



Hamilton

**STAFF COMMENTS**

**HEARING DATE: October 8, 2024**

A-24:204 – 1 Dromore Crescent, Hamilton

**Recommendation:**

Development Planning – Approve Variances 1 and 2, Deny Variance 3  
Development Engineering - Deny

**Proposed Conditions:**

1. That Variance 1 apply only to the existing detached garage on the date the Minor Variance was approved, to the satisfaction of the Director of Development Planning.

**Proposed Notes:**



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**Development Planning:**

**Background**

To facilitate the construction of an additional dwelling unit – detached.

**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.3.2.3, amongst others, is applicable and permits the existing single detached dwelling and proposed secondary dwelling unit. The subject lands are located within the Ainslie Wood Westdale Secondary Plan and are also subject to the policies of the Secondary Plan.

**Ainslie Wood Westdale Secondary Plan**

The subject lands are designated “Low Density Residential 2” in Land Use Plan - Map B.6.2 – 1 of the Ainslie Wood Westdale Secondary Plan. The subject lands are identified as part of the “Westdale Original Subdivision Cultural Heritage Landscape” on Map B.6.2-2 – Cultural Heritage Landscapes of the Ainslie Wood Westdale Secondary Plan. Policies 6.2.5.3, 6.2.5.4 and 6.2.14, amongst others, are applicable and permit the existing single detached dwelling and proposed accessory dwelling unit – detached.

Policy 6.2.5.3 c) of the Ainslie Wood Westdale Secondary Plan states the following:

*“Changes to the existing housing stock, such as new infill construction and renovations, shall be comparable to existing housing styles on the same block and street. New construction shall be encouraged to reflect similar housing styles, massing, height, setbacks, and other elements of style as the adjacent homes on the same block and street. The City shall discourage the building-out of rooflines to convert dormers into a full storey. The City shall limit overbuilding on properties, to maintain compatibility within the neighbourhood.”*

It is staff’s opinion that the style of the proposed additional dwelling unit - detached is similar to the character of the surrounding neighbourhood. However, the scale and massing of the proposed additional dwelling unit – detached is significant and comparable in footprint to the existing principal dwelling. There are no examples within the neighbourhood of similarly sized additional dwelling units – detached or similarly developed lots. The proposed size of the additional dwelling unit – detached would be an overdevelopment of the property and would not be compatible with the existing character



of the neighbourhood. Therefore, staff are of the opinion that Variance 3 does not maintain the intent of the Ainslie Wood Westdale Secondary Plan.

**Archaeology**

The subject property meets two (2) 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 areas of pioneer Euro-Canadian settlement.

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**

The property known as 1 Dromore Crescent is located within the Westdale Cultural Heritage Landscape.

Accordingly, section B.3.4.2.1(g) and B.3.4.6.2 of the Urban Hamilton Official Plan, Volume 1, apply.

The proponent proposes the construction of a detached secondary dwelling unit.

Staff have reviewed the application and would encourage the use of similar materials and design to the primary dwelling, and to neighbouring homes in the area.

**Former City of Hamilton Zoning By-law No. 6593**

The subject lands are zoned “C/S-1361” (Urban Protected Residential) District, Modified in Former City of Hamilton Zoning By-law No. 6953. The existing single detached dwelling and proposed additional dwelling unit - detached are permitted uses.

**Variance 1**

- 1. A minimum 0.39 metre rear yard setback shall be permitted for the additional dwelling unit – detached instead of the minimum 1.2 metre setback required.

The intent of this provision is to ensure sufficient separation is provided between the additional dwelling unit – detached and the property line for access and maintenance purposes and to mitigate



privacy impacts between neighbouring properties. Staff defer to Development Engineering staff regarding stormwater management and drainage concerns.

Staff note that the majority of the proposed additional dwelling unit – detached is to have setback of 1.2 metres or greater from the rear lot line, whereas the portion that is 0.39 metres from the rear lot line would comprise the existing detached garage. This detached garage is to be incorporated into the proposed additional dwelling unit – detached. Staff further note that no windows are proposed in the westerly façade of the garage and staff do not anticipate any negative impacts in terms of privacy. Therefore, staff are of the opinion that sufficient space is provided around the majority of the proposed structure for access and maintenance purposes. Provided that Development Engineering staff have no concerns from a stormwater management or drainage perspective, Development Planning staff support the variance.

### **Variance 2**

2. A minimum distance of 7.0 metres shall be permitted between the rear wall of the principal dwelling and the additional dwelling unit – detached instead of the minimum 7.5 metres required.

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 ensure sufficient amenity space for each dwelling unit is provided.

Staff note that rear yard amenity space for the principal dwelling, in the form of a wooden deck, would remain and provides sufficient amenity space for the principal dwelling. Similarly, staff are of the opinion that 7.0 metres provides sufficient separation between the principal dwelling and proposed additional dwelling unit – detached to provide adequate outdoor space for both units and does not create concerns regarding privacy. Staff support the variance.

### **Variance 3**

3. A maximum gross floor area of 85.5 square metres shall be permitted for the additional dwelling unit – detached instead of the maximum permitted 75 square metres or the gross floor area of the principal dwelling, whichever is the lesser.

The intent of this provision is to ensure additional dwelling units – detached remain subordinate in size and role to the principal dwelling.



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Staff note that the principal dwelling has a ground floor area of approximately 79.5 square metres and a gross floor area of approximately 151.8 square metres, whereas the proposed additional dwelling unit – detached is to have a ground and gross floor area of 85.5 square metres. Staff further note that the maximum gross floor area of the additional dwelling unit – detached does not include the garage area, however the garage visually contributes to the massing and scale of the structure overall. Consequently, the proposed additional dwelling unit – detached would have a larger footprint than the principal dwelling and not be subordinate in role. Staff are of the opinion that the proposed additional dwelling unit – detached would not be subordinate to the principal dwelling in scale and role. Staff do not support the variance.

Staff are of the opinion that the Variances 1 and 2 meet the four tests of a minor variance whereas Variance 3 does not. Based on the foregoing, **staff recommend approval of Variances 1 and 2 and denial of Variance 3.**

### Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<ol style="list-style-type: none"> <li>Please note that Zoning By-law Amendment 24-051 is now in effect and as a result the zoning of the property is now R1a Low Density Residential- Small lot (05-200). The requested variances still apply to the R1a regulations now in place.</li> <li>This property is listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest as a property of cultural heritage value or interest. Please contact a Cultural Heritage Planner <a href="mailto:CulturalHeritagePlanning@hamilton.ca">CulturalHeritagePlanning@hamilton.ca</a> for further information.</li> </ol>
Notes:	

### Development Engineering:

Recommendation:	Deny
Proposed Conditions:	
Comments:	The proposed minor variances #1 for a 0.39m rear yard setback does provide for installation of a swale, a minimum 0.9m setback is required, to contain runoff within the property as per the City’s Grading Policy.
Notes:	



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**Building Engineering:**

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed secondary dwelling unit detached.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>

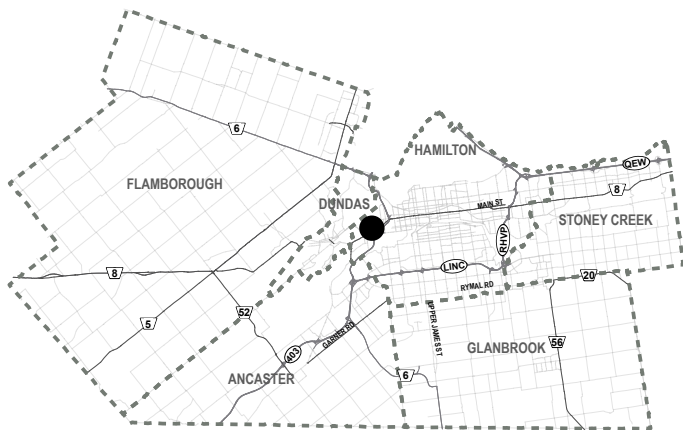
**Transportation Planning:**

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



1 Dromore Crescent, Hamilton  
(Ward 1)

File Name/Number:  
A-24:204

Date:  
September 25, 2024

Technician:  
SH

Scale:  
N.T.S.

Appendix "A"



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