a revised site plan on July 15, 2024 showing a 0.92 metre setback from the westerly side lot line to the proposed garage. Subject to approval from Development Engineering, staff recommend amending Variance 3 from a 0.61 metre setback to 0.9 metre setback.

Based on the foregoing, staff are of the opinion that Variations 1 and 2 and a modified Variance 3 meet the four tests of a minor variance. **Staff recommend approval of Variance 1 and 2 and approval of a modified Variance 3.**



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**Zoning:**

Recommendation:	Comments and Conditions
Proposed Conditions:	
Comments:	
Notes:	i) As per zoning policy ZON-020 the garage does not constitute a expansion of a legally established non-conforming use.

**Development Engineering:**

Recommendation:	Deny
Proposed Conditions:	N/A
Comments:	The proposed setbacks do not provide for installation of a standard 0.9m wide swale. Therefore, we recommend <b>Denial</b> for variance #2 and #3.
Notes:	

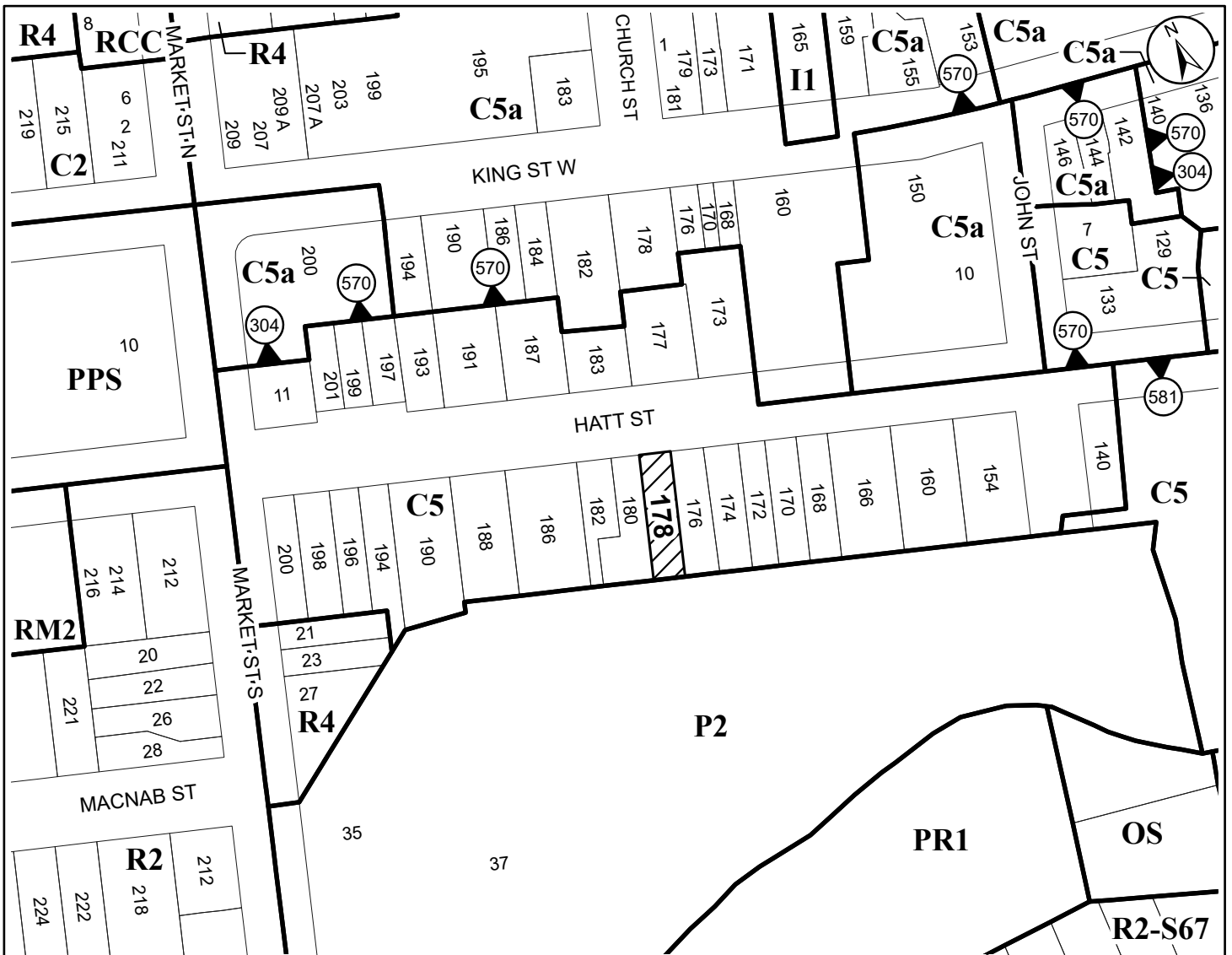
**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required for the construction of the proposed garage (32.87m <sup>2</sup> ) accessory to an existing Single Detached Dwelling.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

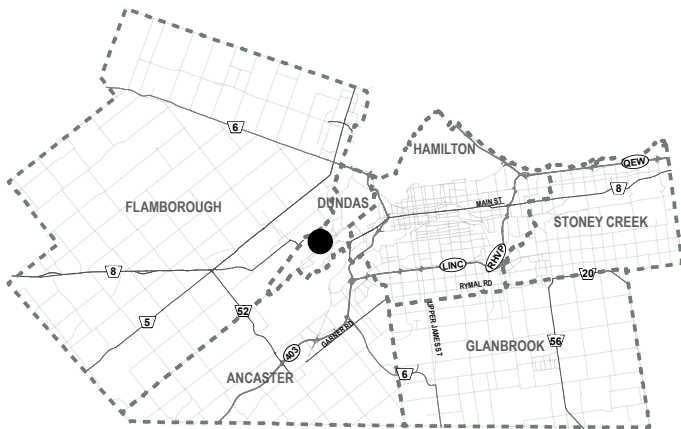
**Transportation Planning:**

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

## Committee of Adjustments

### Subject Property



178 Hatt Street, Dundas (Ward 13)

File Name/Number:

A-24:139

Date:

July 5, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department