



Hamilton

**STAFF COMMENTS**

**HEARING DATE: September 24, 2024**

A-24:194 – 28 Starling Drive, Hamilton

**Recommendation:**

Development Planning - Deny

**Proposed Conditions:**

1. That the applicant provides permeable pavers or similar alternative to asphalt for the portion of the proposed driveway that will impede onto the existing landscaped area as shown on the submitted Site Plan, being 1.22 metres wide, to the satisfaction of the Director of Development Planning.

**Proposed Notes:**



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**HEARING DATE: September 24, 2024**

## **Development Planning:**

### **Background**

The purpose of this application is to permit the expansion of the parking area for an existing semi-detached dwelling. The proposed variances are to accommodate a parking space for an Additional Dwelling Unit. This is to allow an additional parking space to support a proposed Additional Dwelling Unit. Minor Variance applications have been submitted on the same street through the Committee of Adjustment to address parking associated with Additional Dwelling Units. Files being HM/A-24:17 & HM/A-24:15. Those variances, however, requested no parking be provided for the Additional Dwelling Unit, and staff were supportive. The following variances have been requested:

1. To permit a maximum driveway width of 5.64 metres whereas the by-law permits a maximum driveway width of 5.0 metres.
2. To permit a minimum 30% landscaped area in the front yard whereas the by-law requires a minimum of 50% to be landscaped.
3. That the EV parking requirement for the new parking space shall not be required.

### **Urban Hamilton Official Plan**

The subject property is designated as “Neighbourhoods” on Schedule E1 - Urban Land Use Designations in the Urban Hamilton Official Plan. Section 3.2.3 permits “residential dwellings, including second dwelling units and housing with supports” The subject property is not located in any secondary plan area found in Volume 2 of the Urban Hamilton Official Plan.

The following additional Urban Hamilton Official Plan policies, among others, are applicable:

Policy E.3.2.7 (b) states that “Garages, Parking areas, and driveways along the public street shall not be dominant, surface parking between a building and a public street shall be minimized.”

Policy E.3.2.7 (d) states that “*Development* shall improve existing landscape features and overall landscape character of the surrounding area.”

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

The subject lands are zoned Neighbourhood Institutional (I1) this zone permits the use of semi-detached dwellings and additional dwelling units.

### **Analysis**

#### Variance 1 & 2



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1. To permit a maximum driveway width of 5.64 metres whereas the by-law permits a maximum driveway width of 5.0 metres.
2. To permit a minimum 30% landscaped area in the front yard whereas the by-law requires a minimum of 50% to be landscaped.

The intent of the driveway width provision is to limit the amount of impervious area in the front yard and create a more pedestrian friendly streetscape. This also has the effect of increasing the front yard landscaped area and reducing the impacts to street parking. The intent of the minimum landscaped area in the front yard is to ensure there is appropriate space for landscaping and amenity area, including street trees, and to limit stormwater runoff and increase infiltration.

Based on policies outlined within the Urban Hamilton Official Plan as it relates to Variances 1 and 2 staff are of the opinion that the proposed Minor Variance is not minor and would create adverse impacts on the existing neighbourhood and streetscape, including impacts to neighbouring properties. As outlined in section 3.2.7 (b) Garages, Parking areas, and driveways along the public street shall not be dominant, surface parking between a building and a public street shall be minimized. Through the proposed expansion of the driveway, the driveway would account for 70% of the front yard, becoming the dominant feature along the streetscape. Staff believe that the general intent and purpose of this policy is not being maintained.

Furthermore, the expansion of the driveway would also require that the applicant expand the access to the street (curb-cut). The additional 1.22 metre expansion may conflict with an existing light post location in the public boulevard and may impact street parking and future street trees in front of the subject property.

Based on the foregoing, staff do not support Variance 1 and 2. As an alternative, staff would be supportive of a variance that removes the parking requirement for the Additional Dwelling Unit.

### Variance 3

1. That the EV parking requirement for the new parking space shall not be required.

The applicant has requested that no electric vehicle parking spaces shall be provided, instead of the requirement that 100% of all parking spaces shall be provided as electric vehicle parking spaces. The intent of the provision is to provide the necessary components to ensure it is ready for an electric vehicle to charge in the future if needed. It is staff's opinion that the subject variance does not meet the intent of Hamilton Zoning By-law No. 05-200, nor is it minor in nature. Staff do not support the variance.

Based on the foregoing, staff recommend **denial of the variances as they** do not maintain the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. Staff would be supportive of an amended Minor Variance whereby the parking for the Additional Dwelling Unit is eliminated and the existing parking arrangement is maintained.



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**Zoning:**

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

**Development Engineering:**

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

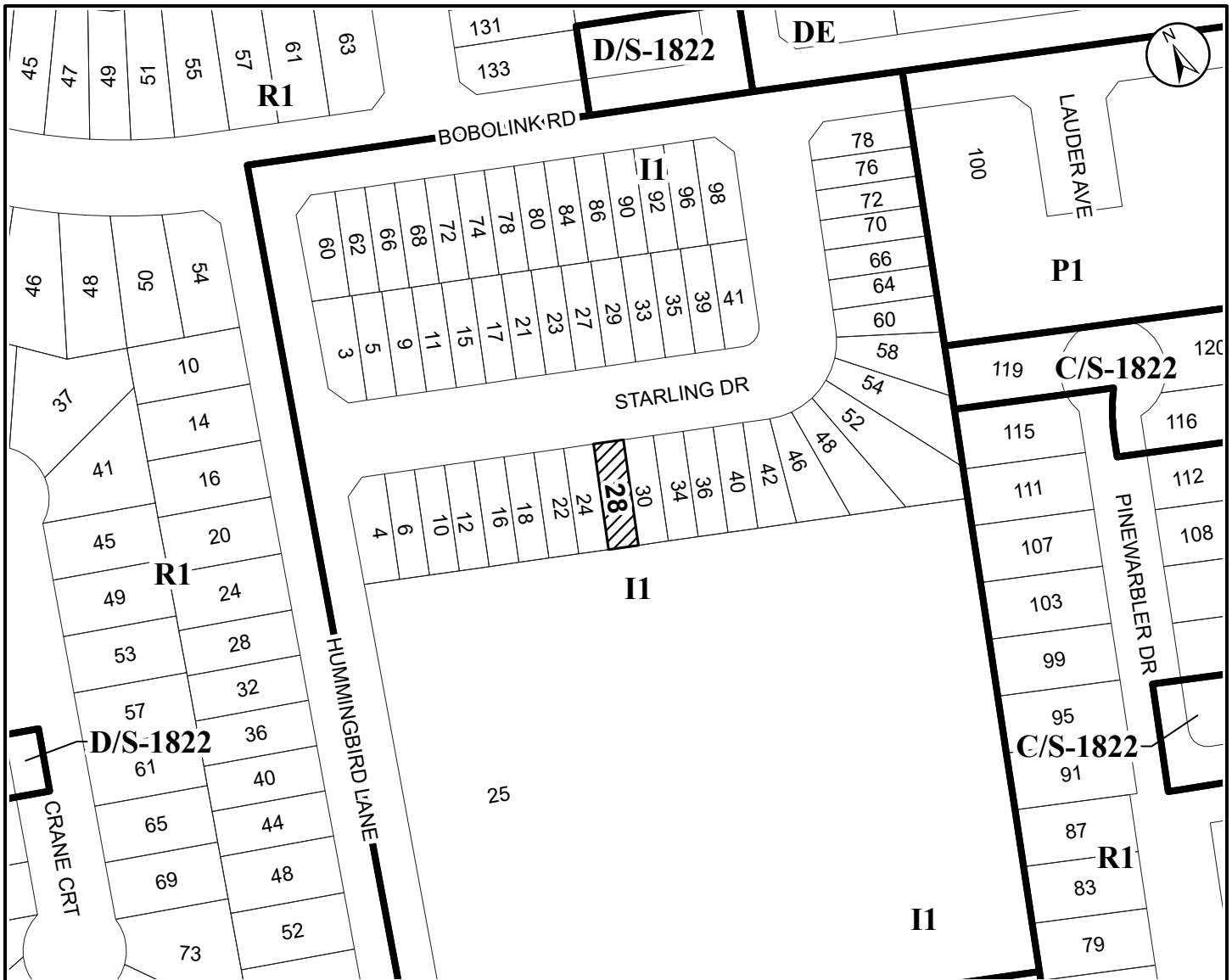
**Building Engineering:**

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

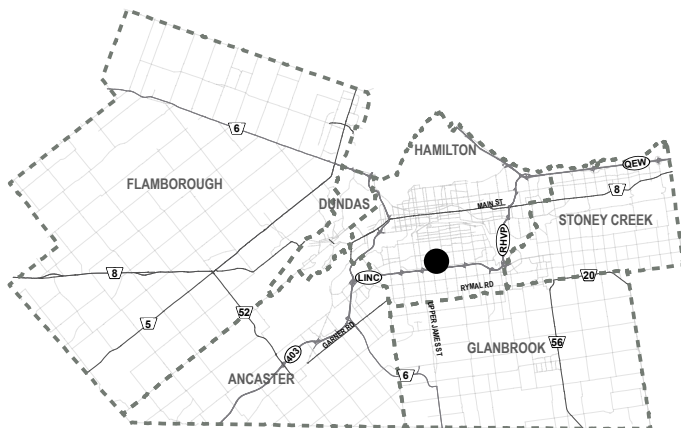
**Transportation Planning:**

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



28 Starling Drive, Hamilton (Ward 7)

File Name/Number:  
A-24:194

Date:  
September 9, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



**Hamilton**

Planning and Economic Development Department