



Hamilton

**STAFF COMMENTS**

**HEARING DATE: September 10, 2024**

**A-24:178 (378 East 25<sup>th</sup> St., Hamilton)**

**Recommendation:**

Development Planning – Approve Variance 1, Deny Variances 2, 3 and 4.

**Proposed Conditions:**

1. That Variance 1 for a minimum lot width of 8.6 metres instead of the minimum required lot width of 9.0 metres applies to a semi-detached dwelling use only.
2. That a Boulevard Parking Agreement be executed and registered on title to the satisfaction of the Director of Development Planning.

**Proposed Notes:**



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## Development Planning:

### Background

To permit two new semi-detached dwellings each with two additional dwelling units, resulting in 3 total units per lot. Staff note that this would be considered a multiple per the definition under the Urban Hamilton Official Plan.

The subject lands receive Conditional Approval of a Consent Application (HM/B-23:83) on the subject lands to establish a semi-detached dwelling. Condition 5 of the approval stated that “That the applicant apply for and receive final approval of a Minor Variance Application to address all zoning deficiencies, to the satisfaction of the Director of Development Planning.”. Variance 1 is required in order to legalize the proposed semi-detached lot width. The applicant is now seeking additional variances (Variance 2-4) to permit up to 6 units to be located on the lot without any required parking and to increase the width of the driveway.

The following variances are **requested**:

1. A minimum lot width of 8.6 metres shall be provided instead of the minimum required lot width of 9.0 metres.
2. Zero (0) parking spaces shall be provided instead of the minimum required 1 parking space per semi-detached dwelling.
3. A driveway width of 65% of the lot width shall be provided on a lot without an attached garage instead of the maximum driveway width of 50% of the lot width or 8.0 metres whichever is greater.
4. Two (2) Additional Dwelling Units within a semi-detached dwelling unit shall be permitted instead of the maximum permitted one additional dwelling unit.

### 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. The City’s Urban Hamilton Official Plan does not contemplate a semi-detached dwelling with two attached additional dwelling units, as this would result in a building with six dwelling units, which per the definition below is considered a multiple dwelling. Accordingly, the proposed development is considered a multiple dwelling, which is reflected in the analysis below.

*“Multiple Dwelling: means a building or part thereof containing five or more dwelling units. Examples of such dwellings include block townhouse dwellings, stacked townhouse dwellings, street townhouse dwellings fronting onto a condominium road, and apartment dwellings.”*



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Policy E.3.4.3 permits multiple dwellings containing a maximum of 6 dwellings units for lots in proximity to a collector road or arterial road. The closest collector or arterial road is Franklin Road, which is approximately 200 metres to the south of the subject lands. Accordingly, staff would not consider the subject lands as being “in proximity” to a collector or arterial road. Accordingly, the proposed multiple dwelling is not in keeping with the intent of the Official Plan as it relates to the proximity of a multiple dwelling to a local road.

The proposal is also considered residential intensification. Policy B.2.4.2.2 establishes evaluation criteria for residential intensification in the neighbourhoods designation. Criteria k) of Policy B.2.4.2.2 states that uses permitted in Volume 1 Policy E.3.4.4 must meet the Neighbourhood Infill Design Guidelines. The Neighbourhood Infill Design Guidelines are intended to inform the evaluation of infill development through a Minor Variance application. Staff have completed an analysis of the proposal versus the Neighbourhood Infill Design Guidelines, and have determined that it does not meet the guidelines from the perspective of amenity area depth, parking, massing and height/transition.

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

The subject lands are zoned “R1” (Low Density Residential), which permits a semi-detached dwelling with one attached additional dwelling unit. The Zoning By-law does not permit two attached additional dwelling units for a semi-detached dwelling or multiple dwellings.

### **Analysis**

#### Variations 1

1. That Variance 1 for a minimum lot width of 8.6 metres instead of the minimum required lot width of 9.0 metres applies to a semi-detached dwelling use only.

The proposed variance is for a slight decrease in the minimum lot width for semi-detached dwellings. The resultant lots will remain viable from a development perspective as no reductions to the required yards or lot area are proposed. Staff support this variance.

#### Variance 2

2. Zero (0) parking spaces shall be provided instead of the minimum required 1 parking space per semi-detached dwelling.

The intent of this provision is to ensure the appropriate provision of on-site parking to support the proposed use, and to limit the impact of the proposal on the availability of street parking. The applicant is requesting to remove all of the required parking and place the required driveways in the public right-of-way. Staff are generally not supportive of providing the required parking for a newly developed property in the public right-of-way where it can be avoided. This would essentially eliminate the existing landscaped boulevard and make the planting of street trees in the public right-of-way challenging. This would also reduce the distance between the parked vehicles in the proposed



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driveways and the public sidewalk to nearly 0m, increasing the likelihood of conflict. Staff note that the parking standards have already been significantly reduced for low density residential uses to reflect a desire to reduce the reliance on the personal automobile and to promote active transportation. Staff recommend that the parking for the site be achieved on the subject lands. Staff do not support this variance.

## Variance 3

- 3. A driveway width of 65% of the lot width shall be provided on a lot without an attached garage instead of the maximum driveway width of 50% of the lot width or 8.0 metres whichever is greater.

The intent of this provision is to reduce the prominence of driveways along the streetscape and to increase the amount of landscaping provided along the front yard and in the public boulevard. Staff note that, as the driveway is proposed in the public right-of-way, the increase in driveway width to 65% when coupled with the proposed 1.8m wide walkway will result in nearly the entire boulevard between East 25<sup>th</sup> Street and the front lot line of the subject lands being asphalt and pavement. This is significantly out character with the neighbourhood, which currently has large, well landscape boulevards and is not in keeping with the intent of the Zoning By-law. Staff do not support this variance.

## Variance 4

- 4. Two (2) Additional Dwelling Units within a semi-detached dwelling unit shall be permitted instead of the maximum permitted one additional dwelling unit.

As mentioned previously, this variance would have the effect of making the proposed building a multiple dwelling, as defined by the Urban Hamilton Official Plan. The Urban Hamilton Official Plan contains locational criteria for multiple dwellings and the proposal does not meet these requirements. Furthermore, the resultant built form does not meet the Neighbourhood Infill Design Guidelines from an amenity area depth, parking, massing and height/transition perspective, as required by Policy B.2.4.2.2 k). Staff do not support this variance.

Based on the foregoing, staff recommend **approval of Variance 1** as it is desirable for the appropriate development of the lands, minor in nature, and is in keeping with the general intent and purpose of the Official Plan and Zoning By-law and **refusal of Variances 2, 3 and 4** as they are not desirable for the appropriate development of the lands, are not minor in nature, and are not in keeping with the general intent and purpose of the Official Plan and Zoning By-law.

## Zoning:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	



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Notes:	
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### Development Engineering:

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

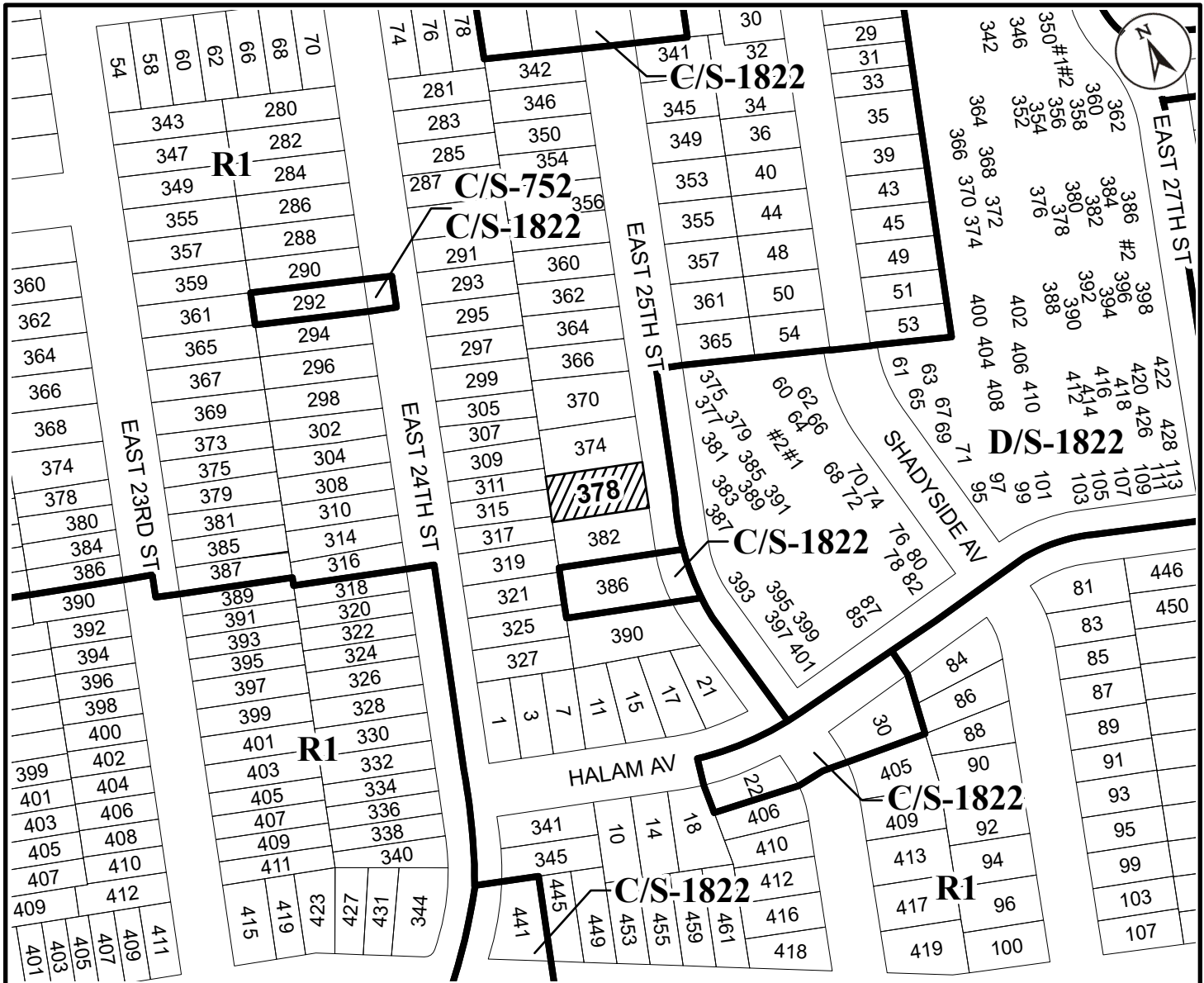
### Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed additional (2) dwelling unit.</p> <p>The Ontario Building Code requires a clear height of 1.95m under beams and ducting in basement units.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

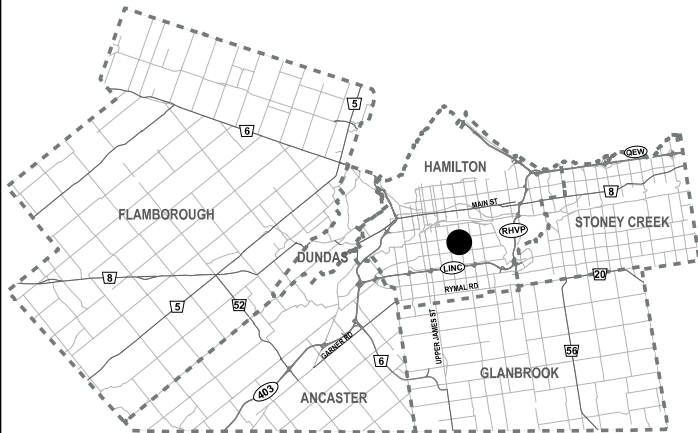
### Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>Variance 1- A minimum lot width of 8.6 metres shall be provided instead of the minimum required lot width of 9.0 metres: Transportation Planning supports.</p> <p>Variance 2- Zero parking: Transportation Planning supports.</p> <p>Variance 3- A driveway width of 65% of the lot width shall be provided on a lot without an attached garage instead of the maximum driveway width of 50% of the lot width or 8.0 metres, whichever is greater. Transportation Planning does not support parking on the boulevard. The proposed parking spaces create a pedestrian safety concern, with vehicles backing out of the driveways as well as reduced visibility created by the adjacent parked vehicles. The Applicant/Owner must know that the current City of Hamilton On-Street Parking By-law limits parking to a maximum of 12 hours at any given time. As well, the City reserves the right to remove or further limit on-street parking at any time.</p>
Comments:	
Notes:	

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



● Site Location



**City of Hamilton**

**Committee of Adjustment**

**Subject Property**



378 East 25th Street, Hamilton  
(Ward 7)

**File Name/Number:**  
A-24:178

**Date:**  
August 26, 2024

**Technician:**  
AL

Map Not To Scale

**Appendix "A"**



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT