



Hamilton

**STAFF COMMENTS**

**HEARING DATE: August 20, 2024**

**A-24:168 – 7 Andrew Court, Hamilton**

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



# Hamilton

## Development Planning:

### Background

To permit the construction of an additional dwelling unit – detached within the rear yard of an existing single detached dwelling.

### Analysis

#### Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” in Schedule E – Urban Structure and are designated as “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 and proposed additional dwelling unit – detached.

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

The subject lands are zoned Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200. The existing single detached dwelling and proposed additional dwelling unit - detached are permitted uses.

#### Variance 1

1. A minimum distance of 5.0 metres shall be provided between the rear wall of the principal dwelling and the additional dwelling unit – detached instead of the minimum required distance of 7.5 metres to the rear wall of the principal dwelling.

The intent of this provision is to ensure sufficient space is provided between the principal dwelling and additional dwelling unit – detached to maintain privacy between each dwelling unit and to preserve rear yard amenity space for each dwelling unit.

Staff note that the proposed additional dwelling unit – detached is proposed to have a setback of 1.2 metres from both the side and rear lot lines. Staff further note that 18.5 square metres of dedicated amenity space is provided for the additional dwelling unit – detached. The proposal also maintains sufficient amenity space for the principal dwelling with the remaining rear yard and side yard. Staff support the variance.

Staff are of the opinion that the requested variance meets 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"> <li>1. Be advised, insufficient information has been provided to determine the projection of eaves troughs associated with the Additional Dwelling Unit - Detached. Should the projection of the eaves troughs or overhangs exceed the permitted 0.45 metres projection into the required side yard, additional variances may be required.</li> <li>2. Be advised, elevation drawings indicate the height of the Additional Dwelling Unit – Detached is 6.01 metres. Please note, the maximum permitted height for an Additional Dwelling Unit – Detached is 6.0 metres. Additional variances may be required should the height of the Additional Dwelling Unit – Detached exceed the permitted height.</li> <li>3. Please note, a Boulevard Parking Agreement with Public Works may be required for the portion of the parking spaces located within the Public Right of Way.</li> <li>4. Be advised, Zoning By-Law Amendment 24-051 and 24-052 was passed on April 10, 2024. The Amendments remain Not Final and Binding and as such, both regulations under the current Hamilton Zoning By-Law 05-200 and those regulations applicable under Zoning By-Law Amendment 24-051 and 24-052 are applicable to the subject property. For the purposes of this review, an additional review has been conducted as it relates to any additional regulations required under Zoning By-Law Amendment 24-051 and 24-052. Until such time that Zoning By-Law Amendment 24-051 and 24-052 are deemed Final and Binding, regulations under both the current Zoning By-Law and the Amending By-laws shall apply.</li> </ol> <p>For the purpose of this application, no additional variances are required at this time as it relates to the requirements under Zoning By-law Amendment 24-051 and 24-052.</p>
Proposed Notes:	



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Development Engineering:

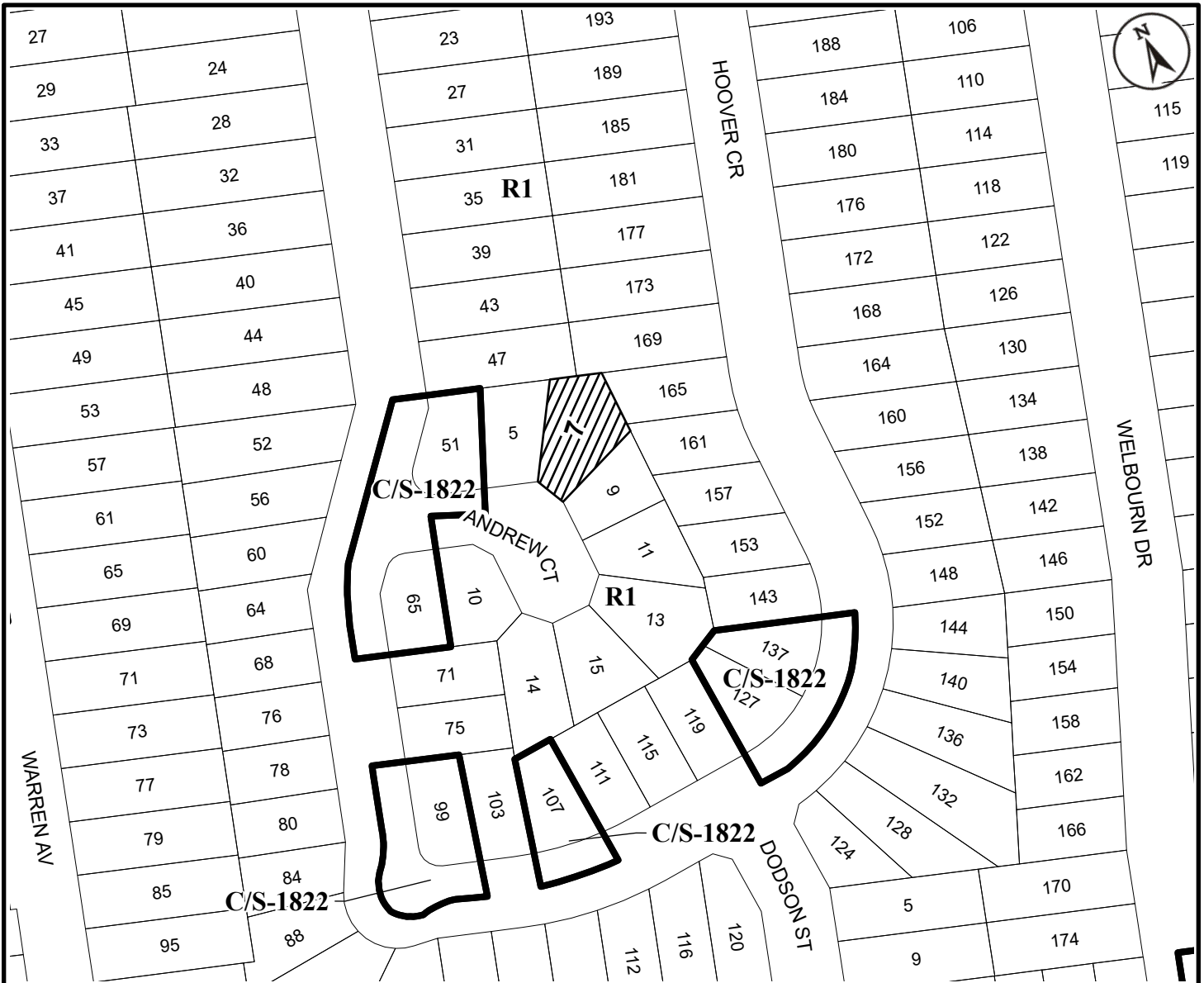
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Engineering has no objections to the minor variance as requested.
Proposed Notes:	

Building Engineering:

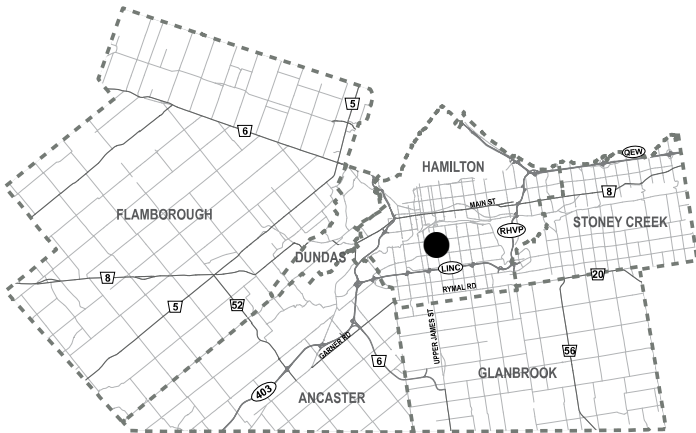
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed additional detached dwelling unit within the rear yard of the existing single-family dwelling.  Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



7 Andrew Court, Hamilton  
(Ward 8)

**File Name/Number:**  
A-24:168

**Date:**  
August 8, 2024

**Technician:**  
NB

Map Not To Scale

**Appendix "A"**



Hamilton