



Hamilton

STAFF COMMENTS

HEARING DATE: September 10, 2024

A-24:186 (50 East St. N., Dundas)

Recommendation:

Development Planning – Approve with Conditions

Proposed Conditions:

1. That the construction of the proposed single detached dwellings is done in accordance with the Site Sketch and building elevations submitted in support of Minor Variance application A-24:186, to the satisfaction of the Director of Development Planning.
2. That the applicant utilizes frosted windows on the second-floor windows (rear facing, eastern façade) at the time of construction of the proposed single detached dwellings, in accordance with the building elevation titled “Rear View of Proposed New Building”, submitted in support of Minor Variance application A-24:186, to the satisfaction of the Director of Development Planning.
3. That a minimum interior side yard on one side of each of the proposed single detached dwellings is no less than 6 metres.

Proposed Notes:

Acknowledgement: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry Citizenship and Multiculturalism. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry Citizenship and Multiculturalism.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry Citizenship and Multiculturalism (MCM) should be notified immediately (416-212-0036). In the event that human remains are encountered during construction, the proponent should immediately contact both MCM and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212- 7499).



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Development Planning:

Background

Staff note the purpose of this minor variance application is to facilitate Consent Application B-24:13, to create two residential building lots for single detached dwellings. The severance was previously tabled pending discussions with staff and modification to the proposed development concept. Please note that potential conditions related to noise, tree protection and replacement, servicing, and otherwise will be included as recommended conditions on the consent application when it returns before Committee.

Analysis

Urban Hamilton Official Plan

The subject lands are designated as “Neighbourhoods” in Schedule E – Urban Structure and are identified as “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. Policies B.2.4.1.4, B.2.4.2.2 and E.3.4.3, amongst others, are applicable. The proposed single detached dwellings are permitted.

Staff note that as this minor variance application is meant to facilitate an associated consent application (B-24:13), the proposed residential intensification shall be reviewed against the policies of B.2.4.1.4 and B.2.4.2.2 of the Urban Hamilton Official Plan.

Staff note that while the prevailing lot fabric on East Street North is generally larger than the proposed lots, ranging between approximately 350 and 500 square metres in size, smaller lots are present with areas of less than 300 square metres. Similarly, the predominant built form along East Street North is similar to the built form of the proposed single detached dwellings, with most properties having shallow front and rear yards due to the shallow width of lots along the street, and increased side yards. Therefore, staff are of the opinion the requested variances maintain the intent of Urban Hamilton Official Plan.

Through a previous application to the south of the subject lands at 40 East Street North, City staff recommended approval of DN/A-08:08, which was ultimately approved by the Committee of Adjustment. This application was similar to the subject proposal, and result in a new residential lot with a minimum lot area of 213 square metres a minimum front yard setback of 0.127 metres, and a minimum rear yard of 0.762 metres. Although Committee of Adjustment decisions are not precedent setting, this Decision is helpful in establishing the existing character of the neighbourhood.



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Archaeology

The subject property meets three (3) of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) In an area of sandy soil in areas of clay or stone.

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

No comments.

Former Town of Dundas Zoning By-law No. 3581-86

The subject lands are zoned Single Detached Residential (R2) Zone under Former Town of Dundas Zoning By-law No. 3581-86. The proposed single detached dwellings are permitted.

Variance 1

1. A minimum lot area of 249.2 square metres shall be provided instead of the minimum required lot area of 450.0 square metres.

The intent of this provision is to ensure lots are of a minimum viable size to be appropriately developed and to be compatible with the prevailing lot fabric and established development pattern within the area.

Staff note that while the prevailing lot fabric on East Street North is generally larger than the proposed lots, ranging between approximately 350 and 500 square metres in size, smaller lots are present with areas of less than 300 square metres. Staff further note that a smaller sized lot was supported by City staff and approved in 2008 through application DN/B-08:02 and associated minor variance application DN/A-08:08. As mentioned above, these applications were located on lands to south at 40 East Street North, where a retained lot with an area of 213 square metres was approved.

Additionally, the proposed lot sizes and dwellings meet the required side yard requirements of the Zoning By-law, provide off-street parking and provide amenity space within the side yard of each



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proposed lot. Therefore, staff are of the opinion that the proposed severed and retained lots, while requiring variances to permit reduced front and rear yard setbacks, are viable building lots and are compatible in scale and character with the surrounding area. Staff support the variance.

Variance 2

2. A minimum 1.2 metre front yard setback shall be permitted instead of the minimum required 6.0 metre setback.

The intent of this provision is to ensure a consistent streetscape and built form, and to accommodate site amenities such as parking in the front yard.

Staff note that the prevailing lot fabric on the eastern side of East Street North is shallow in nature, being approximately 12 metres deep. Staff also note that the front yard setback on East Street North varies from approximately 4 metres to less than 1 metre on some properties. Furthermore, staff note that the existing dwelling on the subject lands has a similar setback that to what is proposed. Staff are of the opinion that the proposed 1.2 metre front yard setback is similar to and compatible with the existing character and built form of East Street North and will maintain a consistent streetscape. Staff further note that the required parking is being provided on-site in the side yard. Staff support the variance.

Variance 3

3. A minimum 1.54 metre rear yard setback shall be permitted instead of the minimum required 7.5 metre setback.

The intent of this provision is to ensure sufficient space is provided in the rear yard for amenity space and to mitigate privacy and overlook concerns.

Staff note that the prevailing lot fabric on the eastern side of East Street North is shallow in nature, being approximately 12 metres deep. Staff further note that the proposed severed and retained lots both exceed the minimum required frontage of 15 metres. Consequently, it is not feasible for the rear yards of the severed or retained lands to provide amenity space for the proposed dwellings in the rear yard. However, the proposed north and south side yards are to be 6.15 metres, providing sufficient area for amenity purposes. Furthermore, staff note that the existing dwelling on the subject lands has a similar rear yard setback that to what is proposed, and the amenity area for the existing dwelling is located in the side yard.

Regarding overlook and privacy concerns, staff note that the building elevations provided in support of this application show the second-floor windows on the eastern facades of both proposed dwellings (rear facing) are shown to be frosted glass. Staff are recommending a condition of approval to ensure that the second-floor rear facing windows use frosted glass at construction in order to mitigate privacy



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and overlook concerns. Subject to this condition, staff are of the opinion that the requested variance maintains the intent of the Zoning By-law.

Based on the foregoing, staff are of the opinion that the requested variances meet the four tests of a minor variance. **Staff recommend approval with conditions.**

Zoning:

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

Development Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	Grading and drainage issues are going to be reviewed under the severance application for the property.
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	A building permit is required to construct two residential single detached dwellings. Be advised that Ontario Building Code regulations may require specific setback and construction types

Transportation Planning:

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


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

RE: September 10, 2024 COA Agenda Available

Boucetta, Alexandra (MTO) <Alexandra.Boucetta@ontario.ca>

Fri 8/23/2024 10:01 AM

To:Committee of adjustment <CofA@hamilton.ca>

 1 attachments (53 KB)

50 East Crescent, Ancaster.docx;

To whom it may concern:

940-946 Beach Boulevard, Hamilton - Consent/Land Severance

The Ministry will be providing comments for this severance application. If you haven't received MTO comments by the due date, please consider postponing this application till next hearing date.

50 East Street N, Hamilton

The Ministry has no issues with the proposed minor variances. However, the proponent must be aware that the property is located within the Ministry's permit control area and therefore requires a Ministry Building and Land Use permit.

Please ensure that the following documents are uploaded with the application:

- Site Plan
- Architectural Drawing

No construction or grading is to commence before the permit has been approved and issued by the Ministry.

Thank you,

Alexandra Boucetta

Corridor Management Officer | Corridor Management, Central Region West | Operations Division

Ministry of Transportation | Ontario Public Service

416-816-4719 | alexandra.boucetta@ontario.ca



Taking pride in strengthening Ontario, its places and its people

From: Committee of adjustment <cofa@hamilton.ca>

Sent: Thursday, August 22, 2024 11:15 AM

To: Committee of adjustment <cofa@hamilton.ca>

Subject: September 10, 2024 COA Agenda Available

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Morning,

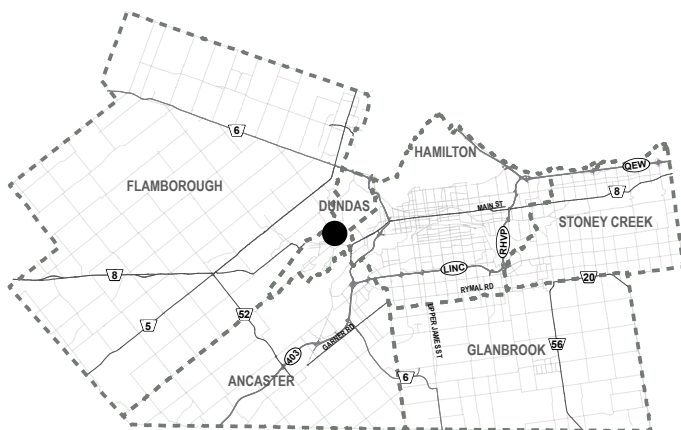
Attached is a copy of the Agenda for the **September 10, 2024** Hybrid Hearing date, please follow the link below for a copy of the submitted materials.

www.hamilton.ca/committeeofadjustment

(Please allow enough time to download, as the files are sometimes very large.)



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



50 East Street North, Dundas
(Ward 13)

File Name/Number:

A-24:186

Date:

August 27, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department